

AMENDMENTS TO SENATE BILL NO. 105 --- Adopted by the Senate
March 30, 1961

Page 3, line 11: Delete "specifically" and insert "otherwise"

Page 3, line 20: Insert a period after word "account" and delete
balance of lines 20 and 21

Page 3, lines 23-26: After the period delete all material and in-
sert the following:

"An action brought in the name of or for the benefit of the
state, any political subdivision, or public corporation, may be
commenced only within six years of the date of accrual of the
cause of action. However, if the action is for relief on the
ground of fraud, the limitation shall commence from the time
of discovery, by the aggrieved party, of the facts constituting
the fraud."

Page 4, lines 18 and 23: Before "representatives" insert "personal"

Page 7, line 19: After "and" insert "may"

Page 7, line 20: Delete "on request if" and insert "if it be shown
that"

Page 8, line 20: Delete "may" and insert "shall"

Page 8, line 21: Delete words "in part"

Page 8, line 22: Insert a period after "election"; delete "and on";
and change small "a" to a capital "A"

Page 8, line 23: After "jurors" insert "may be"; after "adopted"
insert "and submitted to them"

Page 9, line 11: Delete the second "pieces" and insert "names or
numbers"

Page 10, line 23: Before "Sec. 3.04" insert the following new Secs.
3.04, 3.05, 3.06, and 3.07:

"Sec. 3.04. CONFIDENTIAL COMMUNICATIONS BETWEEN HUSBAND
AND WIFE. A husband shall not be examined for or against his
wife, without her consent, nor a wife for or against her
husband, without his consent. Neither the husband nor wife,
during the marriage or afterwards, without the consent of the
other, can be examined as to any communications made by one to
the other during marriage, but the exception does not apply to
a civil action or proceeding by one against the other, nor to
a criminal action or proceeding for a crime committed by one
against the other.

"Sec. 3.05. CONFIDENTIAL COMMUNICATIONS BETWEEN ATTORNEY
AND CLIENT. An attorney shall not, without the consent of his
client, be examined as to any communication made by his client
to him, or his advice given thereon, in the course of his
professional employment.

Sec. 3.06. CONFIDENTIAL COMMUNICATIONS BETWEEN CONFESSOR
AND CONFESSANT. A priest or clergyman shall not, without the
consent of the person making the confession, be examined as to

any confession made to him in his professional capacity, in the course of discipline enjoined by the church to which he belongs.

"Sec. 3.07. CONFIDENTIAL COMMUNICATIONS BETWEEN PHYSICIAN AND PATIENT. A physician or surgeon shall not, against the objection of his patient, be examined in a civil action or proceeding as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient."

Page 10, line 23: Delete "Sec. 3.04" and insert "Sec. 3.08"

Page 10, line 25: Delete "person" and insert "official"

Page 11, lines 6-22: Delete all material and insert the following:

"Sec. 3.09. AFFIDAVIT AS PREREQUISITE TO OFFICER'S LIABILITY. a. The officer making the arrest is not liable in any way therefor, unless the person making the exception make, if required, an affidavit stating that

(1) he has been served a subpoena to attend as a witness before a court, judge, referee, or other official, specifying the same, the place of attendance, and the action or proceeding in which the subpoena was issued; and

(2) he has not been served by his own procurement, with the intention of avoiding an arrest.

b. The affidavit may be taken by the officer, and exonerates him from liability for not making the arrest or for discharging the witness when arrested."

Page 11, lines 23 and 27: Renumber Secs. 3.06 and 3.07 to "Sec. 3.10" and "Sec. 3.11" respectively

Page 12, lines 1, 5, 9, & 13: Renumber Secs. 3.08, 3.09, 3.10 and 3.11 to "Sec. 3.12", "Sec. 3.13", "Sec. 3.14", and "Sec. 3.15" respectively

Page 12, line 7: Before "and" insert "United States Postmaster,"

Page 14, lines 12 and 19: Renumber Secs. 3.12 and 3.13 to "Sec. 3.16" and "Sec. 3.17" respectively

Page 15, lines 9, 15, & 28: Renumber Secs. 3.14, 3.15, and 3.16 to "Sec. 3.18", "Sec. 3.19", and "Sec. 3.20" respectively

Page 16, line 26: Renumber Sec. 3.17 to "Sec. 3.21"

Page 16, line 28: After "more" insert "or for 10 years or more without color and claim of title"

