

**CS FOR SENATE BILL NO. 265(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 2/26/10**

**Referred: Rules**

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

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 **\* Section 1.** AS 02.15.260(15) is amended to read:

5 (15) "public aircraft" means an aircraft used exclusively in the  
6 governmental service of the United States or [AND] the state government;

7 **\* Sec. 2.** AS 06.55.407(a) is amended to read:

8 (a) Except as otherwise provided in (b) of this section, all information or  
9 reports obtained by the department from an applicant, a licensee, or an authorized  
10 delegate are confidential and not subject to disclosure under AS 40.25.100 - 40.25.295  
11 [AS 40.25.100 - 40.25.220], including

12 (1) all information contained in or related to examination,  
13 investigation, operating, or condition reports prepared by, on behalf of, or for the use  
14 of the department; and

1 (2) financial statements, balance sheets, and authorized delegate  
2 information.

3 \* **Sec. 3.** AS 06.60.580 is amended to read:

4 **Sec. 06.60.580. Form and contents of fund claim.** The form for a fund claim  
5 shall be executed under penalty of unsworn falsification in the second degree and  
6 must include

7 (1) the name and address of each originator licensee involved;

8 (2) the amount of the alleged loss;

9 (3) the date or period of time during which the alleged loss occurred;

10 (4) the date when the alleged loss was discovered;

11 (5) the name and address of the claimant; and

12 (6) a general statement of the facts related to the fund claim.

13 \* **Sec. 4.** AS 08.04.450 is amended to read:

14 **Sec. 08.04.450. Revocation or suspension of license, practice privilege, or**  
15 **permit.** In addition to its powers under AS 08.01.075, the board may revoke, suspend,  
16 or refuse to renew a license, practice privilege, or permit, or may censure a holder of a  
17 license, practice privilege, or permit for

18 (1) fraud or deceit in obtaining a license, practice privilege, or permit  
19 required by this chapter;

20 (2) dishonesty or gross negligence in the practice of public accounting,  
21 or other acts discreditable to the accounting profession;

22 (3) violation of a provision of AS 08.04.500 - 08.04.610;

23 (4) violation of a rule of professional conduct or other regulation  
24 adopted by the board;

25 (5) conviction of a felony under the laws of any state or of the United  
26 States;

27 (6) conviction of any crime, an essential element of which is  
28 dishonesty or fraud, under the laws of any state or of the United States;

29 (7) cancellation, revocation, suspension, or refusal to renew authority  
30 to practice as a certified public accountant or public accountant in any other state for  
31 any cause other than failure to pay a required fee;

1 (8) suspension or revocation of the right to practice before any state or  
2 federal agency;

3 (9) failure to satisfy the continuing education requirements prescribed  
4 by the board under AS 08.04.425, except as conditioned, relaxed, or suspended by the  
5 board under AS 08.04.425(c) and (d);

6 (10) failure to satisfactorily complete [THE SUPERVISION  
7 REQUIRED BY AS 08.04.423 OR] a quality review requirement under  
8 AS 08.04.426; or

9 (11) committing an act in another state for which the holder of the  
10 license, practice privilege, or permit would be subject to discipline in this state.

11 \* **Sec. 5.** AS 08.32.110(a) is amended to read:

12 (a) The role of the dental hygienist is to assist members of the dental  
13 profession in providing oral health care to the public. A person licensed to practice the  
14 profession of dental hygiene in the state may

15 (1) remove calcareous deposits, accretions, and stains from the  
16 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and  
17 polishing techniques;

18 (2) apply topical preventive agents;

19 (3) apply pit and fissure sealants;

20 (4) perform root **planing** [PLANNING] and periodontal soft tissue  
21 curettage;

22 (5) perform other dental operations and services delegated by a  
23 licensed dentist if the dental operations and services are not prohibited by (c) of this  
24 section; and

25 (6) if certified by the board and under the direct, indirect, or general  
26 supervision of a licensed dentist, administer local anesthetic agents.

