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DEVEAU, ERWIN, NORENE, PETERSEN,
HAAG, SHELDON, PEARSON, MCCOMBE
AND FRANZ

1 IN THE HOUSE

2 *House* BILL NO. 34

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating an Alaska Department of Fish
7 and Game and an Alaska Fish and Game Com-
8 mission; providing for advisory committees to
9 the Commission; providing for a Director of
10 the Alaska Department of Fish and Game; pre-
11 scribing the duties and powers of the Com-
12 mission and the Director; providing for
13 organization of the Department; providing for
14 a merit system for employees; creating a Fish
15 and Game Fund; preventing diversion of funds;
16 transferring of property and funds; assent-
17 ing to provisions of the Federal Aid acts;
18 providing for enforcement authority; author-
19 izing the administering of oaths; describing
20 and abating public nuisances; prescribing
21 certain unlawful acts; permitting research by
22 the Federal Government; providing for transfer
23 of control of the fish and game resources to
24 Alaska; providing criminal penalties; continu-
25 ing present regulations, agreements, employees,
26 etc.; repealing Chapter 63, SLA 1957 and
27 other inconsistent acts; declaring an emer-
28 gency and setting an effective date."

29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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1 Section 1. TITLE OF THE ACT. This Act shall be known and
2 may be cited as the "Fish and Game" Code of the State of Alaska.

3 Section 2. DEFINITIONS. For the purpose of this Act:

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

6 (b) "Commission" means the Alaska Fish and Game
7 Commission.

8 (c) "Director" means the Director of the Alaska
9 Department of Fish and Game.

10 (d) "Person" means and includes, among others, any
11 individual, association, corporation, government agency, or group
12 of two or more persons, as defined, acting together to forward a
13 common purpose.

14 (e) "Fish" means all species of marine, anadromous,
15 and fresh water fish, amphibians, shellfish, and other invertebrates
16 found in the State of Alaska.

17 (f) "Game" means all species of birds and mammals,
18 including feral domestic animals, found or that may be introduced
19 in Alaska, except domestic birds and mammals.

20 Section 3. DEPARTMENT OF FISH AND GAME CREATED. There is
21 hereby created a department of fish and game to be known as the
22 Alaska Department of Fish and Game for the purpose of carrying out
23 the intent and purposes of this Act.

24 Section 4. COMMISSION CREATED. There is hereby created a
25 commission to be known as the Alaska Fish and Game Commission,
26 which shall have jurisdiction, supervision, and control over the
27 fish and game of Alaska, whose purpose it shall be, among other
28 things, to pass such rules and regulations as shall protect, main-
29 tain, improve, and extend the fish and game resources of Alaska.

7

1 shall file in the office of the Secretary of Alaska a complete
2 statement of all charges made against the Commission member and
3 his findings thereon, together with a complete record of the
4 proceedings.

5 Section 7. ESTABLISHMENT OF ADVISORY COMMITTEES. The Com-
6 mission may establish, at places in the State designated by the
7 Commission, Advisory Committees to be composed of persons well
8 informed on the fish and game resources of the locality. The Com-
9 missions may set the number and terms of the members of the Advis-
10 ory Committees, may delegate one member of each committee as chair-
11 man, and may empower him, from time to time, to hold public hearings
12 on fish and game matters. Recommendations from the Advisory Com-
13 mittees shall be forwarded to the Commission for their consider-
14 ation.

15 Section 8. COMPENSATION, ETC., OF COMMISSION MEMBERS. The
16 members of the Commission shall be allowed their necessary travel
17 expenses and such compensation and per diem as may be authorized
18 by the Legislature for attending Commission meetings and such
19 other meetings and conferences as may be agreed upon by a majority
20 vote of the Commission.

21 Section 9. COMMISSION MEETINGS. The members of the Commis-
22 sion shall meet in Juneau during the month of April, 1959, or as
23 soon thereafter as practical, and shall organize by electing from
24 their membership a chairman and by adopting a set of by-laws to
25 govern the conduct of their business. One regular meeting shall
26 be held annually by the Commission at the Capitol, and one or
27 more additional meetings at such times and places within Alaska
28 as the Commission shall select for the transaction of business.

29 Section 10. QUORUM. A majority of the members of the Commis-

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26 be held annually by the Commission at the Capitol, and one or
27 more additional meetings at such times and places within Alaska
28 as the Commission shall select for the transaction of business.

