



LAWS OF ALASKA

1972

Source

HCSSB 383 am H

Chapter No.

71

AN ACT

Making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.08.130(a)(1) is amended to read:

(1) is a citizen of the United States, or is a resident alien in the United States who intends to become a citizen of the United States;

* Sec. 2. AS 14.17.230 and 14.17.240 are repealed.

* Sec. 3. AS 14.20.550 is amended to read:

Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each school board, and the board of directors for the state-operated schools, shall negotiate with its certificated employees in good faith on matters pertaining to their employment and the fulfillment of their professional duties.

* Sec. 4. AS 14.25.120(c)(1) is amended to read:

(1) If the teacher is either 60 years of age or older or has 30 years of creditable service on the date which the application for a retirement salary is filed and has paid into the retirement fund the full amount of his indebtedness, his annual retirement salary is two per cent of his highest average base salary, as defined in (f) of this section, multiplied by the total number of years of creditable service, including credited fractional years.

* Sec. 5. AS 14.30.010(b)(8) is amended to read:

(8) is excused in writing signed by a majority of the members of the school board of a district, or by the

director of state-operated schools for a child in such a school; or

* Sec. 6. AS 14.30.285(b) is amended to read:

(b) If a school district, or the state director if a state-operated school, approves the enrollment of an exceptional child in another school district or state-operated school approved by the state director, and the child is enrolled in the institution, the child's education expenses shall be paid for as follows:

(1) the school district or the board of directors for state-operated schools shall pay the receiving district an amount of money equal to the receiving district's local cost per pupil rate;

(2) the Department of Education or the board of directors for state-operated schools, respectively, shall pay the remainder of the annual cost of the child's education, at a school within its jurisdiction, above that provided for in (b)(1) of this section.

* Sec. 7. Article XIII(b) of AS 14.40.670 is amended to read:

(b) The authority conferred by (a) of this article shall be exercised only pursuant to written agreement between the Commission and an agency of this state having responsibility for or duties with respect to programs for assisting residents of this state to obtain higher education. Any such agreements shall include provisions for the payment of tuition and any other costs, and no such agreement shall be made which commits this state or any agency or officer of it to any obligation for which funds have not been appropriated or otherwise made available in accordance with law.

* Sec. 8. AS 15.07.070(d) is amended to read:

(d) Upon receipt and approval of the registration forms the lieutenant governor or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card and his name shall immediately be placed on the master register located in the office of the lieutenant governor and on the district register located in the office of the election supervisor.

* Sec. 9. AS 15.15.200 is amended to read:

Sec. 15.15.200. QUESTIONING OF VOTER OF DOUBTFUL QUALIFICATION. An election judge may question any person of doubtful qualification attempting to vote and may require identification. Upon a satisfactory showing that the person is qualified to vote, the election judge shall allow the person to vote.

* Sec. 10. AS 15.30.010 is amended to read:

Sec. 15.30.010. PROVISION FOR SELECTION OF ELECTORS. Electors of President and Vice President of the United States are selected by election at the general election in presidential election years.

* Sec. 11. AS 15.60.010(2) is amended to read:

(2) "local election" means any election held by a borough, city, or other local unit of government;

* Sec. 12. AS 16.05.250(12) and 16.05.536 are repealed.

* Sec. 13. AS 16.05.350 is amended to read:

Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and tags required under secs. 330 - 430 of this chapter, except the visitor's special sport fishing license and the resident trapping license, expire at the close of December 31 following issuance. The resident trapping license expires at the close of September 30 following the year of issuance.

* Sec. 14. AS 16.05.540 is amended to read:

Sec. 16.05.540. LIMITATION ON ISSUANCE OF FISHING GEAR LICENSES. The fishing gear licenses mentioned in secs. 550 - 650 of this chapter shall be issued one to the applicant. Each applicant shall personally operate or assist in the operation of the licensed fishing gear. Each applicant for the fishing gear licenses mentioned in secs. 570 and 580 of this chapter shall also personally own or lease the licensed fishing gear. The license is transferable as provided under sec. 670 of this chapter.

