

adjacent districts outside the limits of the city, and for that purpose may construct, purchase or otherwise acquire, own, maintain and operate extensions, pole lines, mains, pipe lines and other necessary apparatus and equipment therefor, together with the real property necessary for the same, outside the limits of the city. Provided, however, such public utilities as are provided for in this sub-section shall not be operated or maintained by funds raised by taxation but from the revenue collected for service rendered by such plants or utilities from the customers or users thereof.

emergency.

Section 2. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 12, 1935.

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## CHAPTER 49.

### AN ACT

[H. B. 97]

For the establishment of the University of Alaska in accordance with the provisions of the Act of Congress approved March 4, 1915, to grant a charter to the University of Alaska, and to empower the University of Alaska to succeed to all the rights, powers, privileges and duties of the Alaska Agricultural College and School of Mines. All Acts or parts of Acts in conflict herewith are repealed.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. There is hereby established a University of Alaska which shall consist of the College of Agriculture, the School of Mines, the Department of Agri-

cultural Experiment Station, the Department of Agricultural Extension Work, now a part of the Alaska Agricultural College and School of Mines, and such other colleges and departments either as are now existing in the Alaska Agricultural College and School of Mines or as may from time to time be established, including departments of anthropology, archaeology, ethnology, museum, natural history and palaeontology.

Section 2. There is hereby created and established a corporation under the name and style of "University of Alaska" and by that name shall be capable in law of suing and being sued, taking and holding real and personal property, contracting and being contracted with, adopting and using a corporate seal, changing such seal at its pleasure, and doing and causing to be done all matters necessary for the purposes of any function as hereinafter set forth.

Section 3. The government of the University of Alaska shall be vested in a board of eight regents, citizens of the United States and residents of the Territory of Alaska who shall be appointed for a term of eight years from the first Monday of February of the year in which they are appointed to serve until their successors are appointed and have qualified. And the terms of the trustees of the Alaska Agricultural College and School of Mines in order of their appointment shall continue as terms of appointments as regents of the University of Alaska until the first Monday of February immediately preceding the expiration of their present terms as trustees of the Alaska Agricultural College and School of Mines. The regents shall be appointed by the Governor subject to confirmation by a majority of all the members of the Senate and House of Representatives of the Legislature in joint session assembled: the names of those appointed shall be sent to the Legislature within five days after the opening of the biennial session, for confirmation or rejection;

if any person thus appointed shall not be confirmed by a majority vote of all the members of the Legislature, his appointment shall thereupon cease and another person's name shall be submitted for such office within three days after such rejection; should the Legislature adjourn without confirming the nominee to such office, or if an interim vacancy results from some other cause, the Governor is authorized to appoint some qualified person to fill the vacancy existing but the person who has failed of confirmation as aforesaid shall not be so appointed; the term of office of any such appointee shall expire on the fifth day of the session of the Legislature next following such appointment.

Said Regents shall serve without compensation but shall be paid their reasonably necessary expenses incurred while engaged in the discharge of their official duties.

Property.

Section 4. (a) The University of Alaska shall hold all property acquired by it and the Treasurer of the Territory on requisitions by the Board of Regents of said University duly signed by the President and the Secretary thereof shall pay to the Treasurer of the Board of Regents all Federal land grant college funds coming into his hands and subject to requisition by said Board of Regents and shall disburse Federal funds in aid of land grant colleges in accordance with the provisions of the Federal statute or statutes, providing for such disbursement.

Funds appropriated by Territorial Legislature.

(b) All funds appropriated by the Territorial Legislature for the building, conduct, maintenance and support of the said University of Alaska shall, on requisition by the Board of Regents duly signed by the President and Secretary thereof be paid by the Treasurer of the Territory to the Treasurer of said Board to be by him disbursed on properly drawn vouchers signed by the President and Secretary of the said

Board, or by such other administrative officer or officers as shall be delegated by the Board of Regents to perform such services.

(c) A duplicate copy of each and every voucher and a copy of each and every item of cash receipts shall be sent by the President of said University to the Auditor for the Territory of Alaska within six days after the end of each calendar month.

Copy of  
invoices to be  
sent Auditor.

(d) The Board of Regents is empowered to create the office of comptroller of said University, fix the salary of said officer, determine his duties and by a majority vote to fill said office.

Comptroller.

(e) The Federal fiscal year shall be the fiscal year of the University provided, however, that the biennial report required to be submitted to the Territorial Legislature shall be on the basis of the calendar year.

Fiscal year.

(f) Requisitions on Federal funds and Territorial appropriations shall be based upon estimates of the amounts required quarterly beginning with July 1, 1935.

