

be guilty of arson in the third degree and upon conviction thereof, be sentenced to imprisonment for not less than one nor more than three years or by fine of not more than three thousand dollars or by both such fine and imprisonment.

Sec. 4. Sec. 65-5-5 ACLA 1949, is amended to read as follows:

Sec. 65-5-5. Arson: Fourth Degree: Attempt to Burn Buildings or Property. (a) Any person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof shall be guilty of arson in the fourth degree and upon conviction thereof be sentenced to imprisonment for not less than one nor more than two years or fined not to exceed one thousand dollars or by both such fine and imprisonment.

(b) The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrange-

ment or preparation with intent to eventually willfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this Act constitute an attempt to burn such building or property.

Sec. 5. Sec. 65-5-6 ACLA 1949, is amended to read as follows:

Sec. 65-5-6. Burning to Defraud Insurer. Any person who willfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to imprisonment for not less than one nor more than five years or by fine of not more than three thousand dollars or by both such fine and imprisonment.

Sec. 6. Sec. 65-5-7 ACLA 1949, is hereby repealed.

Approved April 1, 1957

CHAPTER 142

AN ACT

Pertaining to the Teachers' Retirement System; amending Secs. 2, 4, 12, 15, and 16 of Chapter 145, SLA 1955; repealing and re-enacting Secs. 7 and 17 of Chapter 145, SLA 1955; repealing Section 18 of Chapter 145, SLA 1955; and setting an effective date.

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

Section 1. Sec. 2, Chapter 145, SLA 1955, is amended to read as follows:

Section 2. Definition of Terms.

(a) "Board" means the Teachers' Retirement Board.

(b) "Employer" means any city school district, incorporated school district, independent school district, the Board of Regents of the University of Alaska, and the Office of the Commissioner of Education.

(c) "Teacher" means any certified teacher, principal, supervisor or superintendent employed on a full-time basis in the public schools of Alaska, the Commissioner of Education, supervisors within the Department of Education, and all full-time resident department heads, instructors, professors, assistant professors, associate professors, deans, agricultural extension agents and supervisors, librarian and registrar of the University of Alaska. In all cases of doubt the Retirement Board shall finally determine whether any person is a teacher as defined in this Act.

(d) "Member" means any person included in the membership of the system as provided in subsection (c).

(e) "Prior service" means service as a "Teacher" in a public school not under the supervision and control of the Territorial Board of Education, the school board of any incorporated city, incorporated school district, independent school district, or the Board of Regents of the University of Alaska.

(f) "Military service" means service in the Armed Forces of the United States after January 1, 1940.

(g) "Membership service" means service as a teacher in a public school within the Territory of Alaska under the supervision and control of the Territorial Board of Education, the school board of any incorporated city, incorporated school district, independent school district, or the Board of Regents of the University of Alaska.

(h) "Creditable service" means prior service not to exceed ten (10) years, plus membership service as is provided in subsection (g).

(i) "Simple interest" means interest solely on the principal.

(j) "Year of service" means service of at least 140 school days in any one school year.

(k) "School year" means the 12 month period beginning July 1st of each year and ending June 30th of the next ensuing year.

(l) "Base salary" or "basic salary" means the annual salary authorized to be paid a teacher if employed in the same position in the First Judicial Division of the Territory of Alaska. "Salary authorized" means that salary fixed by the Territorial Board of Education; or if an employee of the Department of Education, University of Alaska or a Community College, that salary, in fact, paid such employee.

(m) "Retirement fund" means the fund consisting of all matching contributions by city school districts, from the School Tax Fund, and from other appropri-

ated funds; all contributions from whatever source; and income and interest derived from the investment of monies.

(n) "Retirement salary" means the money received by a retired teacher from the fund.

(o) "Non-revertible funds" means that portion of a teacher's contribution not subject to a refund.

(p) "Retirement System of 1945" and "Retirement Fund of 1945," or like terms, means the system and fund established by Sec. 37-5-21, ACLA 1949, et seq., as amended by Chapter 29, Session Laws of Alaska 1951, and Chapter 143, Session Laws of Alaska 1953.

Whenever used in connection with this Act, the masculine pronoun shall include both masculine and feminine gender.

