

Introduced: 2/11/72
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 624

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to law-related functions of state
7 agencies and placing the Department of Military
8 Affairs and Department of Public Safety in the
9 Department of Law as divisions; and providing for
10 an effective date."

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

12 * Section 1. AS 11.20.135(d) is amended to read:

13 (d) The Department of Law [PUBLIC SAFETY] shall provide forms
14 upon which reports required by this section can be made and
15 shall supply the forms to all local and state police agencies
16 in the state for public distribution. The department may adopt
17 [RULES AND] regulations regarding reports required under this
18 section.

19 * Sec. 2. AS 17.10.190 is amended to read:

20 Sec. 17.10.190. ENFORCEMENT AND REIMBURSEMENT. (a) It is
21 the duty of the attorney general, director [COMMISSIONER] of
22 public safety, officers of the [DIVISION OF] state troopers, [AND
23 MEMBERS OF THE ALASKA STATE CONSTABULARY], and any officer appointed
24 to enforce narcotic laws in this state or other state and local gov-
25 ernment law enforcement officers, [THE ATTORNEY GENERAL] and all
26 district attorneys to enforce all provisions of this chapter and to
27 cooperate with agencies charged with enforcement of the laws of the
28 United States, of this state, and of all other states, relating to
29 narcotic drugs.

1 (b) The Department of Law [PUBLIC SAFETY] may spend from money
2 appropriated for the operations of the division of public safety
3 [STATE TROOPERS AND THE STATE CONSTABULARY] to reimburse employees or
4 agents for amounts expended without receipt, covering purchases
5 or services obtained in securing evidence of a violation of this
6 chapter, upon vouchers certified by the disbursing and certifying
7 officers of the department. Disbursements authorized by this
8 chapter may not exceed \$3,000 in a fiscal period.

* Sec. 3. AS 17.10.212(b) is amended to read:

(b) The district attorney in the judicial district where the
11 prosecution for the unlawful sale of the narcotic drug takes
12 place shall determine if the person requesting the reward is en-
13 titled to it under this section. If the district attorney determines
14 that the person is eligible to receive the reward he shall promptly
15 file a certification to this effect with the Department of Law
16 [PUBLIC SAFETY]. Upon receiving certification, the Department of
17 Law [PUBLIC SAFETY] shall pay the reward from appropriations made
18 to that department for the purpose of carrying out the provisions
19 of this section.

* Sec. 4. AS 17.15.080 is amended to read:

21 Sec. 17.15.080. HEARING, FORFEITURE AND SALE. The court shall
22 order an immediate hearing on the question of whether or not the
23 conveyance was used in the transportation of an illegally possessed
24 narcotic drug. The court shall hear evidence and determine the ques-
25 tion as in civil cases. If the court finds from a preponderance of the
26 testimony that the conveyance seized was being used for the transporta-
27 tion of an illegally possessed narcotic drug, it shall give judgment
28 accordingly and declare the conveyance forfeited to the state. The
29 conveyance shall be delivered to the Department of Law [PUBLIC SAFETY]

1 under the court order, and sold at public auction.

2 * Sec. 5. AS 18.65.010 is amended to read:

3 Sec. 18.65.010. ATTORNEY GENERAL [COMMISSIONER OF PUBLIC SAFETY]
4 MAY APPOINT SPECIAL OFFICERS. (a) The attorney general [COMMISSIONER
5 OF PUBLIC SAFETY] may appoint as special officers qualified police
6 officers of the federal, state or local government units or other
7 persons with adequate police training over the age of 19 years, as he
8 considers necessary to aid and assist the [DIVISION OF] state troopers
9 in the enforcement of the criminal laws of the state. Each special
10 officer appointed serves without compensation and at the pleasure of
11 the attorney general [COMMISSIONER OF PUBLIC SAFETY] and appointments
12 shall be of limited duration.

13 (b) Each person appointed as a special officer under this section
14 may prevent crime, pursue and apprehend offenders, obtain legal evi-
15 dence, institute criminal proceedings, execute warrants of arrest or
16 search and seizure, or other criminal process issuing from any court
17 of the state. He may make arrests in the same manner as a member of
18 the [DIVISION OF] state troopers. The authority and duties conferred
19 by this section may be exercised in each case only within the geo-
20 graphical limits determined by the attorney general [COMMISSIONER OF
21 PUBLIC SAFETY].

22 (c) Each special officer shall carry identification issued by the
23 attorney general [COMMISSIONER OF PUBLIC SAFETY] and shall carry fire-
24 arms in the manner the attorney general [COMMISSIONER OF PUBLIC SAFETY]
25 requires. Each person appointed shall take the constitutional oath
26 of office. Persons appointed may hold other public or private
27 employment.

28 (d) The attorney general [COMMISSIONER OF PUBLIC SAFETY] shall
29 provide insurance for special officers against accidental death or

1 injury. Insurance for accidental death shall be in the amount of
2 \$25,000. Insurance for accidental injury shall be in the amount of
3 \$15,000.

4 * Sec. 6. AS 18.65.030 is amended to read:

5 Sec. 18.65.030. ESTABLISHMENT OF STATIONS AND HEADQUARTERS. The
6 attorney general [COMMISSIONER OF PUBLIC SAFETY] shall establish
7 stations and headquarters at the places and localities which are
8 necessary for the enforcement of the laws. The state troopers may,
9 with the approval of the governor, have the right to use lands and
10 buildings for the accommodation of its members, their vehicles and
11 equipment.

12 * Sec. 7. AS 18.65.040 is amended to read:

13 Sec. 18.65.040. SERVICE WITHOUT UNIFORM. The attorney general
14 [COMMISSIONER OF PUBLIC SAFETY] may direct a member to serve without
15 wearing a uniform.

16 * Sec. 8. AS 18.65.050 is amended to read:

17 Sec. 18.65.050. CENTRAL INFORMATION. The Department of
18 Law [PUBLIC SAFETY] shall make available central information on
19 fingerprints, handwriting, ballistics, stains and other evidence of
20 crime.

21 * Sec. 9. AS 18.65.060 is amended to read:

22 Sec. 18.65.060. PEACE OFFICERS TO COOPERATE. (a) All peace
23 officers in the state or any municipality or subdivision shall cooper-
24 ate with the Department of Law [PUBLIC SAFETY] in creating and main-
25 taining its files, and all information shall be classified upon
26 standard forms and kept available for the detection of crime and the
27 identification of criminals.

28 (b) The Department of Law [PUBLIC SAFETY] may adopt regulations
29 necessary to carry out the purposes of this section; however,

1 [PROVIDED THAT] regulations proposed by the department shall be sub-
2 mitted to the presiding officer of each house on the day the house
3 convenes. The legislature has 60 days of a regular session, or a full
4 session if of shorter duration to disapprove the proposed regulations.
5 Unless disapproved by a special concurrent resolution introduced in
6 either house, concurred in by a majority of the members in each house,
7 the regulations become effective at a date to be determined by the
8 department.

