

training and education of the residents of rural areas directed to expanding opportunities for employment and improvement of living conditions;

(6) to assist economically distressed rural communities through projects which will generate local income and employment;

(7) to apply for, to contract with and accept from the federal government or other public or private agencies gifts, grants, and other assistance subject to reasonable limitations imposed by the grantor;

(8) to acquire real and personal property and to dispose of it by transfer of it to other state agencies, or by sale or gift to other public agencies or nonprofit associations if it serves the purposes of this section;

(9) to administer appropriated funds in accordance with and to carry out the purposes of secs. 500 - 540 of

this chapter, and to make allotment or transfer money to other state agencies;

(10) to employ necessary personnel;

(11) to adopt regulations to carry out this section.

Sec. 44.19.540. Limitations. The programs of the Rural Development Agency are subject to the following limitations:

(1) no program for any one community may exceed \$10,000 in cost a year; and

(2) no first- or second-class city of over 2,000 population is eligible for assistance.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 21, 1964

CHAPTER 70

AN ACT

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

(S.B. 267)

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

Section 1. Purpose. All of the laws of the state were revised and re-enacted as the Alaska Statutes. During the revision and publication of the Alaska Statutes, certain errors occurred, and it is the purpose of this Act to correct those errors so that the sense of the laws affected will be as it was before the adoption of the Alaska Statutes.

Sec. 2. AS 08.04.380 is repealed and re-enacted to read:

Sec. 08.04.380. Waiver of Requirements. The board may waive the requirements of secs. 360 and 370 of this chapter if

(1) the community has a population of 2,000 or less; and

(2) the firm opening or main-

taining the office maintains another office in the state which meets the requirements outlined in secs. 360 and 370 of this chapter.

Sec. 3. AS 08.04.630 is amended to read:

Sec. 08.04.630. Injunction against Unlawful Act. Whenever, in the judgment of the board, any person has engaged in any act which constitutes a violation of secs. 500 - 610 of this chapter, the board may apply to the appropriate court for an order enjoining the act. Upon a showing by the board that a person has engaged in the act, the court shall grant an injunction or any other appropriate order without bond.

Sec. 4. AS 10.05.255(a)(8) is amended to read:

(8) any provision limiting or

denying to shareholders the preemptive right to acquire additional or treasury shares of the corporation;

Sec. 5. AS 10.05.255(a) (9) is amended to read:

(9) any provision, not inconsistent with law, which the incorporators elect to set out in the articles of incorporation for the regulation of the internal affairs of the corporation, including a provision which, under this chapter, is required or permitted to be set out in the bylaws;

Sec. 6. AS 10.05.564 is amended to read:

Sec. 10.05.564. **Stated Powers and Duties of Receiver.** The order appointing the liquidating receiver shall state his powers and duties. The powers and duties may be increased or diminished at any time during the liquidation proceedings.

Sec. 7. AS 10.05.567 is amended to read:

Sec. 10.05.567. **Compensation of Receiver and Attorneys.** The court may allow from time to time as expenses of the liquidation compensation to the receiver and to attorneys in the proceeding, and direct the payment of compensation out of the assets of the corporation or the proceeds of a sale or disposition of assets.

Sec. 8. AS 11.20.480 is amended to read:

Sec. 11.20.480. **Defrauding Hotel Keepers.** A person who puts up at a hotel, inn, boardinghouse, or lodginghouse and who procures a fare, board, or lodging from the owner or keeper by means of a trick, deception, or false representation, or a false show of baggage or effects, with the intent to cheat or defraud the owner or keeper out of the pay for the fare, board, lodging, or accommodation; or who with that intent absconds, surreptitiously removes, or causes to be removed baggage or effects from a hotel, inn, boardinghouse, or lodginghouse without first paying the proper charges due is guilty of a misdemeanor, and, upon conviction, is punishable by a fine of not more than \$200, or by imprisonment for not more than six months, or by both.

The words "fare, board, or lodging" do not include spirituous or malt liquors or intoxicants of any description.

Sec. 9. AS 11.30.020(b) is amended to read:

(b) A person convicted of perjury committed in a proceeding in a court other than a criminal action referred to in (a) is punishable by imprisonment in a penitentiary for not less than three years nor more than 10 years.

