

Introduced: 3/16/72  
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 HCS SENATE BILL NO. 383  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments in the Alaska  
7 Statutes as recommended by the revisor of statutes."

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

9 \* Section 1. AS 08.08.130(a)(1) is amended to read:

10 (1) is a citizen of the United States, or is a resident  
11 alien in the United States who intends to become a citizen of the  
12 United States;

13 \* Sec. 2. AS 14.17.230 and 14.17.240 are repealed.

14 \* Sec. 3. AS 14.20.550 is amended to read:

15 Sec. 14.20.550. NEGOTIATION WITH CERTIFIED EMPLOYEES. Each  
16 school board, and the board of directors [STATE BOARD OF EDUCATION] for  
17 the state-operated schools, shall negotiate with its certificated  
18 employees in good faith on matters pertaining to their employment and  
19 the fulfillment of their professional duties.

20 \* Sec. 4. AS 14.25.120(c)(1) is amended to read:

21 (1) If the teacher is either 60 years of age or older or has  
22 30 years of creditable service on the date which the application for a  
23 retirement salary is filed and has paid into the retirement fund the  
24 full amount of his indebtedness, his annual retirement salary is two  
25 per cent of his highest average base salary, as defined in (f) of this  
26 section, [DURING ANY THREE OF THE LAST EIGHT YEARS OF MEMBERSHIP  
27 SERVICE] multiplied by the total number of years of creditable service,  
28 including credited fractional years.

29 \* Sec. 5. Article XIII(b) of AS 14.40.670 is amended to read:

1 (b) The authority conferred by (a) of this article shall be  
2 exercised only pursuant to written agreement between the Commission and  
3 an agency of this state having responsibility for or duties with respect  
4 to programs for assisting residents of this state to obtain higher  
5 education. Any such agreements shall include provisions for the payment  
6 of tuition and any other costs, and no such agreement shall be made  
7 which commits this state or any agency or officer of it to any obliga-  
8 tion for which funds have not been appropriated or otherwise made  
9 available in accordance with law.

10 \* Sec. 6. AS 15.07.040 is amended to read:

11 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified  
12 under AS 15.05.010(1) - (4) is entitled to register at any time through-  
13 out the year [COMMENCING DECEMBER 21, 1968], except that no registration  
14 will be made for a period of 14 days preceding the election if the  
15 application for registration is made in person or 30 days preceding the  
16 election if the application for registration is made by mail [; HOWEVER,  
17 REGISTRATION MAY BE MADE IN PERSON AT EITHER THE 1968 PRIMARY OR GENERAL  
18 ELECTION AS PROVIDED IN SEC. 70(d) OF THIS CHAPTER].

19 \* Sec. 7. AS 15.07.070(d) is amended to read:

20 (d) [QUALIFIED VOTERS MAY REGISTER IN PERSON BEFORE A REGISTRATION  
21 OFFICIAL AT ANY TIME THROUGHOUT THE YEAR AFTER DECEMBER 21, 1968,  
22 EXCEPT THAT NO REGISTRATION MAY BE MADE WITHIN 14 DAYS PRECEDING AN  
23 ELECTION.] Upon receipt and approval of the registration forms the  
24 lieutenant governor or the election supervisor shall forward to the  
25 voter an acknowledgement in the form of a registration card and his  
26 name shall immediately be placed on the master register located in the  
27 office of the lieutenant governor and on the district register located  
28 in the office of the election supervisor.

29 \* Sec. 8. AS 15.07.070(e) and 15.07.080 are repealed.

1 \* Sec. 9. AS 15.15.200 is amended to read:

2 Sec. 15.15.200. QUESTIONING OF VOTER OF DOUBTFUL QUALIFICATION.

3 An election judge may question any person of doubtful qualification  
4 attempting to vote and may require identification. Upon a satisfactory  
5 showing that the person is qualified to vote, the election judge shall  
6 allow the person to vote. [IF AN ELECTION JUDGE IS DOUBTFUL AS TO THE  
7 ABILITY OF A PERSON TO SPEAK THE ENGLISH LANGUAGE, A SATISFACTORY  
8 SHOWING IS MADE BY THE PERSON BRIEFLY CONVERSING WITH THE ELECTION JUDGE  
9 BY THE USE OF SIMPLE ENGLISH WORDS. IF AN ELECTION JUDGE IS DOUBTFUL  
10 AS TO WHETHER THERE IS A PHYSICAL DISABILITY PREVENTING THE SPEAKING  
11 OR READING OF THE ENGLISH LANGUAGE, A SATISFACTORY SHOWING IS MADE BY  
12 A WRITTEN STATEMENT MADE BY A LICENSED PHYSICIAN THAT THE PERSON IS SO  
13 DISABLED.]

14 \* Sec. 10. AS 15.30.010 is amended to read:

15 Sec. 15.30.010. PROVISION FOR SELECTION [APPOINTMENT] OF ELECTORS.

16 Electors of President and Vice President of the United States are  
17 selected [APPOINTED] by election at the general election in presidential  
18 election years.

19 \* Sec. 11. AS 15.60.010(2) is amended to read:

20 (2) "local election" means any election held by a borough,  
21 city, [SCHOOL DISTRICT, PUBLIC UTILITY DISTRICT, SERVICE AREA,] or  
22 other local unit of government;

23 \* Sec. 12. AS 16.05.250(12) and 16.05.536 are repealed.

24 \* Sec. 13. AS 16.05.350 is amended to read:

25 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and  
26 tags required under secs. 330 - 430 of this chapter, except the  
27 visitor's special sport fishing license and the resident trapping  
28 license, expire at the close of December 31 following issuance. The  
29 resident trapping license expires at the close of September 30 following

1 the year of issuance. [THE 1963 RESIDENT TRAPPING LICENSE EXPIRES AT  
2 THE CLOSE OF SEPTEMBER 30, 1964.]

3 \* Sec. 14. AS 16.05.540 is amended to read:

4 Sec. 16.05.540. LIMITATION ON ISSUANCE OF FISHING GEAR LICENSES.  
5 The fishing gear licenses mentioned in secs. 550 - 650 of this chapter  
6 shall be issued one to the applicant [AND ONLY FOR THE AREA IN WHICH  
7 THE APPLICANT QUALIFIES UNDER SEC. 536 OF THIS CHAPTER]. Each applicant  
8 shall personally operate or assist in the operation of the licensed  
9 fishing gear. Each applicant for the fishing gear licenses mentioned  
10 in secs. 570 and 580 of this chapter shall also personally own or lease  
11 the licensed fishing gear. The license is transferable as provided  
12 under sec. 670 of this chapter.

13 \* Sec. 15. AS 18.65.060(b) is amended to read:

14 (b) The Department of Public Safety may adopt regulations neces-  
15 sary to carry out the purposes of this section; however, [PROVIDED THAT]  
16 regulations proposed by the department shall be submitted to the pre-  
17 siding officer of each house of the legislature on the day the house  
18 convenes. The legislature has 60 days of a regular session, or a full  
19 session if of shorter duration to disapprove the proposed regulations.  
20 Unless disapproved by a special concurrent resolution introduced in  
21 either house, concurred in by a majority of the members of the legis-  
22 lature in joint session [IN EACH HOUSE], the regulations become effec-  
23 tive at a date to be designated by the department.

24 \* Sec. 16. AS 19.30.171(b) is amended to read:

25 (b) The costs incurred by the commissioner in acquiring this  
26 land or interest in land includes all costs and any fees incidental to  
27 acquisition, including relocation assistance and payments in accordance  
28 with AS 34.60 [CH. 35 OF THIS TITLE]. All costs incurred by the com-  
29 missioner in connection with the acquisition of the land or interest in

1 land shall be paid by the local government for which the land or inter-  
2 est in land is acquired.

