

Introduced: 4/21/75
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

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2 SENATE BILL NO. 384

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST 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 08.84.010(a) is amended to read:

10 (a) There is created the state Physical Therapy Board, which
11 consists of five members appointed by the governor. The membership
12 consists of one physician licensed to practice medicine in the state,
13 three physical therapists registered in the state, and one lay person.
14 The members shall be selected from a list of 10 persons which shall be
15 submitted by the Alaska Chapter of the American Physical Therapy [THERA-
16 PIST] Association. Members of the board shall be appointed for terms
17 of one, two and three years, respectively; all subsequent appointments
18 shall be made for a term of three years and until their successors are
19 appointed. Vacancies on the board shall be filled by appointment in
20 like manner. Board members are not entitled to a travel or per diem
21 allowance.

22 * Sec. 2. AS 08.84.030(3) is amended to read:

23 (3) pass to the satisfaction of the board an examination from
24 the Professional Examination Service [PROFESSIONAL EXAMINATION SERVICE
25 OF THE AMERICAN PUBLIC HEALTH] Association, to determine his fitness for
26 practice as a physical therapist or physical therapy assistant, or be
27 entitled to registration without examination as provided in sec. 60 of
28 this chapter.

29 * Sec. 3. AS 08.84.065(a) is amended to read:

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1 (a) The board may issue a nonrenewable temporary permit to an
2 applicant for registration by endorsement or by examination who meets
3 the requirements of sec. 30(1) and [,] (2) [AND (3)] of this chapter
4 and pays the required fee.

5 * Sec. 4. AS 08.84.100(b) is amended to read:

6 (b) A penalty of \$10 shall be charged in addition to all delin-
7 quent renewal fees for reinstatement of a registration which remains
8 lapsed for more than 60 days. If the registration remains lapsed for
9 more than three years, the board may require the applicant to take and
10 pass the examination given under sec. 30(3) [30(4)] of this chapter.

11 * Sec. 5. AS 09.55.140 is repealed.

12 * Sec. 6. AS 09.65.100(a)(5) is amended to read:

13 (5) the parent or guardian of the minor shall be relieved of
14 all financial obligation to the provider of the service under this sec-
15 tion [SEC. 100 OF THIS CHAPTER].

16 * Sec. 7. AS 13.16.065(c) is amended to read:

17 (c) A person entitled to letters under (a)(2) - (5) of this sec-
18 tion, and a person aged 19 and over [WHO WOULD BE ENTITLED TO LETTERS
19 BUT FOR HIS AGE], may nominate a qualified person to act as personal
20 representative. Any person aged 19 and over may renounce his right to
21 nominate or to an appointment by appropriate writing filed with the
22 court. When two or more persons share a priority, those of them who
23 do not renounce must concur in nominating another to act for them, or
24 in applying for appointment.

25 * Sec. 8. AS 14.12.010 is amended to read:

26 Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL SYSTEM. The
27 districts of the state public school system are as follows:

28 (1) each first [, SECOND, AND THIRD] class city in the
29 unorganized borough is a city school district;

1 (2) each organized borough is a borough school district;
2 (3) the area outside organized boroughs and outside first
3 [, SECOND, AND THIRD] class cities is the state-operated school district.

4 * Sec. 9. AS 14.20.175(a) is amended to read:

5 (a) A teacher who has not acquired tenure rights is subject to
6 nonretention for the school year following the expiration of his con-
7 tract for any cause which the employer determines to be adequate.
8 However, at his request, the teacher is entitled to a written statement
9 of the cause for his nonretention. The board of directors for state
10 schools, and the districts for district schools, shall provide by regu-
11 lation or by law a procedure under which a nonretained teacher may, at
12 his request, be heard informally by a panel consisting of the director
13 of education for state-operated schools [COMMISSIONER] and two or more
14 board members in the case of state schools, and by the local school
15 board in the case of a district school.

16 * Sec. 10. AS 14.47.060 is amended to read:

17 Sec. 14.47.060. DEFINITIONS. In secs. 10 - 140 [50] of this chapter

18 (1) "diploma" means a degree, certificate, transcript, docu-
19 ment, or other writing in any language representing that a person has
20 completed a course of study beyond high school or is honored for
21 achievement, and includes but is not limited to a diploma purporting
22 to be a degree of bachelor, master, doctor, or fellow in any field of
23 knowledge or endeavor. Graduation from high school or its equivalent
24 need not be nor purport to be a prerequisite for undertaking or com-
25 pleting the course of study;

26 (2) "commission" means the Alaska Commission on Postsecondary
27 Education.

