

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 267

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act revising the Alaska Statutes to
7 reflect corrective amendments by the revisor
8 of statutes; and providing for an effective
9 date."

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

11 * Section 1. PURPOSE. All of the laws of the state were revised
12 and re-enacted as the Alaska Statutes. During the revision and
13 publication of the Alaska Statutes, certain errors occurred, and it
14 is the purpose of this Act to correct those errors so that the
15 sense of the laws affected will be as it was before the adoption of
16 the Alaska Statutes.

17 * Sec. 2. AS 08.04.380 is repealed and re-enacted to read:

18 Sec. 08.04.380. WAIVER OF REQUIREMENTS. The board may
19 waive the requirements of secs. 360 and 370 of this chapter if
20 (1) the community has a population of 2,000 or less;
21 and

22 (2) the firm opening or maintaining the office
23 maintains another office in the state which meets the re-
24 quirements outlined in secs. 360 and 370 of this chapter.

25 *Sec. 3. AS 08.04.630 is amended to read:

26 Sec. 08.04.630. INJUNCTION AGAINST UNLAWFUL ACT. When-
27 ever, in the judgment of the board, any person has engaged in
28 any act which constitutes a violation of secs. 500 - 610 of
29 this chapter, the board may apply to the appropriate court for

1 an order enjoining the act. Upon a showing by the board that
2 a person has engaged [IS ENGAGING] in the act, the court shall
3 grant an injunction or any other appropriate order without
4 bond.

5 * Sec. 4. AS 10.05.255(a)(8) is amended to read:

6 (8) any [A] provision limiting or denying to share-
7 holders the pre-emptive right to acquire additional or treasury
8 shares of the corporation;

9 * Sec. 5. AS 10.05.255(a)(9) is amended to read:

10 (9) any [A] provision, not inconsistent with law,
11 which the incorporators elect to set forth in the articles of
12 incorporation for the regulation of the internal affairs of
13 the corporation, including a provision which, under this
14 chapter, is required or permitted to be set forth in the
15 bylaws;

16 * Sec. 6. AS 10.05.564 is amended to read:

17 Sec. 10.05.564. STATED POWERS AND DUTIES OF RECEIVER.
18 The order appointing the liquidating receiver shall state his
19 powers and duties. The powers and duties may be increased or
20 diminished at any time during the liquidation proceedings.

21 * Sec. 7. AS 10.05.567 is amended to read:

22 Sec. 10.05.567. COMPENSATION OF RECEIVER AND ATTORNEYS.
23 The court may allow from time to time as expenses of the
24 liquidation compensation to the receiver and to attorneys in
25 the proceeding, and direct the payment of compensation out of
26 the assets of the corporation or the proceeds of a sale or
27 disposition of assets. [(§ ANY TIME DURING THE LIQUIDATION OF
28 PROCEEDINGS.)]

29 * Sec. 8. AS 11.20.480 is amended to read:

1 Sec. 11.20.480. DEFRAUDING HOTEL KEEPERS. A person who
2 puts up at a hotel, inn, boardinghouse, or lodginghouse and
3 who procures a fare, board, or lodging from the owner or keeper
4 by means of a trick, deception, or false representation, or
5 a false show of baggage or effects, with the intent to cheat
6 or defraud the owner or keeper out of the pay for the fare,
7 board, lodging, or accomodation; or [AND] who with that intent
8 absconds, surreptitiously removes, or causes to be removed [,]
9 baggage or effects from a hotel, inn, boardinghouse, or
10 lodginghouse without first paying the proper charges due is
11 guilty of a misdemeanor, and, upon conviction, is punishable
12 by a fine of not more than \$200, or by imprisonment for not
13 more than six months, or by both. The words "fare, board,
14 or lodging" do not include spirituous or malt liquors or
15 intoxicants of any description.

16 * Sec. 9. AS 11.30.020(b) is amended to read:

17 (b) A person convicted of perjury committed in a pro-
18 ceeding in a court other than a criminal action referred to
19 in (a) is punishable by imprisonment in a penitentiary for
20 not less than three years nor more than 10 years.

21 * Sec. 10. AS 14.15.750(a) is amended to read:

22 (a) A school district may construct, improve, extend,
23 repair, reconstruct, acquire, and operate school buildings
24 and facilities connected therewith, [APPURTENANCES] and incur
25 general obligation bond and revenue bond indebtedness for any
26 of these purposes.

27 * Sec. 11. AS 14.25.060(a) is amended to read:

28 (a) Retroactive contributions are not required for
29 creditable membership service prior to June 30, 1955.

