

Sec. 3. In furtherance of the provisions contained in the compact, there shall be three members of the commission from the State of Alaska, appointed by the governor and confirmed by the legislature in joint session. One such commissioner shall be the administrative or other officer of the Alaska Department of Fish and Game charged with the conservation of the state's marine fisheries resource; another commissioner shall be a member of the legislature of this state who is a member of the committee on resources; and another member shall be a citizen of this state who has a wide knowledge of and interest in the marine fisheries problem.

Sec. 4. The term of each commissioner

is four years. A commissioner holds office until his successor is appointed and qualified, but such successor's term expires four years from the legal date of expiration of the term of his predecessor. Any commissioner may be removed from office by the governor upon charges and after a hearing. The term of any commissioner who ceases to hold the qualifications required terminates and a successor may be appointed. Vacancies occurring in the office of a commissioner from any reason or cause shall be filled for the unexpired term in the same manner as for a full term appointment.

Sec. 5. This Act takes effect July 1, 1962.

Approved May 4, 1962

CHAPTER 163

AN ACT

Requiring an applicant for a commercial fishing license to file a signed statement of filing of the Alaska net income tax return; amending Sec. 3, Art. III, Ch. 94, SLA 1959; and providing for an effective date.

(C.S.H.B. 396)

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

Section 1. Sec. 3, Art. III, Ch. 94, SLA 1959, is amended to read:

Sec. 3. **Issuance of Licenses.** a. Licenses herein required shall be issued to any qualified person by the commissioner or his duly authorized deputies, pursuant to written application accompanied by the required fee and containing such reasonable information as may be required by the commissioner. Such applications shall be simple in form and be executed by applicants or their respective agents under the penalties of perjury.

b. An application for a commercial fishing license shall include a signed statement on a form furnished by the commissioner stating, under the penalties of perjury, that the applicant has filed any net income tax return due the state for the previous tax year, or, if the applicant did not file an Alaska net income tax return for the previous tax year, that he did not earn income in Alaska during that year. The commissioner shall reject no license application for the sole reason of failure to pay a tax.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved May 4, 1962

CHAPTER 164

AN ACT

Creating a public school foundation program; providing a system for allocating state aid to local school districts; repealing certain laws in conflict therewith; and providing for an effective date.

(C.S.H.B. 420)

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

Article I

State Aid to Local School Districts

Section 1.01. **Declaration of Intent.** It is the intention of the legislature, in enacting this public school foundation program, to assure an adequate level of educational opportunities for those in attendance in the public schools of the state. This Act shall not be interpreted as preventing any public school district from providing educational services and facilities beyond those assured by the foundation program.

Sec. 1.02. **Basic Need.** For the purposes of this Act, the "basic need" for each school district shall be the sum of the following:

(1) the teachers' salary allotment (Sec. 1.04);

(2) the average daily membership allotment (Sec. 1.05); and

(3) the attendance center allotment (Sec. 1.06).

Sec. 1.03. **State Aid.** The amount of state aid shall be determined by subtracting the required local effort (Sec. 1.07) from the basic need (Sec. 1.02).

Sec. 1.04. **Teachers' Salary Allotment.**
 a. The teachers' salary allotment for each district shall be the product of the "teacher salary average" times the "allowable number of teacher units."

b. The teacher salary average is the sum derived by dividing the total amount which the district was required to pay to the full-time teachers employed by the district in the year two years prior to the fiscal year under the state minimum salary schedule, divided by the total number of full-time teachers employed by the district in the year two years prior to the fiscal year. If the legislature raises the state minimum salary scale by a law effective during the fiscal year, the teacher salary average shall be recomputed as if the new salary scale had been in effect in the year two years prior to the fiscal year.

c. The allowable number of teacher units for each district is the number of teachers employed by the district for the fiscal year, but not to exceed the number of teacher units which is allowed to the

district for the fiscal year by this subsection.

