

Introduced: 2/2/70
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 564

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act revising the Alaska Statutes to reflect cor-
7 rective amendments by the revisor of statutes."

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

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

10 Sec. 03.35.010. CREATION AND RESTRICTION IN USE OF CONTROLLED
11 LIVESTOCK DISTRICTS. A district judge [MAGISTRATE] may create and
12 establish a controlled livestock district within a city or organized
13 borough [AN INDEPENDENT SCHOOL DISTRICT, INCORPORATED SCHOOL DISTRICT,
14 PUBLIC UTILITY DISTRICT, OR ITS SUCCESSOR], or in other settled areas
15 of the state, as provided in this chapter, to consist of one or more
16 townships or portions thereof or of a contiguous area of not less than
17 1,280 acres. It is unlawful for any domestic animal to graze or run at
18 large within a controlled livestock district unless the domestic an-
19 imal is herded on open public domain and tended by a person and pre-
20 vented from grazing upon private roads or highways and privately owned
21 land.

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

23 (1) recreational site license.

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

25 (a) A director, officer, or employee of a state bank who know-
26 ingly, wilfully and persistently overdraws his account or [AND] who
27 permits a customer to do so, is [SHALL BE CONSIDERED] engaged in an
28 unsound banking practice and subject to the provisions of sec. 5(4) of
29 this chapter.

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

2 (d) When the assembly votes on an ordinance or resolution in
3 exercising one or more of the powers prescribed by AS 07.15.010(7)(A),
4 07.15.030(1), 07.15.060, 07.15.320(a) and (c), 07.15.330, 07.15.340,
5 07.15.350, 07.15.360, or AS 18.30, the votes shall be weighted as pro-
6 vided in this subsection to enable the assemblymen who represent a
7 majority of the borough's population to have a majority of the votes.

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

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

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

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

28 (5) If the area outside first class cities has the majority
29 of the borough's population, no special weight may be used, and the

1 vote of each assemblyman present and voting shall count as one vote.

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

3 (4) is a graduate of a law school approved by the American
4 Bar Association, or an attorney in good standing in the bar of another
5 state or territory [, OR HAS BEGUN A CLERKSHIP BEFORE JANUARY 1, 1967;
6 AND COMPLETED IT IN THE MANNER REQUIRED BY SEC. 35-2-44 ACIA 1949];

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

8 (4) to affiliate with the American [NATIONAL] Association
9 of Dental Examiners, and pay annual dues to the association;

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

11 (4) A graduate of a dental college approved by the Council
12 on Dental Education of the American Dental Association [AND THE
13 AMERICAN ASSOCIATION OF DENTAL EXAMINERS] at the time of graduation,
14 and holds a D.D.S. or D.M.D. degree or the equivalent;

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

16 Sec. 08.64.250. EXAMINATION WAIVED AND RECIPROCITY. The board
17 may waive the examination requirement if the applicant meets the re-
18 quirements of sec. 200 of this chapter, pays the required fee and has

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

21 (2) both

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

26 (B) [(2)] a certificate that the applicant is quali-
27 fied to practice medicine in the state or province issuing the
28 license, and that the license was issued after a thorough examin-
29 ation qualifying the applicant [; OR (3) PASSED AN EXAMINATION

1 GIVEN BY THE NATIONAL BOARD OF MEDICAL EXAMINERS].

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

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

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

6 (4) a person describing himself as a "social psychologist",
7 if he is verified to be a social psychologist by the American Socio-
8 logical Association [SOCIETY];

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

10 Sec. 11.05.050. CONSECUTIVE SENTENCES. If the defendant is con-
11 victed of two or more crimes, before judgment on either, the judgment
12 may be that the imprisonment upon one conviction begins at the expira-
13 tion of the imprisonment for [OF] any other of the crimes. If the
14 defendant is imprisoned upon a previous judgment on a conviction for a
15 crime, the judgment may be that the imprisonment commences at the ex-
16 piration of the term limited by the previous judgment.

