

ly as possible arrange other care for the child.

Whenever any child is committed under the provisions of this Act, the court may provide for his temporary care.

Section 5. That Section 51-3-16, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-16. Department's duty and power as to care of child. The Department of Public Wel-

fare shall arrange for care of every child committed to its custody by placing him in a foster home or in the care of an agency or institution providing care for children within or outside the Territory of Alaska. The Department may place such child

in a suitable family home, with or without compensation, and may place any child released to it, in writing verified by the parent or parents, or guardian or other person having legal custody, for adoptive purposes, in a home for adoption in accordance with existing law. The Department is authorized to pay such costs of maintenance as may be necessary to assure adequate care of such child, and is also authorized to accept in behalf of the Territory such funds, from the Federal Government as may be contributed or granted to assist in carrying out the purposes of this Act, or as may be paid under contract entered into with any Federal department or agency. No child under the care of the Department shall be placed in a family home or institution that does not maintain adequate standards of care.

Approved March 22, 1955

CHAPTER 49

AN ACT

Relating to school maintenance, the submission and approval of school budgets, the manner of making payment to school districts; amending Section 37-3-61 ACLA 1949; amending Sections 37-3-62, 37-3-63, and 37-3-66 ACLA 1949, all as amended by Chapter 77, Session Laws of Alaska 1951, amending Section 5 of Chapter 77, Session Laws of Alaska 1951, and further amended as to Section 37-3-62 ACLA 1949

by Chapter 68, Session Laws of Alaska, 1953; repealing Section 37-3-65 ACLA 1949 as amended by Chapter 77, Session Laws of Alaska, 1951; and establishing an effective date.

(S. B. 48)

Be it Enacted by the Legislature of the Territory of Alaska:

Alaska 1953, is hereby amended to read as follows:

Section 1, Sec. 37-3-61 ACLA 1949 is hereby amended to read as follows:

Sec. 37-3-61. School Maintenance Payment. Such per centum of the total approved budget for the maintenance of public elementary schools and high schools, within the limits of any incorporated city or incorporated school district or independent school district as the Legislature may from time to time direct, shall be paid to the school fund of said incorporated city or incorporated school district or independent school district from the moneys of the Territory as hereinafter set forth; provided, that no expense incurred for the purchase of equipment, for the construction of buildings or for the repair, alteration, or improvement of buildings or for the purchase of building sites or for interest on bonded or other indebtedness shall be considered expenses for maintenance within the meaning of this article.

Section 2, Sec. 37-3-62 ACLA 1949, as amended by Ch. 77, Session Laws of Alaska 1951, as further amended by Chapter 68, Session Laws of

Sec. 37-3-62. Amount of Payment. Where the resident average daily membership for the last complete school year at the time the budget is approved is less than 200 pupils, eighty-five per centum; and where it is 200 pupils or over and less than 500, eighty per centum; and where it is 500 pupils or over, seventy-five per centum of the total amount approved in the annual budget for maintenance of public elementary schools and high schools within the limits of incorporated cities or incorporated school districts or independent school districts shall be paid to such city or school district from the moneys of the Territory appropriated for such purposes. Provided however, that in addition to the foregoing amount of refund, those cities or districts who have within the said limits low-rent housing projects owned, operated and constructed by the Alaska Housing Authority or other Federal or Territorial agency claiming an exemption from taxation, without the petition from or consent by the said city or district for the construction of said project, shall be entitled to the equivalent of such sums otherwise lost or ex-

empted in property taxes, but from such sums shall first be deducted any amounts received during the year as contributions in lieu of taxes made by the exempted agency to the said city or district.

Section 3. Sec. 37-3-63 ACCLA 1949, as amended by Ch. 77, Section 2, Session Laws of Alaska 1951, is hereby amended to read as follows:

Sec. 37-3-63. Annual Budget or Statement of Proposed Expenditures. The school board of each incorporated city, incorporated school district, or independent school district shall annually before the first day of July submit to the Commissioner of Education a budget or detailed statement of proposed expenditures for the maintenance of the schools of such incorporated city or incorporated school district or independent school district during the following school year. Said detailed statement shall be submitted in the manner and form prescribed by the Commissioner of Education. The Commissioner of Education shall designate, in accordance with applicable rules and regulations of the Territorial Board of Education, those expenditures for which Territorial payment will be allowed. All budgets will show the total enrollment by grades and the average daily membership for the elementary and the high school levels separately for the preceding year and the estimated total

enrollment by grades and the estimated average daily membership for the elementary and high school levels separately for the year that the budget covers, and such other information as may be requested. The Commissioner of Education may disapprove or reduce any items in the budget and shall approve for Territorial payment only such parts of the proposed expenditures as come within the purview of this article, and are reasonable and necessary. The decision of the Commissioner with respect to the budget shall be final, provided, however, that any school board may appeal from the decision of the Commissioner of Education to the Territorial Board of Education. Said appeal shall be in writing and shall be signed by a majority of the members of the school board. It shall be filed with the President of the Territorial Board of Education who shall either call a special meeting of the Territorial Board or shall have the matter presented in writing to each member for consideration and written or telegraphic decision. No payment of Territorial moneys shall be made to any school board in excess of the budget approved by the Commissioner of Education; provided, that items may be added, deleted, or changed and the total amount of the annual budget may be revised upward or downward by the Commissioner of Education at a later date, should change in enrollment or other emergency

factors make such a revision necessary.

