

Original sponsors: Halford, Anderson,
Bettisworth, et al

Offered: 6/9/81
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 350 (Resources) am S

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 38.05.185(a) is amended to read:

10 (a) The acquisition and continuance of rights in and to deposits
11 on state lands of minerals which on January 3, 1959, were subject to
12 location under the mining laws of the United States shall be governed
13 by AS 38.05.185 - 38.05.280. Nothing in AS 38.05.185 - 38.05.280
14 affects the law pertaining to the acquisition of rights to mineral
15 deposits owned by any other person or government. The director, with
16 the approval of the commissioner, shall determine those lands from
17 which mineral deposits may be mined only under lease, and, subject to
18 the limitations of AS 38.05.300, those lands which shall be closed to
19 mining. State land may not be closed to mining or mineral location un-
20 less the commissioner makes a finding that mining would be incompatible
21 with significant surface uses on the state land. State land may not be
22 restricted to mining under lease unless the commissioner determines that
23 potential use conflicts on the state land require that mining be allowed
24 only under written leases issued under AS 38.05.205 or the commissioner
25 has determined that the land was mineral in character at the time of
26 state selection. The determinations required under this subsection
27 shall be made in compliance with land classification orders and land
28 use plans developed under AS 38.05.300.

29 * Sec. 2. AS 38.05.205(a) is amended to read:

1 (a) Prior discovery, location and filing shall initiate prior
2 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or on
3 state lands, other than submerged lands, which are open to mining
4 leasing. Locations shall be made and certificates of location recorded
5 in accordance with AS 38.05.195. If the located lands are available
6 only for leasing, the director shall publish in a paper of general
7 circulation in the area of the location, notice of the filing of the
8 location and notice that a mineral lease will be issued. The notice
9 may be combined with notices of locations either in the same general
10 area or statewide. Unless a conflicting location exists, no later than
11 two weeks after publication of the notice, an application form for a
12 mining lease shall be mailed to the locator by the director [UPON RE-
13 QUEST OR UPON RECEIPT OF NOTICE THAT THE LOCATION HAS BEEN MADE ON
14 LANDS OPEN ONLY FOR LEASING]. A lease application shall be filed with
15 the director by the locator within 90 days after receipt of the form.
16 If the located lands are not available for leasing, notice shall be
17 given the locator by the director and the locator's [HIS] prior rights
18 shall terminate. A mining lessee has the exclusive rights of possession
19 and extraction of all minerals subject to AS 38.05.185 - 38.05.280 lying
20 within the boundaries of his lease or location. Mining leases may be
21 issued for one location or for a group of contiguous locations held in
22 common. Minerals may not be mined and marketed or used until a lease is
23 issued, except for limited amounts necessary for sampling or testing.

24 * Sec. 3. AS 38.05.305 is amended by adding a new subsection to read:

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

27 * Sec. 4. AS 38.05.345 is amended by adding a new subsection to read:

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

1 * Sec. 5. SPECIAL PROVISION FOR MINING LEASE LOCATIONS. Notwithstanding
2 AS 38.05.205(a), until December 31, 1983, minerals may be mined, marketed,
3 or used on a location for mineral leasing under AS 38.05.205 on land tenta-
4 tively approved or patented to the state under section 6(a) or 6(b) of the
5 Alaska Statehood Act (P.L. 85-508, 72 Stat. 339, as amended) upon discovery,
6 location, and recording in accordance with AS 38.05.195. However, this
7 section does not apply to a locator who does not file an application for a
8 lease within 90 days after receipt of the application form as required by
9 AS 38.05.205.

10 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
11 070(c).

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