

LAWS OF ALASKA, 1964

CHAPTER 1

AN ACT

Relating to the confirmation of appointments by the legislature; and providing for an effective date.

(H.B. 255)

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

Sec. 3. AS 39.05.080(3) is amended to read:

Section 1. AS 39.05.080(1) is amended to read:

(1) The appointing authority shall, within 14 calendar days of the convening of the legislature in regular or special session, present to the legislature for confirmation the names of all persons

(A) appointed to a position or membership which have not previously been confirmed by the legislature or either house of it;

(B) appointed by him subject to confirmation to fill an existing position or membership vacancy;

(C) to be appointed subject to confirmation to fill a position or membership the term of which shall expire before July 2, following the session of the legislature.

Sec. 2. AS 39.05.080(2) is amended to read:

(2) When appointments are presented to the legislature for confirmation, the legislature shall, before the end of the session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the appointing authority of its action and a vacancy in the position or membership exists which the appointing authority shall fill by making a new appointment. The new appointment shall be presented for confirmation to the legislature within 20 calendar days following receipt by the appointing authority of the legislature's notification of its refusal to confirm the prior appointment. If the name of a person is submitted and is not confirmed, the appointing authority may not, upon resubmission of appointments, submit again the name of the person whose confirmation was refused for the same position or membership during the session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the position or membership during the interim between legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved February 6, 1964

CHAPTER 2

AN ACT

Relating to revising the Alaska Statutes to reflect corrective amendments by the revisor of statutes; and providing for an effective date.

(S.B. 180)

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

Section 1. AS 04.15.030 is amended to read:

Sec. 04.15.030. Stock Confined to Licensed Premises. It is unlawful for a licensee to carry for sale any stock of intoxicating liquor except on the premises indicated on his license. However, stocks of beer carried in a delivery truck for the purpose of sale by a licensed wholesaler to others licensed under this title and for the purpose of delivery to their licensed premises are not subject to this section.

Sec. 2. AS 06.05.345(b) is amended to read:

(b) The articles shall be executed in quadruplicate and acknowledged before a proper officer. One copy of the articles shall be filed and recorded in the office of the clerk of the superior court in the judicial district in which the bank is located; two, together with the bylaws of the corporation, shall be filed with the department; and one shall be retained by the corporation.

Sec. 3. AS 08.44.010 is amended to read:

Sec. 08.44.010. Licensing and Examination of Embalmers. The Department of Health and Welfare shall provide rules and regulations establishing minimum qualifications for embalmers and for examination of applicants and issuance of licenses to persons qualified to act as embalmers. Licenses shall be issued to persons licensed under the laws of another state of the United States to act as embalmers. Licenses issued under this section are for the calendar year and the Department of Revenue shall issue the licenses and collect a fee of \$25 for each license issued and for each annual renewal.

Sec. 4. AS 11.15.310 is amended to read:

Sec. 11.15.310. Libel and Slander. A person who wilfully speaks, writes, or in any other manner publishes defamatory or scandalous matter concerning another with intent to injure or defame him is guilty of a misdemeanor, and, upon conviction, is punishable by

imprisonment in a jail for not less than six months nor more than one year, or by a fine of not less than \$50 nor more than \$500, or by both. This section applies to an allusion to person or family, with intent to injure, defame, or maliciously annoy the family.

Sec. 5. AS 11.25 is amended by adding a new section to read:

Sec. 11.25.055. Allegation of Intent to Injure or Defraud. If the intent to injure or defraud is necessary under this chapter to constitute the crime, it is sufficient to allege in the indictment for the crime an intent to injure or defraud without naming in the indictment the particular person or body corporate intended to be injured or defrauded, and, on the trial of the action, it is not considered a variance, but is considered sufficient if there appears to be an intent to injure or defraud the United States or a state, territory, borough, town, or other municipal or public corporation, or a public officer in his official capacity, or any private corporation, copartnership, or member thereof, or a particular person or persons.

Sec. 6. AS 11.40.380 is amended to read:

Sec. 11.40.380. Receiving Money or Value for Procuring Female for Immoral Purpose. A person who knowingly receives money or other valuable thing for or on account of procuring and placing a woman in the custody of another person for immoral purposes, with or without her consent, is guilty of a felony, and, upon conviction, is punishable by imprisonment in the penitentiary for a period of not less than two years nor more than 20 years, or by a fine of not less than \$1,000 nor more than \$5,000, or by both.

Sec. 7. AS 14.30.110 is amended to read:

Sec. 14.30.110. Exemption from Physical Examination or Vaccination. (a) No child is obliged to submit to a physical examination or a vaccination if the parent or guardian of the child objects on grounds of religious principles. The objection shall be in writing, signed by the parent or guardian, and

shall be delivered to the child's teacher or to the person having authority to order or conduct the physical examination or the vaccination.

(b) The exemption from physical examination shall not be granted when, in the judgment of the teacher, principal, superintendent, department, or physician, a child shows symptoms of physical defects or has been exposed to a contagious, infectious, obnoxious, or communicable disease.

(c) The exemption from vaccination shall not be granted when, in the judgment of the teacher, principal, superintendent, department, or physician, a child shows symptoms of or has been exposed to any communicable disease.