27 \* **Sec. 6.** AS 08.48.341(10) is amended to read:

28 (10) "limited liability partnership" means **a limited liability**  
29 **partnership or a foreign limited liability partnership, as those terms are defined**  
30 **in AS 32.06.995** [AN ORGANIZATION REGISTERED UNDER AS 32.05.415 OR  
31 A FOREIGN LIMITED LIABILITY PARTNERSHIP; IN THIS PARAGRAPH,

1 "FOREIGN LIMITED LIABILITY PARTNERSHIP" HAS THE MEANING GIVEN  
2 IN AS 32.05.990];

3 \* **Sec. 7.** AS 08.65.140(d) is amended to read:

- 4 (d) A certified direct-entry midwife may not knowingly deliver a woman who
- 5 (1) has a history of thrombophlebitis or pulmonary embolism;
  - 6 (2) has gestational diabetes, diabetes, hypertension, Rh disease with  
7 positive titer, active tuberculosis, active syphilis, active gonorrhea, epilepsy, heart  
8 disease, or kidney disease;
  - 9 (3) contracts genital herpes simplex in the first trimester of pregnancy  
10 or has active genital herpes in the last two weeks of pregnancy;
  - 11 (4) has severe psychiatric illness;
  - 12 (5) inappropriately uses controlled substances, including those  
13 obtained by prescription;
  - 14 (6) has multiple gestation;
  - 15 (7) has a fetus of less than 37 weeks gestation at the onset of labor;
  - 16 (8) has a gestation of more than 42 weeks by dates and examination;
  - 17 (9) has a fetus in any presentation other than vertex at the onset of  
18 labor;
  - 19 (10) is a primigravida with an unengaged fetal head in active labor, or  
20 any woman who has rupture of membranes with unengaged fetal head, with or without  
21 labor;
  - 22 (11) has a fetus with suspected or diagnosed congenital anomalies that  
23 may require immediate medical intervention;
  - 24 (12) has pre-eclampsia or eclampsia;
  - 25 (13) has bleeding with evidence of placenta previa;
  - 26 (14) **has** any condition determined by the board to be of high risk to  
27 the pregnant woman and newborn;
  - 28 (15) has had a previous caesarian delivery or other uterine surgery;
  - 29 (16) experienced the rupture of membranes at least 24 hours before the  
30 onset of labor; or
  - 31 (17) is less than 16 years of age at the time of delivery.

1 \* **Sec. 8.** AS 12.55.035(c) is amended to read:

2 (c) Upon conviction of an offense, a defendant that is an organization may be  
3 sentenced to pay a fine not exceeding the **greatest** [GREATER] of

4 (1) an amount that is

5 (A) \$1,000,000 for a felony offense or for a misdemeanor  
6 offense that results in death;

7 (B) \$200,000 for a class A misdemeanor offense that does not  
8 result in death;

9 (C) \$25,000 for a class B misdemeanor offense that does not  
10 result in death;

11 (D) \$10,000 for a violation;

12 (2) three times the pecuniary gain realized by the defendant as a result  
13 of the offense; or

14 (3) three times the pecuniary damage or loss caused by the defendant  
15 to another, or to the property of another, as a result of the offense.

16 \* **Sec. 9.** AS 12.65.140(b) is amended to read:

17 (b) Except for public reports issued by the team, records [,] and other  
18 information collected by the team or a member of the team related to duties under this  
19 chapter are confidential and not subject to public disclosure under **AS 40.25.100 -**  
20 **40.25.295** [AS 40.25.100 - 40.25.220].

21 \* **Sec. 10.** AS 13.26.344(j) is amended to read:

22 (j) In a statutory form power of attorney, the language conferring general  
23 authority with respect to personal relationships **shall** be construed to mean that, as to  
24 real and personal property owned by the principal, whether in the state or elsewhere,  
25 the principal authorizes the agent to

26 (1) do all acts necessary to maintain the customary standard of living  
27 of the spouse, children, and other dependents of the principal, including by way of  
28 illustration and not by way of restriction, power to provide living quarters by purchase,  
29 lease, or by other contract, or by any payment of the operating costs, including  
30 interest, amortization payments, repairs, and taxes, of premises owned by the principal  
31 and occupied by the principal's family or dependents, to provide normal domestic help

