

Introduced: 1/27/71
Referred: Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST 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 01.05.026 is amended to read:

10 Sec. 01.05.026. SUPPLEMENTS AS PART OF ALASKA STATUTES. The laws
11 contained in the most recent cumulative supplement to and replacement
12 pamphlets [PAMPHLET] for the Alaska Statutes constitute prima facie
13 a part of the Alaska Statutes, and the laws contained in the Temporary
14 and Special Act pamphlets constitute prima facie the temporary and
15 special law of Alaska, when prepared in accordance with this chapter
16 and authenticated by the lieutenant governor.

17 * Sec. 2. AS 01.05.031(a) is amended to read:

18 (a) Subject to the general policies which may be promulgated by
19 the legislative council for the preparation and publication of the
20 annual cumulative supplement to and replacement pamphlets for the Alaska
21 Statutes and of the accompanying Temporary and Special Act pamphlets,
22 the revisor of statutes shall revise for consolidation into the Alaska
23 Statutes and the accompanying pamphlets all laws of a general and
24 permanent nature and all laws of a temporary or special nature enacted
25 by the legislature.

26 * Sec. 3. AS 02.05.100(a) is amended to read:

27 (a) Upon a petition or accusation filed by any person or the
28 commission [UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62)], and
29 after notice and opportunity for hearing, the commission by order may

1 alter, amend, or modify a certificate, in whole or in part, if the
2 public convenience and necessity requires, and may suspend or revoke a
3 certificate, in whole or in part, for any of the following reasons:

- 4 (1) intentional misrepresentation of a material fact in
5 obtaining the certificate;
- 6 (2) voluntary discontinuance of operations;
- 7 (3) intentional failure to comply with a provision of this
8 chapter or an order, rule, or regulation issued under this chapter;
- 9 (4) intentional failure to comply with a term, condition or
10 limitation of the certificate.

11 * Sec. 4. AS 06.25.230 is amended to read:

12 Sec. 06.25.230. DEPOSIT OF SECURITIES WITH DEPARTMENT OF REVENUE
13 [ADMINISTRATION]. A trust company shall keep on deposit with the
14 Department of Revenue [ADMINISTRATION] interest and/or dividend bearing
15 stocks or bonds of the United States or of the State of Alaska, or of
16 any city of this state, or such other interest and/or dividend bearing
17 stocks, bonds or securities approved by the Department of Commerce, in
18 value of 20 per cent of its capital stock. The securities so deposited
19 may not be of less value than \$5,000. The securities shall be regis-
20 tered in the name of the Department of Revenue [ADMINISTRATION], in
21 trust for the creditors of and depositors with the trust company,
22 subject to sale and transfer and to the disposal of the proceeds thereof
23 by the Department of Revenue [ADMINISTRATION], only on the order of a
24 court of competent jurisdiction. The trust company, so long as it
25 continues solvent and complies with the laws of the state, may be
26 permitted by the Department of Commerce to collect the interest and
27 dividends on the securities and from time to time exchange the securities
28 for others of equal value. All securities before they may be accepted
29 by the Department of Revenue [ADMINISTRATION] for filing under this

1 section shall be approved by the Department of Commerce. A trust
2 company that is a member of the Federal Deposit Insurance Corporation
3 or whose deposits are insured in whole or in part by an agency of the
4 United States is exempt from the requirements of this section.

5 * Sec. 5. AS 07.30.010(b) is amended to read:

6 (b) [ONLY QUALIFIED VOTERS WHOSE NAMES APPEAR ON THE LAST TAX
7 ASSESSMENT ROLL OR RECORD OF SUCH BOROUGH FOR PURPOSES OF BOROUGH
8 TAXATION ON REAL PROPERTY MAY VOTE ON A QUESTION OF INCURRING BONDED
9 INDEBTEDNESS BY A BOROUGH.] If the debt to be incurred is to be an
10 areawide debt, the vote shall be areawide. If the debt to be incurred
11 is to be limited to the area outside cities only, the vote shall be
12 limited to the qualified voters residing [WHOSE NAMES APPEAR ON THE LAST
13 TAX ASSESSMENT ROLL OR RECORD OF SUCH BOROUGH FOR PURPOSES OF BOROUGH
14 TAXATION ON REAL PROPERTY LOCATED] in the area outside cities. If the
15 debt to be incurred is to be limited to a service area only, the vote
16 shall be limited to the qualified voters residing within the service
17 area [WHOSE NAMES APPEAR ON THE LAST TAX ASSESSMENT ROLL OR RECORD OF
18 SUCH BOROUGH FOR PURPOSES OF BOROUGH TAXATION ON REAL PROPERTY LOCATED
19 IN THE SERVICE AREA]. However, if the full faith and credit of the
20 entire borough is to be pledged for payment of the service area debt,
21 the vote shall be areawide.

