

Section 3. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved April 3, 1946.

CHAPTER 27

AN ACT

[S. B. 91]

To create a Revolving Fund to be used for loans and bonuses to Alaskan Veterans of World War II who have been honorably discharged or honorably separated; levying a tax to create the Fund; designating who shall be beneficiaries and how the fund will be administered; defining violations and prescribing punishment therefor, making an appropriation; declaring an emergency.

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

- Title** Section 1. This Act shall be known as the ALASKA WORLD WAR II VETERANS' ACT.
- Veterans' Board.** Section 2. ALASKA WORLD WAR II VETERANS' BOARD.
- Creation and duties.** (a) MEMBERSHIP. There is hereby created the Alaska World War II Veterans' Board, whose duty it shall be to carry out the purposes and provisions of this Act, and thereby partially discharge the obligations of the Territory of Alaska to those of its citizens who are serving or have served in the Army, Navy, Marine Corps or Coast Guard during World War II. Said Board shall consist of five members, the majority of whom shall be World War II Veterans, one from each Judicial Division and one at large to be appointed by the Governor, from among competent persons; a majority of said members
- Composition of Board.**

shall be Veterans of World War II. No person appointed on the Board shall serve thereon until so confirmed by the Senate and House in Joint Session, provided, however, recess appointment may be made by the Governor subject to the confirmation of the Board of Administration. Such recess appointment shall be confirmed by the Legislature at its next session following such appointment and confirmation by the Board of Administration. A majority of the Board shall constitute a quorum.

Confirmation.

Recess appointment subject to confirmation.

(b) **TERM OF OFFICE.** The term of office of the Board members shall be four years. Immediately after they shall be assembled in consequence of their appointments, they shall be divided into five classes. The seat of the member of the first class shall be vacated at the end of the fourth year, of the second class at the end of the fifth year, of the third class at the end of the sixth year, of the fourth class at the end of the seventh year, and of the fifth class at the end of the eighth year, so that one new member may be appointed by the Governor at the end of the fourth year and another new member every year thereafter. If any vacancy happens by resignation or otherwise during a term, the Governor shall appoint to fill such vacancy for the unexpired term.

Term of Board members, how determined.

Vacancy, how filled.

(c) **COMMISSIONER OF VETERANS' AFFAIRS.**

(1) The Alaska World War II Veterans' Board members shall, upon the assumption of their duties, appoint a Commissioner, to be known as the "Commissioner of Veterans' Affairs". He shall be the chief executive for said Board. The Board shall classify, provide minimum qualifications and establish the rate of compensation for the Commissioner. The salary allowed shall not exceed eight thousand dollars (\$8,000.00), per annum. The Commissioner shall devote full time to the duties of his office, and the term of the first person appointed shall expire on March 1, 1951, provided he may sooner be removed by

Commissioner to be appointed.

Salary and term of office.

said Board for cause and after hearing. Thereafter a new appointment shall be made, in connection with which, a Commissioner shall be eligible to serve again. The Commissioner shall be a reputable and able business or professional man or woman, with administrative experience and qualified to carry out this program in an efficient and proper manner. The Commissioner shall be the executive officer of the Board and shall perform all executive duties required by the Board. He shall administer the laws, rules and regulations relating to the Veterans' loan program. He shall prepare proposed regulations for consideration by the Board, and shall submit to said Board recommendations for new rules, regulations and legislation. The Commissioner, with the prior approval of the Board, shall attend such meetings in the United States regarding Veterans' Affairs as the Board may deem advisable but the Commissioner shall not absent himself from the Territory for such purposes more than twice nor more than thirty days in the aggregate in any calendar year. He shall perform such other duties as may be prescribed by law, and shall prepare and present a report of the activities of the Board to each biennial Legislature not later than ten days after the convening thereof. He shall have the power to appoint, trade, and/or apprentice training supervisors and other employees as deemed necessary by the Board and authorize any officer or employee under his jurisdiction to act in his stead. He may sit at the meetings of the Board, but shall have no vote. He may act as Secretary of the Board. The Commissioner shall provide such methods of administration relating to the establishment and maintenance of personnel standards as are found to be necessary for the proper and efficient operation of the Veterans' loan program.