1 for the operation of the household, to provide usual vacations and usual travel  
2 expenses, to provide usual educational facilities, and to provide funds for all the  
3 current living costs of the spouse, children, and other dependents, including, among  
4 other things, shelter, clothing, food, and incidentals;

5 (2) provide, whenever necessary, medical, dental, and surgical care,  
6 hospitalization, and custodial care for the spouse, children, and other dependents of the  
7 principal;

8 (3) continue whatever provision has been made by the principal for the  
9 principal's spouse, children, and other dependents, with respect to automobiles, or  
10 other means of transportation, including by way of illustration, but not by way of  
11 restriction, power to license, insure, and replace automobiles owned by the principal  
12 and customarily used by the spouse, children, or other dependents of the principal;

13 (4) continue whatever charge accounts have been opened for the  
14 convenience of the principal's spouse, children, or other dependents, open any new  
15 accounts that the agent considers desirable to accomplish the purposes enumerated in  
16 this subsection, and pay the items charged on these accounts by a person authorized or  
17 permitted by the principal to make the charges;

18 (5) continue the discharge of any services or duties assumed by the  
19 principal to a parent, relative, or friend of the principal;

20 (6) supervise, enforce, defend, or settle any claim by or against the  
21 principal arising out of property damages or personal injuries suffered by or caused by  
22 the principal, or under any circumstance that the resulting loss will or may fall on the  
23 principal;

24 (7) continue payments incidental to the membership or affiliation of  
25 the principal in a church, club, society, order, or other organization, or continue  
26 contributions to the organization;

27 (8) demand, receive, or obtain money or any other thing of value to  
28 which the principal is or may become or may claim to be entitled as remuneration for  
29 services performed, or as a stock dividend or distribution, or as interest or principal  
30 upon indebtedness, or as a periodic distribution of profits from any partnership or  
31 business in which the principal has or claims an interest, and endorse, collect, or

1 otherwise realize upon an instrument for the payment received;

2 (9) prepare, execute, and file all tax, social security, unemployment  
3 insurance, and information returns required by the laws of the United States or of any  
4 state or subdivision, or of any foreign government; prepare, execute, and file all other  
5 papers and instruments that the agent considers desirable or necessary for the  
6 safeguarding of the principal against excess or illegal taxation or against penalties  
7 imposed for claimed violation of a law or regulation; and pay, compromise, or contest  
8 or apply for refunds in connection with a tax or assessment for which the principal is  
9 or may be liable;

10 (10) use an asset of the principal to perform a power enumerated in  
11 this subsection, including by way of illustration and not by way of restriction, power  
12 to draw money by check or otherwise from a bank deposit of the principal, to sell land  
13 or a chattel, bond, share, commodity interest, or other asset of the principal, to borrow  
14 money, and to pledge as security for the loan any asset, including insurance, that  
15 belongs to the principal;

16 (11) execute, acknowledge, verify, seal, file, and deliver an  
17 application, consent, petition, notice, release, waiver, agreement, or other instrument  
18 that the agent considers useful to accomplish a purpose enumerated in this subsection;

19 (12) prosecute, defend, submit to arbitration, settle, and propose or  
20 accept a compromise with respect to a claim existing in favor of, or against, the  
21 principal based on or involving a transaction enumerated in this subsection, or  
22 intervene in any action or proceeding related to a transaction;

23 (13) hire, discharge, and compensate an attorney, accountant, expert  
24 witness, or assistant when the agent considers the action to be desirable for the proper  
25 execution of any of the powers described in this subsection, and for the keeping of  
26 records, about that action; and

27 (14) do any other act or acts that the principal can do through an agent,  
28 for the welfare of the spouse, children, or dependents of the principal or for the  
29 preservation and maintenance of the other personal relationships of the principal to a  
30 parent, relative, friend, or organization.