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

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

1 The appeal shall be determined promptly.

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

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

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

8 Sec. 12.35.020. ✓ GROUNDS FOR ISSUANCE. A search warrant may be
9 issued if the judicial officer reasonably believes any of the follow-
10 ing: [UPON ANY OF THE FOLLOWING GROUNDS]

11 (1) that [IF] the property was stolen or embezzled; [, IT MAY
12 BE TAKEN ON THE WARRANT FROM A HOUSE OR OTHER PLACE IN WHICH IT IS
13 CONCEALED OR MAY BE FOUND, OR FROM THE POSSESSION OF THE PERSON BY
14 WHOM IT WAS STOLEN OR EMBEZZLED, OR FROM A PERSON WHO IS IN POSSESSION
15 OF THE PROPERTY.]

16 (2) that [WHEN] the property was [IS] used as a means of
17 committing a crime; [, IT MAY BE TAKEN ON THE WARRANT FROM A HOUSE OR
18 OTHER PLACE IN WHICH IT IS CONCEALED OR MAY BE FOUND, OR FROM THE POS-
19 SESSION OF THE PERSON BY WHOM IT WAS USED IN THE COMMISSION OF THE
20 CRIME, OR FROM A PERSON WHO IS IN POSSESSION OF THE PROPERTY.]

21 (3) that [WHEN] the property is in the possession of a per-
22 son who intends to use it as the means of committing a crime, or in
23 possession of another to whom he may have delivered it for the purpose
24 of concealing it or preventing its being discovered; [, IT MAY BE
25 TAKEN ON THE WARRANT FROM THE POSSESSION OF THAT PERSON, OR FROM POS-
26 SESSION OF THE PERSON TO WHOM HE MAY HAVE DELIVERED IT, OR FROM A
27 HOUSE OR OTHER PLACE OCCUPIED BY THEM OR UNDER THEIR CONTROL, OR
28 EITHER OF THEM.]

29 (4) that [IF] the property constitutes evidence of a

1 particular crime or tends to show that a certain person has committed
2 a particular crime; [, IT MAY BE TAKEN ON THE WARRANT FROM A HOUSE OR
3 OTHER PLACE IN WHICH IT IS CONCEALED OR MAY BE FOUND, OR FROM A PERSON
4 WHO IS IN POSSESSION OF THE PROPERTY.]

5 (5) that [IF] either reasonable legislative or administra-
6 tive standards for conducting a routine or area inspection with regard
7 to air pollution are satisfied with respect to the particular place,
8 dwelling, structure, premises, or vehicle, or there is reason to be-
9 lieve that a condition of nonconformity exists with respect to the
10 particular place, dwelling, structure, premises, or vehicle [, A
11 SEARCH WARRANT MAY BE ISSUED PERMITTING THE APPLICANT TO INSPECT THE
12 PREMISES].

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

14 Sec. 12.35.025. SEIZURE OF PROPERTY. Property described in sec.
15 20 of this chapter may be taken on a warrant from:

16 (1) a house or other place in which it is concealed or may
17 be found;

18 (2) the possession of the person by whom it was stolen,
19 embezzled, or used in the commission of a crime;

20 (3) a person who is in possession of the property;

21 (4) the possession of a person to whom the property has been
22 delivered for the purpose of concealing it or preventing its being
23 discovered, or from a house or other place occupied by him or under
24 his control.

25 * Sec. 16. AS 12.35.030 is repealed.

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

27 (a) The average daily membership allotment for each district is
28 as follows:

29 (1) if the district is in the southeastern area

1 [SOUTHEASTERN SENATE DISTRICT]: \$155 times average daily membership;

2 (2) if the district is in the southcentral area [SOUTH-
3 CENTRAL SENATE DISTRICT]: \$165 times average daily membership;

4 (3) if the district is in the central and northwest areas
5 [CENTRAL AND NORTHWEST SENATE DISTRICTS] and that part of the south-
6 central area [SOUTHCENTRAL SENATE DISTRICT] lying west of 152 degrees
7 west longitude: \$175 times the average daily membership [ATTENDANCE].

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

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

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

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

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

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

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

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

26 Sec. 15.10.060. SPECIFIC DUTY AND STANDARD FOR PRECINCT BOUNDARY
27 MODIFICATION. If at any election [OR PARTY PRIMARY NOMINATION] more
28 than 500 voters cast paper ballots or more than 700 voters cast voting
29 machine ballots in one precinct, the secretary of state shall modify

1 the boundary of the precinct to prevent the casting of paper ballots
2 by more than 500 voters or the casting of voting machine ballots by
3 more than 700 voters in the precinct at the next election [OR PARTY
4 PRIMARY NOMINATION].