9 * Sec. 10. AS 18.65.070 is amended to read:

10 Sec. 18.65.070. DESTRUCTION OF FILES A MISDEMEANOR. A person
11 who removes, destroys, or mutilates a record of the Department of Law
12 [PUBLIC SAFETY] is guilty of a misdemeanor, and upon conviction is
13 punishable by a fine of not more than \$500, or by imprisonment in jail
14 for a term of not more than one year, or by both.

15 * Sec. 11. AS 18.65.080 is amended to read:

16 Sec. 18.65.080. POWERS AND DUTIES OF DEPARTMENT AND MEMBERS OF
17 STATE TROOPERS. The Department of Law [PUBLIC SAFETY] and each member
18 of the state troopers is charged with the enforcement of all criminal
19 laws of the state, and has the power of a peace officer of the state
20 or a municipality and those powers usually and customarily exercised
21 by peace officers. Each member of the state troopers may prevent
22 crime, pursue and apprehend offenders, obtain legal evidence, institute
23 criminal proceedings, execute any lawful warrant or order of arrest,
24 make an arrest without warrant for a violation of law committed in his
25 presence, and may cooperate with other law enforcement agencies in
26 detecting crime, apprehending criminals, and preserving law and order
27 in the state.

28 * Sec. 12. AS 18.65.090 is amended to read:

29 Sec. 18.65.090. DEPARTMENT TO ASSIST OTHER AGENCIES. The

1 Department of Law [PUBLIC SAFETY] shall assist other departments of
2 the state, municipal and federal governments in the enforcement of
3 criminal laws and regulations pertaining to those departments.

4 * Sec. 13. AS 18.65.100 is amended to read:

5 Sec. 18.65.100. POWER TO COMMAND ASSISTANCE FROM OTHERS. The
6 Department of Law [PUBLIC SAFETY] and members of the state troopers
7 may command the assistance of any able-bodied person to aid in accom-
8 plishing the purposes of secs. 20 - 110 of this chapter, and, when
9 called, the person, during the time his assistance is required, is
10 considered a member of the state troopers and subject to secs. 20 -
11 110 of this chapter.

12 * Sec. 14. AS 18.70.010 is amended to read:

13 Sec. 18.70.010. GENERAL FUNCTION OF DEPARTMENT OF LAW [PUBLIC
14 SAFETY] WITH RESPECT TO FIRE PROTECTION. The Department of Law [PUBLIC
15 SAFETY] shall foster, promote, regulate, and develop ways and means of
16 protecting life and property against fire, explosion, and panic.

17 * Sec. 15. AS 18.70.020 is amended to read:

18 Sec. 18.70.020. DUTIES OF DEPARTMENT OF LAW [PUBLIC SAFETY]. The
19 Department of Law [PUBLIC SAFETY] shall aid in the enforcement of all
20 laws and ordinances and the rules and regulations adopted under secs.
21 10 - 100 of this chapter and all other laws relating to fires or to
22 fire prevention and protection, and shall encourage the adoption of
23 fire prevention measures by means of education, and shall prepare or
24 have prepared for dissemination information relating to the subject
25 of fire prevention and extinguishment.

26 * Sec. 16. AS 18.70.030 is amended to read:

27 Sec. 18.70.030. INVESTIGATION OF FIRES RESULTING FROM CRIME. If
28 there is reason to believe that a fire has resulted from crime or that
29 crime has been committed in connection with a fire, the Department of

1 Law shall so inform [PUBLIC SAFETY SHALL REPORT THAT FACT IN WRITING
2 TO] the district attorney of the judicial district in which the fire
3 occurred. If the fire occurred in an incorporated city with a
4 regularly organized fire department, the investigation and report
5 shall be made in conjunction with the fire official of that area.

6 * Sec. 17. AS 18.70.040 is amended to read:

7 Sec. 18.70.040. COOPERATION WITH FIRE INSURANCE COMPANIES. The
8 Department of Law [PUBLIC SAFETY] may assist, receive assistance from,
9 and otherwise cooperate with an investigator or agent employed by a
10 fire insurance company licensed to do business in the state, or with
11 an investigator or agent employed by an association of insurance
12 companies licensed to do business in the state.

13 * Sec. 18. AS 18.70.050 is amended to read:

14 Sec. 18.70.050. POWER OF DEPARTMENT TO INSPECT BUILDINGS. The
15 Department of Law [PUBLIC SAFETY] may enter any building subject to
16 regulation under sec. 80 of this chapter during reasonable hours for
17 the sole purpose of inspecting the property or abating a fire hazard.

18 * Sec. 19. AS 18.70.060 is amended to read:

19 Sec. 18.70.060. REMOVAL OF PROPERTY FROM FIRE. During a fire
20 and in the absence of the owner or claimant, the Department of Law
21 [PUBLIC SAFETY] may protect personal property affected by removing it.
22 If the owner or claimant does not take charge of the property within
23 24 hours the department [DEPARTMENT OF PUBLIC SAFETY] may store it at
24 the owner's or claimant's expense.

25 * Sec. 20. AS 18.70.070 is amended to read:

26 Sec. 18.70.070. ABATEMENT OF FIRE HAZARDS. The Department of
27 Law [PUBLIC SAFETY] may require the owner of a commercial business or
28 public property to abate a fire hazard which exists in violation of
29 law or regulations, and the department [DEPARTMENT OF PUBLIC SAFETY]

1 may take appropriate action to assure such abatement.

2 * Sec. 21. AS 18.70.080 is amended to read:

3 Sec. 18.70.080. REGULATIONS. The Department of Law [PUBLIC
4 SAFETY] shall adopt [RULES AND] regulations for the purpose of pro-
5 tecting life and property from fire and explosion by establishing
6 minimum standards for

7 (1) fire detection and suppression equipment;

8 (2) fire and life safety criteria in commercial, industrial,
9 business, institutional or other public building, and buildings used
10 for residential purposes containing four or more dwelling units;

11 (3) any activity in which combustible or explosive materials
12 are stored or handled in commercial quantities;

13 (4) conditions or activities carried on outside a building
14 described in (2) or (3) of this section likely to cause injury to
15 persons or property.

16 * Sec. 22. AS 18.70.090 is amended to read:

17 Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of
18 Law [PUBLIC SAFETY] and the chief of each city fire department and
19 their authorized representatives in their respective areas may enforce
20 the [RULES AND] regulations adopted by the Department of Law [PUBLIC
21 SAFETY] for the prevention of fire or for the protection of life and
22 property against fire or panic. All state peace officers may assist
23 the Department of Law [PUBLIC SAFETY] in the enforcement of secs. 10 -
24 100 of this chapter and the [RULES AND] regulations adopted under it.
25 The authority conferred in secs. 10 - 100 of this chapter extends to
26 the enforcement of the provisions of AS 11.20.010 - 11.20.050, and
27 11.20.070.

