

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

Section 1. The sum of \$4,500.00 or so much thereof as shall be found necessary is hereby appropriated out of moneys in the general fund not otherwise appro-

propriated to carry out the provisions of Ch. 23, SLA 1960.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 15, 1960

CHAPTER 131

AN ACT

Relating to the Fish and Game Code of Alaska; amending the following Sections of Ch. 94, SLA 1959; Subsecs. (i), (j), and (v) of Sec. 2, Art. I; Secs. 25 and 33 of Art. I; Subsecs. (1), (3), (5), (7), (10), and (14) of Sec. 2, Art. II; Subsecs. (8), (9), and (16) of Sec. 2, Art. II as amended by Ch. 96, SLA 1959; Secs. 5, 6, 7, 8, and 10 of Art. II; Secs. 6 and 7 of Art. III; Subsecs. (c), (d), (e), and (f) of Sec. 8, Art. III; Secs. 9 and 12, Art. III; and amending by adding the following: New Subsecs. (w) and (x) to Sec. 2, Art. I; a new Subsec. (k) to Sec. 8, Art. III; repealing Sec. 1, Art. III; and providing for an effective date.

(C.S.H.B. 450)

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

Section 1. Sec. 2 (i), Art. I, Ch. 94, SLA 1959 is amended to read as follows:

(i) "Sport fishing": the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board.

Sec. 2. Sec. 2 (j), Art. I, Ch. 94, SLA 1959 is amended to read as follows:

(j) "Resident": a person who for twelve consecutive months has maintained a permanent place of abode within the State and who has continually maintained his voting residence in the State; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" shall mean one that has its main office or headquarters in the State; provided, however, that any member of the military services who has been stationed in the State for the immediately preceding twelve consecutive months shall be considered a resident for the purposes of this Act, and the dependent of any such member, who has been

living in the State for the immediately preceding year shall likewise be considered a resident for the purposes of this Act.

Sec. 3. Sec. 2 (v), Art. I, Ch. 94, SLA 1959 is amended to read as follows:

(v) "Taxidermy": the tanning, mounting, processing, or other treatment or preparation of fish or game, or any part thereof, as a trophy, for monetary gain, including the receiving of such fish or game or parts thereof for such purposes.

Sec. 4. Sec. 2, Art. I, Ch. 94, SLA 1959 is amended by adding two new sections to read as follows:

(w) "Subsistence fishing": the taking, fishing for or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gillnet, seine, fish wheel, long line, or other means as defined by the Board.

(x) "Seizure": the actual or constructive taking of possession by an enforcement or investigative officer charged with enforcement of the fish and game laws of Alaska of any property, real or personal, subject to seizure under the provisions of this Act.

Sec. 5. Sec. 25, Art. I, Ch. 94, SLA

1959 is amended to read as follows:

Sec. 25. **Public Nuisances.** All nets, seines, lanterns, snares, devices, contrivances, and materials while in use, had and maintained, for the purpose of catching, taking, killing, attracting, or decoying any fish or game, contrary to law or rule or regulation of the Board or the Commissioner, are public nuisances and subject to abatement as such.

Sec. 6. Sec. 33, Art. I, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 33. **Violations: Misdemeanor: Penalty.** Any person who shall violate Secs. 27, 28 or 31 of this Article or any rule or regulation promulgated under authority of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000.00 or be imprisoned not more than six months, or both; provided, however, that any person who shall violate any rule or regulation promulgated under authority of this Article for the regulation of commercial fisheries shall be punished as provided in Sec. 12 of Art. III of this Act.

All monies from fines shall be transmitted by the court to the proper State officer for deposit in the General Fund of the State.

Sec. 7. Subsections (1) and (3), Sec. 2, Art. II, Ch. 94, SLA 1959 are amended to read as follows:

- (1) Resident sport fishing license ----- \$ 5.00
 Provided, however, that the above license may be obtained by a dependent member of any family for a fee of \$.25 upon proof presented by the applicant that the family (1) is obtaining or has obtained during the immediately preceding six months, assistance under any state or federal welfare program to aid the indigent, or (2) has an annual income of less than \$800.00 for the year immediately preceding application.
- (3) a. Resident hunting and

trapping license ----- \$ 10.00

b. Resident trapping license ----- \$ 3.00

Sec. 8. Subsec. (7) of Sec. 2, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

