



LAWS OF ALASKA

1975

Source

HCSSB 384 am H

Chapter No.

208

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 08.84.010(a) is amended to read:

(a) There is created the state Physical Therapy Board, which consists of five members appointed by the governor. The membership consists of one physician licensed to practice medicine in the state, three physical therapists registered in the state, and one lay person. The members shall be selected from a list of 10 persons which shall be submitted by the Alaska Chapter of the American Physical Therapy Association. Members of the board shall be appointed for terms of one, two and three years, respectively; all subsequent appointments shall be made for a term of three years and until their successors are appointed. Vacancies on the board shall be filled by appointment in like manner. Board members are not entitled to a travel or per diem allowance.

* Sec. 2. AS 08.84.030(3) is amended to read:

(3) pass to the satisfaction of the board an examination from the Professional Examination Service Association, to determine his fitness for practice as a physical therapist or physical therapy assistant, or be entitled to registration without examination as provided in sec. 60 of this chapter.

* Sec. 3. AS 08.84.065(a) is amended to read:

(a) The board may issue a nonrenewable temporary permit to an applicant for registration by endorsement or by examination who meets the requirements of sec. 30(1) and (2)

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of this chapter and pays the required fee.

- * Sec. 4. AS 08.84.100(b) is amended to read:

(b) A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration which remains lapsed for more than 60 days. If the registration remains lapsed for more than three years, the board may require the applicant to take and pass the examination given under sec. 30(3) of this chapter.

- * Sec. 5. AS 09.55.140 is repealed.

- * Sec. 6. AS 09.65.100(a)(5) is amended to read:

(5) the parent or guardian of the minor shall be relieved of all financial obligation to the provider of the service under this section.

- * Sec. 7. AS 14.12.010 is amended to read:

Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL SYSTEM. The districts of the state public school system are as follows:

(1) each first class city in the unorganized borough is a city school district;

(2) each organized borough is a borough school district;

(3) the area outside organized boroughs and outside first class cities is the state-operated school district.

- * Sec. 8. AS 14.47.060 is amended to read:

Sec. 14.47.060. DEFINITIONS. In secs. 10 - 140 of this chapter

(1) "diploma" means a degree, certificate, transcript, document, or other writing in any language representing that a person has completed a course of study beyond high school or is honored for achievement, and includes but is not limited to a diploma purporting to be a degree of bachelor, master, doctor, or fellow in any field of knowledge or endeavor. Graduation from high school or its equivalent need not be nor purport to be a prerequisite for undertaking or completing the course of study;

(2) "commission" means the Alaska Commission on Postsecondary Education.

- * Sec. 9. AS 15.60.010(7) is amended to read:

(7) "member of a political party" means any person who supports the political program of a party; filing as an independent candidate shall not be interpreted as precluding the candidate from being a member of a political party; and recognition of the independent as a member of a political party at a party caucus held by members of the legislature at the legislative session following his election, shall be considered recognition of party membership at

the time filings were received by party candidates for the preceding general election;

- * Sec. 10. AS 16.05.820 is amended to read:

Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary of the Interior, the Secretary of Commerce or the Secretary of Agriculture of the United States and their authorized agents or other appropriate federal agencies may conduct fish cultural operations and scientific investigations in the state in the manner and at the times jointly considered necessary or proper by the board and the secretary and their authorized agents.

- * Sec. 11. AS 16.05.900(a) is amended to read:

(a) A person who violates secs. 870 - 895 or 920 of this chapter or any regulation promulgated under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both. A person who violates a regulation promulgated under this chapter for the regulation of commercial fisheries shall be punished as provided in sec. 720 of this chapter.

- * Sec. 12. AS 16.10.010(3) is amended to read:

(3) render the waters inaccessible or uninhabitable for salmon for that purpose without first applying for and obtaining a permit or license from the Department of Environmental Conservation. The application shall set out the name and style of the person or concern, describe the waters and location and state in particular the plans, purpose and intention for which the application is made.

- * Sec. 13. AS 16.10.030 is amended to read:

Sec. 16.10.030. VIOLATION OF SECS. 10 - 55 OF THIS CHAPTER A MISDEMEANOR. A person who violates secs. 10 - 55 of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$100 nor more than \$500.

- * Sec. 14. AS 17.20.370(12) is amended to read:

(12) "antiseptic", in the labeling or advertisement of a drug, is a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use involving prolonged contact with the body;

- * Sec. 15. AS 18.05.031 is amended to read:

Sec. 18.05.031. PROGRAM PLANNING FOR DEVELOPMENTAL DISABILITY. (a) The department shall

(1) plan for and take other steps leading to comprehensive state and community action to combat developmental disabilities;

(2) be the sole agency for carrying out the

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purposes of the federal act;

(3) make applications for, receive, and expend grants under the federal act; the applications shall set out plans and contain provisions and assurances for the expenditure of any grant as required by the federal act or the secretary.

(b) As used in this section

(1) "federal act" means the Developmental Disabilities Services and Facilities Construction Act (P.L. 91-517);

(2) "secretary" means the Secretary of Health, Education, and Welfare or his designee.

* Sec. 16. AS 18.55.210 is amended to read:

Sec. 18.55.210. RIGHT OF OBLIGEE OF AUTHORITY TO BRING INJUNCTION. An obligee of the authority may, in addition to all other rights which may be conferred and subject only to contractual restriction binding upon him, seek an injunction or an action in nature of an action for mandamus against the members, the authority, its officers, agents or employees.

