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# Alaska State Legislature

## Senate

Official Business

### Labor & Commerce Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

CSHB 694:

Places employees of the Municipal Bond Bank Authority, other than the director and legal counsel, in the partially exempt service. Amends language pertaining to the amount of revenue bonds it expects to issue, and places a limit of \$50 million on the amount of revenue bonds the authority may issue in one year without Legislative approval.

Establishes a Municipal Bond Bank Authority revolving loan fund in the Department of Revenue. Loans may be made to municipalities for projects for which bonds have been authorized by law, but not yet sold. Would make loans available for expenditures authorized under state or federal grants, after the grant is authorized, but before the grant is received, and loans for expenditures authorized by a governing municipal body in anticipation of tax revenues expected to be received during the period of the loan. Loans shall be for a period of one year or less, and each municipality is entitled to borrow up to \$1 million from the fund. The interest rate will be determined by the authority and must not be less than the market rate which the authority will have to pay at the time of the loan for notes issued for a similar purpose.

I&C CS added a new section allowing the Municipal Bond Bank Authority to issue bonds and notes up to \$200 million. Provides the act takes effect immediately.

FISCAL NOTE

I. REQUEST

Bill/Resolution Number: CS HB 694 (L&C)

Title: An act relating to the Alaska Municipal Bond Bank Authority

Requested by: Rules/Governor

Date: 3/17/82

II. FISCAL DETAIL

Agency Affected: Revenue

Program Category Affected:

BRU, Program, or Subprogram(s) Affected: Municipal Bond Bank Authority

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

FUNDING (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify source)						
Program Receipts from MBB	-	1.14	-	-	-	-

POSITIONS

FULL TIME	-	-	-	-	-	-
PART TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The Alaska Municipal Bond Bank has \$1.14 million in program receipts for FY 82. This amount would be used to fund the revolving fund set up in Section 4 of the bill. It is anticipated that a fund of \$3 million would eventually be set up and at that time program receipts would again be re-mitted to the General Fund on an annual basis.

DATE:

PREPARED BY: Denna L. Payne for Dave Rose

AGENCY: Revenue

PHONE: 465-2301

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)



48694

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 26, 1982

The Honorable Joe L. Hayes  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

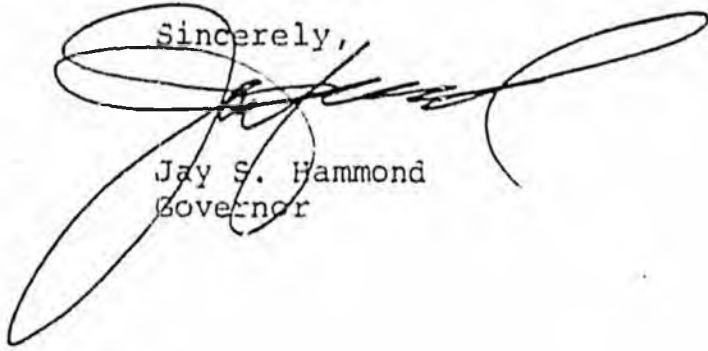
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Municipal Bond Bank Authority.

The bill amends AS 44.85 by placing the authority's employees, other than the executive secretary and legal counsel, in the partially exempt service (secs. 1 and 2 of the bill), allowing the authority to issue up to \$50,000,000 worth of revenue bonds during any fiscal year without specific legislative authorization (sec. 3 of the bill), and establishing a municipal bond bank revolving loan fund to make loans to municipalities in anticipation of the receipt of revenues from bond issues, state or federal grants, or taxes (sec. 4 of the bill).

The bill amends AS 44.85.100(b), which requires an estimate of the amount of bonds to be issued for the "following 12-month period." The amendment makes it clear that, the estimate required under AS 44.85.100(b) is for the fiscal year following the fiscal year in which the estimate is submitted and not for the 12-month period following the submission of the estimate (sec. 3 of the bill).

Section 4 of the bill adds AS 44.85.165, which establishes a municipal bond bank revolving loan fund. The authority may make a loan of up to \$1,000,000 to a municipality from the fund for expenditures which are authorized in anticipation of the receipt of revenue described in AS 44.85.165(1)(A) -- (C).