29 Section 10. QUORUM. A majority of the members of the Commis-

1 sion shall constitute a quorum for the transaction of any business,
2 for the performance of any duty, and for the exercise of any power;
3 Provided, however, it shall take a majority of the full Commission
4 membership of eight members to carry all motions, regulations,
5 resolutions and policy decisions proposed.

6 Section 11. POWERS AND DUTIES OF THE COMMISSION. The fish
7 and game of Alaska are the property of the State of Alaska and
8 the Commission is charged with the duty of managing, protecting,
9 maintaining, improving and extending the fish and game resources
10 of Alaska in the interest of the economy and general well being
11 of Alaska. The Commission shall have jurisdiction, supervision and
12 control over the fish and game of Alaska as hereinafter set forth.

13 The Fish and Game Commission shall have the sole authority to
14 (1) set apart the reserve fish and game areas, refuges and sanc-
15 tuaries in any of the waters or on any of the lands of Alaska over
16 which it has jurisdiction; (2) Establish open and closed seasons
17 for fish and game; (3) establish the means and methods employed
18 in the pursuit, capture, and transport of fish and game; (4) set
19 quotas and bag limits on the take of fish and game; and (5) make
20 such regulations as is deemed advisable to accomplish the above.

21 For the purposes of administering this Act, the Commission
22 may delegate any and all necessary functions and authority to the
23 Director, who shall act on its behalf. In addition to the above
24 powers and authority of the Commission, it may:

25 (1) Engage in biological research, watershed and
26 habitat improvement, fish and game management, protection, pro-
27 pagation and stocking.

28 (2) Establish fish and game refuges, reserves and
29 sanctuaries.

1 (3) Assist the U.S. Fish and Wildlife Service in the
2 enforcement of Federal laws and regulations pertaining to fish and
3 game.

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

9 (5) Design and construct hatcheries, pipe lines, rear-
10 ing ponds, fishways, and other projects beneficial for the fish
11 and game resources of the State.

12 (6) Investigate and determine the extent and effect of
13 predation and competition among fish and game in Alaska and exer-
14 cise such control measures as are deemed necessary and beneficial
15 to these resources in the State.

16 (7) Enter into cooperative agreements with educational
17 institutions and State, Federal, or other agencies, to promote fish
18 and game research, predator control, management, education and in-
19 formation, and to train men for fish and game management.

20 (8) Accept money from any person under conditions re-
21 quiring the use of such money for specific purposes in the further-
22 ance of the protection, rehabilitation, propogation, preservation,
23 or investigation of the fish and game resources of the State or in
24 settlement of any claims for damages to such fish and game re-
25 sources.

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

29 (10) Capture, propogate, transport, buy, sell, or

1 exchange any species of fish and game or eggs needed for propa-
2 gating, scientific or stocking purposes.

3 (11) Classify fish and game as commercial fish, sport
4 fish, game birds, songbirds, big game animals, fur bearing animals,
5 predators, vermin, or other categories as may be essential for
6 regulatory purposes.

7 (12) Prohibit the live capture, possession, transport,
8 or release of native or exotic fish and game, or eggs thereof,
9 without the approval of the Commission.

10 (13) Establish the qualifications for guides, regulate
11 guide activities and maintain a guide register.

12 (14) Authorize the department to procure insurance, in
13 addition to workmen's compensation insurance, for its employees
14 against injury or death occasioned by special hazards in connection
15 with their duties.

16 (15) The Commission is hereby granted authority to
17 promulgate and issue appropriate regulations to implement the pro-
18 visions of this Act and to cover matters not expressly touched
19 upon or anticipated but necessarily implied by the provisions here-
20 of. All such regulations shall be filed with the Governor, or as
21 may be otherwise provided by law before such regulations shall
22 become effective, and when so filed shall have the force and effect
23 of law; Provided, however, that during such times as the Commission
24 is not in session, the Commission may authorize the Director or
25 person designated by the Director, to adopt regulations not incon-
26 sistent with law and not inconsistent with previous rules and
27 regulations promulgated by the Commission.

