

1 IN THE SENATE

BY SENATORS NOLAN, BULLOCK AND
ENGSTROM BY REQUEST

2 SENATE BILL NO. 34

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act to establish an Alaska Wildlife Com-
7 mission and to create a Territorial Depart-
8 ment of game; prescribe the duties and
9 powers of the Commission and Department;
10 provide for a licensing system and Wildlife
11 Fund; to investigate, manage, protect, con-
12 trol, restore or propagate game animals,
13 fur bearing animals, birds and game fishes
14 in Alaska; prescribing penalties; and for
15 other purposes. This Act shall be known by
16 the short title "Alaska Wildlife Act."

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

18 Section 1. DEFINITIONS. That for the purposes of this Act,
19 the following terms shall have the meaning ascribed to them by
20 this Section:

21 "Territory" The Territory of Alaska.

22 "Commission" Alaska Wildlife Commission.

23 "Department" Alaska Department of Game.

24 "Director" The Director of the Department appointed
25 by the Commission.

26 "Person" The plural or the singular, as the case
27 demands, including individuals, associations, partnerships,
28 and corporations, acting to forward a common purpose.

29 "Take" Taking, pursuing, hunting, capturing, trapping,

1 or killing game animals, fur animals, game or non-game
2 birds, or game fishes; attempting to take, pursue, hunt,
3 capture, trap, or kill such animals, birds, or game fishes,
4 or setting or using a net, trap, or other device for taking
5 the, or collecting the nests or eggs of such birds.

6 "Transport" Shipping, transporting, carrying, import-
7 ing, exporting, or receiving or delivery for shipment,
8 transportation, carriage, or export, unless the context
9 otherwise requires.

10 "Open Season" The time during which animals, bird, or
11 game fishes may lawfully be taken. Each period of time
12 prescribed as an open season shall be construed to include
13 the first and last days thereof.

14 "Closed Season" The time during which animals, birds,
15 or game fishes may not be taken.

16 "Game Animals" Deer, moose, caribou, elk, mountain
17 sheep, mountain goat, bison, muskox, walrus, polar bear,
18 and the large brown, grizzly and black bears, which shall
19 be known as big game, and such other animals as may be
20 found and declared by the Commission to be game animals or
21 big game animals, if so designated in the declaration.

22 "Fur Animals" Beaver, muskrat, marmot, racoon, pika,
23 squirrel, fisher, fox, lynx, marten or sable, mink, weasel
24 or ermine, sea otter, fur seal, land otter, wolverene,
25 coyote, wolf and such other animals as may be found and de-
26 clared by the Commission to be fur animals.

27 "Game Birds" Anatidae, commonly known as waterfowl,
28 including ducks, geese, brant and swans; Haematopodidae,
29 Charadriidae, Scolopacidae, and Phalaropadidae, commonly

1 known as shorebirds, including oyster catchers, plover,
2 sandpipers, snipe, curlew and phalaropus; Gruidae, commonly
3 known as crane; and the several species of grouse, ptar-
4 nigen and pheasants; and such other birds as may be found
5 and declared by the Commission to be game birds.

6 "Non-game Birds" All wild birds except game birds.

7 "Game Fishes" Rainbow, steelhead, outthroat, eastern
8 brook, and dolly varden and mackinaw or lake trout, and
9 greyling, and such other fishes as may be found and de-
10 clared by the Commission to be game fishes.

11 "Hunting" The taking, as herein defined, of game ani-
12 mals, game birds and non-game birds.

13 "Trapping" The taking, as herein defined, of fur ani-
14 mals.

15 "Fishing" The taking, as herein defined, of game
16 fishes.

17 "Guiding" To accompany and guide non-resident or alien
18 big game hunters.

19 "Resident" Any citizen, or alien who has a petition
20 for naturalization pending before the District Court, who
21 has resided in the Territory for a continuous period of 12
22 months and shall have been a bona fide inhabitant of Alaska
23 for at least six months during each calendar year there-
24 after and who maintains his residence in Alaska and who
25 has not accepted resident privileges or exercised a right
26 of franchise outside of Alaska. Any member of the military
27 services stationed within the boundaries of Alaska for a
28 continuous period of twelve consecutive months shall be
29 considered a resident for the purpose of this Act.

1 "Non Resident" Any citizen of the United States who
2 does not qualify as a resident.

3 "Alien Any person, not a citizen of the United States
4 and who does not have a petition for naturalization pending
5 before the District Court.

6 "Visitor" Any person, not a resident of the Territory
7 who is temporarily sojourning in the Territory as a visitor
8 or tourist.

9 Section 2. DEPARTMENT OF GAME CREATED. There is hereby
10 created a Department to be known as the Alaska Department of
11 Game for the purpose of carrying out the intent and purposes of
12 this Act.

13 Section 3. ALASKA WILDLIFE COMMISSION CREATED. A Commis-
14 sion to be known as the Alaska Wildlife Commission is hereby
15 created. The Commission shall consist of five members, appointed
16 by the Governor of Alaska, subject to confirmation by a majority
17 of the members of the Legislature; one member from each of the
18 four judicial divisions of Alaska and the fifth from the Terri-
19 tory at large, each of whom shall before his appointment have
20 been for five years a resident of Alaska and shall be well in-
21 formed on wildlife, and game fish matters in Alaska.

22 Term of original appointments shall begin on the effective
23 date of this Act and one member shall serve for one year, one
24 to serve two years, one to serve three years, one to serve four
25 years, and one to serve five years as the Governor may determine,
26 and thereafter their successors to be appointed in a like manner
27 to serve for five years and until his successor is appointed
28 unless sooner removed. The Governor may fill any regular vacancy
29 or for the balance of an unexpired term for service on an interim

1 basis.

2 . The Governor may remove a Commissioner only for inefficiency,
3 neglect of duty or misconduct in office, giving him a copy of
4 the charges against him and an opportunity to be publicly heard
5 in person, or by counsel in his own defense upon not less than
6 10 days notice.

7 Pending the investigation of such charges, the Governor
8 may suspend such Commissioner and if such member is removed
9 following a hearing, a complete statement of all charges and
10 findings shall be filed in the office of the Secretary of Alaska
11 and there shall be no further right of review.

12 Section 4. COMPENSATION, ETC., OF COMMISSION MEMBERS. The
13 members of the Commission shall receive not less than \$8.00 per
14 day as compensation for the time spent in performance of their
15 official duties and per diem for time away from home in a travel
16 status, the combination of which shall not exceed \$20.00 plus
17 transportation. All compensation and expenses of the Commission
18 shall be paid from monies available to the Department.

19 Section 5. COMMISSION MEETINGS. The members of the Com-
20 mission shall meet at Juneau within 60 days after the effective
21 date of this Act and shall organize by electing a chairman from
22 their membership and adopt a set of by-laws to govern the conduct
23 of their business. One regular meeting shall be held annually
24 at the capital and one or more additional meetings shall be held
25 annually at such other times and places in the Territory as the
26 Commission may select and deem necessary for the proper trans-
27 action of its business.

28 Section 6. QUORUM. A majority of the total membership
29 shall constitute a quorum for the transaction of Commission

1 business. A majority vote of the total membership shall be
2 necessary for the exercise of any power, duty, or to approve or
3 reject any matter proper to be brought before the Commission.

4 Section 7. POWERS AND DUTIES OF THE COMMISSION. The Com-
5 mission is charged with proper management and protection of the
6 wild game, fur bearing animal, bird and game fish resources on
7 all of the land and water areas of Alaska, except on such areas
8 where local management is excluded by laws of the United States
9 Government. In performance of these duties and functions the
10 Commission, working through the Department, may:

11 (a) Conduct investigations and engage in research
12 pertaining to wild animals, birds and fishes, and engage in
13 wildlife and game fish management, activities including propaga-
14 tion, restocking or control, and habitat improvement and estab-
15 lishment of refuge or sanctuaries, etc.

