



# LAWS OF ALASKA

1970

Source

HB 564

Chapter No.

69

## AN ACT

Revising the Alaska Statutes to reflect corrective amendments by the revisor of statutes.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 03.35.010 is amended to read:

Sec. 03.35.010. CREATION AND RESTRICTION IN USE OF CONTROLLED LIVESTOCK DISTRICTS. A district judge may create and establish a controlled livestock district within a city or organized borough, or in other settled areas of the state, as provided in this chapter, to consist of one or more townships or portions thereof or of a contiguous area of not less than 1,280 acres. It is unlawful for any domestic animal to graze or run at large within a controlled livestock district unless the domestic animal is herded on open public domain and tended by a person and prevented from grazing upon private roads or highways and privately owned land.

\* Sec. 2. AS 04.10.020 is amended by adding a new subsection to read:

(1) recreational site license.

\* Sec. 3. AS 06.05.212(a) is amended to read:

(a) A director, officer, or employee of a state bank who knowingly, wilfully and persistently overdraws his account or who permits a customer to do so, is engaged in an unsound banking practice and subject to the provisions of sec. 5(4) of this chapter.

\* Sec. 4. AS 07.20.070(d) is amended to read:

(d) When the assembly votes on an ordinance or

resolution in exercising one or more of the powers prescribed by AS 07.15.010(7)(A), 07.15.030(1), 07.15.060, 07.15.320(a) and (c), 07.15.330, 07.15.340, 07.15.350, 07.15.360, or AS 18.30, the votes shall be weighted as provided in this subsection to enable the assemblymen who represent a majority of the borough's population to have a majority of the votes.

(1) If one first class city has a majority of the borough's population, the votes of the assemblymen representing that city shall be weighted in the manner prescribed by (3) of this subsection.

(2) If one first class city does not have a majority of the borough's population, but two or more first class cities do have a majority of the borough's population, the votes of the assemblymen representing all the first class cities shall be weighted in the manner prescribed by (4) of this subsection.

(3) The weight to be given to each vote cast by the assemblymen present and voting who represent a first class city which has a majority of the borough's population shall be determined by dividing the number of all other assembly seats plus one by the number of all assembly seats apportioned to the first class city which has a majority of the population.

(4) The weight to be given to each vote cast by assemblymen present and voting who represent the first class cities which have a majority of the borough's population shall be determined by dividing the number of all assembly seats apportioned to the area outside cities plus one by the number of all assembly seats apportioned to the first class cities.

(5) If the area outside first class cities has the majority of the borough's population, no special weight may be used, and the vote of each assemblyman present and voting shall count as one vote.

\* Sec. 5. AS 08.08.130(4) is amended to read:

(4) is a graduate of a law school approved by the American Bar Association, or an attorney in good standing in the bar of another state or territory;

\* Sec. 6. AS 08.36.070(4) is amended to read:

(4) to affiliate with the American Association of Dental Examiners, and pay annual dues to the association;

\* Sec. 7. AS 08.36.110(4) is amended to read:

(4) a graduate of a dental college approved by the Council on Dental Education of the American Dental Association at the time of graduation, and holds a D.D.S. or D.M.D. degree or the equivalent;

\* Sec. 8. AS 08.64.250 is amended to read:

Sec. 08.64.250. EXAMINATION WAIVED AND RECIPROCITY.

The board may waive the examination requirement if the applicant meets the requirements of sec. 200 of this chapter, pays the required fee and has

(1) passed an examination given by the National Board of Medical Examiners; or

(2) both

(A) a license from a board of medical examiners established under the laws of a state of the United States or a province of Canada, and that board recognizes licenses from this state and issues reciprocal licenses; and

(B) a certificate that the applicant is qualified to practice medicine in the state or province issuing the license, and that the license was issued after a thorough examination qualifying the applicant.

\* Sec. 9. AS 08.80.030(4) is amended to read:

(4) adopt regulations and do whatever else is necessary and advisable to carry out the purposes of this chapter.