28 * Sec. 11. AS 15.60.010(7) is amended to read:

29 (7) "member of a political party" means any person who

1 supports the political program of a party; filing as an independent
2 candidate shall not be interpreted as precluding the candidate from
3 being a member of a political party; and recognition of the independent
4 as a member of a political party at a party caucus held by members of the
5 legislature at the legislative session following his election, shall be
6 considered recognition of party membership at the time filings were
7 received by party candidates for the preceding general election;

8 * Sec. 12. AS 16.05.820 is amended to read:

9 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary
10 of the Interior, the Secretary of Commerce or the Secretary of Agricul-
11 ture of the United States and their authorized agents or other appropri-
12 ate federal agencies may conduct fish cultural operations and scientific
13 investigations in the state in the manner and at the times jointly con-
14 sidered necessary or proper by the board and the secretary and their
15 authorized agents.

16 * Sec. 13. AS 16.05.900(a) is amended to read:

17 (a) A person who violates secs. [830,] 870 - 895 [,] or 920 of
18 this chapter or any [RULE OR] regulation promulgated under this chapter
19 is guilty of a misdemeanor and, upon conviction, is punishable by a
20 fine of not more than \$1,000 or by imprisonment for not more than six
21 months, or by both. A person who violates a [RULE OR] regulation
22 promulgated under this chapter for the regulation of commercial fish-
23 eries shall be punished as provided in sec. 720 of this chapter.

24 * Sec. 14. AS 16.10.010(3) is amended to read:

25 (3) render the waters inaccessible or uninhabitable for
26 salmon for that purpose without first applying for and obtaining a
27 permit or license from the Department of Environmental Conservation
28 [HEALTH AND SOCIAL SERVICES]. The application shall set out [FORTH]
29 the name and style of the person or concern, describe the waters and

1 location and state in particular the plans, purpose and intention for
2 which the application is made.

3 * Sec. 15. AS 16.10.030 is amended to read:

4 Sec. 16.10.030. VIOLATION OF SECS. 10 - 55 [50] OF THIS CHAPTER A
5 MISDEMEANOR. A person who violates secs. 10 - 55 [50] of this chapter is
6 guilty of a misdemeanor and, upon conviction, is punishable by a fine of
7 not less than \$100 nor more than \$500.

8 * Sec. 16. AS 17.20.370(12) is amended to read:

9 (12) "antiseptic" [THE REPRESENTATION OF A DRUG], in the [ITS]
10 labeling or advertisement of a drug, [AS AN ANTISEPTIC] is a representa-
11 tion that it is a germicide, except in the case of a drug purporting to
12 be, or represented as, an antiseptic for inhibitory use as a wet dress-
13 ing, ointment, dusting powder, or other use involving prolonged contact
14 with the body;

15 * Sec. 17. AS 18.05.031 is amended to read:

16 Sec. 18.05.031. PROGRAM PLANNING FOR DEVELOPMENTAL DISABILITY
17 [MENTALLY RETARDED]. (a) The department shall

18 (1) plan for and take other steps leading to comprehensive
19 state and community action to combat developmental disabilities [MENTAL
20 RETARDATION];

21 (2) be the sole agency for carrying out the purposes of the
22 federal act;

23 (3) make applications for, receive, and expend grants under
24 the federal act; the applications shall set out plans and contain
25 provisions and assurances for the expenditure of any grant as required
26 by the federal act or the secretary.

27 (b) As used in this section

28 (1) "federal act" means the Developmental Disabilities Ser-
29 vices and Facilities Construction Act (P.L. 91-517) [TITLE XVII OF THE

1 SOCIAL SECURITY ACT, GRANTS FOR PLANNING COMPREHENSIVE ACTION TO COMBAT
2 MENTAL RETARDATION (P.L. 88-156)];

3 (2) "secretary" means the Secretary of Health, Education, and
4 Welfare or his designee.

5 * Sec. 18. AS 18.55.210 is amended to read:

6 Sec. 18.55.210. RIGHT OF OBLIGEE OF AUTHORITY TO BRING [MANDAMUS
7 OR] INJUNCTION. An obligee of the authority may, in addition to all
8 other rights which may be conferred and subject only to contractual
9 restriction binding upon him, bring an [A MANDAMUS OR] injunction action
10 against the members, the authority, its officers, agents or employees.

11 * Sec. 19. AS 18.85.120(a) and (b) are amended to read:

12 (a) The determination of a person's indigency shall be made [BY
13 THE AGENCY OR] by the court in which an action against him is pending.
14 [WHEN IT IS MADE BY THE AGENCY IT IS SUBJECT TO REVIEW BY THE COURT.]

