

Original sponsor: Rules Committee by request
of the Legislative Council

Offered: 4/26/72
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

HOUSE CS FOR 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 AS 14.17.230 and 14.17.240 are repealed.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 CERTIFICATED [CERTIFIED]

16

EMPLOYEES. Each school board, and the board of directors [STATE BOARD

17

OF EDUCATION] for the state-operated schools, shall negotiate with its

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certificated employees in good faith on matters pertaining to their

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employment and the fulfillment of their professional duties.

20

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

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(1) If the teacher is either 60 years of age or older or has

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30 years of creditable service on the date which the application for a

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retirement salary is filed and has paid into the retirement fund the

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full amount of his indebtedness, his annual retirement salary is two

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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. AS 14.30.010(b)(8) is amended to read:

1 (8) is excused in writing signed by a majority of the
2 members of the school board of a district, or by the director of
3 [COMMISSIONER OR HIS DESIGNEE IN] state-operated schools for a child in
4 such a school; or

5 * Sec. 6. AS 14.30.285(b) is amended to read:

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

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

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

20 * Sec. 7. Article XIII(b) of AS 14.40.670 is amended to read:

21 (b) The authority conferred by (a) of this article shall be
22 exercised only pursuant to written agreement between the Commission and
23 an agency of this state having responsibility for or duties with respect
24 to programs for assisting residents of this state to obtain higher
25 education. Any such agreements shall include provisions for the payment
26 of tuition and any other costs, and no such agreement shall be made
27 which commits this state or any agency or officer of it to any obliga-
28 tion for which funds have not been appropriated or otherwise made
29 available in accordance with law.

1 * Sec. 8. AS 15.07.070(d) is amended to read:

2 (d) [QUALIFIED VOTERS MAY REGISTER IN PERSON BEFORE A REGISTRATION
3 OFFICIAL AT ANY TIME THROUGHOUT THE YEAR AFTER DECEMBER 21, 1968,
4 EXCEPT THAT NO REGISTRATION MAY BE MADE WITHIN 14 DAYS PRECEDING AN
5 ELECTION.] Upon receipt and approval of the registration forms the
6 lieutenant governor or the election supervisor shall forward to the
7 voter an acknowledgment in the form of a registration card and his
8 name shall immediately be placed on the master register located in the
9 office of the lieutenant governor and on the district register located
10 in the office of the election supervisor.

11 * Sec. 9. AS 15.15.200 is amended to read:

12 Sec. 15.15.200. QUESTIONING OF VOTER OF DOUBTFUL QUALIFICATION.
13 An election judge may question any person of doubtful qualification
14 attempting to vote and may require identification. Upon a satisfactory
15 showing that the person is qualified to vote, the election judge shall
16 allow the person to vote. [IF AN ELECTION JUDGE IS DOUBTFUL AS TO THE
17 ABILITY OF A PERSON TO SPEAK THE ENGLISH LANGUAGE, A SATISFACTORY
18 SHOWING IS MADE BY THE PERSON BRIEFLY CONVERSING WITH THE ELECTION JUDGE
19 BY THE USE OF SIMPLE ENGLISH WORDS. IF AN ELECTION JUDGE IS DOUBTFUL
20 AS TO WHETHER THERE IS A PHYSICAL DISABILITY PREVENTING THE SPEAKING
21 OR READING OF THE ENGLISH LANGUAGE, A SATISFACTORY SHOWING IS MADE BY
22 A WRITTEN STATEMENT MADE BY A LICENSED PHYSICIAN THAT THE PERSON IS SO
23 DISABLED.]

24 * Sec. 10. AS 15.30.010 is amended to read:

25 Sec. 15.30.010. PROVISION FOR SELECTION [APPOINTMENT] OF ELECTORS.
26 Electors of President and Vice President of the United States are
27 selected [APPOINTED] by election at the general election in presidential
28 election years.

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

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

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

5 * Sec. 13. AS 16.05.350 is amended to read:

6 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and
7 tags required under secs. 330 - 430 of this chapter, except the
8 visitor's special sport fishing license and the resident trapping
9 license, expire at the close of December 31 following issuance. The
10 resident trapping license expires at the close of September 30 following
11 the year of issuance. [THE 1963 RESIDENT TRAPPING LICENSE EXPIRES AT
12 THE CLOSE OF SEPTEMBER 30, 1964.]