* Sec. 17. AS 18.85.120(a) and (b) are amended to read:

(a) The determination of a person's indigency shall be made by the court in which an action against him is pending.

(b) In determining whether a person is indigent and in determining the extent of his inability to pay, the court shall consider such factors as income, property owned, outstanding obligations, and the number and ages of his dependents. Release on bail does not preclude a finding that a person is indigent. In each case, the person, subject to the penalties for perjury, shall certify under oath, and in writing or by other record, material factors relative to his ability to pay which the court prescribes.

* Sec. 18. AS 23.15.040 is amended to read:

Sec. 23.15.040. DIVISION OF VOCATIONAL REHABILITATION ESTABLISHED. The division of vocational rehabilitation is established under the Board of Vocational Rehabilitation to carry out secs. 10 - 210 of this chapter.

* Sec. 19. AS 23.15.050 is amended to read:

Sec. 23.15.050. DIRECTOR OF VOCATIONAL REHABILITATION. The board shall appoint a director of the division of vocational rehabilitation. The director has the administrative authority delegated to him by the board and necessary to carry out secs. 10 - 210 of this chapter and the regulations and policies adopted by the board.

* Sec. 20. AS 23.15.060 is amended to read:

Sec. 23.15.060. AGREEMENTS UNDER SOCIAL SECURITY ACT.
(a) The board acting through the division of vocational rehabilitation may enter into necessary agreements on behalf

of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal Social Security Act, as amended, and as it is subsequently amended, relating to the making of determinations of disability under Title II of that Act.

(b) The Department of Revenue shall act as the custodian of funds paid by the federal government to the state, shall comply with agreements entered into under the Social Security Act, and shall disburse the funds in accordance with instructions from the director of the division of vocational rehabilitation.

* Sec. 21. AS 23.15.070 is amended to read:

Sec. 23.15.070. PERSONNEL POLICIES. The board shall adopt personnel policies for the division of vocational rehabilitation. The director shall execute these policies and keep them on file in his office.

* Sec. 22. AS 23.15.110 is amended to read:

Sec. 23.15.110. EXTENSION OF SERVICES OUTSIDE STATE. Vocational rehabilitation service may be extended to the continental United States to all individuals eligible under secs. 10 - 210 of this chapter. The director of the division of vocational rehabilitation may place professional or clerical personnel or both inside the continental United States to carry out the purposes of secs. 10 - 210 of this chapter.

* Sec. 23. AS 23.15.210(1) and (3) are amended to read:

(1) "agency" means the division of vocational rehabilitation;

(3) "director" means the director of the division of vocational rehabilitation;

* Sec. 24. AS 23.20.520(12) is amended to read:

(12) "employing unit" means an individual or type of organization, partnership, association, trust, estate, joint trust company, insurance company or domestic or foreign corporation, or the receiver, referee in bankruptcy, trustee, or successor of one of these, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had one or more individuals performing service for it within the state; an individual performing services inside the state for an employing unit which maintains two or more separate establishments inside the state is considered as employed by a single employing unit for the purposes of this chapter; notwithstanding any provision in this chapter, any employing unit which employs individuals whose services must be covered by the unemployment insurance laws of this state after December 31, 1971 as a condition of approval of the unemployment insurance laws of this state under sec. 3304(a) of the U.S. Internal Revenue Code of 1954, as amended, will be considered an employer as to those individuals and is subject to contributions on all wages paid after December 31, 1971, or reimbursement payments to cover benefits paid based on services performed after

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December 31, 1971, depending on the applicable law;

* Sec. 25. AS 34.07.010(a) is amended to read:

(a) This chapter is applicable only to property, the sole owner or all of the owners of which submit it to the horizontal property regime by executing and recording a declaration under (c) of this section and sec. 20 of this chapter.

* Sec. 26. AS 43.56.020 is amended to read:

Sec. 43.56.020. EXEMPTIONS. (a) The following are exempt from local taxes levied or authorized under sec. 10(b) of this chapter:

(1) property rights attached to or inherent in the right to explore for or produce oil or gas;

(2) oil or gas leases or properties, whether producing or not;

(3) oil or gas in place;

(4) oil or gas produced or extracted in the state;

(5) the value of intangible drilling expenses and exploration expenses;

(6) an interest in property described in AS 43.-55.010(b).

(7) [deleted]

(8) [deleted]

(b) There is exempt from state taxes levied or authorized under sec. 10(a) of this chapter, before the construction commencement date, property which is committed by contract or other agreement for use in this state primarily for the production or pipeline transportation of gas or unrefined oil, or in the operation or maintenance of facilities for the production or pipeline transportation of gas or unrefined oil.

(c) In (a)(2) of this section, "properties" means mineral interests in oil and gas and working interests, royalty interests, and overriding royalty interests in oil and gas leases.

* Sec. 27. AS 43.56.210 is amended by adding a new paragraph to read:

(8) "municipality" means a home rule or general law city or borough and includes but is not limited to a unified municipality organized under AS 29.68.

* Sec. 28. AS 46.07.080(1) is amended to read:

(1) "commissioner" means the commissioner of environmental conservation;

* Sec. 29. AS 39.05.010 is repealed.