

1 IN THE SENATE

BY SENATORS OWEN AND  
PERATROVICH

2 SENATE BILL NO.30

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act creating an Alaska Fish and Game  
7 Department and an Alaska Fish and Game  
8 Commission; providing for advisory committees  
9 to the Commission; providing for a Director  
10 of the Alaska Fish and Game Department;  
11 prescribing the duties and powers of the  
12 Commission and the Director; creating a Fish  
13 and Game Fund; abolishing the contingent  
14 receipts fund; transferring of property and  
15 funds of the Alaska Fisheries Board, and the  
16 Alaska Department of Fisheries; assenting to  
17 provisions of Federal aid acts; providing  
18 for enforcement authority; providing for  
19 transfer of control of Fish and Game re-  
20 sources to Alaska; providing criminal penal-  
21 ties; repealing Chapters 68 SLA 1949; 127  
22 SLA 1951; 64 SLA 1953; 65 SLA 1953; 87 SLA  
23 1953 and other inconsistent Acts; declaring  
24 an emergency and setting an effective date."

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

26 Section 1. DEFINITIONS. For the purpose of this Act:

27 (a) "Department" means the Alaska Department of Fish  
28 and Game.

29 (b) "Commission" means the Alaska Fish and Game

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1 Commission or its successor.

2 (c) "Director" means the Director of the Alaska Depart-  
3 ment of Fish and Game.

4 (d) "Person" means and includes, among others, any in-  
5 dividual, association, corporation, government agency, or group of  
6 two or more persons, as defined, acting together to forward a  
7 common purpose.

8 (e) "Fish" means all species of marine and fresh water  
9 fish, amphibians, shellfish, and other invertebrates generally  
10 found in the Territory of Alaska, and including those marine  
11 mammals commonly taken in or associated with a commercial fishery.

12 (f) "Game" means all species of birds and mammals  
13 generally found in the Territory of Alaska, except as noted under  
14 Section 1 (c).

15 Sec. 2. DEPARTMENT OF FISH AND GAME CREATED. There is here-  
16 by created a Department of Fish and Game to be known as the Alaska  
17 Department of Fish and Game whose purpose it shall be to assist in  
18 the protection, research, restoration, propagation and increase of  
19 fish and game of the Territory of Alaska.

20 Sec. 3 COMMISSION CREATED. There is hereby created a  
21 commission to be known as the Alaska Fish and Game Commission  
22 whose purpose it shall be, among other things, to supervise the  
23 Department in maintaining, improving and extending the fish and  
24 game resources of Alaska.

25 Sec. 4 APPOINTMENT AND TERMS OF COMMISSION MEMBERS. The  
26 Commission shall consist of nine members as follows: (1) A  
27 commercial troller from the Southeastern fishing area (east of  
28 140° west longitude); (2) a commercial seiner from the Southeastern  
29 fishing area (east of 140° west longitude); (3) a commercial seiner

1 from the Central fishing area (between 140° and 155° west longitude);  
2 (4) a commercial gillnetter from the Central fishing area (between  
3 140° and 155° west longitude); (5) a commercial gillnetter from  
4 the Western fishing area (west of 155° west longitude); (6) a sport  
5 fisherman at large from any part of Alaska; (7) a hunter at large  
6 from any part of Alaska; (8) a trapper at large from any part of  
7 Alaska; and (9) a "fish processor" at large from any part of  
8 Alaska. Any and all terms herein may be defined by regulation of  
9 the Commission.

10 The members of the Commission shall be appointed by the  
11 Governor, subject to confirmation by the Senate and House of  
12 Representatives in joint session assembled. Each of said persons  
13 shall hold office for a term of five years commencing on April 1  
14 of the year in which he is appointed and until his successor is  
15 appointed and duly qualified; except that the terms of the members  
16 first appointed under this Act shall expire as follows:

|    |                                    |                |
|----|------------------------------------|----------------|
| 17 | Seiner from the Central Area       | March 31, 1958 |
| 18 | Hunter                             | March 31, 1958 |
| 19 | Gillnetter from the Central Area   | March 31, 1959 |
| 20 | Trapper                            | March 31, 1959 |
| 21 | Troller from the Southeastern Area | March 31, 1960 |
| 22 | Gillnetter from the Western Area   | March 31, 1960 |
| 23 | Seiner from the Southeastern Area  | March 31, 1961 |
| 24 | Sport fisherman                    | March 31, 1961 |
| 25 | Fish processor                     | March 31, 1962 |

26 In case a vacancy occurs among the members, for any reason,  
27 the Governor shall have power to fill such vacancy for the balance  
28 of the unexpired term, subject to confirmation by the Legislature  
29 as above set forth; Provided, that any person so appointed may

1 serve on an interim basis pending confirmation by the Legislature,

2 No person shall be appointed to the Commission unless he is a  
3 domiciliary of the Territory for at least five years. Selections  
4 for appointment to the Commission shall not be based on political  
5 affiliation.

