

Introduced: 4/2/68  
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2

HOUSE BILL NO. 707

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to revising the Alaska Statutes to  
7 reflect corrective amendments by the revisor of  
8 statutes."

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

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\* Section 1. AS 07.15.330(d) is amended to read:

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(d) The school board shall submit the annual budget for the follow-  
12 ing school year to the assembly by April 1 for approval of the total  
13 amount. Within 30 days after receipt of the budget the assembly shall  
14 determine the total amount of money to be made available from local  
15 sources for school purposes, and shall furnish the school board with a  
16 statement of the sum to be made available. If the assembly does not,  
17 within 30 days, furnish the school board with a statement of the sum to  
18 be made available, the amount requested [REQUESTIONED] in the budget is  
19 automatically approved. Not later than May 31, the assembly shall  
20 appropriate the amount to be made available from local sources from  
21 money available for the purpose.

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\* Sec. 2. AS 08.01.010(14) is amended to read:

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(14) Board of Veterinary [VETERINARIAN] Examiners;

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\* Sec. 3. AS 08.60.080 is amended to read:

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Sec. 08.60.080. AUTHORIZATION TO IMPOSE CONDITIONS FOR ESTABLISH-  
26 MENT, OPERATION, AND MAINTENANCE. The commissioner of public safety or  
27 the cities or organized boroughs shall examine the location or proposed  
28 location of a junk yard and make reasonable regulations concerning the  
29 establishment, operation, and maintenance of businesses under the

1 standards set out in sec. 70 of this chapter. The regulations may  
2 require the erection, location, and size of fences or other structures  
3 surrounding the junk yard. Regulations pertaining to [OF] junk yards  
4 are subject to the provisions of the Administrative Procedure Act  
5 (AS 44.62).

6 \* Sec. 4. AS 08.64.180 is amended to read:

7 Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires to  
8 practice medicine in the state shall apply in writing to the Department  
9 of Commerce [BOARD] for a license.

10 \* Sec. 5. AS 22.15.130 is amended to read:

11 Sec. 22.15.130. SEAL OF COURT. The seal of the district [MAGIS-  
12 TRATE] court is a vignette of the official flag of the state with the  
13 words "Seal of the District [MAGISTRATE] Court of the State of Alaska  
14 for the (number of district) Judicial District" surrounding the vignette.

15 \* Sec. 6. AS 22.20.022(a) is amended to read:

16 Sec. 22.20.022. PEREMPTORY [PREEMPTORY] DISQUALIFICATION OF A  
17 SUPERIOR COURT JUDGE. (a) If a party or his attorney in a superior  
18 court action, civil or criminal, files an affidavit alleging under oath  
19 that he believes that he cannot obtain a fair and impartial trial, the  
20 presiding judge shall at once, and without requiring proof, assign the  
21 action to another judge of that district, or if there is none, the  
22 chief justice of the supreme court shall assign a judge for the hearing  
23 or trial of the action. The affidavit shall contain a statement that  
24 it is made in good faith and not for the purpose of delay.

25 \* Sec. 7. AS 37.15.050 is amended to read:

26 Sec. 37.15.050. REDEMPTION. The state bond committee may deter-  
27 mine whether the bonds are subject to redemption before their fixed  
28 maturities and may fix the premium for and all other terms of the  
29 redemption. No bond may be subject to redemption before its fixed

1 maturity date unless the right to so redeem the bond is expressly men-  
2 tioned on the face of the bond.

3 \* Sec. 8. AS 38.05.365(8) is amended to read:

4 (8) "mental health lands" means lands granted under Title II,  
5 sec. 202 [TITLE III, SEC. 2(2)] of Public Law 830, 84th Congress, 2nd  
6 Session, as heretofore or hereafter amended;

7 \* Sec. 9. AS 43.10.160 is amended by adding a new subsection to read:

8 (c) In lieu of the bond or security required in (b) of this section,  
9 the taxpayer may pay the total estimated taxes and license fees in advance.

10 \* Sec. 10. AS 43.40.010(g) is amended to read:

11 (g) The proceeds of the revenue from the tax on all motor fuels,  
12 except as provided in (e) and (f) of this section, shall be deposited  
13 in a special highway fuel tax account in the state general fund. The  
14 legislature may appropriate funds from it for expenditure by the Depart-  
15 ment of Public Works directly or as matched with available federal-aid  
16 highway money for maintenance of highways, construction of highway pro-  
17 jects and ferries included in the program provided for in AS 19.10.150  
18 [SEC. 23.10.150], including approaches, appurtenances and related facil-  
19 ities and acquisition of rights-of-way or easements, and other highway  
20 costs including surveys, administration, and related matters. All depart-  
21 ments of the state government authorized to spend funds collected from  
22 taxes imposed by secs. 10 - 100 of this chapter shall perform, when  
23 feasible, all construction or reconstruction projects by contract after  
24 the projects have been advertised for competitive bids, except that, when  
25 feasible, arrangements shall be made with political subdivisions to carry  
26 out the construction or reconstruction projects. If it is not feasible  
27 for the work to be performed by state engineering forces, the commissioner  
28 of public works may contract on a professional basis with private engineer-  
29 ing firms for road design, bridge design, and services in connection with

1 surveys. If more than one private engineering firm is available for the  
2 work the contracts shall be entered into on a negotiated basis.