3 \* Sec. 17. AS 22.15.120(1) is amended to read:

4 (1) for the recovery of money or damages only when the  
5 amount claimed, exclusive of costs, interest, and attorney fees, does  
6 not exceed \$1,000 [\$500];

7 \* Sec. 18. AS 22.15.120(2) is amended to read:

8 (2) for the recovery of specific personal property when the  
9 value of the property claimed and the damages for the detention do not  
10 exceed \$1,000 [\$500];

11 \* Sec. 19. AS 22.15.120(3) is amended to read:

12 (3) for the recovery of a penalty or forfeiture, whether  
13 given by statute or arising out of contract, not exceeding \$1,000  
14 [\$500];

15 \* Sec. 20. AS 22.20.100 is amended to read:

16 Sec. 22.20.100. DUTY OF THE COMMISSIONER IN THE SUPREME COURT.  
17 The commissioner is the executive officer of the supreme court and  
18 shall serve and execute all process issued by the supreme court or a  
19 justice of the supreme court, and shall attend the supreme court, and  
20 has the authority necessary for [IN] the execution of these duties  
21 [AS NOW POSSESSED BY THE UNITED STATES MARSHAL FOR THE UNITED STATES  
22 SUPREME COURT].

23 \* Sec. 21. AS 22.20.120 is amended to read:

24 Sec. 22.20.120. GENERAL AUTHORITY AND DUTY OF THE COMMISSIONER.  
25 The authority necessary for the lawful performance of the duties of  
26 [AND THE DUTIES HERETOFORE VESTED IN THE UNITED STATES MARSHAL BY  
27 STATUTE RELATING TO THE] execution of service of process [OF THE FORMER  
28 UNITED STATES DISTRICT COURT FOR THE TERRITORY OF ALASKA], seizure and  
29 detention of property, the sale of property forfeited or levied upon,

1 and arrest of persons, in connection with civil matters, is vested in  
2 the commissioner. Any court of the state issuing any process may direct  
3 the process for execution of service to the commissioner or his designee.

4 \* Sec. 22. AS 22.30.010 is amended to read:

5 Sec. 22.30.010. COMMISSION ON JUDICIAL QUALIFICATIONS. The  
6 Commission on Judicial Qualifications shall consist of nine members as  
7 follows: one justice of the supreme court, elected by the justices of  
8 the supreme court; three [TWO] judges of the superior court, elected  
9 by the judges of the superior court; one [TWO] judges of the district  
10 court, elected by the judges of the district court; two members who  
11 have practiced law in this state for 10 years, appointed by the govern-  
12 ing body of the organized bar; and two citizens who are not judges,  
13 retired judges, or members of the state bar, appointed by the governor  
14 and subject to confirmation by a majority of the members of the legis-  
15 lature in joint session. Commission membership terminates if a member  
16 ceases to hold the position that qualified him for appointment. No  
17 person may serve on the commission and on the Judicial Council simul-  
18 taneously. The commission shall elect one of its members to serve as  
19 chairman for a term prescribed by the commission. A vacancy shall be  
20 filled by the appointing power for the remainder of the term.

21 \* Sec. 23. AS 23.20.409(5) is amended to read:

22 (5) "exhaustee" means an individual who, with respect to any  
23 week of unemployment in his eligibility period

24 (A) has no right to unemployment benefits or allowances,  
25 as the case may be, under the Railroad Unemployment Insurance Act,  
26 the Trade Expansion Act of 1962, the Automotive Products Trade Act  
27 of 1965, or under other federal laws which are specified in regula-  
28 tions issued by the United States Secretary of Labor and has not  
29 received and is not seeking unemployment benefits under the

1 unemployment compensation law of the Virgin Islands or of Canada  
2 but if he is seeking these benefits and the appropriate agency  
3 finally determines that he is not entitled to benefits under that  
4 law he is considered an exhaustee; and either

5 (B) [(A)] has received, before that week of unemploy-  
6 ment, all of the regular benefits that were available to him under  
7 this chapter or any other law, including dependents' allowances  
8 and benefits payable to federal civilian employees and ex-service-  
9 men under 5 U.S.C. chapter 85, in his current benefit year that  
10 includes that week; however, for the purposes of this paragraph,  
11 an individual is considered to have received all of the regular  
12 benefits that were available to him even though he may subsequently  
13 be determined to be entitled to added regular benefits as a result  
14 of a pending appeal with respect to wages in covered employment  
15 that were not considered in the original monetary determination  
16 to be in his benefit year; or

