

Introduced: 6/5/81  
Referred: Resources and  
Finance

1 IN THE SENATE

BY FAHRENKAMP

2 SENATE BILL NO. 588

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  
20 unless the commissioner makes a finding that mining would be incompat-  
21 ible with significant surface uses on the state land. State land may  
22 not be restricted to mining under lease unless the commissioner deter-  
23 mines that potential use conflicts on the state land require that min-  
24 ing be allowed only under written leases issued under AS 38.05.205 or  
25 the commissioner has determined that the land was mineral in character  
26 at the time of state selection. The determinations required under this  
27 subsection shall be made in compliance with land classification orders  
28 and land 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 notice of the filing of  
7 the location and notice that a mineral lease will be issued in a paper  
8 of general circulation in the area of location. The notice may be  
9 combined with notices of locations either in the same general area or  
10 statewide. No later than two weeks after publication of the notice, an  
11 application form for a mining lease shall be mailed to the locator by  
12 the director [UPON REQUEST OR UPON RECEIPT OF NOTICE THAT THE LOCATION  
13 HAS BEEN MADE ON LANDS OPEN ONLY FOR LEASING]. A lease application may  
14 [SHALL] be filed with the director by the locator at any time [WITHIN  
15 90 DAYS] after receipt of the application form. If the located lands  
16 are not available for leasing, notice shall be given the locator by the  
17 director and his prior rights shall terminate. A mining lessee has the  
18 exclusive rights of possession and extraction of all minerals subject  
19 to AS 38.05.185 - 38.05.280 lying within the boundaries of his location  
20 [LEASE]. Mining leases may be issued for one location or for a group  
21 of contiguous locations held in common. Minerals may [NOT] be mined  
22 and marketed from the proposed leasehold at any time after a lease is  
23 applied for [OR USED UNTIL A LEASE IS ISSUED, EXCEPT FOR LIMITED  
24 AMOUNTS NECESSARY FOR SAMPLING OR TESTING].

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

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

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

29 (h) The provisions of this section do not apply to a lease issued

1 under AS 38.05.205.

2 \* Sec. 5. Notwithstanding the provisions of AS 38.05.205(a) amended in  
3 sec. 2 of this Act, until June 30, 1984, minerals may be mined, marketed, or  
4 used on land tentatively approved or patented to the state under section  
5 6(a) or 6(b) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 399, as  
6 amended) upon discovery, location, and recording in accordance with AS 38.-  
7 05.195.

8 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
9 070(c).

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
26  
28  
27  
28  
29