\* Sec. 10. AS 08.86.180(b)(4) is amended to read:

(4) a person describing himself as a "social psychologist", if he is verified to be a social psychologist by the American Sociological Association;

\* Sec. 11. AS 11.05.050 is amended to read:

Sec. 11.05.050. CONSECUTIVE SENTENCES. If the defendant is convicted of two or more crimes, before judgment on either, the judgment may be that the imprisonment upon one conviction begins at the expiration of the imprisonment for any other of the crimes. If the defendant is imprisoned upon a previous judgment on a conviction for a crime, the judgment may be that the imprisonment commences at the expiration of the term limited by the previous judgment.

\* Sec. 12. AS 12.30.030(b) is amended to read:

(b) When a court denies a motion under (a) of this section or conditions of release have been imposed by the court having original jurisdiction over the offense, an appeal may be taken to the court having appellate jurisdiction over the court denying the motion or imposing the conditions subject to the rules of the Supreme Court of Alaska, and the District Court Rules of Criminal Procedure. The order of the lower court shall be affirmed unless it is found that the lower court abused its discretion. If it is held that the lower court did abuse its discretion, the appellate court may modify, vacate, set aside, reverse, remand the action for further proceeding, or remand the action directing entry of the appropriate order, which may include ordering the person to be released under sec. 20(a) of this chapter. The appeal shall be determined promptly.

\* Sec. 13. AS 12.35.010 is amended to read:

Sec. 12.35.010. ISSUANCE OF SEARCH WARRANT. A judicial officer may issue a search warrant upon a showing of probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the thing to be seized.

\* Sec. 14. AS 12.35.020 is amended to read:

Sec. 12.35.020. GROUNDS FOR ISSUANCE. A search warrant may be issued if the judicial officer reasonably believes any of the following:

- (1) that the property was stolen or embezzled;
- (2) that the property was used as a means of committing a crime;
- (3) that the property is in the possession of a person who intends to use it as the means of committing a crime, or in possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered;
- (4) that the property constitutes evidence of a particular crime or tends to show that a certain person has committed a particular crime;
- (5) that either reasonable legislative or administrative standards for conducting a routine or area inspection with regard to air pollution are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.

\* Sec. 15. AS 12.35 is amended by adding a new section to read:

Sec. 12.35.025. SEIZURE OF PROPERTY. Property described in sec. 20 of this chapter may be taken on a warrant from:

- (1) a house or other place in which it is concealed or may be found;
- (2) the possession of the person by whom it was stolen, embezzled, or used in the commission of a crime;
- (3) a person who is in possession of the property;
- (4) the possession of a person to whom the property has been delivered for the purpose of concealing it or preventing its being discovered, or from a house or other place occupied by him or under his control.

\* Sec. 16. AS 12.35.030 is repealed.

\* Sec. 17. AS 14.17.060(a) is amended to read:

- (a) The average daily membership allotment for each

district is as follows:

(1) if the district is in the southeastern area: \$155 times average daily membership;

(2) if the district is in the southcentral area: \$165 times average daily membership;

(3) if the district is in the central and northwest areas and that part of the southcentral area lying west of 152 degrees west longitude: \$175 times the average daily membership.

\* Sec. 18. AS 14.17.250 is amended by adding new paragraphs to read:

(13) "central area" means that area included within the boundaries of election districts 13, 14, 15 and 16;

(14) "northwest area" means that area included within the boundaries of election districts 17, 18 and 19;

(15) "southcentral area" means that area included within the boundaries of election districts 6, 7, 8, 9, 10, 11 and 12;

(16) "southeastern area" means that area included within the boundaries of election districts 1, 2, 3, 4 and 5.