Sec. 2. Sec. 4, Chapter 145, SLA 1955, is amended to read as follows:

Section 4. Powers and Duties. The Board shall have, but not by way of limitation, the following powers and duties: (a) authority to promulgate and issue appropriate regulations to implement the provisions of this Act and to cover matters not expressly touched upon or anticipated but implied by the provisions hereof. All such regulations shall have the force and effect of law; (b) to employ such assistants as are necessary at salaries determined by the Board and paid from the Retirement Fund; (c) to establish and maintain an adequate system of accounts for the Retirement Fund; (d) to approve or disapprove claims for retirement salary; (e) to keep an official record of all proceedings; (f) to

publish biennially a report showing the financial conditions of the Retirement Fund; and (g) to do whatever else may be necessary to effectuate the purposes of this Act.

Sec. 3. Sec. 7, Chapter 145, SLA 1955, is repealed and re-enacted to read as follows:

Section 7. Contributions by Teachers for Arrearages. If a teacher has previous creditable service, he shall be indebted, in addition to the above contributions, in the following amounts:

(a) If, at the time of becoming a member of this retirement system, a teacher has membership service covering all or any part of the period July 1, 1950, through June 30, 1955, his indebtedness shall be five percent (5%) of the average base salary (said base salary not to exceed Six Thousand Dollars in any one school year), over such period of membership service as occurred between July 1, 1950 and June 30, 1955, multiplied by the total number of years of creditable service, including prior service, if any, at the time of becoming a member.

(b) If, at the time of becoming a member of this retirement system, a teacher has no membership service covering any part of the period July 1, 1950, through June 30, 1955, his indebtedness shall be five percent (5%) of the base salary (said base salary not to exceed Six Thousand Dollars in any one school year) paid at the time of first becoming employed as a teacher, under the provisions of this Act, multiplied by the total number of years of creditable service, including prior service, if any, at the time of

becoming a member.

The teachers in (a) and (b) shall be credited with the total amount of contributions, if any, less any refunds, paid into the Retirement Fund of 1945.

If a teacher, after becoming a member of this retirement system discontinues membership and subsequently desires to be re-instated and receive credit for other prior service accumulated in the interim time, his indebtedness to the Retirement Fund for such additional credit shall be computed as follows: Five percent (5%) of the base salary, (said base salary not to exceed Six Thousand Dollars in any one school year) received upon re-instatement multiplied by the number of years of interim prior service; provided, however, that the total prior service claimed shall not exceed ten (10) years.

Sec. 4. Sec. 12, Chapter 145, SLA 1955, is amended to read as follows:

Section 12. Eligibility for Service Retirement.

(a) Any teacher who has completed twenty-five (25) years of creditable service, the last five (5) years of which is membership service in the Territory, and who has attained the age of fifty-five (55) years, may retire from service, and apply in writing to the Secretary for his retirement salary.

(b) Any teacher who has completed twenty-five (25) years of creditable service, the last five (5) years of which is membership service in the Territory, and who has attained the age of sixty-five (65) years during any school year, shall be retired on the first day of July following his sixty-fifth (65) birthday; Provided,

however, except for the purposes of determining eligibility for membership in this retirement system, compulsory retirement at the age of sixty-five (65) shall not apply to the Commissioner of Education, supervisors within the Department of Education, other full-time administrators and personnel of the University of Alaska.

(c) The burden of proving eligibility for any retirement benefits hereunder shall be borne by the applicant to the full satisfaction of the Board.

Sec. 5. Sec. 15, Chapter 145, SLA 1955, is amended to read as follows:

Section 15. Manner of Computing Disability Retirement Salary. Every teacher who has made application for disability retirement salary shall receive from the Retirement Fund, for each school year subsequent to the date of said application, a disability retirement salary payable on the first day of each month, commencing the month following the disability.

The payment made on the first day of the month in which death occurs shall constitute the last payment.

The amount of disability retirement salary to be paid shall be computed as follows:

(a) Each teacher who has made application for disability retirement salary after attaining the age of fifty-five (55) years or over, shall receive the amount of disability retirement salary to which he is entitled in the same manner as service retirement salaries are computed in Sec. 13(a), (b), and (c).

(b) Each teacher who has made

application for disability retirement salary before attaining the age of fifty-five (55) years, shall receive the amount of disability retirement salary to which he would be entitled if he were fifty-five (55) years of age, using the methods of computation set forth in Sec. 13(b) and (c).