31 \* **Sec. 11.** AS 13.27.030(a) is amended to read:

1 (a) In a guardianship or protective proceeding in this state, a court may request  
2 the appropriate court of another state to

3 (1) hold an evidentiary hearing;

4 (2) order a person in that state to produce evidence or give testimony  
5 under procedures of that state;

6 (3) order that an evaluation or assessment be made of the respondent;

7 (4) order any appropriate investigation of a person involved in a  
8 proceeding;

9 (5) forward to the court a certified copy of the transcript or other  
10 record of a hearing under (1) of this subsection or any other proceeding, any evidence  
11 otherwise produced under (2) of this subsection, and any evaluation or assessment  
12 prepared in compliance with an order under (3) or (4) of this subsection;

13 (6) issue any order necessary to assure the appearance in the  
14 proceeding of a person whose presence is necessary for the court to make a  
15 determination, including the respondent or the incapacitated or protected person;

16 (7) issue an order authorizing the release of medical, financial,  
17 criminal, or other relevant information in that state, including protected health  
18 information as defined in **45 C.F.R. 160.103** [45 CFR 164.504], as amended.

19 \* **Sec. 12.** AS 14.43.930(e)(2) is amended to read:

20 (2) "qualified high school" means a public high school, a high school  
21 accredited by the **Northwest Association of Accredited Schools** [NORTHWEST  
22 ASSOCIATION OF SCHOOLS AND COLLEGES], or a high school registered with  
23 the department.

24 \* **Sec. 13.** AS 17.37.010(a) is amended to read:

25 (a) The department shall create and maintain a confidential registry of patients  
26 who have applied for and are entitled to receive a registry identification card according  
27 to the criteria set out in this chapter. The registry must also contain the name of the  
28 primary caregiver and the name of the alternate caregiver of a patient, if either is  
29 designated by the patient. Only one primary caregiver and one alternate caregiver may  
30 be listed in the registry for a patient. The registry and the information contained within  
31 it are not a public record under **AS 40.25.100 - 40.25.295** [AS 40.25.100 - 40.25.220].



1 Peace officers and authorized employees of state or municipal law enforcement  
2 agencies shall be granted access to the information contained within the department's  
3 confidential registry only

4 (1) for the purpose of verifying that an individual who has presented a  
5 registry identification card to a state or municipal law enforcement official is lawfully  
6 in possession of such card; or

7 (2) for the purpose of determining that an individual who claims to be  
8 lawfully engaged in the medical use of marijuana is registered or listed with the  
9 department or is considered to be registered or listed under (g) of this section.

10 \* **Sec. 14.** AS 18.65.087(e) is amended to read:

11 (e) The name, address, and other identifying information of a member of the  
12 public who makes an information request under this section is not a public record  
13 under AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220].

14 \* **Sec. 15.** AS 26.23 is amended by adding a new section to article 1 to read:

15 **Sec. 26.23.240. Short title.** AS 26.23.010 - 26.23.240 and 26.23.900 may be  
16 cited collectively as the Alaska Disaster Act.

17 \* **Sec. 16.** AS 29.65.050(b) is amended to read:

18 (b) All approved selections under former AS 29.18.190 and 29.18.200 for  
19 which patent has not been issued to a municipality on July 1, 1978, shall be reviewed  
20 by the director within nine months after July 1, 1978. Any approved selection of land  
21 that was vacant, unappropriated, [OR] unreserved **land** on the date of selection is valid  
22 as of the date of the approval under former AS 29.18.190, 29.18.200, 29.18.201,  
23 29.18.202, and 29.18.203, and a patent shall be issued to the municipality within three  
24 months after approval by the director of a plat of survey. The acreage shall be credited  
25 toward fulfillment of the municipality's entitlement. A municipality is not entitled to  
26 receive patent under this chapter to more than its entitlement determined under  
27 AS 29.65.010 - 29.65.030. Any prior approval by the director of municipal selections  
28 for land that was not vacant, unappropriated, [OR] unreserved **land** on the date of  
29 selection shall be rescinded, and patent may not be issued except when disposal to a  
30 third party by sale or lease has occurred. Transfers of land to municipalities under this  
31 chapter are subject to AS 38.05.321. Classification actions as reflected on the land

1 status records of the Department of Natural Resources are determinative of land  
2 classification status for purposes of this chapter.