15 (b) In determining whether a person is indigent and in determining
16 the extent of his inability to pay, [THE AGENCY OR] the court shall con-
17 sider such factors as income, property owned, outstanding obligations,
18 and the number and ages of his dependents. Release on bail does not
19 preclude a finding that a person is indigent. In each case, the person,
20 subject to the penalties for perjury, shall certify under oath, and in
21 writing or by other record, material factors relative to his ability to
22 pay which the court prescribes.

23 * Sec. 20. AS 23.15.040 is amended to read:

24 Sec. 23.15.040. DIVISION [OFFICE] OF VOCATIONAL REHABILITATION
25 ESTABLISHED. The division [OFFICE] of vocational rehabilitation is
26 established under the Board of Vocational Rehabilitation to carry out
27 secs. 10 - 210 of this chapter.

28 * Sec. 21. AS 23.15.050 is amended to read:

29 Sec. 23.15.050. DIRECTOR OF VOCATIONAL REHABILITATION. The board

1 shall appoint a director of the division [OFFICE] of vocational rehabili-
2 tation. The director has the administrative authority delegated to him
3 by the board and necessary to carry out secs. 10 - 210 of this chapter
4 and the regulations and policies adopted by the board.

5 * Sec. 22. AS 23.15.060 is amended to read:

6 Sec. 23.15.060. AGREEMENTS UNDER SOCIAL SECURITY ACT. (a) The
7 board acting through the division [OFFICE] of vocational rehabilitation
8 may enter into necessary agreements on behalf of the state with the
9 Secretary of Health, Education and Welfare to carry out the provisions
10 of the federal Social Security Act, as amended, and as it is subsequently
11 amended, relating to the making of determinations of disability under
12 Title II of that Act.

13 (b) The Department of Revenue shall act as the custodian of funds
14 paid by the federal government to the state, shall comply with agree-
15 ments entered into under the Social Security Act, and shall disburse the
16 funds in accordance with instructions from the director of the division
17 [OFFICE] of vocational rehabilitation.

18 * Sec. 23. AS 23.15.070 is amended to read:

19 Sec. 23.15.070. PERSONNEL POLICIES. The board shall adopt person-
20 nel policies for the division [OFFICE] of vocational rehabilitation.
21 The director shall execute these policies and keep them on file in his
22 office.

23 * Sec. 24. AS 23.15.110 is amended to read:

24 Sec. 23.15.110. EXTENSION OF SERVICES OUTSIDE STATE. Vocational
25 rehabilitation service may be extended to the continental United States
26 to all individuals eligible under secs. 10 - 210 of this chapter. The
27 director of the division [OFFICE] of vocational rehabilitation may place
28 professional or clerical personnel or both inside the continental United
29 States to carry out the purposes of secs. 10 - 210 of this chapter.

1 * Sec. 25. AS 23.15.210(1) and (3) are amended to read:

2 (1) "agency" means the division [OFFICE] of vocational
3 rehabilitation;

4 (3) "director" means the director of the division [OFFICE]
5 of vocational rehabilitation;

6 * Sec. 26. AS 23.20.520(12) is amended to read:

7 (12) "employing unit" means an individual or type of organiza-
8 tion, partnership, association, trust, estate, joint trust company,
9 insurance company or domestic or foreign corporation, or the receiver,
10 referee in bankruptcy, trustee, or successor of one of these, or the
11 legal representative of a deceased person, which has or subsequent to
12 January 1, 1937, had one or more individuals performing service for it
13 within the state; an [AND] individual performing services inside the
14 state for an employing unit which maintains two or more separate estab-
15 lishments inside the state is considered as employed by a single employ-
16 ing unit for the purposes of this chapter; notwithstanding any provision
17 in this chapter, any employing unit which employs individuals whose
18 services must be covered by the unemployment insurance laws of this
19 state after December 31, 1971 as a condition of approval of the unemploy-
20 ment insurance laws of this state under sec. 3304(a) of the U.S. Internal
21 Revenue Code of 1954, as amended, will be considered an employer as to
22 those individuals and is subject to contributions on all wages paid after
23 December 31, 1971, or reimbursement payments to cover benefits paid
24 based on services performed after December 31, 1971, depending on the
25 applicable law;

26 * Sec. 27. AS 29.33.050 is amended to read:

27 Sec. 29.33.050. EDUCATION. Each borough constitutes a borough
28 school district and establishes, maintains, and operates a system of
29 public schools on an areawide basis as provided in AS 14.14.060. A

1 military reservation within an organized borough is not part of the
2 borough school district until the military mission is terminated and
3 [OR UNTIL] inclusion in the borough school district is approved by the
4 Department of Education. However, operation of the military reservation
5 schools by the borough school district may be required by the Department
6 of Education under AS 14.14.110, with the consent of the borough school
7 district board. If the military mission of a military reservation ter-
8 minates and continued management and control by the state-operated
9 schools is disapproved by the Department of Education, operation, manage-
10 ment and control of schools on military reservations transfers to the
11 borough school district in which the military reservation is located.

