



# LAWS OF ALASKA

1974

**Source**

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**Chapter No.**

127

**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 01.05.011 is amended to read:

Sec. 01.05.011. DESIGNATION AND CITATION. The bulk formal revision of Alaska law adopted and enacted into law by sec. 6 of this chapter and as amended and supplemented is known as the "Alaska Statutes" and may be cited "AS" followed by the number of the title, chapter, and section, separated by periods. Example: this title may be cited "AS 1"; this chapter may be cited "AS 01.05"; this section may be cited "AS 01.05.011." Except as otherwise indicated by the context, citations in accordance with this section include amendments and reenactments of the provision cited.

- \* Sec. 2. AS 04.10.139 is amended to read:

Sec. 04.10.139. COMMUNITY LIQUOR LICENSES. The holder of a community liquor license must be a first or second class city. A city which has within its municipal boundaries a liquor license coming under sec. 20(a) or (g) of this chapter and issued to a private person within the city before June 1, 1970 is not eligible for a community liquor license, except that a city having held a liquor license through a local corporation or otherwise before June 1, 1970 is eligible for the license. Community liquor licenses issued under this section are restricted to the types of licenses authorized under sec. 20(a) and (g) of this chapter. This section does not change the provisions of sec. 430 of this chapter providing for local option elections.

- \* Sec. 3. AS 08.04.110(1) is repealed.

\* Sec. 4. AS 08.04.280(1) is repealed.

\* Sec. 5. AS 08.04.690 is amended to read:

Sec. 08.04.690. SHORT TITLE. This chapter may be cited as the Accountancy Act.

\* Sec. 6. AS 08.08.130(a) is repealed and re-enacted to read:

(a) A person is eligible for admission to the Alaska Bar if he

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

(2) has been a bona fide resident of the state for at least 30 days immediately before the date of his examination and continuing to and including the date of his admission;

(3) is a graduate of a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated;

(4) has attained the age of 19 years;

(5) is of good moral character;

(6) has passed a bar examination given by the Alaska Bar.

\* Sec. 7. AS 08.08.140 is repealed and re-enacted to read:

Sec. 08.08.140. OUT-OF-STATE ATTORNEYS. An attorney may request examination as an attorney applicant. As a prerequisite to admission to the Alaska Bar the board shall require an attorney applicant to take and pass the attorney bar examination. An applicant is eligible for examination under this section if he

(1) has passed a written examination required by another state, territory or the District of Columbia for admission to the practice of law;

(2) has engaged in the active practice of law for at least seven years before filing the application, excluding time spent in the military service of the United States; and

(3) meets the requirements established by sec. 130(a)(1) - (5) of this chapter.

\* Sec. 8. AS 08.08.180 is amended to read:

Sec. 08.08.180. NONPAYMENT OF FEES. Any member, active or inactive, failing to pay any fees within 60 days after they become due, after notice to the member, and a hearing if appropriate, shall be suspended from membership in the Alaska Bar. He may be reinstated upon payment of accrued fees and such penalties as may be imposed by the board, not exceeding double the amount of the delinquent fees.

\* Sec. 9. AS 08.18.081(a) is amended to read:

(a) A person having a claim against a contractor for any of the items referred to in sec. 71 of this chapter may bring suit upon the bond in the superior court of the judicial district in which the work is done or of any judicial district in which jurisdiction of the contractor may be obtained. A copy of the complaint shall be served by registered or certified mail upon the commissioner at the time suit is filed and the commissioner shall maintain a record, available for public inspection, of all suits commenced. Two additional copies shall be served upon the director of the division of insurance with the payment of \$5 to the director taxable as costs in the action. This service upon the director shall constitute service on the surety and the director shall transmit the complaint or a copy of it to the surety within 72 hours after it has been received. The surety upon the bond is not liable in an aggregate amount in excess of that named in the bond, but in case claims pending at any one time exceed the amount of the bond, the claims shall be satisfied from the bond in the following order:

- (1) labor, including employee benefits;
- (2) taxes and contributions due the state, city and borough, in that order;
- (3) material and equipment;
- (4) claims for breach of contract;
- (5) repair of public facilities.

\* Sec. 10. AS 08.36.110(3) is repealed.

\* Sec. 11. AS 08.52.070 is amended to read:

Sec. 08.52.070. PERSONS EXEMPT. Persons employed in mining operations as defined in AS 27.20.061 are exempt from the provisions of this chapter.

\* Sec. 12. AS 08.54.190(b) is amended to read:

(b) No license may be issued to a class-A assistant guide or assistant guide who has failed to renew his license for two consecutive years unless he again meets the qualifications for initial issuance of the license.

\* Sec. 13. AS 08.64.370(4) is repealed.

