

Introduced: 3/26/74
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 *SCS* HOUSE BILL NO. 817 *ams*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH 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 01.05.011 is amended to read:

10 Sec. 01.05.011. DESIGNATION AND CITATION. The bulk formal revi-
11 sion of Alaska law adopted and enacted into law by sec. 6 of this chapter
12 and as amended and supplemented is known as the "Alaska Statutes" and
13 may be cited "AS" followed by the number of the title, chapter, and
14 section, separated by periods. Example: this title may be cited "AS 1";
15 this chapter may be cited "AS 01.05"; this section may be cited
16 "AS 01.05.011." Except as otherwise indicated by the context, cita-
17 tions in accordance with this section include amendments and reenact-
18 ments of the provision cited.

19 * Sec. 2. AS 04.10.139 is amended to read:

20 Sec. 04.10.139. COMMUNITY LIQUOR LICENSES. The holder of a
21 community liquor license must be a first or second class city [OF ANY
22 CLASS]. A city [OF ANY CLASS] which has within its municipal boundaries
23 a liquor license coming under sec. 20(a) or (g) of this chapter and
24 issued to a private person within the city before June 1, 1970 is not
25 eligible for a community liquor license, except that a city [OF ANY
26 CLASS] having held a liquor license through a local corporation or other-
27 wise before June 1, 1970 is eligible for the license. Community liquor
28 licenses issued under this section are restricted to the types of licenses
29 authorized under sec. 20(a) and (g) of this chapter. This section does

1 not change the provisions of sec. 430 of this chapter providing for
2 local option elections.

3 * Sec. 3. AS 08.04.110(1) is repealed.

4 * Sec. 4. AS 08.04.280(1) is repealed.

5 * Sec. 5. AS 08.04.690 is amended to read:

6 Sec. 08.04.690. SHORT TITLE. This chapter may be cited as the
7 Accountancy Act [OF 1960].

8 * Sec. 6. AS 08.08.130(a) is repealed and re-enacted to read:

9 (a) A person is eligible for admission to the Alaska Bar if he

10 (1) is a citizen of the United States, or is a resident alien
11 in the United States;

12 (2) has been a bona fide resident of the state for at least
13 30 days immediately before the date of his examination and continuing to
14 and including the date of his admission;

15 (3) is a graduate of a law school which was accredited or
16 approved by the Council of Legal Education of the American Bar Associa-
17 tion or the Association of American Law Schools when the applicant
18 entered or graduated;

19 (4) has attained the age of 19 years;

20 (5) is of good moral character;

21 (6) has passed a bar examination given by the Alaska Bar.

22 * Sec. 7. AS 08.08.140 is repealed and re-enacted to read:

23 Sec. 08.08.140. OUT-OF-STATE ATTORNEYS. An attorney may request
24 examination as an attorney applicant. As a prerequisite to admission
25 to the Alaska Bar the board shall require an attorney applicant to take
26 and pass the attorney bar examination. An applicant is eligible for
27 examination under this section if he

28 (1) has passed a written examination required by another
29 state, territory or the District of Columbia for admission to the

1 practice of law;

2 (2) has engaged in the active practice of law for at least
3 seven years before filing the application, excluding time spent in the
4 military service of the United States; and

5 (3) meets the requirements established by sec. 130(a)(1) -
6 (5) of this chapter.

7 * Sec. 8. AS 08.08.180 is amended to read:

8 Sec. 08.08.180. NONPAYMENT OF FEES. Any member, active or inac-
9 tive, failing to pay any fees within 60 days after they become due,
10 after notice to the member, and a hearing if appropriate, shall be
11 suspended from membership in the Alaska Bar. He may be reinstated upon
12 payment of accrued fees and such penalties as may be imposed by the
13 board, not exceeding double the amount of the delinquent fees.