* Sec. 15. AS 16.20.160 is amended to read:

Sec. 16.20.160. SANCTUARY ESTABLISHED. The following described area and adjacent state waters are established as a state game sanctuary to be known as the McNeil River State Game Sanctuary:

Beginning at the NE corner of Section 13, T 12 S R 30 W, S.M., westerly along the section lines to the NW corner of Section 18, T 12 S R 30 W, S.M., thence southerly along the township boundary to the SW corner of T 12 S R 30 W, S.M., thence westerly along the north boundary of T 13 S R 31 W, S.M., to the NW corner of T 13 S R 31 W, S.M., thence westerly along the north boundary of T 13 S R 32 W, S.M., to the NW corner of T 13 S R 32 W, S.M., thence southerly along the west boundary of T 13 S R 32 W, S.M., to the SW corner of T 13 S R 32 W, S.M., thence southerly along the west boundary of T 14 S R 32 W, S.M., to the SW corner of Section 30, T 14 S R 32 W, S.M., thence easterly along the section lines to the SE corner of Section 27, T 14 S R 32 W, S.M., thence northerly along the section lines to the NE corner of Section 15, T 14 S R 32 W, S.M., thence easterly along the section lines to the east boundary of T 14 S R 32 W, S.M., thence northerly along the east boundary of T 14 S R 32 W, S.M., to the NE corner of T 14 S R 32 W, S.M., thence easterly along the south boundary of T 13 S R 31 W, S.M., to the SE corner of T 13 S R 31 W, S.M., thence northerly along the east boundary of T 13 S R 31 W, S.M., to the NE corner of Section 24, T 13 S R 31 W, S.M., thence easterly along the section lines to the SE corner of Section 16, T 13 S R 30 W, S.M., thence northerly along the section lines to the NE corner of Section 4, T 13 S R 30 W, S.M., thence easterly along the south boundary of

T 12 S R 30 W, S.M., to the SE corner of T 12 S R 30 W, S.M., thence easterly along the south boundary of T 12 S R 29 W, S.M., to the shoreline of Horseshoe Cove located in Section 32, T 12 S R 29 W, S.M., thence northerly, westerly, and northerly along the line of mean high tide to the point of beginning.

* Sec. 16. AS 18.65.060(b) is amended to read:

(b) The Department of Public Safety may adopt regulations necessary to carry out the purposes of this section; however, regulations proposed by the department shall be submitted to the presiding officer of each house of the legislature on the day the house convenes. The legislature has 60 days of a regular session, or a full session if of shorter duration to disapprove the proposed regulations. Unless disapproved by a special concurrent resolution introduced in either house, concurred in by a majority of the members of the legislature in joint session, the regulations become effective at a date to be designated by the department.

* Sec. 17. AS 19.30.171(b) is amended to read:

(b) The costs incurred by the commissioner in acquiring this land or interest in land includes all costs and any fees incidental to acquisition, including relocation assistance and payments in accordance with AS 34.60. All costs incurred by the commissioner in connection with the acquisition of the land or interest in land shall be paid by the local government for which the land or interest in land is acquired.

* Sec. 18. AS 22.15.120(1) is amended to read:

(1) for the recovery of money or damages only when the amount claimed, exclusive of costs, interest, and attorney fees, does not exceed \$1,000;

* Sec. 19. AS 22.15.120(2) is amended to read:

(2) for the recovery of specific personal property when the value of the property claimed and the damages for the detention do not exceed \$1,000;

* Sec. 20. AS 22.15.120(3) is amended to read:

(3) for the recovery of a penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$1,000;

* Sec. 21. AS 22.20.100 is amended to read:

Sec. 22.20.100. DUTY OF THE COMMISSIONER IN THE SUPREME COURT. The commissioner is the executive officer of the supreme court and shall serve and execute all process issued by the supreme court or a justice of the supreme court, and shall attend the supreme court, and has the authority necessary for the execution of these duties.

* Sec. 22. AS 22.20.120 is amended to read:

Sec. 22.20.120. GENERAL AUTHORITY AND DUTY OF THE

COMMISSIONER. The authority necessary for the lawful performance of the duties of execution of service of process, seizure and detention of property, the sale of property forfeited or levied upon, and arrest of persons, in connection with civil matters, is vested in the commissioner. Any court of the state issuing any process may direct the process for execution of service to the commissioner or his designee.

- * Sec. 23. AS 22.30.010 is amended to read:

Sec. 22.30.010. COMMISSION ON JUDICIAL QUALIFICATIONS. The Commission on Judicial Qualifications shall consist of nine members as follows: one justice of the supreme court, elected by the justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court; two members who have practiced law in this state for 10 years, appointed by the governing body of the organized bar; and two citizens who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. Commission membership terminates if a member ceases to hold the position that qualified him for appointment. No person may serve on the commission and on the Judicial Council simultaneously. The commission shall elect one of its members to serve as chairman for a term prescribed by the commission. A vacancy shall be filled by the appointing power for the remainder of the term.