Requisitions.

(g) The Board of Regents shall maintain a perpetual card index inventory of all permanent property of the University of Alaska showing date of purchase of each item, from whom purchased, amount paid for the same and serial voucher number, and quarterly shall furnish duplicate inventory cards to the Auditor for the Territory of Alaska. At the end of the calendar year the Board of Regents shall furnish the Auditor for the Territory of Alaska a statement showing the loss, sale, destruction or other disposition of any and all items no longer carried on said perpetual inventory. On or before the fifth day of January of each year [and] the said Board of Regents shall forward to the Governor, the Treasurer and the Auditor, a statement showing the inventoried value of the buildings, grounds,

Inventory of  
property.

library and museum, together with the permanent property of the University charged to its several departments.

Subjects  
taught.

(h) The University of Alaska shall use the property and funds acquired for the purpose of conducting a college where the leading objects shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture, the mechanic arts and household economics in order to promote a liberal and practical education. All departments of said institution shall be open to both sexes for equal educational opportunities. The said Regents are empowered to conduct a college extension service, the leading object of which shall be to carry information on rural life subjects to the people of Alaska.

Officers.

Section 5. The Regents of the University of Alaska shall on the first day of July, 1935, meet and organize, and for the orderly conduct of the business of the said corporation said Regents shall have the power and authority from time to time, to elect such officers as may be required and prescribe their duties and tenures. The meetings of the Board shall be open to the public and the press and all records of such meetings and of all proceedings of such Board shall be open to inspection by the public and the press at reasonable times thereafter: provided that said Board may hold executive sessions, the findings of such sessions to be made a part of the record of the proceedings of said Board.

Duties and  
powers of  
Board of  
Regents.

Section 6. The Board of Regents shall have full power and authority to determine the time and place of meeting and the manner of notifying its members to convene at such meeting, and also to elect by a majority vote of the whole Board, an executive head of the said University who may attend all meetings of the Board. The said Board shall establish this position and fix the salary and emoluments of the executive

head of the University, all heads of departments, professors, teachers, instructors and other officers; and the said Board is further empowered to make or ordain, as the occasion may require, reasonable rules, orders and plans not in conflict with the Constitution of the United States and the laws of the Territory with reasonable penalties, for the good government of the said corporation, for the regulation of their own body, and also by and with the advice of the executive head of the University to determine and regulate the course of instruction in said University; but no instruction either sectarian in religion or partisan in politics, shall ever be permitted in any department of the University; and no sectarian or partisan test shall be allowed or exercised in the appointment of Regents or in the appointment of any instructors or other officers of the University or in the admission of students thereto or for any purpose whatever. The Board of Regents shall confer such appropriate degrees as they may determine and prescribe. The Regents shall have the care, control and management of all the real and personal property and all moneys of the said University and shall keep a correct and easily understood record of the minutes of every meeting and all acts done by them in pursuance of their duties, and shall cause to be kept a complete record of all moneys received and disbursements thereof. They shall make a written report to the Legislature at the beginning of its regular sessions of the condition of the University property, of all receipts and expenditures and of the educational and other work performed, provided, nevertheless, that no corporate business shall be transacted at any meeting unless at least five of the Regents are present, the majority of the whole Board to approve the same.

Section 7. The executive head of the University of Alaska shall have authority subject to the approval of the Board of Regents to give general direction to the work of the institution in all its departments. He shall

Power and  
duties of  
President of  
University  
subject to  
approval of  
Board of  
Regents.

have power to appoint the heads of departments and such other professors, assistants, instructors, tutors and other officers of the said University to the positions established by the Board of Regents and he shall define their duties and supervise the performance thereof, except that the dean of the University shall be nominated and appointed by a majority vote of the Board of Regents. The Regents shall have power to remove from office any of the officers of the institution by a majority vote of the whole Board when in their judgment the good of the University requires it, provided, however, that the power to suspend and expel students for misconduct or other causes and to reinstate same is vested solely in the executive head of the University.

Powers, duties and obligations imposed by Congress and Legislature to apply.

Section 8. All powers, duties and obligations devolving upon the said Alaska Agricultural College and School of Mines in connection with or by reason of the various and several Acts of the Congress of the United States now enacted or which may be hereafter enacted in relation to agricultural colleges and agricultural or mining experiment stations, extension work in agriculture and instruction and extension work in the mechanic arts heretofore granted and conveyed to and imposed upon the Alaska Agricultural College and School of Mines to be enjoyed and carried out by it in compliance with the Acts of the Congress and of the Legislature of the Territory or, as might appear to the best interests of the purpose or purposes for which they were created, are hereby granted and conveyed to and imposed upon the University of Alaska, and beginning with the first day of July, 1935, the University of Alaska is hereby named and appointed by the Legislature of this Territory to receive all moneys, appropriations and grants now or hereafter coming to this Territory from the United States Government under any Acts of Congress now in force or hereafter to be passed for the purpose or purposes herein named.