14 * Sec. 9. AS 08.18.081(a) is amended to read:

15 (a) A person having a claim against a contractor for any of the
16 items referred to in sec. 71 of this chapter may bring suit upon the
17 bond in the superior court of the judicial district in which the work
18 is done or of any judicial district in which jurisdiction of the con-
19 tractor may be obtained. A copy of the complaint shall be served by
20 registered or certified mail upon the commissioner at the time suit is
21 filed and the commissioner shall maintain a record, available for public
22 inspection, of all suits commenced. Two additional copies shall be
23 served upon the director of the division of insurance with the payment
24 of \$5 to the director taxable as costs in the action. This service
25 upon the director shall constitute service on the surety and the
26 director [COMMISSIONER] shall transmit the complaint or a copy of it
27 to the surety within 72 hours after it has been received. The surety
28 upon the bond is not liable in an aggregate amount in excess of that
29 named in the bond, but in case claims pending at any one time exceed

1 the amount of the bond, the claims shall be satisfied from the bond in
2 the following order:

3 (1) labor, including employee benefits;

4 (2) taxes and contributions due the state, city and borough,
5 in that order;

6 (3) material and equipment;

7 (4) claims for breach of contract;

8 (5) repair of public facilities.

9 * Sec. 10. AS 08.36.110(3) is repealed.

10 * Sec. 11. AS 08.52.070 is amended to read:

11 Sec. 08.52.070. PERSONS EXEMPT. Persons employed in mining
12 operations [MINES] as defined in AS 27.20.061 [AS 27.20.480] are exempt
13 from the provisions of this chapter.

14 * Sec. 12. AS 08.54.190(b) is amended to read:

15 (b) No license may be issued to a class-A assistant guide or
16 assistant guide who has failed to renew his license for two consecutive
17 years unless he again meets the qualifications for initial issuance of
18 the license.

19 * Sec. 13. AS 08.64.370(4) is repealed.

20 * Sec. 14. AS 08.71.080 is amended to read:

21 Sec. 08.71.080. LICENSE REQUIRED. No person may act as a dis-
22 pensing optician in the state unless he is licensed under this chapter.
23 In order to be licensed under this chapter, a person shall pass an
24 examination given by the board, unless he is eligible for licensing
25 without examination under sec. 150 of this chapter. A license shall
26 be issued for (1) the dispensing of contact lenses, or (2) the dis-
27 pensing of other lenses, eyeglasses, spectacles, artificial eyes, and
28 their appurtenances, or (3) both. The board shall by endorsement on the
29 license designate for which aspect of dispensing opticianry the license

1 is issued. The board shall license successful examinees.

2 * Sec. 15. AS 08.71.090 is amended to read:

3 Sec. 08.71.090. CONTENT OF EXAMINATION. To be licensed as a dis-
4 pensing optician a person, unless eligible for licensing without
5 examination under sec. 150 of this chapter, shall pass an examination
6 given by the board. At the discretion of the board, the examination
7 may test orally, in writing, or otherwise, knowledge and skills in any
8 or all of the following subjects: optics, anatomy, laboratory tech-
9 nology, ophthalmic dispensing, contact lens technology, technical mathe-
10 matics and physics, and business concepts of optical dispensing.

11 * Sec. 16. AS 08.80.110(1) is amended to read:

12 (1) be [A CITIZEN OF THE UNITED STATES AND] fluent in the
13 reading, writing and speaking of the English language;

14 * Sec. 17. AS 08.88.211(a)(5) and (b)(4) are repealed.

15 * Sec. 18. AS 12.25.150(a) is amended to read:

16 (a) The [EXCEPT AS OTHERWISE PROVIDED IN SEC. 180 OF THIS CHAPTER,
17 THE] person arrested shall be taken before the judge or magistrate
18 without unnecessary delay, and in any event within 24 hours after his
19 arrest, including Sundays and holidays. This requirement applies to
20 municipal police officers to the same extent as it does to state
21 troopers.

22 * Sec. 19. AS 12.25.180 is amended to read:

23 Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON
24 BEFORE JUDGE OR MAGISTRATE. When a person is stopped or contacted by
25 a peace officer [ARRESTED] for the commission of a misdemeanor or the
26 violation of a municipal ordinance, he may, in the discretion of the
27 contacting [ARRESTING] peace officer, be issued a citation instead of
28 being taken before a judge or magistrate under sec. 150 of this chapter,
29 unless

1 (1) the person does not furnish satisfactory evidence of
2 identity or the contacting [ARRESTING] officer has reasonable and
3 probable cause to believe the person will disregard a written promise
4 to appear in court;

5 (2) the contacting [ARRESTING] officer has reasonable and
6 probable cause to believe the person is a danger to himself or others;

7 (3) the crime for which the person is contacted [ARRESTED]
8 is one involving violence or harm to another person or to property; or

9 (4) the person asks to be taken before a judge or magistrate
10 under sec. 150 of this chapter.

11 * Sec. 20. AS 12.25.190 is amended to read:

12 Sec. 12.25.190. WHEN PERSON TO BE GIVEN FIVE-DAY NOTICE TO APPEAR
13 IN COURT. (a) When a person is contacted by a peace officer [ARRESTED]
14 and the [ARRESTING] peace officer exercises the option provided for
15 in sec. 180 of this chapter, the officer shall prepare a written cita-
16 tion and issue it to the [ARRESTED] person.

17 (b) The time specified in the notice to appear shall be at least
18 five days after the alleged violation or the issuance of the citation
19 [ARREST], whichever is later, unless the person cited [ARRESTED]
20 requests an earlier hearing.

21 (c) The person cited [ARRESTED] for the crime shall give his
22 written promise to appear in court by signing at least one copy of the
23 written citation prepared by the peace officer and the officer shall
24 deliver a copy of the citation to the person.

25 * Sec. 21. AS 14.25.220(5) is amended to read:

26 (5) "membership service" means service as a teacher in a
27 public school within the Territory or State of Alaska, or both, under
28 the supervision and control of the Territorial Board of Education or
29 the Department of Education, the school board of any city or borough

1 [PUBLIC] school district, or the Board of Regents of the University of
2 Alaska, or any period during which the teacher is on an approved
3 sabbatical leave granted in accordance with AS 14.20.310 or is receiving
4 a disability retirement salary;

5 * Sec. 22. AS 14.33.050 is amended to read:

6 Sec. 14.33.050. COOPERATION WITH LAW ENFORCEMENT AUTHORITIES. The
7 state troopers [POLICE] or the police department of a political subdivi-
8 sion of the state may, upon request by the department, a school board,
9 or a private or denominational school, assist in the training and
10 control of safety patrols.

11 * Sec. 23. AS 14.40.500 is amended to read:

12 Sec. 14.40.500. PAYMENT OF SCHOLARSHIPS. Payment of the scholar-
13 ships shall be made monthly to the university upon vouchers drawn upon
14 the Department of Administration [REVENUE] and duly certified by the
15 treasurer and the president of the Board of Regents. No payments may
16 be made in excess of amounts specifically appropriated for this purpose.

17 * Sec. 24. AS 16.05.230 is amended to read:

18 Sec. 16.05.230. TERM OF OFFICE. The term of office for members
19 of the board is four years. [THE FIRST MEMBERS APPOINTED SERVE AS
20 FOLLOWS: TWO MEMBERS SHALL SERVE FOR ONE YEAR, TWO FOR TWO YEARS,
21 TWO FOR THREE YEARS, AND FOUR FOR FOUR YEARS, RESPECTIVELY. THE
22 ELEVENTH AND TWELFTH MEMBERS APPOINTED SHALL SERVE TERMS OF TWO AND
23 FOUR YEARS, RESPECTIVELY. INITIAL TERMS DATE FROM THE FIRST OF
24 FEBRUARY IMMEDIATELY PRECEDING APPOINTMENT.] If a vacancy occurs,
25 the governor shall fill it by appointment for the unexpired term. The
26 appointment shall be submitted to the legislature for confirmation at
27 the next regular or special session.

28 * Sec. 25. AS 16.05.700 is repealed.

29 * Sec. 26. AS 16.05.940(14) is amended to read:

1 (14) "resident" means a person who for 12 consecutive months
2 has maintained a permanent place of abode in the state and who has
3 continually maintained his voting residence in the state; and in the
4 case of a partnership, association, joint stock company, trust, or
5 corporation, "resident" means one that has its main office or head-
6 quarters in the state; however, a member of the military service who has
7 been stationed in the state for the preceding 12 consecutive months is
8 a resident for the purposes of this chapter, and the dependent of a
9 resident member of the military service, who has been living in the
10 state for the preceding year is a resident for the purposes of this
11 chapter, and a person who is an alien but who for one [THREE] years has
12 maintained a permanent place of abode in the state is a resident for the
13 purposes of this chapter;

14 * Sec. 27. AS 16.10.060 is repealed.

15 * Sec. 28. AS 16.43.370(b) is amended to read:

16 (b) The commission shall study alternative methods of permit trans-
17 ferability and report its findings and recommendations to the legisla-
18 ture before January 30 [15], 1975.

19 * Sec. 29. AS 16.45.010 is amended to read:

20 Sec. 16.45.010. GOVERNOR'S POWER TO EXECUTE COMPACT. The governor
21 may execute a compact on behalf of the state [WITH CALIFORNIA, OREGON,
22 AND WASHINGTON] to cooperate [WITH THESE STATES] in the Pacific Marine
23 Fisheries Commission.

24 * Sec. 30. AS 18.07.030(b) is amended to read:

25 (b) The three governmental members are the commissioner of health
26 and social services, or his designee from within the department; a
27 representative of the Indian Health Service of the United States Public
28 Health Service; and a representative of the Veterans Administration of
29 the United States. One [; AND ONE] representative of the health care

1 service or delivery agencies of the armed forces of the United States
2 may [TO] serve in an advisory capacity. Council members representing
3 federal agencies shall be appointed by, and serve at the pleasure of,
4 their respective agencies.

5 * Sec. 31. AS 18.07.080(1) is amended to read:

6 (1) consult with persons with various health viewpoints and
7 advise the commissioner as to the department's [ITS] duties under
8 sec. 90 of this chapter, concerning

9 (A) health objectives, goals, priorities, and policy;

10 (B) distribution of health resources and health care
11 services;

12 (C) health education;

13 (D) development and updating of a comprehensive state
14 health plan;

15 (E) special needs of high risk population groups for
16 preventive and health care services;

17 (F) health needs in the fields of welfare, education
18 and rehabilitation;

19 * Sec. 32. AS 18.55.020(b) is amended to read:

20 (b) The term of office of a board member other than the commis-
21 sioner of commerce, is three years. The terms of office are [SHALL BE]
22 staggered, with two terms expiring every third year beginning with 1968,
23 and one term expiring each remaining year. [THE TERM OF OFFICE OF
24 THE MEMBER APPOINTED IN 1963 SHALL EXPIRE IN 1966, THE TERM OF THE
25 MEMBER APPOINTED IN 1964 SHALL EXPIRE IN 1967, AND THE TERMS OF THE
26 TWO REMAINING MEMBERS SHALL BEGIN IN 1965 AND EXPIRE IN 1968.]

27 * Sec. 33. AS 18.60.096(d) is amended to read:

28 (d) If the commissioner arbitrarily or capriciously fails to
29 issue a restraining order under this section, an employee who may be

1 injured by reason of the failure, or the representative of the affected
2 employees, may bring an action against the commissioner in superior
3 court [FOR A WRIT OF MANDAMUS] to compel the commissioner to issue a
4 restraining order and for further relief as may be appropriate.

5 * Sec. 34. AS 23.10.060(2) is repealed.

6 * Sec. 35. AS 23.10.185(4) is amended to read:

7 (4) "occupation" includes an industry, trade, business [OR
8 BRANCH OF INDUSTRY, TRADE, BUSINESS OR BRANCH], or any employment or
9 class of employment in the industry, trade, business or branch;

10 * Sec. 36. AS 28.15.285(b) is amended to read:

11 (b) Upon the conclusion of a driver improvement interview, the
12 department's referee shall make findings on the matter under considera-
13 tion and prepare and submit recommendations to the department. After
14 a review of the referee's report and the department's records, the
15 department shall render its decision concerning the matter under con-
16 sideration and shall notify the person involved of its action in writing
17 by registered mail. The decision is effective upon receipt of the
18 notice except as provided in sec. 288 of this chapter. The person
19 upon receiving the notice may, in writing and within 10 days, request
20 a hearing under sec. 286 of this chapter.