13 * Sec. 14. AS 16.05.540 is amended to read:

14 Sec. 16.05.540. LIMITATION ON ISSUANCE OF FISHING GEAR LICENSES.
15 The fishing gear licenses mentioned in secs. 550 - 650 of this chapter
16 shall be issued one to the applicant [AND ONLY FOR THE AREA IN WHICH
17 THE APPLICANT QUALIFIES UNDER SEC. 536 OF THIS CHAPTER]. Each applicant
18 shall personally operate or assist in the operation of the licensed
19 fishing gear. Each applicant for the fishing gear licenses mentioned
20 in secs. 570 and 580 of this chapter shall also personally own or lease
21 the licensed fishing gear. The license is transferable as provided
22 under sec. 670 of this chapter.

23 * Sec. 15. AS 16.20.160 is amended to read:

24 Sec. 16.20.160. SANCTUARY ESTABLISHED. The following described
25 area and adjacent state waters are established as a state game sanctuary
26 to be known as the McNeil River State Game Sanctuary:

27 Beginning at the NE corner of Section 13, T 12 S R 30 W, S.M.,
28 westerly along the section lines to the NW corner of Section 18, T 12 S
29 R 30 W, S.M., thence southerly along the township boundary to the SW

1 corner of T 12 S R 30 W, S.M., thence westerly along the north boundary
2 of T 13 S R 31 W, S.M., to the NW corner of T 13 S R 31 W, S.M., thence
3 westerly along the north boundary of T 13 S R 32 W, S.M., to the NW
4 corner of T 13 S R 32 W, S.M., thence southerly along the west boundary
5 of T 13 S R 32 W, S.M., to the SW corner of T 13 S R 32 W, S.M., thence
6 southerly along the west boundary of T 14 S R 32 W, S.M., to the SW
7 corner of Section 30, T 14 S R 32 W, S.M., thence easterly along the
8 section lines to the SE corner of Section 27, T 14 S R 32 W, S.M., thence
9 northerly along the section lines to the NE corner of Section 15, T 14 S
10 R 32 W, S.M., thence easterly along the section lines to the east bound-
11 ary of T 14 S R 32 W, S.M., thence northerly along the east boundary of
12 T 14 S R 32 W, S.M., to the NE corner of T 14 S R 32 W, S.M., thence
13 easterly along the south boundary of T 13 S R 31 W, S.M., to the SE
14 corner of T 13 S R 31 W, S.M., thence northerly along the east [WEST]
15 boundary of T 13 S R 31 W, S.M., to the NE corner of Section 24, T 13 S
16 R 31 W, S.M., thence easterly along the section lines to the SE corner
17 of Section 16, T 13 S R 30 W, S.M., thence northerly along the section
18 lines to the NE corner of Section 4, T 13 S R 30 W, S.M., thence easterly
19 along the south boundary of T 12 S R 30 W, S.M., to the SE corner of
20 T 12 S R 30 W, S.M., thence easterly along the south boundary of T 12
21 S R 29 W, S.M., to the shoreline of Horseshoe Cove located in Section 32,
22 T 12 S R 29 W, S.M., thence northerly, westerly, and northerly along the
23 line of mean high tide to the point of beginning.

24 * Sec. 16. AS 18.65.060(b) is amended to read:

25 (b) The Department of Public Safety may adopt regulations neces-
26 sary to carry out the purposes of this section; however, [PROVIDED THAT]
27 regulations proposed by the department shall be submitted to the pre-
28 siding officer of each house of the legislature on the day the house
29 convenes. The legislature has 60 days of a regular session, or a full

1 session if of shorter duration to disapprove the proposed regulations.
2 Unless disapproved by a special concurrent resolution introduced in
3 either house, concurred in by a majority of the members of the legis-
4 lature in joint session [IN EACH HOUSE], the regulations become effec-
5 tive at a date to be designated by the department.

6 * Sec. 17. AS 19.30.171(b) is amended to read:

7 (b) The costs incurred by the commissioner in acquiring this
8 land or interest in land includes all costs and any fees incidental
9 to acquisition, including relocation assistance and payments in accor-
10 dance with AS 34.60 [CH. 35 OF THIS TITLE]. All costs incurred by the
11 commissioner in connection with the acquisition of the land or interest
12 in land shall be paid by the local government for which the land or
13 interest in land is acquired.

