

ALASKA STATEHOOD ACT

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the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

SEC. 17. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

**Jurisdiction of District Court; Termination date**

SEC. 18. The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

**Federal Reserve System**

SEC. 19. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and in inserting in lieu of such sentence the following: "When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

**Repeal**

SEC. 20. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U.S.C., sec. 433), is hereby repealed.

SEC. 21. Immigration and nationality. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

SEC. 22. Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101(a)(36)) is amended by deleting the word "Alaska,".

SEC. 23. The first sentence of section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C., sec. 1182(d)(7)) is amended by deleting the word "Alaska,".

SEC. 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C., sec. 1404).

SEC. 25. The first sentence of section 310(a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C., sec. 1421(a)) is amended by deleting the words "District Courts of the United States for the Territories of Hawaii and Alaska" and substituting therefor the words "District Court of the United States for the Territory of Hawaii".

SEC. 26. Section 344(d) of the Immigration and Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455(d)) is amended by deleting the words "in Alaska and".

**Transportation by Water**

SEC. 27. (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C., sec. 883), is further amended by striking out the word "excluding" and inserting in lieu thereof the word "including".

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

**Mines and Mining**

SEC. 28. (a) The last sentence of section 9 of the Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: "All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for

disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

(b) Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: "and of those from Alaska 52 1/2 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof".

Separability Clause

SEC. 29. If any provision of this Act, or any section, subsection, clause, phrase, or individual word, or the application thereof to a circumstance is held invalid, the validity of the remainder of the Act, the application of any such provision, section, subsection, sentence, clause, or individual word to other persons and circumstances shall not be thereby affected.

Repeals

SEC. 30. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

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1. Purposes

Purpose of Alaska Statehood Act was to insure that the new state would be economically viable. Alaska Statehood Act, § 1 et seq., 48 U.S.C.A. preceding section 21. U.S. v. Atlantic Richfield Co., 435 F.Supp. 1009. D.Alaska, 1977. States ⇨ 8.1

2. Sovereign immunity

suitable for prospective community centers was reasonable. Alaska Statehood Act, § 6(a), 48 U.S.C.A. note prec. § 21. State of Alaska v. Lyng, 797 F.2d 1479. C.A.9.Alaska, 1986. Public Lands ⇨ 62

Possibility that the State of Alaska at some later time might, under the Alaska Statehood Act, seek to have land patented to it that would otherwise be claimed by villages under the Alaska Native Claims Settlement Act was sufficient to constitute the state as party aggrieved to appeal to the Secretary of Interior from determinations of the Bureau of Indian Affairs that such villages were eligible for selection of land under the latter act.

Alaska's Percent Share Under the Alaska Statehood Act Explained

Although it is not clear by the plain text, section 28(b) of the Alaska Statehood Act directly addresses the 90/10 revenue sharing arrangement between Alaska and the federal government with respect to mineral lease revenues. While section 28(b) references that "52 1/2 per centum [of mineral lease revenues] shall be paid to the State of Alaska," at the time that Congress deliberated the 90 percent distribution, the Mineral Leasing Act (P.L. 85-88) already provided for 37 1/2 percent of those revenues to be paid to Alaska. The 52 1/2 percent share was therefore considered additional proceeds to be granted to the state—resulting in Alaska's effective share of 90 percent. See Alaska v. United States, 35 Fed. Cl. 685, 692-94 (Fed. Cl. 1996).

Mineral Health Enabling Act, as land selected by, or tentatively approved to, but not yet patented to, the state under the Alaska Statehood Act"; because Alaska was authorized to make its initial selection of the disputed lands only because the Statehood Act confirmed that power, the lands were selected by the state under the Statehood Act. Tyonek Native Corp. v. Secretary of Interior, C.A.9 (Alaska) 1988, 836 F.2d 1237. Indians 13(2) Indians ⇨ 171

Forest Service's interpretation of Alaska Statehood Act section authorizing state to select up to 400,000 acres of land from national forests, with approval of Secretary of Agriculture, as requiring that land granted be within 25 nautical miles of existing communities or land

Statehood Act could constitute a condition which would deprive the selected lands of the status of being "vacant, unappropriated, and unreserved." Alaska Statehood Act, § 6(b), 48 U.S.C.A. preceding section 21; 28 U.S.C.A. § 1361. State of Alaska v. Udall, 420 F.2d 938. C.A.9.Alaska, 1969.

Where Alaska filed application for selection of land as part of its allotment pursuant to Alaska Statehood Act but at time of filing land had been withdrawn from appropriation, and, subsequently, withdrawal order was revoked, and during preference period and after expiration of preference period Alaska filed request that its original application be amended to include additional lands, amendments amounted to reap-