\* Sec. 14. AS 08.71.080 is amended to read:

Sec. 08.71.080. LICENSE REQUIRED. No person may act as a dispensing optician in the state unless he is licensed under this chapter. In order to be licensed under this chapter, a person shall pass an examination given by the board, unless he is eligible for licensing without examination under sec. 150 of this chapter. A license shall be issued for (1) the dispensing of contact lenses, or (2) the dispensing of other lenses, eyeglasses, spectacles, artificial eyes, and their appurtenances, or (3) both. The

board shall by endorsement on the license designate for which aspect of dispensing opticianry the license is issued. The board shall license successful examinees.

- \* Sec. 15. AS 08.71.090 is amended to read:

Sec. 08.71.090. CONTENT OF EXAMINATION. To be licensed as a dispensing optician a person, unless eligible for licensing without examination under sec. 150 of this chapter, shall pass an examination given by the board. At the discretion of the board, the examination may test orally, in writing, or otherwise, knowledge and skills in any or all of the following subjects: optics, anatomy, laboratory technology, ophthalmic dispensing, contact lens technology, technical mathematics and physics, and business concepts of optical dispensing.

- \* Sec. 16. AS 08.80.110(1) is amended to read:

(1) be fluent in the reading, writing and speaking of the English language;

- \* Sec. 17. AS 08.88.211(a)(5) and (b)(4) are repealed.

- \* Sec. 18. AS 12.25.150(a) is amended to read:

(a) The person arrested shall be taken before the judge or magistrate without unnecessary delay, and in any event within 24 hours after his arrest, including Sundays and holidays. This requirement applies to municipal police officers to the same extent as it does to state troopers.

- \* Sec. 19. AS 12.25.180 is amended to read:

Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON BEFORE JUDGE OR MAGISTRATE. When a person is stopped or contacted by a peace officer for the commission of a misdemeanor or the violation of a municipal ordinance, he may, in the discretion of the contacting peace officer, be issued a citation instead of being taken before a judge or magistrate under sec. 150 of this chapter, unless

(1) the person does not furnish satisfactory evidence of identity or the contacting officer has reasonable and probable cause to believe the person will disregard a written promise to appear in court;

(2) the contacting officer has reasonable and probable cause to believe the person is a danger to himself or others;

(3) the crime for which the person is contacted is one involving violence or harm to another person or to property; or

(4) the person asks to be taken before a judge or magistrate under sec. 150 of this chapter.

- \* Sec. 20. AS 12.25.190 is amended to read:

Sec. 12.25.190. WHEN PERSON TO BE GIVEN FIVE-DAY NOTICE TO APPEAR IN COURT. (a) When a person is contacted

by a peace officer and the peace officer exercises the option provided for in sec. 180 of this chapter, the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person.

\* Sec. 21. AS 14.25.220(5) is amended to read:

(5) "membership service" means service as a teacher in a public school within the Territory or State of Alaska, or both, under the supervision and control of the Territorial Board of Education or the Department of Education, the school board of any city or borough school district, or the Board of Regents of the University of Alaska, or any period during which the teacher is on an approved sabbatical leave granted in accordance with AS 14.20.310 or is receiving a disability retirement salary;

\* Sec. 22. AS 14.33.050 is amended to read:

Sec. 14.33.050. COOPERATION WITH LAW ENFORCEMENT AUTHORITIES. The state troopers or the police department of a political subdivision of the state may, upon request by the department, a school board, or a private or denominational school, assist in the training and control of safety patrols.

\* Sec. 23. AS 14.40.500 is amended to read:

Sec. 14.40.500. PAYMENT OF SCHOLARSHIPS. Payment of the scholarships shall be made monthly to the university upon vouchers drawn upon the Department of Administration and duly certified by the treasurer and the president of the Board of Regents. No payments may be made in excess of amounts specifically appropriated for this purpose.

\* Sec. 24. AS 16.05.230 is amended to read:

Sec. 16.05.230. TERM OF OFFICE. The term of office for members of the board is four years. If a vacancy occurs, the governor shall fill it by appointment for the unexpired term. The appointment shall be submitted to the legislature for confirmation at the next regular or special session.

\* Sec. 25. AS 16.05.700 is repealed.

\* Sec. 26. AS 16.05.940(14) is amended to read:

(14) "resident" means a person who for 12 consecutive months has maintained a permanent place of abode in the state and who has continually maintained his voting residence in the state; and in the case of a partnership, association, joint stock company, trust, or corporation,

"resident" means one that has its main office or headquarters in the state; however, a member of the military service who has been stationed in the state for the preceding 12 consecutive months is a resident for the purposes of this chapter, and the dependent of a resident member of the military service, who has been living in the state for the preceding year is a resident for the purposes of this chapter, and a person who is an alien but who for one year has maintained a permanent place of abode in the state is a resident for the purposes of this chapter;

\* Sec. 27. AS 16.10.060 is repealed.

