

file

1 IN THE HOUSE

BY MRS. RYAN AND MR. TAYLOR

2 HOUSE BILL NO. 1231

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 public lands; to estab-
7 lish a Board of Public Lands; amending
8 Sec. 9 of Ch. 126, SLA, 1953."

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

10 Section 1. Section 9 of Chapter 126, Session Laws of Alaska,
11 1953, is hereby amended to read as follows:

12 Section 9. The Land Commissioner shall be the certify-
13 ing officer for the Department of Public Lands and as such
14 is hereby authorized to approve vouchers for disbursement of
15 monies appropriated for said Department. He shall be the
16 executive and administrative head of the Department of Public
17 Lands. In addition to supervising all necessary administra-
18 tive duties and exercising the powers necessary to carrying
19 out the provisions of this Act, including the power to ap-
20 point, remove, and fix the compensation of deputies, assist-
21 ants, employees and agents of said Department, he shall be
22 Secretary of the Board of Public Lands. RESPONSIBLE FOR AND
23 IS HEREBY AUTHORIZED AND DIRECTED TO PERFORM THE FOLLOWING
24 DUTIES: The Board of Public Lands (hereinafter called the
25 Board) shall be composed of the Land Commissioner, the Com-
26 missioner of Agriculture, and the Attorney General. The
27 Board shall be responsible for and is hereby authorized and
28 directed to perform the following duties:

29 (a) The Board COMMISSIONER is hereby charged

1 with the administration of, and leasing jurisdiction over,
2 these lands reserved for the support of common schools in
3 the Territory by an Act of Congress approved March 4, 1915
4 (38 Stat. 1214; 48 U.S.C. 353), as amended. To this end the
5 Board ~~/COMMISSIONER/~~ shall possess all of the powers and per-
6 form all of the duties granted or enjoined upon the Governor
7 of Alaska by sections 47-2-78 to 47-2-81, inclusive, ACLA
8 1949, and all ~~/SUCH POWERS AND DUTIES AND/~~ current records
9 relating thereto are hereby transferred to the Board and
10 maintained in the custody of the Secretary to the Board
11 /FROM THE GOVERNOR TO THE LAND COMMISSIONER/.

12 (1) /PENDING SUBMISSION TO THE 22ND ALASKA
13 LEGISLATURE OF PROPOSED LEGISLATION MENTIONED IN SUB-
14 SECTION B, SECTION 11 HEREOF, AND ADJOURNMENT OF THAT
15 BODY, NO LEASES OF TERRITORIAL LANDS, WHETHER OWNED BY
16 OR RESERVED TO THE TERRITORY OF ALASKA, SHALL BE
17 ENTERED INTO FOR A LONGER TERM THAN TWO YEARS, EXCEPT
18 ON A SUBSTANTIAL SHOWING THAT A LONGER TERM WILL BE
19 CLEARLY IN THE PUBLIC INTEREST: / The Board is hereby
20 authorized to execute leases of public lands, whether
21 owned by or reserved to the Territory of Alaska. No
22 lease shall be entered into for a longer term than ^{five} ~~ten~~
23 years, except on a substantial showing, satisfactory to
24 the Board, that a longer term will be clearly in the
25 public interest: Provided, that this limitation shall
26 not apply to any lands administered or controlled by
27 the University of Alaska or its Board of Regents.
28 /LEASES HEREAFTER SO GRANTED FOR A TWO YEAR TERM OR
29 LESS SHALL CREATE AN BENEFITABLE RIGHT IN THE LESSEE

2. 3, line 32: delete word "Ten" and insert in lieu thereof "sixty"

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(SUBJECT TO A SHOWING BY HIM, SATISFACTORY TO THE LAND COMMISSIONER, OF COMPLIANCE WITH TERMS OF THE LEASE) WHICH RIGHT SHALL ENTITLE THE LESSEE, ON APPLICATION, TO RENEW SUCH LEASE UNDER THEN EXISTING LAW AND REGULATIONS COVERING THE LEASING OF LANDS OWNED BY OR RESERVED TO SAID TERRITORY. THE RENEWAL RIGHT HERE AUTHORIZED SHALL, ONCE ONLY, BE AVAILABLE TO SUCH LESSEES ON A PREFERENCE BASIS BEFORE THE LAND THERETOFORE SO LEASED SHALL BE AVAILABLE TO OTHERS. FROM THE DATE OF ENACTMENT HEREOF LEASES HERE CONTEMPLATED AND ENTERED INTO BY SAID TERRITORY AS LESSOR FOR A TERM OF TWO YEARS OR LESS SHALL CONTAIN APPROPRIATE LANGUAGE TO INFORM THE LESSEE OF THE PROVISIONS OF THIS SUBSECTION.]

(2) The Board is authorized to lease any public lands, properties or interests therein for any purpose except the extraction of valuable minerals: Provided such public lands, properties or interest therein shall not be leased for less than the appraised rental value thereof.

