

Original sponsor: Rules Committee by request  
of the Legislative Council

Offered: 5/18/77  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 490 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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 05.15.030(a) is amended to read:

10 (a) At the time of filing application the applicant shall notify  
11 the city or borough nearest to the location of the proposed activity of  
12 the application. A [DURING THE 15-DAY PERIOD A] local government unit  
13 may protest the conduct of the activity in its jurisdiction by resolu-  
14 tion stating the reasons for the protest filed with the department.  
15 Protests are limited to the lack of qualifications prescribed by this  
16 chapter.

17 \* Sec. 2. AS 08.08.220 is repealed.

18 \* Sec. 3. AS 08.54.144(c) is amended to read:

19 (c) Master guides, registered guides, class-A assistant guides or  
20 assistant guides are exempted from the license requirements for trans-  
21 porters under this chapter but shall comply with the reporting provi-  
22 sions as prescribed in sec. 146 of this chapter [AS 02.05.170(f)].

23 \* Sec. 4. AS 08.80.295(a) is amended to read:

24 (a) Except as limited by (b) and (c) of this section, with the  
25 consent of the purchaser, the pharmacist may substitute a drug product  
26 with the same generic name in the same strength, quantity, dose and  
27 dosage form as the prescribed drug which is, in the pharmacist's pro-  
28 fessional opinion, therapeutically equivalent and meets the standards of  
29 (g) [(f)] of this section. Upon substitution the pharmacist shall noti-

1       fy the purchaser and the person who prescribed the drug of the substitu-  
2       tion and of the drug substituted.

3       \* Sec. 5. AS 10.20.710(a)(2) is repealed.

4       \* Sec. 6. AS 11.20.590 is amended by adding a new subsection to read:

5               (f) The state has a right of action for damages caused by a viola-  
6       tion of this section. Damages recovered under this section shall be  
7       deposited in the general fund.

8       \* Sec. 7. AS 11.40.210 is amended to read:

9               Sec. 11.40.210. PROSTITUTION DEFINED. Prostitution includes the  
10       giving or receiving of the body by a person [FEMALE] for sexual inter-  
11       course for hire.

12       \* Sec. 8. AS 13.26.030 is amended to read:

13               Sec. 13.26.030. STATUS OF GUARDIAN OF MINOR; GENERAL. A person  
14       becomes a guardian of a minor by acceptance of a testamentary appoint-  
15       ment or upon appointment by the court. The guardianship status con-  
16       tinues until terminated, without regard to the location from time to  
17       time of the guardian and minor ward. Guardianship powers may be dele-  
18       gated in accordance with sec. 20 of this chapter.

19       \* Sec. 9. AS 14.12.170 is amended to read:

20               Sec. 14.12.170. DISTRICTS. For purposes of secs. 150 - 180 of  
21       this chapter, regional educational attendance areas shall be considered  
22       districts.

23       \* Sec. 10. AS 14.40.695 is amended to read:

24               Sec. 14.40.695. ADMINISTRATION. The Alaska Commission on Post-  
25       secondary Education shall administer the state's participation in the  
26       Western Regional Higher Education Compact. The executive officer of  
27       the commission is the certifying officer for purposes of the state's  
28       participation in the compact in accordance with the policies of the  
29       Alaska WICHE Commission established under secs. 660 - 690 of this

1 chapter.

2 \* Sec. 11. AS 14.40.909(b)(4) is amended to read:

3 (4) administer the provisions of secs. 751 - 845 of this  
4 chapter [AS 14.40.751 - 14.40.806] (student financial aid program:  
5 scholarship loan, [AND] tuition grant and memorial scholarship loan  
6 programs [PROGRAM]), and serve as the student financial aid committee;

7 \* Sec. 12. AS 15.25.050 is amended to read:

8 Sec. 15.25.050. REQUIREMENT OF FILING FEE. (a) Except as pro-  
9 vided in (b) of this section, at [AT] the time the declaration is filed,  
10 each candidate shall pay a filing fee to the lieutenant governor. The  
11 filing fee for candidates for office of governor, lieutenant governor,  
12 United States senator, and United States representative is \$100. The  
13 filing fee for candidates for office of state senator and state repre-  
14 sentative is \$30.

