

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:

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"An Act creating an Alaska Fish and Game Department and an Alaska Fish and Game Commission; providing for advisory committees to the Commission; providing for a Director of the Alaska Fish and Game Department; prescribing the duties and powers of the Commission and the Director; creating a Fish and Game Fund; abolishing the contingent receipts fund; transferring of property and funds of the Alaska Fisheries Board, and the Alaska Department of Fisheries; assenting to provisions of Federal aid acts; providing for enforcement authority; providing for transfer of control of Fish and Game resources to Alaska; providing criminal penalties; repealing Chapters 68 SLA 1949; 127 SLA 1951; 64 SLA 1953; 65 SLA 1953; 87 SLA 1953 and other inconsistent Acts; declaring an emergency and setting an effective date."

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

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

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

(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 (e).

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 seven members as follows: (1) A
27 commercial fisherman from the Southeastern fishing area (east of
28 140° west longitude); a commercial fisherman from the Central
29 fishing area (between 140° and 155° west longitude); (3) a

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

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

14	Commercial fisherman from the Western area	March 31, 1958
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16	Hunter at large	March 31, 1959
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18	Commercial fisherman from Central area	March 31, 1960
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20	Sports fisherman at large	March 31, 1961
21	Fish processor at large	March 31, 1962
22	Trapper at large	March 31, 1963
23	Commercial fisherman from the Southeastern area	March 31, 1964
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25 The commercial fishermen and "fish processor" representatives
26 on the present Alaska Fisheries Board shall continue in office as
27 members of the Alaska Fish and Game Commission for the terms
28 designated above.

29 In case a vacancy occurs among the members, for any reason,

1 the Governor shall have power to fill such vacancy for the
2 balance of the unexpired term, subject to confirmation by the
3 Legislature as above set forth; Provided, that any person so
4 appointed may serve on an interim basis pending confirmation by
5 the Legislature.

6 No person shall be appointed to the Commission unless he is
7 a domiciliary of the Territory for at least five years immediately
8 preceding his appointment. Selections for appointment to the
9 Commission shall not be based on political affiliation.

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

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

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1 ceedings.

2 Sec. 7. COMPENSATION, ETC., OF COMMISSION MEMBERS. The mem-
3 bers of the Commission shall receive such compensation and per-
4 dien as may be authorized by the Legislature.

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

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

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

28 (1) Engage in biological research, watershed improve-
29 ment; and fish and game rehabilitation, propagation and stocking

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

3 (3) Assist in the enforcement of all applicable
4 Territorial laws dealing with fish and game, including licenses.

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

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

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

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

24 (8) Collect, classify, and disseminate such statistics,
25 data and information as in its discretion will tend to promote
26 the objects of this Act.

27 (9) The Commission is hereby granted authority to
28 promulgate and issue appropriate regulations to implement the
29 provisions of this Act and to cover matters not expressly

1 touched upon or anticipated but necessarily implied by the pro-
2 visions hereof. All such regulations shall be filed with the
3 Secretary of Alaska, and when so filed shall have the force
4 and effect of law. Provided, however, that during such times
5 as the Commission is not in session, the Commission may, authorize
6 the Director to adopt regulations not inconsistent with law and
7 not inconsistent with previous rules or regulations promulgated
8 by the Commission.

9 Sec. 11. LIMITATION OF POWERS. Nothing in this Act, how-
10 ever, shall be construed to authorize the Commission to change
11 the amount of fees for licenses.

12 Sec. 12 ORGANIZATION OF WORK. The Commission shall esta-
13 blish a departmental division of commercial fisheries, a depart-
14 mental division of sports fisheries, a departmental division of
15 fur and game and such other departmental divisions as may be
16 necessary, and shall authorize the Director to employ such ex-
17 perts, clerks, and other employees as it may deem necessary for
18 the conduct of the work of the Commission and it shall fix a
19 salary schedule and other compensation for the guidance of the
20 Director.

21 Sec. 13. APPOINTMENT OF THE DIRECTOR. The office of the
22 Director of the Department of Fish and Game is hereby created.
23 The Commission shall appoint a Director thereof whose duty it
24 shall be, among other things, to administer the provisions of
25 this Act under such authority as may be given him hereafter or
26 as the Commission may delegate to him. The Director shall be a
27 qualified executive with knowledge of the requirements for the
28 protection, conservation and restoration of the fish and game
29 resources. The Director shall be appointed for a term of five

1 years, subject, however, to removal by a majority of the Commis-
2 sion, for cause.

3 Sec. 14. COMPENSATION, ETC., OF DIRECTOR. The Director
4 shall receive such compensation as the Legislature shall determine,
5 and shall, subject to appropriate Territorial travel regulations,
6 be reimbursed for all actual and necessary traveling and other
7 expenses incurred by him in the discharge of his official duties.

8 Sec. 15. DUTIES AND POWER OF THE DIRECTOR. The Director
9 shall be ex-officio secretary of the Alaska Fish and Game Commis-
10 sion, attend its meetings and keep a record of the business trans-
11 acted by it. He shall have general supervisory and administrative
12 powers and control all activities and functions of the Department
13 of Fish and Game, under the supervision and direction of the Com-
14 mission and shall administer all the provisions of the applicable
15 laws of this Territory relating to fish and game, and shall exer-
16 cise all necessary powers incident to those conferred upon him.

