

**SENATE CS FOR CS FOR HOUSE BILL NO. 213(RES)****IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE RESOURCES COMMITTEE****Offered: 4/21/93  
Referred: RULES****Sponsor(s): REPRESENTATIVES KOTT, Phillips, Green, Brice, Mulder, Toohey, Foster, Therriault,  
James****A BILL****FOR AN ACT ENTITLED**

1 "An Act prohibiting the commissioner of natural resources from permanently  
2 classifying state land, water, or land and water so that mining, mineral entry and  
3 location, mineral prospecting, and mineral leasing are precluded or are designated  
4 an incompatible use without an act of the legislature if the area involved contains  
5 more than 640 contiguous acres except in certain situations; and providing for  
6 an effective date."

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

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

9 (a) The acquisition and continuance of rights in and to deposits on state land  
10 of minerals, which on January 3, 1959, were subject to location under the mining laws  
11 of the United States, shall be governed by AS 38.05.185 - 38.05.275. Nothing in  
12 AS 38.05.185 - 38.05.275 affects the law pertaining to the acquisition of rights to  
13 mineral deposits owned by any other person or government. The director, with the

1 approval of the commissioner, shall determine that land from which mineral deposits  
2 may be mined only under lease, and, subject to the limitations of AS 38.05.300, that  
3 land that [WHICH] shall be closed to mining. State land may not be closed to mining  
4 or mineral location except as provided in AS 38.05.300 and unless the commissioner  
5 makes a finding that mining would be incompatible with significant surface uses on  
6 the state land. State land may not be restricted to mining under lease unless the  
7 commissioner determines that potential use conflicts on the state land require that  
8 mining be allowed only under written leases issued under AS 38.05.205 or the  
9 commissioner has determined that the land was mineral in character at the time of state  
10 selection. The determinations required under this subsection shall be made in  
11 compliance with land classification orders and land use plans developed under  
12 AS 38.05.300.

13 \* Sec. 2. AS 38.05.300(a) is amended to read:

14 (a) The commissioner shall classify for surface use land in areas considered  
15 necessary and proper. This section does not prevent reclassification of land where the  
16 public interest warrants reclassification, nor does it preclude multiple purpose use of  
17 land whenever different uses are compatible. If the area involved contains more  
18 than 640 contiguous acres, state [STATE] land, water, or land and water area may  
19 not, except by act of the state legislature, (1) be closed to multiple purpose use, or (2)  
20 be otherwise classified by the commissioner so that mining, mineral entry or  
21 location, mineral prospecting, or mineral leasing is precluded or is designated an  
22 incompatible use, except when the classification is necessary for a land disposal  
23 or exchange or is for the development of utility or transportation corridors or  
24 projects or similar projects or infrastructure, or except as allowed under (c) of  
25 this section [IF THE AREA INVOLVED CONTAINS MORE THAN 640 ACRES].

26 \* Sec. 3. AS 38.05.300 is amended by adding a new subsection to read:

27 (c) Notwithstanding (a)(2) of this section, if the commissioner considers it  
28 necessary and proper, the commissioner may provide by order for an interim  
29 classification that precludes, or designates as an incompatible use, mining, mineral  
30 entry or location, mineral prospecting, or mineral leasing. Within 10 days after the  
31 convening of each regular legislative session, the commissioner shall transmit to the

1 legislature for consideration all the interim classification orders issued under this  
2 subsection during the preceding calendar year. Unless the legislature approves by law  
3 an interim classification contained in an order transmitted under this subsection, that  
4 order expires on the 90th day of that legislative session or upon adjournment of that  
5 session, whichever occurs first. Approval by the legislature of an interim classification  
6 satisfies the requirement of (a) of this section for an act of the state legislature.

7 \* Sec. 4. AS 38.05.300(a)(2) and (c) added by secs. 2 and 3 of this Act apply to  
8 classifications made after the effective date of this Act.

9 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).