(1) Each district is entitled to the number of teacher units for elementary schools which corresponds to the average daily membership for its elementary schools in the following elementary schedule. Each district is entitled to the number of teacher units for secondary schools which corresponds to the average daily membership for its secondary schools in the following secondary schedule; provided, that if a school district has two or more secondary attendance centers, it shall separately compute the allowable number of teacher units for each of its secondary attendance centers which has an average daily membership of 301 or more pupils.

Schedule of Allowable Number of Teacher Units

Elementary Schedule		Secondary Schedule	
Average daily membership	Allowable No. of teacher units	Average daily membership	Allowable No. of teacher units
8-15	1	Under 10	1
16-30	2	10-15	2
31-45	3	16-25	3
46-60	4	26-40	4
61-75	5	41-60	5
76-100	6	61-80	6
		81-100	7
101-300	6 plus 1 for each 20 pupils, or major fraction thereof, between 101 and 300	101-300	7 plus 1 for each 20 pupils, or major fraction thereof, between 101 and 300
301 and over	16 plus 1 for each 25 pupils, or major fraction thereof, over 300	301 and over	17 plus 1 for each 25 pupils, or major fraction thereof, over 300

(2) If a district has less than 600 pupils in average daily membership, it shall not be allowed any teacher units for administrators in excess of teacher units allowed by paragraph (1) of this subsection.

(3) If a school district has an average

daily membership of 600 or more students, it is entitled to teacher units, as an allowance for superintendents and assistants, in addition to those otherwise allowed in this subsection. Each such district is entitled to the number of teacher units which corresponds to the total elementary and secondary average daily membership in the following schedule:

Total average daily membership	Allowable No. of teacher units
601-3000	1
3001-5999	2
Over 6000	3

(4) Each district is entitled to additional teacher units as an allowance for principals and vice principals as follows:

(a) A school district with an average daily membership of 700 or more is allowed a teacher unit for each building with eight or more classrooms, as an allowance for a principal for such building.

(b) A school district having one or more buildings with 24 or more classrooms in use as regular classrooms with teachers assigned is also allowed a teacher unit for each such building, as an allowance for a vice principal for such building.

(5) This schedule of allowable number of teacher units is only for use in determining allotments under the public school foundation program, and does not prohibit a district from hiring a greater number of teachers to be paid from its own funds.

Sec. 1.05. Average Daily Membership Allotment. The average daily membership allotment for each district shall be as follows:

(1) If the district lies in the Southeastern Senate District: \$140 times average daily membership;

(2) If the district lies in the Southcentral Senate District: \$150 times average daily membership;

(3) If the district lies in the Central and Northwest Senate Districts and that part of the Southcentral Senate District lying west of 152° west longitude: \$160 times the average daily attendance.

Sec. 1.06. Attendance Center Allotment. The attendance center allotment for each district shall be the product of the number

of attendance centers in the school district times \$1,000. For the purposes of this section, "attendance center" means each elementary or secondary school which functions as a distinct administrative unit and is allocated a principal by the district school board; provided, that the State Board of Education may designate as attendance centers, in addition to those which qualify under this definition, those schools which it determines should be considered as attendance centers because of remote location or other special circumstances.

Sec. 1.07. Required Local Effort. a. The required local effort of each district shall be the sum of the required local tax effort of the district and one-half of any Public Law 874 money received from the federal government in the pre-fiscal year.

b. The required local tax effort for each district is the amount of revenue raised from local sources which is equivalent to the amount which would be raised from a mill levy on the full and true value of taxable real and personal property within the district. The specific amount of this mill levy shall be established by the first session of the third Alaska legislature. The amount of the required local tax effort may be raised from any source available to the district and does not have to be derived from property taxes.

c. Every district which is charged by law with the responsibility of providing public education or which has assumed such responsibility voluntarily is required to raise each year a sum equivalent to the required local tax effort.

Sec. 1.08. Public School Foundation Account. a. There is hereby established the public school foundation account consisting of appropriations for distribution to districts in accordance with the provisions of this Act.

b. The money of the public school foundation account shall be used only in aid of public schools as provided by this Act.

c. Any money in the public school foundation account which is not allocated, as provided in this Act, prior to the end of the fiscal year for which appropriated shall revert to the general fund.

