

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

there is none, to the person determined to be entitled under the laws of his domicile.

**Sec. 39.20.370. Inapplicability of Provisions to Certain Benefits, Refunds, or Interest.** Secs. 310 - 400 of this chapter do not apply to any benefit, refund, or interest payable under the Public Employees' Retirement System applicable to the decedent's service or to an amount the disposition of which is otherwise expressly prescribed by state law.

**Sec. 39.20.380. Change or Revocation of Designation.** The employee may change or revoke a designation made under this chapter at any time without notice to the beneficiary by written notice filed with the Department of Administration.

**Sec. 39.20.390. Employees to Be In-**

**formed.** Each department shall inform its employees of the provisions of this chapter.

**Sec. 39.20.400. Definitions.** In secs. 310 - 390 of this chapter

(1) "unpaid compensation" means the pay, salary, or allowances, or other compensation due on account of the services of the decedent for the state;

(2) "employee" means a person entitled to receive unpaid compensation from the state.

**Sec. 2.** This Act is expressly declared to be retroactive to March 26, 1964.

**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 73

### AN ACT

**Relating to damages for extraction of oil or gas without right.**

(S.B. 337)

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

Section 1. AS 31 is amended by adding a new chapter to read:

#### Chapter 30.

**Sec. 31.30.010. Damages for Wrongful Extraction of Oil or Gas.** (a) If oil or gas has been or is extracted from any existing or subsequently drilled well by any person without right but who asserts a claim of right in good faith or who is acting under an honest

belief as to the law or the facts, the measure of damages, if there is any right of recovery under existing law, shall be the value of the oil or gas at the time of extraction, without interest, after deducting all costs of development, operation, and production. The costs shall include taxes and interest on all expenditures from the date of the expenditures.

(b) In this section "oil or gas" includes all hydrocarbon minerals.

Approved April 21, 1964

## CHAPTER 74

### AN ACT

**Permitting the State Bond Committee to borrow money in anticipation of the sale of general obligation bonds issued to meet natural disasters and other public emergencies; and providing for an effective date.**

(S.B. 352)

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

Section 1. AS 37.15.300 is amended to read: