CS FOR SENATE BILL NO. 85(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 3/30/95
Offered: 3/23/95

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL

FOR AN ACT ENTITLED

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

Section 1. AS 04.11.400(d) is amended to read:

  (d) The board may approve the issuance or transfer of ownership of a beverage dispensary or restaurant or eating place license without regard to (a) of this section if it appears that the issuance or transfer will encourage the tourist trade by encouraging the construction or improvement of

  (1) a hotel, motel, resort, or similar business relating to the tourist trade with a dining facility or having kitchen facilities in a majority of its rental rooms and at least a minimum number of rental rooms required according to the population of the established village, incorporated city, unified municipality, or population area established under (a) of this section in which the facility will be located, as follows:

  (A) 10 rental rooms if the population is less than 1,501;
(B) 20 rental rooms if the population is 1,501 - 2,500

(C) 25 rental rooms if the population is 2,501 - 5,000

(D) 30 rental rooms if the population is 5,001 - 15,000

(E) 35 rental rooms if the population is 15,001 - 25,000

(F) 40 rental rooms if the population is 25,001 - 50,000

(G) 50 rental rooms if the population is greater than 50,000; or

(2) an airport terminal.

* Sec. 2. AS 04.11.498(b) is amended to read:

(b) If a majority of the voters of an established village vote "yes" on the question set out in (a) of this section, and the sale of alcoholic beverages, or the sale and importation of alcoholic beverages, has been previously prohibited in the established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly possess an alcoholic beverage in the established village, unless the alcoholic beverage is wine to be used for bona fide religious purposes based on tenets or teachings of a church or religious body, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes, by a person recognized by the church or religious body as authorized to dispense the wine. The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the perimeter of the established village [AS DEFINED IN AS 04.21.080(b)].

* Sec. 3. AS 04.11.498(c) is amended to read:

(c) If a majority of the voters of an established village vote "yes" on the question set out in (a) of this section and the sale of alcoholic beverages, or the sale and importation of alcoholic beverages, has not been previously prohibited in the
established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning
90 days after certification of the results of the election, may not knowingly possess an
alcoholic beverage in the established village, unless the person is licensed by the board
or the alcoholic beverage is wine to be used for bona fide religious purposes based on
tenets or teachings of a church or religious body, is limited in quantity to the amount
necessary for religious purposes, and is dispensed only for religious purposes by a
person recognized by the church or religious body as authorized to dispense the wine.
The board shall be notified immediately after certification of the results of the election
and thereafter may not issue, renew, or transfer between holders or locations a license
for licensed premises located within the perimeter of the established village [AS
DEFINED IN AS 04.21.080(b)]. Licenses that may not be renewed because of a local
option election held under this section are void 90 days after the results of the election
are certified. A license that will expire during the 90 days after the results of a local
option election under this section are certified may be extended until it is void under
this subsection, by payment of a prorated portion of the biennial license fee.

* Sec. 4. AS 05.12.010(a) is amended to read:

(a) A person may not use, display, or publish the symbol of the Arctic Winter
Games, consisting of the triple circle symbol and ulu combination, for commercial
purposes or private gain without the written authorization of the Arctic Winter Games
International Committee [INCORPORATED].

* Sec. 5. AS 05.12.010(b) is amended to read:

(b) A person may not use, display, or publish any name, title, or device that
tends to indicate that the person is affiliated with or supported by the Arctic Winter
Games without the written authorization of the Arctic Winter Games International
Committee [INCORPORATED].

* Sec. 6. AS 06.45.060(7)(D) is amended to read:

(D) in shares or accounts of savings and loan associations or
mutual savings banks that are insured by the [FEDERAL SAVINGS AND
LOAN INSURANCE CORPORATION OR THE] Federal Deposit Insurance
Corporation;

* Sec. 7. AS 08.06.030(a) is amended to read:
(a) A person is qualified to receive a license to practice acupuncture if the person

   (1) is of good moral character;
   (2) is at least 21 years of age;
   (3) either

   (A) has completed a course of study consistent with the core curriculum and guidelines of the National Council of Acupuncture Schools and Colleges at a school of acupuncture approved by the department; or
   (B) is licensed to practice acupuncture in another jurisdiction that has acupuncture licensing requirements equivalent to those of this state;
   (4) is qualified for certification by the National Commission [COUNCIL] for the Certification of Acupuncturists as a diplomate in acupuncture;
   (5) does not have a disciplinary proceeding or unresolved complaint pending at the time of application; and
   (6) has not had a license to practice acupuncture suspended or revoked in this state or in another jurisdiction.

* Sec. 8. AS 08.45.030 is amended to read:

   Sec. 08.45.030. ISSUANCE OF LICENSE. The division shall issue a license to practice naturopathy to an applicant who provides proof satisfactory to the division that the applicant has received a degree from an accredited four-year college or university, and

   (1) on or before December 1, 1987, has graduated from a school of naturopathy that required four years of attendance at the school and after graduation has received a license in another state after passing an examination for licensure in that state and is licensed by a state at the time of application; or
   (2) after December 31, 1987, has

   (A) graduated from a school of naturopathy that required four years of attendance at the school and at the time of graduation the school was accredited or a candidate for accreditation by the Council on Naturopathic Medical Education or a successor organization recognized by the United States Department of Education; and

   (B) has not had a license to practice naturopathy suspended or revoked in this state or in another jurisdiction.
(B) passed the Naturopathic Physicians Licensing Examination

[SPONSORED BY THE AMERICAN ASSOCIATION OF NATUROPATHIC PHYSICIANS].

* Sec. 9. AS 08.45.035(a) is amended to read:

(a) The division shall issue a temporary license to practice naturopathy to an applicant who has applied for and is qualified to take the next Naturopathic Physicians Licensing Examination offered after the date of application and provides proof satisfactory to the division that the applicant

(1) meets the requirements of AS 08.45.030(2)(A); and

(2) has not previously failed the Naturopathic Physicians Licensing Examination [SPONSORED BY THE AMERICAN ASSOCIATION OF NATUROPATHIC PHYSICIANS].

* Sec. 10. AS 08.48.191(b) is amended to read:

(b) A person holding a certificate of registration authorizing the person to practice engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that, in the opinion of the board meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with regulations of the board. A person holding a certificate of qualification issued by the National Council of Examiners for Engineering and Surveying [ENGINEERING EXAMINERS COMMITTEE ON NATIONAL ENGINEERING CERTIFICATION] may, upon application, be registered in accordance with the regulations of the board.

* Sec. 11. AS 08.80.120 is amended to read:

Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. To pass the state pharmacy examination, each applicant shall attain a general average of not less than 75 percent and a grade of not less than 60 percent in any one category of the National Association of Boards [BOARD] of Pharmacy Standard Examinations for licensure or an equivalent examination given by the board.

* Sec. 12. AS 09.38.015(c) is amended to read:

(c) Property of the state, a [GENERAL LAW OR HOME RULE] municipality, and of the Alaska Municipal Bond Bank Authority or another state public corporation
is exempt.

* Sec. 13. AS 09.38.500(1) is amended to read:

   (1) "burial plot" means a parcel of real estate that is used for burial of human remains and that is located within an area designated for cemetery purposes by the state or a municipality;

* Sec. 14. AS 13.26.344(l) is amended to read:

   (l) In the statutory form power of attorney, the language conferring general authority with respect to health care services shall be construed to mean that, as to the health care of the principal, whether to be provided in the state or elsewhere, the principal authorizes the agent to:

   (1) have access to and disclose to others medical and related information and records;

   (2) consent or refuse to consent to medical care or relief for the principal from pain, but the agent may not authorize the termination of life-sustaining procedures;

   (3) take all steps necessary to enforce a properly executed declaration under AS 18.12;

   (4) consent or refuse to consent to the principal’s psychiatric care, but the consent does not authorize a voluntary commitment or placement in a mental health treatment facility, convulsive [CONCLUSIVE] or electric-shock therapy, psychosurgery, sterilization, or an abortion;

   (5) arrange for care or lodging of the principal in a hospital, nursing home, or hospice;

   (6) grant releases to health care professionals or health care institutions;

   (7) hire, discharge, or compensate an attorney, accountant, expert witness, or assistant when the agent considers the action to be desirable for the proper execution of the powers described in this subsection; and

   (8) do any other act or acts that the principal can do through an agent and that the agent considers desirable or necessary to provide for the principal's physical or mental well-being.

