

CS FOR SENATE BILL NO. 61(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/21/11

Referred: Judiciary

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 03.22.050 is amended to read:

5 **Sec. 03.22.050. Department to cooperate.** The department shall cooperate
6 with the college or department of the University of Alaska responsible for the
7 Agricultural and Forestry Experiment Station and the **United States Department of**
8 **Agriculture, Natural Resources Conservation Service** [UNITED STATES SOIL
9 CONSERVATION SERVICE] by a formal memorandum of understanding and may
10 cooperate with any department or agency of federal, state, or local government,
11 research organization, or other organization concerned with conservation or
12 agriculture.

13 * **Sec. 2.** AS 08.02 is amended by adding a new section to read:

14 **Sec. 08.02.090. Definition.** In this chapter, "department" means the

Department of Commerce, Community, and Economic Development.

* **Sec. 3.** AS 08.40.120(a) is amended to read:

(a) Each applicant shall be examined to determine the applicant's

(1) ability to understand plans, design specifications, and engineering terms commonly used in the electrical field;

(2) knowledge of electrical installations and wiring;

(3) familiarity with the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the **American National Standards Institute** [AMERICAN STANDARDS ASSOCIATION];

(4) familiarity with other installation and safety regulations approved by the **American National Standards Institute** [AMERICAN STANDARDS ASSOCIATION];

(5) personal skill and ability.

* **Sec. 4.** AS 08.42.060(a) is amended to read:

(a) The department shall examine applicants for an embalmer's license; the examination may include any or all of the following subjects: (1) theory and practice of embalming, (2) anatomy, (3) pathology, (4) bacteriology, (5) hygiene, including sanitation and public health, (6) chemistry, including toxicology, (7) restorative arts, including plastic surgery and demi-surgery, (8) funeral service arts and sciences [,] and funeral service administration, including accounting, funeral law, psychology, funeral principles, directing, and management, (9) Alaska vital statistics law, and (10) the provisions of this chapter and the regulations adopted by the department under this chapter. The department shall examine applicants for a funeral director's license; the examination may include any or all of the subjects included in (8), (9), and (10) of this subsection. The department may use the examination provided by the **International Conference of Funeral Service Examining Boards** [CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OF THE UNITED STATES, INC.] where it is applicable to the subjects in this section.

* **Sec. 5.** AS 08.86.180(b) is amended to read:

(b) This section does not apply to

(1) a person employed as a school psychologist, if the school district

maintains appropriate supervision of psychological activities and professional conduct, and if the person is performing the psychological activities as part of the duties for which the person was employed, is performing the activities solely within the facilities of the school district in which the person is employed or under the supervision of the school district, and does not render or offer to render psychological services to the public for compensation in addition to the salary the person receives from the school district;

(2) an officer or employee of the United States government practicing psychology while in the discharge of the officer's or employee's official duties;

(3) a student, intern, or resident in psychology pursuing a course of study approved by the board as qualifying training and experience for a psychologist, if that person's activities constitute a part of that person's supervised course of study and that person is designated by titles such as "psychology intern" or "psychology trainee";

(4) a qualified member of another profession, in doing work of a psychological nature consistent with that person's training and consistent with the code of ethics of that person's profession, if the person does not hold out to the public by a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychotherapy," "psychotherapeutic," "psychotherapist," "psychoanalysis," or "psychoanalyst" or represent to be trained, experienced, or qualified to render services in the field of psychology; or

(5) a physician engaged in the normal practice of medicine for which the physician is licensed under AS 08.64.

* **Sec. 6.** AS 09.20.050(a) is amended to read:

(a) At such times as need may require, but not later than November 30 of each year, the administrative director of **the Alaska Court System** [COURTS] shall prepare for each judicial district a list of the names of the residents of the district who are qualified by law for jury service. If the superior court is located in different cities in the same judicial district, the administrative director shall prepare for each location of the court a list of the names of the qualified residents of that portion of the district considered to be appropriate.

1 * **Sec. 7.** AS 09.20.050(c) is amended to read:

2 (c) A copy of the appropriate portion of the jury list shall be transmitted to the
3 presiding judge of each judicial district and shall only be used to summon jurors and
4 for other purposes of judicial administration. Duplicate names and the names of
5 deceased persons and persons permanently excused from jury service shall be
6 eliminated from the list before it is transmitted to the presiding judge. A questionnaire
7 for prospective jurors may be adopted and submitted to them by the administrative
8 director of the Alaska Court System [COURTS].