16 (b) Make and enforce regulations providing for adequate
17 protection, cropping, control and other management of wild ani-
18 mals, bird and game fish. These may include, but not be limited
19 to limitations on kind or sex; open and closed seasons or areas,
20 bag limits, methods and means of take, etc.

21 (c) Prescribe such licenses, permits, seals or tags as
22 are deemed necessary, establish requirements and eligibility for
23 each and set the fees therefor.

24 (d) Authorize employment of such technical, admini-
25 strative or other field assistants and means as are deemed nec-
26 essary and purchase or otherwise procure such aircraft, vessels,
27 vehicles and other equipment and administrative and other faci-
28 lities required for maintenance and operation to properly carry
29 out the provisions of this Act and sale of obsolete or worn out

1 personal property owned by the Department.

2 (c) Authorize acquisition by purchase, condemnation,
3 exchange, gift, lease, agreement or other device, such lands,
4 buildings, rights of way, waters or other necessary property for
5 administrative sites, offices, residences and hangars, etc.,
6 hatcheries or fish ways, wildlife or game fish management or
7 refuge areas and access ways to public lands and waters or sale
8 of unnecessary real estate owned by the Department.

9 (f) Capture, propagate, transport, buy, sell, or ex-
10 change any species of wild animals, birds or game fishes or
11 eggs needed for propagating, scientific or stocking purposes.

12 (g) Investigate and determine the extent of and effect
13 of predation and competition among wildlife and game fish in
14 Alaska and exercise such control measures as are deemed neces-
15 sary and beneficial to these resources in the Territory.

16 (h) Direct the conduct of a conservation education
17 and information program in the Department and through cooperative
18 agreements with Territorial, Federal or other educational in-
19 stitutions to promote greater public appreciation, understanding
20 and cooperation in the wildlife and game fish programs and aid
21 in training for management of game and fish.

22 (i) Enter into cooperative agreements with Federal
23 agencies, municipalities, corporations, organized groups, as-
24 sociations and individuals and with adjoining Canadian provinces
25 where involved, for assistance in management, study and develop-
26 ment of the game fish, bird, game and fur animal resources in
27 the Territory.

28 (j) Authorize receipt and acceptance of monies from
29 any source under conditions requiring use of such money for

1 carrying out the purposes of this Act.

2 (k) Authorize establishment of such departmental
3 organization and positions as it may deem necessary for the con-
4 duct of the work of the Commission and shall approve a salary
5 and compensation schedule and establish policies for the guidance
6 of the Director regarding the distribution of funds and other
7 operational matters.

8 Section 8. THE DIRECTOR OF THE DEPARTMENT. The Commission
9 shall select and appoint a qualified executive in wildlife ad-
10 ministration having a broad knowledge and experience in manage-
11 ment, protection and conservation of wildlife and game fish
12 resources, as Director of the Department of Game and they shall
13 determine his salary and he shall be entitled to per diem and
14 travel expenses when in official travel status. The Director
15 shall be appointed for a term of four years subject, however,
16 to removal by the Commission, for incompetence, nonfeasance or
17 malfeasance in office. He shall post a bond consistent with
18 Territorial requirements for similar offices.

19 Section 9. DUTIES AND POWERS OF THE DIRECTOR. The Director
20 shall be ex-officio secretary of the Alaska Wildlife Commis-
21 sion, attend its meetings and keep a record of the business
22 transacted by it. He shall, within the policies set by the
23 Commission, provide for due administration of the functions
24 of the Commission in accomplishing the provisions of this Act
25 and may authorize expenditures of any funds available therefore.

26 He may appoint, suspend and remove personnel under such
27 policies as the Commission may adopt, Provided that if a merit
28 system, adequate for inclusion of any Department employee,

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1 exists within the Territory, they shall be selected from or in-
2 cluded in that system and the Director's authority to appoint
3 and remove such personnel shall then be within the limits of such
4 system.

