

1 IN THE HOUSE

BY MESSRS. GREUEL AND MCNABB

2 HOUSE BILL NO. 71

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Registra-
7 tion Law of 1953; amending sections 3, 4,
8 5, 6, 7, and 10, Ch. 134, SLA, 1953;
9 defining "real property"; releasing liens;
10 refunding penalties; authorizing an appro-
11 priation; and setting an effective date."

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

13 Section 1. That section 3, Chapter 134, Session Laws of
14 Alaska, 1953, be amended so as to read as follows:

15 Section 3. Responsibility for the administration of
16 the land registration program shall vest in the Department
17 of Public Lands, and the Land Commissioner shall make such
18 rules and regulations as he may deem proper and necessary
19 to carry out the provisions of this Act. The Land Commis-
20 sioner shall have custody of all land registration records
21 assembled pursuant to Sections 22-2-1 to 22-2-18 inclusive,
22 ACLA 1949, and Chapter 106 Session Laws of Alaska 1949, and
23 of those records in the Territorial Department of Taxation
24 pertaining to or arising from the levying of a general pro-
25 perty tax pursuant to Chapter 10, Session Laws of Alaska,
26 1949, as amended, and shall have access to such other public
27 records as may relate to his duties as set forth in this
28 Act. [FUNDS TO ADMINISTER THIS ACT SHALL BE THOSE PROVIDED
29 IN APPROPRIATIONS FOR THE DEPARTMENT OF PUBLIC LANDS.]

1 Sec. 2. That section 4, Chapter 134, Session Laws of
2 Alaska, 1953, be amended so as to read as follows:

3 Section 4. It shall be the duty of each legal owner
4 of real property in Alaska which is outside of and not
5 included within the boundaries of an incorporated city,
6 public utility district, or school district where record
7 of ownership of real property is maintained, except an
8 owner who acquired title thereto prior to July 1, 1949,
9 and has complied with the registration provisions of
10 Section 22-2-1 ACLA 1949, or who has heretofore complied
11 with this Act, and other than that to which the United
12 States or the Territory of Alaska holds title, to file in
13 the office of the Recorder of the recording precinct in
14 which such property is situated on or before December 31,
15 1955 [53], a sworn statement in duplicate giving his name,
16 his postoffice address, an accurate legal description of
17 the tract or tracts of land, its area or acreage, date
18 acquired, and any other information necessary for the pur-
19 poses of this Act. Upon any transfer of title to real pro-
20 perty thereafter, within the localities described above
21 where filing is required, a similar statement must be filed
22 by the owner of such newly acquired tract of land on or
23 before December 31 of the year in which such transfer
24 occurred. The owner of real property who has filed the
25 statement required hereunder need not thereafter file a
26 statement under this Act. Upon failure to file such state-
27 ment, as required herein, the owner of such property shall
28 be subject to a penalty of five dollars (\$5.00) for failure
29 to file each required statement. For newly acquired

1 property after December 31, 1955 the owner shall be subject
2 to a penalty of ten dollars (\$10.00) for failure to file
3 each required statement which shall on the first day of
4 January following such failure to file become a lien upon
5 such property, which shall be subject to collection as
6 provided hereinafter [PROVIDED]; Provided, that if the
7 penalty has not been paid before the date the delinquent
8 list is published in accordance with section 7 of this Act,
9 a penalty of five dollars (\$5.00) shall attach to each
10 tract listed in the delinquent list of September 1, 1956
11 and ten dollars (\$10.00) shall attach to each tract listed
12 in the delinquent list compiled thereafter.

13 Sec. 3. That section 5, Chapter 134, Session Laws of
14 Alaska, 1953, be amended so as to read as follows:

15 Section 5. When such statement is filed, the Recorder
16 shall file a duplicate copy or shall prepare and enter a
17 copy thereof in a special Alaska Registration Law book to
18 be provided by him for that purpose, and shall enter the
19 name of the owner in an alphabetical index together with
20 the date and hour of filing such statement. The Recorder
21 shall number the original filing statement in consecutive
22 order, and enter thereon the date received and customary
23 filing information, and shall on or before the tenth day
24 of each month transmit to the Land Commissioner all
25 original statements filed with him for the preceding calen-
26 dar month together with ninety per cent (90%) of the
27 receipts collected for penalty payments as provided for in
28 section 6, as amended.

29 Whenever a precinct Recorder receives a document for

1 recording evidencing a transaction of real property for
2 which a filing statement is required by section 4 of this
3 Act, he shall notify the new owner of the filing require-
4 ments, and if not so filed, he shall notify the Land Com-
5 missioner on a special form provided for the purpose.