28 Section 12. RULES AND REGULATIONS --AS EVIDENCE. Rules and
29 regulations of the Commission shall be admitted as evidence in the

1 courts of the State when accompanied by an affidavit from the
2 Director or Assistant Director certifying that the rule or regu-
3 lation has been lawfully adopted and filed with the proper author-
4 ity, and such affidavit shall be prima facie evidence of proper
5 adoption and filing.

6 Section 13. LIMITATION OF POWER. Nothing in this Act, how-
7 ever, shall be construed to authorize the Commission to change the
8 amount of fees for licenses.

9 Section 14. ORGANIZATION OF WORK. The Commission shall
10 establish a departmental division of commercial fisheries, a de-
11 partmental division of sport fisheries, a departmental division of
12 fur and game and such other departmental division as may be neces-
13 sary, and shall authorize the Director to employ such administra-
14 tive, clerical, technical, protective, and other assistants as
15 may be necessary for the conduct of the work of the Department
16 and they shall fix a salary schedule and other compensation for
17 the guidance of the Director.

18 Section 15. APPOINTMENT OF PERSONNEL ON A MERIT BASIS. All
19 department personnel, except the Director and Assistant Director,
20 shall be employed on a basis of merit and in accordance with the
21 rules and regulations of the state personnel board.

22 Section 16. APPOINTMENT OF THE DIRECTOR. The office of the
23 Director of the Department of Fish and Game is hereby created.
24 The Commission shall appoint, with the approval of the Governor,
25 a Director thereof whose duty it shall be, among other things, to
26 administer the provisions of this Act under such authority as may
27 be given him hereafter or as the Commission may delegate to him.
28 The Director shall be a qualified executive with knowledge of the
29 requirements for the protection, management, conservation and

1 restoration of the fish and game resources. The Director shall be
2 appointed for a term of five years, subject, however, to removal
3 by a majority of the full membership of the Commission, for cause.

4 Section 17. COMPENSATION, ETC., OF DIRECTOR. The Director
5 shall receive such compensation as the Legislature shall determine,
6 and shall, subject to appropriate state travel regulations, be
7 reimbursed for all actual and necessary traveling and other expenses
8 incurred by him in the discharge of his official duties.

9 Section 18. DUTIES AND POWER OF THE DIRECTOR. The Director
10 shall be ex-officio secretary of the Alaska Fish and Game Com-
11 mission, attend its meetings and keep a record of the business
12 transacted by it. He shall have general supervisory and adminis-
13 trative powers and control all activities and functions of the
14 Department of Fish and Game, under the supervision and direction of
15 the Commission and shall administer all the provisions of the
16 applicable laws of this state relating to fish and game, and shall
17 exercise all necessary powers incident to those conferred upon him.

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

27 Section 20. INELIGIBILITY FOR BOUNTIES. It shall be unlawful
28 for any employee or special hunter of the Department to receive or
29 attempt to receive any bounty for the killing of any predator, or

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

3 Section 21. 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 State Legislature to the Commission or the Department; and (2) to
8 carry out such purposes and objectives within the scope of the
9 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 be
12 deposited therein:

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

16 (b) Proceeds received from the sale of furs, skins
17 and specimens taken by predator hunters and other employees whose
18 compensation is 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 the
21 State.

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

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

25 (f) Monies from any other sources.

26 Upon authorization of the Commission, disbursements from the
27 fund shall be paid by the State Treasurer on presentation of
28 vouchers signed by the Director, or his authorized representative,
29 and approved by the Director of Finance.

1 Section 22. DIVERSION OF FUNDS PROHIBITED. No funds accruing
2 to the State from sport fishing, hunting, trapping license and
3 permit fees shall be diverted to any other purpose than the pro-
4 tection, propagation, investigation, and restoration of sport fish
5 and game resources and the expenses of administration of the sport
6 fish and game divisions of the Department.

7 Section 23. TRANSFER OF PROPERTY AND FUNDS. All appropri-
8 ations, property and funds under the control of the Alaska Fish
9 and Game Commission and the Alaska Department of Fish and Game
10 shall be and hereby are transferred to and placed under control of
11 the Commission and Department herein created.