\* Sec. 19. AS 14.25.164(a) is amended to read:

(a) If a teacher dies while in membership service or while receiving a service or disability retirement salary, or is receiving or is entitled to receive a deferred or a deferred vested benefit, the surviving spouse is entitled to a spouse's pension if he or she has not remarried and if the teacher has made supplemental contribution for at least one year before his death. Application for the spouse's pension shall be made in writing to the administrator.

\* Sec. 20. AS 15.10.060 is amended to read:

Sec. 15.10.060. SPECIFIC DUTY AND STANDARD FOR PRECINCT BOUNDARY MODIFICATION. If at any election more than 500 voters cast paper ballots or more than 700 voters cast voting machine ballots in one precinct, the secretary of state shall modify the boundary of the precinct to prevent the casting of paper ballots by more than 500 voters or the casting of voting machine ballots by more than 700 voters in the precinct at the next election.

\* Sec. 21. AS 15.10.100 is amended to read:

Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person aggrieved by a determination of precinct boundaries by the secretary of state may bring a civil action to have the determination reviewed in the superior court. If the action receives final determination within 15 days before the election, the secretary of state shall

not make the required modification in precinct boundaries until immediately after the election.

- \* Sec. 22. AS 15.10.110 is amended to read:

Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The secretary of state shall appoint four election supervisors, one each to serve at Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of elections in the election districts designated by the secretary of state. The secretary of state may appoint as an election supervisor a person who is a qualified voter in the area over which he has jurisdiction and who does not hold an office in a political party. An election supervisor shall be appointed to serve for a term to begin not more than 120 days before the date of the primary election or special election and to end not more than 45 days after the date of the general or special election. An election supervisor is entitled to receive compensation in an amount that is comparable to that received for similar state employment as determined by the secretary of state. Executive branch employees shall be appointed election supervisors whenever feasible and shall serve without additional compensation.

- \* Sec. 23. AS 15.10.170 is amended to read:

Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The precinct party committee, where an organized precinct committee exists, or the district party committee where no organized precinct committee exists, may appoint one or more persons as watchers in each precinct for any election. Each candidate not representing a political party may appoint one or more watchers for each precinct in his respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may have one or more persons as watchers at the polls after first obtaining authorization from the secretary of state. No precinct party committee, no district party committee or candidate not representing a political party or organization or organized group may have more than one watcher on duty at a time in any precinct. The watcher may be present at a position inside the place of voting which affords a full view of all action of the election board taken from the time the polls are opened until the ballots are finally counted and the result certified by the election board. The election board may require each watcher to present a certificate showing that he is the watcher appointed by the precinct party committee, the district party committee, the organization or organized group or the candidate he represents and signed by the chairman of the precinct party committee, the district party committee, the organization or organized group or the candidate representing no party. The secretary of state may prescribe regulations governing the conduct of watchers to assure the privileges of the watchers and the proper conduct of the election.

- \* Sec. 24. AS 15.15.360(11) is repealed.

- \* Sec. 25. AS 15.25.055 is amended to read:

Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT.

A candidate's name will appear on the primary election ballot unless notice of his withdrawal from the primary is received by the secretary of state at least 40 days before the date of the primary election.

\* Sec. 26. AS 15.25.056(a) is amended to read:

(a) If an incumbent candidate for renomination dies, becomes disqualified from holding the office he is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is 15 days before the date of the primary election, his place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary election ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the secretary of state no later than 14 days after the death, disqualification or certification of incapacity of the incumbent or 10 days before the primary election date, whichever time is earlier.

\* Sec. 27. AS 15.25.056(c) is amended to read:

(c) The death, disqualification or certification of incapacity of the incumbent within 10 days before or on the primary election date does not affect the canvass of the ballots. If the result of the canvass discloses that the candidate, if he had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in secs. 110 - 130 of this chapter.