5 He shall have general supervision and control of all acti-
6 vities, functions and employees of the Department, and shall
7 enforce all the provisions of the applicable laws and regulations
8 of the Territory relating to wild animals, birds, and game fish
9 and shall exercise all necessary powers incident thereto not
10 specifically conferred on the Commission. However, the Director
11 may, when so authorized by the Commission, exercise any of the
12 duties or powers specifically assigned to the Commission.

13 Section 10. POLITICAL ACTIVITY PROHIBITED. While retaining
14 the right to vote as he may please and to express privately his
15 opinion on political subjects, no employee of the Department
16 shall take any active part in political management or in politi-
17 cal campaigns, nor shall he use his official authority or in-
18 fluence for the purpose of interfering with an election or
19 affecting the results thereof, or for the purpose of coercing
20 the political action of any person or body.

21 Section 11. INELIGIBILITY FOR BOUNTIES. It shall be un-
22 lawful for any employee or special hunter of the Department to
23 receive or attempt to receive any bounty provided by the Terri-
24 tory, or to transfer the scalp or other part or evidence of any
25 animal, bird, or fish to another person for the purpose of col-
26 lecting any bounty. Any action contrary to this Section shall
27 be a violation of this Act.

28 Section 12. WILDLIFE FUND ESTABLISHED. There is hereby
29 erected a special "Wildlife Fund" in the Territorial Treasury

1 which shall be used exclusively to carry out the purposes and
2 provisions of this Act and the specific purposes for which re-
3 ceived when so provided.

4 Said fund shall be made up of the following receipts which
5 shall be deposited therein and made available to the Department:

6 (a) All monies received from the sale of licenses,
7 permits, seals or tags proscribed under authority of this Act,
8 less any fees authorized to be retained by issuing officers.

9 (b) Proceeds from sale of furs, skins and specimens
10 taken by employees whose compensation is paid out of the "Wild-
11 life Fund" or of any real or personal property disposed of by
12 the Department.

13 (c) Monies received from other sources under condi-
14 tions requiring use of such monies for carrying out specific
15 purposes in support of this Act.

16 (d) Interest earned on any monies in the Fund.

17 Disbursements from the Fund shall be made by the Terri-
18 torial Treasurer on presentation of vouchers signed by the
19 Director or his authorized agent and approved by the Auditor.

20 Section 13. DIVERSION OF FUNDS PROHIBITED. No funds ac-
21 cruing to the Territory from any license, permit, seal or tag
22 required by this Act, shall be diverted to any other than the
23 stated purpose of this Act.

24 Section 14. APPROPRIATION OF FUNDS. The Legislature of the
25 Territory of Alaska shall appropriate at its sessions monies as
26 it shall deem necessary to supplement and be deposited in the
27 "Wildlife Fund" for capital outlay, salaries and wages and for
28 administrative, operational and other expenses of the Commis-
29 sion and the Department to accomplish the objective of this Act.

1 Section 15. ASSENT TO PROVISIONS OF FEDERAL AID ACTS. The
2 Territory assents to the provision of the Federal Aid to Wildlife
3 Restoration Act of September 2, 1937, and to the Federal Aid in
4 Fish Restoration Act of August 9, 1950. It is desired that the
5 Department participate in the Federal Aid program on the same
6 basis as the 48 States.

7 Section 16. ACCEPTANCE OF FACILITIES. The Department may
8 receive any property, equipment, facilities, buildings and lands
9 that can be made available to it by any Federal, Territorial or
10 private agency, organization or individual, suitable and needed
11 for the conduct of its duties.