Duties of
Commissioner..

Report to
Legislature.

Guarantee of
loans by U. S.,
when made.

(2) The Commissioner shall obtain the guarantee of the United States under the Servicemen's Re-Adjustment Act on such loans as the rules and regulations of the Board may require from time to time. The Commissioner

shall be empowered under such rules and regulations as the Board shall prescribe, to obtain or to require the obtaining of, such guarantees or insurance of loans as may be obtainable from any department, agency or other instrumentality of the United States. The Commissioner, under such rules and regulations as the Board shall prescribe from time to time, shall be empowered to guarantee or insure such loans or portions thereof not to exceed 90% as may be obtainable by Veterans having the qualifications of beneficiaries under this Act, from any person, firm, corporation, bank, Savings and Loan Association, or any agency or instrumentality of the United States, and is empowered to grant participating portions of such loans.

(3) The Commissioner, under such rules and regulations as the Board shall adopt, shall be empowered to grant loans to two or more qualified veterans to engage in the same business, as a partner or joint-venturer with one or more other persons; provided, however, that should one or more veterans engage as a partner in any business or joint-venture with a non-veteran or non-veterans, such non-veteran or non-veterans shall be required by the Board to contribute equally to the capital assets of said business or joint-venture. Mixed loans.

(d) DUTIES OF THE BOARD. The Board shall advise the Commissioner in the performance of his duties; formulate general policies which the Commissioner shall observe and follow; adopt rules and regulations which shall be binding on the Commissioner, members of the Board and all persons employed in the performance of their duties under this Act, but the Board shall have no administrative or executive functions other than those set forth in this Act. It may hold hearings and subpoena witnesses and documents, and any member shall have power to administer oaths in connection therewith. The Board shall also cooperate with the Federal Government in matters of mutual concern pertaining to the welfare Board to advise and formulate policy.
No administrative functions by Board.
Board to cooperate with other governmental agencies.

of Alaskan veterans; to make such reports in such form and containing such information as the Federal Government may from time to time desire; to cooperate with the Federal Government, its agencies or instrumentalities, in establishing, extending or strengthening services for veterans in Alaska. It shall likewise cooperate with the government of Alaska and its political subdivisions and agencies. The Board shall also adopt rules and regulations necessary for the conduct of its business and for carrying out the provisions of this Act, and make necessary rules and regulations to maintain such standards; to require such bonds and undertakings from persons employed by it as shall in its judgment be necessary, and pay the premiums thereon; to establish such regional and local offices and such advisory groups as may be necessary or deemed expedient to carry out or assist in carrying out any duty or authority assigned to it.

Regional offices.

(e) POWERS OF BOARD.

VETERANS' LOANS

The Board shall have the power to authorize the Commissioner, under such rules, regulations and policies as it may adopt, to make loans of the kind and character hereinafter set forth:

(1) Loans for educational, domestic and other personal purposes, not to exceed two thousand five hundred dollars (\$2,500.00). In connection with these loans, legally sufficient promissory notes must be taken, but security need not be required. Security must be taken, however, if available, to the extent available. In the absence of any security, or what would ordinarily be regarded as adequate security, these loans may be made on a character basis in the exercise of the best discretion of the Commissioner in conformity with minimum requirements prescribed by the Board.

\$2500.00 loans.

Security, amount
and kind.

(2) Loans to purchase, remodel, repair, build, furnish and/or equip, homes or farms in Alaska, including the clearing and drainage for such farms, not to exceed ten thousand dollars (\$10,000.00). In this connection good and sufficient mortgages on the property purchased must in all cases be taken as security. Such loans shall not exceed 90% of the appraised value of the property to be purchased unless additional amounts are secured by acceptable collateral as determined by the Commissioner in conformity with minimum requirements prescribed by the Board.