12 Section 24. ASSENT TO PROVISIONS OF FEDERAL AID ACTS. The
13 State assents to the provisions of the Federal Aid to Wildlife
14 Restoration Act of September 2, 1937, (16 USCA Sec. 669 (a)-(j),
15 to the Federal Aid in Fish Restoration Act of August 9, 1950,
16 (16 USCA Sec. 777 (a)-(k), to any amendments, revisions or modi-
17 fications of either Federal Act, and to any other Federal Aid Act
18 which may hereinafter be enacted to benefit Alaska thereunder. It
19 is desired that the Department participate in any and all of the
20 Federal Aid programs on the same basis as the other States.

21 Section 25. ENFORCEMENT AUTHORITY. This Act shall be en-
22 forced by:

23 (a) Any employee of the Department of Fish and
24 Game or other person authorized by the Director; and are hereby
25 declared peace officers of the State.

26 (b) Any Enforcement Agent of the U.S. Fish and
27 Wildlife Service;

28 (c) Any Enforcement Agent of the U.S. Forest
29 Service; and

1 (d) Any Police officer in the State.

2 It shall be the duty of any of the named persons to arrest
3 without warrant any person committing a violation of this Act or
4 any rule or regulation made under authority of this Act, in his
5 presence or view, and to take such person immediately for examin-
6 ation or trial before an officer or court of competent jurisdiction.

7 He shall have power to execute any warrant or other process
8 issued by an officer or court of competent jurisdiction for the
9 enforcement of the provisions of this Act; and he shall have
10 authority, with a search warrant, to search any place at any time.
11 The several judges of the courts having jurisdiction may upon
12 proper oath or affirmation showing probable cause, issue warrants
13 in all such cases.

14 Section 26. POWER TO SEARCH WITHOUT WARRANT. Any of the
15 named persons may search without warrant any conveyance, vehicle,
16 boat, aircraft, market, store or other building, except dwellings,
17 or any receptacle, box, tent, camp, or similar place, which he has
18 reason to believe contains evidence of violations of law or rules
19 and regulations of the commission.

20 Section 27. SEIZURE WITHOUT WARRANT AND CONFISCATION BY
21 COURT. All guns, traps, nets, fishing tackle, boats, aircraft,
22 or other vehicles, dogs, sleds, and other paraphernalia used in
23 or in aid of violation of this Act, or rule or regulation of the
24 Commission, may be seized without warrant, and all fish and game,
25 or parts thereof, or nests or eggs of birds, taken, transported,
26 or possessed contrary to the provisions of this Act, or rule or
27 regulation of the Commission shall be seized by any person author-
28 ized to enforce this Act. Upon conviction of the offender or upon
29 judgment of the court having jurisdiction that the same were taken

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1 transported, or possessed in violation of this Act or rule or
2 regulation of the Commission, all fish and game, or parts thereof,
3 shall be forfeited to the State and disposed of as directed by
4 such court, and if sold the proceeds of the sale shall be trans-
5 mitted to the Treasurer of Alaska for deposit in the General Fund.
6 All guns, traps, nets, fishing tackle, boats, aircraft, or other
7 vehicles, dogs, sleds, and other paraphernalia seized under pro-
8 visions of this Act, or rule or regulation of the Commission, unless
9 forfeited by order of the court, shall be returned, after completion
10 of the case and the fines, if any, have been paid.

11 Section 28. POWER TO ADMINISTER OATHS, ETC. Persons author-
12 ized to enforce this Act are hereby authorized and empowered to
13 administer to or take from any person, an oath, affirmation, or
14 affidavit when such oath, affirmation, or affidavit is for use in
15 any prosecution or proceeding under or in the enforcement of this
16 Act.

17 Section 29. PUBLIC NUISANCES. All nets, seines, lanterns,
18 snares, devices, contrivances, and materials while in use, or had
19 and maintained, for the purpose of catching, taking, killing,
20 attracting, or decoying any fish and game, contrary to law or rule
21 or regulation of the Commission, are public nuisances. Persons
22 authorized to enforce this Act shall, without warrant or process,
23 take, seize, abate, or destroy them while being used, had, or
24 maintained for such purpose.

25 Section 30. BURDEN OF PROOF. That the possession of any
26 fish or game, or parts thereof, or any nest or egg of any bird,
27 during the time when the taking of it is prohibited, shall, in any
28 action, constitute prima facie evidence that it was taken, possessed,
29 bought, sold, or transported in violation of the provisions of this

1 Act, and the burden of proof shall be upon the possessor or
2 claimant of it to overcome the presumption of illegal possession
3 and to establish the fact that it was obtained and is possessed
4 lawfully.