17 (C) [(B)] his benefit year having expired before that  
18 week, has no or insufficient wages in covered employment on the  
19 basis of which he could establish a new benefit year that would  
20 include that week [; AND

21 (C) HAS NO RIGHT TO UNEMPLOYMENT BENEFITS OR ALLOWANCES,  
22 AS THE CASE MAY BE, UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT,  
23 THE TRADE EXPANSION ACT OF 1962, THE AUTOMOTIVE PRODUCTS TRADE ACT  
24 OF 1965, OR UNDER OTHER FEDERAL LAWS WHICH ARE SPECIFIED IN REGULA-  
25 TIONS ISSUED BY THE UNITED STATES SECRETARY OF LABOR AND HAS NOT  
26 RECEIVED AND IS NOT SEEKING UNEMPLOYMENT BENEFITS UNDER THE  
27 UNEMPLOYMENT COMPENSATION LAW OF THE VIRGIN ISLANDS OR OF CANADA  
28 BUT IF HE IS SEEKING THESE BENEFITS AND THE APPROPRIATE AGENCY  
29 FINALLY DETERMINES THAT HE IS NOT ENTITLED TO BENEFITS UNDER THAT

1 LAW HE IS CONSIDERED AN EXHAUSTEE].

2 \* Sec. 24. AS 24.30.010 is amended to read:

3 Sec. 24.30.010. GENERAL PROCEDURE. The procedure for handling  
4 bills from the time of their prefiling or introduction until they become  
5 law is provided in this chapter subject to implementing rules adopted  
6 by the legislature. Resolutions [AND MEMORIALS] shall be handled in  
7 accordance with the provisions of the uniform rules of the legislature.

8 \* Sec. 25. AS 24.30.060(b) is amended to read:

9 (b) Bills introduced by the legislative council shall be delivered  
10 with a letter of explanation to the rules committee of either house and  
11 bear the inscription "Rules Committee by Request of the Legislative  
12 Council"; bills introduced by the legislative budget and audit committee  
13 shall be delivered with a letter of explanation to the rules committee  
14 of either house and bear the inscription "Rules Committee by Request of  
15 the Legislative Budget and Audit Committee." Bills presented by the  
16 governor shall be delivered with a letter to the rules committee of  
17 either house and bear the inscription "Rules Committee by Request of  
18 the Governor"; bills so presented and inscribed shall be received as  
19 bills carrying the approval of the governor as to policy and budget  
20 impact. The governor may submit a statement of purpose and effect with  
21 each bill and appear personally or through a representative before any  
22 committee considering legislation.

23 \* Sec. 26. AS 28.35.032(c) is amended to read:

24 (c) If the issues set out in (b)(1), [AND] (2) and (3) of this  
25 section are determined in the affirmative, the court shall sustain the  
26 action of the department. If one or more of the issues are determined  
27 in the negative, the department's action shall be rescinded. If the  
28 action of the department in suspending or revoking a nonresident's  
29 privilege to operate a motor vehicle in this state is sustained by the

1 court, the department shall give information in writing of the action  
2 taken to the motor vehicle administrator of the state of the person's  
3 residence and to any state in which he has a license.

4 \* Sec. 27. AS 34.10.040(a) is amended to read:

5 (a) The owner of real property in the state but outside an incor-  
6 porated city, organized borough [PUBLIC UTILITY DISTRICT, SCHOOL  
7 DISTRICT] or other political subdivision where record of ownership of  
8 real property is kept shall file in the office of the recorder of the  
9 recording district in which the property is located, before January 1,  
10 1956, a sworn statement in duplicate giving his name, his post office  
11 address, an accurate legal description of the tract of land, its area  
12 or acreage, the date acquired, and other information necessary for the  
13 purposes of this chapter.

