

the license is transferred and his commercial fishing license number; and (3) a written statement, sworn to under penalty of perjury by the licensee, his agent, or his legal representative, transferring the license and specifying the reason for the transfer. In the event notification of the license transfer is made by radio or telegraphic communication, the written statement of the licensee, his agent, or his legal representative shall be sent to the same department office as the radio or telegraphic communication within 10 days of the notification.

(d) The department shall review all transfers of vessel licenses, and shall refer those transfers it has reason to believe are fraudulent or made in violation of this section to the Department of Law for action.

Sec. 2. AS 16.05.540 is amended to read:

**Sec. 16.05.540. Limitation on Issuance of Fishing Gear Licenses.** The fishing gear licenses mentioned in secs. 550 - 650 of this chapter shall be issued one to the applicant. Each applicant shall personally operate or assist in the operation of the licensed fishing gear. The license is transferable as provided under sec. 670 of this chapter.

Sec. 3. AS 16.05.670 is repealed and re-enacted to read:

**Sec. 16.05.670. Fishing Gear License in General.** (a) A fishing gear license issued under secs. 550 - 650 of this chapter may be transferred only if sickness, injury, death, unavailability, or other incapacitation of the licensee keeps or may keep a commercial fishing vessel in port because of the lack of other licensed fishing gear to take its place.

(b) A licensee, his agent, or his legal representative shall give notice of the gear license transfer to the nearest department office before the transferee starts fishing with the gear. The notice shall contain (1) information on the

type of gear license and the number of the gear license; (2) the name and commercial fishing license number of the licensee; (3) the name of the person to whom the license is transferred and his commercial fishing license number; and (4) a written statement sworn to under penalty of perjury by the licensee, his agent, or his legal representative transferring the license and specifying the reason for the transfer. In the event notification of the license transfer is made by radio or telegraphic communication, the written statement of the licensee, his agent, or his legal representative shall be sent to the same department office as the radio or telegraphic communication within 10 days of the notification of the transfer.

(c) The department shall review all transfers of fishing gear licenses, and shall refer those transfers it has reason to believe are fraudulent or made in violation of this section to the Department of Law for action.

(d) It is unlawful for any gear which is licensed as provided in this chapter to be operated or caused to be operated by any person other than the licensee or the person to whom the license was transferred upon notice to the department.

(e) If the operator of the gear is a nonresident, the gear is required to be licensed as nonresident gear and the fees provided for nonresidents shall be paid. "Operator" means the individual by law made responsible for the operation of the vessel.

(f) All licenses for fishing gear shall be retained in the possession of the licensee and readily accessible for inspection at all times.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 11, 1963

## CHAPTER 49

### AN ACT

Creating a Department of Highways; and providing for an effective date.

(S.B. 158)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 44.15.010 is amended to read:

Sec. 44.15.010. **Offices and Departments.** There are in the state government the following principal offices and departments:

- (1) Office of the Governor
- (2) Department of Administration
- (3) Department of Law
- (4) Department of Revenue
- (5) Department of Education
- (6) Department of Health and Welfare
- (7) Department of Labor
- (8) Department of Commerce
- (9) Department of Military Affairs
- (10) Department of Natural Resources
- (11) Department of Fish and Game
- (12) Department of Public Safety
- (13) Department of Public Works
- (14) Department of Economic Development and Planning
- (15) Department of Highways

Sec. 2. AS 44 is amended by adding a new chapter to read:

**Chapter 44. Department of Highways**

Sec. 44.44.010. **Commissioner of Highways.** The principal executive officer of the Department of Highways is the commissioner of highways.

Sec. 44.44.020. **General Powers and Duties of Department.** The Department of Highways is charged with (1) the duties involved in the construction, maintenance, and operation of state highways, roads, bridges, traffic signs and signals, and other like facilities; and (2) the supervision and maintenance of all state automotive and mechanical equipment excluding aircraft and vessels.

Sec. 44.44.030. **Contracts for Design and Engineering Services.** If it is not

feasible for the staff of the Department of Highways to perform design and engineering services or surveys, the commissioner may contract with a private engineering firm for design and engineering services or surveys on a negotiated basis after reasonable public notice is given. The prices submitted or negotiated shall be available for public inspection upon request.

Sec. 3. AS 44.43.020 is amended to read:

Sec. 44.43.020. **General Powers and Duties of Department.** The Department of Public Works is charged with (1) the duties involved in the construction, maintenance, and operation of state ferries, airports, docks, floats, breakwaters, buildings, and similar facilities; and (2) the supervision and maintenance of all state aircraft and vessels except vessels used by the Department of Fish and Game.

Sec. 4. AS 19.05.130(1) is amended to read:

(1) "commissioner" means the commissioner of highways;

Sec. 5. AS 19.05.130(5) is amended to read:

(5) "department" means the Department of Highways;

Sec. 6. AS 28.05.010 is amended to read:

Sec. 28.05.010. **Powers and Duties of Commissioner of Highways.** The commissioner of highways has the following powers and duties:

(1) to adopt and designate a uniform standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices necessary to the safe and orderly guidance of traffic;

(2) to erect and maintain upon the public highways such signs and other devices he considers necessary;

(3) to designate main-traveled roads and highways as arterial highways as appears to him necessary;

(4) to order a public road or highway, or portion of it, closed entirely or closed as to certain classes of vehicles when for any reason the use or continued

use of it would cause damage or be dangerous to traffic, or when it is being constructed, altered, repaired, or maintained in such a manner as to require restriction of traffic; whenever practicable, reasonable notice of an order closing or restricting a road or highway shall be given to the traveling public before the order becomes effective.

