

(a) to investigate and study the desirability, necessity and feasibility of various capital improvements needed by the State on a long-term basis and to hire or contract for technical personnel to aid in the investigations and studies;

(b) to investigate methods and compile data on the financing or such projects by bond issue;

(c) to travel within the State upon the approval of the Governor;

(d) to make a report of their findings to the Legislature and the Governor upon the convening of the 1960 session of the Legislature. The report shall deal with, among other things, estimates of costs, methods of financing and priorities of needs on a long-range basis.

(e) The foregoing enumeration of duties shall not be exclusive; and the Commission shall have such additional necessary and related duties and powers

and such additional areas of investigation as may be designated by the Governor.

Sec. 3. The Commission shall have the aid and cooperation of all agencies of the State or its political subdivisions in performing its duties.

Sec. 4. Monies to cover travel and per diem as allowed by law and other expenditures hereunder shall be provided in the Bill setting out appropriations for the activities of the Executive Branch of State Government.

Sec. 5. Unless otherwise provided by law, the Commission as created by this Act shall cease to exist after the adjournment of the Second Regular Session of the First State Legislature.

Sec. 6. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved May 1, 1959

CHAPTER 160

AN ACT

Repealing Section 3.212 of Chapter 129, SLA 1951 relating to limitations on branch banking; and providing for an effective date.

(H.B. 211)

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

Section 1. Section 3.212 of Chapter 129, SLA 1951 is hereby repealed.

Sec. 2. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.

Became law without signature May 1, 1959

CHAPTER 161

AN ACT

Pertaining to the branding of livestock; prescribing penalties for violations; repealing Sec. 33-3-61 through and including Sec. 33-3-67, ACLA 1949.

(S.B. 58)

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

Section 1. **"Brand" Defined.** For the purpose of the Act a "brand" is defined as an identification mark that is burned

into the hide of a live animal.

Sec. 2. **Brands and Marks: Adoption and Use.** Any person or persons, association, firm, or corporation having cattle, sheep, horses, mules or asses, shall

have the right to adopt a brand or mark, for the use of which he shall have the exclusive right in this state, after recording such brand or mark as provided in Sec. 4 of this Act.

Sec. 3. Brands and Marks: Record: Evidence of Ownership. Such animals may be branded or marked on either side with the owner's brand or mark. No evidence of ownership by brands or marks shall be permitted in any court in this state unless the brands or marks shall be recorded as provided in Sec. 4 of this Act. The animal shall be so branded or marked that the distinguishing brand or mark of the owner shows distinctly. Sheep may be marked distinctly with such mark or device as may be sufficient to distinguish the same readily should they become intermixed with other flocks of sheep owned in the state.

Sec. 4. Brands and Marks: Recording: Fee: Renewal Period: Renewal Fee. Any person or persons, association, firm or corporation desiring to adopt any brand or mark, not the recorded brand or mark of another person, firm, association or corporation, shall forward to the Director of the Division of Agriculture, a facsimile of such desired brand or mark, together with a written application, and shall accompany the same with a recording fee of two (\$2.00) dollars. Upon receipt of such facsimile and fee, the Director shall record the same, as in this section provided, unless such brand or mark is of record as that of some other person, association or corporation, and conflicts with or closely resembles that of any person, association or corporation, in which case the Director shall not record the same, but shall return such facsimile and fee to the forwarding person. The power of rejection shall be vested in the Director of the Division of Agriculture. No brand described as being on either side of the animal shall be accepted or recorded. It shall be the duty of the Director to file all brands or marks offered for record pending the examination, as hereinafter provided, which he shall make as promptly as possible, and if the brand or mark is accepted, the ownership thereof shall vest from the date of filing. The recording as herein provided shall secure to the

person so applying said brand or mark until the next renewal period, which shall be on or before January 1, 1960. A renewal period shall occur every five years, commencing with January 1, 1960, and, at least ninety days before such time, the Director shall notify every owner of a brand or mark of record of such renewal period and the owner of a brand or mark shall pay to the Director a renewal fee of one (\$1.00) dollar and furnish such other information as may be required. The renewal fee of one (\$1.00) dollar shall be due and payable on or before January 1 of the renewal year, and if any owner shall fail, refuse or neglect to pay such renewal fee by March 1 of the renewal year, such brand or mark shall become forfeited and shall be available to be issued to another applicant.

Sec. 5. Brands: Copy of Record: Procurement: Fee. When any brand or mark is recorded, the owner thereof shall be entitled to one certified copy of the record of such brand or mark from the Director of the Division of Agriculture. Additional certified copies of the record may be obtained by anyone upon the payment of one (\$1.00) dollar for each copy.