22 * Sec. 6. AS 08.01.010(3) is repealed.

23 * Sec. 7. AS 08.08.110(2) is amended to read:

24 (2) establish and enforce rules of professional conduct for
25 members of the Alaska Bar which [SHALL] conform but need not be limited
26 to the standards [OF THE CODE OF ETHICS] of the American Bar Association
27 Code of Professional Responsibility;

28 * Sec. 8. AS 08.20.120(6) is repealed.

29 * Sec. 9. AS 08.64.380(3)(B) is amended to read:

1 (B) habitual overuse of alcoholic beverages or depres-
2 sant, hallucinogenic or stimulant drugs, as defined in AS 17.12.-
3 150(3), or addiction to the use of narcotic drugs as defined in
4 AS 17.10.230(13) [UNDER AS 17.12.040(a)];

5 * Sec. 10. AS 11.40.120 is amended to read:

6 Sec. 11.40.120. SODOMY [UNNATURAL CRIMES]. A person who commits
7 sodomy, [OR THE CRIME AGAINST NATURE, OR HAS UNNATURAL CARNAL COPULATION
8 BY MEANS OF THE MOUTH, OR OTHERWISE, EITHER WITH A BEAST OR HUMAN BEING,
9 upon conviction, is punishable by imprisonment [IN THE PENITENTIARY] for
10 not less than one year nor more than 10 years.

11 * Sec. 11. AS 14.08.050(a) is amended to read:

12 (a) The board of directors has exclusive management and control of
13 all state-operated school matters associated with the state's program
14 of education at the elementary and secondary levels subject to the
15 state laws and the regulations promulgated by the [COMMISSIONER OF
16 EDUCATION AND THE] state Board of Education.

17 * Sec. 12. AS 14.14.170(a) is amended to read:

18 (a) There is established an advisory school board in each commun-
19 ity served by a school and operated by the state. If the state-operated
20 school has an average daily membership [ENROLLMENT] of less than 251
21 pupils, the advisory school board consists of three members. If the
22 average daily membership [ENROLLMENT] is more than 250 pupils, the
23 advisory school board consists of five members.

24 * Sec. 13. AS 14.20.020(c) is amended to read:

25 (c) The board [DEPARTMENT] may establish by regulation additional
26 requirements for the issuance of certificates.

27 * Sec. 14. AS 14.20.020(d) is amended to read:

28 (d) The board [DEPARTMENT] may by regulation establish various
29 classes of certificates.

1 * Sec. 15. AS 14.25.162(a) is amended to read:

2 (a) If a teacher dies while in membership service or while
3 receiving a disability retirement salary or after normal retirement
4 and leaves a minor child, his surviving spouse is entitled to a sur-
5 vivor's allowance provided the teacher has made a supplemental contri-
6 bution for at least one year before his death, but if a guardian has
7 been appointed for a minor child, the guardian is entitled to the
8 allowance. A minor child who has neither a surviving parent [SPOUSE]
9 nor a guardian is entitled to the allowance. If a minor child who is
10 at least 19 years old but less than 23 years old is out of school for
11 more than one semester, payments of his benefits shall terminate
12 permanently. Application for the survivor's allowance shall be made in
13 writing to the administrator.

14 * Sec. 16. AS 14.25.220(4) is amended to read:

15 (4) "employer" means a public [BOROUGH] school district, [A
16 CITY SCHOOL DISTRICT, INCORPORATED SCHOOL DISTRICT, INDEPENDENT SCHOOL
17 DISTRICT, STATE-OPERATED SCHOOL DISTRICT,] the Board of Regents of
18 the University of Alaska, or the Department of Education;

19 * Sec. 17. AS 14.25.220(5) is amended to read:

20 (5) "membership service" means service as a teacher in a
21 public school within the Territory or State of Alaska or both under
22 the supervision and control of the Territorial Board of Education or
23 the Department of Education, the school board of any public [BOROUGH]
24 school district, [INCORPORATED CITY, INCORPORATED SCHOOL DISTRICT,
25 INDEPENDENT SCHOOL DISTRICT,] or the Board of Regents of the University
26 of Alaska, or any period during which the teacher is on an approved
27 sabbatical leave granted in accordance with AS 14.20.310 or is receiving
28 a disability retirement salary; "membership service" is also service as a
29 teacher in a "nonpublic" school which means a school established by an

