

**SPONSOR SUBSTITUTE FOR 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, Hudson, G.Phillips,
M.A.Miller, Choquette, Hanley,**

**Introduced: 3/20/91
Referred: Resources, Finance**

A BILL

FOR AN ACT ENTITLED

1 "An Act providing that a bill that restricts or closes state land or water to mining may
2 not become effective until a mineral assessment has been completed by the Department of
3 Natural Resources; relating to the review and reporting requirements of agencies of the
4 state relating to the state mineral policy; and providing for an annual report by the
5 commissioner of natural resources to the legislature of all land restricted to mining under
6 lease or closed to mining."

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

8 * **Section 1.** AS 24.08 is amended by adding a new section to read:

9 Sec. 24.08.095. **EFFECTIVE DATE OF A BILL THAT RESTRICTS OR CLOSES**
10 **STATE LAND OR WATER TO MINING.** A bill that restricts or closes state land or water to
11 mining may not take effect until an assessment of the mineral resources of the land or water to
12 be restricted or closed is completed by the Department of Natural Resources and forwarded to
13 the president of the senate and the speaker of the house of representatives. The assessment shall

1 include all available mineral resource knowledge of the land or water to be restricted or closed
2 to mining.

3 * Sec. 2. AS 38.05.185(a) is amended to read:

4 (a) The acquisition and continuance of rights in and to deposits on state land of minerals
5 which on January 3, 1959, were subject to location under the mining laws of the United States
6 shall be governed by AS 38.05.185 - 38.05.275. Nothing in AS 38.05.185 - 38.05.275 affects
7 the law pertaining to the acquisition of rights to mineral deposits owned by any other person or
8 government. The director, with the approval of the commissioner, shall determine that land from
9 which mineral deposits may be mined only under lease, and, subject to the limitations of
10 AS 38.05.300, that land which shall be closed to mining. State land may not be closed to mining
11 or mineral location unless the commissioner makes a finding that mining would be incompatible
12 with significant surface uses on the state land. State land may not be restricted to mining under
13 lease unless the commissioner determines that potential use conflicts on the state land require that
14 mining be allowed only under written leases issued under AS 38.05.205 or the commissioner has
15 determined that the land was mineral in character at the time of state selection. The
16 determinations required under this subsection shall be made in compliance with land classification
17 orders and land use plans developed under AS 38.05.300. The commissioner shall submit to
18 the legislature not later than February 1 of each year, a report of all land restricted by
19 administrative and legislative closures to mining under lease or closed to mining during the
20 previous year. The report must include the legal description of the land restricted or
21 closed, the available mineral resource knowledge of the land, the reason for the restriction
22 or closure, and the effective date of the restriction or closure.

23 * Sec. 3. AS 44.99.110 is amended by adding new subsections to read:

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

28 (c) Each agency shall forward its comments and recommendations on the resolution of
29 the deficiencies and inconsistencies in its statutory authority, its administrative regulations, and
30 its procedures applicable to mineral exploration and development to the commissioner of natural
31 resources on October 1 of each year. Each agency shall also report on the progress that it has

1 made on the resolution of the deficiencies and inconsistencies that were identified in earlier
2 reports. The commissioner shall assemble the comments, recommendations, and reports and
3 forward them, unedited, to the governor and the legislature within the first 10 days of each
4 regular session of the legislature.

5 (d) Each agency shall work with mining interests, coastal resource service areas, the
6 public, and other resource users to propose solutions to inconsistencies and deficiencies identified.

7 (e) In (b) - (d) of this section, "agency" includes

- 8 (1) the Department of Commerce and Economic Development;
9 (2) the Department of Environmental Conservation;
10 (3) the Department of Fish and Game;
11 (4) the Department of Natural Resources;
12 (5) the Department of Revenue;
13 (6) the office of management and budget;
14 (7) the Alaska Railroad Corporation;
15 (8) the University of Alaska; and
16 (9) any other agency of the state designated by the Alaska Minerals Commission.

17 * Sec. 4. AS 44.99.110(b), 44.99.110(c), 44.99.110(d), and 44.99.110(e) are repealed July 1, 1996.