

Introduced: 3/5/69
Referred: Resources

1 IN THE SENATE

BY BEGICH

2 SENATE BILL NO. 230

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reservation of mineral rights to
7 Alaska on certain lands."

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

9 * Section 1. AS 38.05.125 is amended to read:

10 Sec. 38.05.125. RESERVATION. Each contract for the sale, lease
11 or grant of state land, and each deed to state land, properties or
12 interest in state land, made under secs. 315 - 325 of this chapter or
13 secs. 45 - 120 of this chapter, except for those lands originally ac-
14 quired by purchase, exchange, condemnation, gift, escheat or foreclosure
15 are subject to the following reservations: "The party of the first part,
16 Alaska, hereby expressly saves, excepts and reserves out of the grant
17 hereby made, unto itself, its lessees, successors, and assigns forever,
18 all oils, gases, coal, ores, minerals, fissionable materials, and
19 fossils of every name, kind or description, and which may be in or upon
20 said lands above described, or any part thereof, and the right to ex-
21 plore the same for such oils, gases, coal, ores, minerals, fissionable
22 materials, and fossils, and it also hereby expressly saves and reserves
23 out of the grant hereby made, unto itself, its lessees, successors, and
24 assigns forever, the right to enter by itself, its or their agents,
25 attorneys, and servants upon said lands, or any part or parts thereof,
26 at times which will not unduly restrict the rights of the surface owner
27 of the lands to reasonable enjoyment and upon giving notice to the
28 surface owner of the intent to enter the lands [AT ANY AND ALL TIMES],
29 for the purpose of opening, developing, drilling, and working mines or

1 wells on these or other lands and taking out and removing therefrom all
2 such oils, gases, coal, ores, minerals, fissionable materials and
3 fossils, and to that end it further expressly reserves out of the grant
4 hereby made, unto itself, its lessees, successors, and assigns forever,
5 the right by its or their agents, servants and attorneys [AT ANY AND
6 ALL TIMES] to erect, construct, maintain, and use [ALL] such buildings,
7 machinery, roads, pipelines, powerlines and railroads, sink such shafts,
8 drill such wells, remove such soil, and to remain on said lands or any
9 part thereof for the foregoing purposes and to occupy as much of said
10 lands as may be necessary [OR CONVENIENT] for such purposes hereby ex-
11 pressly reserving to itself, its lessees, successors, and assigns, as
12 aforesaid, generally all rights and power in, to, and over said land,
13 whether herein expressed or not, reasonably necessary [OR CONVENIENT]
14 to render beneficial [AND EFFICIENT] the complete enjoyment of the
15 property and rights hereby expressly reserved." If, in carrying out
16 the provisions of this section the state, its lessees, successors or
17 assigns alter the surface of the land to the extent that the surface
18 owner may no longer enjoy the use the surface was put to at the time
19 of entry by the state its lessees, successors or assigns, then, if such
20 alteration occurred as a reasonable outcome of the enjoyment of the
21 property and rights hereby expressly reserved, the state shall com-
22 pensate the surface owner as in any other public taking of land or re-
23 turn the surface to a condition as close as practical to its original
24 condition and compensate the surface owner for the damages, if any,
25 still outstanding. If the alteration occurred due to disregard to the
26 surface owner's rights and was not the reasonable outcome of the en-
27 joyment of the property and rights hereby expressly reserved, the party
28 responsible for the alteration shall compensate the surface owner for
29 the alteration or in the alternative shall return the surface to a

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