\* Sec. 28. AS 16.45.010 is amended to read:

Sec. 16.45.010. GOVERNOR'S POWER TO EXECUTE COMPACT. The governor may execute a compact on behalf of the state to cooperate in the Pacific Marine Fisheries Commission.

\* Sec. 29. AS 18.07.030(b) is amended to read:

(b) The three governmental members are the commissioner of health and social services, or his designee from within the department; a representative of the Indian Health Service of the United States Public Health Service; and a representative of the Veterans Administration of the United States. One representative of the health care service or delivery agencies of the armed forces of the United States may serve in an advisory capacity. Council members representing federal agencies shall be appointed by, and serve at the pleasure of, their respective agencies.

\* Sec. 30. AS 18.07.080(1) is amended to read:

(1) consult with persons with various health viewpoints and advise the commissioner as to the department's duties under sec. 90 of this chapter, concerning

(A) health objectives, goals, priorities, and policy;

(B) distribution of health resources and health care services;

(C) health education;

(D) development and updating of a comprehensive state health plan;

(E) special needs of high risk population groups for preventive and health care services;

(F) health needs in the fields of welfare, education and rehabilitation;

\* Sec. 31. AS 18.55.020(b) is amended to read:

(b) The term of office of a board member, other than the commissioner of commerce, is three years. The terms of office are staggered, with two terms expiring every third year beginning with 1968, and one term expiring each remaining year.

\* Sec. 32. AS 18.60.096(d) is amended to read:

(d) If the commissioner arbitrarily or capriciously fails to issue a restraining order under this section, an employee who may be injured by reason of the failure, or the representative of the affected employees, may bring an action against the commissioner in superior court to compel the commissioner to issue a restraining order and for further relief as may be appropriate.

\* Sec. 33. AS 23.10.060(2) is repealed.

\* Sec. 34. AS 23.10.185(4) is amended to read:

(4) "occupation" includes an industry, trade, business, or any employment or class of employment in the industry, trade, business or branch;

\* Sec. 35. AS 28.15.285(b) is amended to read:

(b) Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and prepare and submit recommendations to the department. After a review of the referee's report and the department's records, the department shall render its decision concerning the matter under consideration and shall notify the person involved of its action in writing by registered mail. The decision is effective upon receipt of the notice except as provided in sec. 288 of this chapter. The person upon receiving the notice may, in writing and within 10 days, request a hearing under sec. 286 of this chapter.

\* Sec. 36. AS 28.30 is repealed.

\* Sec. 37. AS 29.23.560(a)(4) is repealed.

\* Sec. 38. AS 38.05.020(c)(3) is amended to read:

(3) purchasing interests in pipelines in accordance with options included in right-of-way leases;

\* Sec. 39. AS 38.05.068(b) is amended to read:

(b) When not in conflict with this section, other provisions of secs. 45 - 69 of this chapter apply to sales under this section.

\* Sec. 40. AS 38.05.181(b)(1) and (2) are amended to read:

(1) Because of the absence of detailed geothermal mapping and the limited geochemical, geological or geophysical knowledge of the state's geothermal resources that is available, a survey of geothermal resources shall be included in the complete geological survey of the state authorized by AS 41.08.020, and a statement of the progress of the geothermal resources survey shall be contained in the annual report required by that section.

(2) The classification of known geothermal resources areas, each of which shall contain at least one well capable of producing geothermal resources in commercial

quantities, shall be made by the commissioner upon recommendations of the director, the state geologist or the United States Geological Survey under AS 41.08.040.

\* Sec. 41. AS 38.05.181(s) is amended to read:

(s) Short title. This section may be cited as the Geothermal Resources Act.

\* Sec. 42. AS 39.25.110 is amended by adding a new paragraph to read:

(14) commissioners and employees of the Alaska Commercial Fisheries Entry Commission.

\* Sec. 43. AS 42.05.351 is amended to read:

Sec. 42.05.351. TESTING OF APPLIANCES. The commission shall provide for the examination and testing of appliances used for the measuring of a service of a public utility and may purchase equipment, apparatus, and standards required for this purpose. The commissioner of commerce may assign the examination and testing function to the section of weights and measures. Upon the payment of a reasonable fee established by the commission, a consumer may have the appliance, which is used by him, tested. The commission shall establish by regulation allowable tolerances with respect to the functioning or operation of the appliance. If the measuring appliance does not perform within these tolerances, the utility concerned shall pay the costs of the test by reimbursing the person requesting the test for the fee paid by him. This reimbursement shall be made no later than at the time of the next regular billing following the test.

\* Sec. 44. AS 43.18.010(h)(4) is amended to read:

(4) funds received by a local government under (1), (2) or (3) of this subsection shall be used for expenses of operation, maintenance, or health services or facilities, as the local government or hospital outside a municipality determines;

\* Sec. 45. AS 43.18.040 is amended to read:

Sec. 43.18.040. REGULATIONS. The Department of Community and Regional Affairs shall adopt regulations necessary to carry out the purposes of secs. 10 - 99 of this chapter.