6 Section 4. That section 6, Chapter 134, Session Laws of
7 Alaska, 1953, be amended so as to read as follows:

8 Section 6. The Land Commissioner shall collect and
9 receive all penalties due and payable under this Act and
10 transmit the same to the Territorial Treasurer for deposit
11 into the general fund of the treasury. The Land Commis-
12 sioner may appoint the Recorder of each precinct as his
13 collecting officer for purposes of collecting penalties
14 from the persons who are subject to the penalty payment and
15 who personally file a statement in his office. When such
16 appointments are made by the Land Commissioner, the Recorder
17 shall collect the required penalty, if possible; issue re-
18 ceipts for same in duplicate; attach the duplicate receipt
19 to the original filing statement; and, transmit to the Land
20 Commissioner at the time of transmitting the monthly owner-
21 ship statements ninety per cent (90%) of the penalty col-
22 lected. The Recorder shall retain ten per cent (10%) of
23 the penalty collected as his commission. For the purposes
24 of this Act an error in the description, area or acreage
25 of any property shall not invalidate the assessment of the
26 penalty against such property if the description is suffi-
27 ciently accurate to identify the property.

28 Section 5. That section 7, Chapter 134, Session Laws of
29 Alaska, 1953, be amended so as to read as follows:

1 Section 7. On or about September 1, 1956 [JULY 1,
2 1956] and on or about September 1 [JULY 1] of each year
3 thereafter, the Land Commissioner shall file in the office
4 of the Clerk of Court of the judicial division in which the
5 property subject to such lien is situated, a list of all
6 parcels of property which have become subject to such liens,
7 and the name of the respective owner thereof, if known, and
8 upon which the penalties have been unpaid for a period of
9 at least six months after the date the said penalties be-
10 come due and payable. Thereupon, the liens on the parcels
11 contained in such list shall be foreclosed by appropriate
12 proceedings by the Land Commissioner in the name of the
13 Territory in the manner herein provided. The parcels of
14 property affected by such liens and filed with the Clerk
15 of Court shall be numbered serially. The Land Commissioner
16 shall post a certified copy of such list in his office and
17 shall publish such list once each week for four consecutive
18 weeks in a newspaper of general circulation in the division
19 in which such property is situated. Such list shall be
20 known and designated as the "List of Delinquent Penalties
21 on Real Property" and shall be captioned as an action in
22 the appropriate division of the District Court. The action
23 shall be entitled: "In the matter of foreclosure of liens
24 pursuant to the Alaska Registration Law of 1953, as amended,
25 by the Territory of Alaska." Such list of delinquent
26 penalties shall be verified by the affidavit of the Land
27 Commissioner. The filing of such list of delinquent
28 penalties in the office of the Clerk of the District Court
29 shall constitute and have the same force and effect as the

1 filing of an individual and separate complaint to foreclose
2 a lien against each parcel of property therein described.

3 Sec. 6. That section 10, Chapter 134, Session Laws of
4 Alaska, 1953, be amended so as to read as follows:

5 Section 10. The ~~THE~~ BOARD OF ADMINISTRATION MAY AUTHORIZE
6 ~~THE~~ Land Commissioner is authorized hereby to sell, lease
7 or otherwise administer all real property to which the
8 Territory may obtain title under the provisions of this Act
9 in the same manner as he is authorized to sell, lease or
10 administer other Territorial land. Proceeds derived from
11 such sales, leases or administration shall be remitted to
12 the Treasurer and by him deposited into the general fund of
13 the Territorial Treasury.

14 Sec. 7. As used in this Act the term "real property" shall
15 refer to patented land and/or any other land in which the owner
16 has a fee simple title.

17 Sec. 8. Any liens on property which may have accrued pur-
18 suant to this Act, prior to its amendment, are hereby released
19 and no action to enforce such lien shall be sustained.

20 Sec. 9. All penalties assessed and collected under this
21 Act prior to date of this amendment shall be refunded to the
22 person from whom collected. Any person who has paid any such
23 penalty may, on or before March 31, 1958, apply to the Land
24 Commissioner for a refund of the same. If the claim is correct
25 the Land Commissioner shall execute a voucher for the same on
26 the general fund.

27 Sec. 10. There is hereby authorized for appropriation, out
28 of any moncoys in the general fund of the Treasury of Alaska not
29 otherwise appropriated, the sum of \$35,000 or so much thereof as

1 may be necessary for carrying out the purpose of this Act for the
2 ensuing biennium. Thereafter, funds for administration of this
3 Act shall be those provided in the appropriation for the Depart-
4 ment of Public Lands.

5 Sec. 11. This Act shall take effect and be in force from
6 and after its passage and approval or upon its becoming law
7 without such approval, and it is so enacted.

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