- * Sec. 24. AS 23.20.409(5) is amended to read:

(5) "exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period

(A) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, or under other federal laws which are specified in regulations issued by the United States Secretary of Labor and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada but if he is seeking these benefits and the appropriate agency finally determines that he is not entitled to benefits under that law he is considered an exhaustee; and either

(B) has received, before that week of unemployment, all of the regular benefits that were available to him under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes that week; however, for the purposes of this paragraph, an individual is considered to have received all of the regular benefits that were available to him even though he may subsequently be determined to be entitled to added regular benefits as a result of a pending appeal with respect to wages in covered

employment that were not considered in the original monetary determination to be in his benefit year; or

(C) his benefit year having expired before that week, has no or insufficient wages in covered employment on the basis of which he could establish a new benefit year that would include that week.

* Sec. 25. AS 23.40.010(a) is amended to read:

(a) The state or a political subdivision of the state, including but not limited to an organized borough and municipal corporation, may enter into a contract with a labor organization whose members furnish services to the state or the political subdivision.

* Sec. 26. AS 24.30.010 is amended to read:

Sec. 24.30.010. GENERAL PROCEDURE. The procedure for handling bills from the time of their prefiling or introduction until they become law is provided in this chapter subject to implementing rules adopted by the legislature. Resolutions shall be handled in accordance with the provisions of the uniform rules of the legislature.

* Sec. 27. AS 24.30.060(b) is amended to read:

(b) Bills introduced by the legislative council shall be delivered with a letter of explanation to the rules committee of either house and bear the inscription "Rules Committee by Request of the Legislative Council"; bills introduced by the legislative budget and audit committee shall be delivered with a letter of explanation to the rules committee of either house and bear the inscription "Rules Committee by Request of the Legislative Budget and Audit Committee." Bills presented by the governor shall be delivered with a letter to the rules committee of either house and bear the inscription "Rules Committee by Request of the Governor"; bills so presented and inscribed shall be received as bills carrying the approval of the governor as to policy and budget impact. The governor may submit a statement of purpose and effect with each bill and appear personally or through a representative before any committee considering legislation.

* Sec. 28. AS 28.35.032(c) is amended to read:

(c) If the issues set out in (b)(1), (2) and (3) of this section are determined in the affirmative, the court shall sustain the action of the department. If one or more of the issues are determined in the negative, the department's action shall be rescinded. If the action of the department in suspending or revoking a nonresident's privilege to operate a motor vehicle in this state is sustained by the court, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and to any state in which he has a license.

* Sec. 29. AS 34.10.040(a) is amended to read:

(a) The owner of real property in the state but

outside an incorporated city, organized borough or other political subdivision where record of ownership of real property is kept shall file in the office of the recorder of the recording district in which the property is located, before January 1, 1956, a sworn statement in duplicate giving his name, his post office address, an accurate legal description of the tract of land, its area or acreage, the date acquired, and other information necessary for the purposes of this chapter.

- * Sec. 30. AS 34.35.200 is amended to read:

Sec. 34.35.200. PRIORITY. The lien provided in sec. 180 of this chapter, when filed as provided in sec. 185 of this chapter, is superior to and preferred to

(1) a lien, mortgage, or encumbrance which attaches to the chattel after the starting of labor or services or the furnishing of the material mentioned in that section;

(2) a lien, mortgage, or other encumbrance which attaches before that time, when the person furnishing the material or performing the services did not have notice of the prior lien, mortgage, or encumbrance, or the prior lien, mortgage, or encumbrance was not recorded or filed in the manner provided by law.

- * Sec. 31. AS 35.15.030 is amended to read:

Sec. 35.15.030. ADVERTISEMENT, BIDS, CONTRACTS, AND INFORMAL BIDS. When the estimated cost of any construction exceeds \$20,000, the department shall, except as provided in sec. 10 of this chapter, proceed to advertise, request bids, and award the contract in the manner provided in secs. 40 and 50 of this chapter. Whenever any proposed construction contract shall be for a sum less than \$20,000, it is discretionary with the department whether the contract is advertised and awarded in accordance with secs. 40 and 50 of this chapter. In all events the department shall request informal bids from as many contractors as can be requested conveniently.