(7) Non-resident sport fishing license ----- \$ 10.00

Sec. 9. Subsec. (8) of Sec 2, Art II, Ch. 94, SLA 1959 as amended by Ch. 96, SLA 1959 is amended to read as follows:

(8) Non-resident hunting license ----- \$ 10.00

Sec. 10. Subsec. (9) of Sec. 2, Art. II, Ch. 94, SLA 1959 as amended by Ch. 96, SLA 1959, is amended to read as follows:

(9) Non-resident hunting and sport fishing license ---- \$ 20.00

Providing that non-residents may not take big game animals without previously purchasing numbered, nontransferable, appropriate tags, issued to an individual as provided for hereinafter, and which must be affixed to the animal immediately upon taking and remain affixed until the animal is prepared for storage, consumed or exported.

Sec. 11. Subsec. (10) of Sec. 2, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

(10) Non-resident hunting and trapping license ----- \$100.00

Sec. 12. Subsec. (14) of Sec. 2, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

(14) Non-resident fur dealer and taxidermy license --- \$100.00

Sec. 13. Subsec. (16) of Sec 2, Art. II, Ch. 94, SLA 1959 as amended by Ch. 96, SLA 1959, is amended to read as follows:

(16) Non-resident big game tags:
 Brown or grizzly bear ----- Each ---- \$ 75.00

Polar bear	Each	150.00
Black bear, deer	Each	10.00
Bison, moose,		
sheep	Each	50.00
Walrus	Each	100.00
Elk, goats,		
caribou	Each	25.00

Provided, that the Commissioner may issue to any person without cost permits to collect fish and game, subject to such limitations and provisions as he deems appropriate, for scientific, propagative, or educational purposes; and provided further, that tags issued but not used for animals specified above, may be utilized to satisfy the tagging requirements for any of the species above named of which the tag fee is of equal or less evaluation, but only for the year in which the tag is issued.

Sec. 14. Sec. 5, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 5. Commissioner May Appoint Agents. The Commissioner is hereby authorized to appoint State employees, or other persons to take applications, issue licenses and tags, and collect fees; provided, however, that the Commissioner shall not be liable for defalcation or failure to account for the fees so collected by any such agent, but shall require a bond in such sum as he may deem adequate, conditioned upon faithfully accounting for all monies collected; provided, however, that the Commissioner may, in his discretion, waive the bond requirements for an instrumentality of the United States, its agents and employees, where such instrumentality, its agents or employees sell licenses primarily to persons in the armed forces. All persons, upon appointment by the Commissioner, as authorized in this section, shall have the authority to administer oaths on applications for licenses and tags.

Sec. 15. The opening paragraph of Sec. 6, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 6. Fee for Issuance of Licenses and Tags. Any person, except salaried employees of the State, appointed and authorized by the Commissioner to sell licenses and tags, shall retain 5 per cent of the fee for the issuance of each license or tag.

Sec. 16. The opening paragraph of Sec. 7, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 7. Violations. Any false statement as to any material fact in an application for license shall render null and void the license issued upon it; and any person who shall knowingly make any false statement or shall knowingly omit any material fact in such an application shall be guilty of a violation of this Article.

Sec. 17. Sec. 8, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 8. License Forfeiture. Upon conviction of a person of a first violation of any provision of this Article or of any Federal or State law or regulation for the protection of the sport fish and game of Alaska, the Court may, in addition to the penalty imposed by law, revoke the license of such person. Upon subsequent conviction of any such person of any violation of any provisions of this Article or of any Federal or State law or regulation for the protection of the sport fish and game of Alaska, the Court shall revoke the license of such person, and no person whose license has been so revoked shall purchase another license of the same type for a period of not less than two years or more than three years from the date of such revocation as determined by the Court; provided further that any licensed guide or assistant guide upon conviction of any provision of any Federal or State sport fish or game law or regulation shall have his license revoked and shall not be eligible for a guide or assistant guide license for a period of five years from the date of revocation.

Sec. 18. The opening paragraph of Sec. 10, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 10. Penalties. Any person who violates Secs. 1 or 7 of this Article is

guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000.00 or be imprisoned not more than six months, or both.

Sec. 19. Sec. 6, Art. III, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 6. Commercial Fishing License. A commercial fishing license shall be obtained by each and every individual before he shall become engaged as a commercial fisherman as above defined. The fee for such license shall be \$10.00 for residents, and \$15.00 for non-residents. Failure to comply with the provisions of this Section is unlawful.

