

Introduced: 3/5/69
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 254

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to require recordation of mining locations
7 certificates, annual labor affidavits and other
8 documents at the principal office of the Division of
9 Lands; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 38.05.195 is amended to read:

12 Sec. 38.05.195. MINING CLAIMS. Rights to deposits of minerals
13 subject to secs. 185 - 280 of this chapter in or on state lands which
14 are open to claim staking may be acquired by discovery, location and
15 filing as prescribed in secs. 185 - 280 of this chapter. The locator
16 has the exclusive right of possession and extraction of all such
17 minerals lying within the boundaries of his claim. A location may not
18 exceed 1,320 feet in its longest dimension, and its boundaries shall
19 run in the four cardinal directions. A location shall be distinctly
20 marked on the ground in the manner prescribed by the commissioner and
21 a notice of location shall be posted on the claim in the manner and
22 containing the information required by the commissioner. Within 90
23 days after the date of posting the notice of location on the claim,
24 the locator shall file for record at the principal office of the
25 Division of Lands at Anchorage, Alaska [IN THE RECORDING DISTRICT
26 WHERE THE CLAIM IS LOCATED] a certificate of location. The certificate
27 of location shall contain the information required by the commissioner.
28 Locations may be amended in the manner and with the effect prescribed
29 in sec. 200 of this chapter. Annual labor shall be performed and

1 statements of annual labor recorded as prescribed in secs. 210 - 235
2 of this chapter.

3 * Sec. 2. AS 38.05.210 is amended to read:

4 Sec. 38.05.210. ANNUAL LABOR. Labor shall be performed or
5 improvements made annually on or for the benefit or development of each
6 mining claim on state land except that where adjacent claims are held
7 in common, the expenditure may be made on any one claim. The
8 commissioner shall, uniformly for all claims, establish the minimum
9 value of labor and improvements and establish the date of the
10 commencement of the year during which they are to be performed.

11 Sections 240 and 280 of this chapter apply to this section. During
12 the year in which the performance of annual labor is required or
13 within 90 days after the close of that year, the owner of the mining
14 claim or some other person having knowledge of the facts shall file
15 for record at the principal office of the Division of Lands at
16 Anchorage, Alaska [WITH THE RECORDER OF THE DISTRICT IN WHICH THE CLAIM
17 IS LOCATED] a signed statement setting out the information concerning
18 the annual labor of the preceding year as may be required by the
19 commissioner. The statement, properly filed, is prima facie evidence
20 of the performance of the annual labor. The failure of any one of
21 several owners to contribute his portion of the expenditures required
22 for annual labor shall be treated in accordance with secs. 215 - 235
23 of this chapter.

24 * Sec. 3. AS 38.05.220(a) is amended to read:

25 (a) Within 120 days after personal service, or within 120 days
26 after the completion of publication of the notice provided for in
27 sec. 215 of this chapter, the co-owner who claims the forfeiture shall
28 file for record in the principal office of the Division of Lands at
29 Anchorage, Alaska. [RECORDER OF THE RECORDING DISTRICT IN WHICH THE

1 CLAIM IS LOCATED] a copy of the notice with the following affidavits
2 attached:

3 (1) an affidavit of the person serving the notice giving
4 the time, place and manner of service and by whom and upon whom the
5 service was made or, if service was made by publication in a newspaper,
6 an affidavit of the editor, publisher, printer or foreman of the
7 newspaper giving the name of the newspaper, the place where, and the
8 time during which the notice was published and the number of
9 insertions;

10 (2) an affidavit of the co-owner who claims the forfeiture
11 stating that neither the delinquent co-owner nor any person acting for
12 him has paid or tendered to the affiant the delinquent's proportion of
13 the expenditures for annual labor or improvements.

14 * Sec. 4. AS 38.05.230(b) is amended to read:

15 (b) A person claiming a lien under this section shall, within
16 90 days after the completion of the annual labor for which the lien
17 is claimed, file for record in the principal office of the Division
18 of Lands, at Anchorage, Alaska, [RECORDER OF THE RECORDING DISTRICT IN
19 WHICH THE PROPERTY ON WHICH THE LIEN IS CLAIMED IS SITUATED] his notice
20 of claim of lien, verified by his oath or that of some other person
21 having knowledge of the facts, and stating the name of the owner or
22 reputed owner of the property, the amount of the claim, the time of
23 the performance of the annual labor for which the lien is claimed, the
24 nature of the labor done or improvements made, and the amount of the
25 claim, including costs of transportation, after deducting all just
26 credits and offsets.

27 * Sec. 5. AS 38.05.245(a) is amended to read:

28 (a) Before the discovery of valuable minerals, an exclusive right
29 to prospect by geophysical, geochemical and similar methods may be

1 acquired by marking boundaries and posting a notice of location of a
2 prospecting site in a manner and containing such information as the
3 commissioner requires. A prospecting site may not exceed 2,640 feet
4 in its longest dimension and its boundaries shall run in the four
5 cardinal directions. A certificate of location shall be filed for
6 record at the principal office of the Division of Lands at Anchorage,
7 Alaska [IN THE RECORDING DISTRICT WHERE THE PROSPECTING SITE IS
8 LOCATED] within 90 days after posting the notice of location [AND A
9 COPY OF THE CERTIFICATE SHALL ALSO BE MAILED TO THE DIRECTOR WITHIN
10 THE 90 DAY PERIOD]. The locator of a prospecting site has the
11 exclusive right to stake mining claims or leasehold locations within
12 the boundaries of his site.

13 * Sec. 6. This Act takes effect on the day after its passage and
14 approval or on the day it becomes law without approval.