

CHAPTER 62

AN ACT

Amending the Employment Security Act pertaining to benefits; amending Section 741 (a) of Chapter 5, ESLA, 1955.

(H. B. 76)

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

Section 1. Subsection (a) of Section 741, Chapter 5, ESLA 1955 is hereby amended to read as follows:

Section 741. **Disqualification for Benefits.** An insured worker shall be disqualified for waiting-week credit or benefits for any week of his unemployment if with respect to such week the Commission finds that:

(a) He was not able to work or was not available for suit-

able work for such week. Provided, however, no Alaskan resident shall be considered ineligible for payment of unemployment benefits for failure to comply with the provisions of this subsection when such failure is caused by his non-commercial fishing and hunting necessary for that person to provide for the survival of himself and dependents during an uninterrupted period of unemployment; provided that no suitable work has been offered him; or

Approved March 18, 1957

CHAPTER 63

AN ACT

Creating an Alaska Fish and Game Department and an Alaska Fish and Game Commission; providing for advisory committees to the Commission; providing for a Director of the Alaska Fish and Game Department; prescribing the duties and powers of the Commission and the Director; creating a Fish and Game Fund; abolishing the contingent receipts fund; transferring of property and funds of the Alaska Fisheries Board, and the Alaska Department of Fisheries; assenting to provisions of Federal aid acts; providing for enforcement authority; providing for transfer of control of Fish and Game resources to Alaska; providing criminal penalties; repealing Chapters 68 SLA 1949; 127 SLA 1951; 64 SLA 1953; 65 SLA 1953; 87 SLA 1953 and other inconsistent Acts; declaring an emergency and setting an effective date.

(S. B. 30)

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

Section 1. **Definitions.** For the purpose of this Act:

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

(b) "Commission" means the Alaska Fish and Game Commission or its successor.

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

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

(e) "Fish" means all species of marine and fresh water fish, amphibians, shellfish, and other invertebrates generally found in the Territory of Alaska, and including those marine mammals commonly taken in or associated with a commercial fishery.

(f) "Game" means all species of birds and mammals generally found in the Territory of Alaska, except as noted under Section 1 (e).

Sec. 2. Department of Fish and Game Created. There is hereby created a Department of Fish and Game to be known as the Alaska Department of Fish and Game whose purpose it shall be to assist in the protection, research, restoration, propagation and increase of fish and game of the Territory of Alaska.

Sec. 3. Commission Created. There is hereby created a commission to be known as the Alaska Fish and Game Commission whose purpose it shall be, among other things, to supervise the Department in maintaining, improving and extending the fish and game resources of Alaska.

Sec. 4. Appointment and Terms

of Commission Members. The Commission shall consist of seven members as follows: (1) A commercial fisherman from the Southeastern fishing area (east of 140° west longitude); (2) a commercial fisherman from the Central fishing area (between 140° and 155° west longitude); (3) a commercial fisherman from the Western fishing area (west of 155° west longitude); (4) a "fish processor" at large from any part of Alaska; (5) a sport fisherman at large from any part of Alaska; (6) a hunter at large from any part of Alaska; and (7) a trapper at large from any part of Alaska. Any and all terms herein may be defined by regulation of the Commission.

The members of the Commission shall be appointed by the Governor, subject to confirmation by the Senate and House of Representatives in joint session assembled. Each of said persons shall hold office for a term of seven 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 as follows:

Commercial fisherman from
the Western area
March 31, 1958

Hunter at large
March 31, 1959

Commercial fisherman from the
Central area
March 31, 1960

Sports fisherman at large
March 31, 1961

Fish processor at large
March 31, 1962

Trapper at large
March 31, 1963

Commercial fisherman from
the Southeastern area

March 31, 1964

The commercial fishermen and "fish processor" representatives on the present Alaska Fisheries Board shall continue in office as members of the Alaska Fish and Game Commission for the terms designated above.

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.

No person shall be appointed to the Commission unless he is a domiciliary of the Territory for at least five years immediately preceding his appointment. Selections for appointment to the Commission shall not be based on political affiliation.

Sec. 5. Establishment of Advisory Committees. The Commission shall establish, at places in the Territory designated by the Commission, Advisory Committees to be composed of persons well informed on the fish and game resources of the locality. The Commission shall set the number and terms of the members of the Advisory Committees, may delegate one member of each committee as chairman, and may empower him, from time to time, to hold public hearings on fish and game matters. Recommendations from the Advisory Committees shall be forwarded to the Commission for their consideration.