28 * Sec. 23. AS 18.70.100 is amended to read:

29 Sec. 18.70.100. VIOLATION. (a) A person who violates any

1 provision of secs. 10 - 100 of this chapter or the published [RULES AND]
2 regulations or orders adopted under it from which no appeal has been
3 taken within 30 days after the issuance of a final order is, severally,
4 for each violation, guilty of a misdemeanor, and is punishable by a fine
5 of not more than \$500, or by imprisonment for not more than six months,
6 or by both. A person aggrieved by a final order of the Department of
7 Law [PUBLIC SAFETY] may appeal to the superior court within 30 days
8 after the issuance of the order. The imposition of one penalty for a
9 violation does not excuse the violation and a person guilty of a viola-
10 tion shall correct the violation within a reasonable time. When not
11 otherwise specified, each 10 days that a prohibited condition is
12 maintained is a separate offense.

13 (b) The application of the penalty prescribed in (a) of this
14 section does not prevent the Department of Law [PUBLIC SAFETY] from
15 enforcing the removal of the prohibited conditions.

16 * Sec. 24. AS 18.72.050(2) is amended to read:

17 (2) "fire safety code" means the fire safety code of the
18 state adopted and administered by the office [DIVISION] of fire pre-
19 vention of the Department of Law [PUBLIC SAFETY];

20 * Sec. 25. AS 18.75.050 is amended to read:

21 Sec. 18.75.050. ENFORCEMENT OF CHAPTER. The Department of Law
22 [PUBLIC SAFETY] may adopt regulations necessary to enforce this chapter.
23 The department [DEPARTMENT OF PUBLIC SAFETY] may designate special
24 officers if special officers are necessary to carry out the provisions
25 of this chapter.

26 * Sec. 26. AS 22.20.100 is amended to read:

27 ARTICLE 3. ATTORNEY GENERAL [COMMISSIONER OF PUBLIC SAFETY].

28 Sec. 22.20.100. DUTY OF THE ATTORNEY GENERAL [COMMISSIONER] IN
29 THE SUPREME COURT. The attorney general [COMMISSIONER] is the

1 executive officer of the supreme court and shall serve and execute
2 all process issued by the supreme court or a justice of the supreme
3 court, and shall attend the supreme court, and has the authority
4 necessary in the execution of these duties as [NOW] possessed by the
5 United States Marshal for the United States Supreme Court.

6 * Sec. 27. AS 22.20.110 is amended to read:

7 Sec. 22.20.110. DUTY OF THE ATTORNEY GENERAL [COMMISSIONER] IN
8 THE SUPERIOR COURT AND DISTRICT COURTS. When required by the supreme
9 court, the attorney general [COMMISSIONER] shall serve and execute
10 all process issued by the superior court and the district courts,
11 attend to and wait upon grand and petit juries, maintain order, attend
12 the sessions of the courts, and exercise the power and perform the
13 duties concerning all matters within the jurisdiction of the courts
14 as may be assigned to him. The attorney general [COMMISSIONER] is the
15 executive officer of the superior court and district courts.

16 * Sec. 28. AS 22.20.120 is amended to read:

17 Sec. 22.20.120. GENERAL AUTHORITY AND DUTY OF THE ATTORNEY
18 GENERAL [COMMISSIONER]. The authority and the duties [HERETOFORE]
19 vested in the United States Marshal by statute relating to the execu-
20 tion of service of process of the former United States District Court
21 for the Territory of Alaska, seizure and detention of property, the
22 sale of property forfeited or levied upon, and arrest of persons, in
23 connection with civil matters, is vested in the attorney general
24 [COMMISSIONER]. Any court of the state issuing any process may direct
25 the process for execution of service to the attorney general [COMMIS-
26 SIONER] or his designee.

27 * Sec. 29. AS 22.20.130 is amended to read:

28 Sec. 22.20.130. ATTORNEY GENERAL [COMMISSIONER] TO BE AIDED BY
29 STATE TROOPERS [THE MEMBERS OF THE DIVISION OF STATE POLICE AND ALASKA

1 STATE CONSTABULARY]. (a) The attorney general [COMMISSIONER] shall
2 be assisted in the execution of the authority and duty vested in him
3 by secs. 100 - 140 of this chapter by the state troopers he [SUCH
4 MEMBERS OF THE DIVISION OF STATE POLICE OR ALASKA STATE CONSTABULARY
5 AS THE COMMISSIONER] designates. The attorney general [COMMISSIONER]
6 is responsible on his official bond for the acts of all persons so
7 designated by him. The persons so designated have the same authority
8 and duty granted to the attorney general [COMMISSIONER] and are subject
9 to orders of the courts of the state in the same manner as the attorney
10 general [COMMISSIONER]. They are responsible to the attorney general
11 [COMMISSIONER] and to the courts, and are [SHALL BE] executive officers
12 of the courts.

13 (b) The attorney general [COMMISSIONER] has the responsibility
14 of providing sufficient personnel to effectively execute the authority
15 and duty vested in him by secs. 100 - 140 of this chapter, and shall
16 adopt the necessary [RULES AND] regulations within his department for
17 the efficient direction, control and discipline of the troopers
18 [MEMBERS] designated [BY THE COMMISSIONER] to assist him.

19 * Sec. 30. AS 26.03.010 is amended to read:

20 CHAPTER 03. OFFICE [DIVISION] OF RECRUITMENT AND RETENTION.

21 Sec. 26.03.010. RECRUITMENT AND RETENTION OFFICE [DIVISION].
22 There is created within the Department of Law's division of military
23 affairs an office [MILITARY AFFAIRS A DIVISION] of recruitment and
24 retention.

25 * Sec. 31. AS 26.03.020 is amended to read:

26 Sec. 26.03.020. APPOINTMENT OF PERSON IN CHARGE [DIRECTOR]. The
27 attorney [ADJUTANT] general shall appoint a person in charge of the
28 office of recruitment and retention [DIRECTOR] who is at least an
29 administrative officer three.

1 * Sec. 32. AS 26.03.030 is amended to read:

2 Sec. 26.03.030. AUTHORITY AND DUTIES [OF THE DIRECTOR]. The
3 person in charge of the office [DIRECTOR] shall

4 (1) take the necessary steps to assure that unemployed
5 guardsmen have the opportunity to acquire employment through the state
6 and federal governments;

7 (2) keep guardsmen advised of all privileges and benefits
8 available to them from the state and federal governments;

9 (3) act as a coordinator with the state and federal govern-
10 ments in an effort to increase the availability of education and
11 training programs for guardsmen;

12 (4) compile a list of guardsmen and their educational and
13 training qualifications and submit it to the federal and state agencies
14 for possible job placement;

15 (5) prepare a program whereby guardsmen are trained in
16 firefighting and related skills and coordinate this effort with state
17 and federal programs; and

18 (6) provide counseling service for guardsmen in order to
19 find educational, training, and employment opportunities for them.