Section 9. In accordance with the provisions of the Act of Congress approved August 30, 1890, whereby the Alaska Agricultural College and School of Mines having been designated as the beneficiary under the provisions of said Act and the College having been located by its Board of Trustees within the boundaries of the four sections of land specified by the Act of Congress approved March 4, 1915, to be reserved and dedicated as a site for said institution, the University of Alaska is hereby declared to be the beneficiary under the provisions of said Act approved August 30, 1890, and the four sections of land specified by the Act of Congress approved March 4, 1915, and used as a site for the Alaska Agricultural College and School of Mines are hereby specifically declared to be the site for the University of Alaska.

Section 10. The grants of land for an agricultural college and school of mines for Alaska, authorized by Act of Congress approved March 4, 1915, and all moneys for the benefit of state and territorial colleges of agriculture and mechanic arts authorized by Acts of Congress approved August 30, 1890, and March 4, 1907, being made subject to the legislative assent of the several states and territories to the purpose of said grant and the assent of this Territory having been given in behalf of the Alaska Agricultural College and School of Mines to the purpose of said grants, and the conditions of the above specified Acts of Congress having been accepted by this Territory in behalf of the Alaska Agricultural College and School of Mines, and the Treasurer of the Territory having been designated as the officer to whom said moneys should be paid, the same are hereby reassented to in behalf of the University of Alaska and are reaccepted in behalf of the University of Alaska, and the Treasurer of the Territory is hereby designated as the officer to whom said moneys shall be paid.

Site of  
university.

Assent of  
Legislature to  
land and money  
grants from  
U. S.

Permitted to  
lease lands.

Section 11. The Trustees of the Alaska Agricultural College and School of Mines having been authorized in the name of the Territory, to execute for mining agriculture or other purposes leases to the lands granted for the benefit of an agricultural college and school of mines for Alaska by the Act of Congress approved March 4, 1915, for such time and at such rent or royalty as may seem just and as provided by law, the same authority is hereby extended to and conferred upon the Board of Regents of the University of Alaska.

University of  
Alaska bene-  
ficiary of Ag-  
ricultural  
College and  
School of Mines.

Section 12. The grants of land authorized by Acts of Congress approved January 21, 1929, for the use and benefit of the Agricultural College and School of Mines and heretofore accepted by the Territory in accordance with and subject to all the conditions therein specified are hereby reaccepted for the Agricultural College and School of Mines as integral parts of the University of Alaska, and the University of Alaska is hereby designated the beneficiary under the provisions of said Act of Congress approved January 21, 1929.

Select lands and  
lease or sell  
same.

Section 13 The Territory hereby authorizes the Board of Regents of the University of Alaska under the direction and subject to the approval of the Secretary of the Interior, to select the lands granted to the Territory by said Act approved January 21, 1929, and to sell or lease the same and cover the proceeds derived therefrom into the Treasury of the Territory all in conformity with the provisions and conditions of said Act.

Treasurer of  
Territory to  
establish sep-  
arate fund for  
deposit of  
monies from  
land lease or  
sale.

Section 14. The Territorial Treasurer is hereby required to establish a separate fund in which all moneys derived from the sale or lease of the lands granted under this Act approved January 21, 1929, are to be kept and the same shall be invested as specified under the provisions of section 6 of said Act. The money in said fund shall be disbursed by the Treasurer of the Territory to the Treasurer of said University of Alaska

upon vouchers approved by the President and Treasurer of said institution specifying the purpose for which such money is to be used and showing it is to be used in conformity with the provisions of said Act.

Section 15. The grants of moneys authorized by Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto" approved March 2, 1887, as amended and supplemented and known as the Hatch Act, and extended to the Territory of Alaska by an Act of Congress entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska," approved February 23, 1929, being made subject to the legislative assent of the several states and territories to the purpose of said grants, the reassent of the Territory is hereby given to the purpose of said grants in behalf of the University of Alaska, and the conditions of the above specified Acts of Congress are hereby reaccepted by the Territory in behalf of the University of Alaska, excepting, however that no sub-stations shall be established by the Board of Regents except by direct authority of the Legislature, and the Treasurer of Alaska is hereby designated as the officer to whom said moneys shall be paid.