Sec. 6. Brands: Use Without Certificate Prohibited. It shall be unlawful to use any brand for branding any horses, cattle, mules or asses, unless the person, persons, association, or corporation using such brand holds a written certificate of acceptance from the Director of the Division of Agriculture.

Sec. 7. Brands: Use Without Certificate: Penalty. Any person, persons, association, firm or corporation, who shall violate the provisions of Sec. 6 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars.

Sec. 8. Brands: Personal Property When Recorded: Assignment: Record: Fee. Any brand or mark recorded, as provided in Sec. 4 of this Act, shall be the property of the person, persons, association or corporation causing such record to be made, and shall be subject to sale, assignment, transfer, devise and descent, as personal property. Instru-

ments of writing evidencing the sale, assignment or transfer of such brand or mark, shall be recorded by the Director of the Division of Agriculture, and the fee for recording such sale, assignment or transfer shall be one (\$1.50) dollar and fifty cents. The recording of such instruments shall give notice to all third persons of the matter therein recorded, certified copies of which shall be admissible in evidence without further foundation.

Sec. 9. Brands: Record: Evidence of Ownership. In all suits at law or in equity, or in any criminal proceedings, wherein the title to animals is an issue, the certified copy provided for in Sec. 8 of this Act shall be prima facie evidence of the ownership of such animal by the person whose brand or mark it may be.

Sec. 10. Brands: Record: Publication. It shall be the duty of the Director of the Division of Agriculture, from time to time, to cause to be published, in book form, a list of all brands and marks on record at the time of such publication. Such lists may be supplemented from time to time. The publication shall contain a facsimile of all brands and marks recorded, together with the owner's name and post office address. The records shall be arranged in convenient form for reference. The books and supplements may be sold to the general public at not to exceed two (\$2.00) dollars per copy.

Sec. 11. Brands: Branding Another's Livestock: Defacing Brands: Penalty. If any person or persons, association, firm or corporation shall willfully and knowingly brand or mark, or cause to be branded or marked, the animals of another, or who shall willfully and knowingly efface, deface or obliterate any brand or mark upon any animal or animals of another, he or they shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned for not less than two (2) years, nor more than five (5) years.

Sec. 12. Animals from Other States: Distinguishable Brands Required: Violation: Penalty. It shall be the duty of any person or persons, organization or corporation, who brings into this state for grazing purposes, any animals mentioned in Sec. 2 of this Act, already

branded or marked, to present to the Director of the Division of Agriculture a statement of the brands or marks of such animals, and, if such brands or marks conflict with any previously recorded, it shall be the duty of the owner or manager of such animals to brand or mark them with a brand or mark that the Director of the Division of Agriculture shall consider a fully distinguishable brand or mark from all brands or marks recorded, and such owner shall be enjoined from the further use of the conflicting brand or mark. A failure to comply with the provisions of this section shall render the party so violating liable for all damages resulting from such failure. This section shall apply to all animals in this state whose brands or marks infringe on previously recorded brands or marks.

Sec. 13. Branded Livestock: Sale: Requirements: Violation: Penalty. No person or persons, whether as principal or agent, shall hereafter sell or otherwise dispose of any branded livestock, nor shall any person, whether as principal or agent, buy, purchase, or otherwise receive any such stock, unless the person or persons so selling or disposing of any such stock shall give, and the person or persons buying, purchasing or otherwise receiving any such stock shall receive a bill of sale in writing as to the stock so sold. Any person who shall violate or fail to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than twenty-five (\$25.00) dollars nor more than six (6) months, or both.

Sec. 14. Branded Livestock: Bill of Sale: Exhibition by Purchaser: Violation: Penalty. It shall be the duty of any person who has purchased or received, or has in his possession any branded livestock, either for himself or for another, to exhibit, on request of any person inquiring therefor, the bill of sale of such stock. Any persons violating or failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction be liable to punishment as provided in Sec. 13 of this Act.

Sec. 15. Branded Livestock: Sale

Without Power of Attorney or Bill of Sale Prohibited: Exception: Contents of Bill. No person or persons shall sell or offer for sale or trade, any branded livestock upon which such persons have not their recorded brand, or for which the person so offering has neither the bill of sale nor power of attorney from the owner of such stock, authorizing such sale. The bill of sale shall state the buyer's name and address, the date of transfer, the guarantee of title, the number of cattle transferred, the sex, the brand or brands, the location of the brand or brands, and the name and address of the seller. The signature of the seller shall be attested by at least one witness.