20 * Sec. 33. AS 26.05.030(d)(1) is amended to read:

21 (1) appointed, commissioned or warranted, and assigned by the
22 governor or the attorney [ADJUTANT] general as his designee;

23 * Sec. 34. AS 26.05.070 is amended to read:

24 Sec. 26.05.070. GOVERNOR MAY ORDER ORGANIZED MILITIA INTO ACTIVE
25 SERVICE. In the event of war, disaster, insurrection, rebellion,
26 tumult, catastrophe, invasion, or riot; or if a mob or body of men act
27 together by force with intent to commit a felony or to offer violence
28 to persons or property, or by force and violence to break and resist
29 the laws of the state, or the United States; or in the case of

1 imminent danger of the occurrence of any of these events; or whenever
2 responsible civil authorities fail to preserve law and order, or pro-
3 tect life and property, or the governor believes that such failure
4 is imminent, the governor may order the organized militia or any part
5 of it, into active state service to execute the laws and to perform
6 such duties in connection therewith as he considers proper. Whenever
7 any portion of the militia is ordered into active service by the
8 governor, it becomes an additional police force, retaining its separate
9 entity and operating at all times as a military organization under
10 military command, with power to cooperate with but not to supersede
11 the existing civilian law enforcement officers whenever possible, for
12 the re-establishment of law and order and for the protection of life
13 and property. The governor may also order members of the organized
14 militia to active state service, with their consent, for the purpose
15 of training or for full-time duty with the office of the attorney
16 [ADJUTANT] general.

17 * Sec. 35. AS 26.05.160 is amended to read:

18 Sec. 26.05.160. [APPOINTMENT, QUALIFICATIONS AND] DUTIES OF
19 ATTORNEY [ADJUTANT] GENERAL. [(a) THE ADJUTANT GENERAL OF THE STATE
20 IS APPOINTED BY THE GOVERNOR. THE GOVERNOR SHALL PRESCRIBE THE GRADE
21 OF THE ADJUTANT GENERAL WHICH SHALL NOT EXCEED MAJOR GENERAL. TO BE
22 ELIGIBLE FOR APPOINTMENT AS ADJUTANT GENERAL, A PERSON SHALL BE A
23 CITIZEN OF THE STATE.] The attorney [ADJUTANT] general shall make
24 returns and reports to the Chief, National Guard Bureau, and to the
25 governor or to the officers designated by the Chief, National Guard
26 Bureau, and the governor, at the times and in the form prescribed.

27 [(b) THE ADJUTANT GENERAL SHALL EXECUTE A BOND RUNNING TO THE
28 STATE IN THE PENAL SUM OF \$20,000 CONDITIONED UPON THE FAITHFUL
29 PERFORMANCE OF HIS DUTIES. THE ATTORNEY GENERAL SHALL APPROVE THE

1 BOND AND THE BOND SHALL BE FILED WITH THE DEPARTMENT OF ADMINISTRATION.
2 THE STATE SHALL PAY THE COST OF THE BOND.]

3 * Sec. 36. AS 26.05.170 is amended to read:

4 Sec. 26.05.170. GOVERNOR'S COMMAND AND INSTRUCTIONS EXERCISED THROUGH
5 THE ATTORNEY [ADJUTANT] GENERAL. The governor's command is exercised
6 through the attorney [ADJUTANT] general, who shall carry out the policies
7 of the governor in military affairs. The attorney [ADJUTANT] general
8 represents the governor and shall act in conformity with the governor's
9 instructions. The attorney [ADJUTANT] general shall exercise control
10 over the military division [DEPARTMENT] of the state.

11 * Sec. 37. AS 26.05.180 is amended to read:

12 Sec. 26.05.180. HEADQUARTERS STAFF OF ALASKA NATIONAL GUARD. (a)
13 The headquarters of the Alaska National Guard is composed of an Army
14 National Guard component and an Air National Guard component. The Army
15 National Guard component and the Air National Guard component shall each
16 be commanded by an officer [ASSISTANT ADJUTANT GENERAL] appointed by the
17 attorney [ADJUTANT] general with the concurrence of the governor. Each
18 of these two officers [AN ASSISTANT ADJUTANT GENERAL] shall, while holding
19 office, have the grade of brigadier general or a lower grade which the
20 attorney [ADJUTANT] general may prescribe. On initial appointment, each
21 of these two officers [AN ASSISTANT ADJUTANT GENERAL] must hold a
22 federally-recognized field-grade commission with at least five years ser-
23 vice in the Alaska Army National Guard or in the Alaska Air National Guard.

24 (b) The attorney [ADJUTANT] general may appoint necessary officers,
25 enlisted men, and civilian employees to the headquarters staff.

26 * Sec. 38. AS 26.05.190 is amended to read:

27 Sec. 26.05.190. ADMINISTRATION. (a) The attorney [ADJUTANT] general
28 shall make and publish orders and regulations not contrary to law which
29 in his judgment are necessary to bring the organizations, armament,

1 equipment and discipline of the organized militia to a high degree of
2 efficiency. He shall perform all the administrative functions incident to
3 the operation of the Alaska National Guard. In addition the attorney
4 [ADJUTANT] general shall have an inventory taken at least once each year
5 of all state military stores, property and funds under his jurisdiction.

6 (b) Before January 2 of each year the attorney [ADJUTANT] general
7 shall prepare a detailed report of all the transactions of his office,
8 showing the receipts and expenditures of his office for the preceding year.

9 * Sec. 39. AS 26.05.200 is amended to read:

10 Sec. 26.05.200. OFFICERS' QUALIFICATIONS, APPOINTMENT AND TENURE.

11 No person may be commissioned or warranted in any office of the
12 National Guard of the state unless he is examined and adjudged qualified
13 for the office by an examining board appointed by the commander in
14 chief, except that at the discretion of the attorney [ADJUTANT] general
15 the proceedings of federal examining boards may be accepted instead of
16 a state board. The composition, appointment and procedure of examining
17 boards and the nature and scope of examinations shall be as prescribed
18 by the military laws or regulations of the United States or this state.

19 * Sec. 40. AS 26.05.210 is amended to read:

20 Sec. 26.05.210. REMOVAL OF OFFICERS. (a) The officer in command
21 of the Army National Guard and the officer in command of the Air
22 National Guard [ADJUTANT GENERAL AND THE ASSISTANT ADJUTANTS GENERAL]
23 serve at the pleasure of the governor.

24 (b) When federal recognition of an officer's commission or
25 warrant has been withdrawn, his state appointment as a commissioned
26 or warrant officer may be terminated, and his commission or warrant
27 vacated upon the recommendation of the attorney [ADJUTANT] general and
28 approval of the governor.