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

6 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any per-
7 son aggrieved by a determination of precinct boundaries by the secre-
8 tary of state may bring a civil action to have the determination
9 reviewed in the superior court. If the action receives final deter-
10 mination within 15 days before the [PRIMARY NOMINATION OR] election,
11 the secretary of state shall not make the required modification in
12 precinct boundaries until immediately after the [PRIMARY NOMINATION
13 OR] election.

14 * Sec. 22. AS 15.10.110 is amended to read:

15 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The sec-
16 retary of state shall appoint four election supervisors, one each to
17 serve at Juneau, Anchorage, Fairbanks and Nome, to assist in the ad-
18 ministration of elections in the election districts designated by the
19 secretary of state. The secretary of state may appoint as an election
20 supervisor a person who is a qualified voter in the area over which he
21 has jurisdiction and who does not hold an office in a political party.
22 An election supervisor shall be appointed to serve for a term to begin
23 not more than 120 days before the date of the primary election
24 [NOMINATION] or special election and to end not more than 45 days
25 after the date of the general or special election. An election super-
26 visor is entitled to receive compensation in an amount that is compar-
27 able to that received for similar state employment as determined by
28 the secretary of state. Executive branch [DEPARTMENT] employees shall
29 be appointed election supervisors whenever feasible and shall serve

1 without additional compensation.

2 * Sec. 23. AS 15.10.170 is amended to read:

3 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The
4 precinct party committee, where an organized precinct committee exists,
5 or the district party committee where no organized precinct committee
6 exists, may appoint one or more persons as watchers in each precinct
7 for any [PRIMARY NOMINATION OR] election. Each candidate not repre-
8 senting a political party may appoint one or more watchers for each
9 precinct in his respective district or the state for any election.
10 Any organization or organized group that sponsors or opposes an initi-
11 ative, referendum or recall may have one or more persons as watchers
12 at the polls after first obtaining authorization from the secretary of
13 state. No precinct party committee, no district party committee or
14 candidate not representing a political party or organization or
15 organized group may have more than one watcher on duty at a time in
16 any precinct. The watcher may be present at a position inside the
17 place of voting which affords a full view of all action of the election
18 board taken from the time the polls are opened until the ballots are
19 finally counted and the result certified by the election board. The
20 election board may require each watcher to present a certificate show-
21 ing that he is the watcher appointed by the precinct party committee,
22 the district party committee, the organization or organized group or
23 the candidate he represents and signed by the chairman of the precinct
24 party committee, the district party committee, the organization or
25 organized group or the candidate representing no party. The secretary
26 of state may prescribe regulations governing the conduct of watchers
27 to assure the privileges of the watchers and the proper conduct of the
28 election.

29 * Sec. 24. AS 15.15.360(11) is repealed.

1 * Sec. 25. AS 15.25.055 is amended to read:

2 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
3 date's name will appear on the primary election [NOMINATION] ballot un-
4 less notice of his withdrawal from the [PARTY] primary is received by
5 the secretary of state at least 40 days before the date of the primary
6 election [PARTY PRIMARY NOMINATION].

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

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

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

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

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

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

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

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

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

15 Sec. 15.40.140. CONDITION AND TIME OF CALLING SPECIAL ELECTION.
16 When a vacancy occurs in the office of United States representative,
17 the governor shall, by proclamation, call a special election to be held
18 on a date [WITHIN] not less than 60, nor more than 90, days after the
19 date the vacancy occurs. However, if the vacancy occurs on a date
20 that is less than 60 days before, or is on or after the date of the
21 primary election [NOMINATION] in general election years, the governor
22 shall not call a special election.

23 * Sec. 31. AS 15.40.150 is amended to read:

24 Sec. 15.40.150. CONDITION FOR HOLDING SPECIAL ELECTION WITH
25 PRIMARY. If the vacancy occurs on a date [WITHIN] not less than 60,
26 nor more than 90, days before the date of the primary election [NOMIN-
27 ATION], the governor shall, by proclamation, call the special election
28 to be held on the date of the primary election [SUCH PRIMARY NOMIN-
29 ATION].

1 * Sec. 32. AS 15.40.230 is amended to read:

2 Sec. 15.40.230. CONDITION AND TIME OF CALLING SPECIAL ELECTION.

3 When a person appointed to succeed to the office of secretary of state
4 succeeds to the office of acting governor, the acting governor shall,
5 by proclamation, call a special election to be held on a date [WITHIN]
6 not less than 60, nor more than 90, days after the date the vacancy in
7 the office of the governor occurred. However, if the vacancy occurs
8 on a date that is less than 60 days before, or is on or after the date
9 of the primary election [NOMINATION] in years in which a governor is
10 regularly elected, the acting governor shall serve the remainder of
11 the unexpired term and shall not call a special election.

12 * Sec. 33. AS 15.40.240 is amended to read:

13 Sec. 15.40.240. CONDITIONS FOR HOLDING SPECIAL ELECTION WITH
14 PRIMARY OR GENERAL ELECTION. If the vacancy occurs on a date [WITHIN]
15 not less than 60, nor more than 90, days before the date of the pri-
16 mary election [NOMINATION] in years in which a governor is regularly
17 elected or if the vacancy occurs on a date not less than 60, nor more
18 than 90, days before the date of the primary election [NOMINATION] or
19 general election in election years in which a governor is not regularly
20 elected, the acting governor shall, by proclamation, call the special
21 election to be held on the date of the primary election [SUCH PRIMARY
22 NOMINATION] or general election.

23 * Sec. 34. AS 15.40.420 is amended to read:

24 Sec. 15.40.420. SELECTION OF NOMINEES IN MANNER PROVIDED FOR
25 GENERAL ELECTION. If the vacancy in the office of state senator oc-
26 curs one calendar month or more before the filing date for the pri-
27 mary election [PARTY PRIMARY NOMINATION], candidates for the special
28 election shall be nominated in the manner provided for the nomination
29 of candidates for general elections.

1 * Sec. 35. AS 15.45.190 is amended to read:

2 Sec. 15.45.190. PLACING PROPOSITION ON BALLOT. The secretary of
3 state shall place the ballot title and proposition on the election bal-
4 lot of the first statewide general, special, or primary [NOMINATION]
5 election that is held after (1) the petition and any supplementary
6 petition have been filed, (2) a legislative session has convened and
7 adjourned, and (3) a period of 120 days has expired since the adjourn-
8 ment of the legislative session.

9 * Sec. 36. AS 15.45.420 is amended to read:

10 Sec. 15.45.420. PLACING PROPOSITION ON BALLOT. The secretary of
11 state shall place the ballot title and proposition on the election
12 ballot for the first statewide general, special, or primary [NOMINA-
13 TION] election held more than 180 days after adjournment of the legis-
14 lative session at which the act was passed.

15 * Sec. 37. AS 15.45.650 is amended to read;

16 Sec. 15.45.650. CALLING SPECIAL ELECTION. If the secretary of
17 state determines the petition is properly filed and if the office is
18 not vacant, he shall prepare the ballot and shall call a special elec-
19 tion to be held on a date [WITHIN] not less than 60, nor more than 90,
20 days after the date that notification is given that the petition was
21 properly filed. If a primary [NOMINATION] or general election is to be
22 held [WITHIN] not less than 60, nor more than 90, days after the date
23 that notification is given that the petition was properly filed, the
24 special election shall be held on the date of the primary [NOMINATION]
25 or general election.

26 * Sec. 38. AS 15.55.250 is amended to read:

27 Sec. 15.55.250. DEFINITION OF "PERSON" AND "ELECTION". For
28 purposes of this chapter, the term "person" means an individual, and
29 where consistent with collective capacity, a committee, firm,

1 partnership, company, corporation, club, organization, association, or
2 other combination of individuals, and the term "election" means any
3 general, special, and primary [PARTY PRIMARY NOMINATION] election.

4 * Sec. 39. AS 18.10.060 - 18.10 260(a) are repealed.