1 agency other than a state or its subdivisions which is primarily
2 supported by other than public funds, and the operation of whose
3 program rests with other than publicly elected or appointed officials,
4 and which offers grades kindergarten through 12, or any combination of
5 them, and is state approved or accredited;

6 * Sec. 18. AS 14.25.220(14) is amended to read:

7 (14) "minor child" means a child or children of the member,
8 including those adopted, either under 19 years old whom the teacher,
9 if living, is supporting or is obligated to support or, if dead, was
10 supporting or was obligated to support at the time of his death or
11 under 23 years old and registered at and attending on a full-time basis
12 an accredited educational or a technical institution recognized
13 [ACCREDITED] by the state Department of Education and whom the teacher,
14 if living, is supporting or, if dead, was supporting at the time of his
15 death;

16 * Sec. 19. AS 15.07.030 is amended to read:

17 Sec. 15.07.030. WHO MAY REGISTER. A person who has the qualifica-
18 tions of a voter as set out in AS 15.05.010(1) - (4) [AS 15.05.010(1) -
19 (5)], or who will have the qualifications at the succeeding primary or
20 general election, is entitled to be registered as a voter in the
21 precinct in which he resides.

22 * Sec. 20. AS 15.07.040 is amended to read:

23 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified
24 under AS 15.05.010(1) - (4) [AS 15.05.010(1) - (5)] is entitled to
25 register at any time throughout the year commencing December 21, 1968,
26 except that no registration will be made for a period of 14 days
27 preceding the election if the application for registration is made in
28 person or 30 days preceding the election if the application for regis-
29 tration is made by mail; however, registration may be made in person

1 at either the 1968 primary or general election as provided in sec. 70(d)
2 of this chapter.

3 * Sec. 21. AS 15.07.060(5) is amended to read:

4 (5) a declaration that the registrant will be 18 [19] years
5 of age or older on or before the date of the next statewide election;

6 * Sec. 22. AS 15.07.130(c) is amended to read:

7 (c) The lieutenant governor shall obtain from the office of vital
8 statistics death certificates and presumptive death certificates for
9 all residents over 18 [19] years of age who have died or who have been
10 presumptively declared dead. The lieutenant governor shall cancel the
11 registration of all deceased voters.

12 * Sec. 23. AS 15.07.160 is amended to read:

13 Sec. 15.07.160. UNLAWFUL ACTION. (a) It is unlawful for a
14 registration official to refuse to register a person who is qualified
15 to vote under provisions of AS 15.05.010(1) - (4) [AS 15.05.010(1) -
16 (5)].

17 (b) It is unlawful for a person to register who knows he is not
18 qualified to vote under provisions of AS 15.05.010(1) - (4) [AS 15.05.-
19 010(1) - (5)].

20 (c) A person who violates or who aids or abets another to violate
21 (a) or (b) of this section is guilty of a misdemeanor.

22 * Sec. 24. AS 16.05.250(11) and AS 16.05.788 are repealed.

23 * Sec. 25. AS 16.50.145 is amended by adding a new subsection to read:

24 (c) An applicant for a guide examination shall pay a fee of \$25.

25 * Sec. 26. AS 18.70.110 is amended to read:

26 Sec. 18.70.110. SCHOOL BUILDINGS AND DORMITORIES. The governing
27 body of each school district as set out in AS 14.12.010 [CITY COUNCIL
28 OF EACH CITY AND THE SCHOOL BOARD OF EACH INCORPORATED SCHOOL DISTRICT
29 OUTSIDE AN INCORPORATED CITY], and each organization or individual

1 awarded custody of children by a court shall provide at least one
2 external stairway as a fire escape on each school building, and on
3 each building or dormitory which houses at least three children, is
4 more than one story in height and contains only one stairway to the
5 ground floor.

6 * Sec. 27. AS 18.70.300 is amended to read:

7 Sec. 18.70.300. DEFINITION OF BUILDING. In this chapter
8 "building" means a structure, installation, facility, or edifice
9 erected or in the process of being erected and which is used or in-
10 tended for use as a commercial, industrial, business, institutional,
11 other public building, or residential building containing four or more
12 dwelling [BUILDING] units.

13 * Sec. 28. AS 19.05.125 is amended to read:

14 Sec. 19.05.125. PURPOSE. The purpose of chs. 5 - 25 of this
15 title is to establish a highway department [DIVISION] capable of
16 carrying out a highway planning, construction, and maintenance program
17 which will provide a common defense to the United States and Alaska, a
18 network of highways linking together cities and communities throughout
19 the state (thereby contributing to the development of commerce and
20 industry in the state, and aiding the extraction and utilization of
21 its resources), and otherwise improve the economic and general welfare
22 of the people of the state.