9 * **Sec. 8.** AS 09.20.080(b) is amended to read:

10 (b) If the list of prospective jurors for a court location does not produce
11 sufficient names for a jury panel of minimum size, the administrative director of the
12 Alaska Court System [COURTS] may authorize that additional names of prospective
13 jurors be randomly selected from sources other than those listed in AS 09.20.050.

14 * **Sec. 9.** AS 14.07.020(a)(16) is amended to read:

15 (16) establish by regulation criteria, based on low student performance,
16 under which the department may intervene in a school district to improve instructional
17 practices, as described in AS 14.07.030(14) or (15); the regulations must include

18 (A) a notice provision that alerts the district to the deficiencies
19 and the instructional practice changes proposed by the department;

20 (B) an end date for departmental intervention, as described in
21 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
22 consecutive years of improvement consisting of not less than two percent
23 increases in student proficiency on standards-based assessments in
24 mathematics [MATH], reading, and writing as provided in
25 AS 14.03.123(f)(2)(A); and

26 (C) a process for districts to petition the department for
27 continuing or discontinuing the department's intervention;

28 * **Sec. 10.** AS 14.40.809(b) is amended to read:

29 (b) The board shall

30 (1) make appropriate arrangements as necessary to fulfill the board's
31 obligations under an advance college tuition savings contract;

(2) establish and adopt a formal plan for administration of the advance college tuition savings program; the terms and conditions of the plan shall be considered a part of an advance college tuition savings contract;

(3) establish investment objectives, criteria, and asset allocation guidelines for the fund based on prudent institutional investor guidelines and actuarial analysis of the earnings requirements for the advance college tuition savings plan;

(4) enter into contracts or agreements considered necessary for the investment of the fund, including contracts or agreements with investment managers, consultants, and other custodians of the fund;

(5) engage a financial advisor to [ANNUALLY] report annually on the investment performance of the fund;

(6) engage an independent firm of certified public accountants to audit the financial position of the fund;

(7) do all acts, whether or not expressly authorized, that the board considers necessary or proper in administering the assets of the fund;

(8) enter into reciprocal agreements with [SHELDON JACKSON COLLEGE,] Alaska Pacific University [,] and other eligible educational institutions or state tuition programs that the board determines to be beneficial to the advance college tuition savings program;

(9) coordinate savings options established under the Alaska advance college tuition savings program and the administration of the fund with the Alaska Higher Education Savings Trust (AS 14.40.802) including the creation of common administrative and record-keeping systems, marketing programs, and operating reserves.

* **Sec. 11.** AS 14.42.015(a) is amended to read:

(a) There is in the Department of Education and Early Development the Alaska Commission on Postsecondary Education consisting of

(1) two members of the Board of Regents of the University of Alaska designated by the members of that body;

(2) one person representing private higher education in the state selected by the Board of Trustees [JOINTLY BY THE BOARDS OF TRUSTEES]

1 of Alaska Pacific University [AND SHELDON JACKSON COLLEGE] from among
 2 its [THEIR] membership;

3 (3) one person representing the Department of Education and Early
 4 Development selected by the state Board of Education and Early Development;

5 (4) four persons broadly and equitably representative of the general
 6 public appointed by the governor;

7 (5) one member of the Alaska Workforce Investment Board
 8 established by AS 23.15.550 designated by the members of that body;

9 (6) one person from the members of the local community college
 10 advisory councils appointed by the governor;

11 (7) two members from the legislature, one of whom shall be appointed
 12 by the president of the senate and one by the speaker of the house of representatives;

13 (8) one person appointed in accordance with (e) of this section who is
 14 a full-time student as defined in AS 14.43.160;

15 (9) one administrator appointed by the governor from a proprietary
 16 institution of postsecondary education that has an authorization to operate in the state
 17 issued under AS 14.48.