- * Sec. 32. AS 35.25.010 is amended to read:

Sec. 35.25.010. PURPOSE AND INTENT. The purpose of this title is to establish a public works department capable of carrying out a public works planning and construction program which will provide public buildings necessary to efficient government, and boat harbors, jetties, dikes and breakwaters necessary to the economy of Alaska communities, all of which is to the advantage and benefit of the general welfare of the public.

- * Sec. 33. AS 38.05.145(b) is amended to read:

(b) If the state selects or otherwise acquires land other than shorelands, title to which was in the federal government and which, at the effective date of the selection or acquisition, is subject to a valid existing offer for a noncompetitive United States oil and gas lease, or application for a prospecting permit or noncompetitive

mining lease, for coal, phosphates, sulphur, oil shale, sodium, or potassium under the federal Act of February 25, 1920 (41 Stat. 437 as amended), or for a noncompetitive United States geothermal lease, or application for a prospecting permit or noncompetitive lease under the federal Act of December 24, 1970 (84 Stat. 1566), the offeror or applicant for the federal permit or lease, if a qualified applicant hereunder, shall be considered the first qualified applicant for a state noncompetitive oil and gas lease, noncompetitive geothermal lease, prospecting permit, or noncompetitive mining lease and is entitled to a state noncompetitive lease or permit upon compliance with the provisions of the regulations covering applications within 60 days after receipt of written notice from the commissioner of selection or acquisition. These priorities are not effective if the land covered by the federal offers or applications is classified by the commissioner as competitive land within 90 days after the selection of the land is finally approved by the Secretary of the Interior or the land is otherwise acquired.

* Sec. 34. AS 38.05.181(p)(4) is amended to read:

(4) The commissioner shall require those tests or remedial work of the owner or operator of a geothermal well that in his judgment are necessary to prevent damage to life, health, property, and natural resources, to protect geothermal resources deposits from damage or waste, or to prevent the pollution of the state's waters by the infiltration of detrimental substances into underground or surface water suitable for irrigation or domestic purposes, for the best interests of the neighboring property owners and the public. To this end he may request the assistance of the Department of Environmental Conservation under AS 46.03.

* Sec. 35. AS 38.05.181(p)(5) is amended to read:

(5) Any act by a lessee or permittee, or by an owner or operator of a geothermal well, that pollutes the state's waters in violation of AS 46.03 shall be punished in accordance with AS 46.03.760.

* Sec. 36. AS 38.05.181(p)(6) is amended to read:

(6) Subject to (o)(7) of this section, leases or permits may be canceled by the commissioner for any persistent, repeated violations of the water pollution provisions in AS 46.03. On recommendation of the director, the commissioner shall request the district attorney in the judicial district where the alleged violation occurs, or the attorney general, to bring an action to enjoin the acts prohibited by AS 46.03, or to impose the penalties authorized by AS 46.03.760. Nothing in this paragraph precludes the imposition of both injunctive relief, the criminal penalties, and cancellation of the lease or permit, or any combination of these remedies, that the commissioner or the court considers appropriate.

* Sec. 37. AS 39.20.080(b) is amended to read:

(b) The monthly salary of the deputy head of each

principal executive department of the state, upon his appointment is not less than Step A, Range 28, nor shall it exceed Step E, Range 28, of the salary schedule set out in AS 39.27.010, during the term of his appointment.

- * Sec. 38. AS 39.25.160(a) is amended to read:

(a) No employee in the classified service, or in those exempt positions named in sec. 110(3) of this chapter (other than the members of the Judicial Council), may be a member of a national, state, or local committee of a political party, or take part in the management of a political party or in a political campaign, except to exercise his right as a citizen to express his opinion, register his party preference, if any, and cast his vote. This section does not prohibit appointment, nomination, or election to nonpartisan public office in a local government unit.

- * Sec. 39. 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 as qualified as developing tourist attractions as one of its purposes is eligible to receive tourist attraction development matching money from the state.

- * Sec. 40. 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 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 Alaskan history or culture. Tourist attraction development does not include the preparation and distribution of community and other advertising material.

- * Sec. 41. 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 the director of tourism, plans, programs, contracts, or agreements to be used for carrying out the development of the tourist attraction.

- * Sec. 42. 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 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 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. 43. AS 43.18.010(i) is amended to read:

(i) In (h) and (j) of this section "health facility" or "facility" includes hospitals, public health centers, maternity homes and community mental health centers, facilities for the mentally or physically handicapped, nursing homes and convalescent centers which are licensed, when required, by the state under AS 18.20.010 - 18.20.130 and are owned or operated or both by a local government or by a nonprofit corporation or other nonprofit sponsor; the term excludes facilities operated or wholly supported by the state or the federal government and excludes nonprofit facilities leased from private profit-making groups or corporations.