23 * Sec. 29. AS 19.05.130 is amended to read:

24 Sec. 19.05.130. DEFINITIONS. In chs. 5 - 40 [30] of this title

25 (1) "commissioner" means the commissioner of highways;

26 (2) "construction" or any derivation means construction,
27 reconstruction, alteration, improvement or major repair;

28 (3) "controlled-access facility" means a highway especially
29 designed for through traffic, and over, from, or to which owners or

1 occupants of abutting land or other persons have either no right or
2 easement or only a controlled right or easement of access, light, air,
3 or view;

4 (4) "cost of change, relocation, or removal" means the entire
5 cost incurred by the utility properly attributed to the change, re-
6 location, or removal of a utility after deducting any increase in the
7 value of the new facility and any salvage value derived from the old
8 facility;

9 (5) "department" means the Department of Highways;

10 (6) "excess lands" means land acquired by the state in ex-
11 cess of land required for a highway, when the remaining portion of a
12 parcel of land so acquired is left in such shape or condition as to be
13 of little or no value to its owner, or to give rise to claims or liti-
14 gation concerning severance or other damage;

15 (7) "federal-aid primary, federal-aid secondary, and inter-
16 state system" include any highway which is a part of the federal-aid
17 systems as provided in the Federal-Aid Highway Act of 1956, and any
18 laws amending or supplementing it;

19 (8) "highway" includes a highway (whether included in pri-
20 mary or secondary systems), road, street, trail, walk, bridge, tunnel,
21 drainage structure and other similar or related structure or facility,
22 and right-of-way thereof, and further includes a ferry system, whether
23 operated solely inside the state or to connect with a Canadian highway,
24 and any such related facility;

25 (9) "maintenance" means the preservation of each type of
26 highway, roadside structure and facility as nearly as possible in its
27 original condition as constructed, or as subsequently improved, and
28 the operation of highway facilities and services to provide satisfactory
29 and safe highways;

1 (10) "municipality" means an incorporated city or political
2 subdivision which has jurisdiction over highways in its incorporated
3 area;

4 (11) (Repealed)

5 (12) "utility" includes publicly, privately, and cooperatively
6 owned utilities.

7 * Sec. 30. AS 22.05.080 is amended to read:

8 Sec. 22.05.080. VACANCIES. (a) The governor shall fill a vacancy
9 in the office of supreme court justice [, INCLUDING THE OFFICE OF
10 CHIEF JUSTICE,] within 45 days after receiving nominations from the
11 Judicial Council, by appointing one of two or more persons nominated
12 by the Judicial Council for each vacant position.

13 (b) The office of a supreme court justice, including the office
14 of chief justice, becomes vacant 90 days after the election at which
15 he is rejected by a majority of those voting on the question, or for
16 which he failed to file his declaration of candidacy to succeed him-
17 self. A successor to the office of justice may be appointed, and a
18 successor to the office of chief justice may be selected by the other
19 justices, [HIS SUCCESSOR MAY BE APPOINTED] during this 90-day period
20 and the appointment or selection becomes effective upon the vacancy
21 occurring. A vacancy in the office also occurs by reason of the death,
22 retirement, resignation, forfeiture, or removal from office of a
23 justice. If a vacancy occurs the Judicial Council shall meet within
24 30 days thereafter and submit to the governor the names of two or more
25 persons nominated to fill each vacancy.

26 * Sec. 31. AS 22.05.150 is amended to read:

27 Sec. 22.05.150. ADMINISTRATIVE DIRECTOR. The chief justice of
28 the supreme court shall, with the approval of the supreme court,
29 appoint an administrative director to serve at the pleasure of the

1 supreme court [CHIEF JUSTICE] and to supervise the administrative
2 operations of the judicial system.

3 * Sec. 32. AS 23.20.352 is repealed.

4 * Sec. 33. AS 23.30.195 is amended to read:

5 Sec. 23.30.195. SURVIVAL OF THE RIGHT TO COMPENSATION. (a)
6 Compensation to which any claimant would be entitled under sec. 190 of
7 this chapter excepting (20) of that section shall, notwithstanding
8 death arising from causes other than the injury, be payable to and for
9 the benefit of the persons following:

10 (1) if there be a surviving wife or dependent husband and
11 no child of the deceased [UNDER THE AGE OF 18 YEARS], to the wife or
12 dependent husband;

13 (2) if there be a surviving wife or dependent husband and a
14 surviving child of the deceased [UNDER THE AGE OF 18 YEARS], one-half
15 to the surviving wife or dependent husband the other half to the
16 surviving child;

17 (3) if there be a surviving child of the deceased [UNDER THE
18 AGE OF 18 YEARS], but no surviving wife or dependent husband, then to
19 the child.