14 \* Sec. 28. AS 34.35.200 is amended to read:

15 Sec. 34.35.200. PRIORITY. The lien provided in sec. 180 [175] of  
16 this chapter, when filed as provided in sec. 185 of this chapter [THAT  
17 SECTION], is superior to and preferred to

18 (1) a lien, mortgage, or encumbrance which attaches to the  
19 chattel after the starting of labor or services or the furnishing of  
20 the material mentioned in that section;

21 (2) a lien, mortgage, or other encumbrance which attaches  
22 before that time, when the person furnishing the material or performing  
23 the services did not have notice of the prior lien, mortgage, or encum-  
24 brance, or the prior lien, mortgage, or encumbrance was not recorded or  
25 filed in the manner provided by law.

26 \* Sec. 29. AS 35.25.010 is amended to read:

27 Sec. 35.25.010. PURPOSE AND INTENT. The purpose of this title is  
28 to establish a public works department [DIVISION] capable of carrying  
29 out a public works planning and construction program which will provide

1 public buildings necessary to efficient government, and boat harbors,  
2 jetties, dikes and breakwaters necessary to the economy of Alaska com-  
3 munities, all of which is to the advantage and benefit of the general  
4 welfare of the public.

5 \* Sec. 30. AS 38.05.145(b) is amended to read:

6 (b) If the state selects or otherwise acquires land other than  
7 shorelands, title to which was in the federal government and which, at  
8 the effective date of the selection or acquisition, is subject to a  
9 valid existing offer for a noncompetitive United States oil and gas  
10 lease, or application for a prospecting permit or noncompetitive mining  
11 lease, for coal, phosphates, sulphur, oil shale, sodium, or potassium  
12 under the federal Act of February 25, 1920 (41 Stat. 437 as amended),  
13 or for a noncompetitive United States geothermal lease, or application  
14 for a prospecting permit or noncompetitive lease under the federal Act  
15 of December 24, 1970 (84 Stat. 1566), the offeror or applicant for the  
16 federal permit or lease, if a qualified applicant hereunder, shall be  
17 considered the first qualified applicant for a state noncompetitive  
18 oil and gas lease, noncompetitive geothermal lease, prospecting permit,  
19 or noncompetitive mining lease and is entitled to a state noncompetitive  
20 lease or permit upon compliance with the provisions of the regulations  
21 covering applications within 60 days after receipt of written notice  
22 from the commissioner of selection or acquisition. These priorities  
23 are not effective if the land covered by the federal offers or applica-  
24 tions is classified by the commissioner as competitive land within 90  
25 days after the selection of the land is finally approved by the Secretary  
26 of the Interior or the land is otherwise acquired.

27 \* Sec. 31. AS 38.05.181(p)(4) is amended to read:

28 (4) The commissioner shall require those tests or remedial  
29 work of the owner or operator of a geothermal well that in his judgment

1 are necessary to prevent damage to life, health, property, and natural  
2 resources, to protect geothermal resources deposits from damage or  
3 waste, or to prevent the pollution of the state's waters by the infil-  
4 tration of detrimental substances into underground or surface water  
5 suitable for irrigation or domestic purposes, for the best interests of  
6 the neighboring property owners and the public. To this end he may  
7 request the assistance of the Department of Environmental Conservation  
8 [HEALTH AND SOCIAL SERVICES] under AS 46.03 [46.05].

9 \* Sec. 32. AS 38.05.181(p)(5) is amended to read:

10 (5) Any act by a lessee or permittee, or by an owner or  
11 operator of a geothermal well, that pollutes the state's waters in  
12 violation of AS 46.03 [46.05] shall be punished in accordance with  
13 AS 46.03.760 [46.05.210].

14 \* Sec. 33. AS 38.05.181(p)(6) is amended to read:

15 (6) Subject to (o)(7) of this section, leases or permits may  
16 be canceled by the commissioner for any persistent, repeated violations  
17 of the water pollution provisions in AS 46.03 [WATER POLLUTION CONTROL  
18 ACT (AS 46.05)]. On recommendation of the director, the commissioner  
19 shall request the district attorney in the judicial district where the  
20 alleged violation occurs, or the attorney general, to bring an action  
21 to enjoin the acts prohibited by AS 46.03 [46.05], or to impose the  
22 penalties authorized by AS 46.03.760 [46.05.210]. Nothing in this para-  
23 graph precludes the imposition of both injunctive relief, the criminal  
24 penalties, and cancellation of the lease or permit, or any combination  
25 of these remedies, that the commissioner or the court considers  
26 [CONSIDER] appropriate.

