

HOUSE CS FOR CS FOR SENATE BILL NO. 132(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 5/8/04

Referred: Rules

Sponsor(s): SENATORS LINCOLN, Olson, Wilken, Guess, Hoffman, Cowdery, French, Ellis, Elton, Davis,
Wagoner

REPRESENTATIVES Kookesh, Morgan

A BILL

FOR AN ACT ENTITLED

1 **"An Act removing the Old Minto townsite from the Minto Flats State Game Refuge;**
2 **and authorizing the Department of Natural Resources to convey certain land at the**
3 **historic Old Minto site to the Native Village of Minto."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS. The legislature finds that

8 (1) the Old Minto Site has been historically used by the community of Minto
9 for spiritual, cultural, and community purposes; and

10 (2) the conveyance of the site to the Native Village of Minto serves a public
11 purpose and is in the public interest.

12 * **Sec. 2.** AS 16.20.037(3) is amended to read:

13 (3) Township 1 North, Range 8 West, Fairbanks Meridian

14 Sections 1 - 16

1 Sections 21 - 28, excl. ASLS 95-37

2 Section 35: E1/2

3 Section 36;

4 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 CONVEYANCE OF LAND AT THE HISTORIC OLD MINTO SITE. (a) Subject to
7 valid existing rights, including land leases or sales contracts, easements, reservations, rights-
8 of-way, and any vested and accrued water rights, and excepted and reserved from the
9 conveyance a right-of-way for ditches and canals constructed by the authority of the United
10 States under 43 U.S.C. 945 (Act of August 30, 1890, 26 Stat. 391), the commissioner of
11 natural resources shall convey to the Native Village of Minto, without cost, the following
12 land: Alaska State Land Survey No. 95-37, within unsurveyed Section 28, Township 1 North,
13 Range 8 West, Fairbanks Meridian, containing approximately 31.42 acres, more or less,
14 according to the survey plat filed in the Nenana Recording District on May 7, 1997, as plat
15 no. 97-4.

16 (b) The conveyance shall be made subject to the following reservations: "The party
17 of the first part, Alaska, hereby expressly saves, excepts and reserves out of the grant hereby
18 made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores,
19 minerals, fissionable materials, geothermal resources, and fossils of every name, kind or
20 description, and which may be in or upon said land above described, or any part thereof, and
21 the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials,
22 geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the
23 grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by
24 itself, its or their agents, attorneys, and servants upon said land, or any part or parts thereof, at
25 any and all times for the purpose of opening, developing, drilling, and working mines or wells
26 on these or other land and taking out and removing therefrom all such oils, gases, coal, ores,
27 minerals, fissionable materials, geothermal resources, and fossils, and to that end it further
28 expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and
29 assigns forever, the right by its or their agents, servants and attorneys at any and all times to
30 erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, power
31 lines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said

1 land or any part thereof for the foregoing purposes and to occupy as much of said land as may
2 be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees,
3 successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land,
4 whether herein expressed or not, reasonably necessary or convenient to render beneficial and
5 efficient the complete enjoyment of the property and rights hereby expressly reserved."

6 (c) The conveyance shall also be made subject to the following terms and conditions:

7 (1) the Native Village of Minto waives any claim to sovereign immunity, if
8 any, with respect to the land or activities on the land;

9 (2) the land remains under the civil, criminal, and regulatory jurisdiction of the
10 state;

11 (3) the Native Village of Minto shall submit the waiver required under (1) of
12 this subsection, in writing, before the land is conveyed;

13 (4) the Native Village of Minto may not transfer the land to any other private
14 or governmental entity for any purpose or duration unless approved in advance by the
15 legislature.

16 (d) Unless the commissioner finds that it is not in the public interest, the management
17 of all existing land leases or sale contracts on the land described in (a) of this section shall
18 pass with the conveyance to the Native Village of Minto.