20 * Sec. 34. AS 23.30.215(a)(3) is amended to read:

21 (3) If there is one or more surviving children of the
22 deceased, but no surviving wife or dependent husband, then for the
23 support of the child or children 35 per cent of the average weekly
24 wages of the deceased [OR UNTIL THE CHILD OR CHILDREN REACH THE AGE
25 OF 19];

26 * Sec. 35. AS 24.10.040 is amended to read:

27 Sec. 24.10.040. LEGISLATIVE FISCAL OFFICER. The fiscal officer
28 of the Legislative Affairs Agency [LEGISLATIVE COUNCIL] serves as the
29 fiscal officer of the legislature.

1 * Sec. 36. AS 24.10.060 is amended to read:

2 Sec. 24.10.060. LEGISLATIVE EMPLOYEES. The temporary employees
3 of the legislature are hired for the duration of each session upon the
4 recommendation of the rules [PERMANENT HELP] committee of each house.
5 Employees assigned to each house are under the supervision of the chief
6 clerk and senate secretary. Employees assigned to the duplicating,
7 distributing, mailing, and other centralized services are under the
8 immediate supervision of the Legislative Affairs Agency [LEGISLATIVE
9 COUNCIL PERSONNEL RESPONSIBLE FOR THOSE SERVICES]. Permanent and
10 temporary employees of the legislature and its agencies shall be
11 employed subject to classification and wage plans based on the merit
12 principle and adapted to the special needs of the legislature.
13 Permanent employees are subject to the general state laws regarding
14 leave and retirement.

15 * Sec. 37. AS 24.30.050 is amended to read:

16 Sec. 24.30.050. PREFILING OF BILLS. Any member of the legisla-
17 ture whose term extends into a forthcoming session or legislature, or a
18 member-elect may file a bill or a proposal for a bill with the
19 Legislative Affairs Agency [LEGISLATIVE COUNCIL] at any time before
20 January 1 [WITHIN 60 DAYS BEFORE THE CONVENING OF A REGULAR SESSION].
21 The agency shall [LEGISLATIVE COUNCIL MAY] place a prefiled bill,
22 which is approved by the sponsor, in proper form and deliver it
23 to the chief clerk of the appropriate house on the day on which
24 the next session convenes or is organized for business. Prefiled
25 bills shall be considered as introduced on the day of their delivery
26 to each house.

27 * Sec. 38. AS 24.30.060(b) is amended to read:

28 (b) Bills introduced by the legislative council shall be delivered
29 with a letter of explanation to the rules committee of either house and

1 bear the inscription "Rules Committee by Request of the Legislative
2 Council." Bills presented by the governor shall be delivered with a
3 letter to the rules committee of either house and bear the inscription
4 "Rules Committee by Request of the Governor"; bills [." BILLS] so
5 presented and inscribed shall be received as bills carrying the approval
6 of the governor as to policy and budget impact. The governor or
7 executive director of the legislative council may submit a statement
8 of purpose and effect with each bill and appear personally or through
9 a representative before any committee considering legislation.

10 * Sec. 39. AS 24.35.010(b) is amended to read:

11 (b) The lieutenant governor shall file the original enrolled
12 copies of all acts and resolutions and all executive orders having the
13 effect of law which were submitted by the governor to the legislature
14 and which were not rejected by it. These documents shall be kept on
15 file for at least two years. All laws and executive orders having
16 the force of law in the cumulative supplements to or replacement
17 pamphlets for [OF] the Alaska Statutes are prima facie a part of the
18 Alaska Statutes.

19 * Sec. 40. AS 24.35.010(c) is amended to read:

20 (c) The Legislative Affairs Agency [LEGISLATIVE COUNCIL] is
21 responsible for arranging for the production, editing, publishing and
22 distribution of the laws of each session. The executive director shall
23 have the slip law copies of the enrolled acts produced in sufficient
24 quantity for one complete set to be provided each legislator pending
25 the publication of supplements to the Alaska Statutes. The commissioner
26 of administration is to receive sufficient copies of the slip laws for
27 official state distribution and he may charge for other distribution
28 on the basis of production and handling costs.