Sec. 10. AS 14.15.750(a) is amended to read:

(a) A school district may construct, improve, extend, repair, reconstruct, acquire, and operate school buildings and facilities connected therewith, and incur general obligation bond and revenue bond indebtedness for any of these purposes.

Sec. 11. AS 14.25.060(a) is amended to read:

(a) Retroactive contributions are not required for creditable membership service prior to June 30, 1955.

Sec. 12. AS 22.15.120 is amended to read:

Sec. 22.15.120. **Limitations on Proceedings Which Deputy Magistrate May Hear.** A deputy magistrate shall preside only in cases and proceedings under secs. 40, 100, and 110 of this chapter, and as follows,

(1) for the recovery of money or damages only when the amount claimed, exclusive of costs, interest, and attorney fees, does not exceed \$500;

(2) for the recovery of specific personal property when the value of the property claimed and the damages for the detention do not exceed \$500;

(3) for the recovery of a penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$500;

(4) to give judgment without action upon the confession of the defendant for any of the cases specified in this section, except for a penalty or forfeiture imposed by statute;

(5) to give judgment of conviction upon a plea of guilty by the defendant in a criminal proceeding within the jurisdiction of the district magistrate court;

(6) to hear, try, and enter judgments in all cases involving misdemeanors, other than violations of ordinances of political subdivisions, if the defendant consents in writing that the deputy magistrate may try him;

(7) to hear, try, and enter judgments in all cases involving violations of ordinances of political subdivisions;

(8) for cases involving minors under the age of 18 years and arising under AS 47.10.010 - 47.10.290, when the minor is in a condition or surrounding dangerous or injurious to the welfare of the minor or others which requires immediate action, and such action by a district magistrate is not practicable because of time or distance. Any action by a deputy magistrate remains in effect only until a hearing regarding the custody of the minor is held by the district magistrate. Any action by the deputy magistrate is subject to the review of, and may at any time be rescinded by, the district magistrate.

Sec. 13. AS 23.30.220(2) is amended to read:

(2) If the injured employee has not worked in that employment during substantially the whole of the year immediately preceding his injury, his average annual earnings, if a six-day worker, are 300 times the average daily wage or salary and, if a five-day worker, 260 times the average daily wage or salary which an employee of the same class working substantially the whole of such year in the same or similar employment in the same or a neighboring place earned in that employment during the days employed.

Sec. 14. AS 28.10.200(b)(4) is amended to read:

(4) for a motor vehicle, including a motor vehicle pulling a trailer or semi-trailer, designed, used, or maintained primarily for the transportation of passengers for hire, excepting taxicabs, and excepting buses taxed under

(b)(5) of this section, or for the transportation or hauling of property, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, a tax based upon the actual unladen weight as established by the manufacturer's advertised weight, or upon the actual weight which the owner has the responsibility of furnishing, subject to the approval of the commissioner or his agent, as follows:

3,800 pounds or less	-----	\$ 35;
3,801 pounds and not over		
12,000 pounds	-----	60;
12,001 pounds and not over		
18,001 pounds	-----	110;
18,001 pounds and over	-----	160;

Sec. 15. AS 28.10.200(b)(5) is amended to read:

(5) for motor buses of 20 or more seating capacity used exclusively for commercial purposes in the transporting of transient visitors and tourists, \$60;

Sec. 16. AS 29.10.030 is amended to read:

Sec. 29.10.030. **Annual Election of Council Members.** An annual election shall be held every year on the first Tuesday of October in every city for the election of members of the council, unless the time for the election is changed by the council as provided in sec. 45 of this chapter. The members of the council chosen at the first election hold office until the next annual election and until their successors are elected and qualified. The members of the council chosen at each election after the first election hold office for the term of one year, unless their term of office is increased to two or three years as provided in sec. 45 of this chapter.