27 \* Sec. 34. AS 39.20.080(b) is amended to read:

28 (b) The monthly salary of the deputy head of each principal  
29 executive department of the state, upon his appointment is not less

1 than Step A, Range 28, nor shall it exceed Step E [F], Range 28, of  
2 the salary schedule set out in AS 39.27.010 [SALARY SCHEDULE I, SET OUT  
3 IN AS 39.27.010(1)], during the term of his appointment.

4 \* Sec. 35. AS 41.25.010 is amended to read:

5 Sec. 41.25.010. GRANTS FOR TOURIST DEVELOPMENT. A political sub-  
6 division of the state, a nonprofit organization formed under AS 10.20.-  
7 010 - 10.20.060, or a bona fide nonprofit civic, fraternal, or service  
8 organization which is certified by the commissioner of economic develop-  
9 ment [AND PLANNING] as qualified as developing tourist attractions as  
10 one of its purposes is eligible to receive tourist attraction develop-  
11 ment matching money from the state.

12 \* Sec. 36. AS 41.25.020 is amended to read:

13 Sec. 41.25.020. USE OF MATCHING MONEY. Tourist attraction  
14 development matching money may be obtained for the purpose of developing  
15 tourist attractions of historical or contemporary interest found to  
16 be worthwhile by the commissioner of economic development [AND PLANNING]  
17 and the director of tourism. Available money shall be divided on a  
18 fair and equitable basis between applicants. No applicant may receive  
19 more than \$1,000 on first application. Tourist attraction development  
20 may include the production, preservation, and display of historical  
21 documents, artifacts, totem poles, historical markers, native dances,  
22 blanket tossing, native handicraft, and art, and any other worthwhile  
23 tourist attraction dealing with Alaskan history or culture. Tourist  
24 attraction development does not include the preparation and distribu-  
25 tion of community and other advertising material.

26 \* Sec. 37. AS 41.25.030 is amended to read:

27 Sec. 41.25.030. QUALIFYING FOR MATCHING MONEY. In order to  
28 qualify for tourist attraction development matching money, the appli-  
29 cant shall submit and have approved by the commissioner of economic

1 development [AND PLANNING] and the director of tourism, plans, programs,  
2 contracts, or agreements to be used for carrying out the development of  
3 the tourist attraction.

4 \* Sec. 38. AS 41.25.050 is amended to read:

5 Sec. 41.25.050. ADMINISTRATION OF SECS. 10 - 50 OF THIS CHAPTER.

6 The commissioner of economic development [AND PLANNING] and the director  
7 of tourism shall administer secs. 10 - 50 of this chapter. All partici-  
8 pating subdivisions and organizations shall submit to the commissioner  
9 of economic development [AND PLANNING] and the director of tourism  
10 complete reports covering both the expenditure of state and local  
11 matching money for tourist attraction programs. These reports, in the  
12 case of programs extending over 12 months, shall be submitted annually.  
13 Reports on shorter matching programs shall be submitted at the completion  
14 of the program.

15 \* Sec. 39. AS 43.18.010(i) is amended to read:

16 (i) In (h) and (j) of this section "health facility" or "facility"  
17 includes hospitals, public health centers, maternity homes and community  
18 mental health centers, facilities for the mentally or physically handi-  
19 capped, nursing homes and convalescent centers which are licensed, when  
20 required, by the state under AS 18.20.010 - 18.20.130 and are owned or  
21 operated or both by a local government or by a nonprofit corporation or  
22 other nonprofit sponsor; the term excludes facilities operated or  
23 wholly supported by the state or the federal government.

24 \* Sec. 40. AS 43.18.300(b)(3)(B) is amended to read:

25 (B) not discontinue operation or dispose of all or part  
26 of a project for which it receives a grant without the approval  
27 of the commissioner [DIRECTOR];

28 \* Sec. 41. AS 43.20.010(c)(4) is amended to read:

29 (4) In computing the taxable income under this section, the

1 taxpayer is not entitled to deduct [FROM THE TAXABLE INCOME] the taxes  
2 payable to the state under this chapter.