12 Section 17. REGULATIONS. The Commission is hereby authori-
13 zed to:

14 (a) determine, within the provisions of this Act, when
15 and where, and to what extent, if at all, and by what methods or
16 means game animals, fur animals, game birds, non-game birds, and
17 nests or eggs of birds, and game fishes may be taken, possessed,
18 transported, bought, or sold, and

19 (b) adopt suitable regulations, within the provisions
20 of this Act, permitting and governing the same in accordance
21 with such determinations, which regulations shall become effective
22 on the date specified therein.

23 Section 18. CERTAIN ACTS MADE UNLAWFUL. Unless and except
24 as permitted by this Act or by regulations made pursuant to this
25 Act, it shall be unlawful for any person to take, possess,
26 transport, sell, offer to sell, purchase, or offer to purchase
27 any game animal, fur animal, game fish, game bird, non-game bird,
28 or any part thereof, or any nest or egg of any such bird; and,
29 no person shall knowingly disturb, injure, or destroy any

1 notice, signboard, seal, tag, aircraft, boat, vessel, automobile,
2 paraphernalia, equipment, building or other improvement or pro-
3 perty of the Department used in the administration or enforcement
4 of the provisions of this Act, or any poster or notice to the
5 public concerning the provisions of this Act or any regulation
6 adopted pursuant hereto, or any marker indicating the boundary
7 of any area closed to hunting, trapping, fishing or other
8 special use under the provisions of this Act, or shall knowingly
9 destroy, remove, temper with, or imitate any seal or tag issued
10 or used by this Commission or attached under its authority to
11 any skin, portion, or specimen of a wild animal, bird, game fish,
12 or other article for purposes of identification or authentica-
13 tion in accordance with the provisions of this Act or any regula-
14 tions adopted hereunder; Provided, that nothing in this Act shall
15 be construed to prevent the collection or exportation of such
16 animals, birds, game fishes, parts thereof or nests or eggs of
17 birds for scientific or educational purposes, or of like animals,
18 game fishes, birds or eggs of birds for propagation or exhibition
19 purposes under a permit which the Commission is hereby authorized
20 to issue and prescribe the terms thereof.

21 Section 19. LICENSES, EXPORT PERMITS AND FEES.

22 (a) The Commission may by regulation require:

23 (1) appropriate licenses to authorize take,
24 possession, transport, sale or purchase of any of the
25 animals, birds, or fishes, or parts thereof protected by
26 this Act;

27 (2) permits to control their export from the
28 Territory;

29 (3) licenses to authorize fur dealing, fur

1 farming, game animal, bird or fish farming, or taxidermy;

2 (4) licenses for guiding in the Territory;

3 (5) tags or seals for identification or authenti-
4 cation on big game; and

5 (6) prescribe a schedule of fees and qualifi-
6 cations for the issuance of the above licenses and permits.

7 It shall be unlawful, except as otherwise permitted by this
8 Act or regulation made hereunder, for any person to take
9 or export from the Territory, any animals, birds, or fishes,
10 or parts thereof, protected by this Act, or to engage in
11 the business of dealing in furs or farming game or fur
12 bearing animals, game birds or game fish, or in the busi-
13 ness of taxidermy or act as a guide for nonresidents or
14 aliens taking big game animals, without having procured
15 such license, permit, tag or seal as may be required of
16 any person under the age of sixteen for fishing or resident
17 under the age of sixteen for hunting.

18 (b) RECORDS AND REPORTS. Each person to whom a license
19 is issued shall keep such records and make such reports as the
20 Commission may deem necessary, and may by regulation require.

21 Such records shall at all times be subject to inspection
22 and examination by any officer or other person empowered to en-
23 force this Act. Any person who shall fail correctly to keep such
24 records or who shall fail to submit such reports or who shall
25 in any such report knowingly falsely state any such data, or who
26 shall refuse to exhibit his records for inspection and examina-
27 tion as herein required, shall be guilty of a violation of this
28 Act.