Sec. 6. Removal of Commission Members. The Governor may remove any Commission member for

inefficiency, neglect of duty, or misconduct in office; Provided, however, the Governor shall give the member a written copy of the charges against him not less than ten days before a public hearing is held, at which time the member may be heard in person, or by counsel in his own defense, with the right of cross-examination and all the safeguards of the due processes of law. If such Commission member is removed, the Governor shall file in the office of the Secretary of Alaska a complete statement of all charges made against the Commission member and his findings thereon, together with a complete record of the proceedings.

Sec. 7. Compensation, Etc., of Commission Members. The members of the Commission shall receive such compensation and per diem as may be authorized by the Legislature.

Sec. 8. Commission Meetings. The members of the Commission shall meet at Juneau during the month of April, 1957, and shall organize by electing from their membership a chairman and by adopting a set of by-laws to govern the conduct of their business. One regular meeting shall be held annually by the Commission at the Capital, and one or more additional meetings at such times and places within the Territory as the Commission shall select for the transaction of business.

Sec. 9. Quorum. A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, and for the exercise of any power; Provided, however, it shall take a majority of the full membership to carry all motions, regulations, resolutions and policy decisions proposed.

Sec. 10. Powers and Duties of the Commission. The Commission is charged with the duty of supervising, maintaining, improving and extending the fish and game resources of Alaska in the interest of the economy and general well-being of Alaska, insofar as compatible with present Federal laws. For purposes of administering this Act, the Commission may delegate any and all necessary functions and authority to the Director, who shall act on their behalf. In the furtherance of these broad purposes, the Commission may:

(1) Engage in biological research, watershed improvement; and fish and game rehabilitation, propagation and stocking

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

(3) Assist in the enforcement of all applicable Territorial laws dealing with fish and game, including licenses.

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

(5) Investigate and determine the effects of predators on the fish and game of Alaska and to exercise control measures where predators are found to be a menace to the fish and game resources of the Territory.

(6) Enter into cooperative agreements with educational institutions and Territorial, State, Federal, or other agencies to promote fish

and game research, education and information, and to train men for fish and game management.

(7) Accept money from any person under conditions requiring the use of such money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the Territory or in settlement of any claims for damages to such fish and game resources.

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

(9) The Commission is hereby granted authority to promulgate and issue appropriate regulations to implement the provisions of this Act and to cover matters not expressly touched upon or anticipated but necessarily implied by the provisions hereof. All such regulations shall be filed with the Department of Finance and the Acting Governor, or as may be otherwise provided by law, before such regulations shall become effective, and when so filed shall have the force and effect of law. Provided, however, that during such times as the Commission is not in session, the Commission may, authorize the Director to adopt regulations not inconsistent with law and not inconsistent with previous rules or regulations promulgated by the Commission.

Sec. 11. Limitation of Powers. Nothing in this Act, however, shall be construed to authorize the Commission to change the amount of fees for licenses.

Sec. 12. Organization of Work. The Commission shall establish a

departmental division of commercial fisheries, a departmental division of sports fisheries, a departmental division of fur and game and such other departmental divisions as may be necessary, and shall authorize the Director to employ such experts, clerks, and other employees as it may deem necessary for the conduct of the work of the Commission and it shall fix a salary schedule and other compensation for the guidance of the Director.

Sec. 13. Appointment of the Director. The office of the Director of the Department of Fish and Game is hereby created. The Commission shall appoint a Director thereof whose duty it shall be, among other things, to administer the provisions of this Act under such authority as may be given him hereafter or as the Commission may delegate to him. The Director shall be a qualified executive with knowledge of the requirements for the protection, conservation and restoration of the fish and game resources. The Director shall be appointed for a term of five years, subject, however, to removal by a majority of the Commission, for cause.

Sec. 14. Compensation, Etc., of Director. The Director shall receive such compensation as the Legislature shall determine, and shall, subject to appropriate Territorial travel regulations, be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

Sec. 15. Duties and Power of the Director. The Director shall be ex-officio secretary of the Alaska Fish and Game Commission, attend its meetings and keep a record of the business transacted by it. He

shall have general supervisory and administrative powers and control all activities and functions of the Department of Fish and Game, under the supervision and direction of the Commission and shall administer all the provisions of the applicable laws of this Territory relating to fish and game, and shall exercise all necessary powers incident to those conferred upon him.

Sec. 16. Political Activity Prohibited. While retaining the right to vote as he may please and to express his opinion on all political subjects, no employee of the Department shall take any active part in any political organization or political campaign, nor shall he use his official authority directly or indirectly for the purpose of influencing the results thereof, or for the purpose of motivating political action by any person or body. Violation of this section shall subject the employee to immediate dismissal after appropriate hearing by the Commission or its designee.

Sec. 17. Ineligibility for Bounties It shall be unlawful for any employee or special hunter of the Department to receive or attempt to receive any bounty for the killing of any predator, or to transfer the scalp or other part of any predator to another person for the purpose of collecting any bounty.