21 * Sec. 37. AS 28.30 is repealed.

22 * Sec. 38. AS 29.23.560(a)(4) is repealed.

23 * Sec. 39. AS 38.05.020(c)(3) is amended to read:

24 (3) purchasing interests in pipelines in accordance with
25 options included in right-of-way leases [AS PROVIDED IN AS 38.35.120(7)];

26 * Sec. 40. AS 38.05.068(b) is amended to read:

27 (b) When not in conflict with this section, other provisions of
28 secs. 45 - 69 [45 - 67] of this chapter apply to sales under this
29 section.

1 * Sec. 41. AS 38.05.181(b)(1) and (2) are amended to read:

2 (1) Because of the absence of detailed geothermal mapping
3 and the limited geochemical, geological or geophysical knowledge of the
4 state's geothermal resources that is available, a survey of geothermal
5 resources shall be included in the complete geological survey of the
6 state authorized by AS 41.08.020 [AS 41.07.020], and a statement of the
7 progress of the geothermal resources survey shall be contained in the
8 annual report required by that section.

9 (2) The classification of known geothermal resources areas,
10 each of which shall contain at least one well capable of producing
11 geothermal resources in commercial quantities, shall be made by the
12 commissioner upon recommendations of the director, the state geologist
13 or the United States Geological Survey under AS 41.08.040 [AS 41.07.-
14 040].

15 * Sec. 42. AS 38.05.181(s) is amended to read:

16 (s) Short title. This section may be cited as the Geothermal
17 Resources Act [OF 1971].

18 * Sec. 43. AS 39.25.110 is amended by adding a new paragraph to read:

19 (14) commissioners and employees of the Alaska Commercial
20 Fisheries Entry Commission.

21 * Sec. 44. AS 42.05.351 is amended to read:

22 Sec. 42.05.351. TESTING OF APPLIANCES. The commission shall pro-
23 vide for the examination and testing of appliances used for the measuring
24 of a service of a public utility and may purchase equipment, apparatus,
25 and standards required for this purpose. The commissioner of commerce
26 may assign the examination and testing function to the section [DIVI-
27 SION] of weights and measures. Upon the payment of a reasonable fee
28 established by the commission, a consumer may have the appliance, which
29 is used by him, tested. The commission shall establish by regulation

1 allowable tolerances with respect to the functioning or operation of
2 the appliance. If the measuring appliance does not perform within these
3 tolerances, the utility concerned shall pay the costs of the test by
4 reimbursing the person requesting the test for the fee paid by him.
5 This reimbursement shall be made no later than at the time of the next
6 regular billing following the test.

7 * Sec. 45. AS 43.18.010(h)(4) is amended to read:

8 (4) funds received by a local government under (1), (2) or
9 (3) of this subsection shall be used for expenses of operation, mainte-
10 nance, or health services or facilities, as the local government or
11 hospital outside a [AN ORGANIZED] municipality determines;

12 * Sec. 46. AS 43.18.040 is amended to read:

13 Sec. 43.18.040. REGULATIONS. The Department of Community and
14 Regional Affairs shall adopt regulations necessary to carry out the
15 purposes of secs. 10 - 99 of this chapter.

16 * Sec. 47. AS 43.18.050 is amended to read:

17 Sec. 43.18.050. SPECIFIC EXPENDITURES. A municipality shall
18 expend funds received for the operation and maintenance of hospitals
19 and health facilities and services under secs. 10 - 99 of this chapter
20 only for those specific facilities and services.

21 * Sec. 48. AS 43.18.100(g) is amended to read:

22 (g) In this section, unless the context requires otherwise,
23 (1) "commissioner" means the commissioner of education;
24 (2) "costs of school construction" means the cost of acquir-
25 ing, constructing, enlarging, repairing, remodeling, equipping [,] or
26 furnishing of public elementary and secondary school buildings and
27 includes [, INCLUDING] but is not limited to the cost of acquisition
28 of sites, legal, engineering, fiscal, architectural and other fees
29 of specialists or consultants, costs of labor, materials, equipment

1 and supplies, costs of authorization, issuance and sale of bonds, notes,
2 or other evidences of debt.