29 (c) LICENSES AND EXPORT PERMITS shall be issued by the

1 Commission through agents authorized in writing to sell such
2 licenses and permits. Application blanks for licenses and per-
3 mits shall be furnished by the Commission and shall be in such
4 form as the Commission may by regulation determine. Each appli-
5 cation shall be subscribed and sworn to by the applicant.
6 Persons authorized in writing by the Director to issue licenses
7 are hereby authorized to administer the necessary oaths.

8 Any false statement in an application for a license or per-
9 mit as to citizenship, place of residence, or other material
10 fact shall render null and void the license or permit issued upon
11 it. Any person who shall make any false statements in an appli-
12 cation for a license or permit, alter, change, loan, or transfer
13 to another any license, permit, seal or tag issued to him in
14 pursuance of this Act or any person other than the one to whom
15 it is issued use such license, permit, seal or tag shall be
16 guilty of a violation of this Act.

17 All licenses, except visitors, required under authority of
18 this Act, shall expire at the close of the 31st day of March
19 following their issuance.

20 Any person, except salaried employees of the Territory of
21 Alaska, appointed to issue licenses as authorized by this Act,
22 shall receive the sum of 25 cents for issuance of each license,
23 permit or authorized seal or tag for which a fee is prescribed
24 which sum shall be retained for his services.

25 Subject to the withholding of any compensation so authori-
26 zed, each officer or person selling license, permits or tags
27 shall, as soon as practicable after the last day of each calendar
28 month, transmit all proceeds from such sales during the month
29 past, together with a report thereof, to the Territorial

1 Treasurer for deposit in the "Wildlife Fund."

2 (a) SPECIAL REGULATIONS, PERMITS AND LICENSES. In
3 addition to the hunting, trapping, and fishing licenses or permits
4 required by regulations authorized to be issued thereunder, the
5 Commission may from time to time prescribe regulations requiring
6 residents, nonresidents and aliens to obtain special licenses upon
7 the payment of fees if any are fixed by such regulations, prior to
8 the taking of specified game or fur animals in specified areas,
9 and may by such regulations limit further the number, kind, and
10 sex of such animals that may be taken in such areas, and also may
11 restrict the number of persons who may hunt or trap in each such
12 area. Whenever such additional restrictions are imposed by
13 regulation, the Director shall issue to qualified applicants,
14 upon receipt of the proper application, and fee if required, the
15 special licenses or permits required by such regulations in the
16 number designated by the regulations, and in an equitable manner.

17 Section 20. PENALTIES. A person who violates any provision
18 of this Act or of any order or regulation adopted pursuant to this
19 Act, or who fails to perform any duty imposed by this Act or by
20 any order or regulation adopted pursuant to this Act, is guilty
21 of a misdemeanor and upon conviction thereof shall be fined not
22 less than \$25.00 nor more than \$1,000.00 or be imprisoned not more
23 than six months or both; and in addition thereto, shall forfeit
24 the related form of license held under this Act, and shall sur-
25 render it upon demand to any person authorized to receive it and
26 shall not be entitled to, or be granted, a license conveying the
27 same privilege during the same license year and upon a second
28 conviction he shall not be entitled to, nor shall he be granted,
29 a license of such form for a period of one year from date of such

1 forfeiture, and upon a third or successive conviction, for a
2 period of five years from the date of such forfeiture; and all
3 monies from fines shall be transmitted by the Clerk of the Court
4 to the Treasurer of the Territory for deposit in the General Fund.

5 Any licensed guide who shall fail or refuse to report prompt-
6 ly to the Commission any violation of this Act or regulations
7 made thereunder, of which he may have knowledge, shall have his
8 license revoked and shall not be eligible to act as a licensed
9 guide for a period of five years from the time of establishment
10 of proof of such failure.

11 . Section 21. ENFORCEMENT AUTHORITY. This Act shall be
12 enforced by:

13 (a) Any employee of the Department of Game or
14 other person authorized by the Commission;

15 (b) Any Enforcement Agent of the Fish and Wildlife
16 Service; and

17 (c) Any Territorial Police officer in the Territory.