Sincerely,



Jay S. Hammond  
Governor

**Legislative history reports.** — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7 (2/10/70). For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.

The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5)(c), and the statutory leave provisions for state employees, AS

39.20.310, is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. — See *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 39.25.120. Partially exempt service.** The following positions in the state service constitute the partially exempt service and are subject to this chapter and the rules adopted under it only as specifically provided in this chapter. Positions in the partially exempt service shall be included in the position classification plan established under this chapter, and these positions shall be compensated according to the pay plan. Persons holding positions in the partially exempt service are not required to take examinations, qualify or earn a place on a register, nor are they eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rule established under AS 39.25.150(3) — (11), (14), (15), (18). They are also specifically exempt from AS 39.25.170 and 39.25.180 and as stated in AS 39.25.160(a):

(1) assistant commissioners of the principal departments of the executive branch;

(2) the directors, division of personnel, division of public health, division of medical assistance, and those other directors of the major divisions of the principal departments of the executive branch as are specifically designated by the governor;

(3) attorney members of the staff of the Department of Law;

(4) one private secretary for each head of a principal department in the executive branch;

(5) all employees of the Office of the Governor and the lieutenant governor, including the staff of the governor's mansion;

(6) Repealed by § 4 ch 78 SLA 1971.

(7) Repealed by § 9 ch 47 SLA 1974.

(8) the director and deputy director of the division of tourism in the Department of Commerce and Economic Development;

(9) regional directors of the Department of Transportation and Public Facilities;

(10) the executive director and deputy director of the Alaska Public Utilities Commission;

(11) the state forester, in the Department of Natural Resources;

(12) the executive director and staff of the Alaska Public Offices Commission;

(13) the attorney members, but not the non-attorney members, of the staff of the public defender agency in the Department of Administration;

(14) the executive director of the Alaska Historical Commission;

(15) the chief executive officer, but not other staff, of the Alaska State Council on the Arts;

(16) the administrator of the Alaska Police Standards Council;

(17) the executive director, but not other staff, of the Alaska Council on Science and Technology located in the Department of Environmental Conservation;

(18) the director, deputy director, staff legal counsel, and hearing officers of the Alaska Transportation Commission. (§ 6 ch 144 SLA 1960; am § 2 ch 48 SLA 1961; am § 2 ch 133 SLA 1961; am § 4 ch 5 SLA 1966; am § 3 ch 104 SLA 1969; am § 2 ch 109 SLA 1969; am § 4 ch 78 SLA 1971; am § 9 ch 47 SLA 1974; am § 4 ch 82 SLA 1975; am § 10 ch 207 SLA 1975; am § 2 ch 157 SLA 1976; am § 19 ch 263 SLA 1976; am Executive Order No. 39 § 6 (1977); am § 1 ch 103 SLA 1978; am § 2 ch 108 SLA 1978; am Executive Order No. 41 § 3 (1980); am Executive Order No. 42 §§ 3, 4 (1980); am Executive Order No. 43 § 4 (1980); am Executive Order No. 44 § 5 (1980); am Executive Order No. 45 § 3 (1980); am Executive Order No. 46 § 4 (1980); am § 18 ch 115 SLA 1980)

**Revisor's note.** — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

**Effect of amendments.** — The first 1976 amendment deleted "division of mental health" following "division of personnel" in paragraph (2).

The second 1976 amendment, retroactive to July 1, 1975, deleted "and the staff of the division of tourism" from the end of paragraph (8).

Executive Order No. 39 § 6 (1977), added paragraph (9).

The first 1978 amendment added paragraph (10).

The second 1978 amendment added paragraph (11).

Section 3, Executive Order No. 41 (1980), the first 1980 amendment, added paragraph (12).

Sections 3 and 4, Executive Order No. 42 (1980), the second 1980 amendment,

deleted "and the attorney members of the staff of the public defender agency, but not including the nonattorney members of the staff of that agency" from the end of paragraph (5), and added paragraph (13).

Section 4, Executive Order No. 43 (1980), the third 1980 amendment, added paragraph (14).

Section 5, Executive Order No. 44 (1980), the fourth 1980 amendment, added paragraph (15).

Section 3, Executive Order No. 45 (1980), the fifth 1980 amendment, added paragraph (16).