1 * Sec. 12. AS 22.15.120 is amended to read:

2 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH DEPUTY
3 MAGISTRATE MAY HEAR. A deputy magistrate shall preside only
4 in cases and proceedings under secs. 40, 100, and 110 of this
5 chapter, and as follows,

6 (1) for the recovery of money or damages only when
7 the amount claimed, exclusive of costs, interest, and attorney
8 fees, does not exceed \$500;

9 (2) for the recovery of specific personal property
10 when the value of the property claimed and the damages for
11 the detention do not exceed \$500;

12 (3) for the recovery of a penalty or forfeiture,
13 whether given by statute or arising out of contract, not
14 exceeding \$500;

15 (4) to give judgment without action upon the con-
16 fession of the defendant for any of the cases specified in
17 this section, except for a penalty or forfeiture imposed by
18 statute;

19 (5) to give judgment of conviction upon a plea of
20 guilty by the defendant in a criminal proceeding within the
21 jurisdiction of the district magistrate court;

22 (6) to hear, try, and enter judgments in all cases
23 involving misdemeanors, other than violations of ordinances
24 of political subdivisions, if the defendant consents in
25 writing that the deputy magistrate may try him;

26 (7) to hear, try, and enter judgments in all cases
27 involving violations of ordinances of political subdivisions;

28 (8) for cases involving minors under the age of 18
29 years and arising under AS 47.10.010 - 47.10.290, when the

1 minor is in a condition or surrounding dangerous or injurious
2 to the welfare of the minor or others which requires immediate
3 action, and such action by a district magistrate is not prac-
4 ticable because of time or distance. Any action by a deputy
5 magistrate remains in effect only until a hearing regarding
6 the custody of the minor is held by the district magistrate.
7 Any action by the deputy magistrate is subject to the review
8 of, and may at any time be rescinded by, the district magis-
9 trate.

10 * Sec. 13. AS 23.30.220(2) is amended to read:

11 (2) If the injured employee has not worked in that
12 employment during substantially the whole of the year imme-
13 diately preceding his injury, his average annual earnings, if a
14 six-day worker, are 300 times the average daily wage or salary
15 and, if a five-day worker, 260 times the average daily wage or
16 salary [,] which an employee of the same class working sub-
17 stantially the whole of such [IMMEDIATELY PRECEDING] year in
18 the same or similar employment in the same or a neighboring
19 place earned in that employment during the days employed.

20 * Sec. 14. AS 28.10.200(b)(4) is amended to read:

21 (4) for a motor vehicle, including a motor vehicle
22 pulling a trailer or semi-trailer, designed, used, or main-
23 tained primarily for the transportation of passengers for
24 hire, excepting taxicabs, and excepting buses taxed under
25 (b)(5) of this section, or for the transportation or hauling
26 of property, including a commercial vehicle such as a trailer,
27 semi-trailer, truck, wrecker, tow car, hearse, ambulance, and
28 tractor, a tax based upon the actual unladen weight as es-
29 tablished by the manufacturer's advertised weight, or upon

1 the actual weight which the owner has the responsibility of
2 furnishing, subject to the approval of the commissioner or
3 his agent, as follows:

- 4 3,800 pounds or less.....\$ 35;
5 3,801 pounds and not over 12,000 pounds... 60;
6 12,001 pounds and not over 18,000 pounds... 110;
7 18,001 pounds and over..... 160;

8 * Sec. 15. AS 28.10.200(b)(5) is amended to read:

9 (5) for motor buses of 20 or more seating capacity
10 used exclusively for commercial purposes in the transporting
11 of transient visitors and tourists, \$60; [BY WEIGHT AS FOL-
12 LOWS:

- 13 12,001 POUNDS AND NOT OVER 18,000 POUNDS...\$110;
14 18,001 POUNDS AND OVER..... 160;]

15 * Sec. 16. AS 29.10.030 is amended to read:

16 Sec. 29.10.030. ANNUAL ELECTION OF COUNCIL MEMBERS. An
17 annual election shall be held every year on the first Tuesday
18 of October in every city for the election of members of the
19 council, unless the time for the election is changed by the
20 council as provided in sec. 42 [33] of this chapter. The
21 members of the council chosen at the first election hold
22 office until the next annual election and until their succes-
23 sors are elected and qualified. The members of the council
24 chosen at each election after the first election hold office
25 for the term of one year, unless their term of office is
26 increased to two or three years as provided in sec. 45 [33]
27 of this chapter.