17 Sec. 16. POLITICAL ACTIVITY PROHIBITED. While retaining
18 the right to vote as he may please and to express his opinion on
19 all political subjects, no employee of the Department shall take
20 any active part in any political organization or political cam-
21 paign, nor shall he use his official authority directly or in-
22 directly for the purpose of influencing the results thereof, or
23 for the purpose of motivating political action by any person or
24 body. Violation of this section shall subject the employee to
25 immediate dismissal after appropriate hearing by the Commission
26 or its designee.

27 Sec. 17. INELIGIBILITY FOR BOUNTIES. It shall be unlawful
28 for any employee or special hunter of the Department to receive
29 or attempt to receive any bounty for the killing of any predator,

1 or to transfer the scalp or other part of any predator to another
2 person for the purpose of collecting any bounty.

3 Sec. 18. FISH AND GAME FUND ESTABLISHED. There is hereby
4 created a revolving "Fish and Game Fund", which shall be used
5 exclusively (1) to carry out the purposes and provisions of this
6 Act or any other duties that hereafter may be delegated by the
7 Territorial Legislature to the Commission or the Department; and
8 (2) to carry out such purposes and objectives within the scope of
9 the Act as may be directed by the donor of any such funds.

10 Said fund shall be made up of the following monies and such
11 other monies as the Legislature may appropriate, which shall
12 deposited therein:

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

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

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

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

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

26 (f) Monies from any other sources.

27 Upon authorization of the Commission, disbursements from the
28 fund shall be paid by the Territorial Treasurer on presentation of
29 vouchers signed by the Director, or his authorized representative,

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1 and approved by the Director of Finance.

2 Sec. 19. TRANSFER AND ABOLISHMENT OF THE FISHERIES CONTINGENT
3 RECEIPTS FUND. The balance of any monies remaining in the Fisher-
4 ies Contingent Receipts Fund shall be transferred to the Fish and
5 Game Fund on the effective date of this Act and the said contingent
6 receipts fund shall thereafter be abolished.

7 Sec. 20. DIVERSION OF FUNDS PROHIBITED. No funds accruing
8 to the Territory from sport fishing, hunting and trapping license
9 fees shall be diverted to any other purpose than the protection,
10 propagation, investigation, and restoration of sport fish and game
11 resources and the expenses of administration of the sport fish
12 and game divisions of the Department.

13 Sec. 21. TRANSFER OF PROPERTY AND FUNDS. All appropriations,
14 property and funds under the control of the Alaska Fisheries Board
15 and the Alaska Department of Fisheries shall be and hereby are
16 transferred to and placed under control of the Commission and De-
17 partment herein created.

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

27 Sec. 23. ENFORCEMENT AUTHORITY. The Director, together with
28 any law enforcement agency in Alaska, shall be empowered to enforce
29 all provisions of this Act and any rules or regulations promulgated

1 thereunder, and for this purpose the Director may deputize employees
2 of the Department and such other persons as he may designate.

3 Sec. 24. TRANSFER OF CONTROL TO ALASKA. Upon transfer of
4 control of the fish and game resources of Alaska from the Federal
5 Government to the Territory, or upon Alaska becoming a State, the
6 Commission shall accept such transfer on behalf of the Territory or
7 the State of Alaska and the Commission shall assume all the powers
8 now and hereafter vested in the United States Fish and Wildlife
9 Service prior to such transfer, which relate to the regulation and
10 conservation of the fish and game resources of Alaska. All laws
11 and regulations pertaining to "Alaska Fisheries", the "Alaska Game
12 Law", and any other Federal laws or regulations relating to the
13 fish and game of Alaska, which may be in full force and effect at
14 the time of the transfer shall, insofar as they can be applied, be
15 incorporated herein and shall govern the management and control of
16 the Alaska fish and game resources during any transitional period
17 required to place the provisions of this Act in operation and shall
18 be effective until such time as they may be superseded by laws
19 passed by the Alaska Legislature or rules or regulations promulgat-
20 ed by the Commission.

21 Sec. 25. VIOLATIONS: MISDEMEANOR: PENALTY. Any person
22 violating any of the provisions of this Act or any rule or regula-
23 tion promulgated thereunder shall be deemed guilty of a misdemeanor
24 and, upon conviction thereof, shall be punished by imprisonment not
25 to exceed one year and a fine of not exceeding five thousand
26 dollars (\$5,000.00) or both such fine and imprisonment.

27 Sec. 26. CONTINUATION OF REGULATIONS, AGREEMENTS, EMPLOYEES,
28 ETC. All rules, regulations, procedures, policies, funds, contracts,
29 agreements, employees' positions, accounts, assets, liabilities,

1 and benefit conditions and amounts, whether vested or contingent,
2 established in any manner under any act repealed by the provisions
3 of this Act are hereby continued except where inconsistent with
4 the provisions of this Act. Department, division, supervisory
5 heads, together with all employees shall continue in their re-
6 spective positions at the pleasure of and until removed by the
7 Commission created herein.

8 Sec. 27. REPEAL SCHEDULE. Chapter 68, Session Laws of Alaska,
9 1949; Chapter 127, Session Laws of Alaska 1951; Chapter 64, Ses-
10 sion Laws of Alaska 1953; Chapter 65, Session Laws of Alaska 1953;
11 Chapter 87, Session Laws of Alaska 1953; and all acts and parts of
12 acts in conflict with the provisions of this Act, are hereby re-
13 pealed.

14 Sec. 28. EMERGENCY CLAUSE. An emergency is hereby declared
15 to exist and this Act shall take effect on April 1, 1957.

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