* Sec. 44. AS 43.18.300(b)(3)(B) is amended to read:

(B) not discontinue operation or dispose of all or part of a project for which it receives a grant without the approval of the commissioner;

* Sec. 45. AS 43.20.010(c)(4) is amended to read:

(4) In computing the taxable income under this section, the taxpayer is not entitled to deduct the taxes payable to the state under this chapter.

* Sec. 46. AS 43.25.150(a)(2) is amended to read:

(2) "department" means Department of Economic Development;

* Sec. 47. AS 44.29.020 is amended to read:

Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Health and Social Services shall administer the state programs of public health and social services, including: (1) maternal and child health services; (2) preventive medical services; (3) public health nursing services; (4) sanitation and engineering services; (5) nutrition services; (6) health education; (7) laboratories; (8) mental health treatment and diagnosis; (9) management of state institutions; (10) medical facilities; (11) old age assistance; (12) aid to dependent children; (13) aid to the blind; (14) child welfare services; (15) general relief; (16) licensing and supervision of child care facilities; and (17) probation and parole supervision.

* Sec. 48. AS 46.03.210(b) is amended to read:

(b) Municipalities other than those with a population in excess of 1,000 may establish and administer local air

pollution programs if the proposed programs meet the requirements of (a)(1) - (4) of this section.

- * Sec. 49. AS 46.07.030(b) is amended to read:

(b) The location of a facility constructed under this chapter shall be determined by the commissioner after consultation with the governing body of the village in which the facility is located, as well as with appropriate public agencies, including but not limited to the Alaska State Housing Authority. The aim of the consultation is to achieve maximum coordination in public development plans and activities affecting the community in which the facility is to serve.

- * Sec. 50. AS 46.15.020(b)(1) is amended to read:

(1) adopt procedural and substantive regulations to carry out the provisions of this chapter, taking into consideration the responsibilities of the Department of Environmental Conservation under AS 46.03 and the Department of Fish and Game under AS 16;

- * Sec. 51. AS 46.15.040(c) is amended to read:

(c) All applications to the commissioner for a permit to appropriate water, filed subsequent to July 1, 1966, shall be considered as having been simultaneously filed with the Department of Fish and Game under AS 16 and the Department of Environmental Conservation under AS 46.03.

- * Sec. 52. AS 46.15.070(b) is amended to read:

(b) The commissioner shall publish the notice at the applicant's expense in one issue of a newspaper of general distribution in the area of the state in which the water is to be appropriated. The commissioner shall also have notice served personally or by certified mail upon an appropriator of water or applicant for or holder of a permit who, according to the records of the division of lands, may be affected by the proposed appropriation and may serve notice upon any governmental agency, political subdivision or person; notice shall also be served upon the Department of Fish and Game and the Department of Environmental Conservation.

- * Sec. 53. AS 47.10.070 is amended to read:

Sec. 47.10.070. HEARINGS. The court may conduct the hearing in an informal manner in the courtroom or in chambers. A hearing may be held before a young adult advisory panel in accordance with sec. 75 of this chapter. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. The public shall be excluded from the hearing, but the court, in its discretion, may permit individuals to attend a hearing, if their attendance is compatible with the best interests of the minor. Nothing in this section may be applied in such a way as to deny a child his rights to a public trial and to a trial by jury.

* Sec. 54. AS 47.30.370 is amended to read:

Sec. 47.30.370. REVIEW BY LEGISLATIVE BUDGET AND AUDIT COMMITTEE. Before implementation, the programs, plans and actions of the department made under sec. 350 of this chapter, except for the proposed geographic location of the mental health hospital, shall be reviewed by the legislative budget and audit committee. The review and findings of the budget and audit committee shall be made public.

* Sec. 55. AS 47.40.080 is amended by adding a new paragraph to read:

(3) "department" means the Department of Health and Social Services.

* Sec. 56. Sec. 6, ch. 104 SLA 1971 is amended to read:

Sec. 6. Wherever the title "Department of Health and Welfare" appears in the law of this state, it shall be read as the "Department of Health and Social Services", and wherever the title "commissioner of health and welfare" appears in the law of this state, it shall be read as "commissioner of health and social services".