(3) The Board may require the Commissioner to furnish a list of lands, properties or interests therein subject to lease, and prior to negotiations or offer of any lease shall direct the Commissioner to post such lists for a period of thirty days prior to the date of leasing in some conspicuous place in his office and elsewhere in the vicinity of the lands, properties or other interests therein to be leased, and such other place as the Board may determine and on the day and at the place fixed by the Board the Commissioner shall

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offer these lands, properties or interests therein, in separate tracts, for lease to the highest bidder..

(4) The person or persons to whom any lease of lands, properties or interests therein is awarded shall pay to the Board or its representative, in cash or by certified check or accepted draft on any bank in this Territory, the first year's rental in accordance with his bid, and thereafter all rentals shall be paid annually, in advance, to the Commissioner.

(5) The Board may reject any and all bids for leases when the interest of the Territory shall justify it. If the Board awards a lease, the Commissioner shall proceed to issue a lease to the lessee on a form to be prescribed by the Board.

(6) If, after giving 30 days' notice, the rental is not paid on or before the date it becomes due, according to the terms of the lease, the Board shall declare a forfeiture, cancel the lease and eject the lessee from the land, provided, that the Board may extend time for payment of annual rent when in its judgment the interests of the Territory will not be prejudiced thereby.

(7) If, at the expiration of any lease of any public lands, the lessee desires a renewal lease on the lands, properties, or interests therein covered thereby, he shall within 30 days before the expiration of his lease make application in writing upon a form prepared for that purpose to the Board for a renewal lease, certifying under oath as to the character and

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SECTION 2

value of all improvements existing on the land, property or interest therein, the purpose for which he desires a renewal lease, the amount considered by him to be the reasonable annual rental value of the leased properties and such other information as the Board may require, and shall deposit with such application the sum of \$50.00. Upon the filing of any such application for a renewal lease, the Board may cause the lands, properties and other interests to be inspected and a full report made thereon, and shall fix the rental value thereof and notify the applicant of the rental value so fixed, and if within 30 days after the date of the notice the applicant shall pay to the Commissioner the first year's rental as fixed, less the sum of \$50.00 already deposited the Board shall issue to the applicant a renewal lease for any period not exceeding ^{five} ten years, commencing from the date following the termination date of the previous lease.

(8) If the applicant fails or refuses to pay to the Commissioner the first year's rental within 30 days after the date of the notice above provided for, the \$50.00 deposited with the application shall be forfeited to the Board, paid into the Territorial Treasury, and credited to the proper fund.

(9) No lease, or any interest therein may be subleased, assigned or transferred in any manner under this Act without the prior written consent of the Board. The Board shall not consent to any assignment or transfer which shall result in any benefit ^{or} profit to the lessor.

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p. 5, line 16: delete word "ten" & insert word "fifty" in lieu thereof.

p. 5, line 29: change "of" to "or"

1 assignor or transferor either directly or indirectly; provided

2 (b) The Board COMMISSIONER is hereby authorized
3 and directed to act for and on behalf of the Territory with
4 respect to the disposal of materials by the United States
5 from lands withdrawn in aid of said Territory, such disposal
6 and such materials to be, for purposes of this section, as
7 prescribed by an Act of Congress approved July 31, 1947
8 (61 Stat. 681, as amended; 43 USCA 1185-1188). It is the
9 intent and purpose of this subsection to enable said Terri-
10 tory to consent to such disposals and to comply with said
11 Act of Congress by empowering the Board COMMISSIONER to
12 act thereunder for said Territory.

13 (c) The Board COMMISSIONER is hereby directed to
14 ascertain Alaska's lieu or indemnity land entitlement under
15 the reservation created by an Act of Congress approved
16 March 4, 1915 (39 Stat. 1214; 48 U.S.C. 353), as amended,
17 under any other reservation or grant heretofore or hereafter
18 made, and to maintain a continuing record of such lieu land
19 entitlement toward giving early effect to selection of lieu
20 or indemnity lands as further provided for in Section 11 (d)
21 hereof.

22 (d) The Board of Regents of the University of
23 Alaska may authorize the Board COMMISSIONER to ascertain
24 collection heretofore made and entitlement yet to be selected
25 under an Act of Congress approved January 21, 1929 (45 Stat.
26 1091) granting one hundred thousand acres of land to the
27 Territory for the use and benefit of the Agricultural College
28 and School of Mines (now the University of Alaska) and to
29 initiate appropriate arrangements therefor with the Board of

p. 6, line 1: strike period and insert semi-colon and the following words: "Provided, however, that the lessor may sell all improvements upon the said lands or beneath the surface thereof at a reasonable price based upon cost of labor and materials expended in the construction thereof."

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Regents of the University of Alaska. The Board COMMISSIONER
in complying with this provision shall cooperate with said
Board of Regents by making available to said Board of Regents
its MS facilities, counsel and personnel, and otherwise as
said Board of Regents acting under the authority of section
37-10-13 ACIA 1949 may request.

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