18 * **Sec. 12.** AS 14.42.015(d) is amended to read:

19 (d) A full-time postsecondary student shall be appointed to the Alaska
 20 Commission on Postsecondary Education from a list of nominees submitted to the
 21 governor. The governor shall make the appointment from the list within 60 days after
 22 it is submitted. The list must consist of the names of two nominees from Alaska
 23 Pacific University [, TWO NOMINEES FROM SHELDON JACKSON COLLEGE,]
 24 and two nominees from each campus of the University of Alaska. The nominees shall
 25 be selected by the students at Alaska Pacific University [, SHELDON JACKSON
 26 COLLEGE,] and each campus of the University of Alaska by an election held on each
 27 campus. Elections under this subsection shall be held concurrently with student regent
 28 elections required under AS 14.40.150(b) and conducted under rules established by the
 29 Office of the Governor. The term of office of the student member of the commission is
 30 two years and begins June 1 of the year in which the appointment is made.
 31 Membership on the commission is immediately forfeited by a student member who

1 ceases to be a full-time student. Within 60 days after a vacancy occurs, the governor
 2 shall appoint a successor from those students appearing on the list of nominees to
 3 serve for the unexpired term of the original appointee. The term "campus" used in this
 4 subsection means a portion of the University of Alaska designated as a "campus" by
 5 the Board of Regents.

6 * **Sec. 13.** AS 16.20.070 is amended to read:

7 **Sec. 16.20.070. Relationship to other laws.** AS 16.20.050 and **16.20.060**
 8 [16.05.060] do not affect AS 16.05.871 - 16.05.891.

9 * **Sec. 14.** AS 18.56.855(j) is amended to read:

10 (j) In this section, "authorized state officer" means

11 (1) the commissioner of the department of the state for a building
 12 owned by the state;

13 (2) the executive director of a public corporation for a building owned
 14 by the public corporation;

15 (3) the legislative council for a building owned by the legislature;

16 (4) the administrative director of **the Alaska Court System**
 17 [COURTS] for a building owned by the judicial system;

18 (5) any other person designated in writing by a person listed in (1) - (4)
 19 of this subsection.

20 * **Sec. 15.** AS 21.09.210(e) is amended to read:

21 (e) Payment to the director by an insurer of the tax upon its premiums required
 22 by this section shall be in lieu of all other taxes imposed by the state upon premiums,
 23 franchise, privilege, or other taxes measured by income of the insurer
 24 [COMMENCING WITH THE TAXABLE YEAR BEGINNING JANUARY 1, 1967].

25 * **Sec. 16.** AS 21.22.065(j) is amended to read:

26 (j) This section does not apply to

27 (1) an acquisition subject to approval or disapproval by the director
 28 under AS 21.22.010;

29 (2) a purchase of securities solely for investment purposes if the
 30 securities are not used by voting or otherwise to cause or attempt to cause the
 31 substantial lessening of competition in an insurance market in this state; if a purchase

of securities for investment purposes results in a presumption of control under AS 21.22.200(3) [AS 21.22.200(2)], it is not solely for investment purposes unless the insurance supervisory official of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and the disclaimer action or affirmative finding is communicated by the domiciliary insurance supervisory official to the director;

(3) the acquisition of a person by another person resulting in a change of control of an insurer when both persons are neither directly nor through affiliates primarily engaged in the business of insurance if preacquisition notification is filed with the director under (c) of this section 30 days before the proposed effective date of the acquisition; however, the preacquisition notification is not required for exclusion if the acquisition would otherwise be excluded under this subsection;

(4) the acquisition of an already affiliated person;

(5) an acquisition if, as an immediate result of the acquisition,

(A) the combined market share of the involved insurers would not exceed five percent of a market;

(B) there would not be an increase in a market share of the larger writer; or

(C) the combined market share of the involved insurers would not exceed 12 percent of a market and the market share of the larger writer would not increase by more than two percent of a market;

(6) an acquisition for which a preacquisition notification would be required under this section due solely to the resulting effect on the ocean marine insurance line of business; or

(7) an acquisition of an insurer whose domiciliary supervisory insurance official affirmatively finds that the insurer is in a failing condition, there are no feasible alternatives to improving this condition, the public benefits of improving the insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition, and these findings are communicated by the domiciliary supervisory insurance official to this state's director.