29 (c) When a commissioned or warrant officer has successfully

1 completed the prescribed term of service so as to be eligible for
2 retirement, he may be placed upon the retired list upon the recommen-
3 dation of the attorney [ADJUTANT] general and approval of the governor.

4 (d) Commissioned or warrant officers may tender their resignations
5 through National Guard command channels. Resignations shall be in
6 writing, stating the reason for resignation, and shall take effect
7 when accepted by the attorney [ADJUTANT] general upon the approval of
8 the governor.

9 * Sec. 41. AS 26.05.220 is amended to read:

10 Sec. 26.05.220. RETIRED LIST. Every commissioned officer and
11 enlisted man upon reaching the maximum age prescribed for active duty
12 by appropriate regulations and every commissioned officer or enlisted
13 man who is disabled or incapacitated for active duty through no fault
14 or dereliction of his own, and every commissioned officer or enlisted
15 man who serves honorably with the Alaska National Guard in any capacity
16 and is unable to perform further active duty due to limitations imposed
17 by appropriate regulations may be placed upon the retired list upon
18 recommendation by the attorney [ADJUTANT] general and approval of the
19 governor.

20 * Sec. 42. AS 26.05.230(b) is amended to read:

21 (b) The armory of each battalion, company, or other unit is sub-
22 ject to the order of the attorney [ADJUTANT] general and under the
23 charge of its armory board which shall keep in the armory all property
24 furnished by the state. Except for scout battalions organized under
25 special authority of the Secretary of the Army, no unit may be
26 furnished with arms or equipment until a suitable armory is provided
27 for their deposit. Subject to regulations adopted by the attorney
28 [ADJUTANT] general, an armory may be used for any reasonable and
29 legitimate civilian activity so long as the activity does not interfere

1 with its use for military purposes. Proceeds received as rental or
2 otherwise at an armory from nonmilitary use shall be deposited in the
3 state general fund.

4 * Sec. 43. AS 26.05.230(c) is amended to read:

5 (c) The attorney [ADJUTANT] general shall administer all target
6 ranges belonging to or leased by the state for National Guard purposes.
7 Gallery ranges may be maintained at all armories occupied by state
8 troops and every command shall be given suitable instruction in marks-
9 manship under direction of its commander, and regulations as authorized
10 by the attorney [ADJUTANT] general.

11 * Sec. 44. AS 26.05.260(a) is amended to read:

12 (a) The attorney [ADJUTANT] general is charged with all disburse-
13 ments of pay and allowances for service of the troops.

14 * Sec. 45. AS 26.05.270 is amended to read:

15 Sec. 26.05.270. PAYMENT OF MILITARY CLAIMS. All bills, claims
16 and demands for military purposes shall be certified and audited as
17 prescribed by law and shall be paid from the state general fund in the
18 normal manner upon submission of vouchers by the attorney [ADJUTANT]
19 general. If the organized militia, or any part of it, is called into
20 active service of the state in case of war, disaster, insurrection,
21 rebellion, tumult, riot, invasion, breach of peace, or to execute
22 or enforce the law, vouchers for legally allowed pay and expenses for
23 this service or compensation for injuries shall be drawn upon the
24 general fund of the state treasury and paid out of money in that fund
25 not otherwise appropriated.

26 * Sec. 46. AS 26.05.320(a) is amended to read:

27 (a) General court-martial. A general court-martial of the Alaska
28 National Guard shall be convened only by order of the governor. A
29 general court-martial may try any person subject to the military code

1 of Alaska for a crime made punishable by the military laws of the
2 United States and the state, and may impose fines not exceeding \$200,
3 sentence forfeiture of pay and allowances, reprimand, give bad con-
4 duct discharges, dismiss or dishonorably discharge from the service,
5 reduce noncommissioned officers in rank, and confine in a jail or
6 guardhouse for a period not exceeding 60 days. Any two or more
7 punishments may be combined in the sentence imposed by the court.
8 The procedure by which a general court-martial shall function in view
9 of the state's lack of manpower, and shortage of places of confinement
10 and finances, shall be in compliance with reasonable rules and regu-
11 lations, adjusted to the peculiar characteristics of the state.
12 The rules and regulations shall be formulated by the attorney [ADJUTANT]
13 general, [DRAFTED BY THE STAFF JUDGE ADVOCATE] and approved by the
14 governor.

15 * Sec. 47. AS 26.05.320(b) is amended to read:

16 (b) Special court-martial. The attorney [ADJUTANT] general or
17 the commanding officer of a battalion or similar unit may appoint a
18 special court-martial but the special court-martial may in any case
19 be appointed by superior authority when it considers the appointment
20 desirable. A special court-martial may try any person subject to the
21 military code of Alaska, except a commissioned or warrant officer,
22 for any crime of a purely military nature made punishable as such by
23 military law of the United States or the state. A special court-martial
24 has the same powers of punishment as a general court-martial, except
25 that a fine may not exceed \$100.

26 * Sec. 48. AS 26.05.320(d) is amended to read:

27 (d) Appeal from convictions. Any appeal from the sentence of a
28 court-martial by the defendant shall be taken to the attorney [ADJUTANT]
29 general. The defendant shall file written notice of appeal within

1 30 days of the court's finding of guilty. The attorney [ADJUTANT]
2 general with the assistance of the staff judge advocate shall review
3 all questions of law and fact. The final decision in all appeals
4 from the special and summary courts-martial are with the attorney
5 [ADJUTANT] general. An appeal from the general court-martial convic-
6 tion shall be reviewed by the attorney [ADJUTANT] general as provided
7 in this subsection. However, the defendant, within 60 days after
8 being served with the written decision of the attorney [ADJUTANT]
9 general, affirming in whole or in part the conviction, may appeal to
10 the governor, whose decision is final.

11 * Sec. 49. AS 26.05.330(a) is amended to read:

12 (a) The expense incident to and connected with the holding of
13 military courts in this state under this chapter shall be paid out of
14 the state general fund under orders [, RULES] and regulations issued
15 by the attorney [ADJUTANT] general with the approval of the governor.

16 * Sec. 50. AS 26.05.330(b) is amended to read:

17 (b) Whenever the sentence of a general court-martial includes a
18 fine, and the sentence is approved by proper authority, the attorney
19 [ADJUTANT] general shall issue an execution warrant for the collection
20 of the fine directed to any peace officer of the judicial district in
21 which the person against whom the fine is imposed resides. The
22 officer shall proceed in the same manner as if he were authorized in
23 a civil action [SUIT], and he shall make return to the attorney
24 [ADJUTANT] general within 20 days after receiving the execution war-
25 rant. In default of the payment of the fine, or if the officer carrying
26 out the execution certifies that there is no property of the defendant
27 out of which to satisfy the fine, the attorney [ADJUTANT] general
28 shall issue a commitment for placement of the delinquent in a specified
29 guardhouse or jail. The warrant of commitment for the default shall

1 specify the amount in dollars of the fine or unpaid balance of it
2 and the delinquent shall remain in the custody of the keeper or warden
3 of the guardhouse or jail one day for each \$5 of the unpaid sum.