(c) If the teacher was a member of the retirement system established by the Retirement Act of 1945, any annual retirement salary allowed for disability granted heretofore shall be computed as set forth in (a) or (b) of this section, but shall in no event be less than the sum of: Thirty-Nine Dollars (\$39.00) multiplied by the number of years of creditable service up to a maximum of twenty-five (25) years, plus ten percent (10%) of the total contributions made by the teacher to the Retirement Fund of 1945 for membership service.

Sec. 6. Sec. 16, Chapter 145, SLA 1955, is amended to add subsection (h) as follows:

(h) All claims for refund as provided by this section must be by written application and filed with the Secretary within five (5) years from the date of termination of membership service. For the purpose of this Act only a leave of absence shall not toll said five (5) year period within which said written application for refund must be filed.

Sec. 7. Sec. 17, Chapter 145, SLA 1955, is repealed and re-enacted to read as follows:

Section 17. Payment Upon Death of Teacher. Upon receipt of a valid claim and proper proof of the death of a member who is entitled to a refund of contribu-

tions, a payment, in the amount specified hereafter, shall be paid to his estate or to any person he has nominated by written designation, executed and filed with the Board. All claims and presentations of proof shall be made within five (5) years of termination of service, or if in membership service at the time of death, within five (5) years after date of death.

In the case of a teacher in membership service at the time of death, who has not received any retirement salary, the amount of the payment shall be the sum of (a) his accumulated contributions, as determined under Sec. 16 of this Act, and (b) One Thousand Dollars (\$1,000.00), plus One Hundred Dollars (\$100.00) multiplied by the number of completed school years of membership service, plus an additional sum of Five Hundred Dollars (\$500.00), if the deceased teacher is survived by one or more children under the age of eighteen (18) years at the time of his death; provided, however, that in no case shall the amount payable under provision (b) exceed Three Thousand Dollars (\$3,000.00).

In the case of a teacher, who has received retirement salary at the time of death, the payment shall be limited to the amount of his accumulated contributions, together with two percent (2%) simple interest to the date of retirement, less all retirement salary paid the deceased teacher; provided, however, that if a teacher dies within one (1) year after the effective date of disability retirement, as specified in Sec. 14 of this Act, the payment on death shall be the amount specified in the second paragraph of

this section, less the amount of any retirement salary previously paid the deceased teacher.

Upon the death of a teacher who at the time of death is not in membership service, and who is entitled to a return of his contributions, the accumulated contributions as specified in Sec. 16 of this Act shall be paid to his designated beneficiary or estate. Further, if a teacher dies within one (1) year after leaving membership service, and is entitled to a return of his contributions

and has not received such return on all service, and has not filed a claim for disability retirement but would have been eligible for such retirement if claim had been filed, the designated beneficiary or estate shall in addition be entitled to the payment specified in provision (b) of the second paragraph of this section.

Sec. 8. Sec. 18, Chapter 145, SLA 1955, is hereby repealed.

Sec. 9. This Act shall become effective July 1, 1957.

Approved April 1, 1957

CHAPTER 143

AN ACT

Amending Chapter 5 of Title 35, ACLA 1949, pertaining to weights and measures and authorizing the inspector to adopt specifications, tolerances and regulations for commercial weighing and measuring devices; and prescribing certain penalties.

(S. B. 76)

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

Section 1. Section 35-5-1, ACLA 1949, is hereby amended by adding the following subsection:

a. In addition thereto, the inspector is authorized and empowered to adopt and promulgate rules and regulations pertaining to specifications and tolerances for commercial weights and measures and weighing and measuring devices.

Sec. 2. The following sections are to follow immediately after Section 35-5-11, ACLA 1949:

Sec. 35-5-12. Marking Require-

ments for Food Packages: No person shall sell, offer or expose for sale any food in package form unless the quantity of contents is plainly and conspicuously marked on the outside of each package in terms of net weight, measure or numerical count; provided, however, that the provisions of this Act shall not be construed to apply to fruits and vegetables sold in original standard containers, or to vegetables which by common custom are offered for sale, or sold by the bunch, nor shall the provisions of this Act be construed to apply to fresh berries and other small fruits which are customarily of-