

Van Sickle for losses incurred due to the negligence of a state employee; and providing for an effective date.

(H.B. 242)

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

Section 1. There is hereby appropriated to the Department of Public Safety from the general fund of the state the sum of \$1,000 to reimburse Donald S. Van Sickle for losses sustained by him due to the negligence of a state employee who, while

acting within the scope of his employment, assumed custody of a 7½ KVA, 9-horsepower light plant, certain tools, and equipment belonging to Donald S. Van Sickle.

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 March 19, 1962

CHAPTER 25

AN ACT

Making and continuing special appropriations made to the Office of the Governor; and providing for an effective date.

(S.B. 270)

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

Section 1. Any unexpended balance in the line item for "Special Counsel; Fish Traps" originally listed under the Office of the Governor in Sec. 1, Ch. 182, SLA 1960, and carried over by Sec. 1, Ch. 81, SLA 1961, to the fiscal year ending June 30, 1962, shall not lapse and revert to the general fund, but shall carry over as an appropriation for the purpose of any further proceedings related to the fish trap litigation, and any other special matters requiring participation of the Depart-

ment of Law for the fiscal year ending June 30, 1963.

Sec. 2. There is appropriated to the Office of the Governor from the general fund the sum of \$35,000 to be added to any unexpended balance in the line item for the purpose of any further proceedings related to the fish trap litigation, and any other special proceedings requiring participation of the Department of Law for the fiscal year ending June 30, 1963.

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 March 20, 1962

CHAPTER 26

AN ACT

Relating to the regulation of junk yards; and providing penalties and for an effective date.

(H.B. 207)

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

Section 1. **General Prohibition.** No person shall establish, operate, or maintain a commercial or public junk yard without a certificate of location prescribed by this Act.

Sec. 2. **Certificate of Location.** Any

person using or proposing to use a location for a commercial or public junk yard must obtain a certificate of approval for the location. If the location is in a city of any class, the certificate shall be procured from the city council or its designee. If the location is outside the city limits but within the boundaries of an organized borough, the certificate shall be procured

from the assembly of the organized borough or its designee. If the location is outside any incorporated city or borough, the certificate of location shall be obtained from the commissioner of health and welfare.

Sec. 3. Standards for Location and Regulation. The commissioner of health and welfare, the city council, and organized borough assembly, in considering applications and regulations, shall take into account the nature and development of surrounding property; the need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations; the proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering; the sufficiency in number of other similar business establishments in the vicinity; the adequacy of fences and other types of enclosures to prevent the unsightly display of any junk yard; the health, safety, and general welfare of the public; and the suitability of the applicant to establish, maintain, or operate the business under the provisions of this Act.

Sec. 4. Authorization to Impose Conditions for Establishment, Operation, and Maintenance. The commissioner of health and welfare or the cities or organized boroughs shall examine the location or proposed location of any junk yard and make reasonable regulations concerning the establishment, operation, and maintenance of businesses pursuant to the stan-

dards prescribed in Sec. 3 of this Act. Such regulations may require the erection, location, and size of fences or other structures surrounding the junk yard. Regulations of junk yards shall be subject to the provisions of the Administrative Procedure Act.

Sec. 5. Penalty. Any person who operates, establishes, or maintains a junk yard in any location without procuring a certificate of approval is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500, or by imprisonment for a term not to exceed one year, or both.

Sec. 6. Definitions. For the purpose of this Act

(1) "person" means any individual and, where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, governmental agency, organization, association, or other combination of individuals;

(2) "junk yard" means any location where junk is gathered together and stored for any commercial or public purpose;

(3) "junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals. It also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper.

Sec. 7. Effective Date. This Act takes effect on September 1, 1962.

Approved March 20, 1962

CHAPTER 27

AN ACT

Granting a refund of interest paid on taxes levied under the Alaska Property Tax Act, Ch. 10, SLA 1949.

(C.S.H.B. 330)

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

Section 1. The commissioner of revenue is authorized and directed to refund interest paid on taxes levied under the Alaska Property Tax Act, Ch. 10, SLA 1949, to those persons who have paid the interest in whole or in part and who apply for a refund within two years after the effective

date of this Act; provided, however, that the state shall not refund any interest due or paid by any person under an agreement for the payment of taxes by installments entered into between him and the state; that the state shall not be charged with or refund any interest on any refund itself; and provided further, that, where a person who is entitled to a refund owes the State of Alaska on the principal amount of the