Sec. 16. Branded Livestock: Sale Without Power of Attorney or Bill of Sale: Penalty. Every person violating Sec. 15 of this Act shall be deemed guilty of a felony, unless such person upon trial shall establish and prove that he was at the time the actual owner of the stock so sold or traded, or offered for sale or trade, or that he acted by the direction of one shown and proved to be the actual owner of such stock. Every person convicted of such felony shall be imprisoned for not less than two (2) years nor more than five (5) years. In prosecution for a violation of said section, it shall not be necessary, in order to warrant a conviction, to prove motive, intent, or purpose on the part of the accused, or that the accused knew that the stock sold or traded, or offered for sale or trade, were so sold, traded or offered in violation hereof, but the fact of such selling, trading, or offering for sale or trade contrary to the provisions hereof, when proved, shall be sufficient to authorize a conviction, unless the accused shall by testimony explain the case made by the State of Alaska in a manner consistent with good faith and an innocent purpose.

Sec. 17. Branded Livestock: Slaughter: Permit. Any person, firm, association or corporation who slaughters, or causes to be slaughtered, branded livestock for sale or distribution, shall obtain a permit from the Director of the Division of Agriculture. The application for such permit shall be made in writing, under oath, to the Director of the Division of

Agriculture, giving the full name of such person, firm, association or corporation, and the name of the city or village where it is intended to carry on such business. The registration fee for such permit shall be one (\$1.00) dollar per annum, due and payable on July 1 of each year.

Sec. 18. Branded Livestock: Slaughterers: Violation: General Penalty. Any person, firm or corporation who shall violate Sec. 17 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

Sec. 19. Branded Livestock: Slaughter for Use: Hire: Preservation Required: Exception. It shall be unlawful for any person, corporation or company to kill, for his, her or its own use and consumption, or to offer for sale, any branded livestock without preserving the hide of such animal intact, for a period of not less than fifteen (15) days, and such hide shall be presented for inspection upon demand of any person.

Sec. 20. Branded Livestock: Provisions: Inspected Slaughterers Exempt. Nothing in this Act shall be construed to interfere or apply in any way to packing plants in this state where the United States Department of Agriculture of the State of Alaska maintains regular inspection.

Sec. 21. Brands and Marks: Violations: General Penalty. Any person, association or corporation, or the agent thereof, who violates any of the provisions of this Act, for which a specific penalty is not provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

Sec. 22. Branded Hides: Record: Purchasers and Carriers Must Keep. All purchasers of hides shall keep a record of all branded hides of meat cattle purchased by them which record shall state the name or names of the person or persons from whom purchased, their place of residence, the date of purchase,

and all marks and brands on the hides, and which shall at all times be open for the inspection of stock growers, their agents and employees.

Sec. 23. Branded Hides: Provisions: Violation: Penalty. Any person, who shall violate the provisions of Sec. 23 of this Act or willfully neglect or refuse to do any act therein required, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the jail for a period not exceeding three (3) months or pay a fine not exceeding one hundred (\$100.00) dollars.

Sec. 24. Brands: "S" on Left Jaw: Registration. There is hereby registered in the office of the Director of the Division of Agriculture a cattle brand consisting of an "S" on the left jaw. This brand shall not be assigned to any person, firm or corporation in the state of Alaska, and it shall be unlawful for any person, firm, or corporation to use this brand except as provided in Sec. 25 of this Act.

Sec. 25. Brands: Spayed Heifers:

Branding. It shall be the duty of every person when spaying heifers, upon request of the owner thereof, to brand such heifers with an "S" on the left jaw, and to furnish the owner with a certificate that all heifers so branded have been properly spayed.

Sec. 26. Brands: Spayed Heifers: Provisions: Violation: Penalty. Any person who violates any of the provisions of Sec. 25 or Sec. 26 of this Act shall be guilty of a misdemeanor, and shall upon conviction be fined in any sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

Sec. 27. Branded Livestock: Inspection by Director of Division of Agriculture. The Director of the Division of Agriculture, or any agent duly authorized by him, may at any time make inspections of branded livestock in order to ascertain and enforce compliance with the provisions of this Act.

Sec. 28. Repealer. Sec. 33-3-61 through and including Sec. 33-3-67, ACLA 1949 are hereby repealed.

Approved May 1, 1959

CHAPTER 162

AN ACT

Pertaining to the oath of office of state officers and employees; repealing Sec. 11-1-8, ACLA 1949 as amended by Ch. 113, SLA 1949; and providing for an effective date.

(S.B. 115)

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

Section 1. All public officers and employees of the State of Alaska, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I

will faithfully discharge my duties as to the best of my ability."

Sec. 2. Sec. 11-1-8, ACLA 1949 as amended by Ch. 113, SLA 1949 is hereby repealed.

Sec. 3. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved May 2, 1959