\* Sec. 28. AS 15.40.080 is amended to read:

Sec. 15.40.080. SELECTION OF NOMINEES IN MANNER PROVIDED FOR GENERAL ELECTION. If the vacancy in the office of the United States senator occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

\* Sec. 29. AS 15.40.090 is amended to read:

Sec. 15.40.090. DESIGNATION OF NOMINEES BY PETITION. If the vacancy occurs less than one calendar month before the filing date for the primary election and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by actual delivery to the secretary of state before September 2 immediately preceding the special election.

\* Sec. 30. AS 15.40.140 is amended to read:

Sec. 15.40.140. CONDITION AND TIME OF CALLING SPECIAL ELECTION. When a vacancy occurs in the office of United States representative, the governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs. However, if the vacancy occurs on a date that is less than 60 days before, or is on or after the

date of the primary election in general election years, the governor shall not call a special election.

- \* Sec. 31. AS 15.40.150 is amended to read:

Sec. 15.40.150. CONDITION FOR HOLDING SPECIAL ELECTION WITH PRIMARY. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election, the governor shall, by proclamation, call the special election to be held on the date of the primary election.

- \* Sec. 32. AS 15.40.230 is amended to read:

Sec. 15.40.230. CONDITION AND TIME OF CALLING SPECIAL ELECTION. When a person appointed to succeed to the office of secretary of state succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred. However, if the vacancy occurs on a date that is less than 60 days before, or is on or after the date of the primary election in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and shall not call a special election.

- \* Sec. 33. AS 15.40.240 is amended to read:

Sec. 15.40.240. CONDITIONS FOR HOLDING SPECIAL ELECTION WITH PRIMARY OR GENERAL ELECTION. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election in years in which a governor is regularly elected or if the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election or general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special election to be held on the date of the primary election or general election.

- \* Sec. 34. AS 15.40.420 is amended to read:

Sec. 15.40.420. SELECTION OF NOMINEES IN MANNER PROVIDED FOR GENERAL ELECTION. If the vacancy in the office of state senator occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

- \* Sec. 35. AS 15.45.190 is amended to read:

Sec. 15.45.190. PLACING PROPOSITION ON BALLOT. The secretary of state shall place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition and any supplementary petition have been filed, (2) a legislative session has convened and adjourned, and (3) a period of 120 days has expired since the adjournment of the legislative session.

- \* Sec. 36. AS 15.45.420 is amended to read:



Sec. 15.45.420. PLACING PROPOSITION ON BALLOT. The secretary of state shall place the ballot title and proposition on the election ballot for the first statewide general, special, or primary election held more than 180 days after adjournment of the legislative session at which the act was passed.

- \* Sec. 37. AS 15.45.650 is amended to read:

Sec. 15.45.650. CALLING SPECIAL ELECTION. If the secretary of state determines the petition is properly filed and if the office is not vacant, he shall prepare the ballot and shall call a special election to be held on a date not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed. If a primary or general election is to be held not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary or general election.

- \* Sec. 38. AS 15.55.250 is amended to read:

Sec. 15.55.250. DEFINITION OF "PERSON" AND "ELECTION". For purposes of this chapter, the term "person" means an individual, and where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, organization, association, or other combination of individuals, and the term "election" means any general, special, and primary election.

- \* Sec. 39. AS 18.10.060 - 18.10.260(a) are repealed.

- \* Sec. 40. AS 18.55.950(12) is amended to read:

(12) "public body" means the state or a municipality;

- \* Sec. 41. AS 18.55.970 is amended to read:

Sec. 18.55.970. PLANNING ASSISTANCE TO PLATTING AUTHORITIES. To facilitate urban planning in cities and other political subdivisions, the Alaska State Housing Authority may provide planning assistance, including but not limited to surveys, land-use studies, urban renewal plans, technical services, and other planning work to a city, borough, or other platting authority. In an area under the jurisdiction for planning purposes of a city, borough, or other platting authority, the housing authority may not perform the planning work except at the request or with the consent of the local authority.

- \* Sec. 42. AS 18.60.590(a) is amended to read:

(a) The department may by regulation adopt amendments to the 1968 National Electrical Code as approved and issued by the American Standards Association.