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

6 (12) "public body" means the state or a municipality
7 [, INCORPORATED SCHOOL DISTRICT, PUBLIC UTILITY DISTRICT, OR OTHER
8 INCORPORATED POLITICAL SUBDIVISION OF THE STATE];

9 * Sec. 41. AS 18.55.970 is amended to read:

10 Sec. 18.55.970. PLANNING ASSISTANCE [BY AUTHORITY] TO [CITIES,
11 PUBLIC UTILITY DISTRICTS, BOROUGH AND] PLATTING AUTHORITIES. To
12 facilitate urban planning in cities and other political subdivisions
13 [SUCH AS PUBLIC UTILITY DISTRICTS], the Alaska State Housing Authority
14 may provide planning assistance, including but not limited to surveys,
15 land-use studies, urban renewal plans, technical services, and other
16 planning work to a city, [PUBLIC UTILITY DISTRICT,] borough, or other
17 platting authority. In an area under the jurisdiction for planning
18 purposes of a city, [PUBLIC UTILITY PLANNING BODY,] borough, or other
19 platting authority, the housing authority may not perform the planning
20 work except at the request or with the consent of the local authority.

21 * Sec. 42. 46. AS 18.60.590(a) is amended to read:

22 (a) The department may by regulation adopt [INCORPORATE INTO
23 SECS. 580 - 660 OF THIS CHAPTER] amendments to the 1968 National Elec-
24 trical Code as approved and issued by the American Standards Associ-
25 ation.

26 * Sec. 43. AS 18.65.090(a) is amended to read:

27 (a) All peace [POLICE] officers in the state or any municipality
28 or subdivision shall cooperate with the Department of Public Safety in
29 creating and maintaining its files, and all information shall be

1 classified upon standard forms and kept available for the detection of
2 crime and the identification of criminals.

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

4 Sec. 19.25.110. REMOVAL OF NONCONFORMING ADVERTISING. A sign,
5 display or device which is lawfully in existence along the interstate
6 system or the primary system on August 6, 1968 and which is not in
7 conformity with secs. 80 - 180 of this chapter may not be required to
8 be removed until July 1, 1970. [ANY OTHER SIGN, DISPLAY OR DEVICE
9 LAWFULLY ERECTED AFTER AUGUST 6, 1968 WHICH DOES NOT CONFORM TO THE
10 PROVISIONS OF SECS. 80 - 180 OF THIS CHAPTER MAY NOT BE REQUIRED TO BE
11 REMOVED UNTIL THE END OF THE FIFTH YEAR AFTER IT BECOMES NONCONFORMING.]

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

13 (b) Damages resulting from a taking in eminent domain shall be
14 ascertained in the manner [PRESENTLY] provided by law [OR IN THE MAN-
15 NER THE LEGISLATURE MAY HEREAFTER PROVIDE].

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

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

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

26 (3) "primary system" means that portion of connected main
27 highways, as officially designated, or as may hereafter be so desig-
28 nated, by the commissioner of highways, and approved by the secretary
29 of transportation (or by the secretary of commerce before the effective

1 date of the transfer of functions under Public Law 89-670 [80
2 Stat. 931] [COMMERCE], under the provisions of Title 23, United
3 States Code, "Highways";

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

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

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

14 (5) "primary system" means that portion of connected main
15 highways, as officially designated, or as may hereafter be so desig-
16 nated, by the commissioner of highways, and approved by the secretary
17 of transportation (or by the secretary of commerce before the effective
18 date of the transfer of functions under Public Law 89-670[80 Stat.
19 931]) [COMMERCE], under the provisions of Title 23, United States
20 Code, "Highways";

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

22 (4) supply information concerning eligibility for mortgage
23 insurance [THE FEDERAL HOUSING ADMINISTRATION HOME ACQUISITION PRO-
24 GRAM] under sec. 221(d)(2) of the National Housing Act, the small
25 business disaster loan program under sec. 7(b)(3) of the Small Busi-
26 ness Act, and other state or federal programs offering assistance to
27 displaced persons.

