

IN THE HOUSE

BY MESSRS. POLLOCK AND RENTSCHLER

SUBSTITUTE FOR HOUSE BILL NO. 124

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act requiring the registration of ownership of all real property in Alaska; placing administrative responsibility for said program in the Department of Public Lands and charging the Land Commissioner with duties and powers incident thereto; reenacting Sections 22-2-9 and amending same, 22-2-10, 22-2-12, 22-2-13 and amending same, 22-2-14 and amending same, 22-2-15 and 22-2-17, ACLA 1949; and repealing Sections 22-2-1 through 22-2-8, inclusive, 22-2-11, 22-2-16 and 22-2-18, ACLA 1949, and Chapter 106, SLA 1949."

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

Section 1. This Act shall be known as the "Alaska Registration Law of 1953."

Section 2. Sections 22-2-1 through 22-2-8, inclusive, 22-2-11, 22-2-16, 22-2-18, ACLA 1949, and Chapter 106, Session Laws of Alaska 1949, are hereby repealed.

Section 3. Responsibility for the administration of the land registration program shall vest in the Department of Public Lands, and the Land Commissioner shall make such rules and regulations as he may deem proper and necessary to carry out the provisions of this Act. The Land Commissioner shall have custody

of all land registration records assembled pursuant to Sections 22-2-1 to 22-2-16 inclusive, ACLA 1949, and Chapter 106 Session Laws of Alaska 1949, and of those records in the Territorial Department of Taxation pertaining to or arising from the levying of a general property tax pursuant to Chapter 10, Session Laws of Alaska, 1949, as amended, and shall have access to such other public records as may relate to his duties as set forth in this Act. Funds to administer this Act shall be those provided in appropriations for the Department of Public Lands.

Section 4. It shall be the duty of each owner of real property in Alaska, except an owner who acquired title thereto prior to July 1, 1949, and has complied with the registration provisions of Section 22-2-1 ACLA 1949, and other than that to which the United States or the Territory of Alaska holds title, to file in the office of the Recorder of the recording precinct in which such property is situated on or before December 31, 1953, a sworn statement giving his name, his postoffice address, a description of the tract of land, its area or acreage, and any other information necessary for the purposes of this Act. Upon any transfer of title to real property thereafter, a similar statement must be filed by the owner of such newly acquired tract of land on or before December 31 of the year in which such transfer occurred. The owner of real property who has filed the statement required hereunder need not thereafter file a statement under this Act. Upon failure to file such statement, as required herein, the owner of such property shall be subject to a penalty of five dollars (\$5.00) which shall on the first day of January following such failure to file become a lien upon such property, which shall be subject to collection as hereinafter provided.

Section 5. When such statement is filed, the Recorder shall prepare and enter a copy thereof in a special Alaska Registration Law book to be provided by him for that purpose, and shall enter the name of the owner in an alphabetical index together with the date and hour of filing such statement. The Recorder shall on or before the tenth day of each month transmit to the Land Commissioner all original statements filed with him for the preceding calendar month.

Section 6. The Land Commissioner shall collect and receive all penalties due and payable under this Act and transmit the same to the Territorial Treasurer for deposit into the general fund of the treasury. For the purposes of this Act an error in the description, area or acreage of any property shall not invalidate the assessment of the penalty against such property if the description is sufficiently accurate to identify the property.

Section 7. On July 1, 1954, and on July 1 of each year thereafter, the Land Commissioner shall file in the office of the Clerk of Court of the judicial division in which the property subject to such lien is situated, a list of all parcels of property which have become subject to such liens, and upon which the penalties have been unpaid for a period of at least six months after the date the said penalties become due and payable. Thereupon, the liens on the parcels contained in such list shall be foreclosed by appropriate proceedings by the Land Commissioner in the name of the Territory in the manner herein provided. The parcels of property affected by such liens and filed with the Clerk of Court shall be numbered serially. The Land Commissioner shall post a certified copy of

such list in his office and shall publish such list once each week for four consecutive weeks in a newspaper of general circulation in the division in which such property is situated. Such list shall be known and designated as the "List of Delinquent Penalties on Real Property" and shall be captioned as an action in the appropriate division of the District Court. The action shall be entitled: "In the matter of foreclosure of liens pursuant to the Alaska Registration Law of 1953 by the Territory of Alaska." Such list of delinquent penalties shall be verified by the affidavit of the Land Commissioner. The filing of such list of delinquent penalties in the office of the Clerk of the District Court shall constitute and have the same force and effect as the filing of an individual and separate complaint to foreclose a lien against each parcel of property therein described.

Section 8. If a duly verified answer is served upon the Attorney General within the period specified in Section 22-2-9 ACLA 1949, the court shall forthwith hear and determine the issues raised by the complaint and answer in the same manner and under the same rules as it hears and determines other actions, except as in this Act otherwise provided. Upon such trial, proof that the statement required by Section 4 of this Act was filed when due or that the penalty was paid, together with any interest which may have been due, shall constitute a complete defense. Whenever an answer is interposed as herein provided, the defendant shall have an absolute right to the severance of the action as to any parcel or parcels of land in which he has an interest, upon written demand therefor filed with or made a part of his answer.

Section 9. Sections 22-2-9, 22-2-10, 22-2-12, 22-2-13, 22-2-14, 22-2-15 and 22-2-17 ACLA 1949, are reenacted to read as they are printed in the Alaska Compiled Laws Annotated 1949, except that wherever the word "Treasurer" is used in those sections it shall be taken to mean the "Land Commissioner" of the Territory. The provisions of these sections are extended to and incorporated into this Act as though fully set forth herein, with the exception of any portions thereof which may be found to be inapplicable.

Section 10. The Board of Administration may authorize the Land Commissioner to sell, lease or otherwise administer all property to which the Territory may obtain title under the provisions of this Act. Proceeds derived from such sales, leases or administration shall be remitted to the Treasurer and by him deposited into the general fund of the Territorial Treasury.

Passed by the House March 16, 1953

George J. Miscovich
Speaker of the House

ATTEST:

Margaret Orishan
Chief Clerk of the House

Passed by the Senate March 25, 1953

Chas. D. Jones
President of the Senate

ATTEST:

Dora M. Swenson
Secretary of the Senate

Approved by the Governor _____, 1953

Governor of Alaska

I certify that the above and foregoing constitutes a full, true and correct copy of Substitute for House Bill No. 124 as passed by the House and Senate of the Twenty-first Legislature.

Chief Clerk of the House