4 * Sec. 51. AS 26.05.330(c) is amended to read:

5 (c) Whenever the sentence of a general court-martial includes
6 imprisonment in a jail or guardhouse, and the sentence is approved by
7 proper authority, the attorney [ADJUTANT] general shall issue an
8 appropriate commitment, directed to the authority in charge of the
9 jail or guardhouse charged with carrying out the sentence and the
10 authority shall make return of the commitment to the attorney [ADJUTANT]
11 general. If the sentence includes imprisonment in a military guard-
12 house, the sentence shall be executed by order of or arrangement made
13 by the officer approving the sentence.

14 * Sec. 52. AS 26.05.345 is amended to read:

15 Sec. 26.05.345. CIVIL AIR PATROL. The attorney [ADJUTANT]
16 general shall make the necessary administrative arrangements for main-
17 taining liaison between the state and the Civil Air Patrol and the
18 expenditure of funds appropriated to the department for the state
19 contribution toward the support of the authorized activities of the
20 Alaska Wing, Civil Air Patrol, under its charter.

21 * Sec. 53. AS 26.20.020(a) is amended to read:

22 (a) The Department of Law [MILITARY AFFAIRS] is responsible for
23 carrying out the provisions of this chapter and, in the event of dis-
24 aster or emergency beyond local control, may assume direct operational
25 control over all or any part of the civil defense functions within
26 this state.

27 * Sec. 54. AS 26.20.200(2) is amended to read:

28 (2) "department" means the Department of Law [MILITARY
29 AFFAIRS];

1 * Sec. 55. AS 28.05.030 is amended to read:

2 Sec. 28.05.030. AUTHORITY OF ATTORNEY GENERAL [COMMISSIONER OF
3 PUBLIC SAFETY] TO ADOPT REGULATIONS. (a) The attorney general
4 [COMMISSIONER OF PUBLIC SAFETY] may adopt [RULES AND] regulations
5 governing

6 (1) the rules of the road, including the operation of motor
7 vehicles upon roads and highways;

8 (2) the operation of bicycles upon roads, trails or paths;

9 (3) the required equipment to be carried upon vehicles;

10 (4) the inspection of motor vehicles, and the removal of
11 motor vehicles from the highways when they are found to be in a
12 defective or unsafe condition;

13 (5) the parking, standing, or stopping of motor vehicles;

14 (6) the conduct of pedestrians upon roadways.

15 (b) To maintain uniformity with national standards concerning
16 equipment required to be carried on vehicles, the attorney general
17 [COMMISSIONER] may adopt the standards approved by the American Society
18 of Automobile Engineers.

19 * Sec. 56. AS 28.05.040 is amended to read:

20 Sec. 28.05.040. DUTY OF ATTORNEY GENERAL [COMMISSIONER OF PUBLIC
21 SAFETY] TO ADOPT REGULATIONS FOR MINIMUM EQUIPMENT REQUIREMENTS. The
22 attorney general [COMMISSIONER OF PUBLIC SAFETY] shall adopt regula-
23 tions requiring that motor vehicle manufacturers or sales agencies
24 install in operable condition, at the time of sale, equipment which
25 meets minimum motor vehicle equipment requirements in effect at that
26 time.

27 * Sec. 57. AS 28.05.050 is amended to read:

28 Sec. 28.05.050. DEPARTMENT OF LAW [PUBLIC SAFETY] TO PUBLISH
29 REGULATIONS AND LAWS RELATING TO VEHICLES. The Department of Law

1 [PUBLIC SAFETY] shall publish in pamphlet form the [RULES AND] regula-
2 tions adopted under authority of secs. 10 - 50 of this chapter, traffic
3 laws governing the operation of motor vehicles, driver's licensing and
4 motor vehicle licensing and dealer laws, and accident reporting and
5 safety responsibility statutes. These [RULES,] regulations [,] and
6 laws shall be distributed free of charge to the motoring public through
7 officers or agencies designated for the purpose. The cost of producing
8 the pamphlets shall be jointly shared by the Department of Highways,
9 the Department of Revenue, and the Department of Law [PUBLIC SAFETY].

10 * Sec. 58. AS 28.10.580 is amended to read:

11 Sec. 28.10.580. LISTS OF REGISTERED VEHICLES. The department
12 shall furnish monthly a list of all vehicles registered under this
13 chapter, together with the registration or license numbers issued, to
14 the Department of Law [PUBLIC SAFETY]. The Department of Law [PUBLIC
15 SAFETY] shall maintain a current record of all vehicles and registra-
16 tion or license numbers.

17 * Sec. 59. AS 28.15.360(2) is amended to read:

18 (2) "department" means the Department of Law [PUBLIC SAFETY]
19 acting directly or through its duly authorized officers and agents;

20 * Sec. 60. AS 28.17.010 is amended to read:

21 Sec. 28.17.010. DUTY OF ATTORNEY GENERAL [COMMISSIONER OF PUBLIC
22 SAFETY] TO ADOPT REGULATIONS AND TO ENFORCE CHAPTER. (a) The attorney
23 general [COMMISSIONER OF PUBLIC SAFETY] shall adopt and prescribe those
24 regulations concerning the administration and enforcement of this
25 chapter which are necessary to carry out the intent of this chapter and
26 to protect the public. He [THE COMMISSIONER] shall inspect the school
27 facilities and equipment of applicants and licensees and examine
28 applicants for instructor's licenses.

29 (b) The attorney general [COMMISSIONER] shall administer and

1 enforce the provisions of this chapter and the regulations promulgated
2 under it and may call upon the commissioner of education for assistance
3 in developing and formulating regulations.

4 * Sec. 61. AS 28.17.020 is amended to read:

5 Sec. 28.17.020. LICENSES FOR DRIVER TRAINING SCHOOLS. (a) No
6 commercial driver training school may be established nor may an existing
7 school be continued on or after January 1, 1969 unless the school
8 applies for an obtains from the attorney general [COMMISSIONER] a license
9 in the manner and form prescribed by him [THE COMMISSIONER].

10 (b) The regulations shall state the requirements for a school
11 license, including requirements concerning location, equipment, courses
12 of instruction, instructors, previous records of the school and instruc-
13 tors, financial statements, schedule of fees and charges, character and
14 reputation of the operators and instructors, insurance in an amount and
15 with provisions the attorney general [COMMISSIONER] considers necessary
16 to protect the interests of the public, and any other matters he [THE
17 COMMISSIONER] may prescribe for the protection of the public.