\* Sec. 46. AS 43.18.050 is amended to read:

Sec. 43.18.050. SPECIFIC EXPENDITURES. A municipality shall expend funds received for the operation and maintenance of hospitals and health facilities and services under secs. 10 - 99 of this chapter only for those specific facilities and services.

\* Sec. 47. AS 43.18.100(g) is amended to read:

(g) In this section, unless the context requires otherwise,

(1) "commissioner" means the commissioner of education;

(2) "costs of school construction" means the cost of acquiring, constructing, enlarging, repairing, remodeling, equipping or furnishing of public elementary and secondary school buildings and includes but is not limited to the cost of acquisition of sites, legal, engineering, fiscal, architectural and other fees of specialists or consultants, costs of labor, materials, equipment and supplies, costs of authorization, issuance and sale of bonds, notes, or other evidences of debt.

\* Sec. 48. AS 43.20.335(a) - (e) are amended to read:

(a) A person who wilfully attempts to evade the tax imposed by this chapter is, in addition to other penalties provided by this chapter, guilty of a felony and, upon conviction, shall be fined not more than \$5,000, or imprisoned for not more than five years, or both.

(b) A person required under this chapter to collect, account for, and pay over the tax imposed by this chapter who wilfully fails to collect or truthfully account for and pay over the tax is, in addition to other penalties provided by this chapter, guilty of a felony and, upon conviction, shall be fined not more than \$10,000, or imprisoned for not more than five years, or both.

(c) A person required under this chapter to pay a tax, make a return, keep records, or supply information, who wilfully fails to pay the tax or estimated tax, make the return, keep the records, or supply the information, is, in addition to other penalties provided by this chapter, guilty of a misdemeanor and, upon conviction, shall be fined not more than \$5,000, or imprisoned for not more than one year, or both.

(d) A person who wilfully makes and subscribes a return, statement, or other document required under this chapter which contains or is verified by a written declaration that it is made under the penalties of perjury which he does not believe to be true and correct as to every material matter is, in addition to other penalties provided by this chapter, guilty of a felony and, upon conviction, shall be fined not more than \$5,000, or imprisoned for not more than three years, or by both.

(e) A person who wilfully and knowingly aids or assists in, or procures, or counsels the preparation or presentation in connection with any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter is guilty of a felony whether or not the falsity or fraud is with the knowledge or consent of the person required to present the return, affidavit, claim, or document, and, upon conviction, shall be fined not more than \$5,000, or imprisoned for not more than three years, or both.

\* Sec. 49. AS 44.62.150 is repealed.

\* Sec. 50. AS 44.68.020 is amended to read:

Sec. 44.68.020. RULES REGARDING THE USE OF STATE-OWNED VEHICLES. The Department of Highways shall prescribe rules which

(1) define what is the use of state-owned auto-motive and mechanical vehicles in the conduct of state business and distinguish this use from misappropriation for private use;

(2) prescribe use governing the storage of state-owned vehicles in those locations where storage space, under the jurisdiction of the Department of Highways, is available for storage of state-owned vehicles;

(3) provide for the marking of state-owned vehicles as property of the state and for the use of distinctive license tags for state-owned vehicles.

\* Sec. 51. AS 47.25.975(c) is amended to read:

(c) Food coupons shall be used to purchase food from retail food stores which have been approved for participation in the food stamp program. Eligible households living in certain remote areas shall be permitted to purchase certain items of hunting and fishing equipment for the purpose of procuring food for the household, except firearms, ammunition and other explosives, in accordance with rules and regulations that the Secretary of Agriculture may prescribe.

\* Sec. 52. AS 47.25.990(2) is amended to read:

(2) "food" means any food or food product for human consumption except alcoholic beverages and tobacco and shall include seeds and plants for use in gardens to produce food for the personal consumption of the eligible household;

\* Sec. 53. AS 02.15.260(10) is amended to read:

(10) "municipality means a home rule or general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the state;

\* Sec. 54. AS 37.15.220 is amended to read:

Sec. 37.15.220. SHORT TITLE. Sections 10 - 220 of this chapter may be cited as the State Bonding Act.

\* Sec. 55. AS 43.56.030(2)(C) is amended to read:

(C) taxes on the sale or use of services used in or associated with the property or in its maintenance or operation except for the sales tax on the first \$1,000 of each sale;

\* Sec. 56. AS 47.05.030 is amended to read:

Sec. 47.05.030. MISUSE OF PUBLIC ASSISTANCE LISTS AND RECORDS. It is unlawful, except for purposes directly connected with the administration of general assistance, adult public assistance, or aid to families with dependent

children, and in accordance with the regulations of the department, for a person to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, a list of or names of, or information concerning, persons applying for or receiving the assistance directly or indirectly derived from the records, papers, files, or communications of the department or subdivisions or agencies of the department, or acquired in the course of the performance of official duties.