* **Sec. 17.** AS 21.34.900(6) is amended to read:

(6) "reciprocal state" means a state that the director has determined has enacted provisions substantially similar to those contained in AS 21.34.170 and [,] 21.34.180 [, AND 21.34.210];

* **Sec. 18.** AS 21.39.040(k) is amended to read:

(k) The director

(1) may adopt regulations detailing the format and content of a rating system filing under this section;

(2) shall [, BY JULY 1, 2002,] adopt regulations consistent with the National Association of Insurance Commissioners Property and Casualty Model Rate and Policy Form Act, including those provisions relating to the format and content of informational filings for rates for commercial insurance; the provisions of AS 21.39.030(a) apply to an informational filing authorized by the director; in this paragraph, "informational filing" means a filing that the director does not approve before its use and that meets the format and content requirements of regulations adopted by the director.

* **Sec. 19.** AS 21.40.010 is amended to read:

Sec. 21.40.010. Filing statement of ownership of equity securities. Every person who is directly or indirectly the beneficial owner of more than 10 percent of a class of an equity security of a domestic stock insurance company, or who is a director or an officer of the company, shall file with the department [ON OR BEFORE JULY 1, 1966, OR] within 10 days after becoming the beneficial owner, director, or officer, a statement of the amount of all equity securities of the company of which the person is the beneficial owner. Within 10 days after the close of each calendar month, if there has been a change in ownership during the month, the beneficial owner, director, or officer shall file with the department a statement indicating ownership at the close of the calendar month, the changes in ownership that have occurred during the calendar month, and any other information required by the department. Statements shall be made in a form prescribed by the department.

* **Sec. 20.** AS 21.45.300(k) is amended to read:

(k) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioner's

1 1958 Standard Ordinary Mortality Table, except that for any category or ordinary
 2 insurance issued on female risks, adjusted premiums and present values may be
 3 calculated according to an age not more than six years younger than the actual age of
 4 the insured. Except as provided in (L) [(1)] of this section, the calculations for all
 5 policies of industrial insurance shall be made on the basis of the 1941 Standard
 6 Industrial Mortality Table. All calculations shall be made on the basis of the rate of
 7 interest specified in the policy for calculating cash surrender values and paid-up
 8 nonforfeiture benefits. The rate of interest specified in the policy may not exceed three
 9 and one-half percent a year except that (1) a rate of interest not exceeding five and
 10 one-half percent a year may be used for policies issued on or after July 1, 1978, and
 11 (2) a rate of interest not exceeding six and one-half percent a year may be used for a
 12 single premium whole life or endowment insurance policy. In calculating the present
 13 value of paid-up term insurance with accompanying pure endowment, if any, offered
 14 as a nonforfeiture benefit, the rates of mortality assumed in the case of a policy of
 15 ordinary insurance, may be not more than those shown in the Commissioner's 1958
 16 Extended Term Insurance Table. In the case of a policy of industrial insurance, the
 17 rates of mortality may be not more than 130 percent of the rates of mortality according
 18 to the 1941 Standard Industrial Mortality Table. The calculation of the adjusted
 19 premiums and present values for insurance issued on a substandard basis may be based
 20 on another table of mortality as may be specified by the insurer and approved by the
 21 director. This subsection does not apply to policies issued on or after the operative
 22 date of (w) of this section.

23 * **Sec. 21.** AS 21.45.300(m) is amended to read:

24 (m) Except as provided in (s) of this section, the adjusted premiums for a
 25 policy shall be calculated on an annual basis and shall be a uniform percentage of the
 26 respective premiums specified in the policy for each policy year, excluding amounts
 27 payable as extra premiums to cover impairments or special hazards and also excluding
 28 a uniform annual contract charge or policy fee specified in the policy in a statement of
 29 the method to be used in calculating the cash surrender values and paid-up
 30 nonforfeiture benefits, that the present value, at the date of issue of the policy, of all
 31 adjusted premiums shall be equal to the sum of (1) the then present value of the future

guaranteed benefits provided for by the policy; (2) one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and (3) 125 percent of the nonforfeiture net level premium as defined in (n) - (t) of this section. In applying the percentage specified in (3) of this **subsection** [PARAGRAPH] a nonforfeiture net level premium **may** [SHALL] not exceed four percent of either the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined. This subsection applies to all policies issued after the operative date of (w) of this section.

* **Sec. 22.** AS 21.96.070(f)(1) is amended to read:

(1) "school district" **means a borough school district, a city school district, a regional educational attendance area, or a state boarding school** [HAS THE MEANING GIVEN IN AS 14.03.126];

* **Sec. 23.** AS 22.15.100 is amended to read:

Sec. 22.15.100. Functions and powers of district judge and magistrate.

