

CHAPTER 68

AN ACT

[H. B. 37]

To create a Territorial Fisheries Department, establishing a Board with authority to take appropriate steps to improve Alaska's fisheries, including authority to register floating equipment and other fishing gear and promulgate rules and regulations; defining offenses and prescribing penalties; making an appropriation; and declaring an emergency.

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

Purpose. Section 1. DEPARTMENT OF FISHERIES: PURPOSES. There is hereby created a Department of Fisheries, to be known as the Alaska Department of Fisheries, to carry out the following purposes:

(a) To assist in conservation of Alaska's fisheries by appropriate measures, including steps to overcome the present depleted condition of the salmon runs.

(b) To foster the ownership, management and control of fishing equipment and gear by residents of Alaska.

(c) To cooperate with the United States Fish and Wildlife Service.

Section 2. DEFINITIONS.

Definitions.

(a) "Person" includes any individual, partnership, association or corporation.

(b) "Engaged in the business of" means conducting the business of catching fish for commercial purposes

through single or common ownership, supervision, management or control.

(c) "Territorial waters of Alaska" means all territorial waters within or adjoining the Territory of Alaska, either coastal or inland, including bays, gulfs, rivers, lakes and streams, as well as the open sea above the continental shelf off the coast of Alaska.

Section 3. (a) ALASKA FISHERIES BOARD. There is hereby created within the Alaska Department of Fisheries the Alaska Fisheries Board, hereinafter referred to as the "Board" whose duty it shall be to carry out the purposes and provisions of this Act. The members of the Board shall consist of five persons as follows: one fisherman from the Southern fishing area; one fisherman from the Central fishing area; one fisherman from the Northern fishing area; one person at large to represent the general public; and one fish processor. These five persons shall be appointed by the Governor, subject to confirmation by a majority of all the members of the Senate and the House of Representatives in joint session assembled. Each of said persons shall hold office for a term of five years commencing on April 1 of the year in which he is appointed and until his successor is appointed and duly qualified; except that the terms of the members first appointed under this Act shall expire on the basis of one each year commencing on March 31, 1950, as designated by the Governor. In case a vacancy occurs among the members, for any reason, the Governor shall have power to fill such vacancy for the balance of the unexpired term, subject to confirmation by the Legislature as above set forth; Provided, that any person so appointed may serve on an interim basis pending confirmation by the Legislature. Three members shall constitute a quorum for transaction of any business of the Board. No person shall be appointed as a member of the Board who is not a resident of the Territory of Alaska.

Membership.

Terms of office.

Vacancy.

Quorum.

Director.

(b) APPOINTMENT OF DIRECTOR. At its first meeting the Board members above mentioned shall organize for the conduct of their business and are hereby authorized to employ a qualified full-time executive officer of the Board at a salary to be fixed by the Board in any amount not exceeding \$10,000.00 per annum. He shall be known as the "Director" of the Board.

Salary.

Board
compensation.

Section 4. COMPENSATION ETC. OF BOARD MEMBERS. Members of the Board shall serve without salary, but will be entitled to \$15.00 per day as compensation for time spent in performance of their duties at Board meetings, plus transportation and per diem for time away from home on a travel status.

Qualifications
of Director.

Section 5. QUALIFICATIONS OF DIRECTOR. No person shall be eligible for appointment to membership on the Board and employed as Director thereof unless well qualified by knowledge of Alaska's fisheries and problems incident thereto and business and administrative experience. A person appointed to the directorship of such Board shall have a term of four years, subject, however, to removal by a majority of the Board, for incompetence, non-feasance or malfeasance in office.

Authority
of Director.

Section 6. POWERS OF DIRECTOR. The Director shall be the executive officer of the Board and as such is authorized to employ personnel necessary to carry out the work of the Board at salaries authorized by the Board, make purchases and enter into contracts authorized by the Board, including agreements with the United States Fish and Wildlife Service and cooperative effort in carrying out the purposes of this Act, and to transact all other necessary business of the Board. The Director shall establish an office, maintain files and records and minutes of all action taken by the Board, which shall be available for scrutiny by the public at all reasonable times. The Director shall also be the certifying officer

of the Board authorized to approve vouchers for disbursements of money appropriated for the Board.

Section 7. POWERS AND DUTIES OF THE BOARD.

(a) The Board shall have the power to determine and promulgate reasonable rules and regulations governing all persons engaged in the business of catching fish in the Territorial waters of Alaska; provided, however, that such rules and regulations shall not be in derogation of restrictions imposed by the United States Fish and Wildlife Service, but constitute additional safeguards for preservation and improvement of Alaska's fisheries. The Board may require the registration of all floating equipment and other gear used in catching fish in said waters of Alaska; provided, that the Board may not require any fee for such registration in derogation of license privileges granted under other law.

Board duties and powers.

(b) The Board shall have the power to police the fisheries on its own initiative or in cooperation with the United States Fish and Wildlife Services, and shall have the power to enforce its regulations.

Policing of fisheries.

(c) The Board is empowered to investigate matters pertaining to the fisheries for fact-finding purposes or with respect to violations of applicable laws or regulations, and for said purposes may subpoena witnesses, require the production of records and take other appropriate steps.

Investigation authority.

Additional duties.

(d) The Board is charged with the duty of maintaining, improving and extending the fisheries resources of Alaska in the interest of the economy and general well-being of Alaska.

(e) In furtherance of its broader purposes, the Board may engage in stream clearance, hatchery and re-stock-

ing projects and biological studies, alone or in collaboration with the United States Fish and Wildlife Service.

(f) On Alaska's assuming Statehood, the Board shall assume all the powers now vested in the Fish and Wildlife Service relating to the regulation and conservation of the fisheries of Alaska.

Penalty for violation.

Section 8. Any person violating any rule, regulation or registration requirement promulgated by the Board under the authority of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine not exceeding \$1,000.00.

Savings clause.

Section 9. SEVERABILITY CLAUSE. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Appropriation.

Section 10. APPROPRIATION. There is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated, the sum of \$250,000.00 for carrying out the purposes of this Act, in addition to which such amounts as the Legislature may from time to time deem necessary to accomplish the purposes of this Act are hereby authorized to be appropriated and made available to the Board.

Emergency clause.

Section 11. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved March 21, 1949.