6 Sec. 5. ESTABLISHMENT OF ADVISORY COMMITTEES. The Commission  
7 shall establish, at places in the Territory designated by the  
8 Commission, Advisory Committees to be composed of persons well in-  
9 formed on the fish and game resources of the locality. The Commis-  
10 sion shall set the number and terms of the members of the Advisory  
11 Committees, may delegate one member of each committee as chairman,  
12 and may empower him, from time to time, to hold public hearings on  
13 fish and game matters. Recommendations from the Advisory Committees  
14 shall be forwarded to the Commission for their consideration.

15 Sec. 6. REMOVAL OF COMMISSION MEMBERS. The Governor may re-  
16 move any Commission member for inefficiency, neglect of duty, or  
17 misconduct in office; Provided, however, the Governor shall give  
18 the member a written copy of the charges against him not less than  
19 ten days before a public hearing is held, at which time the member  
20 may be heard in person, or by counsel in his own defense, with the  
21 right of cross-examination and all the safeguards of the due pro-  
22 ceedings of law. If such Commission member is removed, the Governor  
23 shall file in the office of the Secretary of Alaska a complete  
24 statement of all charges made against the Commission member and  
25 his findings thereon, together with a complete record of the pro-  
26 ceedings.

27 Sec. 7. COMPENSATION, ETC., OF COMMISSION MEMBERS. The mem-  
28 bers of the Commission shall receive such compensation and per diem  
29 as may be authorized by the Legislature.

1       Sec. 8. COMMISSION MEETINGS. The members of the Commis-  
2       sion shall meet at Juneau during the month of April, 1957, and  
3       shall organize by electing from their membership a chairman and  
4       by adopting a set of by-laws to govern the conduct of their  
5       business. One regular meeting shall be held annually by the  
6       Commission at the Capital, and one or more additional meetings  
7       at such times and places within the Territory as the Commission  
8       shall select for the transaction of business.

9       Sec. 9. QUORUM. A majority of the members shall consti-  
10       tute a quorum for the transaction of any business, for the per-  
11       formance of any duty, and for the exercise of any power; Pro-  
12       vided, however, it shall take a majority of the full membership  
13       to carry all motions, regulations, resolutions and policy deci-  
14       sions proposed.

15       Sec. 10. POWERS AND DUTIES OF THE COMMISSION. The Commis-  
16       sion is charged with the duty of supervising, maintaining, im-  
17       proving and extending the fish and game resources of Alaska in the  
18       interest of the economy and general well-being of Alaska, insofar  
19       as compatible with present Federal laws. For purposes of admini-  
20       strating this Act, the Commission may delegate any and all neces-  
21       sary functions and authority to the Director, who shall act on their  
22       behalf. In the furtherance of these broad purposes, the Commission may

23       (1) Engage in biological research, watershed improve-  
24       ment; and fish and game rehabilitation, propagation and stock-  
25       ing.

26       (2) Assist the Fish and Wildlife Service in the enforce-  
27       ment of Federal laws and regulations pertaining to fish and  
28       game.

29       (3) Assist in the enforcement of all applicable

1 Territorial laws, dealing with fish and game, including licenses-

2 (4) Acquire by gift, purchase, or lease, and by other  
3 lawful means at its disposal, lands, buildings, water, rights-  
4 of way, or other necessary property for hatchery sites, eyeing  
5 stations, rearing ponds, public sport fishing areas, docks,  
6 research stations, and other facilities.

7 (5) Investigate and determine the effects of predators  
8 on the fish and game of Alaska and to exercise control measures  
9 where predators are found to be a menace to the fish and game  
10 resources of the Territory.

11 (6) Enter into cooperative agreements with educational  
12 institutions and Territorial, State, Federal, or other agencies  
13 to promote fish and game research, education and information,  
14 and to train men for fish and game management.

15 (7) Accept money from any person under conditions re-  
16 quiring the use of such money for specific purposes in the  
17 furtherance of the protection, rehabilitation, propagation,  
18 preservation, or investigation of the fish and game resources  
19 of the Territory or in settlement of any claims for damages  
20 to such fish and game resources.

21 (8) Collect, Classify, and disseminate such statistics,  
22 data and information as in its discretion will tend to pro-  
23 mote the objects of this Act.