Section 4, Executive Order No. 46 (1980), the sixth 1980 amendment, added paragraph (17).

The seventh 1980 amendment, added paragraph (18).

**Legislative history report.** — For report on ch. 5, SLA 1966, see 1966 House Journal, pp. 50 and 51. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.

of a quorum to exercise all the powers and perform all the duties of the bond bank authority. (§ 1 ch 79 SLA 1975)

**Sec. 44.85.050. Bonding of members.** Before the issuance of bonds or notes under this chapter, each director shall execute a surety bond in the penal sum of \$25,000 and the treasurer shall execute a surety bond in the penal sum of \$50,000. Each surety bond shall be conditioned upon the faithful performance of the duties of the office of the director or treasurer, to be executed by a surety company authorized to transact business in the state as surety and filed in the office of the lieutenant governor. After issuance of bonds or notes by the bond bank authority each director shall maintain his surety bond in force. All costs of the surety bonds shall be borne by the bond bank authority. (§ 1 ch 79 SLA 1975)

**Sec. 44.85.060. Compensation and expenses.** The directors of the bond bank authority shall serve without compensation, but the bond bank authority shall reimburse its directors for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding any other law, an officer or employee of the state need not forfeit his office or employment or any benefits by reason of his acceptance of appointment to the office of director of the bond bank authority. (§ 1 ch 79 SLA 1975; am § 1 ch 56 SLA 1976)

*Effect of amendment.* — The 1976 amendment substituted "need not forfeit his office or employment or" for "shall forfeit his office or employment and" in the second sentence.

**Sec. 44.85.070. Staff.** The bond bank authority shall employ an executive secretary who may with the approval of the bond bank authority select and employ additional staff as necessary. Employees and agents of the bond bank authority other than legal counsel and the executive secretary are in the classified service under AS 39.25. In addition to its staff of regular employees, the bond bank authority may contract for and engage the services of the bond counsel, consultants, experts, and financial advisors the bond bank authority considers necessary for the purpose of developing information, or conducting studies, investigations, hearings or other proceedings. (§ 1 ch 79 SLA 1975)

**Sec. 44.85.080. Powers of bond bank authority.** The bond bank authority may

- (1) sue and be sued;
- (2) adopt and alter an official seal;
- (3) make and enforce bylaws and rules for the conduct of its business and for the use of its services and facilities;
- (4) maintain an office at any place in the state;
- (5) acquire, hold, use and dispose of its income, revenues, funds and money;

(b) The bond bank authority shall include in the report required by (a) of this section an estimate of the amount of revenue bonds of the bond bank authority to be issued during the following 12-month period. The bond bank authority may not issue revenue bonds other than refunding bonds during any 12-month period beginning after June 30, 1981, unless the legislature, by law, approves the estimate required by this subsection for that 12-month period. (§ 1 ch 79 SLA 1975; am § 40 ch 106 SLA 1980)

Effect of amendment. — The 1980 amendment added subsection (b).

**Sec. 44.85.110. Annual budget.** The bond bank authority shall prepare and submit an annual budget in accordance with the provisions of the Executive Budget Act (AS 37.07). (§ 1 ch 79 SLA 1975)

**Sec. 44.85.120. Care and custody of bonds.** The bond bank authority may enter into agreements or contracts with a bank, trust company, banking or financial institution inside or outside the state as may be necessary, desirable or convenient, in the opinion of the bond bank authority, for rendering services in connection with the care, custody or safekeeping of municipal bonds or other investments held or owned by the bond bank authority, for rendering services in connection with the payment or collection of amounts payable as to principal or interest, and for rendering services in connection with the delivery to the bond bank authority of municipal bonds or other investments purchased by it or sold by it, and to pay the cost of those services. The bond bank authority may also, in connection with any of the services to be rendered by a bank, trust company or banking or financial institution as to the custody and safekeeping of its municipal bonds or investments, require security in the form of collateral bonds, surety agreements or security agreements in such form and amount as, in the opinion of the bond bank authority, is necessary or desirable. (§ 1 ch 79 SLA 1975)