28 * Sec. 17. AS 29.10.498 is amended to read:

29 Sec. 29.10.498. LIMITATION ON PROCEEDINGS ATTACKING

1 FORECLOSURE. An action for the purpose of determining the
2 validity of a sale of real property on foreclosure for de-
3 linquent taxes, or to quiet title against the sale, or to
4 remove the cloud of the sale, or to recover possession of the
5 property shall [MAY] be commenced within two years from the
6 date of the judgment and decree of foreclosure and sale to the
7 city. The person claiming to be the owner of the property,
8 as against the city, or a person holding title from the city
9 [,] shall pay into court with the first pleading the amount
10 charged against the property in the judgment of foreclosure,
11 together with interest at the rate of eight per cent a year
12 from the date of the judgment to the date of filing the
13 pleading.

14 * Sec. 18. AS 34.15.180 is amended to read:

15 Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF DEED IN
16 FOREIGN COUNTRY. If a deed is executed in a foreign country
17 it may be executed according to the laws of that country and
18 the execution of it acknowledged as provided in AS 40.10.010
19 - 40.10.050 [SEC. 10 AND SECS. 50 - 80 OF THIS CHAPTER].

20 * Sec. 19. AS 34.20.120(b) is amended to read:

21 (b) The substitution must contain
22 (1) the date of execution of the trust deed;
23 (2) the names of the trustee, trustor, and bene-
24 ficiary;
25 (3) the book and page where the trust deed is
26 recorded;
27 (4) the name of the new trustee; and
28 (5) an acknowledgment signed and acknowledged by
29 the trustee named in the trust deed of a receipt of a copy of

1 the substitution [TRUST DEED], or an affidavit of service of
2 a copy of it.

3 * Sec. 20. AS 38.05.180(e) is amended to read:

4 (e) All noncompetitive [COMPETITIVE] oil or gas leases
5 issued under this section shall be conditioned upon the pay-
6 ment by the lessee in advance of an annual rental of 50 cents
7 an acre or fraction of an acre. All competitive oil and gas
8 leases issued under this section shall be conditioned upon
9 the payment of an annual rental, before discovery on the leased
10 lands, of \$1 an acre or fraction of an acre. A minimum roy-
11 alty of \$1 an acre instead of rental is payable at the expira-
12 tion of each lease year beginning on or after a discovery of
13 oil or gas in paying quantities on the lands leased.

14 * Sec. 21. AS 41.25.010 is amended to read:

15 Sec. 41.25.010. GRANTS FOR TOURIST DEVELOPMENT. A poli-
16 tical subdivision of the state, a nonprofit organization
17 formed under AS 10.20.010 - 10.20.060, or a bona fide non-
18 profit civic, fraternal, or service organization which is
19 certified by the commissioner of economic development and
20 planning [COMMERCE] as qualified as developing tourist attrac-
21 tions as one of its purposes [,] is eligible to receive
22 tourist attraction development matching money from the state.

23 * Sec. 22. AS 41.25.020 is amended to read:

24 Sec. 41.25.020. USE OF MATCHING MONEY. Tourist attrac-
25 tion development matching money may be obtained for the pur-
26 pose of developing tourist attractions of historical or con-
27 temporary interest found to be worthwhile by the commissioner
28 of economic development and planning [COMMERCE] and the
29 director of tourism. Available money shall be divided on [IN]a

1 fair and equitable basis between applicants. No applicant
2 may receive more than \$1,000 on first application. Tourist
3 attraction development may include the production, preservation,
4 and display of historical documents, artifacts, totem poles,
5 historical markers, native dances, blanket tossing, native
6 handicraft, and art, and any other worthwhile tourist attrac-
7 tion dealing with Alaskan history or culture. Tourist attrac-
8 tion development does not include the preparation and distri-
9 bution of community and other advertising material.

10 * Sec. 23. AS 41.25.030 is amended to read:

11 Sec. 41.25.030. QUALIFYING FOR MATCHING MONEY. In order
12 to qualify for tourist attraction development matching money,
13 the applicant shall submit and have approved by the commis-
14 sioner of economic development and planning [COMMERCE] and
15 the director of tourism [,] plans, programs, contracts, or
16 agreements to be used for carrying out the development of the
17 tourist attraction.

18 * Sec. 24. AS 41.25.050 is amended to read:

19 Sec. 41.25.050. ADMINISTRATION OF SECS. 10-50 OF THIS
20 CHAPTER. The commissioner of economic development and plan-
21 ing [COMMISSIONER OF COMMERCE] and the director of tourism
22 shall administer secs. 10-50 of this chapter. All participat-
23 ing subdivisions and organizations shall submit to the com-
24 missioner of economic development and planning [COMMERCE] and
25 the director of tourism complete reports covering both the
26 expenditure of state and local matching money for tourist
27 attraction programs. These reports, in the case of programs
28 extending over 12 months, shall be submitted annually. Re-
29 ports on shorter matching programs shall be submitted at the

1 completion of the program.