3 * Sec. 49. AS 43.20.335(a) - (e) are amended to read:

4 (a) A person who wilfully attempts to evade the tax imposed by
5 this chapter is, in addition to other penalties provided by this
6 chapter, guilty of a felony and, upon conviction, shall be fined not
7 more than \$5,000, or imprisoned for not more than five years, or both
8 [, TOGETHER WITH THE COSTS OF PROSECUTION].

9 (b) A person required under this chapter to collect, account for,
10 and pay over the tax imposed by this chapter who wilfully fails to
11 collect or truthfully account for and pay over the tax is, in addition
12 to other penalties provided by this chapter, guilty of a felony and,
13 upon conviction, shall be fined not more than \$10,000, or imprisoned
14 for not more than five years, or both [, TOGETHER WITH THE COSTS OF
15 PROSECUTION].

16 (c) A person required under this chapter to pay a tax, make a
17 return, keep records, or supply information, who wilfully fails to pay
18 the tax or estimated tax, make the return, keep the records, or supply
19 the information, is, in addition to other penalties provided by this
20 chapter, guilty of a misdemeanor and, upon conviction, shall be fined
21 not more than \$5,000, or imprisoned for not more than one year, or
22 both [, TOGETHER WITH THE COSTS OF PROSECUTION].

23 (d) A person who wilfully makes and subscribes a return, state-
24 ment, or other document required under this chapter which contains or
25 is verified by a written declaration that it is made under the penalties
26 of perjury which he does not believe to be true and correct as to
27 every material matter is, in addition to other penalties provided by
28 this chapter, guilty of a felony and, upon conviction, shall be fined
29 not more than \$5,000, or imprisoned for not more than three years, or

1 by both [, TOGETHER WITH THE COSTS OF PROSECUTION].

2 (e) A person who wilfully and knowingly aids or assists in, or
3 procures, or counsels the preparation or presentation in connection
4 with any matter arising under this chapter of a return, affidavit,
5 claim, or other document, which is fraudulent or is false as to any
6 material matter is guilty of a felony whether or not the falsity or
7 fraud is with the knowledge or consent of the person required to
8 present the return, affidavit, claim, or document, and, upon convic-
9 tion, shall be fined not more than \$5,000, or imprisoned for not more
10 than three years, or both [, TOGETHER WITH THE COSTS OF PROSECUTION].

11 * Sec. 50. AS 44.62.150 is repealed.

12 * Sec. 51. AS 44.68.020 is amended to read:

13 Sec. 44.68.020. RULES REGARDING THE USE OF STATE-OWNED VEHICLES.

14 The Department of Highways [PUBLIC WORKS] shall prescribe rules which

15 (1) define what is the use of state-owned automotive and
16 mechanical vehicles in the conduct of state business and distinguish
17 this use from misappropriation for private use;

18 (2) prescribe use governing the storage of state-owned
19 vehicles in those locations where storage space, under the jurisdiction
20 of the Department of Highways [PUBLIC WORKS], is available for storage
21 of state-owned vehicles;

22 (3) provide for the marking of state-owned vehicles as
23 property of the state and for the use of distinctive license tags for
24 state-owned vehicles.

25 * Sec. 52. AS 47.25.975(e) is amended to read:

26 (c) Food coupons shall be used to purchase food from retail food
27 stores which have been approved for participation in the food stamp
28 program and to purchase hunting and fishing equipment for the purpose
29 of procuring food for the household except firearms, ammunition and

1 other explosives.

2 * Sec. 53. AS 47.25.990(2) is amended to read:

3 (2) "food" means any food or food product for human consump-
4 tion except alcoholic beverages and [,] tobacco and shall include seeds
5 and plants for use in gardens to produce food for the personal con-
6 sumption of the eligible household [, THOSE FOODS WHICH ARE IDENTIFIED
7 ON THE PACKAGE AS BEING IMPORTED, AND MEAT AND MEAT PRODUCTS WHICH ARE
8 IMPORTED];