**Sec. 44.85.130. Effect of obligations.** (a) Bonds and notes issued under this chapter are not a debt or liability of the state and do not create or constitute an indebtedness, liability or obligation of the state, nor do they constitute a pledge of the faith and credit of the state. All bonds and notes issued under this chapter, unless funded or refunded by bonds or notes of the bond bank authority, are general obligations of the authority to which the full faith and credit of the authority are pledged to the payments of them, except to the extent provided by the resolution authorizing the issuance of them. Each bond and note must contain on its face a statement to the effect that the bond bank authority is obligated to pay the principal and interest on the instrument only from revenues or funds of the bond bank authority and

**Sec. 37.10.040. Enforcement of liability.** The liability of a certifying officer or employee is enforced in the same manner as provided by law with respect to enforcement of the liability of a disbursing and other accountable officer. (§ 12-3-4 ACLA 1949)

### Article 2. Accounting.

Section	Section
50. Accounting, for state money and payment to Department of Revenue for deposit in proper fund	60. Department of Revenue to deposit money to state treasury

**Sec. 37.10.050. Accounting for state money and payment to Department of Revenue for deposit in proper fund.** (a) Each office, board, commission, or bureau authorized to collect or receive fees, licenses, taxes or other money belonging to the state shall account for and pay the fees, licenses, taxes or other money, less fees to which he is entitled by law to the Department of Revenue at least once each month.

(b) Money collected for the state shall be deposited by the collector in the nearest bank to the account of the Department of Revenue when the Department of Revenue directs this to be done.

(c) The Department of Revenue in June and December of each year shall publish in at least one newspaper of general circulation in each of the four judicial districts a detailed report in display advertising form of the amount of state money deposited in each named bank or other financial institution. A copy of the semiannual report on bank deposits shall also be sent to the Legislative Affairs Agency for distribution of copies to the members of the legislature. The terms of the deposit may be obtained upon a written request. (§ 12-2-1 ACLA 1949; am § 8 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957; am § 1 ch 115 SLA 1968)

**Revisor's note.** — Section 12-2-1 ACLA 1949 was repealed by § 48, ch. 133, SLA 1951. Section 1, ch. 24, SLA 1953 repealed ch. 133, SLA 1951 and § 2, ch. 24, SLA 1953 reenacted § 12-2-1 ACLA 1949 as it appeared in ACLA 1949.

The reference to § 8, art. III ch. 82, SLA 1955 in the source refers to the second of two sections which are both numbered § 8. The amendment by § 5, ch. 186, SLA 1957 corrects the error.

**Cross reference.** — As to deposit of state funds, see AS 37.10.075.

Quoted in *Empire Printing Co. v. Roden*, 17 Alas. 209, 247 F.2d 8 (9th Cir. 1957).

**Am. Jur. and C.J.S. references.** — 42 Am. Jur., Public Funds, §§ 5 to 41.

23 C.J.S. Depositories §§ 7 to 14; 81 C.J.S. States § 155.

**Sec. 37.10.060. Department of Revenue to deposit money to state treasury.** All fees and receipts received by the Department of Revenue from any source shall be deposited in the state treasury at least once each month, and credited by the department to the proper fund. (§ 12-2-2 ACLA 1949)

notes, are exempt from taxation except for transfer, inheritance and estate taxes. (§ 1 ch 79 SLA 1975)

**Sec. 44.85.170. Loans to political subdivisions.** (a) The bond bank authority, to carry out the purposes and policies of this chapter, may lend money to municipalities through the purchase by the bond bank authority of municipal bonds of municipalities. Notwithstanding a home rule charter provision requiring public sale by a municipality of its municipal bonds, a municipality may sell its municipal bonds to the bond bank authority at a negotiated, private sale. The bond bank authority, for this purpose, may issue its bonds and notes payable solely from the revenues or funds available to the bond bank authority for such payment and may otherwise assist municipalities as provided in this chapter.

(b) Notwithstanding any provision of law, to the extent that any department or agency of the state is the custodian of money payable to a municipality, at any time after written notice to the department or agency head from the bond bank authority that the municipality is in default on the payment of principal or interest on municipal general obligation bonds of the municipality then held or owned by the bond bank authority, the department or agency shall withhold the payment of that money from that municipality and pay over the money to the bond bank authority for the purpose of paying principal of and interest on bonds of the bond bank authority. (§ 1 ch 79 SLA 1975; am § 2 ch 56 SLA 1976; am § 1 ch 48 SLA 1978)

**Cross reference.** — As to the authority of municipal instrumentalities to issue obligations for specified purposes, see AS 29.59.010.

