

Original sponsor: Rules Committee by  
request of the Legislative Council

Offered: 5/28/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 384

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 of  
17 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:

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 14.12.010 is amended to read:

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

- 19 (1) each first [, SECOND, AND THIRD] class city in the  
20 unorganized borough is a city school district;  
21 (2) each organized borough is a borough school district;  
22 (3) the area outside organized boroughs and outside first  
23 [, SECOND, AND THIRD] class cities is the state-operated school district.

24 \* Sec. 8. AS 14.20.175(a) is amended to read:

25 (a) A teacher who has not acquired tenure rights is subject to  
26 nonretention for the school year following the expiration of his con-  
27 tract for any cause which the employer determines to be adequate.  
28 However, at his request, the teacher is entitled to a written statement  
29 of the cause for his nonretention. The board of directors for state

1 schools, and the districts for district schools, shall provide by regu-  
2 lation or by law a procedure under which a nonretained teacher may, at  
3 his request, be heard informally by a panel consisting of the director  
4 of education for state-operated schools [COMMISSIONER] and two or more  
5 board members in the case of state schools, and by the local school  
6 board in the case of a district school.

7 \* Sec. 9. AS 14.47.060 is amended to read:

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

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

17 (2) "commission" means the Alaska Commission on Postsecondary  
18 Education.

19 \* Sec. 10. AS 15.60.010(7) is amended to read:

20 (7) "member of a political party" means any person who  
21 supports the political program of a party; filing as an independent  
22 candidate shall not be interpreted as precluding the candidate from  
23 being a member of a political party; and recognition of the independent  
24 as a member of a political party at a party caucus held by members of the  
25 legislature at the legislative session following his election, shall be  
26 considered recognition of party membership at the time filings were  
27 received by party candidates for the preceding general election;

28 \* Sec. 11. AS 16.05.820 is amended to read:

29 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary

1 of the Interior, the Secretary of Commerce or the Secretary of Agricul-  
2 ture of the United States and their authorized agents or other appropri-  
3 ate federal agencies may conduct fish cultural operations and scientific  
4 investigations in the state in the manner and at the times jointly con-  
5 sidered necessary or proper by the board and the secretary and their  
6 authorized agents.

7 \* Sec. 12. AS 16.05.900(a) is amended to read:

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

15 \* Sec. 13. AS 16.10.010(3) is amended to read:

16 (3) render the waters inaccessible or uninhabitable for  
17 salmon for that purpose without first applying for and obtaining a  
18 permit or license from the Department of Environmental Conservation  
19 [HEALTH AND SOCIAL SERVICES]. The application shall set out [FORTH]  
20 the name and style of the person or concern, describe the waters and  
21 location and state in particular the plans, purpose and intention for  
22 which the application is made.

23 \* Sec. 14. AS 16.10.030 is amended to read:

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

28 \* Sec. 15. AS 17.20.370(12) is amended to read:

29 (12) "antiseptic" [THE REPRESENTATION OF A DRUG], in the [ITS]

1 labeling or advertisement of a drug, [AS AN ANTISEPTIC] is a representa-  
2 tion that it is a germicide, except in the case of a drug purporting to  
3 be, or represented as, an antiseptic for inhibitory use as a wet dress-  
4 ing, ointment, dusting powder, or other use involving prolonged contact  
5 with the body;

6 \* Sec. 16. AS 18.05.031 is amended to read:

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

9 (1) plan for and take other steps leading to comprehensive  
10 state and community action to combat developmental disabilities [MENTAL  
11 RETARDATION];

12 (2) be the sole agency for carrying out the purposes of the  
13 federal act;

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

18 (b) As used in this section

19 (1) "federal act" means the Developmental Disabilities Ser-  
20 VICES and Facilities Construction Act (P.L. 91-517) [TITLE XVII OF THE  
21 SOCIAL SECURITY ACT, GRANTS FOR PLANNING COMPREHENSIVE ACTION TO COMBAT  
22 MENTAL RETARDATION (P.L. 88-156)];

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

25 \* Sec. 17. AS 18.55.210 is amended to read:

26 Sec. 18.55.210. RIGHT OF OBLIGEE OF AUTHORITY TO BRING [MANDAMUS  
27 OR] INJUNCTION. An obligee of the authority may, in addition to all  
28 other rights which may be conferred and subject only to contractual  
29 restriction binding upon him, seek an [BRING A MANDAMUS OR] injunction

1 or an action in nature of an action for mandamus against the members,  
2 the authority, its officers, agents or employees.

3 \* Sec. 18. AS 18.85.120(a) and (b) are amended to read:

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

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

15 \* Sec. 19. AS 23.15.040 is amended to read:

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

20 \* Sec. 20. AS 23.15.050 is amended to read:

21 Sec. 23.15.050. DIRECTOR OF VOCATIONAL REHABILITATION. The board  
22 shall appoint a director of the division [OFFICE] of vocational rehabili-  
23 tation. The director has the administrative authority delegated to him  
24 by the board and necessary to carry out secs. 10 - 210 of this chapter  
25 and the regulations and policies adopted by the board.