Article II

Preparation of Public School Foundation Budget

Sec. 2.01. **Computation by District.** By October 30 of the pre-fiscal year, each district shall submit to the commissioner its computations for the following fiscal year of the district's basic need as defined by Sec. 1.02; its required local effort as defined by Sec. 1.07; and the amount of state aid to which the district would be entitled under Sec. 1.03. Each district shall make the computations in the manner prescribed in this Article. Such computations shall serve as the basis for requesting legislative appropriations, and for preliminary payments under the public school foundation program.

Sec. 2.02. **Estimated Average Daily Membership.** Each district shall prepare an estimate of its average daily membership for the fiscal year. In making this estimate, the district shall take into consideration its average daily membership in preceding years, the pattern of growth or decline in preceding years, and any other pertinent information available to the district. The result of this estimate shall be known as the "estimated average daily membership."

Sec. 2.03. **Computation of Teachers' Salary Allotment.** a. In computing the teachers' salary allotment, the district shall first determine

(1) the number of teachers which it will be allowed for the fiscal year under the schedule of allowable number of teachers set forth in Sec. 1.04c; provided, that the average daily membership figure to be used in that schedule is the "estimated average daily membership" as defined by Sec. 2.02; and

(2) the number of teachers which it plans to hire for the fiscal year.

b. The district shall use the lower number of teachers computed under paragraphs (1) and (2) of Subsec. a. as the "allowable number of teachers" in computing the teachers' salary allotment under the provisions of Sec. 1.04.

Sec. 2.04. **Computation of Average Daily Membership Allotment.** The average daily membership allotment of each district shall be computed as required by Sec. 1.05, except that the "estimated average daily

membership" as defined by Sec. 2.02 shall be used in place of "average daily membership."

Sec. 2.05. **Computation of Attendance Center Allotment.** The attendance center allotment for each district shall be computed by using the number of attendance centers which are or will be in operation by the end of the pre-fiscal year.

Sec. 2.06. **Computation of Required Local Effort.** a. In computing the required local tax effort, the district shall use the "full and true value of the taxable real and personal property within the district" as determined by the Local Affairs Agency. Once the local tax effort is correctly computed, it shall be the final figure in satisfaction of Sec. 1.07b and it shall not be recomputed during the fiscal year.

b. The district shall estimate the amount of Public Law 874 money it will receive in the pre-fiscal year, and one-half of the estimate of money to be received shall be included in the total sum of required local effort as provided by Sec. 1.07a. This figure shall be adjusted at a later time but before final accounting for the fiscal year to reflect one-half of the Public Law 874 money actually paid or credited to the district during the pre-fiscal year.

Sec. 2.07. **Determination of Full and True Value by Local Affairs Agency.** The Local Affairs Agency, in consultation with the assessor for each district, shall determine the full and true value of the taxable real and personal property within each district. Exemptions granted under Chapter 129, SLA 1957, known as the Alaska Industrial Incentive Act, shall be honored. If there is no local assessor or current local assessment for a district, then the Local Affairs Agency shall make the determination of full and true value from such information as is available. In making the determination, the Local Affairs Agency shall be guided by Sec. 11, Ch. 174, SLA 1957. The determination of full and true value shall be made on or before September 15 and sent by registered mail on or before that date to the president of the school board in each district. Duplicate copies shall be sent to the commissioner. The district may obtain judicial review of the determination by filing a motion in the superior court of the judicial district in which the district is located within 10 days after receipt of the deter-

mination. The superior court may modify the determination of the Local Affairs Agency only upon a finding of abuse of discretion or upon a finding that there is no substantial evidence to support the determination.

Sec. 2.08. Duty of Commissioner to Examine and Tabulate Computations. a. The commissioner shall examine the allotment computations submitted by each district to determine that they are correctly computed. If the allotments are incorrectly computed, the commissioner shall either obtain a correct computation from the district, or make a correct computation based on information available to him, with notice of the corrected computation being given to the district.

b. The commissioner shall reduce these computations to a report in tabular form or such other form as will assist in examining the computations of the districts and shall transmit the report to the governor. The commissioner shall maintain additional copies of this report in his office as a matter of public record. This report shall be entitled "Public School Foundation Program Computations."