- \* Sec. 43. AS 18.65.060(a) is amended to read:

(a) All peace officers in the state or any municipality or subdivision shall cooperate with the Department of Public Safety in creating and maintaining its files,

and all information shall be classified upon standard forms and kept available for the detection of crime and the identification of criminals.

\* Sec. 44. AS 19.25.110 is amended to read:

Sec. 19.25.110. REMOVAL OF NONCONFORMING ADVERTISING. A sign, display or device which is lawfully in existence along the interstate system or the primary system on August 6, 1968 and which is not in conformity with secs. 80 - 180 of this chapter may not be required to be removed until July 1, 1970.

\* Sec. 45. AS 19.25.140(b) is amended to read:

(b) Damages resulting from a taking in eminent domain shall be ascertained in the manner provided by law.

\* Sec. 46. AS 19.25.160(2) is amended to read:

(2) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

\* Sec. 47. AS 19.25.160(3) is amended to read:

(3) "primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

\* Sec. 48. AS 19.27.110(4) is amended to read:

(4) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

\* Sec. 49. AS 19.27.110(5) is amended to read:

(5) "primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

- \* Sec. 50. AS 19.35.060(4) is amended to read:

(4) supply information concerning eligibility for mortgage insurance under sec. 221(d)(2) of the National Housing Act, the small business disaster loan program under sec. 7(b)(3) of the Small Business Act, and other state or federal programs offering assistance to displaced persons.

- \* Sec. 51. AS 19.35.100 is amended by adding a new paragraph to read:

(6) "department" means the Department of Highways.

- \* Sec. 52. AS 22.10.080 is amended to read:

Sec. 22.10.080. PROCESS. Process of the superior court shall be in the name of the State of Alaska, be signed by the clerk of the court or his deputy in the judicial district where the process is issued, be dated when issued, sealed with the seal of the court, and made returnable according to rule prescribed by the supreme court.

- \* Sec. 53. AS 23.30.205(e) is amended to read:

(e) The second injury fund may not be bound as to any question of law or fact by reason of an award or an adjudication to which it was not a party or in relation to which the commissioner of labor was not notified at least three weeks before the award or adjudication, that the fund might be subject to liability for the injury or death.

- \* Sec. 54. AS 23.30.242(a) is amended to read:

(a) A member of a state board or commission is considered an employee under this chapter only while he is actually traveling or working as a member of the board or commission. The maximum weekly wage shall be used in computing the amount of compensation to be awarded.

- \* Sec. 55. AS 23.40.045 - 23.40.060 are repealed.

- \* Sec. 56. AS 24.05.040 is amended to read:

Sec. 24.05.040. DUAL OFFICE. No member of the legislature may hold any other office or position of profit under the United States or the state. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased while he was a member. This section does not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section does not apply to employment by or election to a constitutional convention. A member may serve on or at the behest of an interim committee of the legislature.

- \* Sec. 57. AS 24.20.020 is amended to read:

Sec. 24.20.020. MEMBERSHIP. The legislative council

is composed of the president of the senate and four other senators appointed by him, and the speaker of the house of representatives and four other representatives appointed by him. The appointing authority in each house shall appoint at least one member from the area comprising election districts 1 - 5, one from the area comprising election districts 6 - 12, one from the area comprising election districts 13 - 16, and one from the area comprising election districts 17 - 19, as described in art. XIV, sec. 1, of the state constitution, with at least one member being from each of the two major political parties. The appointing authority of each house shall make and announce the appointment or reappointment of members of the council within 30 days after the convening of the first regular session of each legislature.

- \* Sec. 58. AS 28.10.520 is amended to read:

Sec. 28.10.520. DATE OF CONSTRUCTIVE NOTICE. If the documents referred to in secs. 470 - 530 of this chapter are received and filed in the central office of the department within 10 days after the date the documents are executed, the constructive notice dates from the time of the execution of the documents. Otherwise constructive notice dates from the time of receipt and filing of the documents by the department as shown by its endorsement on them.

