

Original

1 IN THE HOUSE

BY *Mr. Pollock*

2 HOUSE BILL NO. 56

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public and Territorial
7 lands, establishing a Territorial
8 Department of Public Lands, creating the
9 Office of Land Commissioner, prescribing
10 powers and duties of the Land Commissioner,
11 transferring certain records and statutory
12 duties to the Land Commissioner, and making
13 ~~an appropriation.~~
an effective date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

15 Section 1. There is hereby created the Department of
16 Public Lands of the Territory of Alaska.

17 Section 2. There is hereby created and established within
18 said department of Public Lands the Office of Land Commissioner.

19 Section 3. The Land Commissioner shall have a knowledge of
20 public lands matters and a background of experience in one or
21 more of the following fields: appraisal, taxation, public
22 land law, land registration, or Land or Public Survey Office
23 procedures or administration. He shall be appointed solely on
24 the grounds of fitness to perform the duties of the office.

25 Section 4. (a) The Land Commissioner shall be appointed
26 by the Governor of the Territory of Alaska by and with the
27 consent of the majority of both houses of the Alaska Legislature
28 in joint session assembled.

29 (b) In the event of a vacancy in the Office of Land

56 to be read

1 Commissioner, a successor shall be appointed to serve for the
2 balance of the unexpired term. If such vacancy occurs while
3 the Legislature is not in session, the appointment shall be made
4 by the Governor and the person so appointed shall hold office:

5 (1) if such appointment is confirmed by the
6 Legislature at its next regular or special session, for the
7 balance of the unexpired term.

8 (2) if the Legislature at its next regular or
9 special session refuses to ^{confirm} ~~consent~~ to the appointment, until a
10 person nominated by the Governor and confirmed by the Legislature
11 qualifies for the office.

12 (a) The above provisions concerning a
13 vacancy or interim appointment shall apply to the extent
14 applicable to the initial appointment of a Land Commissioner.

15 Section 5. (a) Except for the first appointment as
16 hereinafter provided the term of office of the Land Commissioner
17 shall be four years, but any person duly appointed and qualified
18 shall hold office until his successor is appointed and qualified.

19 (b) The first Land Commissioner shall be appointed on
20 the effective date of this Act, or as soon thereafter as
21 practicable for a term ending March 31, 1957, and a Commissioner
22 shall thereafter be appointed or reappointed for each succeeding
23 four-year period.

24 Section 6. The salary of the Land Commissioner shall be
25 ^{12,000.00} \$12,000.00 per annum, payable in equal monthly installments.

26 Section 7. Prior to entering upon the performance of his
27 duties the Land Commissioner shall execute a ^{contract} ~~surety~~ company bond
28 to the Territory in the sum of \$100,000 conditioned upon faithful
29 ~~honest, and impartial~~ performance of his duties under this Act

1 and upon prompt and faithful accounting for all monies
2 collected by him or his deputies, assistants, employees or
3 agents. The said bond shall be approved by the Territorial
4 Treasurer and filed in the office of the Territorial Auditor.
5 The premium upon said bond shall be payable from any monies
6 appropriated for operation of the Department of Public Lands.

7 Section 8. The principal office of the Land Commissioner
8 shall be established and located in the capital of the
9 Territory of Alaska. ^{some location in the Regional Office}
~~Land in general of the State of Alaska~~
10 Such branch offices as are essential
11 for the efficient administration of this Act may be established
12 at other places in the Territory.

13 Section 9. The Land Commissioner shall be the certifying
14 officer for the Department of Public Lands and as such is hereby
15 authorized to approve vouchers for disbursement of monies
16 appropriated for said Department. He shall be the executive
17 and administrative head of the Department of Public Lands. In
18 addition to supervising all necessary administrative duties and
19 exercising the powers necessary to carrying out the provisions
20 of this Act, including the power to appoint, remove, and fix
21 the compensation of deputies, assistants, employees and agents
22 of said Department, he shall be responsible for and is hereby
23 authorized and directed to perform the following duties:

24 (a) The Commissioner is hereby charged with the
25 administration of, and leasing jurisdiction over, those lands
26 reserved for the support of common schools in the Territory
27 by an Act of Congress approved March 4, 1915 (38 Stat. 1214;
28 48 U.S.C. 353), as amended. To this end the Commissioner shall
29 possess all of the powers and perform all of the duties granted
or enjoined upon the Governor of Alaska by sections 47-2-78 to

1 47-2-31, inclusive, ACLA 1949, and all such powers and duties
2 and current records relating thereto are hereby transferred
3 from the Governor to the Land Commissioner.

4 (1) Pending submission to the 22nd Alaska Legislature
5 of proposed legislation mentioned in subsection b, Section 11
6 hereof, and adjournment of that body, no leases of Territorial
7 lands, whether owned by or reserved to the Territory of Alaska,
8 shall be entered into for a longer term than two years, except
9 on a substantial showing that a longer term will be clearly in
10 the public interest: *Provide, that this limitation shall not*
11 year term or less shall create an equitable right in the lessee
12 (subject to a showing by him, satisfactory to the Land
13 Commissioner, of compliance with terms of the lease) which
14 right shall entitle the lessee, on application, to renew such
15 lease under then existing law and regulations covering the
16 leasing of lands owned by or reserved to said Territory. The
17 renewal right here authorized shall, once only, be available
18 to such lessees on a preference basis before the land thereto-
19 fore so leased shall be available to others. From the date of
20 enactment hereof leases here contemplated and entered into by
21 said Territory as lessor for a term of two years or less shall
22 contain appropriate language to inform the lessee of the
23 provisions of this subsection.