Sec. 18. Fish and Game Fund Established. There is hereby created a revolving "Fish and Game Fund", which shall be used exclusively (1) to carry out the purposes and provisions of this Act or any other duties that hereafter may be delegated by the Territorial Legislature to the Commission or the Department; and (2) to carry out such purposes and objectives

within the scope of the Act as may be directed by the donor of any such funds.

Said fund shall be made up of the following monies and such other monies as the Legislature may appropriate, which shall be deposited therein:

(a) All monies received from fees for the sale of Territorial sport fishing, hunting, trapping, registered guides, fur farming and fur dealers' licenses.

(b) Proceeds received from the sale of furs, skins and specimens taken by predator hunters whose compensation is paid out of the "Fish and Game Fund".

(c) All monies received in settlement of any claim or losses caused by damages to the fish and game resources of the Territory.

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

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

(f) Monies from any other sources.

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

Sec. 19. Transfer and Abolishment of the Fisheries Contingent Receipts Fund. The balance of any monies remaining in the Fisheries Contingent Receipts Fund shall be transferred to the Fish and Game Fund on the effective date of this Act and the said con-

tingent receipts fund shall thereafter be abolished.

Sec. 20. Diversion of Funds Prohibited. No funds accruing to the Territory from sport fishing, hunting and trapping license fees shall be diverted to any other purpose than the protection, propagation, investigation, and restoration of sport fish and game resources and the expenses of administration of the sport fish and game divisions of the Department.

Sec. 21. Transfer of Property and Funds. All appropriations, property and funds under the control of the Alaska Fisheries Board and the Alaska Department of Fisheries shall be and hereby are transferred to and placed under control of the Commission and Department herein created.

Sec. 22. Assent to Provisions of Federal Aid Acts. The Territory assents to the provisions of the Federal Aid to Wildlife Restoration Act of September 2, 1937, (16 USCA Sec. 669 (a)-(j)), to the Federal Aid in Fish Restoration Act of August 9, 1950, (16 USCA Sec. 777 (a)-(k)), to any amendments, revisions or modifications of either Federal Act, and to any other Federal Aid Act which may hereinafter be enacted to benefit Alaska thereunder. It is desired that the Department participate in any and all of the Federal Aid programs on the same basis as the forty-eight States.

Sec. 23. Enforcement Authority. The Director, together with any law enforcement agency in Alaska, shall be empowered to enforce all provisions of this Act and any rules or regulations promulgated thereunder, and for this purpose the Director may deputize employees of

the Department and such other persons as he may designate.

Sec. 24. Transfer of Control to Alaska. Upon transfer of control of the fish and game resources of Alaska from the Federal Government to the Territory, or upon Alaska becoming a State, the Commission shall accept such transfer on behalf of the Territory or the State of Alaska and the Commission shall assume all the powers now and hereafter vested in the United States Fish and Wildlife Service prior to such transfer, which relate to the regulation and conservation of the fish and game resources of Alaska. All laws and regulations pertaining to "Alaska Fisheries", the "Alaska Game Law", and any other Federal laws or regulations relating to the fish and game of Alaska, which may be in full force and effect at the time of the transfer shall, insofar as they can be applied, be incorporated herein and shall govern the management and control of the Alaska fish and game resources during any transitional period required to place the provisions of this Act in operation and shall be effective until such time as they may be superseded by laws passed by the Alaska Legislature or rules or regulations promulgated by the Commission.

Sec. 25. Violations: Misdemeanor: Penalty. Any person violating any of the provisions of this Act or any rule or regulation promulgated

thereunder shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed one year and a fine of not exceeding five thousand dollars (\$5,000.00) or both such fine and imprisonment.

Sec. 26. Continuation of Regulations, Agreements, Employees, Etc. All rules, regulations, procedures, policies, funds, contracts, agreements, employees' positions, accounts, assets, liabilities, and benefit conditions and amounts, whether vested or contingent, established in any manner under any act repealed by the provisions of this Act are hereby continued except where inconsistent with the provisions of this Act. Department, division, supervisory heads, together with all employees shall continue in their respective positions at the pleasure of and until removed by the Commission created herein.

Sec. 27. Repeal Schedule. Chapter 68, Session Laws of Alaska, 1949; Chapter 127, Session Laws of Alaska 1951, Chapter 64, Session Laws of Alaska 1953; Chapter 65, Session Laws of Alaska 1953; Chapter 87, Session Laws of Alaska 1953; and all acts and parts of acts in conflict with the provisions of this Act, are hereby repealed.

Sec. 28. Emergency Clause. An emergency is hereby declared to exist and this Act shall take effect on April 1, 1957.

CHAPTER 64

AN ACT

Relating to the Territorial income tax; repealing and re-enacting Subsec-