Sec. 17. AS 29.10.498 is amended to read:

Sec. 29.10.498. **Limitation on Proceedings Attacking Foreclosure.** An action for the purpose of determining the validity of a sale of real property on foreclosure for delinquent taxes, or to quiet title against the sale, or to remove the cloud of the sale, or to recover possession of the property shall be commenced within two years from

the date of the judgment and decree of foreclosure and sale to the city. The person claiming to be the owner of the property, as against the city, or a person holding title from the city shall pay into court with the first pleading the amount charged against the property in the judgment of foreclosure, together with interest at the rate of eight per cent a year from the date of the judgment to the date of filing the pleading.

Sec. 18. AS 34.15.180 is amended to read:

Sec. 34.15.180. **Execution and Acknowledgment of Deed in Foreign Country.** If a deed is executed in a foreign country it may be executed according to the laws of that country and the execution of it acknowledged as provided in AS 40.10.010 - 40.10.050.

Sec. 19. AS 34.20.120(b) is amended to read:

(b) The substitution must contain

(1) the date of execution of the trust deed;

(2) the names of the trustee, trustor, and beneficiary;

(3) the book and page where the trust deed is recorded;

(4) the name of the new trustee; and

(5) an acknowledgement signed and acknowledged by the trustee named in the trust deed of a receipt of a copy of the substitution, or an affidavit, or an affidavit of service of a copy of it.

Sec. 20. AS 38.05.180(e) is amended to read:

(e) All noncompetitive oil or gas leases issued under this section shall be conditioned upon the payment by the lessee in advance of an annual rental of 50 cents an acre or fraction of an acre. All competitive oil and gas leases issued under this section shall be conditioned upon the payment of an annual rental, before discovery on the leased lands, of \$1 an acre or fraction of an acre. A minimum royalty of \$1 an acre instead of rental is payable

at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.

Sec. 21. AS 41.25.010 is amended to read:

Sec. 41.25.010. **Grants for Tourist Development.** A political subdivision of the state, a nonprofit organization formed under AS 10.20.010 - 10.20.060, or a bona fide nonprofit civic, fraternal, or service organization which is certified by the commissioner of economic development and planning as qualified as developing tourist attractions as one of its purposes is eligible to receive tourist attraction development matching money from the state.

Sec. 22. AS 41.25.020 is amended to read:

Sec. 41.25.020. **Use of Matching Money.** Tourist attraction development matching money may be obtained for the purpose of developing tourist attractions of historical or contemporary interest found to be worthwhile by the commissioner of economic development and planning and the director of tourism. Available money shall be divided on a fair and equitable basis between applicants. No applicant may receive more than \$1,000 on first application. Tourist attraction development may include the production, preservation, and display of historical documents, artifacts, totem poles, historical markers, native dances, blanket tossing, native handicraft, and art, and any other worthwhile tourist attraction dealing with Alaska history or culture. Tourist attraction development does not include the preparation and distribution of community and other advertising material.

Sec. 23. AS 41.25.030 is amended to read:

Sec. 41.25.030. **Qualifying for Matching Money.** In order to qualify for tourist attraction development matching money, the applicant shall submit and have approved by the commissioner of economic development and planning and the director of tourism plans, programs, contracts, or agreements to be used for carrying out the

development of the tourist attraction.

Sec. 24. AS 41.25.050 is amended to read:

Sec. 41.25.050. **Administration of Secs. 10 - 50 of This Chapter.** The commissioner of economic development and planning and the director of tourism shall administer secs. 10 - 50 of this chapter. All participating subdivisions and organizations shall submit to the commissioner of economic development and planning and the director of tourism complete reports covering both the expenditure of state and local matching money for tourist attraction programs. These reports, in the case of programs extending over 12 months, shall be submitted annually. Reports on shorter matching programs shall be submitted at the completion of the program.