Sec. 7. AS 28.05.020 is amended to read:

**Sec. 28.05.020. Authority of Commissioner of Highways to Adopt Rules and Regulations.** The commissioner of highways may adopt rules and regulations

(1) preventing the restriction, obstruction, or stoppage of normal traffic upon any road or highway;

(2) prohibiting a person from committing a wilful or careless act causing injury or damage to a road, highway, trail, or bridge;

(3) governing the size, weight, and load limits of all vehicles operating upon public roads, highways, or bridges, including the issuance or withholding of special permits for excessive sizes, weights, and loads; limiting or prescribing conditions of operation of vehicles when necessary to assure against undue damage to the road foundations, surfaces, or structures; and prescribing fees for special permits.

Sec. 8. AS 28.05.050 is amended to read:

**Sec. 28.05.050. Department of Public Safety to Publish Rules and Regulations and Laws Relating to Vehicles.** The Department of Public Safety shall publish in pamphlet form the rules and regulations adopted under authority of secs. 10 - 50 of this chapter, traffic laws governing the operation of motor vehicles, driver's licensing and motor vehicle licensing and dealer laws, and accident reporting and safety responsibility statutes. These rules, regulations, and laws shall be distributed free of charge to the motoring public through officers or agencies designated for the purpose. The cost of producing the pamphlets shall be jointly shared by the Department of Highways, the Department of Revenue, and the Department of Public Safety.

Sec. 9. AS 28.30.010 is amended to read:

**Sec. 28.30.010. Duty of Peace Officers to Report and Deliver Abandoned Vehicles.** A peace officer finding an abandoned vehicle anywhere in the state shall report it to the Department of Highways. He shall deliver it into the custody of the officer in charge of the state police in the judicial district where it is found.

Sec.10. AS 09.55.250(1) is amended to read:

(1) a fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams and permanent flooding occasioned by them, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine, or when, in the judgment of the Department of Public Works or the Department of Highways, a fee simple is necessary for any of the purposes for which the department, on behalf of the state, is authorized by law to acquire real property by condemnation;

Sec. 11. AS 44.19.360 is amended to read:

**Sec. 44.19.360. Composition.** The State Geographic Board consists of the director of the Local Affairs Agency, the curator of the state museum, the state historical librarian, the commissioner of the Department of Highways, the commissioner of the Department of Natural Resources, the commissioner of the Department of Education, the director of the division of lands, and one other person appointed by the governor.

Sec. 12. AS 44.19.410(4) is amended to read:

(4) the commissioner of highways;

Sec. 13. AS 44.74.010 is amended to read:

**Sec. 44.74.010. Working Capital Fund.** A working capital fund is established in the state treasury for the use of the Department of Highways.

Sec. 14. AS 44.74.040 is amended to read:

**Sec. 44.74.040. Records of Working Capital Fund.** The Department of Highways shall maintain cost accounting records showing the income and expenses of the fund. The department shall submit a report on the operation of the fund

to the governor and the legislature at the time of submission of the departmental budget.

Sec. 15. This Act takes effect on the

day after its passage and approval or on the day it becomes law without such approval.

Approved April 12, 1963

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## CHAPTER 50

### AN ACT

**Relating to costs in criminal proceedings; and providing for an effective date.**

(H.B. 38)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 12.80 is amended by adding a new section to read:

**Sec. 12.80.030. Taxation of Costs.** No costs shall be taxed to the defendant in a criminal action or proceeding begun

or prosecuted in any of the courts of the state unless otherwise ordered by supreme court rule.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 12, 1963

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## CHAPTER 51

### AN ACT

**Relating to financial assistance for qualified Alaska prospectors; and providing for an effective date.**

(H.B. 31)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 27 is amended by adding a new chapter to read:

**Chapter 7. Financial Assistance to Prospectors.**

#### ARTICLE 1.

**Sec. 27.07.010. Administration.** The Department of Natural Resources shall administer this chapter.

**Sec. 27.07.020. Regulations.** The department shall adopt regulations necessary to administer this chapter and to protect the state from fraud or misuse of funds.

**Sec. 27.07.030. Screening Boards.** The department shall appoint one or more screening boards to review applications for assistance and make recommenda-

tions.

**Sec. 27.07.040. Composition of Screening Board.** Each screening board has three members. The chairman is the commissioner of natural resources or his delegate. One member is a state mining engineer or a state geologist and one is a professor or instructor of the mining extension course of the University of Alaska.

#### ARTICLE 2. Financial Assistance.

**Sec. 27.07.060. Items for Which Assistance Is Available.** (a) The Department of Natural Resources shall reimburse expenditures made by qualified prospectors for

(1) purchase of

(A) tents, camp stoves, and other camp gear, but not clothing, bed-