29 * Sec. 41. AS 24.35.020(a) is amended to read:

1 (a) The Department of Administration is responsible for making
2 official distribution of the Alaska Statutes to state agencies. Dis-
3 tribution shall be made on the basis of written requests and justifi-
4 cations submitted by the executive officer of each agency to the
5 Legislative Affairs Agency [LEGISLATIVE COUNCIL] and approved by the
6 executive director of the legislative council. A legislator is
7 entitled to receive one set of the statutes for his personal use, and
8 this entitlement is restricted to the one set issued during a member's
9 entire legislative service. The commissioner of administration may
10 deposit one set of the statutes in each free public library within the
11 state. The right of sale to persons and organizations remains ex-
12 clusively with the publisher.

13 * Sec. 42. AS 24.45.020(a) is repealed.

14 * Sec. 43. AS 28.05.025 is amended to read:

15 Sec. 28.05.025. AUTHORITY OF THE DEPARTMENT OF COMMERCE [PUBLIC
16 SERVICE COMMISSION] TO ADOPT RULES AND REGULATIONS. The Department
17 of Commerce [PUBLIC SERVICE COMMISSION] is responsible for the operation
18 of motor vehicle weighing stations, and the enforcement of highway
19 weight and load limitations. The department [COMMISSION] shall adopt
20 rules and regulations necessary for the operation of motor vehicle
21 weighing stations, and regulations necessary to enforce weight and
22 load limitations on state highways.

23 * Sec. 44. AS 28.20.420(a) is amended to read:

24 (a) A nonresident may give proof of financial responsibility by
25 filing with the department a written certificate of an insurance
26 carrier authorized to transact business in the state in which the
27 vehicle described in the certificate is registered, or if the nonresident
28 does not own a vehicle, then in the state in which the nonresident
29 resides, if [OWNED BY THE NONRESIDENT RESIDES, IF HE DOES NOT OWN A

1 VEHICLE, PROVIDED] the certificate otherwise conforms with this
2 chapter; [, AND] the department shall accept it upon condition that
3 the insurance carrier complies with (b) and (c) of this section [THE
4 FOLLOWING PROVISIONS].

5 * Sec. 45. AS 28.35.030 is amended to read:

6 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
7 LIQUOR OR DRUGS. A person who, while under the influence of intoxicating
8 liquor or narcotic drugs, operates or drives an automobile,
9 motorcycle or other motor vehicle in the state upon conviction is
10 punishable by a fine of not more than \$1,000, or by imprisonment for
11 not more than one year, or by both. In addition, his operator's
12 license may be limited or suspended in accordance with AS 28.15.260(a).

13 [UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE IN VIOLATION OF
14 THIS SECTION, THE OFFENDER'S LICENSE, AND HIS RIGHT TO OBTAIN A LICENSE,
15 TO OPERATE A MOTOR VEHICLE SHALL BE SUSPENDED FOR A PERIOD OF THREE
16 YEARS, AND THIS SUSPENSION IS IN ADDITION TO ANY OTHER PUNISHMENT FIXED
17 BY THE COURT.]

18 * Sec. 46. AS 28.35.040(d) is amended to read:

19 (d) A person violating (b) of this section is subject to a fine
20 of not more than \$100, and, in addition, the court may limit or
21 suspend his operator's license in accordance with AS 28.15.260(a) [FOR
22 NOT MORE THAN ONE YEAR].

23 * Sec. 47. AS 28.35.190 is repealed.

24 * Sec. 48. AS 33.15.010 is amended to read:

25 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-
26 ment a board of parole consisting of five members to be appointed by
27 the governor, subject to confirmation by a majority of the members of
28 the legislature in joint session. One of the members, who shall be
29 chairman of the board, shall be a person with training or experience

1 in the field of probation and parole, and he may be an official or
2 employee of the department but may not be an official or employee of
3 the division of corrections [YOUTH AND ADULT AUTHORITY]. The term of
4 each of the other four members of the board is four years and until
5 his successor is appointed and qualifies. Successors are appointed
6 in the same manner as provided for the board members first appointed.
7 A vacancy shall be filled for the unexpired term.

8 * Sec. 49. AS 37.05.155(a)(3) is repealed.

9 * Sec. 50. AS 38.05.045 is amended to read:

10 Sec. 38.05.045. GENERALLY. All lands owned in fee by the state
11 or to which the state may become entitled, excepting tide, submerged
12 or shore lands, and timber or grazing lands, may be sold as provided
13 in secs. 45 - 69 [65] of this chapter. However, this section does
14 not prevent the disposition of lands as provided in secs. 300 - 348
15 [347] of this chapter.

