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STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
POUCH O
JUNEAU, ALASKA 99811

Telephone: (907)
Address:

(907) 465-2600

June 20, 1983

The Honorable Bill Ray
Chairman, Senate Judiciary Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

RE: Senate Bill 232
Seafood Liability

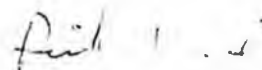
Dear Senator Ray:

After SB 232 was introduced, several problems were identified with the legislation which mandate certain amendments.

I would appreciate your committee withholding any action on this legislation until my department can iron out the problems that exist with the current bill.

I regret any difficulties this might cause you or your committee.

Sincerely,



Richard A. Nevé
Commissioner

MEMORANDUM

State of Alaska

TO: The Honorable Ernst W. Mueller
Commissioner
Department of Environmental
Conservation


DATE: November 30, 1982

FILE NO:

TELEPHONE NO: 465-3603

FROM: Wilson L. Condon
Attorney General

SUBJECT: State liability on
"sealed" seafood


By: William G. Mellow
Assistant Attorney General

You have asked whether the state can be held liable for injury associated with consumption of seafood bearing a state approved seal. The answer is yes.

State liability claims can be predicated upon two broad bases; (1) negligence in carrying out statutory and regulatory duties and, (2) misrepresentation of the quality of food products.

The broad concept of sovereign immunity which shielded state and federal government from operational negligence a decade ago is now almost nonexistent. The basic rule applied by our court is that where there is negligence, there should be liability; immunity is the exception. State v. Abbott, 498 P.2d 712 (Alaska 1972). The state is liable for negligent inspections and failure to enforce discovered safety violations. Adams v. State, 555 P.2d 235 (Alaska 1976); Wallace v. State, 557 P.2d 1120 (Alaska 1976). Nevertheless, by statute, AS 09.50.250, the state is immune from liability arising solely from misrepresentation. Consequently, it is probable that as to this latter base of liability there would be state immunity. However, here the immunity is somewhat ethereal as the court's declaration that immunity is the exception will generally result in a finding wherever conduct which results in "misrepresentation" is also negligence of another form.

To reduce the above to a concrete example assume that pursuant to AS 03.05.010(c) regulations authorizing inspections and setting standards are promulgated and that a state inspector negligently fails to detect a sanitary violation or having detected same, fails to diligently pursue enforcement. A subsequent death which is proximately linked to the unsanitary condition of the product exposes the state to liability to the estate of the decedent. Simultaneously, if the contaminated product carried a State of Alaska quality seal, it could be stated that the decedent relied upon the quality assurance of the seal to his detriment and thereby has a claim for damages for the misrepresentation. A claim based solely upon misrepresentation might

The Hon. Ernst W. Mueller
Dept. of Environmental Conservation

November 29, 1982
Page 2

well be struck on grounds of sovereign immunity but would survive challenge if it also rested upon the claim of negligence in inspection. It would be very unlikely, where a large damages claim is involved, that an attorney would himself be negligent enough to present a claim solely on the basis of injury by misrepresentation. Rather, it can be anticipated that all claims would also include a claim based upon negligent performance of a ministerial function.

The letter of November 1, 1982 from Eric Eckholm to Glenn Akins, a copy of which you attached to your opinion request, states that Canada, the U.S. Department of Commerce, and the State of Maine have no liability for the quality of products passing through their respective inspection programs. This is surely because of specific, well defined statutory immunity. Carefully drafted statutory language specifically addressing state inspection and quality assurance would eliminate state liability exposure. Unless such statutory immunity comes into existence in the future, the unequivocal answer to your question is that there is liability for state negligence to the same extent as would be present if the liability exposing activity were carried out by a nongovernmental entity.

I am willing to meet informally with your staff or representatives of the ASMI to discuss this matter and answer your questions and will additionally provide desired bill drafting upon request.

WGM/jal

MEMORANDUM

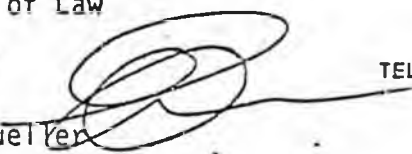
State of Alaska

TO: The Honorable Wilson Condon
Attorney General
Department of Law

DATE: November 22, 1982

FILE NO:

TELEPHONE NO: 465-2600

FROM: Ernst W. Mueller 
Commissioner
Department of Environmental
Conservation

SUBJECT: Opinion regarding
state liability
on "sealed" seafood.