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

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

1 * Sec. 52. AS 22.10.080 is amended to read:

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

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

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

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

16 (a) A member of a state board or commission [PERSON] is con-
17 sidered an employee under this chapter only while he is actually
18 traveling or working as a member of the [A STATE] board or commission.
19 The maximum weekly wage shall be used in computing the amount of com-
20 pensation to be awarded.

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

22 * Sec. 56. AS 24.05.040 is amended to read:

23 Sec. 24.05.040. DUAL OFFICE. No member of the legislature may
24 hold any other office or position of profit under the United States or
25 the state. During the term for which elected and for one year there-
26 after, no legislator may be nominated, elected or appointed to any
27 other office or position of profit which has been created, or the
28 salary or emoluments of which have been increased while he was a mem-
29 ber. This section does not prevent any person from seeking or holding

1 the office of governor, secretary of state, or member of Congress.
2 This section does not apply to employment by or election to a consti-
3 tutional convention. A member may serve on or at the behest of an
4 interim committee of the legislature. [AN OFFICE OF PROFIT AS USED IN
5 THIS SECTION MEANS AN ELECTIVE OFFICE ON THE STATE OR FEDERAL LEVELS
6 OF GOVERNMENT, THE HOLDER OF WHICH IS ENTITLED TO A SALARY; A POSITION
7 OF PROFIT MEANS AN APPOINTIVE POSITION ON THE STATE OR FEDERAL LEVELS
8 OF GOVERNMENT, THE HOLDER OF WHICH HAS THE AUTHORITY TO MAKE POLICY
9 AND IS ENTITLED TO A SALARY FOR HIS SERVICES. EMPLOYMENT AS A "TEACH-
10 ER" AS DEFINED IN AS 14.17.250(12) SHALL NOT BE CONSIDERED AS HOLDING
11 AN OFFICE OR POSITION OF PROFIT.]

12 * Sec. 57. AS 24.20.020 ~~021~~ amended to read:

13 Sec. 24.20.020. MEMBERSHIP. The legislative council is composed
14 of the president of the senate and four other senators appointed by
15 him, and the speaker of the house of representatives and four other
16 representatives appointed by him. The appointing authority in each
17 house shall appoint at least one member from the area comprising
18 election districts 1 - 5, one from the area comprising election dis-
19 tricts 6 - 12, one from the area comprising election districts 13 -
20 16, and one from the area comprising election districts 17 - 19,
21 [AMONG THE DISTRICTS COMPRISING EACH OF THE SENATE DISTRICTS, A, E,
22 J AND N] as described in art. XIV, sec. 1 [2], of the state constitu-
23 tion, with [AND] at least one member being from each of the two major
24 political parties. The appointing authority of each house shall make
25 and announce the appointment or reappointment of members of the
26 council within 30 days after the convening of the first regular ses-
27 sion of each legislature.

28 * Sec. 58. AS 28.10.520 is amended to read:

29 Sec. 28.10.520. DATE OF CONSTRUCTIVE NOTICE. If the documents

1 referred to in secs. 470 - 530 of this chapter [SECTION] are received
2 and filed in the central office of the department within 10 days after
3 the date the documents are executed, the constructive notice dates
4 from the time of the execution of the documents. Otherwise construc-
5 tive notice dates from the time of receipt and filing of the documents
6 by the department ~~as~~ shown by its endorsement on them.

7 * Sec. 59. AS ~~28.30~~²⁰280(b) is amended to read:

8 (b) The term "proof of financial responsibility for the future"
9 as used in this chapter means proof of ability to respond in damages
10 for liability, on account of an accident occurring after the effective
11 date of proof, which arises out of the ownership, maintenance or use
12 of a vehicle subject to registration under the laws of this state, in
13 the amount of \$15,000 [\$10,000] because of bodily injury to or death
14 of one person in any one accident, and, subject to the same limit for
15 one person, in the amount of \$30,000 [\$20,000] because of bodily in-
16 jury to or death of two or more persons in any one accident, and in
17 the amount of \$5,000 because of injury to or destruction of property
18 of others in any one accident. As used in this chapter the terms
19 "proof of financial responsibility" or "proof" mean proof of financial
20 responsibility for the future.