Section 4. Sec. 37-3-66 ACLA 1949, as amended by Ch. 77, Session Laws of Alaska 1951, is hereby amended to read as follows:

Sec. 37-3-66. Approval of Budget: Transmittal of Funds to the Districts. Upon approval of the school budget or detailed statement of proposed expenditures, the Commissioner of Education shall transmit an official copy of the same to the proper officer who shall issue warrants on the Territorial Treasurer upon the presentation of vouchers executed and signed by the Commissioner of Education in such amounts and at such times as is hereinafter provided. Such warrants shall be payable to the treasurer of the school board and shall be deposited to the school fund of the school district, and the amount so received shall be transferred to no other fund of the said school district or incorporated city; provided, that the Territorial Treasurer may transfer by telegraph amounts of said warrants in settlement thereof under such regulations as the Territorial Treasurer may prescribe.

Provided, further, that the Commissioner of Education shall transmit or cause to be transmitted in the manner above provided, at any time after the receipt and approval of the school budget, such sum as he shall have

reason to believe will not be in excess of ninety-five per cent (95%) of the Territorial portion of the approved budget. Warrants for the payments herein authorized shall be issued by the Auditor upon requisition of the Commissioner of Education, who shall submit with each requisition a statement showing the gross amount of the budget of the school for the current year, and the amount or amounts which have previously been paid.

Section 5. Section 5 of Chapter 77, Session Laws of Alaska 1951, is amended to read as follows:

Sec. 5. Report of Payment to Teachers: Final Report: Repayment of Excess. On or before the first day of July of each year the school board in each incorporated city, incorporated school district and independent school district shall file with the Commissioner of Education on forms prescribed by him, a report of salaries paid to teachers, superintendents, principals, substitute teachers, and other professional staff members. If the school district in complying with Territorial law has paid to teachers, superintendents, principals, substitute teachers, and other professional staff members a total amount less than that approved in the budget for such salaries, the Commissioner shall adjust the budget downward by the amount of the difference and shall make final payment to the school dis-

tract accordingly. If, in complying with Territorial law, the school board has paid to teachers, superintendents, principals, substitute teachers, and other professional staff members a total amount greater than that approved in the budget for such salaries, the Commissioner of Education shall adjust the budget upward in the amount of the excess and shall make final payment to the district accordingly. The intent of this section is that school boards shall be refunded for the salaries of teachers, principals, superintendents, substitute teachers, and other approved professional workers an amount exactly equal to the Territorial portion of the legal refundable salary as determined by Territorial law.

On or before the first day of September of each year the school board in each incorporated city, incorporated school district and independent school district shall file with the Commissioner of Education on forms prescribed by him, a final report of expenditures for the previous fiscal year ending June 30. Such report shall show the total expenditure in each item of the budget including the totals of salaries paid to teachers, superintendents, principals, substitute teachers, and other professional staff members. In the event that the payments made as hereinbefore provided for exceed the amount which such school district is entitled to receive, as indicated by the final

report of expenditures, at the election of the Commissioner of Education, such excess shall be repaid to the Territory or in the alternative be charged against the payments for the next ensuing school year, and provided that the act of any school board in accepting payment of Territorial funds shall constitute a binding contract between the Territory and the school board and city council in incorporated city school districts, the school board and city council of independent school districts, and the school board of incorporated school districts and on their behalf to either, upon demand of the Commissioner of Education, return and repay such excess or to consent to having such excess amount charged to the school account for the next ensuing school year.

Section 6. Annual Audit Required.

The school board in each incorporated city, incorporated school district, and independent school district shall each year on or before the first day of January have an audit made by a competent accountant of the school accounts for the school year ending the preceding June 30 and a certified copy of the same shall be filed with the Commissioner of Education. The audit report as filed shall include audit verification of the final report of expenditures submitted in accordance with Section 5 of this Act. The Commissioner of Education shall withhold all payment of Territorial funds after the first day of February to any school district

failing to file with his office a certified copy of such audit and no Territorial funds shall be paid to any school district after this date for any purpose until such audit is filed with the Commissioner of Education; provided, however, that the Commissioner of Education shall have the authority to conduct a re-audit or an audit check in any of the above school districts if in his judgment such action is necessary to fully substantiate the final report of expenditures of such district; and provided, further, that the Commissioner of Education shall have authority, in his discre-

tion, on or before the 1st day of July of each year to notify the school board of any school district which was in the eighty-five per centum payment group as provided in Section 2 of this Act that his office will conduct the audit of the school accounts for the current school fiscal year ending June 30.

Section 7. Section 37-3-65 ACLA 1949, as amended by Chapter 77, Session Laws of Alaska 1951, is hereby repealed.

Section 8. This Act shall become effective July 1, 1955.

Approved March 22, 1955

CHAPTER 50

AN ACT

Amending Section 26-1-7, ACLA, 1949, relating to duration of liens of mechanics and materialmen.

(C. S. for S. B. 49)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. Section 26-1-7, Alaska Compiled Laws Annotated, 1949, is hereby amended to read as follows:

Sec. 26-1-7. Duration of lien: Extension thereof. No lien provided for in this code shall bind

any building, structure, or other improvement for a longer period than six months after the same shall have been filed, unless suit be brought before the proper court within that time to enforce the same, or, if an extension of time for payment be given by the claimant and the terms thereof are stated in the claim of lien,