Article III

Procedure for Payment of Public School Foundation Funds to Districts

Sec. 3.01. Allocation of Funds on Preliminary Computations. The commissioner shall determine on or before June 15 of each year the amount of state aid to which each district is entitled on the basis of the pre-fiscal year computations. Beginning July 15 of the fiscal year and on the fifteenth of each month thereafter, for seven successive months, one-twelfth of each district's state aid entitlement shall be distributed.

Sec. 3.02. Payment under Adjusted Computations. Each district shall make a report at the end of the first nine weeks of school, which shall contain a new estimate of its average daily membership for the fiscal year and any other information which will aid the commissioner in making a more accurate determination of the amount of state aid to which the district is entitled. The commissioner shall, on the basis of this new estimate and information, make a recomputation of the total amount of state aid to which each district is entitled. On or before December 1, the

commissioner shall notify each district of any changes made in its entitlement to state aid. The commissioner shall also determine at that time whether or not the money in the public school foundation account is sufficient to meet the obligations for the fiscal year, and, if such money is not sufficient, he shall immediately inform the governor of the amount of additional appropriation he estimates will be necessary to carry out the public school foundation program for the rest of the fiscal year. Beginning January 15 and on the fifteenth of each month thereafter, each district's recomputed entitlement shall be distributed in five equal installments, provided that one-half of the June payment shall be withheld pending a final determination of the district's state aid entitlement.

Sec. 3.03. Payment under Final Computation. On or before June 15, each district shall transmit to the commissioner a final computation of the state aid to which the district is entitled. The commissioner shall process each district's computation in the manner provided by Sec. 2.08a. Any money owing to a district shall be obligated by the commissioner prior to June 30. If the district received more money than its state aid entitlement, it shall immediately, after notice from the commissioner of such overpayment, remit the amount of overpayment to the commissioner to be returned to the public school foundation account.

Sec. 3.04. Restrictions Governing Receipt and Expenditure of Money from Public School Foundation Account. a. The public school foundation money distributed to any district during any year, together with the money acquired from local effort, shall be received, held, and expended by the district school board subject to the provisions of law and regulations of the State Board of Education.

b. Each district shall maintain financial records of the receipt and disbursement of public school foundation money and money acquired from local effort. The records shall be in such form as the State Board of Education shall prescribe by regulation and shall be subject to audit by the commissioner or the State Board of Education at any time.

Article IV

General Provisions

Sec. 4.01. Regulations. The commis-

sioner is authorized to promulgate regulations pursuant to the Administrative Procedure Act to implement this Act.

Sec. 4.02. **Definitions.** As used in this Act, unless the context otherwise requires:

(1) "average daily membership" means the aggregate days of membership of pupils divided by the actual number of days the school is in session for the year;

(2) "commissioner" means the commissioner of the Department of Education for the State of Alaska;

(3) "district" means any independent, incorporated city or borough school district, but does not include state rural schools;

(4) "elementary school" means a school consisting of grades one through eight, or any appropriate combination of grades within this range;

(5) "fiscal year" means the year beginning July 1 and ending June 30 for which allotments and entitlements are computed or distributed;

(6) "pre-fiscal year" means the year immediately prior to the fiscal year;

(7) "Public Law 874 money" means federal funds allowed school districts as provided in Public Law 874 of the 81st Congress, as amended, 20 U.S.C., Ch. 13;

(8) "public school foundation account" means the account created by Sec. 1.08 of this Act for use in financing education in public elementary and secondary schools;

(9) "secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range. When grades seven through eight, nine, or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of this Act;

(10) "state minimum salary schedule" means the minimum salaries required by Secs. 37-6-1, 37-6-2 and 37-6-3, ACLA 1949, as last repealed and re-enacted by Ch. 51, SLA 1961, and as further amended or repealed and re-enacted;

(11) "taxable real and personal property" means all real and personal property taxable under the laws of Alaska, but does not include household goods and personal effects;

(12) "teacher" means any regular or special teacher, principal, supervisor, superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of a public elementary or secondary school for whom certification is required as a condition of employment.