\$10,000.00 loans.
Mortgages.
Loans not to exceed 90% of value of property to be purchased.

(3) Loans to acquire or finance businesses including mining and fishing and/or equipment for the same, but not including farming, not to exceed ten thousand dollars (\$10,000.00). These loans must be secured in the same manner and to the same extent as the home loans above mentioned.

Business loans.

Interest rate shall be at 4% per annum on the unpaid balance of such loans.

Interest rate 4%.

An applicant will be considered eligible for more than one type of loan, but the total standing against any one borrower may not exceed ten thousand dollars (\$10,000.00) at any one time. Furthermore, if one loan is paid back, a borrower may apply for another loan.

Total loans \$10,000.

Money loaned shall be delivered to the borrower in the form of a warrant drawn on the Treasury, vouchered in the manner prescribed for Territorial disbursing officers, and charged against the Fund hereinafter designated. Such vouchers shall be approved by the Commissioner or any bonded deputy authorized to act as a certifying officer.

Money delivered by Territorial warrant.

Upon repayment of loans by installments, or otherwise, in accordance with the terms entered into between the parties, or upon liquidation by foreclosure or other

process, or upon receipt of interest or other revenues, the moneys so recovered shall be turned over to the Territorial Treasurer for deposit in the Veterans' Fund hereinafter designated.

Board to meet annually.

(f) MEETINGS OF THE BOARD. The Board shall hold regular meetings at least once annually at such times and places as it deems wise, and may hold such special meetings as may be called by the Chairman upon the request of two members or of the Commissioner. The members of the Board shall receive travel expense and per diem while attending a meeting of the Board, and, in addition thereto, the sum of ten dollars (\$10.00) per day for each and every day such member is actually and necessarily absent from his place of residence in order to attend Board meetings. Except for the foregoing remuneration and reimbursement, the Board members shall serve without pay.

Expenses of Board members.

Section 3. CREATION OF FUND.

Revolving fund created.

(a) There is hereby created the Alaska World War II Veterans' Revolving Fund to carry out the purposes and provisions of this Act. There is hereby levied the following tax to carry out the purposes of the Alaska World War II Veterans' Act on gross sales, exports and/or remuneration for services, to be collected and deposited in Alaska World War II Veterans' Revolving Fund. The tax above mentioned shall be levied commencing April 1, 1946, and shall be payable on all revenues received on or after said date as result of such sales or service and on all exports exported on or after said date.

1% gross tax on revenue of retail sales or gross revenue from services.

(1) One per centum of the gross revenue derived from all retail sales made in the Territory, said revenue being computed in dollars and the tax payable by the retailer, and/or one per centum of the gross revenue, computed in dollars, derived from services performed in the Territory, payable by the person receiving such

remuneration; providing said sales and/or remuneration for services exceeds one hundred dollars (\$100.00) in any quarter year; save and excepting "remuneration for services" shall not be construed to include salaries and wages received by an employee from an employer but shall include the gross remuneration received for furnishing labor and materials for accomplishing a specified result. Sales of insurance, except life insurance, and bonds of guaranty and fidelity made in the Territory, excepting sales of tax exempt bonds, shall be taxable as retail sales; the tax being payable by the insurer, guarantor or surety and the agent selling the same in the Territory shall be liable for only the tax on the gross remuneration received by him as an agent.

Salaries and wages exempt.

Sales of insurance, how tax computed.

(2) One-half of one per centum of the gross revenue, computed in dollars, derived from wholesale sales made in the Territory, payable by the wholesaler, and one-half of one per centum of the gross market value, computed in dollars at the time of export, of all fish, gold, fur, lumber, and other commodities produced, mined, caught, manufactured or processed in the Territory, payable by the exporter; provided however, such wholesale and export tax shall not apply as to any sale made to any person in a foreign country or to any export to a foreign country, unless exported in bond for re-entry into the United States.

