

Original sponsor: Randolph

Offered: 4/16/82  
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 742 (Resources)

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) The fee simple owner of land on the effective date of this Act  
13 and the fee simple owner of land granted under (d) of this section have  
14 the burden of showing to the satisfaction of the commissioner that the  
15 land is not mineral land.

16 (h) As used in this section, "mineral land" means land owned or  
17 formerly owned by the state that

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

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

22 \* Sec. 3. This Act takes effect July 1, 1982.  
23  
24  
25  
26  
27  
28  
29