Chapter 57, SLA 1982 significantly amended state law regarding sanitation and quality control in the seafood processing industry. As part of this new program, the Department of Environmental Conservation and the Alaska Seafood Marketing Institute are to cooperate in the development of standards for a "quality" seafood inspection program, to design seals for both the "quality" and "inspection" levels of standards, and for ASMI to develop marketing programs based on the seals and standards. Individual processors who meet the standards may use the seal on their products and in their advertising.

During the deliberations before the Alaska Legislature, the question was raised of liability of the state for injury, illness or death associated with a product which bears the state-approved seal. That matter was not resolved to the satisfaction of some, particularly officers of the Alaska Seafood Marketing Institute. I did discuss liability with former Assistant Attorney General Ken Vassar, who indicated that he would discuss it with others in your department; however, a formal request for opinion was not made at that time. We would appreciate any comments you might have on the potential liability of the state, although the ASMI staff and I realize the sensitivity of the question. Attached is a copy of a letter from ASMI Executive Director Eric Eckholm to Glenn Akins requesting us to pursue this matter.

Enclosure

November 1, 1982

Mr. Glenn Akins, Deputy Commissioner
Alaska Department of Environmental Conservation
Pouch "O"
Juneau, AK 99811

Dear Glenn:

As we discussed at the Alaska Seafood Marketing Institute / Alaska Department of Environmental Conservation seafood quality assurance program development meeting on September 23, the use of "Inspection" and "Premium Quality" seals, authorized by Senate Bill 872 (Chapter 57 SLA 82), presents certain questions pertaining to the State's liability for consumer protection from products bearing these seals.

In addition, several questions have been raised by the Institute's Quality Committee concerning (1) the jurisdiction of the State of Alaska to perform product inspections, and, according to provisions of the premium quality program, authorize the use of the "Premium Quality" seal, in warehouses, cold storages, or other locations outside the boundaries of the state of Alaska; (2) the ability of the State of Alaska to influence product handling practices during transportation and in warehouses and retail outlets after the application of the seal and beyond the boundaries of the State; and (3) the ability of the State to control unauthorized use of the seal or any seal implying State of Alaska "Inspection" or "Premium Quality", beyond State boundaries.

In our research of both mandatory and voluntary seafood industry quality assurance programs, we have found that (1) the Canadian Government assumes no consumer liability for their Grade A salmon export program, which uses the "Maple Leaf" seal to identify products which are certified for export from Canada on, if they pass certain quality specifications, (2) the U.S. Department of Commerce does not assume any consumer liability for the quality of products certified under their voluntary Packed Under Federal Inspection (P.U.F.I.), Lot Inspection, or Grade A programs, and (3) the newly developed State of Maine Fresh Groundfish Program applies a dated seal at the processing facility, and does not assume liability for the freshness of products at the retail outlet or on the consumer's table.

Alaska Seafood Marketing Institute
526 Main Street
Juneau, Alaska 99801
(907) 586-2902



*Alaska
Seafood*

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 232
 Title: State Liability (AS 03 05)
 Sponsor: Governor
 Requestor: Judiciary

II. FISCAL DETAIL

Agency Affected: N/A
 Program Category Affected:
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | | | |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|---|---|---|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| | 0 | 0 | 0 | | | |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |
| | 0 | 0 | 0 | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: George A. Hart Phone: 272-1561
 Division: Seafood & Animal Industries Date: April 11, 1983
 Approved by Commissioner: Richard A. News Date: 4/14/83
 Department:

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Seafood and Animal Industries

Senate Bill No. 232

Position Paper

This bill will meet the needs to enforce the "Premium Quality" seal program.

Chapter 57, SLA of Alaska requires the Department of Environmental Conservation, Division of Seafood & Animal Industries to establish a program for the use of a "Premium Quality" seal for Alaska Seafood Products, and to fully implement a seafood inspection program capable of carrying out the "premium quality" seal provisions for promoting Alaskan seafood products, for those in industry who wish to meet product standards and specifications.

State liability must be addressed before this program can proceed.



Richard A. Neve
Commissioner
Environmental Conservation

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

LABOR AND COMMERCE COMMITTEE, CHAIRMAN
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
FISHERIES SUB-COMMITTEE



P.O. BOX 143
SITKA, ALASKA 99835
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Sen. Bill Ray, Chair
Senate Judiciary Committee

FROM: Senator Dick Eliason *Dick*

DATE: April 19, 1983

RE: SB 232 "An Act relating to state liability under AS 03.05; and providing for an effective date."

As requested, I reviewed the above-referenced bill and I am now reporting my findings to you.

Senate Bill 232, introduced by the Rules Committee by request of the Governor, relates to state immunity from civil liability for injuries resulting from the state's handling of various inspection functions. The immediate focus of the bill is on the elimination of state liability exposure due to consumption of contaminated seafood products.