15 (b) In place of a filing fee, an indigent candidate may file a  
16 petition to be placed on the primary ballot for the party and office of  
17 his choice and signed by not less than the number of qualified voters  
18 prescribed by secs. 160 or 170 of this chapter, as appropriate.

19 \* Sec. 13. AS 15.60.010 is amended by adding a new paragraph to read:

20 (25) "indigent candidate" means a person who, at the time of  
21 filing for office, does not have sufficient assets, credit or other  
22 means to provide for payment of filing fees without depriving the can-  
23 didate or his dependents of food, clothing, or shelter and who has not  
24 disposed of any assets with the intent or for the purpose of filing as a  
25 candidate for the primary election without paying a filing fee.

26 \* Sec. 14. AS 18.50.280 is amended to read:

27 Sec. 18.50.280. COURT REPORTS OF DIVORCE, DISSOLUTION AND ANNUL-  
28 MENT. (a) For each dissolution, divorce and annulment of marriage  
29 granted by a court in the state the clerk of the court shall prepare and

1 file a certificate of dissolution, divorce or annulment with the bureau,  
2 on forms prescribed and furnished by the bureau. The petitioner  
3 [PLAINTIFF] shall furnish the court with the information necessary to  
4 complete the certificate, and the furnishing of this information is  
5 prerequisite to the issuance of a decree.

6 (b) Before the 11th day of each month the clerk of the court shall  
7 forward to the bureau the certificate of each dissolution, divorce and  
8 annulment granted during the preceding calendar month and the related  
9 reports required by regulation issued under this chapter.

10 \* Sec. 15. AS 20.15.050 is amended to read:

11 Sec. 20.15.050. PERSONS AS TO WHOM CONSENT [AND NOTICE] NOT RE-  
12 QUIRED. (a) Consent to adoption is not required of

13 (1) a parent who has abandoned a child without affording  
14 means of identification, or who has abandoned a child as determined  
15 under AS 47.10.080(c)(3)(B);

16 (2) a parent of a child in the custody of another, if the  
17 parent for a period of at least one year has failed significantly  
18 without justifiable cause, including but not limited to indigency,

19 (A) to communicate meaningfully with the child, or

20 (B) to provide for the care and support of the child as  
21 required by law or judicial decree;

22 (3) the father of a minor if the father's consent is not  
23 required by sec. 40(a)(2) of this chapter;

24 (4) a parent who has relinquished his right to consent under  
25 sec. 180 of this chapter;

26 (5) a parent whose parental rights have been terminated by  
27 order of the court under sec. 180 of this chapter;

28 (6) a parent judicially declared incompetent or mentally de-  
29 fective if the court dispenses with the parent's consent;

1 (7) any parent of the person to be adopted, if the person is  
2 19 or more years of age, and the court dispenses with the consent of the  
3 parent;

4 (8) any guardian or custodian specified in sec. 40(a)(3) or  
5 (4) of this chapter who has failed to respond in writing to a request  
6 for consent for a period of 60 days or who, after examination of his  
7 written reasons for withholding consent, is found by the court to be  
8 withholding his consent unreasonably; or

9 (9) the spouse of the person to be adopted, if the require-  
10 ment of consent to the adoption is waived by the court by reason of pro-  
11 longed unexplained absence, unavailability, incapacity, or circumstances  
12 constituting an unreasonable withholding of consent.

13 [(b) EXCEPT AS PROVIDED IN SEC. 100 OF THIS CHAPTER, NOTICE OF A  
14 HEARING ON A PETITION FOR ADOPTION NEED NOT BE GIVEN TO A PERSON WHOSE  
15 CONSENT IS NOT REQUIRED OR TO A PERSON WHOSE CONSENT OR RELINQUISHMENT  
16 HAS BEEN FILED WITH THE PETITION.]