* Sec. 15. AS 16.10.294(f) is amended to read:
(f) A person affected by an order issued under AS 16.10.265 - 16.10.296 [THIS CHAPTER] may seek equitable relief preventing the commissioner from enforcing the order.

* Sec. 16. AS 16.10.294(g) is amended to read:

(g) In an action instituted in the superior court by the commissioner or a representative of the commissioner, a person acting in the capacity of a fish processor or primary fish buyer in violation of AS 16.10.265 - 16.10.296 [THIS CHAPTER] may be enjoined from acting as a fish processor or primary fish buyer.

* Sec. 17. AS 18.05 is amended by adding a new section to read:

Sec. 18.05.061. PENALTY FOR VIOLATION. A person who violates a provision of AS 18.05.040 - 18.05.046 or a regulation adopted under AS 18.05.040 - 18.05.046 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $500, or by imprisonment for not more than one year. Each day that a person continues a violation is a separate offense.

* Sec. 18. AS 18.65.705(4) is amended to read:

(4) has not been convicted, within the five years immediately preceding the application, of, and is not currently charged under a complaint, information, indictment, or presentment with, any of the following misdemeanor offenses or similar laws of another jurisdiction:

(A) AS 11.41.230, 11.41.250, 11.41.270;
(B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;
(C) AS 11.51.130;
(D) AS 11.56.330, 11.56.340, 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;
(E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;
or
(F) AS 11.71.050, 11.71.060;

* Sec. 19. AS 19.40.200(b) is amended to read:

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal

(1) to a licensed public utility or a licensed common carrier under
AS 38.05.810(e);

(2) for the reauthorization of leases that were in effect on January 1, 1994, for nonresidential purposes within the following development nodes:

Coldfoot:

   Township 28 North, Range 12 West, Fairbanks Meridian
   Sections 9 - 10
   Sections 15 - 16

Yukon River Crossing:

   Township 13 North, Range 11 West, Fairbanks Meridian
   Section 26;

(3) for nonresidential development within the following development node:

Deadhorse:

   Township 10 North, Range 14 East, Umiat Meridian
   Sections 24 - 25

   Township 10 North, Range 15 East, Umiat Meridian
   Section 19
   Section 30; or

(4) necessary for

   (A) an oil and gas lease under AS 38.05.180;

   (B) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

   (C) a state lease or materials sale for

      (i) exploration, development, production, or transportation of oil and gas;

      (ii) reconstruction or maintenance of state highways; or

      (iii) construction or maintenance of airports.

* Sec. 20. AS 21.21.230 is amended to read:

Sec. 21.21.230. SAVINGS AND LOAN. To the extent that the account is insured by the Federal Deposit Insurance Corporation [FEDERAL SAVINGS AND
LOAN INSURANCE CORPORATION], an insurer may invest in share or savings accounts of savings and loan and building and loan associations.

* Sec. 21. AS 21.21.600(19) is amended to read:

(19) "savings and loan" means an organization organized under the laws of a state that has qualified for the insurance protection provided by the Federal Deposit Insurance Corporation [FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION];

* Sec. 22. AS 39.50.020(a) is amended to read:

(a) A judicial officer, commissioner, chair or member of a state commission or board specified in AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, a person appointed as assistant to the governor, a state investment officer and the state comptroller in the Department of Revenue, and a municipal officer, shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file such a statement with the director of elections at the time of filing a declaration of candidacy or within 30 days of the filing of a nominating petition, or within 30 days of becoming a candidate by any other means. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing fee be returned and the candidate's name removed from the filing records. A statement shall also be filed by public officials no later than April 15 or 15 days after the person files a federal income tax return in each following year, whichever comes first. Persons who are [ON OR AFTER DECEMBER 11, 1974, WERE] members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.

