

property and improvements used and the expense of operation to the State; provided that in no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion thereof.

Sec. 2. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved April 27, 1959

CHAPTER 118

AN ACT

Amending the first paragraph of Sec. 43-2-11, ACLA 1949, as amended by Section 2 of Chapter 34, SLA 1949 by providing that employees furnishing labor at their option may be paid semi-monthly instead of monthly unless monthly pay periods are agreed upon in the initial annual employment contract.

(H. B. 167)

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

Section 1. The first paragraph of Sec. 43-2-11, ACLA 1949, as amended by Sec. 2, Ch. 34, SLA 1949, is hereby amended to read as follows:

Section 43-2-11. **Monthly Pay Periods: Establishment: Termination of Services: Written Contracts and Agreements Not Affected.** Every person or corporation employing labor in the State shall establish monthly pay periods or semi-monthly pay periods if the employee so elects, unless the employee and employer agree to monthly pay periods in the annual initial contract of employment, at which time such employer shall pay all employees

for all labor performed or services rendered; provided, however, that where the laborers or employees' services are terminated, regardless of the cause of termination, all wages, salaries or other compensation for labor or services shall become due immediately and shall be paid within twenty-four hours after such termination; provided, further, that nothing in this section shall be construed to affect any valid written contract or agreement entered into between employer and employee or their respective representatives. That nothing in this Act shall prevent said laborers or employees from receiving total wages due them at the end of the monthly pay period, if said laborers or employees so desire.

Approved April 27, 1959

CHAPTER 119

AN ACT

Requiring a nuclear license or permit; providing for certain studies; authorizing the appointment of a Coordinator of Atomic Development Activities; and encouraging cooperation with the Federal government.

(H.B. 49)

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

Section 1. **Declaration of Intent.**

(1) The State of Alaska endorses the action of the Congress of the United States in enacting the Atomic Energy

Act of 1954 to institute a program to encourage the widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public; and

therefor declares the policy of the State to be:

(a) To cooperate actively in the program thus instituted; and

(b) To the extent that the regulation of special nuclear, by-product, and radioactive materials, of production facilities and utilization facilities and of other forms of radiation, and of persons operating such facilities may be within the jurisdiction of the State, to provide for the exercise of the State's regulatory authority so as to conform, as nearly as may be, to the Atomic Energy Act of 1954 and regulations issued thereunder, to the end that there may, in effect, be a single harmonious system of regulation within the State.

(2) The State of Alaska recognizes that the production or utilization of atomic energy and other forms of radiation may result in new conditions calling for changes in the laws of the State and in regulations issued thereunder with respect to health and safety; working conditions; workmen's compensation; transportation; public utilities; life, health, accident, fire, and casualty insurance; the conservation of natural resources, including wildlife, and the protection of streams, rivers, and air-space from pollution; and therefore declares the policy of the State to be:

(a) To adapt its laws and regulations to meet the new conditions in ways that will encourage the healthy development of industries producing or utilizing atomic energy while at the same time protecting the public interest; and

(b) To initiate continuing studies of the need for changes in the relevant laws and regulations of the State by the respective departments and agencies of the State which are responsible for their administration; and

(c) To assure the coordination of the studies thus undertaken, particularly with other atomic industrial development activities of the State and with the development and regulatory activities of other states and of the government of the United States.

Sec. 2. **Definitions.** As used in this Act:

(1) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(2) "By-product material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(3) "Production facility" means any equipment or device capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or any important component part especially designed for such equipment or device.

(4) "Special nuclear material" means plutonium, uranium 233, and uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission has determined the material to be such; or any material artificially enriched by any of the foregoing.

(5) "Utilization facility" means any equipment or device, except an atomic weapon, capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or any important component part especially designed for such equipment or device.

(6) "Radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultra-violet light.

Sec. 3. **United States Licenses or Permits Required.** No person shall manu-

ufacture, construct, produce, transfer, acquire or possess any special nuclear material, by-product material, production facility, or utilization facility, or act as an operator or a production or utilization facility wholly within this State unless he shall have first obtained a license or permit for the activity in which he proposes to engage from the United States Atomic Energy Commission if the Commission requires a license or permit to be obtained by persons proposing to engage in such activities.

Sec. 4. Conduct of Studies Concerning Changes in Laws and Regulations with a View to Atomic Industrial Development.