Each district judge and magistrate has the power

(1) to issue writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, returnable before a judge of the superior court, and the same proceedings shall be had on the writ as if it had been granted by the superior court judge under the laws of the state in such cases;

(2) of a notary public;

(3) to solemnize marriages;

(4) to issue warrants of arrest, summons, and search warrants according to manner and procedure prescribed by law and the supreme court;

(5) to act as an examining judge or magistrate in preliminary examinations in criminal proceedings; to set, receive, and forfeit bail and to order the release of defendants under bail;

(6) to act as a referee in matters and actions referred to the judge or magistrate by the superior court, with all powers conferred upon referees by laws;

(7) of the superior court in all respects including but not limited to contempt, attendance of witnesses, and bench warrants;

(8) to order the temporary detention of a minor, or take other action authorized by law or rules of procedure, in cases arising under AS 47.10 or AS 47.12, when the minor is in a condition or surrounding dangerous or injurious to the welfare of the minor or others that requires immediate action; the action may be continued in effect until reviewed by the superior court in accordance with rules of procedure governing these cases;

(9) to issue a protective order in cases involving

(A) domestic violence as provided in AS 18.66.100 - 18.66.180; or

(B) stalking or sexual assault as provided in AS 18.65.850 - 18.65.870;

(10) to review an administrative revocation of a person's driver's license or nonresident privilege to drive, and an administrative refusal to issue an original license, when designated as a hearing officer by the commissioner of administration and with the consent of the administrative director of the Alaska Court System [STATE COURT SYSTEM];

(11) to establish the fact of death or inquire into the death of a person in the manner prescribed under AS 09.55.020 - 09.55.069;

(12) to issue an ex parte testing, examination, or screening order according to the manner and procedure prescribed by AS 18.15.375.

* **Sec. 24.** AS 22.15.250 is amended to read:

Sec. 22.15.250. Disposition of fines. When by law any fees, fines, forfeitures, or penalties are levied and collected by the district judge or magistrate, the proceeds and all other money collected shall be accounted for and transmitted to the administrative director of the Alaska Court System [JUDICIAL SYSTEM] for transfer to the general fund of the state except as provided in AS 22.15.270.

* **Sec. 25.** AS 22.20.037(a) is amended to read:

(a) Judicial employees shall be employed subject to classification and wage plans based on the merit principle and adapted to the special needs of the judiciary, as

determined by the administrative director of the Alaska Court System [COURTS].
 Except as otherwise provided by law, all employees of the Alaska Court System
 [ALASKA COURT SYSTEM] and the judicial council are subject to the general state
 laws regarding leave, retirement, and travel.

* **Sec. 26.** AS 22.20.037(c) is amended to read:

(c) The administrative director of the Alaska Court System [COURTS] shall
 conduct a salary survey annually to ensure that employees of the Alaska Court
System [ALASKA COURT SYSTEM] receive salaries consistent with those paid to
 employees in the classified and partially exempt state service.

* **Sec. 27.** AS 22.20.037(d) is amended to read:

(d) The administrative director of the Alaska Court System [COURT
 SYSTEM] shall file a travel and compensation report with the legislature by
 January 31 of each year. The report must contain detailed information for the previous
 calendar year of the salaries, per diem, travel expenses, relocation expenses, and any
 additional allowances for

(1) each justice of the supreme court;

(2) each judge of the court of appeals; and

(3) the administrative director of the Alaska Court System [COURT
 SYSTEM].

* **Sec. 28.** AS 22.20.300 is amended to read:

Sec. 22.20.300. Administrative director. The chief justice of the supreme
 court shall, with the approval of the supreme court, appoint an administrative director
 to serve at the pleasure of the supreme court and to supervise the administrative
 operations of the Alaska Court System [JUDICIAL SYSTEM].