3 \* Sec. 11. AS 43.40.120(b) is amended to read:

4 (b) The tax levied by this section is in addition to the tax  
5 levied in sec. 10 [20] of this chapter.

6 \* Sec. 12. AS 43.40.120(c) is amended to read:

7 (c) The tax levied by this section shall be administered and  
8 collected in the same manner as the tax levied in sec. 10 [20] of this  
9 chapter. The receipts from the tax shall be paid into the watercraft  
10 fuel tax account in the general fund of the state.

11 \* Sec. 13. AS 44.59.140(9) is amended to read:

12 (9) borrow money and issue secured and unsecured evidence of  
13 indebtedness for a corporate purpose or to fund, refund, pay, or dis-  
14 charge outstanding obligations, and enter agreements and contracts  
15 concerning these obligations;

16 \* Sec. 14. AS 44.59.140(11) is amended to read:

17 (11) accept grants or [ON] loans from and contract with the  
18 federal government, the state, or its political subdivisions, and to that  
19 end comply with the provisions of federal, state, or local programs when  
20 necessary;

21 \* Sec. 15. AS 44.60.020 is amended to read:

22 Sec. 44.60.020. SMALL BUSINESS DEVELOPMENT CORPORATION OF ALASKA.  
23 The Small Business Development Corporation of Alaska is a public cor-  
24 poration [AND A POLITICAL SUBDIVISION] of the state. The corporation  
25 is an instrumentality of the state within the Department of Economic  
26 Development, but has a legal existence independent of and separate from  
27 the state.

28 \* Sec. 16. AS 44.62.190(a)(3) is amended to read:

29 (3) if the agency is within a department, mailed or delivered

1 to the commissioner [DIRECTOR] of the department;

2 \* Sec. 17. AS 44.62.290(b) is amended to read:

3 (b) Only this section and sec. 180 [, SEC. 210, AND SEC. 220] of  
4 this chapter apply to

5 (1) a regulation which prescribes the organization or pro-  
6 cedure of an agency, or

7 (2) an emergency regulation adopted under sec. 250 of this  
8 chapter.

9 \* Sec. 18. AS 44.62.330(a)(14) is amended to read:

10 (14) Real Estate Commission [ALASKA REAL ESTATE EXAMINING  
11 BOARD]

12 \* Sec. 19. AS 44.71.020(f) is amended to read:

13 (f) The Department of Administration shall cooperate with the  
14 departments or agencies of the United States and shall file a state  
15 plan of operation, operate in accordance with it, and take the action  
16 necessary to meet the minimum standards prescribed in accordance with  
17 the Federal Act, and make the reports in the form and containing the  
18 information which the United States or its departments or agencies  
19 may require [OF THE UNITED STATES] and shall comply [FILE A STATE] with  
20 the laws of the United States and the rules and regulations of its  
21 departments or agencies governing the allocation, transfer, use or  
22 accounting for property donated to the state.

23 \* Sec. 20. AS 45.45.010(a) is amended to read:

24 Sec. 45.45.010. LEGAL RATE OF INTEREST. (a) The rate of interest  
25 in the state is six per cent a year and no more on (1) money after it  
26 is due; (2) judgments and decrees for the payment of money, except that  
27 a judgment or decree founded on a contract in writing providing for the  
28 payment of interest until paid at a specified rate exceeding six per  
29 cent a year and not exceeding eight [10] per cent a year bears interest

1 at the rate specified in the contract if the interest rate is set out  
2 in the judgment or decree; (3) money received to the use of another  
3 and retained beyond a reasonable time without the owner's express or  
4 implied consent; (4) money due upon the settlement of matured accounts  
5 from the day the balance is ascertained; or (5) money due or to become  
6 due where there is a contract to pay interest and no rate is specified.

7 \* Sec. 21. AS 45.05.746 is amended to read:

8           Sec. 45.05.746. PURCHASE OF CHATTEL PAPER AND NONNEGOTIABLE  
9 INSTRUMENTS. A purchaser of chattel paper or a nonnegotiable instru-  
10 ment who gives new value and takes possession of it in the ordinary  
11 course of his business and without knowledge that the specific paper  
12 or instrument is subject to a security interest has priority over a  
13 security interest which is perfected under sec. 738 of this chapter  
14 (permissive filing and temporary perfection). A purchaser of chattel  
15 paper who gives new value and takes possession of it in the ordinary  
16 course of his business has priority over a security interest in chattel  
17 paper which is claimed merely as proceeds of inventory subject to a  
18 security interest (sec. 742) [(SEC. 316)], even though he knows that  
19 the specific paper is subject to the security interest.  
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