5 Section 31. WANTON WASTE. It shall be unlawful for any
6 person wantonly to waste or unnecessarily destroy any fish or
7 game taken or caught in the waters or on the land of the State of
8 Alaska: Provided, however, that this shall not apply to fish or
9 game which the Commission declares by regulation or emergency
10 announcement to be of a destructive, noxious, or nuisance character.

11 Section 32. CERTAIN ACTS MADE UNLAWFUL. Unless and except
12 as permitted by this Act or by regulations made pursuant to this
13 Act, it shall be unlawful for any person to take, possess, transport,
14 sell, offer to sell, purchase, or offer to purchase any fish or
15 game, or any part thereof, or any nest or egg of any fish or game;
16 and, no person shall knowingly disturb, injure, or destroy any
17 notice, signboard, seal, tag, aircraft, boat, vessel, automobile,
18 paraphernalia, equipment, building or other improvement or property
19 of the Department used in the administration or enforcement of the
20 provisions of this Act, or any poster or notice to the public
21 concerning the provisions of this Act or any regulation adopted
22 pursuant hereto, or any marker indicating the boundary of any area
23 closed to hunting, trapping, fishing or other special use under the
24 provisions of this Act, or shall knowingly destroy, remove, tamper
25 with, or imitate any seal or tag issued or used by this Commission
26 or attached under its authority to any skin, portion, or specimen
27 of fish or game, or other article for purposes of identification
28 or authentication in accordance with the provisions of this Act or
29 any regulations adopted hereunder; Provided, however, that nothing

1 in this Act shall be construed to prevent the collection or ex-
2 portation of such fish and game, parts thereof or nests or eggs
3 of birds for scientific or educational purposes, or of like fish
4 and game, eggs of birds for propagation or exhibition purposes
5 under a permit which the Commission is hereby authorized to issue
6 and prescribe the terms thereof.

7 Section 33. RESEARCH BY THE FEDERAL GOVERNMENT. The Secre-
8 tary of the Interior of the United States and his duly authorized
9 agents may conduct fish cultural operations and scientific
10 investigations in this State in such manner and at such times as
11 may be jointly considered necessary and proper by the Director and
12 his agents and the Commission.

13 Section 34. FISHWAYS OR HATCHERIES REQUIRED. Every dam or
14 other obstruction built across any stream frequented by salmon or
15 other fish shall be provided with a durable and efficient fishway
16 and a device for efficient passage of down stream migrants, if
17 needed, which shall be maintained in a practical and effective
18 condition in such place, form and capacity as the Alaska Fish and
19 Game Commission may approve, for which plans and specifications
20 shall be approved by the Department upon application to it, and
21 which shall be kept open, unobstructed, and supplied with a
22 sufficient quantity of water to freely admit the passage of fish
23 through same.

24 In the event that a fishway over any dam or obstruction is
25 considered impractical because of cost, by the builder of the dam,
26 then the owner of such dam or obstruction shall at its option (1)
27 pay a lump sum to the State Fish and Game Fund in order to compen-
28 sate for the damages sustained by the erection of any such dam or
29 obstruction; (2) convey to the Alaska Fish and Game Commission a

1 site of a size satisfactory to the Commission at such place as may
2 be mutually satisfactory to both parties, and erect thereon a fish
3 hatchery, rearing ponds and other buildings according to plans and
4 specifications to be furnished by the Commission, secured by good
5 and sufficient bonds to furnish all water and lights and necessary
6 sums of money to operate and maintain said hatchery and rearing
7 ponds; or (3) enter into an agreement with the Alaska Fish and
8 Game Commission, secured by good and sufficient bond, to pay to the
9 Alaska Fish and Game Fund such initial money and make such annual
10 payments of additional money as the Commission may determine are
11 necessary to expand, maintain, and operate additional facilities
12 at existing hatcheries within a reasonable distance of such dam
13 or obstruction.

14 The owner of any dam or obstruction who shall fail to comply
15 with the provisions of this section within a reasonable time as
16 specified by written notice from the Alaska Fish and Game Commission
17 shall be guilty of a misdemeanor, punishable by a fine not to
18 exceed \$1,000.00, and each day that the owner fails to comply
19 shall constitute a separate offense.