26 \* Sec. 21. AS 23.15.060 is amended to read:

27 Sec. 23.15.060. AGREEMENTS UNDER SOCIAL SECURITY ACT. (a) The  
28 board acting through the division [OFFICE] of vocational rehabilitation  
29 may enter into necessary agreements on behalf of the state with the

1 Secretary of Health, Education and Welfare to carry out the provisions  
2 of the federal Social Security Act, as amended, and as it is subsequently  
3 amended, relating to the making of determinations of disability under  
4 Title II of that Act.

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

10 \* Sec. 22. AS 23.15.070 is amended to read:

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

15 \* Sec. 23. AS 23.15.110 is amended to read:

16 Sec. 23.15.110. EXTENSION OF SERVICES OUTSIDE STATE. Vocational  
17 rehabilitation service may be extended to the continental United States  
18 to all individuals eligible under secs. 10 - 210 of this chapter. The  
19 director of the division [OFFICE] of vocational rehabilitation may place  
20 professional or clerical personnel or both inside the continental United  
21 States to carry out the purposes of secs. 10 - 210 of this chapter.

22 \* Sec. 24. AS 23.15.210(1) and (3) are amended to read:

23 (1) "agency" means the division [OFFICE] of vocational  
24 rehabilitation;

25 (3) "director" means the director of the division [OFFICE]  
26 of vocational rehabilitation;

27 \* Sec. 25. AS 23.20.520(12) is amended to read:

28 (12) "employing unit" means an individual or type of organiza-  
29 tion, partnership, association, trust, estate, joint trust company,

1 insurance company or domestic or foreign corporation, or the receiver,  
2 referee in bankruptcy, trustee, or successor of one of these, or the  
3 legal representative of a deceased person, which has or subsequent to  
4 January 1, 1937, had one or more individuals performing service for it  
5 within the state; an [AND] individual performing services inside the  
6 state for an employing unit which maintains two or more separate  
7 establishments inside the state is considered as employed by a single  
8 employing unit for the purposes of this chapter; notwithstanding any  
9 provision in this chapter, any employing unit which employs individuals  
10 whose services must be covered by the unemployment insurance laws of  
11 this state after December 31, 1971 as a condition of approval of the  
12 unemployment insurance laws of this state under sec. 3304(a) of the  
13 U.S. Internal Revenue Code of 1954, as amended, will be considered an  
14 employer as to those individuals and is subject to contributions on  
15 all wages paid after December 31, 1971, or reimbursement payments to  
16 cover benefits paid based on services performed after December 31,  
17 1971, depending on the applicable law;

18 \* Sec. 26. AS 34.07.010(a) is amended to read:

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

23 \* Sec. 27. AS 43.56.020 is amended to read:

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

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

28 (2) oil or gas leases or properties, whether producing or  
29 not;

- 1 (3) oil or gas in place;
- 2 (4) oil or gas produced or extracted in the state;
- 3 (5) the value of intangible drilling expenses and explora-
- 4 tion expenses;
- 5 (6) an interest in property described in AS 43.55.010(b) [;
- 6 (7) BEFORE THE CONSTRUCTION COMMENCEMENT DATE, PROPERTY
- 7 TAXED UNDER SEC. 10(a) OF THIS CHAPTER WHICH IS COMMITTED BY CONTRACT
- 8 OR OTHER AGREEMENT FOR USE IN THIS STATE PRIMARILY FOR PIPELINE TRANS-
- 9 PORTATION OF GAS OR UNREFINED OIL OR FOR THE PRODUCTION OF GAS OR
- 10 UNREFINED OIL TO BE TRANSPORTED BY THAT PIPELINE;
- 11 (8) BEFORE THE CONSTRUCTION COMMENCEMENT DATE, PROPERTY
- 12 TAXED UNDER SEC. 10(a) OF THIS CHAPTER WHICH IS COMMITTED BY CONTRACT
- 13 OR OTHER AGREEMENT FOR USE IN THIS STATE PRIMARILY IN THE OPERATION OR
- 14 MAINTENANCE OF FACILITIES FOR PIPELINE TRANSPORTATION OF GAS OR UNRE-
- 15 FINED OIL, OR FACILITIES FOR PRODUCTION OF GAS OR UNREFINED OIL TO BE
- 16 TRANSPORTED BY THAT PIPELINE].

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

18 sec. 10(a) of this chapter, before the construction commencement date,

19 property which is committed by contract or other agreement for use in

20 this state primarily for the production or pipeline transportation of

21 gas or unrefined oil, or in the operation or maintenance of facilities

22 for the production or pipeline transportation of gas or unrefined oil.

23 (c) In (a)(2) of this section, "properties" means mineral inter-

24 ests in oil and gas and working interests, royalty interests, and

25 overriding royalty interests in oil and gas leases.

26 \* Sec. 28. AS 43.56.210 is amended by adding a new paragraph to read:

27 (8) "municipality" means a home rule or general law city or

28 borough and includes but is not limited to a unified municipality

29 organized under AS 29.68.

1 \* Sec. 29. AS 46.07.080(1) is amended to read:  
2 (1) "commissioner" means the commissioner of environmental  
3 conservation [HEALTH AND SOCIAL SERVICES];  
4 \* Sec. 30. AS 39.05.010 is repealed.  
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