3 \* Sec. 42. AS 43.25.150(a)(2) is amended to read:

4 (2) "department" means Department of Economic Development  
5 [AND PLANNING];

6 \* Sec. 43. AS 44.29.020 is amended to read:

7 Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Health  
8 and Social Services shall administer the state programs of public health  
9 and social services [WELFARE], including: (1) maternal and child health  
10 services; (2) preventive medical services; (3) public health nursing  
11 services; (4) sanitation and engineering services; (5) nutrition ser-  
12 vices; (6) health education; (7) laboratories; (8) mental health treat-  
13 ment and diagnosis; (9) management of state institutions; (10) medical  
14 facilities; (11) old age assistance; (12) aid to dependent children;  
15 (13) aid to the blind; (14) child welfare services; (15) general relief;  
16 (16) licensing and supervision of child care facilities; and (17) pro-  
17 bation and parole supervision.

18 \* Sec. 44. AS 46.03.210(b) is amended to read:

19 (b) Municipalities other than those with a population in excess  
20 of [LESS THAN] 1,000 may establish and administer local air pollution  
21 programs if the proposed programs meet the requirements of (a)(1) - (4)  
22 of this section.

23 \* Sec. 45. AS 46.07.030(b) is amended to read:

24 (b) The location of a facility constructed under this chapter  
25 shall be determined by the commissioner after consultation with the  
26 governing body of the village in which the facility is located, as well  
27 as with appropriate public agencies, including but not limited to the  
28 Alaska State Housing Authority [AND THE FEDERAL FIELD COMMITTEE FOR  
29 DEVELOPMENT PLANNING IN ALASKA]. The aim of the consultation is to

1 achieve maximum coordination in public development plans and activities  
2 affecting the community in which the facility is to serve.

3 \* Sec. 46. AS 46.15.020(b)(1) is amended to read:

4 (1) adopt procedural and substantive regulations to carry out  
5 the provisions of this chapter, taking into consideration the responsi-  
6 bilities of the Department of Environmental Conservation [HEALTH AND  
7 SOCIAL SERVICES] under AS 46.03 [46.05.010 - 46.05.240] and the Depart-  
8 ment of Fish and Game under AS 16;

9 \* Sec. 47. AS 46.15.040(c) is amended to read:

10 (c) All applications to the commissioner for a permit to appropri-  
11 ate water, filed subsequent to July 1, 1966, shall be considered as  
12 having been simultaneously filed with the Department of Fish and Game  
13 under AS 16 and the Department of Environmental Conservation [HEALTH AND  
14 SOCIAL SERVICES] under AS 46.03 [46.05].

15 \* Sec. 48. AS 46.15.070(b) is amended to read:

16 (b) The commissioner shall publish the notice at the applicant's  
17 expense in one issue of a newspaper of general distribution in the area  
18 of the state in which the water is to be appropriated. The commissioner  
19 shall also have notice served personally or by certified mail upon an  
20 appropriator of water or applicant for or holder of a permit who, accord-  
21 ing to the records of the division of lands, may be affected by the  
22 proposed appropriation and may serve notice upon any governmental agency,  
23 political subdivision or person; [PROVIDED, HOWEVER, THAT] notice shall  
24 also be served upon the Department of Fish and Game and the Department  
25 of Environmental Conservation [HEALTH AND SOCIAL SERVICES].

26 \* Sec. 49. AS 47.10.010(b) is amended to read:

27 (b) When a minor is accused of violating a traffic statute or  
28 regulation, or a traffic ordinance or regulation of an incorporated  
29 municipality, excepting a statute other than AS 28.35.010 the violation

1 of which is a felony, the procedure prescribed in secs. 20 - 90 of this  
2 chapter may not be followed, except that a parent, guardian or legal  
3 custodian shall be present at all proceedings. The minor accused of a  
4 traffic offense shall be charged, prosecuted, and sentenced in the  
5 district court, except when charged with a felony under AS 28.35.010 in  
6 which case the superior court has jurisdiction, in the same manner as  
7 an adult.

