

HB

462

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-3400
FACSIMILE: (907) 586-2954

Feb. 25, 1994

The Honorable Gene Therriault
Alaska House of Representatives
Capitol Building, Room 421
Juneau, Alaska 99801

Re: HB 462

Dear Representative Therriault:

The Department of Natural Resources supports HB 462, an Act which will bring Alaska Statute 27.10 specifying certain state requirements for federal mining claims in Alaska into conformity with the federal requirements. The federal requirements take precedent over any state requirements and update of this chapter will eliminate confusion and potential litigation among mining claimants.

Specifically, section 1 deletes an out of date provision that is in direct conflict with federal mining law. Although the existing language allows recording of location notices after 90 days but before the ground is staked by another locator, federal law no longer allows such late recording under any circumstances. This deletion conforms AS 27.10 to current federal requirements.

Section 2 adds language to clarify that should the federal requirements be changed by administrative action, the requirements of AS 27.10 are likewise affected. During the past year, the BLM by administrative action allowed federal miners to waive annual labor if an annual rent payment was made. However, this section of the statute created confusion in Alaska because miners were not sure if this was an act of law covered by AS 27.10.150(c). This change will end such confusion.

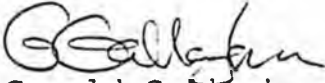
Section 3 deletes an out of date requirement for the recording of an annual labor affidavit within 6 months after the close of the annual labor year. Federal law requires such affidavits be recorded within 90 days of the close of the labor year. This deletion will again conform Alaska law to federal law.

Section 4 repeals the limitation on the size of association placer claims. This limitation is simply inconsistent with federal law.

Section 5 is necessary to be sure the changes made in Section 2 may be applied to those miners inadvertently caught in the conflicting state and federal laws in effect on August 31, 1993.

Please contact me if you have any questions.

Sincerely,


Gerald Gallagher
Director

Alaska State Legislature

REPRESENTATIVE
GENE THERRIALT
P.O. Box 55326
North Pole, Alaska 99705
(907) 488-0862

House District 33



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797

House Of Representatives

Sponsor Statement for HB 462
Mining Requirements: Recording/Labor/Size
by Rep. Gene Therriault
February 25, 1994

Title 27 deals with mining claims on federal land where the overriding authority rests with the federal laws and regulations. Much of the language contained in Title 27 dates back to territorial days when it was crafted to match the federal requirements in place at that time. However, over time these federal requirements have changed and unfortunately our state statutes have not kept pace and in many instances no longer conform. This lack of conformity is currently causing confusion and must be updated.

I have attached a letter of support from the Department of Natural Resources which identifies the specific problem that each section of HB 462 is designed to correct.



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 278-0347

April 12, 1994

Honorable Mike Miller
Chairman
Senate Resources Committee
State Capitol
Juneau, AK 99811

RE: HB-462, Aligning State Mining Law to Federal Law Changes

Dear Senator Miller,

The Alaska Miners Association wishes to go on record in support of House Bill 462 which will bring the state mining law into agreement with changes that have been made to the federal mining law over the past many years.

Some aspects of the state mining law deal with recording, maintaining of paperwork, rules for filing and re-staking of federal mining claims, etc. that no longer agree with the federal law. The changes proposed by HB-462 are needed to eliminate confusion and uncertainty that may otherwise develop between the federal mining law and the state law. The differences between state mining law and federal law may otherwise result in the inadvertent loss or invalidation of rights. It may also result in unnecessary litigation between mining claimants.

Some examples would include provisions that are allowed by state law but no longer have relevance. One example is the state limitation on the size of association placer claims. This type of claim is no longer allowed by the federal law and yet state law addresses the issue and could be a source of confusion to a miner that did not know the federal law had been changed. Another example is that state law requires recording an affidavit of annual labor within 6 months of the end of the labor year, whereas the federal law requires such affidavit be recorded within 90 days of the end of the labor year. The more restrictive federal law will prevail and the state requirement now only adds confusion. These provisions can be a serious pitfall when they have been superseded by a more restrictive federal law.

There is one additional section not included in the current bill that should also be changed. That section is AS 27.10.120 which should be eliminated. This section is no longer necessary or applicable and merely provides another potential stumbling block for the claim holder.

HB-462 will help remove one more item of uncertainty for those wishing to invest in mineral exploration and development in Alaska. We urge its passage.

If you have any questions regarding this bill please contact me.

Sincerely,

Steven C. Sorell, P.E.
Executive Director

cc: Representative Theriault

FISCAL NOTE

No. 1
 Bill Version: HB 462
 (H) Publish Date: 3/21/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act repealing certain provisions of the laws, BRU: Resource Development
other than those in the Alaska Land Act, relating to recording..." Component: Mining Development
 Sponsor: Representative Theriault
 Requestor: Representative Theriault Component Serial No. 442

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill provides modifications to state law as related to mining claim recording requirements, labor and improvement requirements, and use requirements, so that state law corresponds to recent changes in federal law.

Prepared by: Jerry Gallagher, Director Phone: 465-2400
 Division: Mining Date: 25-Feb-94
 Approved by Commissioner: Harry A. Noan Date: 25-Feb-94
 Agency: Natural Resources

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