12 * Sec. 28. AS 29.41.010(a) is amended to read:

13 (a) A third class borough shall exercise the areawide powers of
14 education and tax assessment and collection in the manner provided for
15 second class boroughs. Provisions of law relative to first and second
16 class organized boroughs apply with respect to third class boroughs only
17 to the extent they are consistent with this chapter. A military reser-
18 vation within an organized borough is not part of the borough school
19 district until the military mission is terminated and [OR UNTIL] inclu-
20 sion in the borough school district is approved by the Department of
21 Education. However, operation of the military reservation schools by
22 the borough school district may be required by the Department of Educa-
23 tion under AS 14.14.110, with the consent of the borough school district
24 board. If the military mission of a military reservation terminates and
25 continued management and control by the state-operated schools is dis-
26 approved by the Department of Education, operation, management and con-
27 trol of schools on military reservations transfers to the borough school
28 district in which the military reservation is located.

29 * Sec. 29. AS 34.07.010(a) is amended to read:

1 (a) This chapter is applicable only to property, the sole owner
2 or all of the owners of which submit it to the horizontal property
3 regime by executing and recording a declaration under (c) of this section
4 and sec. 20 [SECS. 150 - 160] of this chapter.

5 * Sec. 30. AS 39.05.010 is repealed.

6 * Sec. 31. AS 43.56.020 is amended to read:

7 Sec. 43.56.020. EXEMPTIONS. (a) The following are exempt from
8 local taxes levied or authorized under sec. 10(b) of this chapter:

9 (1) property rights attached to or inherent in the right to
10 explore for or produce oil or gas;

11 (2) oil or gas leases or properties, whether producing or
12 not;

13 (3) oil or gas in place;

14 (4) oil or gas produced or extracted in the state;

15 (5) the value of intangible drilling expenses and exploration
16 expenses;

17 (6) an interest in property described in AS 43.55.010(b) [;

18 (7) BEFORE THE CONSTRUCTION COMMENCEMENT DATE, PROPERTY TAXED
19 UNDER SEC. 10(a) OF THIS CHAPTER WHICH IS COMMITTED BY CONTRACT OR OTHER
20 AGREEMENT FOR USE IN THIS STATE PRIMARILY FOR PIPELINE TRANSPORTATION
21 OF GAS OR UNREFINED OIL OR FOR THE PRODUCTION OF GAS OR UNREFINED OIL
22 TO BE TRANSPORTED BY THAT PIPELINE;

23 (8) BEFORE THE CONSTRUCTION COMMENCEMENT DATE, PROPERTY
24 TAXED UNDER SEC. 10(a) OF THIS CHAPTER WHICH IS COMMITTED BY CONTRACT
25 OR OTHER AGREEMENT FOR USE IN THIS STATE PRIMARILY IN THE OPERATION OR
26 MAINTENANCE OF FACILITIES FOR PIPELINE TRANSPORTATION OF GAS OR UNREFINED
27 OIL, OR FACILITIES FOR PRODUCTION OF GAS OR UNREFINED OIL TO BE TRANS-
28 PORTED BY THAT PIPELINE].

29 (b) There is exempt from state taxes levied or authorized under

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sec. 10(a) of this chapter, before the construction commencement date, property which is committed by contract or other agreement for use in this state primarily for the production or pipeline transportation of gas or unrefined oil, or in the operation or maintenance of facilities for the production or pipeline transportation of gas or unrefined oil.

(c) In (a)(2) of this section, "properties" means mineral interests in oil and gas and working interests, royalty interests, and overriding royalty interests in oil and gas leases.

* Sec. 32. AS 43.56.210 is amended by adding a new paragraph to read:

(8) "municipality" means a home rule or general law city or borough and includes but is not limited to a unified municipality organized under AS 29.68.

* Sec. 33. AS 46.07.080(1) is amended to read:

(1) "commissioner" means the commissioner of environmental conservation [HEALTH AND SOCIAL SERVICES];