* **Sec. 29.** AS 22.20.310 is amended to read:

Sec. 22.20.310. Court system report. The administrative director of the
Alaska Court System shall, not later than March 15 of each year, make available to
 the public and file with the senate secretary and the chief clerk of the house of
 representatives a report regarding the Alaska Court System. The report must include

(1) a profile of the Alaska Court System and its justices, judges, and
 magistrates;

1 (2) a summary description of the administration of the court system,
2 including detailed descriptions of its facilities, programs, and personnel;

3 (3) average, mean, minimum, and maximum time periods between
4 initial receipt and final disposition of cases classified by courts and by each justice,
5 judge, and magistrate;

6 (4) information identifying each justice, judge, or magistrate who has
7 had salary withheld under the authority of AS 22.05.140(b), AS 22.07.090(b),
8 AS 22.10.190(b), or AS 22.15.220(c) and the number of times and the time periods of
9 the occurrences;

10 (5) other information and data relevant to aiding the public and the
11 legislature in understanding the organization, administration, caseload, disposition of
12 cases, and accomplishments of the court system;

13 (6) the travel expenses and per diem for each justice, judge, or
14 magistrate for the previous calendar year.

15 * **Sec. 30.** AS 22.20.320 is amended to read:

16 **Sec. 22.20.320. Information systems guidelines and plan.** The administrative
17 director of the Alaska Court System [COURTS] shall establish information systems
18 guidelines and prepare a short-range and long-range information systems plan for the
19 court system. The guidelines and plan must be consistent with the telecommunications
20 information guidelines and plan adopted by the commissioner under AS 44.21.350 -
21 44.21.390 and must be adapted to the special needs of the judicial branch as
22 determined by the administrator of the Alaska Court System [COURTS].

23 * **Sec. 31.** AS 22.20.430 is amended to read:

24 **Sec. 22.20.430. Bond.** Before entering upon the duties of a public
25 administrator, the public administrator shall execute and file with the administrative
26 director of the Alaska Court System [COURT SYSTEM] a surety bond in the form
27 and amount to be determined by rule of the supreme court. The costs of the bond shall
28 be paid by the court system.

29 * **Sec. 32.** AS 22.25.090(f) is amended to read:

30 (f) In this section, "dependent child" means an unmarried child of a justice,
31 judge, or administrative director of the Alaska Court System who is dependent on

the justice, judge, or administrative director for support and who is either (1) less than 19 years old, or (2) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education and Early Development. The age limits set out in this subsection do not apply to a child who is totally and permanently disabled.

* **Sec. 33.** AS 24.08.330(a) is amended to read:

(a) The Department of Education and Early Development is responsible for making official distribution of the Alaska Statutes to state executive branch agencies. The administrative director of the Alaska Court System [COURT SYSTEM] is responsible for distribution to the court system. Distribution shall be made on the basis of written lists submitted by the department and the court system to the Legislative Affairs Agency within 90 days after the last day of each regular session of the legislature. A legislator is entitled to receive one set of the statutes for the member's personal use, and this entitlement is restricted to the one set issued during a member's entire legislative service. The commissioner of education and early development may deposit one set of the statutes in each free public library within the state. The right of sale to persons and organizations remains exclusively with the publisher.

* **Sec. 34.** AS 33.05.030(b) is amended to read:

(b) The appointment of a probation officer shall be entered on the journal of the court in the judicial district where the probation officer shall be assigned, and one copy of the journal entry sent to the administrative director of the Alaska Court System [COURTS].

* **Sec. 35.** AS 36.30.030 is amended to read:

Sec. 36.30.030. Court system. The administrative director of the Alaska Court System [COURTS] shall adopt and publish procedures to govern the procurement of supplies, services, professional services, and construction by the judicial branch. The procedures must be based on the competitive principles consistent with this chapter and must be adapted to the special needs of the judicial branch as determined by the administrative director of the Alaska Court System [COURTS]. The procedures must contain provisions for prohibiting procurement from a person that has headquarters in a country listed in Tier 3 of the most recent Trafficking in

Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures may contain provisions for restricting procurement from a person that conducts business in but does not have headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures must be consistent with the provisions of AS 36.30.080(c) - (e) and 36.30.085. Notwithstanding the other provisions of this section, the judicial branch shall comply with AS 36.30.170(b).

* **Sec. 36.** AS 38.07.010(a) is amended to read:

(a) The commissioner may select areas of state land classified as agricultural and contract for the land to be cleared or drained or both at state expense. In this selection and contracting, the commissioner shall be guided by the recommendations of the **United States Department of Agriculture, Natural Resources Conservation Service** [U.S. SOIL CONSERVATION SERVICE].

* **Sec. 37.** AS 38.07.050 is amended to read:

Sec. 38.07.050. Regulations. The commissioner shall, guided by recommendations of the **United States Department of Agriculture, Natural Resources Conservation Service** [U.S. SOIL CONSERVATION SERVICE], adopt regulations necessary to carry out the purpose of this chapter.