24 (b) The Commissioner is hereby authorized and directed
25 to act for and on behalf of the Territory with respect to the
26 disposal of materials by the United States from lands withdrawn/
27 in aid of said Territory, such disposal and such materials to
28 be, for purposes of this section, as prescribed by an Act of
29 Congress approved July 31, 1947 (61 Stat. 681, as amended);

to be entered into by the Commissioner of the Territory of Alaska

1 43 USCA 1185-1188). It is the intent and purpose of this sub-
2 section to enable said Territory to consent to such disposals
3 and to comply with said Act of Congress by empowering the
4 Commissioner to act thereunder for said Territory.

5 (c) The Commissioner is hereby directed to ascertain
6 Alaska's lieu or indemnity land entitlement under the
7 reservation created by an Act of Congress approved March 4,
8 1915 (38 Stat. 1214; 48 U.S.C. 353), as amended, under any
9 other reservation or grant heretofore or hereafter made, and to
10 maintain a continuing record of such lieu land entitlement
11 toward giving early effect to selection of lieu or indemnity
12 lands as further provided for in Section 11 (d) hereof.

13 ^{All Board of Regents of The University of Alaska}
14 (d) ~~The Commissioner is hereby directed to ascertain~~
15 selection heretofore made and entitlement yet to be selected
16 under an Act of Congress approved January 21, 1929 (45 Stat.
17 1091) granting one hundred thousand acres of land to the
18 Territory for the use and benefit of the Agricultural College
19 and School of Mines (now the University of Alaska) and to
20 initiate appropriate arrangements with the Board of Regents of
21 the University of Alaska, and with the Secretary of the Interior
22 to complete such selections to the end that the full grant be
23 effectuated. The Commissioner in complying with this provision
24 shall cooperate with said Board of Regents by making available
25 to said Board his facilities, counsel and personnel, and other-
26 wise as said Board acting under the authority of section 37-10-13
27 ACLA 1949 may request.

28 Section 10. The Land Commissioner shall have custody of
29 all land registration records assembled pursuant to sections
22-2-1 to 22-2-18, inclusive, ACLA 1949 and Chapter 106,

1 Session Laws of Alaska 1949, and the Tax Commissioner is
2 hereby directed to transfer such records to the Land
3 Commissioner. The Land Commissioner shall have access to
4 those records in the Territorial Department of Taxation
5 pertaining to or arising from the levying of a general property
6 tax pursuant to Chapter 10, Session Laws of Alaska 1949, and
7 to such other public records as may relate to his duties as
8 set forth in this Act.

9 Section 11. In addition to other duties herein enumerated,
10 the Land Commissioner is hereby directed to prepare proposed
11 legislation for submission to the 22nd Regular Session of the
12 Alaska Legislature ^{and subsequent sessions} to provide adequate statutory coverage to
13 meet Alaska's present and immediately foreseeable needs
14 appropriate to a public land agency's function, and to enable
15 the Territory to discharge its responsibilities in that field.
16 ~~The Commissioner is authorized for this purpose to engage~~
17 ~~counsel at a maximum expenditure of Territorial funds of not~~
18 ~~to exceed \$3,500.00.~~ Such proposed legislation shall include,
19 among other subjects, provision for:

20 (a) Centralized administration of all lands, owned
21 by or reserved to or for the benefit of the Territory, other
22 than those owned for a specific continuing and limited purpose
23 such as Territorial school sites, public building sites,
24 airports, etc., and which are controlled or administered by
25 another agency of Territorial government for a purpose directly
26 related to the function of such agency.

27 (b) Appraisalment, leasing and sale provisions
28 covering lands owned or to be acquired by the Territory and,
29 to the extent applicable, covering lands reserved by the United

1 States to or for the benefit of the Territory, or to any agency
2 or lawful activity of the Territory. ~~This shall include, among~~
3 other lands, the grant made to the Alaska Agricultural College
4 and School of Mines by an Act of Congress approved January 21,
5 1929 (45 Stat. 1091) and the lands reserved by an Act of
6 Congress approved March 4, 1915 (38 Stat. 1214), as amended.

7 (c) Easement real property to be administered by
8 the Territory, including provision for lease or sale, in manner
9 as nearly conformable as practicable to proposals made for
10 administration of other Territorial lands.

11 (d) Selecting and claiming lieu or indemnity lands
12 from the United States, under provisions of applicable law
13 whereby lieu entitlement attaches to lands reserved or granted
14 to or for the benefit of the Territory.

15 (e) Selecting lands which may be granted by the
16 United States to the State of Alaska pursuant to a statehood
17 enabling act, ~~subject to approval of the United States~~
18 Section 12. The Land Commissioner is hereby empowered to
19 accept, in the name of the Territory of Alaska, by deed of sale,
20 gift or devise, or by judgment or operation of law any lands of
21 whatsoever nature; to accept in the name of said Territory,
22 and within the limits of applicable law to exercise administrative
23 jurisdiction over, lands granted, transferred or reserved to or
24 for the benefit of the said Territory by the United States or
25 any instrumentality thereof; except that ~~this section shall not~~
26 *working in this Act shall*
27 be construed to deprive the Board of Regents of the University
28 of Alaska of any of its existing duties, functions or powers.
29 The authority conferred on the Commissioner by this section
shall include specifically the authority to accept in the name

1 of said Territory any lands granted or transferred to said
2 Territory for public park or recreation purposes and to
3 exercise administrative jurisdiction thereover.

4 ~~Section 13. There is hereby appropriated out of any~~
5 ~~money in the Territorial Treasury not otherwise appropriated,~~
6 ~~the sum of \$100,000.00 for carrying out the purposes of this~~
7 ~~Act.~~

8 *Section 13. Effective date. This*
9 *Act shall take effect August 1, 1953.*
10 *Passed 3/13/53.*