\* Sec. 57. AS 04.10.040(b) is amended to read:

(b) A citizen of the United States, over the age of 19 years and of good moral character, may be regularly employed as a waiter or waitress in an establishment operating under a beverage dispensary license. The duties of waiters and waitresses employed therein shall be confined to taking orders and serving beverages, alcoholic or otherwise, and food. Waiters and waitresses employed under this section may not solicit or encourage the purchase of beverages, alcoholic or otherwise, by a patron of the premises, whether the beverage is for the patron or for another. No waiter or waitress may accept any beverage, alcoholic or otherwise, purchased for him or her by a patron of the establishment.

\* Sec. 58. AS 06.25.120(2) is repealed.

\* Sec. 59. AS 06.30.395 is amended to read:

Sec. 06.30.395. SAVINGS ACCOUNTS IN NAME OF MINORS. An association and any federal savings and loan association may issue a savings account to a minor as the sole and absolute owner of the savings account, and may receive payments by or for the owner, and pay withdrawals, accept pledges to the association, and act with respect to the accounts on the order of the minor. A payment or delivery of rights to a minor, or a receipt of acquittance signed by a minor, who holds a savings account, is a valid and sufficient release and discharge of the institution for payment made or delivery of rights to the minor. The receipt, acquittance, pledge, or other action required by the institution to be taken by the minor is binding upon the minor with the same effect as if he were of full age and legal capacity. The parent or guardian of the minor in his capacity as parent or guardian may not attach or in any manner transfer a savings account issued to or in the name of the minor. However, in the case of the death of the minor the receipt or acquittance of either parent or of a person standing in loco parentis to the minor is a valid and sufficient discharge of the institution for a sum not exceeding in the aggregate \$1,000 unless the minor has given written notice to the institution not to accept the signature of the parent or person.

\* Sec. 60. AS 08.28.320(10)(A) is amended to read:

(A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work on a wig or hair piece of artificial or human hair, or upon the hair of a living person by any means;

\* Sec. 61. AS 08.28.320(10)(B) is amended to read:

(B) trimming hair, as a part of hairdressing;

\* Sec. 62. AS 09.15.010 is amended to read:

Sec. 09.15.010. PARENTS OR GUARDIAN MAY SUE FOR INJURIES OR DEATH TO CHILD. A parent may maintain an action as plaintiff for the injury or death of a child below the age of majority. A guardian may maintain an action as plaintiff for the injury or death of his ward.

\* Sec. 63. AS 09.15.020 is amended to read:

Sec. 09.15.020. PARENTS OR GUARDIAN MAY SUE FOR SEDUCTION OF CHILD. A parent may maintain an action as plaintiff for the seduction of a child below the age of majority. The guardian may maintain an action as plaintiff for the seduction of a ward. The action may be maintained even though the child or ward is not living with or in the service of the plaintiff at the time of the seduction or afterwards and there is no loss of service.

\* Sec. 64. AS 09.15.030 is repealed.

\* Sec. 65. AS 09.45.500 is amended to read:

Sec. 09.45.500. VESTED OR CONTINGENT FUTURE RIGHTS OR ESTATE. In cases of sales in partition, when it appears that a person has a vested or contingent future right or estate in any of the property sold, the court shall determine the proportional value of the contingent or vested right or estate according to the principles of law applicable to annuities and survivorship, and shall direct that portion of the proceeds of the sale to be invested, secured, or paid over in a manner which will protect the rights and interests of the parties.

\* Sec. 66. AS 09.55.010 is amended to read:

Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A person may bring an action for change of name in the superior court. No change of name of a person may be made unless the court finds sufficient reasons for the change and also finds it consistent with the public interest. A change of name upon marriage or divorce meets these requirements.

\* Sec. 67. AS 09.55.110(1) is amended to read:

(1) inability to consummate the marriage at the time of the marriage and continuing at the commencement of the action;

\* Sec. 68. AS 09.55.110(7) is repealed.

\* Sec. 69. AS 09.55.150 is amended to read:

Sec. 09.55.150. USE OF SPOUSE'S RESIDENCE. Where one spouse is plaintiff in an action for divorce or to declare void a marriage which was not solemnized in the state, the residence of the other spouse in this state inures to his benefit and he may institute the action if the other spouse

is at the time of its commencement qualified as to residence to institute a similar action.

\* Sec. 70. AS 09.55.170 is amended to read:

Sec. 09.55.170. SEPARATE DOMICILE OR RESIDENCE. In an action for divorce, a spouse may acquire a separate residence or domicile from that of the other spouse without reference among other factors to misconduct or consent of the other spouse.