16 * Sec. 51. AS 39.20.260(e) is amended to read:

17 (e) Upon separation from state service, and unless he re-enters
18 employment of the state within six months of his termination, the
19 unused sick leave of an officer or employee is automatically cancelled
20 without pay for it. If an officer or employee when terminated by the
21 state re-enters the state service within six months after his termina-
22 tion he is entitled to credit for one-half of the sick leave he had
23 accrued at the time of his termination.

24 * Sec. 52. AS 43.05.150(a) is amended to read:

25 Sec. 43.05.150. COLLECTION AND DEPOSIT OF MONEY. [(A)] The
26 Department of Revenue shall demand, sue for, collect, receive, and
27 safely keep all money of the state which is not by law entrusted to
28 the care and custody of some other office. When these funds are
29 deposited in financial institutions in the state, under AS 37.10.075,

1 the department shall deposit them in institutions [THE DEPARTMENT SHALL
2 KEEP THESE FUNDS IN BANKS IN THE STATE] nearest the place where the
3 funds are collected.

4 * Sec. 53. AS 43.05.150(b), (c), and (d) are repealed.

5 * Sec. 54. AS 43.20.010(a) is amended to read:

6 (a) There is levied and there shall be collected and paid for
7 each taxable year upon the net income of every resident and nonresident
8 individual and [,] fiduciary [AND BANK] that is required to make a
9 return and pay a tax under the federal income tax law a tax equal to
10 16 per cent of the total income tax that would be payable for the
11 same taxable year to the United States at the federal tax rates in
12 effect on December 31, 1963, under the provisions of chapter 1 of
13 subtitle A of the 1954 Internal Revenue Code, Public Law 591, 83rd
14 Congress, 2nd Session, as amended, upon all income derived from
15 sources within the state.

16 * Sec. 55. AS 43.31.061(a) is amended to read:

17 (a) The department may appoint and remove examiners and [,]
18 appraisers [AND EMPLOYEES AS] it considers necessary, these persons
19 to have those duties and powers the department prescribes. The
20 compensation of these examiners and appraisers shall be as the
21 department prescribes, and they shall be reimbursed for travel
22 expenses as provided for state employees. [THE SALARIES OF EXAMINERS,
23 APPRAISERS AND EMPLOYEES EMPLOYED BY THE DEPARTMENT SHALL BE AS IT
24 PRESCRIBES, AND EXAMINERS, APPRAISERS AND EMPLOYEES SHALL BE REIMBURSED
25 FOR TRAVELING EXPENSES AS PROVIDED FOR EMPLOYEES OF THE DEPARTMENT OF
26 REVENUE.]

27 * Sec. 56. AS 43.31.101 is repealed.

28 * Sec. 57. AS 43.31.161(c) is amended to read:

29 (c) The determination of tax or deficiency in tax by the department

1 is final unless the executor, or other party interested, within 50
2 days from the date of the receipt of a copy of the determination,
3 brings an action [A SUIT] in the superior court against the department
4 and other parties as are interested. It is not necessary to join as
5 parties to the action [SUIT] any heir-at-law, next of kin, distri-
6 butee, legatee or devisee of the decedent. The complaint shall
7 contain a concise statement of the facts and shall have annexed to it
8 a copy of the return and of the findings and determination of the
9 department and shall pray for an abatement of the tax, in the amount
10 and to the extent, in part or in whole, and for other relief as the
11 executor desires. [THESE SUITS SHALL PROCEED AS OTHER SUITS IN
12 EQUITY.] Either the department, the executor or any other party may
13 appeal to the supreme court in the manner and within the time pre-
14 scribed by the Alaska Supreme Court Rules.

15 * Sec. 58. AS 43.31.191(b) is amended to read:

16 (b) The commissioner of public safety shall proceed upon the
17 warrant in all respects, with like effect, [AND] in the [SAME] manner
18 prescribed by law for [TO] executions issued against property upon
19 judgments of a court of record [, AND IS ENTITLED TO THE SAME FEES
20 FOR SERVICES IN EXECUTING THE WARRANT AS ARE NOW ALLOWED BY LAW
21 FOR LIKE SERVICES TO BE COLLECTED IN THE SAME MANNER AS NOW PROVIDED
22 BY LAW]. Alias and pluries warrants may issue from time to time as
23 the department considers proper until the entire amount of the tax,
24 deficiency, interest, penalties and costs have been recovered.