2 * Sec. 25. AS 42.05.640(2) is amended to read:

3 (2) "public utility" or "utility" includes every
4 corporation, whether public, cooperative, or otherwise,
5 company, individual, or association of individuals, their
6 lessees, trustees, or receivers appointed by a court, that owns,
7 operates, manages, or controls any plant or system for the
8 generation, transmission, or distribution of electric energy
9 and power, for the furnishing of telephone or telegraph com-
10 munications, for the transmission or distribution of heat,
11 natural or manufactured gas, oil or other petroleum products,
12 or water, or for the furnishing of community sewer services,
13 and the plant and facilities used for any of the foregoing
14 purposes; this chapter does not apply to a person who fur-
15 nishes water or oil or other petroleum products by tank,
16 wagon, or similar conveyance, nor to a municipally owned and
17 operated utility; this chapter does not apply to a pipeline,
18 plant, system, or equipment used primarily for gathering,
19 collecting, transporting, or shipping crude oil, natural gas,
20 condensate, or other petroleum substance or product produced
21 by or belonging to the owner, operator, or manager of the
22 pipeline, plant, system, or equipment;

23 * Sec. 26. AS 43.40.100(2) is repealed and re-enacted to read:

24 (2) "motor fuel" means fuel used in an engine for
25 the propulsion of a motor vehicle, aircraft, boat or water-
26 craft, or in a stationary engine, machine or mechanical con-
27 trivance which is propelled by an internal combustion motor;
28 except on consignments of motor fuel oil to foreign countries
29 and except fuel used in stationary power plants operating as

1 public utility plants and generating electrical energy for
2 sale to the general public or by nonprofit power associations
3 or corporations for generating electric energy for resale or
4 by charitable institutions.

5 * Sec. 27. AS 43.50.170(1) is repealed and re-enacted to read:

6 (1) "buyer" means a person who imports or acquires
7 cigarettes for his own consumption from any source other than
8 a manufacturer, distributor, direct-buying retailer, or
9 retailer;

10 * Sec. 28. AS 43.60.010 is amended to read:

11 Sec. 43.60.010. LIQUOR TAX. Every brewer, distiller,
12 bottler, jobber, retailer, wholesaler, or manufacturer who
13 sells intoxicating liquors in the state or who consigns ship-
14 ments of intoxicating liquors into [TO] the state, whether or
15 not the liquors are brewed, distilled, bottled, or manufactured
16 in the state, shall pay on all malt beverages (alcoholic con-
17 tent of one percent or more by volume), wines, and hard or dis-
18 tilled liquors, the following taxes: (1) malt beverages at
19 the rate of 25 cents a gallon [,] or fraction of a gallon; (2)
20 wine or other liquor of 21 per cent alcohol by volume or less,
21 at the rate of 60 cents a gallon [,] or fraction of a gallon;
22 and (3) other liquors having a content of more than 21 per cent
23 alcohol by volume at the rate of \$4 [FOUR DOLLARS] a gallon.

24 * Sec. 29. AS 47.30.130(b) is amended to read:

25 (b) Consent to surgery, the psychiatric therapies, which
26 the department determines, and autopsies must be obtained for
27 a patient before the undertaking of the surgery, psychiatric
28 therapies, or autopsies from one of the following persons:
29 spouse, guardian, either parent, or oldest adult child. If none

1 of these persons is found in this state within a reasonable
2 time, or in the case of an emergency, the commissioner of
3 health and welfare or his designee, upon being notified of the
4 pertinent medical facts, may give the consent. However, when
5 the head of the hospital is of the opinion that [IS NECESSARY.
6 HOWEVER, IN THE CASE OF A MINOR, CONSENT SHALL] the patient
7 has insight or capacity to make a responsible decision, the
8 patient's consent shall be obtained before the surgery or
9 psychiatric therapies; [,] his consent shall be determinative
10 [DETERMINED], and no other consent is necessary. However, in
11 the case of a minor, consent shall also be obtained from the
12 parent or guardian. The person giving the consent, or a person
13 who acts after the consent is given and is authorized to per-
14 form the act undertaken by him[,] is not liable civilly or
15 criminally if the act is done by him in his official capacity
16 or in the capacity set out in secs. 10 - 340 of this chapter.

17 * Sec. 30. This Act takes effect on the day after its passage
18 and approval or on the day it becomes law without such approval.
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