Monies accepted for establishment agricultural experiment stations.

Section 16. In accordance with the provisions of the Hatch Act as extended to Alaska the University of Alaska is hereby designated as the beneficiary under the provisions of said Act and is hereby empowered to establish a department to be known and designated as agricultural experiment station.

Agricultural experiment station established.

Section 17. The sum of money appropriated for extension work under an Act of Congress entitled "An Act to provide for cooperative extension work between agricultural colleges in the United States receiving the

Monies accepted for establishment of extension work department.

benefits of an Act of Congress approved July 2, 1862, and of Acts supplementary thereto and the United States Department of Agriculture" approved May 8, 1914, as amended and supplemented and known as the Smith-Lever Act and extended to the Territory of Alaska by an Act of Congress entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska" approved February 23, 1929, being made subject to the legislative assent of the Territory of Alaska to the purpose of said appropriations the re-assent of the Territory is hereby given to the purpose of said appropriations in behalf of the University of Alaska, and the conditions of the above specified Acts of Congress are hereby reaccepted by the Territory in behalf of the University of Alaska, and the Treasurer of the Territory is hereby designated as the officer to whom said appropriations shall be paid.

Empowered to carry on extension work.

Section 18. In accordance with the provisions of the Smith-Lever Act as extended to Alaska, the University of Alaska is hereby designated as the beneficiary under the provisions of said Act, and is hereby empowered to administer and carry on agricultural extension work in this Territory in cooperation with the United States Department of Agriculture.

Authorized to collect fossil remains of extinct animals.

Section 19. The University of Alaska is hereby authorized to collect and store the bones and other remains of the mammoth, mastodon, horse, bison and other fossil remains of these and other extinct animals which may be found in Alaska in mining and other excavations.

Regents to act as trustees of monies.

Section 20. The Board of Regents of the University of Alaska is hereby authorized and empowered to receive, manage, and/or invest moneys or other property, real, personal or mixed which may be given, bequeathed, devised, or in any manner received from sources other than the Legislature of the Territory of

Alaska, or any federal appropriation for the purpose of the University, its improvement or adornment, or the aid or advantage of students or faculty, and, in general, to act as trustee on behalf of the University of Alaska for any of said purposes or objects.

Section 21. The Governor of the Territory of Alaska is hereby authorized and empowered to make all certificates required by law or the regulations of the Department of Agriculture or of the Department of the Interior necessary to be made to entitle the Territory to grants of moneys for the benefits of state and territorial colleges of agriculture and mechanic arts authorized under existing Acts of Congress or Acts of Congress approved subsequent hereto.

Governor authorized make certificates.

Section 22. The Board of Regents shall cause to be kept suitable books of account wherein shall be recorded each gift, the essential facts of the management thereof and the expenditure of the income, and a statement of all trust funds shall be included in the annual report to the Governor.

Books of account to be kept.

Section 23. All obligations, rights, privileges, and all real and personal property whatsoever belonging or appertaining to the Board of Trustees of the Alaska Agricultural College and School of Mines or the Alaska Agricultural College and School of Mines are hereby transferred to the Board of Regents of the University of Alaska and the University of Alaska.

All assets of Alaska Agricultural College and School of Mines transferred to University of Alaska.

Section 24. No person shall, because of sex, color or nationality, be deprived of the privileges of this institution.

Students.

Section 25. To the extent that any Acts of the Legislature of the Territory of Alaska are in conflict with sections 1 to 26 herein the same are hereby repealed.

Saving clause.

Effective  
July 1, 1935.

Section 26. This Act shall take effect on July 1, 1935.

Approved March 12, 1935.

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## CHAPTER 50.

### AN ACT

[S. B. 48]

To correct error in Section 3455 Compiled Laws of Alaska, 1933.

Error.

Whereas a portion of Section 923 Compiled Laws of Alaska, 1913 is omitted in the Compilation of 1933, section 3455, now, in order to supply such omission:

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. That section 3455, Compiled Laws of Alaska 1933 do read as follows, to-wit:

Pleading after.  
Demurrer.

“Sec. 3455. AMENDMENTS AND PLEADING OVER AFTER DEMURRER. After the decision upon a demurrer, if it be overruled, and it appears that such demurrer was interposed in good faith, the court may, in its descretion, allow the party to plead over upon such terms as may be proper. If the demurrer be sustained the court may, in its discretion, allow the party to amend the pleading demurred to, upon such terms as may be proper.”

Approved March 13, 1935.