25 * Sec. 59. AS 43.31.240 is amended to read:

26 Sec. 43.31.240. ACTIONS TO ENFORCE PAYMENT. Actions may be
27 brought within the time or times specified in this chapter [SECTION]
28 by the department to recover the amount of taxes, penalties and
29 interest due under this chapter. This action shall be brought in the

1 superior court where the estate is being or has been administered,
2 or if no administration be had in this state, then in the appropriate
3 court of the jurisdiction [ANY COUNTY] where any of the property of
4 the estate is situated.

5 * Sec. 60. AS 44.25.020(3) is amended to read:

6 (3) register [LOG AND] cattle brands; and

7 * Sec. 61. AS 45.50.320 is amended to read:

8 Sec. 45.50.320. PENALTIES FOR FRAUDULENT BRANDING OR OTHER ACTS.

9 A person who fraudulently brands timber property with a brand which
10 he knows or has reasonable cause to know is the registered brand of
11 another person, or who knowingly alters, defaces, obliterates or
12 destroys a registered brand impressed or displayed upon timber
13 property, or who knowingly sells or disposes of, or attempts to sell
14 or dispose of, or to convert or appropriate to his own use, without
15 the written consent of the owner, timber property impressed with or
16 displaying upon it a registered brand of another person, is guilty
17 of a misdemeanor and upon conviction is punishable by a fine of not
18 more than \$1,000, or by imprisonment in jail for not more than six
19 months, or by both. [NOTHING IN THIS SECTION AFFECTS THE SALVAGE OF
20 TIMBER PROPERTY UNDER AS 41.15.450 - 41.15.640.]

21 * Sec. 62. AS 47.25.300(3) is amended to read:

22 (3) "needy person" means a needy resident of the state
23 [WHO HAS LIVED IN THE STATE FOR ONE YEAR IMMEDIATELY PRECEDING THE
24 DATE OF APPLICATION FOR RELIEF ASSISTANCE AND] who is not eligible
25 for aid from another public agency or department providing similar
26 services in the state;

27 * Sec. 63. AS 47.25.780(4) is amended to read:

28 (4) "needy blind resident" means a needy blind person 18
29 years of age or over, who is residing in the state [HAS RESIDED IN THE

1 STATE FOR ONE YEAR IMMEDIATELY PRECEDING APPLICATION FOR ASSISTANCE,
2 OR WHO HAS LOST HIS VISION WHILE A RESIDENT OF THE STATE; PROVIDED,
3 THAT IF THE STATE IN WHICH A PERSON RESIDED IMMEDIATELY BEFORE MOVING
4 TO ALASKA PERMITS WELFARE ASSISTANCE TO NEEDY BLIND ALASKANS MOVING
5 TO THAT STATE BEFORE THE EXPIRATION OF A YEAR OR A LESSER PERIOD OF
6 TIME, THAT PERSON MAY QUALIFY AS A NEEDY BLIND RESIDENT AFTER RESIDING
7 IN ALASKA FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF RESIDENCY RE-
8 QUIRED BY HIS FORMER STATE].

9 * Sec. 64. AS 47.25.960(3) is amended to read:

10 (3) "permanently and totally disabled person" means a
11 needy resident of the state who is not eligible for assistance from
12 another public agency or department providing similar services in
13 the state [AND WHO HAS RESIDED IN THE STATE FOR ONE YEAR IMMEDIATELY
14 PRECEDING THE DATE OF APPLICATION FOR AID TO THE PERMANENTLY AND
15 TOTALLY DISABLED; PROVIDED, THAT IF THE STATE IN WHICH A PERSON
16 RESIDED IMMEDIATELY BEFORE MOVING TO ALASKA PERMITS WELFARE ASSISTANCE TO
17 PERMANENTLY AND TOTALLY DISABLED ALASKANS MOVING TO THAT STATE BEFORE
18 THE EXPIRATION OF A YEAR OR A LESSER PERIOD OF TIME, THAT PERSON MAY
19 QUALIFY AS A PERMANENTLY AND TOTALLY DISABLED PERSON AFTER RESIDING
20 IN ALASKA FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF RESIDENCY
21 REQUIRED BY HIS FORMER STATE];

22 * Sec. 65. AS 47.30.340(13) is amended to read:

23 (13) "resident" means a person who is residing in the
24 state [HAS BEEN PHYSICALLY PRESENT AND LIVED CONTINUOUSLY IN THE STATE
25 FOR ONE YEAR]; a married woman may establish a residence apart from
26 her husband, and an unemancipated minor takes the residence of the
27 parent or guardian with whom he is living;