This bill will not affect common law or statutory liability of non-governmental entities for injuries resulting from consumption of seafood.

A zero fiscal note accompanies this bill.

Attachments

SB 232

SENATE BILL NO. 232 by the Rules Committee by Request of the Governor, entitled:

"An Act relating to state liability under AS 03.05; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

Fiscal note is zero.

Governor's transmittal letter dated April 6 follows:

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to state immunity from civil liability for injuries resulting from the state's handling of various inspection functions under AS 03.05.

SB 232 cont'd

The bill affirms state governmental immunity from liability arising from state action or inaction in inspection and control of agricultural products, state processed foods, and disease control. The immediate focus of the bill is on the elimination of state liability exposure due to consumption of contaminated seafood products.

The bill makes clear that the state is protected from liability for injuries resulting from consumption of seafood which has been inspected by the state. The intent declaration in sec. 1 and the text of the statute in sec. 2 express an intent that the Act be liberally construed by the courts to achieve the goal of immunity of the state, its employees, and those acting on its behalf. This is necessary to overcome the judicial policy announced in the case of *State v. Abbott*, 498 P.2d 712 (Alaska 1972), extending state liability into areas where it did not previously exist. Additionally, on several past occasions, for example in *Carlson v. State*, 598 P.2d 969 (Alaska 1979), the court has restricted state immunity to policymaking decisions. This bill expresses an intent that state immunity not be so restricted for these inspection functions and that the immunity extends to lower-level activities such as inspecting.

This bill will not affect common law or statutory liability of nongovernmental entities for injuries resulting from consumption of seafood.

It is felt that, in eliminating the concern about liability exposure because of state activities in this area, state agencies will be less hesitant to undertake programs protecting public health -- especially with regard to actively carrying out the state program of inspection and certification of seafood.

Sincerely,

/s/ Bill Sheffield

Bill Sheffield
Governor

Alaska Statutes

Title 3. Agriculture and Animals.

Chapter

- 05. Powers and Duties of Commissioner of Natural Resources (§§ 03.05.010—03.05.090)
- 10. Alaska Agricultural Loan Act (§§ 03.10.010—03.10.060)
- 15. Agriculture Pest and Disease Control (§§ 03.15.010—03.15.020)
- 17. Marketing of Milk (§§ 03.17.010—03.17.100)
- 19. Small Grain Incentive Program (§§ 03.19.010—03.19.070)
- 20. Agricultural and Industrial Fairs (§§ 03.20.010—03.20.070)
- 22. Plant Materials Center (§§ 03.22.010—03.22.080)
- 25. Veterinarians (§§ 03.25.010—03.25.020)
- 30. Fences (§§ 03.30.010—03.30.060)
- 35. Grazing Districts (§§ 03.35.010—03.35.070)
- 40. Brands and Marks (§§ 03.40.010—03.40.270)
- 45. Diseased Livestock (§§ 03.45.010—03.45.080)
- 50. Estrays (Repealed)
- 55. Dogs (§§ 03.55.010—03.55.060)
- 57. Vegetables of Alaska Origin (§§ 03.57.010—03.57.040)
- 60. General Provisions (§ 03.60.010)

Chapter 05. Powers and Duties of Commissioner of Natural Resources.

| Section | Section |
|---|--|
| 10. Powers and duties of commissioner | 50. Products in violation of regulations |
| 20. Miscellaneous powers of commissioner | 60. Checking spread of contagious diseases |
| 30. Rules for grading and classification of agricultural products | 70. Control of rabies |
| 40. Inspection | 80. Controlling exportation of animals |
| | 90. Penalty for violation |

Sec. 03.05.010. Powers and duties of commissioner. (a) The commissioner shall direct, administer, and supervise experimental work not in conflict with existing federal or state activities for the purpose of promoting and developing the agricultural industry within the state including such fields as horticulture, dairying, cattle raising, fur farming, etc.

(b) The commissioner shall procure and preserve all information pertaining to the development of the agricultural industry and disseminate that information to the public.

(c) The commissioner may regulate and control the entry into the state and the transportation, sale or use inside the state of

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BY
THE STATE OF ALASKA

plants, seeds, vegetables, fruits and berries, nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and agricultural chemicals in order to prevent the spread of pests, diseases, or toxic substances injurious to the public interest, and to protect the agricultural industry against fraud, deception and misrepresentation. In this connection he may require registration, inspection, and testing, and establish procedures and fees.

(d) The commissioner shall provide prospective settlers and others desiring to engage in the agricultural industry in the state with information concerning areas suitable for agriculture and other information essential to the development of the agricultural industry in the state.