Article V

Formal Provisions

Sec. 5.01. **Repealer.** The following statutes are superseded by this Act in the manner and according to the schedule provided by Sec. 5.04 of this Act, and are repealed effective July 1, 1964:

Sec. 37-3-61, ACLA 1949, as amended by Ch. 49, SLA 1955.

Sec. 37-3-62, ACLA 1949, as amended by Ch. 77, SLA 1951, Ch. 68, SLA 1953, and Ch. 49, SLA 1955.

Sec. 37-3-63, ACLA 1949, as amended by Ch. 77, SLA 1951, Ch. 49, SLA 1955, and Ch. 129, SLA 1960.

Sec. 37-3-64, ACLA 1949, as amended by Ch. 68, SLA 1953.

Sec. 37-3-66, ACLA 1949, as amended by Ch. 77, SLA 1951, and Ch. 49, SLA 1955.

Sec. 5, Ch. 77, SLA 1951, as amended by Ch. 49, SLA 1955.

Sec. 6, Ch. 49, SLA 1955, as amended by Ch. 129, SLA 1960.

Sec. 5.02. **State Aid to Newly Established District Schools.** a. Whenever a state school becomes a district school, the school shall continue to be considered a state school for purposes of financial support until the expiration of a complete fiscal year following the date on which the school becomes a district school. This subsection does not prevent a local government from expending money to contribute to the financial support of a state school which becomes a district school.

b. For each fiscal year thereafter, the state shall disburse to the district only that money to which the district is en-

titled under the public school foundation program.

(c) For the purposes of this section:

(1) "state school" means a school operated by the State Department of Education and entirely financed by state money; and

(2) "district school" means any school which comes under the jurisdiction of a district as that term is defined in this Act.

Sec. 5.03. **Repealer.** Ch. 90, SLA 1960, as amended, is repealed.

Sec. 5.04. **Transition.** Existing law shall be superseded and this Act put into operation in the following manner:

(1) for the fiscal year 1962-63, budgets

shall be prepared, state aid computed, and appropriations disbursed in accordance with existing law;

(2) during the fiscal year 1963-64, state aid shall be disbursed in accordance with existing law;

(3) beginning on July 1, 1963, budgets shall be prepared and state aid computed in accordance with this Act;

(4) beginning with the second session of the third Alaska legislature in 1964, appropriations shall be made in accordance with this Act;

(5) beginning on July 1, 1964, state aid shall be disbursed in accordance with this Act.

Sec. 5.05. **Effective Date.** This Act takes effect July 1, 1962.

Approved May 4, 1962

CHAPTER 165

AN ACT

Relating to state elections; amending Ch. 83, SLA 1960; and providing for an effective date.

(S.S.S.B. 147)

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

Section 1. Ch. 83, SLA 1960, is amended by adding a new Sec. 5.14 to read:

Sec. 5.14. **Party Committeemen and Committeewomen Elected at Primaries.** At such primary election, the members of the respective political parties shall also elect the members of the district and state central committees for the terms and in the number now provided, or as may hereafter be provided, in the party rules of organization of the respective parties. Party rules of organization may also provide for additional ex officio members of such committees.

(a) In the election years when a President of the United States is not to be elected, each major political party shall elect its national committeeman and its national committeewoman.

(b) To qualify as a candidate for election to the district or state central

committee, national committeeman, or committeewoman, a person must have registered a party preference in the preceding primary election.

(c) District committees shall be elected from and by the voters of each major senate district as provided in the party rules. State central committee members shall be elected from and by the voters of the state as provided in the party rules.

(d) Candidates for election to the district and state central committees, national committeeman, and national committeewoman shall file their nominating petitions or declarations with the secretary of state as required of candidates for state offices, and shall pay a fee of \$10 for district office, and a fee of \$20 for a state-wide office.

(e) The names of all candidates shall be printed on separate ballots for each political party. Voters who declare their party preference shall be issued a ballot for that party at the same time as