

CHAPTER 126

AN ACT

[H. B. 56]

Relating to public and Territorial lands, establishing a Territorial Department of Public Lands, creating the Office of Land Commissioner, prescribing powers and duties of the Land Commissioner, transferring certain records and statutory duties to the Land Commissioner authorizing an appropriation and making an effective date.

Be it enacted by the Legislature of the Territory of Alaska:

Department
created.

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

Office of Land
Commissioner.

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

Qualifications of
Commissioner.

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

Appointment of
Commissioner.

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

Interim
appointment
upon vacancy.

(b) In the event of a vacancy in the Office of Land Commissioner, a successor shall be appointed to serve for the balance of the unexpired term. If such vacancy occurs while the Legislature is not in session, the appointment shall be made by the Governor and the person so appointed shall hold office:

Term of office
of interim
appointee.

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

(2) if the Legislature at its next regular or special session refuses to confirm the appointment, until a person nominated by the Governor and confirmed by the Legislature qualifies for the office.

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

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

Term of office:
in general.

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

Time of
appointment.

Section 6. The salary of the Land Commissioner shall be \$9,000.00 per annum, payable in equal monthly installments.

Salary.

Section 7. Prior to entering upon the performance of his duties the Land Commissioner shall execute a corporate surety bond to the Territory in the sum of \$100,000 conditioned upon faithful performance of his duties under this Act and upon prompt and faithful accounting for all monies collected by him or his deputies, assistants, employees or agents. The said bond shall be approved by the Territorial Treasurer and filed in the office of the Territorial Auditor. The premium upon said bond shall be payable from any monies appropriated for operation of the Department of Public Lands.

Bond.

Bond premium.

Section 8. The principal office of the Land Commissioner shall be established and located in the same location as the 7th Regional Office of the Bureau of Land Management of the Department of the Interior. Such

Principal office
location.

branch offices as are essential for the efficient administration of this Act may be established at other places in the Territory.

Duties and powers.

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

Administration of school lands.

(a) The Commissioner is hereby charged with the administration of, and leasing jurisdiction over, those lands reserved for the support of common schools in the Territory by an Act of Congress approved March 4, 1915 (38 Stat. 1214; 48 U.S.C. 353), as amended. To this end the Commissioner shall 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 47-2-81, inclusive, ACLA 1949, and all such powers and duties and current records relating thereto are hereby transferred from the Governor to the Land Commissioner.

Leases of Territorial lands; limitations.

(1) Pending submission to the 22nd Alaska Legislature of proposed legislation mentioned in subsection b, Section 11 hereof, and adjournment of that body, no leases of Territorial lands, whether owned by or reserved to the Territory of Alaska, shall be entered into for a longer term than two years, except on a substantial showing that a longer term will be clearly in the public interest: Provided, that this limitation shall not apply to any lands administered or controlled by the University of Alaska or its Board of Regents. Leases here-

Exception.

after so granted for a two year term or less shall create an equitable right in the lessee (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.

Renewal of
leases.

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

Disposal of
material from
lands.

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

Lien or
indemnity land
entitlement.

(d) The Board of Regents of the University of Alaska may authorize the Commissioner to ascertain

University grant.

selection heretofore made and entitlement yet to be selected under an Act of Congress approved January 21, 1929 (45 Stat. 1091) granting one hundred thousand acres of land to the Territory for the use and benefit of the Agricultural College and School of Mines (now the University of Alaska) and to initiate appropriate arrangements therefor with the Board of Regents of the University of Alaska. The Commissioner in complying with this provision shall cooperate with said Board of Regents by making available to said Board his facilities, counsel and personnel, and otherwise as said Board acting under the authority of section 37-10-13 ACLA 1949 may request.

Land registration records.

Section 10. The Land Commissioner shall have custody of all land registration records assembled pursuant to sections 22-2-1 to 22-2-18, inclusive, ACLA 1949 and Chapter 106, Session Laws of Alaska 1949, and the Tax Commissioner is hereby directed to transfer such records to the Land Commissioner. The Land Commissioner shall have access to 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, and to such other public records as may relate to his duties as set forth in this Act.

Access to property tax records.

Section 11. In addition to other duties herein enumerated, the Land Commissioner is hereby directed to prepare proposed legislation for submission to the 22nd Regular Session of the Alaska Legislature and subsequent sessions, to provide adequate statutory coverage to meet Alaska's present and immediately foreseeable needs appropriate to a public land agency's function, and to enable the Territory to discharge its responsibilities in that field. Such proposed legislation shall include, among other subjects, provision for:

Proposed legislation

- (a) Centralized administration of all lands, owned

by or reserved to or for the benefit of the Territory, other than those owned for a specific continuing and limited purpose such as Territorial school sites, public building sites, airports, etc., and which are controlled or administered by another agency of Territorial government for a purpose directly related to the function of such agency.

Central
administration
of Territorial
lands.

(b) Appraisal, leasing and sale provisions covering lands owned or to be acquired by the Territory, and, to the extent applicable, covering lands reserved by the United States to or for the benefit of the Territory or to any agency or lawful activity of the Territory.

Appraisal, lease
and sale of
Territorial lands.

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

Escheated lands.

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

Selection of
lieu or indemnity
lands.

(e) Selecting lands which may be granted by the United States to the State of Alaska pursuant to a statehood enabling act.

Selection of
lands under
statehood.

Section 12. The Land Commissioner is hereby empowered to accept, in the name of the Territory of Alaska, by deed of sale, gift or devise, or by judgment or operation of law any lands of whatsoever nature; to accept in the name of said Territory, and within the limits of applicable law to exercise administrative jurisdiction over, lands granted, transferred or reserved to or for the benefit of the said Territory by the United States or any instrumentality thereof; except that nothing in this Act shall be construed to deprive the Board of Regents of the University of Alaska of any of its existing duties, functions or powers. The authority conferred on the Commissioner by this section shall include specifically

Acceptance of
and jurisdiction
over lands.

Proviso.

Public park or recreation lands. the authority to accept in the name of said Territory any lands granted or transferred to said Territory for public park or recreation purposes and to exercise administrative jurisdiction thereover.

Appropriation authorized. Section 13. Moneys for carrying out the provisions of this Act shall be contained in the general Appropriation Bill for the 1953-1955 biennium.

Effective date. Section 14. Effective date. This Act shall take effect August 1, 1953.

Approved March 30, 1953.

CHAPTER 127

AN ACT

[S. H. B. 71]

To amend Chapter 107, Session Laws of Alaska, 1951, to advertise Alaska's tourist attractions, promote the tourist industry in the Territory, and to provide for Territorial support thereof.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Chapter 107, Session Laws of Alaska, 1951, is hereby amended to read as follows:

Statement of purpose.

Section 1. STATEMENT OF PURPOSE. Recognizing that the tourist industry is one which if properly promoted can become a major source of revenue for the Territory of Alaska and its people, it is hereby declared to be the purpose of the Territorial government to encourage the development of a greater tourist industry for Alaska through public support of an advertising and promotional campaign to attract visitors to the Territory.

Expenditure of funds; limitation.

Section 2. Territorial moneys in the amounts that shall be appropriated will be expended in Alaska, the United States and Canada for the purpose of promoting advertising and publiciz-