

Introduced: 2/8/82
Referred: Resources

1 IN THE HOUSE

BY RANDOLPH

2 HOUSE BILL NO. 742

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the mineral interest in state land;
7 and providing for an effective date."

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 or
11 grant of mineral land of the state [LAND], and each deed to mineral land
12 of the state [LAND], properties or an interest in mineral land of the
13 state [LAND], made under AS 38.05.315 - 38.05.325, 38.05.045 - 38.05.120,
14 AS 38.08, or AS 38.50 except as provided in AS 38.50.050 is subject to
15 the following reservations: "The party of the first part, Alaska, hereby
16 expressly saves, excepts and reserves out of the grant hereby made, unto
17 itself, its lessees, successors, and assigns forever, all oils, gases,
18 coal, ores, minerals, fissionable materials, geothermal resources, 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 explore
21 the same for such oils, gases, coal, ores, minerals, fissionable mater-
22 ials, geothermal resources, and fossils, and it also hereby expressly
23 saves and reserves out of the grant hereby made, unto itself, its
24 lessees, successors, and assigns forever, the right to enter by itself,
25 its or their agents, attorneys, and servants upon said lands, or any
26 part or parts thereof, at any and all times for the purpose of opening,
27 developing, drilling, and working mines or wells on these or other lands
28 and taking out and removing therefrom all such oils, gases, coal, ores,
29 minerals, fissionable materials, geothermal resources, and fossils, and

1 to that end it further expressly reserves out of the grant hereby made,
2 unto itself, its lessees, successors, and assigns forever, the right by
3 its or their agents, servants and attorneys at any and all times to
4 erect, construct, maintain, and use all such buildings, machinery,
5 roads, pipelines, powerlines, and railroads, sink such shafts, drill
6 such wells, remove such soil, and to remain on said lands or any part
7 thereof for the foregoing purposes and to occupy as much of said lands
8 as may be necessary or convenient for such purposes hereby expressly
9 reserving to itself, its lessees, successors, and assigns, as aforesaid,
10 generally all rights and power in, to, and over said land, whether
11 herein expressed or not, reasonably necessary or convenient to render
12 beneficial and efficient the complete enjoyment of the property and
13 rights hereby expressly reserved."

14 * Sec. 2. AS 38.05.125 is amended by adding new subsections to read:

15 (b) A contract for the sale, lease or grant of state land and a
16 deed to state land, properties or interest in state land is not subject
17 to a reservation of the mineral interest to the state unless the state
18 land is mineral land.

19 (c) Except as provided under (d) of this section the commissioner
20 shall determine whether the state land is mineral land before granting
21 or contracting to grant a fee simple interest of the state in land.

22 (d) If, before determining whether state land is mineral land, the
23 commissioner finds that it is in the public interest (1) to enter into a
24 contract for the fee simple grant of state land, or (2) to grant a deed
25 in fee simple to state land, the contract or deed is subject to the
26 reservation established in (a) of this section.

27 (e) The commissioner shall determine whether the state land or
28 formerly owned state land granted in fee simple by the state is mineral
29 land if a request for the determination is made by a person who is

1 (1) the fee simple owner of the land on the effective date of
2 this Act and title to the land was granted before the effective date of
3 this Act and is subject to the reservation established in (a) of this
4 section; or

5 (2) the fee simple owner of the land and title to the land
6 was granted under (d) of this section.

7 (f) If the commissioner determines under (e) of this section that
8 land formerly owned by the state was not mineral land, the interest of
9 the state reserved by (a) of this section shall be assigned to the
10 person who is the fee simple owner of the land on the effective date of
11 this Act or who received title under (d) of this section.

12 (g) As used in this section, "mineral land" means land owned or
13 formerly owned by the state that

14 (1) was selected by the state under sec. 6(a) or (b) of the
15 Alaska Statehood Act (P.L. 85 - 508, 72 Stat. 339); and

16 (2) was known or believed, at the time that the state com-
17 pleted its selection, to contain valuable mineral deposits.

18 * Sec. 3. This Act takes effect July 1, 1982.
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