- \* Sec. 59. AS 28.20.230(b) is amended to read:

(b) The term "proof of financial responsibility for the future" as used in this chapter means proof of ability to respond in damages for liability, on account of an accident occurring after the effective date of proof, which arises out of the ownership, maintenance or use of a vehicle subject to registration under the laws of this state, in the amount of \$15,000 because of bodily injury to or death of one person in any one accident, and, subject to the same limit for one person, in the amount of \$30,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident. As used in this chapter the terms "proof of financial responsibility" or "proof" mean proof of financial responsibility for the future.

- \* Sec. 60. AS 28.20.360(1) is amended to read:

(1) \$15,000 is credited upon a judgment given in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

- \* Sec. 61. AS 28.20.360(2) is amended to read:

(2) subject to the limit of \$15,000 because of bodily injury to or death of one person, the sum of \$30,000 is credited upon a judgment given in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

- \* Sec. 62. AS 29.25.020 is amended to read:

Sec. 29.25.020. "INCORPORATED VILLAGE" DEFINED.  
"Incorporated village" means and is synonymous with the

term "city of the fourth class."

\* Sec. 63. AS 29.25.490 is repealed.

\* Sec. 64. AS 34.55.042(b)(3) is repealed.

\* Sec. 65. AS 39.25.110(11) is amended to read:

(11) members of boards, commissions, or authorities, except as otherwise provided by law;

\* Sec. 66. AS 39.30.090(6) is amended to read:

(6) The Department of Administration shall obtain the insurance policy from any insurer authorized to transact business in the state under AS 21.09 and 21.90.

\* Sec. 67. AS 40.15.010 is amended to read:

Sec. 40.15.010. APPROVAL AND RECORDING OF SUBDIVISIONS. Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction, as prescribed in this chapter. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of the recorder. The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. If no platting authority exists as provided in secs. 70 - 130 of this chapter, lands may be sold without approval.

\* Sec. 68. AS 40.15.070 is amended to read:

Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or dedicated is situated within a borough the proposed subdivision or dedication shall be submitted to the borough planning commission for approval. The borough planning commission is the platting authority for the borough. If the borough does not have a planning commission, the borough assembly is the platting authority and the proposed subdivision or dedication shall be submitted to it. No subdivision may be filed for record until it is approved by the platting authority.

\* Sec. 69. AS 40.15.080 and 40.15.090 are repealed.

\* Sec. 70. AS 40.15.140 is amended to read:

Sec. 40.15.140. PETITION. No plat shall be altered, amended or changed, except upon petition of the owners of a majority of the land affected by the alteration, amendment or change, showing the changes contemplated. No street, alley or public thoroughfare or any part of one shall be vacated, except upon petition of the owners of the majority of the front feet of the land fronting upon the part of the street, alley or public thoroughfare sought to be vacated. The petition shall be filed with the clerk of the borough, requesting that the plat, addition or subdivision be amended, replatted or vacated, or that the street, alley or public thoroughfare be vacated. The petition shall be accompanied by a plat, draft or a copy of the existing plat, showing the proposed amendment,

replat or vacation.

- \* Sec. 71. AS 40.15.180 is amended to read:

Sec. 40.15.180. TITLE TO VACATED AREA, STREETS, AND PUBLIC SQUARES. The title to the street or other public area vacated attaches to the lots or lands bordering on the area in equal proportions, except that where the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies upon the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the borough where the square is located or if it lies in a city, then it vests in the city for the use of the city or borough, to be used and disposed of as other public lands. If the property vacated is a lot or tract, title vests in the rightful owner.

- \* Sec. 72. AS 42.35.010 - 42.35.390 are repealed.