Each of the following departments and agencies of the State is directed to initiate and to pursue continuing studies as to the need for changes in the laws and regulations administered by it that would arise from the presence within the State of special nuclear, by-product, and radioactive materials, from the operation herein of production or utilization facilities, and from the generation of radiation, and, on the basis of such studies, to make such recommendations for the enactment of laws or amendments to law administered by it, and such proposals for amendments to the regulations issued by it, as may appear necessary and appropriate.

(1) The Department of Health, or its successor, particularly as to hazards to the public health and safety.

(2) The Department of Labor, or its successor, particularly as to hazardous working conditions.

(3) The Department of Labor, or its successor, particularly as to the time and character of proof of claims of injuries and the extent of the compensation allowable therefor.

(4) The Department of Highways and Public Works, or its successor, particularly as to the transportation of special nuclear, by-product, and radioactive materials on highways of the State.

(5) The Aviation Department, or its successor, particularly as to the transportation of special nuclear, by-product, and radioactive materials by common

carriers not in interstate commerce and as to the participation by public utilities subject to its jurisdiction in projects looking to the development of production or utilization facilities for industrial or commercial use.

(6) The Department of Insurance, or its successor, particularly as to the insurance of persons and property from hazards to life and property resulting from atomic development.

(7) The Department of Fish and Game, or its successor, particularly as to the hazards to the natural resources of the State, including wildlife, and as to the protection of rivers, streams, and airspace from pollution.

(8) The Department of Mines, or its successor, particularly as to the hazards involved in the mining of radioactive minerals.

(9) Such other departments and agencies as the governor may direct and for the purposes specified by him, and such other departments and agencies as may be provided by law.

Sec. 5. Coordination of Studies and Development Activities.

(1) The governor shall appoint a person from within the Executive Branch, ex-officio, to serve as advisor to the governor with respect to atomic industrial development within the State; as coordinator of the development and regulatory activities of the State relating to atomic energy and other forms of radiation, including cooperation with other states and with the government of the United States. The person so appointed shall have the title of Coordinator of Atomic Development Activities.

(2) The Coordinator of Atomic Development Activities shall have the duty of coordinating the studies, recommendations, and proposals of the several departments and agencies of the State and its political subdivisions required by Section 4 of this Act with each other. So far as may be practicable, he shall coordinate the studies conducted, and the recommendations and proposals made, in this State with like activities in other states and with the policies and regulations of the United States Atomic Energy Commission.

(3) The several departments and agencies of the State and its political subdivisions which are directed by Section 4 of this Act to initiate and pursue continuing studies are further directed to keep the Coordinator of Atomic Development Activities fully and currently informed as to their activities relating to atomic energy and other forms of radiation.

(4) The Coordinator of Atomic Development Activities shall keep the governor and the several interested departments and agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and gen-

eral welfare of this State.

Sec. 6. Injunction Proceedings. Whenever, in the opinion of the governor, any person is violating or is about to violate Section 3 of this Act, he may direct the attorney general to apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this Act and upon a showing that such person has engaged, or is about to engage in any such activity, a permanent or temporary injunction, restraining order, or other order may be granted.

Sec. 7. Cooperation. The heads of the appropriate agencies may cooperate with the Federal government in the administration of this Act or any matter pertaining thereto.

Approved April 27, 1959

CHAPTER 120

AN ACT

To provide special education for exceptional children in Alaska; and providing for an effective date.

(S.B. 66)

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

Section 1. Purpose. It is the purpose of this Act to provide competent education services for the exceptional children in Alaska between and including the ages of five (5) and eighteen (18) for whom the regular school facilities are inadequate or not available.

Sec. 2. Definitions. In interpreting and carrying out the provisions of this Act, the words "exceptional children" wherever used, will be construed to mean physically handicapped children and mentally retarded children; the words "physically handicapped children" whenever used, will be construed to include any child of educable mind whose body functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools, without the provision of special services; and the words "mentally retarded children" wherever used, will be construed to include any child whose mental or emotional condition is such

that he cannot be adequately educated in the regular classes of the public schools, without the provision of special services. The term "special services" may be interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction and hearing therapy, sight conservation, and corrective health habits; and the provision of special seats, books and teaching supplies, and equipment required for the instruction of exceptional children. It shall also be interpreted to mean education and training for children who cannot utilize regular class room instruction. The evaluation of the child's mental and physical status shall be made in accordance with standards established by the Alaska Department of Health and Welfare. The standards shall include provision for re-evaluation of the child in special classes at regular intervals. The standards shall also make provision for boarding and foster care for a child who must attend classes away from his community.