24 (9) The Commission is hereby granted authority to pro-  
25 mulgate and issue appropriate regulations to implement the  
26 provisions of this Act and to cover matters not expressly  
27 touched upon or anticipated but necessarily implied by the  
28 provisions hereof. All such regulations shall be filed with  
29 the Secretary of Alaska, and when so filed shall have the

1 force and effect of law. Provided, however, that during such  
2 times as the Commission is not in session, the Commission may,  
3 authorize the Director to adopt regulations not inconsistent  
4 with law and not inconsistent with previous rules or regula-  
5 tions promulgated by the Commission.

6 Sec. 11. LIMITATION OF POWERS. Nothing in this Act, however,  
7 shall be construed to authorize the Commission to change the amount  
8 of fees for licences.

9 Sec. 12. ORGANIZATION OF WORK. The Commission shall esta-  
10 blish such departmental divisions and shall authorize the Director  
11 to employ such experts, clerks, and other employees as it may deem  
12 necessary for the conduct of the work of the Commission and it  
13 shall fix a salary schedule and other compensation for the guidance  
14 of the Director.

15 Sec. 13 APPOINTMENT OF THE DIRECTOR. The office of the  
16 Director of the Department of Fish and Game is hereby created. The  
17 Commission shall appoint a Director thereof whose duty it shall be,  
18 among other things, to administer the provisions of this Act under  
19 such authority as may be given him hereafter or as the Commission  
20 may delegate to him. The Director shall be a qualified executive  
21 with knowledge of the requirements for the protection, conservation  
22 and restoration of the fish and game resources. The Director shall  
23 be appointed for a term of five years, subject, however, to removal  
24 by a majority of the Commission, for cause.

25 Sec. 14. COMPENSATION, ETC., OF DIRECTOR. The Director shall  
26 receive such compensation as the Legislature shall determine, and  
27 shall, subject to appropriate Territorial travel regulations, be  
28 reimbursed for all actual and necessary traveling and other ex-  
29 penses incurred by him in the discharge of his official duties.

1       Sec. 15. DUTIES AND POWER OF THE DIRECTOR. The Director shall  
2 be ex-officio secretary of the Alaska Fish and Game Commission,  
3 attend its meetings and keep a record of the business transacted  
4 by it. He shall have general supervisory and administrative powers  
5 and control all activities and functions of the Department of Fish  
6 and Game, under the supervision and direction of the Commission  
7 and shall administer all the provisions of the applicable laws of  
8 this Territory relating to fish and game, and shall exercise all  
9 necessary powers incident to those conferred upon him.

10       Sec. 16. POLITICAL ACTIVITY PROHIBITED. While retaining the  
11 right to vote as he may please and to express his opinion on all  
12 political subjects, no employee of the Department shall take any  
13 active part in any political organization or political campaign,  
14 nor shall he use his official authority directly or indirectly  
15 for the purpose of influencing the results thereof, or for the pur-  
16 pose of motivating political action by any person or body. Viola-  
17 tion of this section shall subject the employee to immediate dis-  
18 missal after appropriate hearing by the Commission or its designee.

19       Sec. 17. INELIGIBILITY FOR BOUNTIES. It shall be unlawful  
20 for any employee or special hunter of the Department to receive or  
21 attempt to receive any bounty for the killing of any predator, or  
22 to transfer the scalp or other part of any predator to another per-  
23 son for the purpose of collecting any bounty.

24       Sec. 18. FISH AND GAME FUND ESTABLISHED. There is hereby  
25 created a revolving "Fish and Game Fund", which shall be used  
26 exclusively (1) to carry out the purposes and provisions of this  
27 Act or any other duties that hereafter may be delegated by the  
28 Territorial Legislature to the Commission or the Department; and  
29 (2) to carry out such purposes and objectives within the scope of

1 the Act as may be directed by the donor of any such funds.

2 Said fund shall be made up of the following monies and such  
3 other monies as the Legislature may appropriate, which shall be  
4 deposited therein:

5 (a) All monies received from fees for the sale of  
6 Territorial sport fishing, hunting, trapping, registered  
7 guides, fur farming and fur dealers' licenses.

8 (b) Proceeds received from the sale of furs, skins and  
9 specimens taken by predator hunters whose compensation is  
10 paid out of the "Fish and Game Fund".

11 (c) All monies received in settlement of any claim or  
12 losses caused by damages to the fish and game resources of  
13 the Territory.

14 (d) All monies received from the Federal, State or any  
15 other governmental unit, or donor, whether public or private.

16 (e) Interest earned upon any monies in the fund.

17 (f) Monies from any other sources.

18 Upon authorization of the Commission, disbursements from the  
19 fund shall be paid by the Territorial Treasurer on presentation of  
20 vouchers signed by the Director, or his authorized representative,  
21 and approved by the Director of Finance.