14 * Sec. 18. AS 22.15.120(1) is amended to read:

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

18 * Sec. 19. AS 22.15.120(2) is amended to read:

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

22 * Sec. 20. AS 22.15.120(3) is amended to read:

23 (3) for the recovery of a penalty or forfeiture, whether
24 given by statute or arising out of contract, not exceeding \$1,000
25 [\$500];

26 * Sec. 21. AS 22.20.100 is amended to read:

27 Sec. 22.20.100. DUTY OF THE COMMISSIONER IN THE SUPREME COURT.
28 The commissioner is the executive officer of the supreme court and
29 shall serve and execute all process issued by the supreme court or a

1 justice of the supreme court, and shall attend the supreme court, and
2 has the authority necessary for [IN] the execution of these duties
3 [AS NOW POSSESSED BY THE UNITED STATES MARSHAL FOR THE UNITED STATES
4 SUPREME COURT].

5 * Sec. 22. AS 22.20.120 is amended to read:

6 Sec. 22.20.120. GENERAL AUTHORITY AND DUTY OF THE COMMISSIONER.
7 The authority necessary for the lawful performance of the duties of
8 [AND THE DUTIES HERETOFORE VESTED IN THE UNITED STATES MARSHAL BY
9 STATUTE RELATING TO THE] execution of service of process [OF THE FORMER
10 UNITED STATES DISTRICT COURT FOR THE TERRITORY OF ALASKA], seizure and
11 detention of property, the sale of property forfeited or levied upon,
12 and arrest of persons, in connection with civil matters, is vested in
13 the commissioner. Any court of the state issuing any process may direct
14 the process for execution of service to the commissioner or his designee.

15 * Sec. 23. AS 22.30.010 is amended to read:

16 Sec. 22.30.010. COMMISSION ON JUDICIAL QUALIFICATIONS. The
17 Commission on Judicial Qualifications shall consist of nine members as
18 follows: one justice of the supreme court, elected by the justices of
19 the supreme court; three [TWO] judges of the superior court, elected
20 by the judges of the superior court; one [TWO] judges of the district
21 court, elected by the judges of the district court; two members who
22 have practiced law in this state for 10 years, appointed by the govern-
23 ing body of the organized bar; and two citizens who are not judges,
24 retired judges, or members of the state bar, appointed by the governor
25 and subject to confirmation by a majority of the members of the legis-
26 lature in joint session. Commission membership terminates if a member
27 ceases to hold the position that qualified him for appointment. No
28 person may serve on the commission and on the Judicial Council simul-
29 taneously. The commission shall elect one of its members to serve as

1 chairman for a term prescribed by the commission. A vacancy shall be
2 filled by the appointing power for the remainder of the term.

3 * Sec. 24. AS 23.20.409(5) is amended to read:

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

6 (A) has no right to unemployment benefits or allowances,
7 as the case may be, under the Railroad Unemployment Insurance Act,
8 the Trade Expansion Act of 1962, the Automotive Products Trade Act
9 of 1965, or under other federal laws which are specified in regula-
10 tions issued by the United States Secretary of Labor and has not
11 received and is not seeking unemployment benefits under the
12 unemployment compensation law of the Virgin Islands or of Canada
13 but if he is seeking these benefits and the appropriate agency
14 finally determines that he is not entitled to benefits under that
15 law he is considered an exhaustee; and either

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

28 (C) [(B)] his benefit year having expired before that
29 week, has no or insufficient wages in covered employment on the

1 basis of which he could establish a new benefit year that would
2 include that week [; AND

3 (C) HAS NO RIGHT TO UNEMPLOYMENT BENEFITS OR ALLOWANCES,
4 AS THE CASE MAY BE, UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT,
5 THE TRADE EXPANSION ACT OF 1962, THE AUTOMOTIVE PRODUCTS TRADE ACT
6 OF 1965, OR UNDER OTHER FEDERAL LAWS WHICH ARE SPECIFIED IN REGULA-
7 TIONS ISSUED BY THE UNITED STATES SECRETARY OF LABOR AND HAS NOT
8 RECEIVED AND IS NOT SEEKING UNEMPLOYMENT BENEFITS UNDER THE
9 UNEMPLOYMENT COMPENSATION LAW OF THE VIRGIN ISLANDS OR OF CANADA
10 BUT IF HE IS SEEKING THESE BENEFITS AND THE APPROPRIATE AGENCY
11 FINALLY DETERMINES THAT HE IS NOT ENTITLED TO BENEFITS UNDER THAT
12 LAW HE IS CONSIDERED AN EXHAUSTEE].