21 * Sec. 60. AS ~~28.20.360~~²⁰360(1) is amended to read:

22 (1) \$15,000 [\$10,000] is credited upon a judgment given in
23 excess of that amount because of bodily injury to or death of one
24 person as the result of any one accident; or

25 * Sec. 61. AS ~~28.20.360~~²⁰360(2) is amended to read:

26 (2) subject to the limit of \$15,000 [\$10,000] because of
27 bodily injury to or death of one person, the sum of \$30,000 [\$20,000]
28 is credited upon a judgment given in excess of that amount because of
29 bodily injury to or death of two or more persons as the result of any

1 one accident; or

2 * Sec. 62. AS 29.25.020 is amended to read:

3 Sec. 29.25.040. "INCORPORATED VILLAGE" DEFINED. "Incorporated
4 village" means and is synonymous with the term "city of the fourth
5 class." [HOWEVER, THE USE OF THE TERM "CITY OF THE FOURTH CLASS"
6 SHALL NOT BE CONSTRUED TO INCLUDE AN INCORPORATED VILLAGE AS CONSTI-
7 TUTING A CITY SCHOOL DISTRICT UNDER AS 14.15.240 - 14.15.290.]

8 * Sec. 63. AS 29.25.090 is repealed.

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

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

11 (11) members of boards, commissions, or authorities, ex-
12 cept as otherwise provided by law;

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

14 (6) The Department of Administration shall obtain the in-
15 surance policy from any insurer authorized to transact business in
16 the state under AS 21.09 and 21.90 [AS 21.10.035 - 21.10.050, 21.30.-
17 020, and 21.10.055(1) or (2)(A)].

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

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

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

1 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be sub-
2 divided or dedicated is situated within a borough [CITY] the proposed
3 subdivision or dedication shall be submitted to the borough [CITY]
4 planning commission for approval. The borough [CITY] planning commis-
5 sion is the platting authority for the borough [CITY]. If the borough
6 [CITY] does not have a planning commission, the borough assembly
7 [CITY COUNCIL] is the platting authority and the proposed subdivision
8 or dedication shall be submitted to it. [IF LAND PROPOSED TO BE SUB-
9 DIVIDED OR DEDICATED IS SITUATED WITHIN A SCHOOL DISTRICT BUT OUTSIDE
10 A CITY, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED FOR
11 APPROVAL TO THE PLATTING BOARD REFERRED TO IN SEC. 80 OF THIS CHAPTER
12 WHICH IS THE PLATTING AUTHORITY FOR THE SCHOOL DISTRICT OUTSIDE A CITY]
13 No subdivision may be filed for record until it is approved by the
14 platting authority.

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

16 * Sec. 70. AS 40.15.100 is amended to read:

17 Sec. 40.15.100. PETITION. No plat shall be altered, amended or
18 changed, except upon petition of the owners of a majority of the land
19 affected by the alteration, amendment or change, showing the changes
20 contemplated. No street, alley or public thoroughfare or any part of
21 one shall be vacated, except upon petition of the owners of the
22 majority of the front feet of the land fronting upon the part of the
23 street, alley or public thoroughfare sought to be vacated. The
24 petition shall be filed with the clerk of the borough [CITY OR THE
25 PLATTING BOARD], requesting that the plat, addition or subdivision be
26 amended, replatted or vacated, or that the street, alley or public
27 thoroughfare be vacated. The petition shall be accompanied by a plat,
28 draft or a copy of the existing plat, showing the proposed amendment,
29 replat or vacation.

1 * Sec. 71. AS 40.15.180 is amended to read:

2 Sec. 40.15.180. TITLE TO VACATED AREA, STREETS, AND PUBLIC
3 SQUARES. The title to the street or other public area vacated at-
4 taches to the lots or lands bordering on the area in equal propor-
5 tions, except that where the area was originally dedicated by dif-
6 ferent persons, original boundary lines shall be adhered to so that
7 the street area which lies on one side of the boundary line shall
8 attach to the abutting property on that side, and the street area
9 which lies upon the other side of the boundary line shall attach to
10 the property on that side. The portion of a vacated street which
11 lies within the limits of a platted addition attaches to the lots of
12 the platted addition bordering on the area. If a public square is
13 vacated, the title to it vests in the borough [INDEPENDENT SCHOOL
14 DISTRICT] where the square is located or if it lies in a city, then
15 it vests in the city for the use of the city or borough [SCHOOL DIS-
16 TRICT], to be used and disposed of as other public lands. If the
17 property vacated is a lot or tract, title vests in the rightful owner.