22 Sec. 19. TRANSFER AND ABOLISHMENT OF THE FISHERIES CONTINGENT  
23 RECEIPTS FUND. The balance of any monies remaining in the Fisheries  
24 Contingent Receipts Fund shall be transferred to the Fish and Game  
25 Fund on the effective date of this Act and the said contingent re-  
26 ceipts fund shall thereafter be abolished.

27 Sec. 20. DIVERSION OF FUNDS PROHIBITED. No funds accruing  
28 to the Territory from sport fishing, hunting and trapping license  
29 fees shall be diverted to any other purpose than the protection,

1 propagation, investigation, and restoration of sport fish and game  
2 resources and the expenses of administration of the sport fish  
3 and game divisions of the Department.

4       Sec. 21. TRANSFER OF PROPERTY AND FUNDS. All appropriations,  
5 property and funds under the control of the Alaska Fisheries Board  
6 and the Alaska Department of Fisheries shall be and hereby are  
7 transferred to and placed under control of the Commission and De-  
8 partment herein created.

9       Sec. 22. ASSENT TO PROVISIONS OF FEDERAL AID ACTS. The Terri-  
10 tory assents to the provisions of the Federal Aid to Wildlife  
11 Restoration Act of September 2, 1937; (16 USCA Sec. 669 (a)-(j)),  
12 to the Federal Aid in Fish Restoration Act of August 9, 1950, (16  
13 USCA Sec. 777 (a)-(k)), to any amendments, revisions or modifica-  
14 tions of either Federal Act, and to any other Federal Aid Act which  
15 may hereinafter be enacted to benefit Alaska thereunder. It is  
16 decided that the Department participate in any and all of the  
17 Federal Aid programs on the same basis as the forty-eight States.

18       Sec. 23. ENFORCEMENT AUTHORITY. The Director, together with  
19 any law enforcement agency in Alaska, shall be empowered to enforce  
20 all provisions of this Act and any rules or regulations promulgated  
21 thereunder, and for this purpose the Director may deputize employees  
22 of the Department and such other persons as he may designate.

23       Sec. 24. TRANSFER OF CONTROL TO ALASKA. Upon transfer of  
24 control of the fish and game resources of Alaska from the Federal  
25 Government to the Territory, or upon Alaska becoming a State, the  
26 Commission shall accept such transfer on behalf of the Territory or  
27 the State of Alaska and the Commission shall assume all the powers  
28 now and hereafter vested in the United States Fish and Wildlife  
29 Service prior to such transfer, which relate to the regulation and

1 conservation of the fish and game resources of Alaska. All laws  
2 and regulations pertaining to "Alaska Fisheries", the "Alaska Game  
3 Law", and any other Federal laws or regulations relating to the fish  
4 and game of Alaska, which may be in full force and effect at the  
5 time of the transfer shall, insofar as they can be applied, be  
6 incorporated herein and shall govern the management and control of  
7 the Alaska fish and game resources during any transitional period  
8 required to place the provisions of this Act in operation and shall  
9 be effective until such time as they may be superceded by laws  
10 passed by the Alaska Legislature or rules or regulations promulgated  
11 by the Commission.

12       Sec. 25. VIOLATIONS: MISDEMEANOR: PENALTY. Any person violat-  
13 ing any of the provisions of this Act or any rule or regulation  
14 promulgated thereunder shall be deemed guilty of a misdemeanor  
15 and, upon conviction thereof, shall be punished by imprisonment not  
16 to exceed one year and a fine of not exceeding five thousand dollars  
17 (\$5,000.00) or both such fine and imprisonment.

18       Sec. 26. CONTINUATION OF REGULATIONS, AGREEMENTS, EMPLOYEES,  
19 ETC. All rules, regulations, procedures, policies, funds, contracts,  
20 agreements, employees' positions, accounts, assets, liabilities,  
21 and benefit conditions and amounts, whether vested or contingent,  
22 established in any manner under any act repealed by the provisions  
23 of this Act are hereby continued except where inconsistent with the  
24 provisions of this Act. Department, division, supervisory heads,  
25 together with all employees shall continue in their respective posi-  
26 tions at the pleasure of and until removed by the Commission created  
27 herein.

28       Sec. 27. REPEAL SCHEDULE. Chapter 68, Session Laws of Alaska,  
29 1949; Chapter 127, Session Laws of Alaska 1951; Chapter 64, Session

1 Laws of Alaska 1953; Chapter 65, Session Laws of Alaska 1953;  
2 Chapter 57, Session Laws of Alaska 1953; and all acts and parts of  
3 acts in conflict with the provisions of this Act, are hereby re-  
4 pealed.

5       Sec. 23. EMERGENCY CLAUSE. An emergency is hereby declared  
6 to exist and this Act shall take effect on April 1, 1957.

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