17 \* Sec. 16. AS 28.20.070(b) is amended to read:

18 (b) No policy or bond is effective under sec. 60 of this chapter  
19 with respect to a vehicle not registered in this state or a vehicle  
20 which was registered in another jurisdiction [ELSEWHERE THAN IN THIS  
21 STATE] at the effective date of the policy or bond or the most recent  
22 renewal of it, unless the insurance [COMPANY] or surety company issuing  
23 the policy or bond is authorized to do business in this state, or if the  
24 company is not authorized to do business in this state, unless it exe-  
25 cutes a power of attorney authorizing the director of the division of  
26 insurance [COMMISSIONER OF COMMERCE] to accept service on its behalf of  
27 notice or process in an action upon the policy or bond arising out of  
28 the accident.

29 \* Sec. 17. AS 28.20.580 is amended to read:

1           Sec. 28.20.580. ASSIGNED RISK PLANS. After consultation with the  
2 insurance companies authorized to issue motor vehicle [AUTOMOBILE]  
3 liability policies in this state , the director of the division of in-  
4 urance [COMMISSIONER OF COMMERCE] shall approve a reasonable plan, fair  
5 to the insurers and equitable to their policyholders, for the apportion-  
6 ment among these companies of applicants for motor vehicle policies and  
7 other vehicle coverages [FOR MOTOR VEHICLE LIABILITY POLICIES] who are  
8 in good faith entitled to but are unable to procure policies through  
9 ordinary methods. When a plan is approved, all the insurance companies  
10 shall subscribe to it and participate in it. An applicant for an  
11 assigned risk policy, a person insured under an assigned risk plan, and  
12 an insurance company affected may appeal to the commissioner of commerce  
13 and economic development from a ruling or decision of the authority  
14 designated to operate the plan. Failure to adopt an assigned risk plan  
15 does not relieve any person from responsibility under this chapter.

16 \* Sec. 18. AS 28.35.020 is amended to read:

17           Sec. 28.35.020. CONVICTION IN LARCENY PROSECUTION. In a criminal  
18 prosecution for larceny of a vehicle, as the term "vehicle" is defined  
19 in sec. 260(7) [10] of this chapter, if the facts do not warrant a  
20 conviction of the defendant for larceny, he may, nevertheless, be  
21 convicted of a violation of sec. 10 of this chapter if the facts warrant

22 \* Sec. 19. AS 28.35.150 is repealed.

23 \* Sec. 20. AS 28.35.160 is repealed.

24 \* Sec. 21. AS 35.10.015(c) is amended to read:

25           (c) In this section, "public facilities" includes vessels owned by  
26 the state and operated by the division of marine transportation of the  
27 Department of Public Works as a part of the Alaska marine highway  
28 system. All ferries owned or operated by the state shall be equipped  
29 with elevators or other passenger lifting equipment, ramps, or other

1 facilities and devices to ensure that these vessels are accessible to  
2 and usable by physically handicapped, aged or infirm passengers. In  
3 this section [SUBSECTION], "accessible to and usable by" means that a  
4 physically handicapped, aged or infirm passenger can board, disembark  
5 and move between decks and about the public areas aboard a state ferry  
6 with personal comfort and with safety to himself, other passengers and  
7 members of the crew.

8 \* Sec. 22. AS 38.05.066 is repealed.

9 \* Sec. 23. AS 38.05.067(c)(4) is amended to read:

10 (4) August 4, 1964, and November 7, 1975 [A DATE SIX MONTHS  
11 AFTER THE TERMINATION OF HOSTILITIES INVOLVING FORCES OF THE UNITED  
12 STATES IN VIET NAM].

13 \* Sec. 24. AS 39.35.340(d) is amended to read:

14 (d) The service credit granted under this section may not be  
15 counted as [COUNT] years of service for the purpose of satisfying eligi-  
16 bility for normal retirement or as eligibility for normal retirement  
17 before reaching normal retirement age under this chapter.