* **Sec. 38.** AS 38.07.060(3) is amended to read:

(3) **"crop"** ["CROPPED"] means **to manage** [THE MANAGEMENT OF] a domestic planting including harvest.

* **Sec. 39.** AS 39.35.680(22) is amended to read:

(22) "member" or "employee"

(A) means a person eligible to participate in the plan and who is covered by the plan;

(B) includes

(i) an active member;

(ii) an inactive member;

(iii) a vested member;

(iv) a deferred vested member;

(v) a nonvested member;

(vi) a disabled member;

(vii) a retired member;

(viii) an elected public officer under AS 39.35.381;

(C) does not include

(i) former members;

(ii) persons compensated on a contractual or fee basis;

(iii) casual or emergency workers or nonpermanent employees as defined in AS 39.25.200;

(iv) persons covered by the Alaska Teachers' Retirement System except as provided under AS 39.35.131 and 39.35.381, or persons covered by a university retirement program;

(v) employees of the division of marine transportation engaged in operating the state ferry system who are covered by a union or group retirement system to which the state makes contributions;

(vi) justices of the supreme court or judges of the court of appeals or of the superior or district courts of Alaska;

(vii) the administrative director of the Alaska Court System [COURTS] appointed under art. IV, sec. 16 of the state constitution unless the director becomes a member under AS 39.35.158;

(viii) members of the elected public officers' retirement system (former AS 39.37); and

(ix) contractual employees of the legislative branch of state government under AS 24.10.060(f);

(D) may include employees of the division of marine transportation excluded under (C)(v) of this paragraph provided that

(i) the State of Alaska formally agrees to their inclusion through the process of collective bargaining; and

(ii) no collective bargaining agreement has the effect of obligating contributions made by the state under AS 39.30.150 in the

1 event the state resumes participation in the federal social security
2 system;

3 * **Sec. 40.** AS 40.25.123(c) is amended to read:

4 (c) The administrative director of the Alaska Court System [COURTS] shall
5 supervise and adopt procedures for the operation and implementation of AS 40.25.110
6 - 40.25.140 by public agencies in the judicial branch.

7 * **Sec. 41.** AS 42.04.080(b) is amended to read:

8 (b) The commission shall adopt regulations [BY DECEMBER 31, 1999,] that
9 establish standards of timeliness for the types of cases that come before the
10 commission. The commission shall establish standards based in part on degrees of
11 complexity of the cases.

12 * **Sec. 42.** AS 42.06.430 is amended to read:

13 **Sec. 42.06.430. General provisions as to accounts, records, and reports.** To
14 the extent necessary to the performance of the duties of the commission as provided in
15 this chapter:

16 (1) the commission by regulation shall, for the purposes of this section,
17 classify pipeline facilities, and may designate the pipeline facilities or groups of
18 pipeline facilities within the state that constitute a pipeline system for the purposes of
19 this section;

20 (2) the commission may by regulation prescribe a uniform system of
21 accounts for any classification of pipeline facilities which best represents and clearly
22 reveals the investment, revenues, direct operating costs and other expenses of the
23 subject classification of facilities, and may prescribe the manner in which the accounts
24 and supporting records are kept in order to clearly show the investment, revenues, and
25 costs pertaining to the subject facilities or to a pipeline system constituting a part of it;
26 accounts shall be maintained on the calendar year basis unless the commission
27 specifically authorizes the maintenance of accounts on the basis of a fiscal year other
28 than the calendar year;

29 (3) the commission may by regulation require a pipeline carrier or
30 affiliated interest engaged in activities relating to pipelines to establish and maintain as
31 part of its system of accounts continuing property records showing, as to property

units which are actually being used in pipeline activity in this state, the year of placement in service, original cost and current location, and, as to a pipeline system, accounts and records in a manner showing, on a current basis, the original cost of the system in the state and related reserves for depreciation; from time to time the commission shall determine the proper and adequate rates of depreciation for each major class of property of an oil or gas pipeline facility;

(4) the pipeline carrier shall keep its accounts for its pipeline facilities located in this state separate from any accounts relating to any other business (including another pipeline facilities business, or a subsidiary business) it engages in, directly or indirectly; except as the commission provides, property, expense or revenue used in or derived from the other business may not be considered in establishing the rates and charges of the facility;