\* Sec. 71. AS 09.55.200(a) is amended to read:

(a) During the pendency of the action, the court may provide by order

(1) that one spouse pay an amount of money as may be necessary to enable the other spouse to prosecute or defend the action;

(2) for the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;

(3) for the freedom of one spouse from the control of the other spouse during the pendency of the action;

\* Sec. 72. AS 09.55.210(5) is amended to read:

(5) for the appointment of one or more trustees to collect, receive, expend, manage, or invest, in the manner the court directs, any sum of money adjudged for the maintenance of one of the parties or the nurture and education of minor children committed to his care and custody;

\* Sec. 73. AS 09.55.210(7) is amended to read:

(7) to change the name of one of the parties.

\* Sec. 74. AS 11.15.120 is amended to read:

Sec. 11.15.120. RAPE. A person who (1) has carnal knowledge of another person, forcibly and against the will of the other person, or (2) being 16 years of age, carnally knows and abuses a person under 16 years of age, with the person's consent, is guilty of rape.

\* Sec. 75. AS 11.15.130 is amended to read:

Sec. 11.15.130. PUNISHMENT FOR RAPE. (a) A person 19 years of age or older convicted of rape upon his daughter, son, sister or brother, or upon a person under 16 years of age, is punishable by imprisonment in the penitentiary for any term of years.

(b) A person less than 19 years of age convicted for rape upon his daughter, son, sister or brother, or a person under 16 years of age, is punishable by imprisonment in the penitentiary for not more than 20 years.

(c) A person convicted of rape upon any other person

is punishable by imprisonment in the penitentiary for not more than 20 years nor less than one year.

- \* Sec. 76. AS 11.20.040 is amended to read:

Sec. 11.20.040. OFFENSE BY MARRIED PERSON. Sections 10 - 30 of this chapter extend to and include a married person who commits any of the crimes specified, though the property burned or set on fire belongs wholly or in part to the other spouse.

- \* Sec. 77. AS 11.40.030 is repealed.

- \* Sec. 78. AS 11.40.070 is repealed.

- \* Sec. 79. AS 11.40.090 is amended to read:

Sec. 11.40.090. CONCEALMENT OF DEATH OF CHILD. A person who conceals the death of an issue of a woman's body, so that it may not be known whether the issue was born alive or not, or whether or not it was murdered, upon conviction, is punishable by imprisonment in the penitentiary for not less than six months nor more than one year, or by imprisonment in a jail for not less than three months nor more than one year.

- \* Sec. 80. AS 11.40.100 is amended to read:

Sec. 11.40.100. JOINDER OF OFFENSE WITH CHARGE OF MURDER. A person indicted for the murder of his bastard infant may also be charged in the same indictment with the crime defined in sec. 90 of this chapter, and if he is found not guilty of the charge of murder he may be found guilty of the crime defined in sec. 90 of this chapter.

- \* Sec. 81. AS 11.40.170(4) is amended to read:

(4) "sexually indecent comic book" is a comic book, the theme or plot of which is devoted primarily or in substantial part to sexually indecent subject matter such as adultery, homosexuality, sadism, masochism or other perversions or in which male and female characters are depicted in lewd, lascivious or suggestive amorous embraces or in which male or female characters are scantily or indecently clad or in which the genital organs of male or female characters are exposed or partially exposed;

- \* Sec. 82. AS 16.05.940(2) is amended to read:

(2) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking, or to the spouse of a commercial fisherman who does not receive income separate and distinct from that of the commercial fisherman spouse as a result of the spouse's participation; and the

term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish;

\* Sec. 83. AS 18.50.160(e) is amended to read:

(e) If the mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth unless paternity has been determined by a court of competent jurisdiction, or both the mother and father request the entry, or otherwise as specified by statute.

\* Sec. 84. AS 23.10.350(3) is amended to read:

(3) as a maid in a hotel or lodginghouse; or

\* Sec. 85. AS 23.25.010 is amended to read:

Sec. 23.25.010. LIABILITY TO EMPLOYEES FOR DEFECTS OR INSUFFICIENCY OF MACHINERY. A person engaged in manufacturing, mining, constructing, building, or other business or occupation carried on by means of machinery or mechanical appliances is liable to an employee or, in the event of his death, to his personal representative for the benefit of his surviving spouse and children, if any, or if none, then for his parents, or, if neither surviving spouse, nor children nor parents, then for his next of kin dependent upon him, for all damages which may result from the negligence of any of the employer's officers, agents, or employees, or by reason of defect or insufficiency due to the employer's negligence in the machinery, appliances and works.