18 \* Sec. 25. AS 42.05.171 is amended to read:

19 Sec. 42.05.171. FORMAL HEARINGS. A formal hearing which the  
20 commission has power to hold may be held by or before three [TWO] or  
21 more commissioners designated for the purpose by the commission. The  
22 testimony and evidence in a formal hearing may be taken by the commis-  
23 sioners to whom the hearing has been assigned. A commissioner who has  
24 not heard the testimony, including the argument, may not participate in  
25 making a decision of the commission. In determining the place of a  
26 hearing the commission shall give preference to holding the hearing at a  
27 place most convenient for those interested in the subject of the hearing

28 \* Sec. 26. AS 44.47.150(g) is amended to read:

29 (g) For the purposes of this section [CHAPTER], the term municipi-

1       pality includes only first and second class cities incorporated under  
2       the laws of the state.

3       \* Sec. 27. AS 44.50.130(a) is amended to read:

4               (a) An application for a notary public commission shall include a  
5       statement under oath that the applicant is [A CITIZEN OF THE UNITED  
6       STATES AND] a resident of Alaska, as defined in sec. 20 of this chapter.

7       \* Sec. 28. AS 45.50.390 is amended to read:

8               Sec. 45.50.390. ACTS CONSTITUTING GENERAL APPEARANCE. If a person  
9       is proceeded against as provided in secs. 330 - 460 of this chapter, and  
10      is served with process according to law, or if a nonresident is served  
11      with process as provided in secs. 330 - 460 of this chapter, and if any  
12      of these persons, or aiders and abettors named as defendants appear in  
13      the proceeding by counsel or otherwise, or institute a special pro-  
14      ceeding attacking the proceedings, or make a motion in them, either  
15      special or general, or if any of them appear to obtain the judgment of  
16      the court solely upon the sufficiency of the service of the process upon  
17      them, or upon any phase of the injunction proceedings, the special  
18      proceeding or appearance, or motion, or appearance, as the case may be,  
19      is considered as a general appearance even though the process may not  
20      have been sufficient, and the parties and defendants who appear in the  
21      action, for any reason or cause, are thereafter subject to the general  
22      orders and jurisdiction of the court for all purposes, and if any of the  
23      defendants or persons appear in a court proceeding instituted to effec-  
24      tuate secs. 330 - 460 of this chapter solely for the purpose of chal-  
25      lenging the validity of service of process upon them they are considered  
26      as having surrendered themselves and as having submitted to the general  
27      jurisdiction of the court. This section shall not be construed as  
28      denying, and no attempt shall be made at any time in any proceeding in  
29      connection with the enforcement of secs. 300 - 460 of this chapter to

1 restrain or deny any of the defendants, resident or nonresident, copy-  
2 right holders or owners, or any person, or members of a defendant  
3 combination, entity, pool, or monopoly of [OR] their rights or property  
4 without full and complete due process of law.

5 \* Sec. 29. AS 44.80.070 is amended to read:

6 Sec. 44.80.070. SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When the  
7 state, or a department or agency of the state, which has control over a  
8 highway or vehicular way or area, permits a portion of the highway or  
9 vehicular way or area, as defined under AS 28.35.260 [AS 28.35.265], to  
10 be used for a special purpose, the state is [SHALL] not [BE] subject to  
11 legal action or recovery of damages for injury arising out of, or in any  
12 manner connected with the special purpose use.

13 \* Sec. 30. AS 47.17.070(2) is amended to read:

14 (2) "child" means a person under the age of 18 [16];

15 \* Sec. 31. AS 47.23.090 is amended to read:

16 Sec. 47.23.090. REDUCING ARREARS TO JUDGMENT. The agency, on be-  
17 half of the person awarded support for the benefit of the child, may  
18 enforce support orders through execution after applying [. IF THE  
19 AGENCY APPLIES] to the court for an order reducing the outstanding  
20 arrears to judgment in accordance with the Rules of Civil Procedure. At  
21 the hearing the obligor may present evidence

22 (1) that the arrears are not owed;

23 (2) that he or she is unable to pay; or

24 (3) that the court should consider modifying custody or  
25 support if that is in the best interests of the child.  
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