13 * Sec. 25. AS 23.40.010(a) is amended to read:

14 (a) The state or a political subdivision of the state, including
15 but not limited to an organized borough and [,] municipal corporation,
16 [INDEPENDENT SCHOOL DISTRICT, INCORPORATED SCHOOL DISTRICT, AND PUBLIC
17 UTILITY DISTRICT,] may enter into a contract with a labor organization
18 whose members furnish services to the state or the political subdivi-
19 sion.

20 * Sec. 26. AS 24.30.010 is amended to read:

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

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

27 (b) Bills introduced by the legislative council shall be delivered
28 with a letter of explanation to the rules committee of either house and
29 bear the inscription "Rules Committee by Request of the Legislative

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

12 * Sec. 28. AS 28.35.032(c) is amended to read:

13 (c) If the issues set out in (b)(1), [AND] (2) and (3) of this
14 section are determined in the affirmative, the court shall sustain the
15 action of the department. If one or more of the issues are determined
16 in the negative, the department's action shall be rescinded. If the
17 action of the department in suspending or revoking a nonresident's
18 privilege to operate a motor vehicle in this state is sustained by the
19 court, the department shall give information in writing of the action
20 taken to the motor vehicle administrator of the state of the person's
21 residence and to any state in which he has a license.

22 * Sec. 29. AS 34.10.040(a) is amended to read:

23 (a) The owner of real property in the state but outside an incor-
24 porated city, organized borough [PUBLIC UTILITY DISTRICT, SCHOOL
25 DISTRICT] or other political subdivision where record of ownership of
26 real property is kept shall file in the office of the recorder of the
27 recording district in which the property is located, before January 1,
28 1956, a sworn statement in duplicate giving his name, his post office
29 address, an accurate legal description of the tract of land, its area

1 or acreage, the date acquired, and other information necessary for the
2 purposes of this chapter.

3 * Sec. 30. AS 34.35.200 is amended to read:

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

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

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

15 * Sec. 31. AS 35.15.030 is amended to read:

16 Sec. 35.15.030. ADVERTISEMENT, BIDS, CONTRACTS, AND INFORMAL BIDS.
17 When the estimated cost of any construction exceeds \$20,000, the depart-
18 ment shall, except as provided in sec. 10 of this chapter, proceed to
19 advertise, request bids, and award the contract in the manner provided
20 in secs. 40 and 50 of this chapter. Whenever any proposed construction
21 contract shall be for a sum less than \$20,000, it is discretionary with
22 the department whether the contract is advertised and awarded in accor-
23 dance with secs. 40 and 50 [60] of this chapter. In all events the
24 department shall request informal bids from as many contractors as can
25 be requested conveniently.

26 * Sec. 32. 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. 33. 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 Secre-
26 tary of the Interior or the land is otherwise acquired.

27 * Sec. 34. 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. 35. 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. 36. 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. 37. 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. 38. AS 39.25.160(a) is amended to read:

5 (a) No employee in the classified service, or in those [PARTIALLY]
6 exempt positions named in sec. 110(3) [SEC. 120(6)] of this chapter (other
7 than the members of the Judicial Council), may be a member of a national
8 state, or local committee of a political party, or take part in the
9 management of a political party or in a political campaign, except to
10 exercise his right as a citizen to express his opinion, register his
11 party preference, if any, and cast his vote. This section does not
12 prohibit appointment, nomination, or election to nonpartisan public
13 office in a local government unit.

14 * Sec. 39. AS 41.25.010 is amended to read:

15 Sec. 41.25.010. GRANTS FOR TOURIST DEVELOPMENT. A political sub-
16 division of the state, a nonprofit organization formed under AS 10.20.-
17 010 - 10.20.060, or a bona fide nonprofit civic, fraternal, or service
18 organization which is certified by the commissioner of economic develop-
19 ment [AND PLANNING] as qualified as developing tourist attractions as
20 one of its purposes is eligible to receive tourist attraction develop-
21 ment matching money from the state.

22 * Sec. 40. AS 41.25.020 is amended to read:

23 Sec. 41.25.020. USE OF MATCHING MONEY. Tourist attraction
24 development matching money may be obtained for the purpose of developing
25 tourist attractions of historical or contemporary interest found to
26 be worthwhile by the commissioner of economic development [AND PLANNING]
27 and the director of tourism. Available money shall be divided on a
28 fair and equitable basis between applicants. No applicant may receive
29 more than \$1,000 on first application. Tourist attraction development

1 may include the production, preservation, and display of historical
2 documents, artifacts, totem poles, historical markers, native dances,
3 blanket tossing, native handicraft, and art, and any other worthwhile
4 tourist attraction dealing with Alaskan history or culture. Tourist
5 attraction development does not include the preparation and distribu-
6 tion of community and other advertising material.