1/2% on wholesale sales in Alaska.

1/2% tax on gold, fish, fur, lumber, etc., to be paid by exporter.

This tax shall terminate at the end of the quarter during which three million two hundred fifty thousand dollars (\$3,250,000.00) or more has been collected hereunder, and the money derived from said tax shall be used for no purposes other than to carry out the provisions of the Alaska World War II Veterans' Act.

Termination of tax.

Except for exports, transactions covered by this section will be taxable only after the money has been received from the other party by the seller of goods or renderer of services. Transactions involving export of

Exports—time tax paid.

commodities shall be taxable during the quarter in which the export occurs. This tax shall be collected by the Department of Taxation pursuant to Chapter 55 of the Session Laws of the Territory of Alaska for 1945, and covered into the Territorial Treasury for keeping and withdrawal as described in this Act. Appropriate forms for the use of tax payers in computing and paying this tax shall be provided by the Tax Commissioner. The tax imposed under this section shall be payable at the end of each quarter of each calendar year and shall be due not later than one month after expiration of the quarter immediately preceding, beyond which time it shall be delinquent.

Taxes due and payable within 30 days of the end of quarter.

(b) **PENALTIES.** In the event the tax is not paid before delinquency, as provided for by this section, a penalty of 5% of such tax shall be added for the first month of delinquency, or fraction thereof, and an additional 5% for each additional month, or fraction thereof, until a total penalty of 25% has accrued. Such penalty will be assessed and collected in the same manner as the tax. Interest at the rate of 6% per annum from due date until paid will accrue and will be assessed and collected in the same manner as the tax.

Penalties for non-payment.

(c) **TAX LIEN.** All taxes, penalties and interest assessed are hereby declared to be a lien prior, paramount and superior to all other liens, mortgages, hypothecations, conveyances and assignments upon all the real and personal property of the person, firm or corporation liable therefor, and also upon all the real and personal property used with the permission of the owner thereof in prosecuting the various industries or lines of business involved. The special remedies for the recovery of this tax shall not be deemed exclusive of any other remedy, civil or criminal, or both, now provided by law for the recovery of moneys due and owing the Territory.

Priority of lien for non-payment of taxes.

(d) **VIOLATION, A MISDEMEANOR.** Any person,

firm, co-partnership or corporation violating any of the provisions of this section shall be deemed guilty of a Misdemeanor. and, upon conviction thereof, shall be punished as prescribed for license tax violations in Section 3145, Compiled Laws of Alaska, 1933.

Section 4. LOAN, BONUS AND BENEFICIARY PROVISIONS. Persons eligible for loans under this Act shall also be eligible for the bonus hereinafter authorized, Limitation on securing both bonus and loan. provided, however, that the bonus for which each veteran may be eligible shall be an alternative to the loan privileges hereinabove prescribed, until such bonus shall be repaid. It is the intent and purpose hereof that if an eligible person elects to take the bonus and obtains same, he shall thereafter be disqualified under the loan provisions hereof, until the amount of loan together with accrued interest shall have been repaid. Likewise, if he elects to borrow and obtains any loan authorized by this Act, he shall thereby forfeit his claim to a bonus hereunder.

The payment of an Alaskan Veteran's cash bonus is hereby authorized to all eligible persons who apply for same and who have not previously disqualified themselves by having contracted a loan or loans hereunder. Bonus authorized.

The bonus shall be a sum in dollars equal to the number of months which the veteran spent in the service, Bonus—\$10.00 per month of service. or fraction thereof, multiplied by ten, providing no bonus should be paid for time served for enlistment or re-enlistment after November 1, 1945.

The payment of bonuses shall be administered by the Veterans' Commissioner in accordance with rules and procedures prescribed by the Board.