3 \* **Sec. 17.** AS 29.65.060(a) is amended to read:

4 (a) If an entitlement determined under AS 29.65.010 or 29.65.020 results in a  
5 per capita entitlement for the municipality of less than one and one-half acre, the  
6 municipality may select vacant school or mental health land in the municipality in  
7 partial fulfillment of its land entitlement under this chapter. School or mental health  
8 land may be selected notwithstanding the fact that this land is not unappropriated and  
9 unreserved within the meaning of this chapter and under former AS 29.18.190 and  
10 29.18.200, but each selection of school or mental health land by a municipality must  
11 be vacant, unappropriated, [OR] unreserved land as defined in this chapter, except that  
12 it need not be general grant land.

13 \* **Sec. 18.** AS 34.45.320(b) is amended to read:

14 (b) If the owner establishes the right to receive the abandoned property to the  
15 satisfaction of the holder before the property has been delivered or if it appears that the  
16 presumption of abandonment is erroneous, the holder need not pay or deliver the  
17 property to the department, and the property is no longer presumed abandoned. The  
18 holder shall file with the department a written explanation, made under penalty of  
19 unsworn falsification in the second degree, of the proof of claim or of the error in the  
20 presumption of abandonment.

21 \* **Sec. 19.** AS 34.45.380(a) is amended to read:

22 (a) A person, excluding another state, claiming an interest in property paid or  
23 delivered to the department may file a claim on a form prescribed by the department  
24 and bearing a notice that statements are made under penalty of unsworn falsification in  
25 the second degree.

26 \* **Sec. 20.** AS 40.25.220 is amended to read:

27 **Sec. 40.25.220. Definitions for AS 40.25.100 - 40.25.295 [AS 40.25.100 -**  
28 **40.25.220].** In AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220], unless the  
29 context otherwise requires,

30 (1) "electronic services and products" means computer-related services  
31 and products provided by a public agency, including

1 (A) electronic manipulation of the data contained in public  
2 records in order to tailor the data to the person's request or to develop a product  
3 that meets the person's request;

4 (B) duplicating public records in alternative formats not used  
5 by a public agency, providing periodic updates of an electronic file or data  
6 base, or duplicating an electronic file or data base from a geographic  
7 information system;

8 (C) providing on-line access to an electronic file or data base;

9 (D) providing information that cannot be retrieved or generated  
10 by the existing computer programs of the public agency;

11 (E) providing functional electronic access to the information  
12 system of the public agency; in this subparagraph, "functional access" includes  
13 the capability for alphanumeric query and printing, graphic query and plotting,  
14 nongraphic data input and analysis, and graphic data input and analysis;

15 (F) providing software developed by a public agency or  
16 developed by a private contractor for a public agency;

17 (G) generating maps or other standard or customized products  
18 from an electronic geographic information system;

19 (2) "public agency" means a political subdivision, department,  
20 institution, board, commission, division, authority, public corporation, council,  
21 committee, or other instrumentality of the state or a municipality; "public agency"  
22 includes the University of Alaska and the Alaska Railroad Corporation;

23 (3) "public records" means books, papers, files, accounts, writings,  
24 including drafts and memorializations of conversations, and other items, regardless of  
25 format or physical characteristics, that are developed or received by a public agency,  
26 or by a private contractor for a public agency, and that are preserved for their  
27 informational value or as evidence of the organization or operation of the public  
28 agency; "public records" does not include proprietary software programs [;

29 (4) REPEALED].

30 \* **Sec. 21.** AS 41.21.506(b) is amended to read:

31 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative

1 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514  
 2 and to implement the plan adopted under (a) of this section. The regulations must