**Effect of amendments.** — The 1975 amendment added the present second sentence of subsection (a), and in subsection (b), substituted "Notwithstanding any provision of law, to the extent that any department or agency of the state" for "To the extent that the commissioner of revenue" at the beginning of the subsection, substituted "the department or agency head" for "him" and "department or agency" for "commissioner of revenue"

near the middle of the subsection, and substituted all of the language beginning "and pay over the money" for "until the amount of the principal or interest then due and unpaid has been paid to the bond bank authority, or until the commissioner of revenue has been advised that arrangements, satisfactory to the bond bank authority, have been made for the payment of the principal and interest" at the end of the subsection.

The 1978 amendment inserted "general obligation" preceding "bonds" near the middle of subsection (b).

**Sec. 44.85.180. Issuance of bonds and notes.** (a) Subject to AS 44.85.100(b), the bond bank authority may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this chapter, including

- (1) the purchase of municipal bonds;
- (2) the making of loans through the purchase of municipal bonds;
- (3) the payment, funding or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the

bonds or notes or interest to be funded or refunded have or have not become due;

(4) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bond bank authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Except as otherwise provided in this chapter or by the bond bank authority, every issue of bonds or notes shall be general obligations payable out of the revenues or funds of the bond bank authority, subject only to agreements with the holders of particular bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States or the state or a political subdivision or a person, firm or corporation, or a pledge of income or revenues, funds or money of the bond bank authority from any source whatsoever.

(c) Notwithstanding the provisions of (a) and (b) of this section, the total amount of bond bank authority bonds and notes outstanding at any one time, except bonds or notes issued to fund or refund bonds or notes, may not exceed \$150,000,000.

(d) In deciding to purchase municipal bonds of a municipality, the bond bank authority shall give preference to the municipalities referred to in § 5 of this chapter. In addition, the following, listed in order of preference, are preferred purposes of the municipal bonds that may be considered by the bond bank authority for purchase: schools, waste water treatment facilities, fire protection and public safety facilities, public health facilities and public transportation facilities. (§ 1 ch 79 SLA 1975; am § 41 ch 106 SLA 1980)

*Effect of amendment.* — The 1980 44.85.100(b), the" for "The" at the amendment substituted "Subject to AS beginning of subsection (a).

**Sec. 44.85.190. Form of issuance.** Bonds or notes of the bond bank authority shall be authorized by resolution of the bond bank authority and may be issued in one or more series and shall bear the date, mature at the time, bear interest at the rate of interest each year or within a maximum rate, be in the denomination, be in the form, either coupon or registered, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources in the medium of payment at the place inside or outside the state, and be subject to the terms of redemption, with or without premium, as the resolution of the bond bank authority provides. (§ 1 ch 79 SLA 1975)

**Sec. 44.85.200. Sale price.** Bonds or notes of the bond bank authority may be sold at public or private sale at the price the bond bank authority determines. (§ 1 ch 79 SLA 1975)

firm, association, organization, business trust, or society, as well as a natural person;

(8) "personal property" includes money, goods, chattels, things in action, and evidences of debt;

(9) "property" includes real and personal property;

(10) "real property" is coextensive with land, tenements, and hereditaments;

(11) Repealed by § 2 ch 66 SLA 1965.

(12) "signature" or "subscription" includes mark when the person cannot write, with his name written near the mark by a witness who writes his own name near the person's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto;

(13) "state" means the State of Alaska unless applied to the different parts of the United States and in the latter case it includes the District of Columbia and the territories;

(14) "writing" includes printing. (§ 4 ch 62 SLA 1962; am § 2 ch 66 SLA 1965; am § 10 ch 117 SLA 1968)

**Cross references.** — For additional definition of "peace officer," see AS 11.30.100. For further definition of "person," see AS 15.55.250. For additional definitions, see AS 15.60.010.

**Effect of amendments.** — The 1965 amendment repealed paragraph (11).

The 1968 amendment substituted "state troopers" for "state police" in paragraph (6).