Sec. 25. AS 42.05.640(2) is amended to read:

(2) "public utility" or "utility" includes every corporation, whether public, cooperative, or otherwise, company individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant or system for the generation, transmission, or distribution of electric energy and power, for the furnishing of telephone or telegraph communications, for the transmission of heat, natural or manufactured gas, oil or other petroleum products, or water, or for the furnishing of community sewer services, and the plant and facilities used for any of the foregoing purposes; this chapter does not apply to a person who furnishes water or oil or other petroleum products by tank, wagon, or similar conveyance, nor to a municipally owned and operated utility; this chapter does not apply to a pipeline, plant, system, or equipment used primarily for gathering, collecting, transporting, or shipping crude oil, natural gas, condensate or other petroleum substance or product produced by or belonging to the owner, operator, or manager of the pipeline, plan, system, or equipment;

Sec. 26. AS 43.40.100(2) is repealed and re-enacted to read:

(2) "motor fuel" means fuel used in an engine for the propulsion of a motor vehicle, aircraft, boat or watercraft, or in a stationary engine, machine or mechanical contrivance which is propelled by an internal combustion motor; except on consignments of motor fuel oil to foreign countries and except fuel used in stationary power plants operating as public utility plants and generating electrical energy for sale to the general public or by nonprofit power associations or corporations for generating electric energy for resale or by charitable institutions.

Sec. 27. AS 43.50.170(1) is repealed and re-enacted to read:

(1) "buyer" means a person who imports or acquires cigarettes for his own consumption from any source other than a manufacturer, distributor, direct-buying retailer, or retailer;

Sec. 28. AS 43.60.010 is amended to read:

Sec. 43.60.010. **Liquor Tax.** Every brewer, distiller, bottler, jobber, retailer, wholesaler, or manufacturer who sells intoxicating liquors in the state or who consigns shipments of intoxicating liquors into the state, whether or not the liquors are brewed, distilled, bottled, or manufactured in the state, shall pay on all malt beverages (alcoholic content of one per cent or more by volume), wines, and hard or distilled liquors, the following taxes: (1) malt beverages at the rate of 25 cents a gallon or fraction of a gallon; (2) wine or other liquor of 21 per cent alcohol by volume or less, at the rate of 60 cents a gallon or fraction of a gallon; and (3) other liquors having a content of more than 21 per cent alcohol by volume at the rate of \$4 a gallon.

Sec. 29. AS 47.30.130(b) is amended to read:

(b) Consent to surgery, the psychiatric therapies which the department determines, and autopsies must be obtained for a patient before the undertaking of the surgery, psychiatric therapies or autopsies from one of the following persons: spouse, guardian, either parent, or oldest adult child. If none of these persons is found in this state within a reasonable time, or in

the case of an emergency, the commissioner of health and welfare or his designee, upon being notified of the pertinent medical facts, may give the consent. However, when the head of the hospital is of the opinion that the patient has insight or capacity to make responsible decision, the patient's consent shall be obtained before the surgery or psychiatric therapies; his consent shall be determinative, and no other consent is necessary. However, in the case of a minor, consent shall also be obtained from the parent or

guardian. The person giving the consent, or a person who acts after the consent is given and is authorized to perform the act undertaken by him is not liable civilly or criminally if the act is done by him in his official capacity or in the capacity set out in secs. 10 - 340 of this chapter.

Sec. 30. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 21, 1964

CHAPTER 71

AN ACT

Relating to the Alaska Net Income Tax; and providing for an effective date.

(S.B. 288)

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

Section 1. AS 43.20.010(c)(3) is amended to read:

(3) Banks and savings and loan

associations chartered by the federal government or the state are exempt.

Sec. 2. This Act applies retroactively to January 1, 1964.

Approved April 21, 1964

CHAPTER 72

AN ACT

Relating to settlement of accounts of deceased officers and employees; and providing for an effective date.

(S.B. 317)

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

Section 1. AS 39.20 is amended by adding new sections to read:

Article 4. Payments Due to Deceased State Employees.

Sec. 39.20.360. **Order of Payment.** All unpaid compensation due to a deceased employee of the state at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and the payment is a bar to recovery by any other person of amounts so paid:

(1) to the beneficiary or beneficiaries designated by the employee in

writing to receive the compensation filed with the Department of Administration at the time of his death; if he designates more than one beneficiary, each shall share equally unless he specifies a different allocation or preference;

(2) if there is no beneficiary designated, to his surviving spouse;

(3) if there is no beneficiary or surviving spouse, to his child or children and descendants of deceased children by representation;

(4) if none of the above, to his parents, or the survivor of them;

(5) if none of the above, to the legal representative of his estate or, if