- \* Sec. 73. AS 43.26.095(a)(3) is amended to read:

(3) The department shall hold formal hearings for those persons to whom it denies certification. The purpose of these hearings is to hear evidence on the reasons for a person failing to qualify under this section. In order to obtain a reversal of the denial, the person denied certification must show by convincing evidence that he is unable to comply with this section because

(A) the specific activity engaged in requires a greater percentage of trained personnel than the guidelines for resident hiring permits and these trained personnel are not available within the state in great enough number to make out-of-state recruiting unnecessary; or

(B) even though the person applying for tax credit status has set up an on-the-job training program approved by the department, he has been unable to meet the resident guideline requirements due to the inability of the local labor market to supply enough trainable personnel.

- \* Sec. 74. AS 43.70.080 is amended to read:

Sec. 43.70.080. DISPOSAL OF MONEY. All money collected by the department under this chapter shall be deposited in the general fund. The Department of Revenue shall refund to each organized borough and each city of any class 60 per cent of the money collected in the local government.

- \* Sec. 75. AS 43.75.130 is amended to read:

Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. The commissioner of revenue shall pay to each organized borough

and each city of the first, second, and third classes 10 per cent of the amount of tax revenue collected in the borough or city from taxes levied by secs. 10 - 90 of this chapter.

\* Sec. 76. AS 44.19.610(9) is amended to read:

(9) to administer appropriated funds in accordance with and to carry out the purposes of secs. 580 - 620 of this chapter, and to make allotment or transfer money to other state agencies;

\* Sec. 77. AS 44.27.020(2) is amended to read:

(2) administer the historical library;

\* Sec. 78. AS 44.62.640(a)(4) is amended to read:

(4) "state agency" means a department, office, agency, or other organizational unit of the executive branch, except one expressly excluded by law, but does not include an agency in the judicial or legislative branches of the state government.

\* Sec. 79. Sec. 5, ch. 88 SLA 1961, as amended by sec. 6, ch. 62, SLA 1968, is further amended to read:

Sec. 5. There is hereby created another special fund of the state to be known as the "International Airports Revenue Fund," which shall be completely segregated and set apart from all other funds of the state, shall be a trust fund for the uses and purposes herein provided, and into which shall be paid all revenues, fees, charges and rentals derived by the state from the ownership, lease, use and operation of the airports and all of the facilities and improvements thereof and facilities and improvements used in connection therewith. Such revenues, charges, fees and rentals shall not include the proceeds of any state tax or license. The moneys in the Revenue Fund shall only be used for the purpose of paying or securing the payment of the principal of and interest on the bonds and of and on any other revenue bonds issued by authorization of the legislature to provide funds to acquire, equip, construct and install additions and improvements to, and extensions of and facilities for, the airports and to be payable out of the Revenue Fund, the purpose of paying the normal and necessary costs of maintaining and operating the airports and all of the improvements and facilities thereof, the purpose of paying the costs of renewals, replacements and extraordinary repairs to the airports and all of the improvements and facilities thereof, the purpose of redeeming before their fixed maturities any and all revenue bonds issued for the purposes of the airports, the purpose of providing funds to acquire, construct and install necessary additions and improvements to and extensions of and facilities for the airports and all of their facilities, and the purpose of providing funds to pay any and all other costs relating to the ownership, use and operation of the airports.

The investment of moneys in the Revenue Fund may be made in such manner as the Committee may determine. The interest earned upon, or any profits derived from the sale of, such investments shall be deposited in and become

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a part of the Revenue Fund.

\* Sec. 80. Sec. 7, ch. 110 SLA 1967 is amended to read:

Sec. 7. In exercising its jurisdiction under AS 47.10, the superior court may designate district judges and magistrates as masters under Civil Rule 53.

\* Sec. 81. Sec. 4, ch. 115 SLA 1969 is amended to read:

Sec. 4. This Act takes effect on July 1, 1969 and secs. 1 and 2 terminate July 1, 1973.