7 * Sec. 41. AS 41.25.030 is amended to read:

8 Sec. 41.25.030. QUALIFYING FOR MATCHING MONEY. In order to
9 qualify for tourist attraction development matching money, the appli-
10 cant shall submit and have approved by the commissioner of economic
11 development [AND PLANNING] and the director of tourism, plans, programs,
12 contracts, or agreements to be used for carrying out the development of
13 the tourist attraction.

14 * Sec. 42. AS 41.25.050 is amended to read:

15 Sec. 41.25.050. ADMINISTRATION OF SECS. 10 - 50 OF THIS CHAPTER.
16 The commissioner of economic development [AND PLANNING] and the director
17 of tourism shall administer secs. 10 - 50 of this chapter. All partici-
18 pating subdivisions and organizations shall submit to the commissioner
19 of economic development [AND PLANNING] and the director of tourism
20 complete reports covering both the expenditure of state and local
21 matching money for tourist attraction programs. These reports, in the
22 case of programs extending over 12 months, shall be submitted annually.
23 Reports on shorter matching programs shall be submitted at the comple-
24 tion of the program.

25 * Sec. 43. AS 43.18.010(i) is amended to read:

26 (i) In (h) and (j) of this section "health facility" or "facility"
27 includes hospitals, public health centers, maternity homes and community
28 mental health centers, facilities for the mentally or physically handi-
29 capped, nursing homes and convalescent centers which are licensed, when

1 required, by the state under AS 18.20.010 - 18.20.130 and are owned or
2 operated or both by a local government or by a nonprofit corporation or
3 other nonprofit sponsor; the term excludes facilities operated or wholly
4 supported by the state or the federal government and excludes nonprofit
5 facilities leased from private profit-making groups or corporations.

6 * Sec. 44. AS 43.18.300(b)(3)(B) is amended to read:

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

10 * Sec. 45. AS 43.20.010(c)(4) is amended to read:

11 (4) In computing the taxable income under this section, the
12 taxpayer is not entitled to deduct [FROM THE TAXABLE INCOME] the taxes
13 payable to the state under this chapter.

14 * Sec. 46. AS 43.25.150(a)(2) is amended to read:

15 (2) "department" means Department of Economic Development
16 [AND PLANNING];

17 * Sec. 47. AS 44.29.020 is amended to read:

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

29 * Sec. 48. AS 46.03.210(b) is amended to read:

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

5 * Sec. 49. AS 46.07.030(b) is amended to read:

6 (b) The location of a facility constructed under this chapter
7 shall be determined by the commissioner after consultation with the
8 governing body of the village in which the facility is located, as well
9 as with appropriate public agencies, including but not limited to the
10 Alaska State Housing Authority [AND THE FEDERAL FIELD COMMITTEE FOR
11 DEVELOPMENT PLANNING IN ALASKA]. The aim of the consultation is to
12 achieve maximum coordination in public development plans and activities
13 affecting the community in which the facility is to serve.

14 * Sec. 50. AS 46.15.020(b)(1) is amended to read:

15 (1) adopt procedural and substantive regulations to carry out
16 the provisions of this chapter, taking into consideration the responsi-
17 bilites of the Department of Environmental Conservation [HEALTH AND
18 SOCIAL SERVICES] under AS 46.03 [46.05.010 - 46.05.240] and the Depart-
19 ment of Fish and Game under AS 16;

20 * Sec. 51. AS 46.15.040(c) is amended to read:

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

26 * Sec. 52. AS 46.15.070(b) is amended to read:

27 (b) The commissioner shall publish the notice at the applicant's
28 expense in one issue of a newspaper of general distribution in the area
29 of the state in which the water is to be appropriated. The commissioner

1 shall also have notice served personally or by certified mail upon an
2 appropriator of water or applicant for or holder of a permit who,
3 according to the records of the division of lands, may be affected by the
4 proposed appropriation and may serve notice upon any governmental
5 agency, political subdivision or person; [PROVIDED, HOWEVER, THAT] notice
6 shall also be served upon the Department of Fish and Game and the
7 Department of Environmental Conservation [HEALTH AND SOCIAL SERVICES].

8 * Sec. 53. 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. 54. 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.

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* Sec. 55. AS 47.40.080 is amended by adding a new paragraph to read:

(3) "department" means the Department of Health and Social Services.

* Sec. 56. Sec. 6, ch. 104 SLA 1971 is amended to read:

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