Sec. 8. AS 16.05.670 is amended to read:

Sec. 16.05.670. Fishing Gear in General. Fishing gear licenses issued under secs. 550 - 650 of this chapter are non-transferable, and it is unlawful for any gear which is licensed as provided in this chapter to be operated or caused to be operated by any person other than the licensee. If the operator of the gear is a nonresident, the gear is required to be licensed as nonresident gear and the fees provided for non-residents shall be paid. "Operator" means the individual by law made responsible for the operation of the vessel. All licenses for fishing gear shall be retained in the possession of the licensee and readily accessible for inspection at all times.

Sec. 9. AS 20.10.100(a) is amended to read:

(a) Upon the conclusion of the hearing, the court shall enter its decree either granting or denying the petition. If the court is satisfied with the identity and relations of the persons, and that the petitioner is of sufficient ability and in all respects a fit and proper person to bring up the child, and all other requirements of this chapter have been met, it shall grant the petition; otherwise it shall deny the petition. However, the child shall be lawfully brought within the jurisdiction of the court before the entry of the final decree.

Sec. 10. AS 23.10.045(b) is amended to read:

(b) Each violation of this section is a separate offense and a person found guilty of a violation is punishable in accordance with the schedule of punishment set out in sec. 415 of this chapter.

Sec. 11. AS 28.10.470 is amended to read:

Sec. 28.10.470. Filing Instruments Evidencing Liens or Encumbrances. No conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance or title retention instrument upon a registered vehicle, other than a lien dependent upon possession, is valid as against the creditor of an owner acquiring a lien by levy or attachment or a subsequent purchaser or encumbrancer without notice until the requirements of secs. 480 - 530 of this chapter are complied with.

Sec. 12. AS 28.20.130 is amended to read:

Sec. 28.20.130. Payment upon Judgment. The payment of a judgment arising out of an accident, or the payment upon judgment of an amount equal to the maximum amount which could be required for deposit under this chapter, for the purposes of this chapter, releases the judgment debtor from the liability evidenced by the judgment.

Sec. 13. AS 44.45.100 is amended to read:

Sec. 44.45.100. Tourism Advisory Board. There is a Tourism Advisory Board in the Department of Economic Development and Planning.

Sec. 14. AS 44.62.330(c) is amended to read:

(c) Judicial review and scope of judicial review of all final decisions of the commissioner of labor on an appeal relating to employment security shall be in accord with this chapter notwithstanding anything to the contrary in the Alaska Employment Act (AS 23.20). All other procedures of the Department of Labor relating to employment security shall be as provided in the

Alaska Employment Security Act and the regulations under the Alaska Employment Security Act.

Sec. 15. AS 26.15.160(3) is amended to read:

(3) No person unless he has lived in the state or territory for at least 10 years following his release from active military service is eligible for the benefits of this section who is eligible for veterans' benefits under the laws of any other state or territory. A World War II veteran who received a bonus under secs. 120 and 150 of this chapter need not repay the bonus in order to

qualify under the loan provisions of this section.

Sec. 16. AS 39.15.070(2) is amended to read:

(2) that he is worth double the amount for which he becomes surety over and above all his debts and liabilities in property located in the state which is not exempt from seizure and sale under execution.

Sec. 17. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved February 13, 1964

CHAPTER 3

AN ACT

Relating to prohibitions with respect to certain females in connection with sales of beverages upon licensed premises; and providing for an effective date.

(C.C.S.C.S.H.B. 198)

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

Section 1. AS. 04.15.090 is repealed and re-enacted to read:

Sec. 04.15.090. **Prohibition with Respect to Certain Females in Connection with the Sale of Beverages upon Licensed Premises.** (a) No female person employed in any capacity or for any purpose by the holder of a license for a beverage dispensary establishment, club, road house, restaurant, or common carrier dispensary, or by the operator or manager thereof may solicit or encourage the purchase of any beverage, alcoholic or otherwise, by patrons of the licensed premises for consumption by such patrons or by such female person; nor may any such female person accept any beverage, alcoholic or otherwise, purchased by a patron of such an establishment.

(b) No female person, whether an employee or patron of any licensed beverage dispensary establishment, club, road house, restaurant, or common carrier dispensary may remain about the premises of any such establishment and solicit any beverage, alcoholic or otherwise, from any patron of said

establishment, whether the beverage be for herself, the patron, or another.

(c) No holder of a license for a beverage dispensary establishment, club, road house, restaurant, or common carrier dispensary, or an operator or manager thereof may permit any female person employed by him, in any capacity or for any purpose, to solicit or encourage the purchase of any beverage, alcoholic or otherwise, by patrons of the said licensed premises for consumption by such patron or by such female person; nor may any such holder, operator, or manager permit any female employee to accept any beverage, alcoholic or otherwise, purchased or offered by a patron of any such licensed premises.

(d) No holder of a license for a beverage dispensary establishment, club, road house, restaurant, or common carrier dispensary, or an operator or manager thereof may permit any female person whatever to remain about the premises of any such establishment and solicit any beverage, alcoholic or otherwise, from any patron of such licensed premises, whether the said beverage be for herself, the patron, or another.