18 * Sec. 62. AS 28.17.030 is amended to read:

19 Sec. 28.17.030. LICENSES FOR INSTRUCTORS. (a) No person may
20 act as an instructor on or after January 1, 1969 unless he applies for
21 and obtains from the attorney general [COMMISSIONER] a license in the
22 manner and form prescribed by the attorney general [COMMISSIONER].

23 (b) The regulations shall state the requirements for an instruc-
24 tor's license, including requirements concerning moral character,
25 physical condition, knowledge of the courses of instruction, motor
26 vehicle laws and safety principles and practices, previous personal
27 and employment records, and other matters the attorney general [COMMIS-
28 SIONER] may prescribe for the protection of the public.

29 * Sec. 63. AS 28.17.040 is amended to read:

1 Sec. 28.17.040. LICENSE RENEWAL AND FEES. All licenses [SHALL]
2 expire on the last day of the calendar year and may be renewed upon
3 application to the attorney general [COMMISSIONER] as prescribed by
4 regulation. Each application for an original or renewal school license
5 shall be accompanied by a fee of \$25, and each application for an
6 original or renewal instructor's license shall be accompanied by a fee
7 of \$5. All fees collected shall be deposited in the general fund of
8 the state. No license fee may be refunded in the event an application
9 is rejected or a license is [REJECTED,] suspended [,] or revoked.

10 * Sec. 64. AS 28.17.050 is amended to read:

11 Sec. 28.17.050. SUSPENSION OR REVOCATION OF LICENSE. The attorney
12 general [COMMISSIONER] may refuse to issue, or may suspend or revoke,
13 a license in any case in which [WHERE] he finds the applicant or
14 licensee has violated a provision of this chapter or a regulation
15 adopted under it. A suspended or revoked license shall be returned to
16 the attorney general [DIRECTOR] by the licensee.

17 * Sec. 65. AS 28.20.630(1) is amended to read:

18 (1) "department" means the Department of Law [PUBLIC SAFETY];

19 * Sec. 66. AS 28.35.032(b) is amended to read:

20 (b) Upon receipt of a sworn report of a law enforcement officer
21 that a person has refused to submit to a chemical test authorized under
22 sec. 31 of this chapter, containing a statement of the circumstances
23 surrounding the arrest and the grounds upon which his belief was based
24 that the person was operating a motor vehicle in violation of sec. 30
25 of this chapter, the Department of Law [PUBLIC SAFETY] shall notify the
26 person that his license or nonresident privilege to drive a motor
27 vehicle in the state is revoked or suspended, or that no original
28 license or permit will be issued for three months. In the same notice
29 the department shall inform the person that he may initiate a proceeding

1 in the district court to rescind the department's action. The court
2 proceeding shall be without jury and shall be limited to the issues
3 of whether

4 (1) the arresting officer had reasonable grounds to believe
5 the arrested person had been operating a motor vehicle in the state
6 while under the influence of intoxicating liquor;

7 (2) the arrested person refused to submit to the breath
8 test upon request of the officer after being advised that his refusal
9 would result in the suspension, revocation, or denial of his license;
10 and

11 (3) the accused defendant was informed fairly of the nature
12 of the tests, the accuracy of the methods, machines, equipment
13 involved, the expertise of the person administering the tests, or
14 operator of the machines, and the accused given such other reasonable
15 information as may be requested by him.

16 * Sec. 67. AS 28.35.070 is amended to read:

17 Sec. 28.35.070. EXAMINATION OR IMPOUNDING BEFORE REPAIR. No
18 person may make or have made repairs to damage or injury to a motor
19 vehicle which could have been caused by collision with a person or
20 property without first notifying the Department of Law [PUBLIC SAFETY],
21 chief of police, or in the absence of these, the nearest policeman or
22 other peace officer, who shall immediately examine the vehicle and
23 make a full report subscribed by the person in whose custody the
24 vehicle then is. A copy of the report shall be mailed or delivered to
25 the Department of Law [PUBLIC SAFETY]. If no official is within 10
26 miles of the place where the vehicle is brought for repair, then no
27 notice or examination is required. If there is ground for suspecting
28 that the vehicle was involved in a collision with a person, the
29 vehicle shall be impounded at the expense of the owner, for which the

1 custodian shall have a lien, and shall be accessible only to officers
2 detailed to the investigation of the case until released. If, however,
3 there is no reason to suspect that the damage to the motor vehicle
4 was caused by collision with a person or property, the repair of the
5 vehicle may be authorized by the officer in charge of the investigation
6 at any time after the expiration of 24 hours thereafter.

7 * Sec. 68. AS 28.35.080 is amended to read:

8 Sec. 28.35.080. IMMEDIATE NOTICE OF ACCIDENT. (a) The driver of
9 a vehicle involved in an accident resulting in bodily injury to or death
10 of a person or total property damage to an apparent extent of \$100 or
11 more shall immediately by the quickest means of communication give
12 notice of the accident to the local police department if the accident
13 occurs within a municipality, otherwise to the Department of Law
14 [PUBLIC SAFETY].

15 (b) The driver of a vehicle involved in an accident resulting in
16 bodily injury to or death of a person or total property damage to an
17 apparent extent of \$100 or more shall, within two days after the
18 accident, forward a written report of the accident to the Department
19 of Law [PUBLIC SAFETY] and to the local police department if the
20 accident occurs within a municipality.

21 (c) The form of accident report required under (b) of this section
22 can be obtained from any local police department or the Department of
23 Law [PUBLIC SAFETY].

24 (d) The Department of Law [PUBLIC SAFETY] may require the driver
25 of a vehicle involved in an accident of which a report must be made
26 to file supplemental reports whenever the original report is insuffi-
27 cient in the opinion of the department.

28 (e) Every law enforcement officer who, in the regular course of
29 duty, investigates a motor vehicle accident for which a report must be

1 made, either at the time of and at the scene of the accident or there-
2 after by interviewing the participants or witnesses, shall, within 24
3 hours after completing the investigation, forward a written report of
4 the accident to the Department of Law [PUBLIC SAFETY].

5 (f) An accident report is not required under this section from
6 a person who is physically incapable of making the report during the
7 period of incapacity.

8 * Sec. 69. AS 28.35.100(a) is amended to read:

9 (a) The Department of Law [PUBLIC SAFETY] shall prepare and upon
10 request supply to police departments, coroners, local peace officers,
11 garages and other suitable agencies or individuals, forms for accident
12 reports. The written reports by persons involved in accidents and by
13 investigating officers shall require sufficiently detailed information
14 to disclose the cause of the accident, conditions existing at the time
15 of the accident, and the persons and vehicles involved.