\* Sec. 86. AS 23.30.095(e) is amended to read:

(e) The employee shall, after an injury, at reasonable times during the continuance of his disability if requested by his employer or, when ordered by the board, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the state in which the employee may be found, furnished and paid for by the employer. The employee has the right to have a physician, paid for by the employer, present at the examination or examinations. No fact relative to the injury or claim communicated to or otherwise learned by a physician or surgeon who may have attended or examined the employee, or who may have been present at an examination is privileged, either in the hearings provided for in this chapter or an action to recover damages against an employer who is subject to the compensation provisions of this chapter. If an employee refuses to submit himself to any examination provided for herein, his rights to compensation shall be suspended until the obstruction or refusal ceases, and his compensation during the period of suspension may, in the discretion of the board or the court determining an action brought for the recovery of damages hereunder, be forfeited. The board in any case of death may require an autopsy at the expense of the party requesting the autopsy. No autopsy may be held without notice first being given to the widow or widower or next of kin if they reside in the state or their whereabouts can be reasonably ascertained, of the time and place of the autopsy and reasonable time and opportunity given the widow or widower or next of kin to have a representative present to witness the autopsy. If no adequate

notice is given, the findings from the autopsy may be suppressed on motion made to the board or to the superior court, as the case may be.

\* Sec. 87. AS 23.30.195(a) is amended to read:

(a) Compensation to which any claimant would be entitled under sec. 190 of this chapter excepting (20) of that section shall, notwithstanding death arising from causes other than the injury, be payable to and for the benefit of the persons following:

(1) if there be a widow or widower and no child of the deceased, to the widow or widower;

(2) if there be a widow or widower and a surviving child of the deceased, one-half to the widow or widower, the other half to the surviving child;

(3) if there be a surviving child of the deceased, but no widow or widower, then to the child.

\* Sec. 88. AS 23.30.215(a) is amended to read:

(a) If the injury causes death, the compensation is known as a death benefit and is payable in the following amounts to or for the benefit of the following persons:

(1) reasonable and necessary funeral expenses not exceeding \$1,000;

(2) if there is a widow or widower, to the widow or widower 35 per cent of the average weekly wages of the deceased, during widowhood, or widowerhood with \$10,000 in one sum upon remarriage, but total compensation not to exceed \$20,000 in the aggregate; if there is a surviving child or children of the deceased, the additional amount of 15 per cent of the average weekly wages for each child not to exceed 30 per cent of the average weekly wages, but the total amount payable to a widow or widower and children may in no case exceed 65 per cent of the average weekly wages, except as provided in (b) of this section;

(3) if there is one or more surviving children of the deceased, but no widow or widower, then for the support of the child or children 35 per cent of the average weekly wages of the deceased;

(4) if there is no widow or widower or child or children, then for the support of father, mother, grandchildren, brothers and sisters, if dependent upon the deceased at the time of injury, 35 per cent of the average weekly wage of the deceased to such beneficiaries, share and share alike, not to exceed \$20,000 in the aggregate.

\* Sec. 89. AS 23.30.215(d) is amended to read:

(d) Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada is the same in amount as provided for residents, except that dependents in a foreign country are limited to widow or widower and child or children, or if

there is no widow or widower and child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for a period of one year before the date of injury. The board, at its option, or upon the application of the insurance carrier, may commute all future installments of compensation to be paid to an alien dependent who is not a resident of the United States or Canada by paying or causing to be paid to him one-half of the commuted amount of the future installments of compensation as determined by the board.

\* Sec. 90. AS 23.30.265(15) is amended to read:

(15) "married" includes a person who is divorced but is required by the decree of divorce to contribute to the support of his former spouse;

\* Sec. 91. AS 23.30.265(22) is amended to read:

(22) "widower" includes only the decedent's husband living with or dependent for support upon her at the time of her death, or living apart for justifiable cause or by reason of her desertion at such a time;

\* Sec. 92. AS 25.05.011(a)(1) is amended to read:

(1) a person who is 19 years of age or older, who is otherwise capable, or

\* Sec. 93. AS 25.05.171(a) is amended to read:

(a) A license may be issued to a person under the legal age of marriage if he or she has attained the marriageable age of consent, which is 18 years of age, but only if the consent of the minor's parents, or guardian, or of the parent having actual care, custody, and control of the minor is obtained. Consent shall be given by them under oath and filed of record in the office of the licensing officer and entered by him on the marriage license docket before he issues the license. If there is no guardian of the minor or if there is no competent person having actual care, custody, and control of the minor, then the licensing officer may, in his discretion, make an order consenting to the marriage of the minor.

\* Sec. 94. AS 25.15.060 is amended to read:

Sec. 25.15.060. CONTROL AND LIABILITY OF SEPARATE PROPERTY OF SPOUSE. The property and pecuniary rights of every married person at the time of marriage or afterwards which are acquired by gift, devise, or inheritance are not subject to the debts or contracts of the other spouse, and each spouse may manage, sell, convey, or devise the property and pecuniary rights by will his separate property.

\* Sec. 95. AS 25.15.070 is repealed.