20 In addition to the penalty above provided, if any such
21 person be convicted of violating any of the provisions of this
22 section, the dam or other obstruction managed, controlled or
23 owned by such person is hereby declared a public nuisance and
24 shall be subject to abatement as such.

25 Section 35. PROTECTION OF FISH AND GAME. In the event that
26 any person or government agency desires to construct any form of
27 hydraulic project or other project that will use, divert, obstruct,
28 or change the natural flow or bed of any river or stream or that
29 will utilize any of the waters of the state or materials from the

1 stream beds, such person or government agency shall submit to the
2 Department of Fish and Game full plans and specifications of the
3 proposed construction or work, complete plans and specifications
4 for the proper protection of fish and game in connection therewith,
5 the approximate date when such construction or work is to commence,
6 and shall secure the written approval of the Director of fish and
7 game as to the adequacy of the means outlined for the protection of
8 fish and game in connection therewith and as to the propriety of
9 the proposed construction or work and time thereof in relation to
10 fish and game, before commencing construction or work thereon. If
11 any person or government agency commences construction on any such
12 works or projects without first providing plans and specifications
13 subject to the approval of the Director of fish and game for the
14 proper protection of fish and game in connection therewith and
15 without first having obtained written approval of the Director of
16 fish and game as to the adequacy of such plans and specifications
17 submitted for the protection of fish and game, he is guilty of a
18 gross misdemeanor. If any such person or government agency be
19 convicted of violating any of the provisions of this section and
20 continues construction on any such works or projects without fully
21 complying with the provisions hereof, such works or projects are
22 hereby declared a public nuisance and shall be subject to abatement
23 as such.

24 Provided, that in case of an emergency arising from weather
25 or stream flow conditions the department of fish and game, through
26 their authorized representatives, shall issue oral permits to a
27 riparian owner for removing any obstructions or for repairing
28 existing structures without the necessity of submitting prepared
29 plans and specifications.

1 Section 36. TRANSFER OF CONTROL TO ALASKA. Upon transfer
2 of control of the fish and game resources of Alaska from the
3 Federal Government to the State, the Commission shall accept such
4 transfer on behalf of the State of Alaska and the Commission shall
5 assume all the powers now and hereafter vested in the United States
6 Fish and Wildlife Service prior to such transfer, which relate to
7 the regulation and conservation of the fish and game resources of
8 Alaska. All laws and regulations pertaining to, "Alaska Fisheries"
9 the "Alaska Game Law", and any other Federal laws or regulations
10 relating to the fish and game of Alaska, which may in full force
11 and effect at the time of the transfer shall, insofar as they can
12 be applied, be incorporated herein and shall govern the management
13 and control of the Alaska fish and game resources during any
14 transitional period required to place the provisions of this Act
15 in operation and shall be effective until such time as they may
16 be superseded by laws passed by the Alaska Legislature or rules
17 or regulations promulgated by the Commission.

18 Section 37. VIOLATIONS: MISDEMEANOR: PENALTY. Any person
19 violating any of the provisions of this Act or any rule or
20 regulation promulgated thereunder shall be deemed guilty of a
21 misdemeanor and, upon conviction thereof, shall be punished by
22 imprisonment not to exceed one year and a fine of not exceeding
23 five thousand dollars (\$5,000.00) or both such fine and imprison-
24 ment.

25 Section 38. CONTINUATION OF REGULATIONS, AGREEMENTS,
26 EMPLOYEES, ETC. All rules, regulations, procedures, policies, funds,
27 contracts, agreements, employees' positions, accounts, assets,
28 liabilities, and benefit conditions and amounts, whether vested
29 or contingent, established in any manner under any act repealed by

1 the provisions of this Act are hereby continued except where incon-
2 sistent with the provisions of this Act. Department and division
3 heads, together with all employees shall continue in their
4 respective positions at the pleasure of and until removed by the
5 Commission created herein, or the Director herein appointed.

6 Section 39. REPEAL SCHEDULE. Chapter 63, Session Laws of
7 Alaska 1957, and all acts and parts of acts in conflict with the
8 provisions of this Act, are hereby repealed.

9 Section 40. EMERGENCY CLAUSE. An emergency is hereby de-
10 clared to exist and this Act shall take effect on April 1, 1959,
11 or as soon thereafter as passed by the Legislature and signed by
12 the Governor.