(a) BENEFICIARIES. Qualifications of persons Persons eligible for loans. coming under the provisions of this Act in order to be eligible for loans hereunder shall be as follows:

Conditions of
residency to
qualify under
the Act.

(1) Persons who have served in the armed forces of the United States for one year or more, or persons whose service shall have been less than one year because of injury or disability incurred in line of duty, between September 16, 1940, and the date World War II is officially terminated, who have been separated from the armed forces with an honorable discharge or honorable separation, who at the time of induction into the service were residents of the Territory of Alaska, who had been residents for not less than one year immediately prior to their induction and who have returned to the Territory after discharge as residents with the intention of remaining in the Territory.

Resident one
year prior to in-
duction and have
returned to con-
tinue residence.

Dependents.

(2) Person who were dependent on a member of the armed forces or veteran of World War II, at the time of such member's or Veteran's death, provided:

One year
residence.

(a) Such member or veteran was a resident of the Territory for one year prior to induction into the service; and

Served in
armed forces
one year.

(b) Served in the armed forces for at least one year between September 16, 1940, and the official date of the termination of World War II; and

(c) Dies prior to the official date of the termination of said war; and

Honorable
discharge.

(d) Was not discharged other than honorably.

Dependents de-
fined under the
Act.

Such dependents must be unmarried and the deceased member of the armed forces or deceased veteran must have been their chief means of support and they must be either a widow, widower, minor son, minor daughter or mother, father, sister or brother incapable of self support. Such dependents must be residents of the Territory at the time of making such application and intend to reside therein permanently. The rights of minor

children hereunder may be exercised only if they have no surviving parent and have a duly appointed guardian who may make application on their behalf to secure a loan for their care, support, education or other purposes mentioned in sub-section (e), (1) of Section 2 of this Act or receive the bonus for said purposes.

(3) No person shall be eligible for any benefits hereunder if he is eligible under the laws of any state or other Territory for a veteran's loan or bonus. Eligible in Alaska only.

(b) QUALIFICATIONS. Qualifications of persons coming under the provisions of this Act in order to be eligible for bonuses shall be as follows: Persons eligible for bonuses.

(1) As to persons who have returned to the Territory after honorable discharge or honorable separation and have the intention of remaining in the Territory, the qualifications shall be those contained in Section 4, (a). Same as loan qualifications.

(2) As to persons who have not returned to the Territory after honorable discharge or honorable separation and do not have the intention of remaining in the Territory, the qualifications shall be those contained in Section 4, (a) and an additional requirement of five years residence in the Territory immediately prior to the time of induction. Person must have lived 5 years in Territory prior to induction.

Section 5. APPROPRIATION. There is hereby appropriated the sum of three hundred fifty thousand dollars (\$350,000.00) for deposit in the Alaska World War II Veterans' Revolving Fund to be used for the purpose of this Act, including expenses of administration; provided, however, that the Board shall pay back such sum to the Territorial Treasury as soon as revenues collected through the tax imposed by this Act will permit, but not later than four years after the effective date hereof. Appropriation.

Saving clause.

Section 6. If any provisions of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Emergency clause.

Section 7. An emergency is hereby declared and this Act shall take effect immediately upon its passage and approval.

Approved April 3, 1946.

CHAPTER 28

AN ACT

[S. B. 11]

To amend Sections 5573, 5577, 5579 and 5581 of Chapter CCV, Compiled Laws of Alaska, 1933 on the subject of Forcible Entry and Detainer.

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

Section 1. That Section 5573, Compiled Laws of Alaska, 1933, is hereby amended to read as follows:

Sec. 5573. NECESSARY AVERMENTS AND COMPLAINT. In such action it shall be sufficient to state in the complaint a description of the premises with convenient certainty, that the defendant is in possession thereof, that he entered upon the same with force, or unlawfully holds the same with force, as the case may be, and that the plaintiff is entitled to the possession thereof. Provided, however, that the plaintiff may unite a cause of action for arrears of rent on the property in

Contents of averment and complaint.