* Sec. 23. AS 41.09.010(h) is amended to read:

(h) Amounts due the permanent fund under AS 37.13.010 shall [MAY] be calculated before the application of a credit extended under (a) of this section.
* Sec. 24. AS 42.40.750(c) is amended to read:

(c) The railroad labor relations agency shall determine who is eligible to vote in an election held under this section and shall adopt regulations [ESTABLISH RULES] governing the election. In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election, it shall be certified by the railroad labor relations agency as exclusive representative of all the employees in the bargaining unit. An election may not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid election has been held within the preceding 12 months.

* Sec. 25. AS 44.19.155(d) is amended to read:

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, the member shall advise the alternate who may attend and act in the place of the member. The alternate for a public member appointed [AFTER JULY 9, 1978] under (a)(1) of this section shall, at the time of the alternate's designation and throughout the period of service as a permanent alternate, be the mayor or member of the assembly or council of a municipality within the region from which the permanent member is appointed. The alternate for the director of the office of management and budget, serving under (a)(2)(A) of this section, shall be the director's designee within that office. The alternate for a designated member serving under (a)(2)(B) - (G) of this section shall be a deputy commissioner of the department or the director of a division in the department. The names of alternates shall be filed with the council.

* Sec. 26. AS 44.21.501(a)(8) is amended to read:

(8) assist the state's bargaining representative [THE DIVISION OF LABOR RELATIONS] in collective bargaining negotiations between the state and employee bargaining organizations to ensure that each collective bargaining agreement negotiated by the state ensures equal employment opportunity;

* Sec. 27. AS 44.33.119(6) is amended to read:

(6) ensure that the visitors' [VISITORY] experience in the state is and
continues to be satisfactory and leads to word-of-mouth advertising and return visits
to the state;

* Sec. 28. AS 44.62.160(a) is amended to read:
   (a) The Alaska Administrative Register shall be published quarterly on the first
day of the month [, BEGINNING IN A MONTH TO BE DESIGNATED BY THE
DEPARTMENT OF LAW, BUT NOT LATER THAN OCTOBER 1969]. All
regulations required to be submitted under AS 44.62.040 that are filed by the first day
of the month preceding publication shall be published in the register for that quarter.

* Sec. 29. AS 46.14.990 is amended by adding new paragraphs to read:
   (26) "commissioner" means the commissioner of environmental
conservation;
   (27) "department" means the Department of Environmental
Conservation.

* Sec. 30. AS 47.10.080(b)(6) is amended to read:
   (6) in addition to an order under (1) - (5) of this subsection, if the
delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
11.71.040(a)(4), order the minor to perform 50 hours of community service; for
purposes of this paragraph, "community service" includes work
   (A) defined as community service under [ON A PROJECT
IDENTIFIED IN] AS 33.30.901; or
   (B) that, on the recommendation of the city council or
traditional village council, would benefit persons within the city or village who
are elderly or disabled.

* Sec. 31. AS 47.10.097(b) is amended to read:
   (b) Fingerprint records taken under this section are not subject to
AS 47.10.093(a) [AS 47.10.090].

* Sec. 32. AS 47.10.490(2) is repealed and reenacted to read:
   (2) "out-of-home care provider" means an agency or person, other than
the child's legal parents, with whom a child who is in the custody of the state under
AS 47.10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) is currently placed;
in this paragraph, "agency or person" includes a foster parent, a relative other than a
parent, a person who has petitioned for adoption of the child, and a residential child
care facility;

* Sec. 33. AS 18.07.111(12); AS 24.20.075; AS 44.33.122, 44.33.124; AS 44.66.010(a)(8),
44.66.010(a)(12), 44.66.010(a)(16); and AS 47.30.500(4) are repealed.

* Sec. 34. This Act takes effect immediately under AS 01.10.070(c).