18 It shall be the duty of any of the named persons to arrest
19 without warrant any person committing a violation of this Act or
20 any regulation made under authority of this Act, in his presence
21 or view, and to take such person immediately for examination or
22 trial before an officer or court of competent jurisdiction.

23 He shall have power to execute any warrant or other process
24 issued by an officer or court of competent jurisdiction for the
25 enforcement of the provisions of this Act; and he shall have
26 authority, with a search warrant, to search any place at any time.
27 Any officer or other person empowered to enforce this Act shall
28 have authority without warrant to search any camp, camp outfit,
29 fish creel, pack or pack animals, automobile, aircraft, or other

1 vehicle, sled, or any boat, vessel, or other craft on the Terri-
2 terial waters of Alaska, when such officer or employee has reason-
3 able cause to believe that such camp, camp outfit, fish creel,
4 pack or pack animals, automobile, aircraft, or other vehicle,
5 sled, boat, vessel, or other craft has therein or thereon any of
6 the animals, birds or fishes, or parts thereof, or nests or eggs
7 of birds, protected by this Act.

8 The several judges of the courts having jurisdiction may
9 upon proper oath or affirmation showing probable cause, issue
10 warrants in all such cases.

11 All guns, traps, nets, fishing tackle, boats, aircraft, or
12 other vehicles, dogs, sleds, and other paraphernalia used in or
13 in aid of a violation of this Act may be seized, and all animals,
14 birds, game fishes, or parts thereof, or nests or eggs of birds,
15 taken, transported, or possessed contrary to the provisions of
16 this Act shall be seized within the Territory by an officer or
17 person authorized to enforce this Act, and upon conviction of the
18 offender or upon judgment of the court having jurisdiction that
19 the same were being used or were taken, transported, or possessed
20 in violation of this Act, shall be forfeited to the Territory and
21 disposed of as directed by such court, and if sold the proceeds
22 of sale shall be transmitted to the Treasurer of Alaska for de-
23 posit in the General Fund.

24 Persons authorized to enforce this Act are hereby authorized
25 and empowered to administer to or take from any person, an oath,
26 affirmation, or affidavit whenever such oath, affirmation, or
27 affidavit is for use in any prosecution or proceeding under or
28 in the enforcement of this Act.

29 Section 22. BURDEN OF PROOF. That the possession of any

1 wild animal, game fish, wild bird, or parts thereof, or any nest
2 or egg of such bird, during the time when the taking of it is
3 prohibited, shall, in any action, constitute prima facie evidence
4 that it was taken, possessed, bought, sold, or transported in
5 violation of the provisions of this Act, and the burden of proof
6 shall be upon the possessor or claimant of it to overcome the
7 presumption of illegal possession and to establish the fact that
8 it was obtained and is possessed lawfully.

9 Section 23. SEPARABILITY OF PROVISIONS. That if any clause,
10 sentence, paragraph, or part of this Act shall for any reason be
11 adjudged by any court of competent jurisdiction to be invalid,
12 such judgment shall not effect, impair, or invalidate the remain-
13 der thereof, but shall be confined in its operation to the clause,
14 sentence, paragraph or parts thereof directly involved in the
15 controversy in which such judgment shall have been rendered.

16 Section 24. REPEAL OF CONFLICTING LAWS. Chapter 93,
17 Session Laws of 1951, and all other acts or parts of acts in con-
18 flict with the provisions of this Act are hereby repealed.

19 Section 25. EFFECTIVE DATE. This Act shall become effective
20 at such time as the Congress of the United States authorizes the
21 Territory to manage, make regulations and otherwise control wild-
22 life including game fish resources, including licensing of hunting,
23 fishing and trapping, etc., related thereto. The existing laws
24 and regulations promulgated under the "Alaska Game Law" (48 USC
25 192-211) insofar as they can be applied, shall govern the manage-
26 ment and control of wildlife and game fish during any transition
27 period required to place the provisions of this Act in operation,

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