3 (1) designate incompatible uses and prohibit or restrict them; and

4 (2) establish a registration, licensing, or comparable procedure for  
 5 professional fishing guides and such additional fishing guide controls as the  
 6 commissioner considers necessary [; NOTWITHSTANDING THE  
 7 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER TO IMPLEMENT  
 8 THIS PARAGRAPH, THE COMMISSIONER SHALL ESTABLISH A  
 9 PROCEDURE BY WHICH THE HOLDER OF A VALID SPORT FISHING  
 10 OPERATOR LICENSE ISSUED UNDER AS 16.40.260 MAY PETITION FOR,  
 11 AND THE DIRECTOR OF THE DIVISION OF PARKS, OR THE DIRECTOR'S  
 12 DESIGNEE, SHALL EXPEDITIOUSLY ISSUE, A WAIVER TO ALLOW THE  
 13 SPORT FISHING OPERATOR LICENSE HOLDER TO USE THE SERVICES IN  
 14 THE KENAI RIVER SPECIAL MANAGEMENT AREA OF A GUIDE LICENSED  
 15 UNDER AS 16.40.270 WHO HAS NOT COMPLETED THE PROCEDURES AND  
 16 ADDITIONAL CONTROLS THAT ARE REQUIRED BY THE DEPARTMENT  
 17 UNDER THIS PARAGRAPH; THE WAIVER AUTHORIZED IN THIS  
 18 PARAGRAPH APPLIES ONLY FOR THE DURATION OF THE SPORT FISHING  
 19 SEASON DURING WHICH THE WAIVER APPLICATION IS SUBMITTED AND  
 20 ONLY IF THE SPORT FISHING OPERATOR LICENSE HOLDER

21 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE  
 22 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN  
 23 CIRCUMSTANCES; AND

24 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN  
 25 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE  
 26 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE  
 27 REQUIRED BY REGULATION].

28 \* **Sec. 22.** AS 42.40.430 is amended to read:

29 **Sec. 42.40.430. Acquisition of government property.** The corporation, as an  
 30 instrumentality of the state, may acquire in its own name from the United States under  
 31 **40 U.S.C. 101 et seq.** [40 U.S.C. 471 ET SEQ. (FEDERAL PROPERTY AND

1 ADMINISTRATIVE SERVICES ACT OF 1949)] or other law, property under the  
 2 control of a federal department or agency that is useful for the corporation's purposes.  
 3 The corporation may acquire from the Department of Administration property of the  
 4 state made available under AS 44.68.110 - 44.68.140.

5 \* **Sec. 23.** AS 43.05.455(d) is amended to read:

6 (d) The formal hearing before the administrative law judge is not required to  
 7 be conducted with strict adherence to the Alaska Rules of Evidence. Relevant  
 8 evidence must be admitted if it is probative of a material fact in controversy. Irrelevant  
 9 and unduly repetitious evidence shall be excluded. Hearsay evidence is admissible if it  
 10 is the kind of evidence on which responsible persons are accustomed to rely in the  
 11 conduct of serious affairs, regardless of the existence of a common law or statutory  
 12 rule that makes improper the admission of the evidence over objection in a civil  
 13 action. Oral evidence may be taken only on oath or affirmation. The rules of privilege  
 14 are effective to the same extent that they are recognized in a civil action in the courts  
 15 of this state, except that relevant documents and other material items that are public  
 16 records under **AS 40.25.100 - 40.25.295** [AS 40.25.100 - 40.25.220] shall be  
 17 admissible.

18 \* **Sec. 24.** AS 43.05.475(b) is amended to read:

19 (b) To promote consistency among legal determinations issued under  
 20 AS 43.05.405 - 43.05.499, the chief administrative law judge may review and circulate  
 21 among the other administrative law judges the drafts of formal decisions, decisions  
 22 upon reconsideration, and other legal opinions of the other administrative law judges  
 23 in the office. The drafts are confidential documents and are not subject to disclosure  
 24 under **AS 40.25.100 - 40.25.295** [AS 40.25.100 - 40.25.220] or this chapter.

25 \* **Sec. 25.** AS 44.62 is amended by adding a new section to article 6 to read:

26 **Sec. 44.62.319. Short title.** AS 44.62.310 - 44.62.319 may be cited as the  
 27 Open Meetings Act.

28 \* **Sec. 26.** AS 46.14.500(c) is amended to read:

29 (c) In this section, "corresponding onshore area" means, with respect to a  
 30 stationary source located within 25 miles of the seaward boundary of the state, the  
 31 onshore attainment or nonattainment area that is closest to the stationary source, unless

1 the commissioner determines that another area with more stringent requirements  
 2 relating to control and abatement of air pollution may reasonably be expected to be  
 3 affected by emissions from the offshore stationary source; this determination shall be  
 4 based on the potential for air pollutants from the stationary source to reach the other  
 5 onshore area and the potential of the air pollutants to affect the efforts of the other  
 6 onshore area to attain or maintain a federal ambient air quality standard set under **42**  
 7 **U.S.C. 7470 - 7492 (Clean Air Act, secs. 160 - 169b)** [42 U.S.C. 7470 - 7492 (TITLE  
 8 I, PART C, CLEAN AIR ACT)] or a state equivalent.

