

CHAPTER 61

AN ACT

Relating to the excise tax on intoxicating liquors; amending Sec. 35-4-31, ACLA 1949, as amended by Ch. 73, SLA 1957.

(H.B. 284)

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

Section 1. Sec. 35-4-31, ACLA 1949 as amended by Ch. 73, SLA 1957 is amended to read:

Sec. 35-4-31. **Persons Required to Pay Tax: Rate of Tax.** Every brewer, distiller, bottler, jobber, retailer, wholesaler or manufacturer, who sells intoxicating liquors in the State of Alaska or who consigns shipments of same into the State of Alaska, regardless of whether such liquors are brewed, distilled, bot-

tled or manufactured within or without Alaska, shall pay on all malt beverages (alcoholic content of one per cent (1%) or more by volume), wines and hard or distilled liquors, the following prescribed taxes: malt beverages at the rate of twenty-five cents (25¢) per gallon, or fraction thereof; wine or any other liquor of twenty-one per cent (21%) of alcohol by volume or less, at the rate of sixty cents (60¢) per gallon, or fraction thereof; any other liquors having a content of more than twenty-one (21%) of alcohol by volume shall pay at the rate of four dollars (\$4.00) per gallon.

Approved April 8, 1961

CHAPTER 62

AN ACT

Relating to the fish and game resources of Alaska; amending Ch. 94, SLA 1959; and providing for an effective date.

(C.S.H.B. 143)

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

Section 1. Ch. 94, SLA 1959 is amended by adding a new Article III A to read:

Article III A

Emergency Commercial Fishing Measures

Section 1. **Statement of Purpose.** The legislature is aware that in many areas of Alaska the entire economy and very existence of communities depend upon the annual salmon run. The legislature is also aware of the fact that in years of poor salmon runs, competitive pressure has resulted in Alaska resident fishermen not being able to make even a minimum catch, such as is necessary for a basic standard of living. Further, there is no alternative means of earning a living for most residents of these areas. While the state is forbidden from creating an economic advantage for its residents under normal circumstances, it is

both a practical and moral responsibility of the state to provide for its citizens in situations where economic competition will create community destitution. Therefore, to provide for the welfare of its people in extreme circumstances, the legislature hereby adopts the following emergency measures.

Sec. 2. **Power of Board of Fish and Game to Limit Fishing.** a. The board may establish, for each salmon registration area or district in the state, an optimum number for the total run of salmon found within the registration area or district.

b. Whenever the board determines that the yearly run of salmon in any one registration area or district will be substantially less than the optimum run, and that under anticipated fishing conditions Alaska residents licensed for the area or district will not catch sufficient fish to sustain them for the year, the board may, with the consent of the local ad-

visory board or boards, promulgate regulations temporarily closing the area or district to fishing by all non-residents of Alaska.

c. All regulations closing the area or district to non-residents of Alaska shall be promulgated in accordance with the Administrative Procedure Act. All hearings held on regulations closing an area or district shall be held in the area or district that will be affected. Nothing contained herein shall limit the power of the commissioner, when circumstances so require and the conditions of this section are otherwise met, to summarily prohibit non-residents from fishing in the area or district by means of emergency orders, which shall have the force of law after field announcement by the commissioner or his authorized designee.

d. If, at any time after the board has closed an area or district to non-resident fishermen, the board determines that (1) the run is larger than anticipated, such that the closure is no longer necessary to accomplish the purpose of this section; or (2) that the total number of fish taken indicates that on an average basis, each resident fisherman licensed for the area or district has taken at least 1,000 fish, the board shall rescind the prohibition, if the rescission would be commensurate with sound conservation policies.

e. Nothing in this section shall affect the powers of the board or department as otherwise expressed in this Act.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 11, 1961

## CHAPTER 63

### AN ACT

**Relating to safe operation of watercraft in recreational pursuits in inland waters; providing criminal penalties; and providing for an effective date.**

(C.S.H.B. 27)

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

**Section 1. Declaration of Policy.** It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels in recreational pursuits in inland waters and to promote uniformity of laws relating thereto.

**Sec. 2. Definitions.** As used in this Act, unless the content clearly requires a different meaning:

(1) "watercraft" means every description of vessel, other than a seaplane on the water, used or capable of being used as a means of transportation on water and devoted to recreational pursuits unless otherwise expressly provided in this Act; and excepting vessels having a valid marine document issued by the United States or foreign governments.

(2) "inland waters" means the water in any lake or river or stream within the territorial limits of this state.

(3) "person" means an individual, partnership, firm, corporation, association, or other entity.

(4) "operate" means to navigate or otherwise use a watercraft for recreational purposes as opposed to business, subsistence or commercial purposes.

(5) "department" means the Department of Public Safety.

**Sec. 3. Prohibited Operation.** a. No person shall operate any watercraft whether for recreational purposes or any other purpose or manipulate any water skis, surfboard, or similar device on the inland waters of this state in a reckless or negligent manner so as to endanger the life or property of any person.

b. No person shall operate any watercraft whether for recreational purposes or any other purpose or manipulate any water skis, surfboard, or similar device on the inland waters while under the influence of any intoxicating liquor, narcotic drug, barbituate or marijuana.