

Public Law 85-649

AN ACT

To provide a right-of-way to the city of Alamogordo, a municipal corporation of the State of New Mexico.

August 14, 1958
[S. 1245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right-of-way is hereby granted for a period of fifty years from the date hereof to the city of Alamogordo, a municipal corporation of the State of New Mexico, its successors and assigns, over, through, across, and upon lands of the United States in the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of that certain pipeline, and branches thereof, known as the Bonito pipeline, constructed by the El Paso and Rock Island Railway Company, as now located upon the right-of-way granted to said company by the Act of Congress of March 4, 1915 (38 U. S. Stat. L. 1195), within sections 4, 7, 8, and 9, township 10 south, range 13 east; section 12, township 10 south, range 12 east; and sections 8, 9, 16, 17, and 21, township 9 south, range 13 east, New Mexico principal meridian, and such additions and extensions as said city of Alamogordo may make thereto, for the purpose of transportation of water for domestic, public, or for any other beneficial uses, together with the right to construct, maintain, use, and occupy the present or additional reservoir sites for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right-of-way or any part thereof forfeited and annul the same.

Alamogordo, N.
Mex.
Right-of-way.

SEC. 2. That the right-of-way hereby granted shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the centerline of such pipelines, and maps of the location of additional reservoir sites or any such extensions or additions to such pipelines shall be prepared by said city of Alamogordo and submitted to the Secretary of Agriculture for his consideration and the right-of-way as to the same shall not take effect unless and until approved by him: *Provided*, That all rights-of-way hereby granted, extensions thereof and additions thereto shall conform to such conditions and stipulations and be subject to such fees as may be prescribed by the Secretary of Agriculture.

SEC. 3. That said city of Alamogordo shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipelines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest.

Conservation of
timber.

SEC. 4. That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico.

SEC. 5. That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such

right-of-way shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach.

Water supply.

SEC. 6. That said city of Alamogordo shall continue to maintain the present connections of lines and permit the future connections of lines to and supply water for nearby Department of Agriculture installations and shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along said pipeline, in lieu thereof, as the officer in charge of such national forest shall from time to time direct.

Effective date.

SEC. 7. This Act shall not become effective until said city of Alamogordo shall have filed with the Secretary of Agriculture a release and quitclaim by Southern Pacific Company, a corporation, successor in interest of the El Paso and Rock Island Railway Company, of all right, title, and interest in and to the right-of-way for said Bonito pipeline granted by said Act of Congress of March 4, 1915 (38 U. S. Stat. L. 1195).

Extension of rights.

SEC. 8. The Secretary of Agriculture is hereby authorized to extend the rights herein granted for such additional periods and on such terms and conditions as he may then deem appropriate and in the public interest.

Approved August 14, 1958.

Public Law 85-650

AN ACT

August 14, 1958
[H. R. 4675]

To provide that certain employees under the jurisdiction of the commissioner of public lands and those under the jurisdiction of the board of harbor commissioners of the Territory of Hawaii shall be subject to the civil service laws of the Territory of Hawaii.

Hawaii, civil service.
Board of harbor commissioners.
42 Stat. 121.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 106 of the Hawaiian Organic Act (48 U. S. C., sec. 545) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Board shall likewise have power to appoint, subject to the Territorial laws of Hawaii relating to the civil service of Hawaii, clerks, wharfingers, and their assistants, pilots and pilot-boat crews, and such other officers and employees as may be necessary; to make rules and regulations pursuant to this section and not inconsistent with law; and generally shall have all powers necessary to carry out the provisions of this section. All officers and employees appointed pursuant to this section shall be subject to the Territorial laws of Hawaii relating to the civil service of Hawaii."

Commissioner of Public Lands.
42 Stat. 119.

SEC. 2. Paragraph (q) of section 73 of the Hawaiian Organic Act (48 U. S. C., sec. 677), is amended by adding at the end thereof the following new sentence: "All officers and employees under the jurisdiction of the commissioner shall be appointed by him, subject to the Territorial laws of Hawaii relating to the civil service of Hawaii, and all such officers and employees shall be subject to such civil service laws."

Applicability.

SEC. 3. All officers and employees who on the date of enactment of this Act are under the jurisdiction of the board of harbor commissioners of the Territory of Hawaii, or of the land commissioner of the Territory of Hawaii, are hereby covered into the civil service of Hawaii under the job classification and status held as of the date of enactment hereof and are made subject to the Territorial laws of Hawaii relating to such civil service.

Approved August 14, 1958.