16 * Sec. 70. AS 28.35.210 is amended to read:

17 Sec. 28.35.210. SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLES.
18 A vehicle operating upon the public highways defective in equipment and
19 unsafe for operation is an unlawful vehicle and may be prevented from
20 operation until the defect in the equipment is corrected. A peace
21 officer or an employee designated by the Department of Law [PUBLIC
22 SAFETY] may impound the vehicle until it is placed in a condition
23 satisfactory to the vehicle inspector. The owner of the vehicle shall
24 pay the necessary cost of impounding it and the costs of storage. The
25 impounding of a vehicle is in addition to all other penalties. This
26 section does not prevent the operation of a defective vehicle to a place
27 for the correction of a defect in the equipment in the manner directed
28 by a peace officer.

29 * Sec. 71. AS 44.19.748 is amended to read:

1 Sec. 44.19.748. MEMBERSHIP OF THE COMMISSION. The commission
2 is composed of the attorney general, who shall serve as chairman
3 [THE COMMISSIONER OF PUBLIC SAFETY], the commissioner of health and
4 social services, the chief justice of the supreme court, the public
5 defender, one member from each house of the legislature and four other
6 residents of the state chosen by the governor so as to give reasonable
7 geographic and urban-rural balance, including representation from the
8 major ethnic groups of the state, from units of local government and from
9 other groups concerned with the administration of justice in the state.
10 Members serve at the pleasure of the governor.

11 * Sec. 72. AS 44.19.756 is amended by adding a new subsection to read:

12 (b) The attorney general, as chairman of the commission, shall
13 regularly announce the findings, programs and recommendations of the
14 commission in order to unify and assure the orderliness of the state's
15 approach to matters of criminal justice.

16 * Sec. 73. AS 44.23.020 is amended to read:

17 Sec. 44.23.020. DUTIES. (a) The attorney general is the legal
18 advisor of the governor and other state officers and is the chief
19 law enforcement officer of the state.

20 (b) The attorney general shall

21 (1) bring, prosecute and defend all necessary and proper
22 actions in the name of the state for the collection of revenue;

23 (2) represent the state in all civil actions in which the
24 state is a party;

25 (3) prosecute all cases involving violation of state law,
26 and file informations and prosecute all offenses against the revenue
27 laws and other state laws where there is no other provisions for their
28 prosecution;

29 (4) administer state legal services (including coordinating

1 the planning and organizing of law-related functions of state agencies
2 and the furnishing of written legal opinions to the governor, the
3 legislature, and all state officers and departments as the governor
4 directs), and give legal advice on a law, proposed law or proposed
5 legislative measure upon request by the legislature or a member of the
6 legislature;

7 (5) draft legal instruments for the state;

8 (6) make a report to the legislature, through the governor,
9 at each regular legislative session

10 (A) of the work and expenditures of the office, and

11 (B) on needed legislation or amendments to existing

12 law, with special emphasis on

13 (i) the problems of the administration of civil
14 and criminal justice in rural Alaska,

15 (ii) furthering the responsiveness of the criminal
16 code to practicality and current social conditions,

17 (iii) handling problems of drug abuse and alcoholism,

18 (iv) fighting organized crime; [AND]

19 (7) review the activities of the division of corrections in
20 the Department of Health and Social Services to assure that maximum
21 effort is being made to rehabilitate persons convicted of crime, and
22 make recommendations to achieve that end;

23 (8) establish advisory committees and hold public hearings
24 on a broad spectrum of problems as they relate to state law enforce-
25 ment; and

26 (9) perform all other duties required by law or which usually
27 pertain to the office of attorney general in a state.

28 (c) The attorney general, through a division of military affairs
29 in the Department of Law, shall conduct the military affairs of the state

1 as prescribed in the Military Code.

2 (d) The attorney general, through a division of public safety in
3 the Department of Law, shall administer functions relative to the
4 protection of life and property.

5 * Sec. 74. AS 34.35.350(a) is amended to read:

6 (a) The attorney general [COMMISSIONER OF PUBLIC SAFETY] or a
7 peace officer designated by him is the receiver, when one is appointed,
8 and the superior court upon a showing made may appoint the receiver
9 without notice.

10 * Sec. 75. AS 43.31.191 is amended to read:

11 Sec. 43.31.191. FAILURE TO PAY TAX. (a) If a tax imposed by
12 this chapter or any portion of the tax is unpaid within 90 days after
13 it becomes due, and the time for payment is not extended, the depart-
14 ment shall collect the tax, penalty and interest by using the remedy
15 of distraint on real and personal property as set out in AS 43.20.270
16 or by issuing a warrant directed to the attorney general [COMMISSIONER
17 OF PUBLIC SAFETY] commanding him to

18 (1) levy upon and sell the real and personal property of
19 the estate found in the state for the payment of the amount of the
20 unpaid tax with interest and penalties, if any, as may have accrued
21 or been assessed against it, together with the cost of executing the
22 warrant; and

23 (2) return the warrant to the department and pay to it the
24 money collected under it by a time to be specified in the warrant,
25 not less than 60 days from the date of the warrant.

26 (b) The attorney general [COMMISSIONER OF PUBLIC SAFETY] shall
27 proceed upon the warrant in all respects, with like effect, in the
28 manner prescribed by law for executions issued against property upon
29 judgments of a court of record. Alias and pluries warrants may issue

1 from time to time as the department considers proper until the entire
2 amount of the tax, deficiency, interest, penalties and costs have
3 been recovered.

4 * Sec. 76. AS 22.20.140(1), AS 28.17.080(2), AS 44.15.010(9) and (12),
5 44.35.010, 44.35.020, 44.41.010 and 44.41.020 are repealed.

6 * Sec. 77. Wherever the term "adjutant general" appears in the law of
7 this state it shall be read as "attorney general". Wherever the term
8 "Department of Military Affairs" appears in the law of this state it shall
9 be read as "Department of Law".

10 * Sec. 78. Wherever the term "commissioner of public safety", or "com-
11 missioner" when referring to the commissioner of public safety, appears in
12 the law of this state it shall be read as "attorney general". Wherever the
13 term "Department of Public Safety" appears in the law of this state it
14 shall be read as "Department of Law".

15 * Sec. 79. All litigation, hearings, investigations and other proceedings
16 pending under a law amended by this Act, or pending in the performance of
17 a function which has been transferred by this Act, continue in effect and
18 may be continued and completed under the provisions of this Act. A certifi-
19 cate, order or regulation issued or adopted under a law amended by this
20 Act, or in the performance of a function which has been transferred by this
21 Act, and which is in effect on the effective date of this Act, remains in
22 effect for the term issued, or until revoked, vacated, or modified under
23 the provisions of this Act. An existing contract or obligation created by
24 a law amended by this Act, or created in the performance of a function which
25 has been transferred by this Act, and which is in effect on the effective
26 date of this Act, remains in effect until satisfied under its terms or until
27 it is revoked, vacated, or modified under the provisions of this Act.

28 * Sec. 80. This Act takes effect July 1, 1972.
29