9 \* **Sec. 27.** AS 47.30.695 is amended to read:

10 **Sec. 47.30.695. Request by parent or guardian to release of minors under**  
 11 **18 years of age from detention and commitment.** The parent or guardian of a minor  
 12 who is less than 18 years of age may file a notice to withdraw the minor from the  
 13 facility. On receipt of the notice, [THE FACILITY MAY]

14 (1) **the facility may** discharge the minor to the custody of the parent or  
 15 guardian; or

16 (2) if, in the opinion of the treating physician, release of the minor  
 17 would be seriously detrimental to the minor's health, the treating physician may

18 (A) discharge the minor to the custody of the parent or  
 19 guardian after advising the parent or guardian that this action is against  
 20 medical advice and after receiving a written **acknowledgment**  
 21 [ACKNOWLEDGEMENT] of the advice; or

22 (B) refuse to discharge the minor, initiate involuntary  
 23 commitment proceedings, and continue to hold the minor until a court order  
 24 under AS 47.30.700 has been issued; or

25 (3) if, in the opinion of the treating physician, the minor is likely to  
 26 cause serious harm to self or others and there is reason to believe the release could  
 27 place the minor in imminent danger, the treating physician shall refuse to discharge  
 28 the minor, and shall initiate involuntary commitment proceedings and continue to hold  
 29 the minor until a court order under AS 47.30.700 has been issued.

30 \* **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to  
 31 read:

1 REVISOR'S INSTRUCTION. To reflect the short title in AS 44.62.319, added by sec.  
2 25 of this Act, the revisor of statutes shall make the following changes:

3 (1) delete "AS 44.62.310 and 44.62.312" and insert "AS 44.62.310 - 44.62.319  
4 (Open Meetings Act)" in the following statute sections: AS 08.08.075, AS 12.65.015(e),  
5 12.65.140(c), AS 14.40.946(b), AS 16.20.310(a), AS 18.66.400(d), AS 29.35.890,  
6 AS 37.14.430(a) and (b), AS 46.03.464(b)(1), AS 47.14.235(b), and 47.14.300(e);

7 (2) delete "AS 44.62.310 - 44.62.312" and insert "AS 44.62.310 - 44.62.319  
8 (Open Meetings Act)" in the following statute sections: AS 24.60.130(j), AS 29.35.695,  
9 AS 37.10.240(a), AS 44.42.220(a), 44.62.750(f), 44.83.970, and AS 46.14.320(d)(2);

10 (3) delete "AS 44.62.310 - 44.62.312 (agency public meetings)" and insert  
11 "AS 44.62.310 - 44.62.319 (Open Meetings Act)" in AS 44.85.400;

12 (4) delete "AS 44.62.310 and 44.62.312 regarding public meetings" and insert  
13 "AS 44.62.310 - 44.62.319 (Open Meetings Act)" in the following statute sections:  
14 AS 14.40.871(b) and AS 44.88.085(a); and

15 (5) delete "AS 44.62.310 and 44.62.312, regarding public meetings" and insert  
16 "AS 44.62.310 - 44.62.319 (Open Meetings Act)" in AS 18.56.088(a).

17 \* **Sec. 29.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 **CONDITIONAL EFFECT.** Section 21 of this Act takes effect only if AS 16.40.260  
20 and 16.40.270 are repealed under sec. 8, ch. 70, SLA 2004, as amended by sec. 3, ch. 61, SLA  
21 2009, and as may be further amended.

22 \* **Sec. 30.** If sec. 21 of this Act takes effect, it takes effect on the date of the repeal described  
23 in sec. 29 of this Act.

24 \* **Sec. 31.** Except as provided in sec. 30 of this Act, this Act takes effect immediately under  
25 AS 01.10.070(c).