(e) The commissioner shall make a study of the marketing of agricultural products inside the state including transportation with special emphasis upon local production and shall negotiate for the marketing of agricultural products of the state with federal and state agencies operating in the state.

(f) The commissioner may issue rules, orders, regulations and quarantines necessary to carry out the purposes of this title in relation to

(1) the examination and inspection of premises containing products, articles or commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) standards and labels pertaining to the sale of agricultural and vegetable seeds;

(4) analyzing and testing and the giving of notice for hearings to determine whether stop orders or quarantine shall issue;

(5) the cooperation with federal and state agencies to carry out the purposes of this title. (§ 33-1-2 ACLA 1949; am § 1 ch 46 SLA 1960)

Am. Jur., ALR and C.J.S. references.—2 Am. Jur., Agriculture, § 1 et seq.; 2 Am. Jur., Animals, § 1 et seq.; 15 Am. Jur., Crops, § 1 et seq.; 30 Am. Jur., Irrigation, § 1 et seq.; 35 Am. Jur., Markets and Marketing, § 1 et seq.

Exemption of farm tools, implements, etc., 2 ALR 828, 830, 837; 9 ALR 1020; 36 ALR 669; 52 ALR 830.

Legality of combination among farmers, 11 ALR 1185; 130 ALR 1326.

Liability of farmer selling unwholesome food for personal injury to the buyer, 13 ALR 1181; 74 ALR 343; 168 ALR 1054.

Constitutionality of regulations as to milk, 18 ALR 235; 42 ALR 556; 58

110 ALR 644; 119 ALR 243; 155 ALR 1383.

Delegation of legislative power to board of health or other board, officer or group with regard to milk regulations, 18 ALR 237; 42 ALR 556; 58 ALR 672; 80 ALR 1226; 101 ALR 65; 110 ALR 646; 119 ALR 245; 155 ALR 1383.

Cooperative marketing of farm products by producers' associations, 25 ALR 1115; 33 ALR 247; 47 ALR 936; 77 ALR 405; 98 ALR 1406; 12 ALR2d 130.

Tenant's right to increase of livestock leased with farm, 72 ALR 858, 862.

Constitutionality and construction

Federal Agricultural Marketing Act, 92 ALR 1492.

Breed of cows as basis of milk price differential, 153 ALR 1174.

Federal crop loans, 1 ALR2d 712.

Construction and application of federal Perishable Agricultural Commodities Act, 21 ALR2d 840.

3 C.J.S. Agriculture §§ 1, 2, 4, 6.

Sec. 03.05.020. Miscellaneous powers of commissioner. The commissioner shall

(1) require routine inspection of food animals and poultry and derivative food products, to protect the public against fraud, disease and spoilage, and in this connection he shall promulgate uniform regulations establishing standards of identity and composition of these food products and minimum standards of sanitation and handling methods as to all phases of slaughtering, processing, storing, transporting, displaying and selling of these food products;

(2) issue orders or cause the orders to be issued by an authorized veterinarian prohibiting transportation and sale of food products intended for human consumption which do not meet the minimum requirements established under (1) of this section, and limiting their use and disposal in conformity with protection of the public;

(3) promulgate a schedule of fees or charges, and credit provisions, for services rendered by state veterinarians to farmers and others at their request in caring for livestock and poultry, and all the fees shall be transmitted to the commissioner for deposit in the state treasury;

(4) designate points of entry for admission of livestock or poultry into the state, and arrange inspection at those points with or without collaboration and assistance of the federal government, and bar entry of stock or poultry not shipped under a valid permit or not free from contagious or infectious disease;

(5) promulgate, repeal, and amend regulations consistent with existing law for

(A) the labeling and grading of milk and milk products and standards of cleanliness and sanitation, to at least the minimum of current recommendations of the United States Public Health Service, for the operation of dairies selling, or offering for sale, milk or milk products;

(B) the production and sale of ice cream and allied frozen desserts;

(C) the production and sale of imitation milk and imitation milk products. (§ 33-1-2(b) (c) (e) (f) ACLA 1949; am § 1 ch 193 SLA 1968; am § 1 ch 25 SLA 1972)

Effect of amendment. — The 1972 amendment, in paragraph (1), deleted "inspection," substituted "food animals" for "livestock," inserted "at state expense" following "routine" and "fraud," deleted "rules and" follow-

ing "uniform," inserted "standards of identity and composition of these food products and," deleted "and" preced-

ing "transporting," and inserted "displaying and selling."
Sec. 03.05.030. Rules for grading and classification of agricultural products. The commissioner may make and promulgate rules, regulations and procedures requiring the classification, grading and inspection of agricultural products sold or offered for sale for general consumption before they are sold, and requiring the marking or labeling of any sack, box, carton or other container of agricultural products to show the kind, grade or other prescribed classification of the contents. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955)

Am. Jur., ALR and C.J.S. references.—2 Am. Jur., Agriculture, §§ 13, 14, 31 to 33, 35, 36, 43, 48, 49.
Federal Agricultural Marketing Act, 92 ALR 1492.
3 C.J.S. Agriculture § 2; 36 C.J.S. Food §§ 2, 4, 6 et seq.
Constitutionality of statutes relating to grading, packing or branding of farm products, 73 ALR 1445.