Page 17, lines 2, 10, 19, 22, & 27: Renumber Secs. 3.18, 3.19, 3.20, 3.21 and 3.22 to "Sec. 3.22", "Sec. 3.23", "Sec. 3.24", "Sec. 3.25" and "Sec. 3.26" respectively

Page 18, lines 5, 17 & 24: Renumber Secs. 3.23, 3.24 and 3.25 to "Sec. 3.27", "Sec. 3.28", and "Sec. 3.29" respectively

- Page 19, line 2: Before the period insert "or reasonable regulation"
- Page 20, line 4: Delete the first "recorded" and insert "docketed"
- Page 20, line 23: Before the first comma insert "or by his attorney in fact under a power of attorney so authorizing"
- Page 21, lines 23-24: Delete "a state officer, in his official capacity or on behalf of the state, is a party," and insert "the state is interested,"
- Page 21, lines 25-28: Delete all of sentence beginning "But the..."
- Page 22, line 16: Delete "of the parties"
- Page 22, line 27: Delete "LIABILITY OF GUARDIAN FOR COSTS." and insert "GUARDIAN AD LITEM."
- Page 22, line 29 and)
Page 23, lines 1-4): Delete all of sentence beginning "When costs or..."
- Page 23, line 5: Before "Sec. 5.08" insert a new Sec. 5.08 as follows; and renumber the present Sec. 5.08 to read "Sec. 5.09":

"Sec. 5.08. GUARDIAN'S RESPONSIBILITY FOR ALLOWANCE AGAINST INFANT PLAINTIFF. When costs or disbursements are adjudged against an infant plaintiff or incompetent, the guardian by whom he appeared in the action is responsible for the payment and payment may be enforced against him as if he were the actual plaintiff."

- Page 23, lines 13 and 23: Renumber Secs. 5.09 and 5.10 to read "Sec. 5.10" and "Sec. 5.11" respectively
- Page 23, line 17: After "other" insert "natural person or"
- Page 24, line 2: Delete "\$200.00" and insert "\$500.00"
- Page 24, line 4: After "insufficient" insert "in amount or"
- Page 24, line 5: Renumber Sec. 5.11 to read "Sec. 5.12"
- Page 24, line 11: Before "TITLE II" insert a new Sec. 5.13 as follows:

"Sec. 5.13. COSTS ALLOWED PREVAILING PARTY. Except as otherwise provided by statute, the Supreme Court of Alaska shall determine by rule or order what costs, if any, including attorney fees, shall be allowed the prevailing party in any case."

- Page 28, line 9: Before "or" insert "including money"
- Page 29, line 5: Before "money" insert "personal property,"; before "or" insert a comma
- Page 29, lines 7-28: After the comma insert "or is absconding." and delete the remaining material through line 28

- Page 30, line 2: Delete "may" and insert "shall"; After "made" insert "immediately"
- Page 33, line 19: After the comma insert "or in an action before a deputy magistrate,"
- Page 33, line 24: After "court" insert "not committed in the presence of the court and"
- Page 37, line 16: Delete "are residents" and insert "shall"
- Page 37, line 17: Before the period insert "be deemed residents in good faith of the state"
- Page 39, lines 25-28: Delete all material and renumber the remaining sections in Article XII accordingly
- Page 53, line 13: Before "personal" insert "bank deposits, cash or"
- Page 53, line 22: Delete "probate" and insert "superior"
- Page 53, line 27: Before "personal" insert "money or"
- Page 54, lines 21-27: Delete all material after the title and insert the following:
- "a. The commissioner of revenue may sell personal property which has escheated to the state as he considers advantageous and shall execute the proper conveyance. When the value of the property exceeds \$50.00, the sale shall be at public auction to the highest and best bidder after public notice of the time and place of the auction has been given by posting notices in three public places in the political subdivision where the property is to be sold and by publication once in at least one newspaper 10 days before the auction.
- b. The commissioner of revenue may sell real property which has escheated to the state with the approval of the governor and the governor shall sign the conveyance on behalf of the state. Sale of real property shall be at public auction to the highest and best bidder after public notice of the time and place of the auction has been given by publication once a week for four weeks in a newspaper of general circulation nearest the property to be sold."
- Page 55, lines 14, 16, 17, 18, 20, 22, 23, 25, & 26: Before the word "property" insert "money or"
- Page 57, line 3: Delete the second "the" and insert "an absconding"
- Page 57, line 6: After the period insert a new sentence to read:
"If the writ is against the person of any judgment debtor and the application for the writ is made under oath, upon probable cause and describing the things to be seized as in a warrant, the officer may search and seize valuables from that debtor."
- Page 58, line 20: Delete "\$300.00" and insert "\$350.00"
- Page 58, line 22: Before the semicolon insert "or earnings of a single person in a like period not to exceed \$200.00"