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

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

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

26 (A) the specific activity engaged in requires a
27 greater percentage of trained personnel than the guidelines for
28 resident hiring permits and these trained personnel are not
29 available within the state in great enough number to make

1 [PRECLUDE] out-of-state recruiting unnecessary; or

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

7 * Sec. 74. AS 43.70.080 is amended to read:

8 Sec. 43.70.080. DISPOSAL OF MONEY. All money collected by the
9 department under this chapter shall be deposited in the general fund.
10 The Department of Revenue shall refund to each [AN] organized borough
11 and each [,] city of any class [, INCORPORATED OR INDEPENDENT SCHOOL
12 DISTRICT, OR PUBLIC UTILITY DISTRICTS,] 60 per cent of the money
13 collected in the local government.

14 * Sec. 75. AS 43.75.130 is amended to read:

15 Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. The commissioner
16 of revenue shall pay to each organized borough and each [,] city of
17 the first, second, and third classes [, INCORPORATED OR INDEPENDENT
18 SCHOOL DISTRICT, AND PUBLIC UTILITY DISTRICT] 10 per cent of the
19 amount of tax revenue collected in the borough or city [MUNICIPALITY
20 OR DISTRICT] from taxes levied by secs. 10 - 90 of this chapter.

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

22 (9) to administer appropriated funds in accordance with
23 and to carry out the purposes of secs. 580 - 620 [500 - 540] of this
24 chapter, and to make allotment or transfer money to other state
25 agencies;

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

27 (2) administer the historical library [AND MUSEUM];

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

29 (4) "state agency" means a department, office, agency, or

1 other organizational unit of the executive branch, except one expressly
2 excluded by law, but does not include an agency in the judicial or
3 legislative branches [DEPARTMENT] of the state government.

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

6 Sec. 5. There is hereby created another special fund of the state
7 to be known as the "International Airports Revenue Fund," which shall
8 be completely segregated and set apart from all other funds of the
9 state, shall be a trust fund for the uses and purposes herein provided,
10 and into which shall be paid all revenues, fees, charges and rentals
11 derived by the state from the ownership, lease, use and operation of
12 the airports and all of the facilities and improvements thereof and
13 facilities and improvements used in connection therewith. Such
14 revenues, charges, fees and rentals shall not include the proceeds of
15 any state tax or license. The moneys in the Revenue Fund shall only
16 be used for the purpose of paying or securing the payment of the
17 principal of and interest on the bonds and of and on any other revenue
18 bonds issued by authorization of the legislature to provide funds to
19 acquire, equip, construct and install additions and improvements to,
20 and extensions of and facilities for, the airports and to be payable
21 out of the Revenue Fund, the purpose of paying the normal and neces-
22 sary costs of maintaining and operating the airports and all of the
23 improvements and facilities thereof, the purpose of paying the costs
24 of renewals, replacements and extraordinary repairs to the airports
25 and all of the improvements and facilities thereof, the purpose of re-
26 deeming before their fixed maturities any and all revenue bonds issued
27 for the purposes of the airports, the purpose of providing funds to
28 acquire, construct and install necessary additions and improvements to
29 and extensions of and facilities for the airports and all of their

1 facilities, and the purpose of providing funds to pay any and all
2 other costs relating to the ownership, use and operation of the air-
3 ports.

4 The [BOND RESOLUTION MAY PROVIDE FOR THE] investment of moneys
5 in the Revenue Fund may be made in such manner as the Committee may
6 determine. The interest earned upon, or any profits derived from the
7 sale of, such investments shall be deposited in and become a part of
8 the Revenue Fund.

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

10 Sec. 7. In exercising its jurisdiction under AS 47.10 [THIS
11 CHAPTER], the superior court may designate district judges and magis-
12 trates as masters under Civil Rule 53.

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

14 Sec. 4. This Act takes effect on July 1, 1969 and secs. 1 and 2
15 terminate [TERMINATES] July 1, 1973.