\* Sec. 96. AS 25.15.080 is repealed.

\* Sec. 97. AS 25.15.090 is repealed.

- \* Sec. 98. AS 25.15.100 is amended to read:

Sec. 25.15.100. MARRIED PERSON MAY CONTRACT OR INCUR LIABILITIES. A married person may make contracts, and may incur liabilities, and the contracts and liabilities may be enforced by or against him to the same extent and in the same manner as if he were unmarried.

- \* Sec. 99. AS 25.15.110 is amended to read:

Sec. 25.15.110. LAWS IMPOSING CIVIL DISABILITIES UPON MARRIED PERSONS REPEALED. All laws which impose or recognize civil disabilities upon a married person which are not imposed or recognized as existing as to the other spouse are repealed. For any unjust usurpation of his property or natural rights a married person has the same right to appeal in his own name alone to all courts for redress that the other spouse has.

- \* Sec. 100. AS 25.20.020 is amended to read:

Sec. 25.20.020. ARRIVAL AT MAJORITY UPON MARRIAGE. A person arrives at the age of majority upon being married according to law, unless he is under the marriageable age of consent as defined in AS 25.05.171(a), in which case he reaches majority upon reaching the marriageable age of consent.

- \* Sec. 101. AS 25.20.040 is amended to read:

Sec. 25.20.040. MAINTENANCE AND EDUCATION OF MINOR OUT OF INCOME OF HIS PROPERTY. If a minor who has a parent living has property the income of which is sufficient for his maintenance and education in a manner more expensive than the parent can reasonably afford, regard being had to the situation of the parent's family and to all the circumstances of the case, the expenses of the maintenance and education of the child may be defrayed out of the income of his own property, in whole or in part, as shall be judged reasonable by the court, and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

- \* Sec. 102. AS 26.05.030(e) is repealed.

- \* Sec. 103. AS 34.15.020 is repealed.

- \* Sec. 104. AS 34.15.190 is amended to read:

Sec. 34.15.190. ACKNOWLEDGMENT BY A MARRIED PERSON. The acknowledgment of a married person to a conveyance of real property in this state is taken in the same manner as if the person were unmarried.

- \* Sec. 105. AS 39.20.280 is amended to read:

Sec. 39.20.280. MATERNITY LEAVE. Female employees taking leave of absence for childbirth are entitled to take a total of nine weeks' leave of absence immediately preceding and following childbirth. This leave shall be charged first to sick leave and if that is not sufficient then to annual leave, provided that after sick and annual

leave have been used, the employee shall be granted leave without pay for the balance of the period of nine weeks. Except as otherwise provided in this section, a person taking maternity leave shall be treated as any other employee taking sick leave.

- \* Sec. 106. AS 39.35.210 is amended to read:

Sec. 39.35.210. REFUND UPON TERMINATION OF EMPLOYMENT BY DEATH. Upon termination of employment by reason of an employee's death, the employee's beneficiary shall be paid the balance, as of the date of the employee's death, of (1) the employee contribution account, if a joint and survivor option under sec. 450 of this chapter is not in effect and if a surviving spouse's pension under sec. 430 of this chapter does not become payable, and (2) the employee savings account.

- \* Sec. 107. AS 39.35.230(1) is amended to read:

(1) the excess of the balance in the employee contribution account of the deceased employee as of the date of the beginning of the employee's pension payments over the sum of the pension payments previously received by the employee, but this amount may not be paid if a joint and survivor option under sec. 450 of this chapter is in effect or if a surviving spouse's pension under sec. 440 of this chapter is payable; and

- \* Sec. 108. AS 39.35.480(b) is amended to read:

(b) A person who receives a surviving spouse's pension, as long as he resides in the state, shall receive a cost of living allowance in addition to the surviving spouse's pension. The amount of this allowance is equal to 75 per cent of the cost of living allowance that was or would have been payable to the retired employee under this section.

- \* Sec. 109. AS 39.35.620(b)(2) is amended to read:

(2) to fund in advance the benefits of retired employees, surviving spouses, and beneficiaries who are receiving or are eligible to receive benefits on the date of termination appropriately adjusted for any payments made under (b)(1) of this section;

- \* Sec. 110. AS 39.35.680(18) is repealed.

- \* Sec. 111. AS 43.45.010(a) is amended to read:

(a) There is imposed a school tax of \$10 a year upon each person 19 years of age or older gainfully employed in the state or on the waters of the state, except (1) a married person who is unemployed and entirely dependent upon the income of the spouse and whose spouse has paid a school tax, and (2) a person exempt under sec. 20 of this chapter.

- \* Sec. 112. AS 44.31.020(1) is amended to read:

(1) enforce the laws, and adopt regulations under them concerning employer-employee relationships, including

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the safety, hours of work, wages, and conditions of workers,  
including children;