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Referred: Resources

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HAYES, MALONE, MARTIN, MEEKINS,
MONTGOMERY, O'CONNELL, RANDOLPH AND
SMITH

1 IN THE HOUSE

2 HOUSE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mineral leasing; and providing for
7 an effective date."

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

9 * Section 1. AS 38.05.205(a) is amended to read:

10 (a) Prior discovery, location and filing shall initiate prior
11 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or on
12 state lands, other than submerged lands, which are open to mining
13 leasing. Locations shall be made and certificates of location recorded
14 in accordance with AS 38.05.195. If the located lands are available
15 only for leasing, the director shall publish in a paper of general
16 circulation in the area of the location, notice of the filing of the
17 location and notice that a mineral lease will be issued. The notice
18 may be combined with notices of locations either in the same general
19 area or statewide. At least two weeks after publication of the notice,
20 an application form for a mining lease shall be mailed to the locator
21 by the director [UPON REQUEST OR UPON RECEIPT OF NOTICE THAT THE LOCA-
22 TION HAS BEEN MADE ON LANDS OPEN ONLY FOR LEASING]. A lease applica-
23 tion shall be filed with the director by the locator within 90 days
24 after receipt of the form. If the located lands are not available for
25 leasing, notice shall be given the locator by the director and his
26 prior rights shall terminate. A mining lessee has the exclusive rights
27 of possession and extraction of all minerals subject to AS 38.05.185 -
28 38.05.280 lying within the boundaries of his lease. Mining leases may
29 be issued for one location or for a group of contiguous locations held

1 in common. Minerals may not be mined and marketed or used until a
2 lease is issued, except for limited amounts necessary for sampling or
3 testing.

4 * Sec. 2. AS 38.05.305 is amended by adding a new subsection to read:

5 (e) The provisions of this section do not apply to a lease issued
6 under AS 38.05.205.

7 * Sec. 3. AS 38.05.345 is amended by adding a new subsection to read:

8 (h) The provisions of this section do not apply to a lease issued
9 under AS 38.05.205.

10 * Sec. 4. SPECIAL PROVISION FOR MINING LEASE LOCATIONS. Notwithstanding
11 AS 38.05.205(a), until November 1, 1983, minerals may be mined, marketed, or
12 used on a location for mineral leasing under AS 38.05.205 on land tentatively
13 approved or patented to the state under section 6(a) or 6(b) of the Alaska
14 Statehood Act (P.L. 85-508, 72 Stat. 339, as amended) upon discovery,
15 location, and recording in accordance with AS 38.05.195. However, this
16 section does not apply to a locator who does not file an application for a
17 lease within 90 days after receipt of the application form as required by
18 AS 38.05.205.

19 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).