Page 59, line 27: Before "properly" insert "or deed of trust"

Page 60, lines 20-29: Change the comma after the word "satisfied" to a period and delete all remaining material through line 29

Page 62, line 11: After "paper" insert "of general circulation"

Page 63, line 3: Delete "signed by the debtor and" and insert "is made by the judgment"

Page 63, line 4: Delete "an agreed" and insert "a later"

Page 63, lines 7-10: Delete all material and insert the following:

"b. If for any reason the sale cannot be held at the time appointed, or within 30 days from the original sale date in the case of real property, the officer who is to conduct the sale shall notify the parties or their attorneys and designate a future day for the sale and give notice in the manner provided in Sec. 15.14."

Page 63, lines 11-19: Delete all material after the title and insert the following:

"When the purchaser of any personal property capable of manual delivery, and not in the possession of a third person, association, or corporation, shall pay the purchase money, the peace officer shall deliver to him the property, and if desired shall give him a bill of sale containing an acknowledgment of the payment. In all other sales of personal property the peace officer shall give the purchaser a bill of sale with the like acknowledgment."

Page 64, line 14: After "interest" insert ", costs and disbursements"

Page 66, line 17: After "may" insert "only"

Page 68, lines 12-14: After "or" add "absconding." and delete the remainder of the sentence through "judgment." on line 14

Page 69, line 4: Before "An" insert "a."

Page 69, line 14: Before "Sec. 16.02" insert a subsec b. as follows:

"b. A judgment for one delinquency shall not be a bar to an action for another delinquency."

Page 69, line 21: After "name of" insert "the state or"

Page 69, line 23: After "of the" insert "state,"

Page 71, line 16: Before the period insert ", or the notice may be sent by registered or certified mail in which case an additional three days shall be added to the 10 days"

Page 71, line 28: Delete "before" and insert "until"

Page 71, line 29: Delete "the rent of those" and insert "rent for the"

Page 72, line 1: After the period insert a new sentence as follows:

"To authorize an action against a tenant or person in possession who has paid rent in advance, notice must be given at least 10 days prior to the date the rent is due again in case of a month to month tenancy or at least three days before in the case of a week to week tenancy."

Page 73, line 3: Before the period insert ", and be entered accordingly"

Page 73, lines 20-27: Delete all material and insert the following:

"When an action is commenced to foreclose a lien by which a debt is secured, which debt is payable in installments, either of interest or principal, and any of the installments is not then due, the court shall adjudge a foreclosure of the lien, and may also adjudge a sale of the property for the satisfaction of the whole of the debt, or so much of it as may be necessary to satisfy the installment then due, with costs of action. In the latter case the judgment of foreclosure as to the remainder of the property may be enforced by an order of sale, in whole or in part, whenever default shall be made in the payment of the installments not then due."

Page 73, lines 28-29 and)
Page 74, lines 1-4) : Delete all material after the title and insert the following:

"If, before a judgment is given, the amount then due, with the costs of action, is brought into court and paid to the clerk, the action shall be dismissed, and if the same be done after judgment and before sale, the effect of the judgment as to the amount then due and paid shall be terminated, and the execution, if any have issued, be recalled by the clerk. When an installment not due is adjudged to be paid, the court shall determine and specify in the judgment what sum shall be received in satisfaction thereof, which sum may be equal to such installment or otherwise, according to the present value thereof. The provisions of this article as to liens upon personal property are not to be construed so as to exclude a person having such a lien from any other remedy or right in regard to such property."

Page 77, line 18: After "enforced" insert "by execution"

Page 80, line 15: After the period in the title delete "It" and insert "If"

Page 82, line 19: Delete "SALES" in the title and insert "SECURITY"

Page 82, line 22: Delete "that owner" and insert "any known owner of full age, otherwise competent,"

Page 89, line 6: Delete "for any cause"

Page 91, lines 3-4: Delete "If any unnecessary injury is done to the premises, he is liable."

(Amendments to SB 105 - continued)

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Page 91, line 20: Before the period insert ", and the action is equivalent to a demand of the rent"

Page 98, line 25: Delete "March 1, 1962" and insert "January 1, 1963"