

(2) Migratory fish and migratory shellfish taken within the waters of Alaska are indistinguishable, in most cases, from those taken from the adjacent high seas.

(3) Substantial quantities of migratory fish and migratory shellfish move inshore and offshore intermittently and at various times during any given year and in so doing often enter and leave territorial waters of Alaska.

(4) To conserve the migratory fish and migratory shellfish found within the waters of the state it is necessary to strictly enforce local laws and regulations.

(5) By making certain laws and regulations passed or promulgated for the regulation of the coastal fishery applicable to the adjacent high sea areas, enforcement of these laws and regulations will be greatly facilitated.

(6) That conservation regulations should not be promulgated to impose economic sanctions.

Sec. 2. The Board of Fish and Game is authorized to promulgate rules and regulations, in order to effectuate the purposes of this Act defining the adjacent high sea areas, defining migratory fish and migratory shellfish and to make coastal fishery rules and regulations governing the manner, means, conditions and time for the taking of migratory fish and migratory shellfish applicable within designated adjacent high sea areas.

Sec. 3. It shall be unlawful for any person taking migratory fish and migratory shellfish in high sea areas designated by the Alaska Board of Fish and Game or in violation of the rules and regulations promulgated by the Board of Fish and Game governing the taking of

migratory fish and migratory shellfish in such designated areas, to possess, sell, offer to sell, barter, offer to barter, give or transport, within the state, including the waters thereof, any such migratory fish or migratory shellfish.

Sec. 4. It shall be unlawful for any person to possess, purchase, offer to purchase, sell, or offer to sell within the State of Alaska, any migratory fish or migratory shellfish taken on the high seas knowing said migratory fish or migratory shellfish to have been taken in violation of any rule or regulation promulgated by the Board of Fish and Game, governing the taking of migratory fish or migratory shellfish in certain areas designated by the Board of Fish and Game or the Commissioner.

Sec. 5. Any person who violates the provisions of Secs. 3 and 4 of this Act is guilty of a misdemeanor and upon the conviction thereof shall be subject to a fine of not exceeding \$5,000.00 or imprisonment not to exceed one year, or both such fine and imprisonment.

Sec. 6. This Act shall not apply to: (1) those species of salmon in those areas within the international waters of the Pacific Ocean which are regulated by the International Pacific Salmon Fisheries Commission or by the United States laws or rules or regulations promulgated pursuant to such laws; (2) the use of nets for fishing for or taking salmon for the purposes of scientific investigation authorized by the laws of this state; and (3) the existing laws and regulations prohibiting the taking of salmon by means of nets on the high seas.

Sec. 7. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 14, 1960

## CHAPTER 122

### AN ACT

Relating to highway rights-of-way, excess lands and exchange lands; amending Subsec. (9), of Sec. 3, Article I, Title I, Ch. 152, SLA 1957 as amended by Ch. 124, SLA 1959; amending Sec. 3, Article I, Title I, Ch. 152, SLA 1957, by adding a new

subsection; amending Article I, Title IV, Ch. 152, SLA 1957, by adding a new section; and providing for an effective date.

(H.B. 416)

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

Section 1. Subsec. (9) of Sec. 3, Article I, Title I, Ch. 152, SLA 1957 as amended by Ch. 124, SLA 1959, is amended to read as follows:

(9) "Highway" means all highways (whether included in primary or secondary systems), roads, streets, trails, walks, bridges, tunnels, drainage structures and other similar or related structures or facilities, and rights-of-way thereof, and further includes ferry systems, whether operated solely within Alaska or to connect with Canadian highways, and all such related facilities.

Sec. 2. Sec. 3, Article I, Title I, Ch. 152, SLA 1957, is amended by the addition of a new subsection to read as follows:

(14) "Excess lands" means all lands acquired for Alaska in excess of land required for a highway or other public work, when the remaining portion of a parcel of land so acquired is left in such shape or condition as to be of little or no value to its owner, or to give rise to claims or litigation concerning severance or other damage.

Sec. 3. Article I, Title IV, Ch. 152, SLA 1957, is amended by the addition of a new section to read as follows:

**Sec. 2. Acquisition of Excess Lands or Rights-of-Way: Condemnation for Exchange.** (1) The department, on behalf of Alaska, whenever a part of a parcel of land is to be taken for any of the purposes set forth in this Act and the remainder is to be left in such

shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, may acquire the whole parcel and may sell the remainder or may exchange the same for other property needed for state highway rights-of-way or purpose or for public works.

(2) The department may, on behalf of Alaska, whenever property which is devoted to or held for some other public use for which the power of eminent domain might be exercised is to be taken for the purposes set forth in this Act, with the consent of the person or agency in charge of such other public use, condemn, in the name of the State of Alaska, real property to be exchanged with such person or agency for the real property so to be taken. This section shall not limit the authorization of the Department to acquire, other than by condemnation, property for such purposes .

(3) Whenever the commissioner shall formally declare it to be in the best public interest of the State of Alaska, the department, on behalf of Alaska, may acquire by purchase or otherwise any privately or publicly owned lands or interests therein for the purpose of exchanging the same for any privately or publicly owned lands which the department is by law authorized to acquire.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 14, 1960

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## CHAPTER 123

### AN ACT

**Pertaining to the consumer's sales tax; amending Subsec. B, Sec. 37-3-54, ACLA 1949 as added by Ch. 96, SLA 1951 and amended by Ch. 124, SLA 1953 and Ch. 66, SLA 1959; and providing for an effective date.**

(H.C.S.B. 145)