Sec. 03.05.040. Inspection. On any business day during the usual hours of business the commissioner or his authorized inspector may, for the purpose of inspecting agricultural products subject to regulation, enter a storehouse, warehouse, cold storage plant, packing house, slaughterhouse, retail store or other building or place where those products are kept, stored, processed or sold. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955; am § 2 ch 25 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "slaughterhouse, retail store," deleted "or" preceding "stored," and added "processed or sold."
Am. Jur. and C.J.S. references.—2 Am. Jur., Agriculture, §§ 13, 16, 33, 35 to 42.
3 C.J.S. Agriculture §§ 24 to 43.

Sec. 03.05.050. Products in violation of regulations. An agricultural product found by the commissioner, or his authorized inspector, to violate a rule or regulation is declared to be a public nuisance injurious to the public interest and shall not be moved by the person in whose possession it may be except upon the specific direction of the commissioner or inspector. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955)

Sec. 03.05.060. Checking spread of contagious diseases. The commissioner shall issue or cause to be issued by an authorized veterinarian, emergency orders designed to prevent the spread of contagious or infectious diseases among livestock and poultry inside designated areas or from one part of the state to another in cases of epidemic or threatened epidemic. The orders may cover care or extermination of afflicted stock and may prohibit the transportation of the stock and products derived from the stock, with

compensation to owners as authorized by law. (§ 33-1-2(d) ACLA 1949)

Am. Jur. and ALR references.—2 Am. Jur., Agriculture, §§ 13, 14, 30 to 33, 35 to 40; 22 Am. Jur., Food, § 1 et seq.

Constitutionality of statute or ordinance providing for destruction of diseased animal, 8 ALR 69; 56 ALR2d 1024.

Officer's liability for killing or injuring animals, while acting, or professing to act, under a statute in relation to the inspection or destruction of livestock, 12 ALR 734.

Validity of municipal ordinance

prohibiting or regulating keeping of livestock, 32 ALR 1372; 40 ALR 1395.

Constitutionality of statute for control of diseases of livestock, 65 ALR 523.

Constitutionality of prohibition against cattle entering state, in effort to control diseases of livestock, 65 ALR 534.

Constitutionality of statute as to liability of owner, 65 ALR 552.

Right to compensation for animals destroyed to prevent spread of disease or infection, 67 ALR 208.

Sec. 03.05.070. Control of rabies. The commissioner shall promulgate rules and regulations for the reporting of rabies cases occurring in dogs and other animals and providing for care and restraint of animals suspected of having rabies and for extermination and disposal of rabid animals. The commissioner shall use the services of peace officers and wildlife agents, who are authorized to assist in the protection of the public in accordance with the regulations of the commissioner. (§ 33-1-2(g) ACLA 1949)

Sec. 03.05.080. Controlling exportation of animals. The commissioner shall establish requirements and procedures for examination and certification of dogs, cats and other animals being shipped out of the state. (§ 33-1-2(h) ACLA 1949)

Am. Jur., ALR and C.J.S. references.—2 Am. Jur., Agriculture, §§ 30 to 33, 35 to 39; 2 Am. Jur., Animals, §§ 26 to 28.

Constitutionality of statute making presence of brand on animal prima

facie evidence that animal belongs to owner of brand, 51 ALR 1168; 86 ALR 179; 162 ALR 496.

3 C.J.S. Agriculture §§ 2, 6; 3 C.J.S. Animals §§ 23, 24.

Sec. 03.05.090. Penalty for violation. Any person who violates this chapter or a rule, regulation, order or quarantine made under authority of this chapter, or sells seeds failing to meet the labeling requirements, standards and tests provided for by regulation of the commissioner is, upon conviction, punishable for each offense by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 33-1-3 ACLA 1949)

Chapter 10. Alaska Agricultural Loan Act.

Section
10. Declaration of policy
20. Powers of the department
30. Limitations on loans
40. Creation of fund

Section
50. Administration of fund
54. Sale or transfer of mortgages and notes
60. Short title