Sec. 20. Sec. 7, Art. III, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 7. Vessel License. As a condition precedent to the delivery or landing of fish or engaging in commercial fishing within this state, a license is required for each and every commercial vessel, including but not limited to, vessels used in charter service for the recreational taking of fish and shellfish. The license so issued may be revoked by the commissioner for one full year from the date of revocation upon a finding that the operation of such vessel tends to result in the impairment, depletion, or destruction of the fishery resources of this state by bringing into or possessing within this state fish taken by means, under conditions, or at times not permitted by the laws of this state to its citizens. In the event of the revocation of such license the further operation of the vessel within Alaska, for the purposes covered by this section shall be unlawful. Operation without a vessel license of any vessel to which this section applies shall be unlawful whether the absence of a vessel license results from initial failure to purchase or from revocation by the commissioner. The vessel license shall include a permanent number plate. The number plate shall be accompanied by a tab affixed to it designating the year to be fished.

Number plates are not transferable, and shall be considered a permanent fixture upon the vessel upon which they are originally placed. They shall be securely fastened well forward on the port side in plain sight. On vessels

with a super-structure the plates shall be fastened on the port side of the super-structure.

Upon an annual payment of a license fee of \$10.00 for residents and \$30.00 for non-residents, and filing of the name and address of the owner and operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear, vessel license number, if any, areas to be fished, and such other reasonable information as may be required by the Department, a number plate and a vessel license shall be issued by the Department; provided, however, that if the vessel already possesses said number plate, a vessel license and tab designating year shall be issued. The tab shall be placed in the space provided on the permanent number plate.

Number plates shall remain the property of the State. If such permanent number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel shall immediately make application for and may obtain a duplicate, upon furnishing the Department with the pertinent facts and a payment of two dollars (\$2.00).

If a vessel carrying number plates is lost, destroyed, or sold, the owner shall immediately report the loss, destruction or sale to the Department.

Sec. 21. Subsecs. (c), (d), (e) and (f), Sec. 8, Art. III, Ch. 94, SLA 1959 are amended to read as follows:

(c) **Drift Gill Net License.** A license is required for drift gill nets used in the taking or catching of fish for commercial purposes in the waters of the State, for which such license there shall be paid a fee of \$10.00 for the first 100 fathoms or fraction thereof and \$5.00 for each additional 50 fathoms or fraction thereof per annum by residents and \$30.00 for the first 100 fathoms or fraction thereof and \$15.00 for each additional 50 fathoms or fraction thereof per annum by non-residents, provided only the maximum amount of gear fished at one time is licensed, and that the gear for each vessel must be separately licensed.

(d) Set or Stake Gill Net License. A license is required for each and every set or stake gill net used in the taking or catching of fish for commercial purposes in the waters of the State, for which such license there shall be paid a fee of \$5.00 for the first 50 fathoms or fraction thereof and \$5.00 for each additional 50 fathoms or fraction thereof per annum by residents and \$15.00 for the first 50 fathoms or fraction thereof and \$15.00 for each additional 50 fathoms or fraction thereof per annum by non-residents, provided only the maximum amount of gear fished at one time is licensed.

(e) Beach or Drag Seine License. A license is required for each and every beach or drag seine used in the taking or catching of fish for commercial purposes in the waters of the State, for which license there shall be paid a fee of \$10.00 for the first 100 fathoms or fraction thereof and \$5.00 for each additional 50 fathoms or fraction thereof per annum by residents and \$30.00 for the first 100 fathoms or fraction thereof and \$15.00 for each additional 50 fathoms or fraction thereof per annum by non-residents.

(f) Purse Seine and Hand Purse Seine License. A license is required for purse seines and hand purse seines used in the taking or catching of fish for commercial purposes in the waters of the State, for which license there shall be paid a fee of \$40.00 for the first 100 fathoms or fraction thereof and \$10.00 for each additional 50 fathoms or fraction thereof per annum by residents and \$120.00 for the first 100 fathoms or fraction thereof and \$30.00 for each additional 50 fathoms or fraction thereof per annum by non-residents.

