

HOUSE BILL NO. 97

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SHARP, Foster, M.W.Miller, Taylor, Zawacki, C.Davis, Gonzales

Introduced: 2/1/91

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the review and reporting requirements of agencies of the state relating
2 to the state mineral policy and providing for an annual report by the commissioner of
3 natural resources to the legislature of all land restricted to mining under lease or closed
4 to mining."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 38.05.185(a) is amended to read:

7 (a) The acquisition and continuance of rights in and to deposits on state land of minerals
8 which on January 3, 1959, were subject to location under the mining laws of the United States
9 shall be governed by AS 38.05.185 - 38.05.275. Nothing in AS 38.05.185 - 38.05.275 affects
10 the law pertaining to the acquisition of rights to mineral deposits owned by any other person or
11 government. The director, with the approval of the commissioner, shall determine that land from
12 which mineral deposits may be mined only under lease, and, subject to the limitations of
13 AS 38.05.300, that land which shall be closed to mining. State land may not be closed to mining
14 or mineral location unless the commissioner makes a finding that mining would be incompatible

1 with significant surface uses on the state land. State land may not be restricted to mining under
2 lease unless the commissioner determines that potential use conflicts on the state land require that
3 mining be allowed only under written leases issued under AS 38.05.205 or the commissioner has
4 determined that the land was mineral in character at the time of state selection. The
5 determinations required under this subsection shall be made in compliance with land classification
6 orders and land use plans developed under AS 38.05.300. **The commissioner shall submit to**
7 **the legislature not later than February 1 of each year, a report of all land restricted to**
8 **mining under lease or closed to mining during the previous year. The report must include**
9 **the legal description of the land restricted or closed, the known resource value of the land,**
10 **the reason for the restriction or closure, and the effective date of the restriction or closure.**

11 * Sec. 2. AS 44.99.110 is amended by adding new subsections to read:

12 (b) Each agency of the state shall review its statutory authority, its administrative
13 regulations, and its procedures applicable to mineral exploration and development to determine
14 whether there are deficiencies or inconsistencies that must be addressed in order to comply with
15 the policy established in (a) of this section.

16 (c) Each agency of the state shall forward its comments and recommendations on the
17 resolution of the deficiencies and inconsistencies in its statutory authority, its administrative
18 regulations, and its procedures applicable to mineral exploration and development to the
19 commissioner of natural resources on October 1 of each year. Each agency of the state shall also
20 report on the progress that it has made on the resolution of the deficiencies and inconsistencies
21 that were identified in earlier reports. The commissioner shall assemble the comments,
22 recommendations, and reports and forward them, unedited, to the governor and the legislature
23 within the first 10 days of each regular session of the legislature.

24 (d) Each agency of the state shall work with mining interests, coastal resource service
25 areas, the public, and other resource users to propose solutions to inconsistencies and deficiencies
26 identified.

27 (e) In (b) - (d) of this section, "agency of the state" includes each department, board,
28 commission, or other agency or public corporation of the state, including the University of Alaska
29 and the Alaska Railroad Corporation.

30 * Sec. 3. AS 44.99.110(b), 44.99.110(c), 44.99.110(d), and 44.99.110(e) are repealed July 1, 1996.