8 \* Sec. 50. AS 47.10.070 is amended to read:

9 Sec. 47.10.070. HEARINGS. The court may conduct the hearing in  
10 an informal manner in the courtroom or in chambers. A [ALL HEARINGS  
11 UNDER THIS CHAPTER ARE WITHOUT A JURY AND THE USUAL RULES OF EVIDENCE  
12 DO NOT APPLY. HOWEVER, A] hearing may be held before a young adult  
13 advisory panel in accordance with sec. 75 of this chapter. The court  
14 shall give notice of the hearing to the department and it may send a  
15 representative to the hearing. The court shall also transmit a copy  
16 of the petition to the department. The representative of the department  
17 may also be heard at the hearing. The public shall be excluded from  
18 the hearing, but the court, in its discretion, may permit individuals  
19 to attend a hearing, if their attendance is compatible with the best  
20 interests of the minor. Nothing in this section may be applied in such  
21 a way as to deny a child his rights to a public trial and to a trial  
22 by jury.

23 \* Sec. 51. AS 47.30.370 is amended to read:

24 Sec. 47.30.370. REVIEW BY LEGISLATIVE BUDGET AND AUDIT COMMITTEE.  
25 Before implementation, the programs, plans and actions of the department  
26 made under sec. 350 of this chapter, except for the proposed geographic  
27 location of the mental health hospital, shall be reviewed by the legis-  
28 lative budget and audit committee. The review and findings of the  
29 budget and audit committee shall be made public.

1 \* Sec. 52. AS 47.40.080 is amended by adding a new paragraph to read:

2 (3) "department" means the department of health and social  
3 services.

4 \* Sec. 53. Sec. 6, ch. 104 SLA 1971 is amended to read:

5 Sec. 6. Wherever the title "Department of Health and  
6 Welfare" appears in the law of this state, it shall be read as the  
7 "Department of Health and Social Services", and wherever the title  
8 "commissioner of health and welfare" appears in the law of this state,  
9 it shall be read as "commissioner of health and social services".

10 \* Sec. 54. AS 14.30.285(b) is amended to read:

11 (b) If a school district, or the state director [COMMISSIONER]  
12 if a state-operated school, approves the enrollment of an exceptional  
13 child in another school district or state-operated school approved by  
14 the state director [COMMISSIONER], and the child is enrolled in the  
15 institution, the child's education expenses shall be paid for as  
16 follows:

17 (1) the school district or the board of directors for state-  
18 operated schools [DEPARTMENT OF EDUCATION] shall pay the receiving  
19 district an amount of money equal to the receiving district's local  
20 cost per pupil rate;

21 (2) the Department of Education or the board of directors  
22 for state-operated schools, respectively, shall pay the remainder of  
23 the annual cost of the child's education, at a school within its juris-  
24 isdiction, above that provided for in (b)(1) of this section.

25 \* Sec. 55. AS 35.15.030 is amended to read:

26 Sec. 35.15.030. ADVERTISEMENT, BIDS, CONTRACTS, AND INFORMAL BIDS.  
27 When the estimated cost of any construction exceeds \$20,000, the depart-  
28 ment shall, except as provided in sec. 10 of this chapter, proceed to  
29 advertise, request bids, and award the contract in the manner provided

1 in secs. 40 and 50 of this chapter. Whenever any proposed construction  
2 contract shall be for a sum less than \$20,000, it is discretionary with  
3 the department whether the contract is advertised and awarded in accor-  
4 dance with secs. 40 and 50 [60] of this chapter. In all events the  
5 department shall request informal bids from as many contractors as can  
6 be requested conveniently.

7 \* Sec. 56. AS 23.40.010(a) is amended to read:

8 (a) The state or a political subdivision of the state, including  
9 but not limited to an organized borough and [,] municipal corporation,  
10 [INDEPENDENT SCHOOL DISTRICT, INCORPORATED SCHOOL DISTRICT, AND PUBLIC  
11 UTILITY DISTRICT,] may enter into a contract with a labor organization  
12 whose members furnish services to the state or the political subdivi-  
13 sion.  
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