

Introduced: 3/3/81
Referred: Resources and
State Affairs

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE JOINT RESOLUTION NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Requesting the governor to direct
6 the commissioner of natural resources
7 to withdraw his request for an
8 attorney general's opinion inter-
9 preting sec. 6(i) of the Alaska
10 Statehood Act.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 WHEREAS sec. 6(i) of the Alaska Statehood Act (P.L. 86-508) provides in
13 part that mineral deposits in grants of mineral lands to the State of Alaska
14 under subsections (a) and (b) of this section shall be subject to lease by
15 the state as the state legislature may direct; and

16 WHEREAS this language has been interpreted by every commissioner of
17 natural resources since statehood to permit mining on state land pursuant to
18 a location where the land was not "mineral lands" as defined in subsections
19 (a) and (b) of sec. 6 of the Statehood Act; and

20 WHEREAS the people of the State of Alaska have, in reliance upon the
21 conventional interpretation of this language, located and mined upon thou-
22 sands of mining claims on state land without obtaining a lease; and

23 WHEREAS the commissioner of natural resources has formally requested
24 the attorney general to review this portion of the Statehood Act and to
25 render his opinion as to what the language means; and

26 WHEREAS the office of the attorney general has prepared two successive
27 draft opinions on this statutory language and circulated them for public
28 comment; and

29 WHEREAS each draft concludes that no mining can take place on state

1 land except pursuant to a lease; and

2 WHEREAS final approval and issuance of an opinion would constitute a
3 grave and dramatic change in the law grossly upsetting property rights and
4 clouding the title to thousands of mining claims while accomplishing no
5 perceivable affirmative objective;

6 BE IT RESOLVED by the Alaska State Legislature that the governor is
7 respectfully requested to end this threat to the well-being of the people of
8 the State of Alaska by directing the commissioner of natural resources to
9 formally withdraw his request for the attorney general's opinion as to the
10 meaning of sec. 6(1) of the Alaska Statehood Act.

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