Sec. 22. Sec. 8, Art. III, Ch. 94, SLA 1959 is amended by adding a new subsection to read as follows:

(k) Subsistence Fishing License. A license is required for subsistence fishing for which license there shall be paid a fee of \$1.00; provided, however, that no license shall be issued to any non-resident or to any resident whose annual gross income exceeds \$4,000.00. A subsistence fishing license shall en-

title the holder thereof to fish by means, under conditions and at times permitted by the Alaska Department of Fish and Game for subsistence fishing; provided, however, that nothing in this section shall prevent the holder of a resident commercial fishing license from taking fish for subsistence under applicable rules and regulations governing commercial or subsistence fishing.

Failure to comply with the provisions of this section is unlawful.

Sec. 23. Sec. 9, Art. III, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 9. License Possession Requirements. The commercial fishing license shall be carried on the individual whenever such individual is engaged as a fisherman as above defined.

All fishing gear licenses issued under the provisions of this Article shall be non-transferable, and it shall be unlawful for any gear which is licensed as herein specified to be operated or caused to be operated by any person other than the licensee. In the event the operator of the gear is non-resident, the gear shall be required to be licensed as non-resident gear and the fees provided for non-residents shall be paid for such license, provided that, for the purposes of this Act, the "operator" shall mean the individual by law made responsible for the operation of the vessel. All licenses for fishing gear issued under the provisions of this Act shall be carried in the possession of the licensee.

Failure to comply with any of the above provisions is unlawful.

Sec. 24. The opening paragraph of Sec. 12, Art III, Ch. 94, SLA 1959 is amended to read as follows:

Sec. 12. Penalties. Any person who violates Secs. 6, 7, 8, 9, or 10 of this Article or the rules and regulations of the Department of Fish and Game pertaining to commercial fisheries is guilty of a misdemeanor and upon conviction thereof is subject to a fine of not exceeding \$5,000.00 or imprisonment not to exceed one year or both.

Sec. 25. Sec. 1, Art. III, Ch. 94, SLA 1959 is hereby repealed. The remaining

sections of Article III shall be renumbered accordingly.

Sec. 26. This Act takes effect on the

day after its passage and approval or on the day it becomes law without such approval.

Approved April 15, 1960

CHAPTER 132

AN ACT

To authorize mutual savings banks; and authorizing an appropriation.

(H.B. 291)

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

Section 1. **Short Title.** This Act may be cited as the "Mutual Savings Bank Act."

Sec. 2. **Declaration of Policy.** In providing authority for the establishment of mutual savings banks it is the intent of the legislature to make available the benefits of mutual savings banking, thereby encouraging the practice of thrift and promoting the accumulation of funds for investment to develop the economy. For the accomplishment of these purposes, the legislature intends by this Act to vest in such mutual banks those powers generally possessed by state-chartered mutual savings banks and to grant to the Department of Commerce of the State of Alaska authority to define such powers and to promulgate rules and regulations designed to enable mutual savings banks to perform their functions and to carry out the above purposes, subject to the provisions of the Alaska Banking Code not inconsistent with this Act.

Sec. 3. **Definitions.** As used in this Act

(1) the term "Department" means the Department of Commerce of the State of Alaska;

(2) the term "conventional loan" means a loan secured by a first mortgage on unencumbered real property or leasehold estates other than a loan guaranteed or insured by a Federal agency;

(3) the term "financial institution" means a thrift institution, a commercial bank, a trust company, or an insurance company;

(4) the term "mutual bank" means

a mutual savings bank chartered under this Act;

(5) the term "thrift institution" means a cooperative bank, a homestead association, a mutual savings and loan association, or a mutual bank.

Sec. 4. **Chartering of Mutual Banks.**
a. Upon written application by five signatories from among not less than 21 individuals acting in the capacity of qualified incorporators named in said application, the department may from time to time issue a charter for a mutual bank.

b. Such a charter shall be issued whenever the department finds that a mutual bank will serve a useful purpose in the community in which it is proposed to be established, that there is reasonable expectation of its financial success, and that its operation will not unduly injure existing banking institutions.

Sec. 5. **Qualifications of Corporators.**

a. Each corporator of a mutual bank shall be an individual whom the department shall have found to be of financial responsibility and good character. Without in any way limiting, by enactment of this subsection, the general regulatory power granted the department, by this or any other Act, the department is herein expressly authorized to regulate the activities of corporators and to prescribe standards of conduct for corporators in their dealings with their mutual bank.

b. No person acting as corporator of a mutual bank shall hold office as a corporator, trustee, director or officer of another banking institution.

c. At least a majority of the corporators of a mutual bank shall be residents of this state.