Quoted in *Matanuska-Susitna Borough v. King's Lake Camp*, Sup. Ct. Op. No. 472 (File No. 857), 439 P.2d 441 (1968); *Stroh v. State Housing Authority*, 7 Alas. L.J. No. 9, p. 647 (Sept., 1969); *Stroh v. Alaska State Housing Authority*, Sup. Ct. Op. No. 496 (File No. 924), 459 P.2d 480 (1969).

**Sec. 01.10.065. Certified mail.** When the use of registered mail is authorized or required by the laws of the state, certified mail, with return receipt requested, may be used. (§ 1 ch 66 SLA 1965)

### Article 3. Effect of Statutes.

**Section**

70. Time statutes take effect

80. Computation of time

**Section**

90. Retrospective statutes

100. Effect of repeals or amendments

**Sec. 01.10.070. Time statutes take effect.** (a) All laws passed by the legislature become effective 90 days after enactment. The legislature may by concurrence of two-thirds of the membership of each house, provide for another effective date.

(b) The actual effective date of a bill having no effective date clause is determined by starting with the day after signature by the governor or the day on which he gives written notice that he is allowing it to become law without his signature, and counting 90 calendar days, the law becoming effective at 12:01 a.m., Pacific Standard time, on the 90th day.

(c) A law having an immediate effective date clause becomes

law at 12:01 a.m., on the day after it is signed by the governor or on the day after he has given written notice that he is allowing the law to become effective without his approval.

(d) A law which specified a definite effective date becomes effective at 12:01 a.m., Pacific Standard time, on the date specified. (§ 5 ch 62 SLA 1962; am § 8 ch 126 SLA 1966)

**Effect of amendment.**—The 1966 amendment rewrote this section.

**Sec. 01.10.080. Computation of time.** The time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded. (§ 6 ch 62 SLA 1962)

This section was taken from the laws of Oregon. *Mahan v. Sparks*, 10 Alaska 292 (1942); *Lowe v. Hess*, 10 Alaska 174 (1941).

It merely states the common-law rule. *Lowe v. Hess*, 10 Alaska 174 (1941).

This statutory computation is declaratory of the common-law rule in Alaska. *Turnbull v. Bonkowski*, 274 F. Supp. 733 (D. Alas. 1967).

Alaska's computation-of-time statute merely expresses the common law. *Turnbull v. Bonkowski*, 419 F.2d 104 (9th Cir. 1969).

**Common law.**—At common law it was established if the last day on which an act was to be performed fell on a Sunday, then that Sunday was excluded and the time was extended to the following day. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

The common-law rule is that when the period of time within which an act is to be performed exceeds one week, an intervening Sunday is included in the computation. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

**Legislative intent.**—The legislature, by virtue of its enactment of this section, manifested its intent to exclude Sundays in the computation of time only when Sunday falls on the last day of a period in question. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

**Exception in common law as to computation of person's age.**—There exists a well-recognized exception in the common law as to the computation of a person's age. This exception, briefly stated, is that a year must be

counted, not from the day of birth, but from the preceding day when limitation is figured. *Turnbull v. Bonkowski*, 274 F. Supp. 733 (D. Alas. 1967).

The computation-of-time statute is expressive of only the general common-law rule and does not presume to abrogate the well-established exception thereto governing the computation of a person's age. It follows that the statute has no application in calculating a person's age. *Turnbull v. Bonkowski*, 419 F.2d 104 (9th Cir. 1969).

The supreme court is enjoined by the legislature to observe the provisions of AS 01.10.020, in resolving any issue relating to this section and its applicability to the five-day recount provision of AS 15.20.430. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

**Computing limitation under AS 15.20.430.**—In computing the five-day period of limitation prescribed by AS 15.20.430, an intervening Sunday is to be included. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

**Computation of the limitations period provided by AS 09.10.070** subsequent to the removal of the disability of minority is to be made by excluding the first day and including the last. *Turnbull v. Bonkowski*, 274 F. Supp. 733 (D. Alas. 1967).

**Filing appeal.**—Under this section, the day on which the judgment is entered should be excluded in computing the time within which an application for an appeal must be filed. *Mahan v. Sparks*, 10 Alaska 292 (1942).