(5) the pipeline carrier shall keep books, accounts, papers, and records required by this chapter or by regulations adopted by the commission under this chapter in an office in this state and may not remove them from the state except upon written authority by the commission;

(6) for pipelines subject to the Interstate Commerce Act or the Natural Gas Act, the uniform system of accounts and manner of maintaining them and the property records kept and maintained shall, where considered practicable by the commission, be the same as required under regulations prescribed by the applicable federal agency; however, where federal law permits a pipeline carrier to consolidate its reporting for more than one pipeline in which it has an ownership interest, the commission shall require the reports to be made on an individual pipeline basis for any pipeline located wholly or in part in the state;

(7) within 90 days after the close of its authorized annual accounting period, or within additional time granted by the commission for good cause shown, a pipeline carrier shall file a verified annual report with the commission; the annual report must consist of the following:

(A) for a pipeline subject to the Interstate Commerce Act [49 U.S.C. 1-1240 (INTERSTATE COMMERCE ACT)] or 15 U.S.C. 717 - 717w (Natural Gas Act), a copy of the annual report as filed with the appropriate

1 federal agency under the applicable Act, and, for other pipelines, a report of
 2 general corporation information and financial statements in the same general
 3 format as the report of pipelines of the same classification subject to the
 4 jurisdiction of the appropriate federal agency;

5 (B) in the same general format as the report referred to in (A)
 6 of this paragraph, a statement of income and investment applicable to pipelines
 7 in this state, and a statement of investment, revenues, direct operating costs and
 8 other expenses, detailed in accordance with the uniform system of accounts to
 9 be applied under this chapter, for each pipeline system designated by the
 10 commission under (1) of this section; and

11 (C) such additional accounts and information as may be
 12 required under (2) of this section;

13 (8) the commission may require such additional accounts and
 14 information as may be necessary.

15 * **Sec. 43.** AS 43.55.023(a) is amended to read:

16 (a) A producer or explorer may take a tax credit for a qualified capital
 17 expenditure as follows:

18 (1) notwithstanding that a qualified capital expenditure may be a
 19 deductible lease expenditure for purposes of calculating the production tax value of oil
 20 and gas under AS 43.55.160(a), unless a credit for that expenditure is taken under
 21 AS 38.05.180(i), AS 41.09.010, AS 43.20.043, or AS 43.55.025, a producer or
 22 explorer that incurs a qualified capital expenditure may also elect to apply a tax credit
 23 against a tax levied by AS 43.55.011(e) in the amount of 20 percent of that
 24 expenditure; however, not more than half of the tax credit may be applied for a single
 25 calendar year;

26 (2) a producer or explorer may take a credit for a qualified capital
 27 expenditure incurred in connection with geological or geophysical exploration or in
 28 connection with an exploration well only if the producer or explorer

29 (A) agrees, in writing, to the applicable provisions of
 30 AS 43.55.025(f)(2); **and**

31 (B) submits to the Department of Natural Resources all data that

would be required to be submitted under AS 43.55.025(f)(2).

* **Sec. 44.** AS 44.37.025(c) is amended to read:

(c) The department, with the concurrence of the administrative director of **the Alaska Court System** [COURTS], may appoint judicial employees to perform services in connection with recording, providing access to, and copying documents in locations where the department has not otherwise designated a public office to perform those functions.

* **Sec. 45.** AS 45.68.120(a) is amended to read:

(a) Registration is not required under AS 45.68.010 for

(1) a church or religious organization that is exempt from filing a federal annual information return under **26 U.S.C. 6033(a)(3)(A)** [26 U.S.C. 6033(a)(2)(A);]

(2) a candidate for national, state, or local office, and a political party or other committee or group if the candidate, party, committee, or group is required to file financial information with the Alaska Public Offices Commission under AS 15.13 or with the Federal Election Commission under 2 U.S.C. 431 - 456 (Federal Election Campaign Act);

(3) a charitable organization that does not intend to raise or receive contributions, excluding government grants, in excess of \$5,000 during a fiscal year of the charitable organization, or that does not intend to receive contributions from more than 10 persons during a fiscal year of the charitable organization if, in either situation,

(A) all of the organization's functions, including solicitation, are performed by persons who are not paid for their services; and

(B) an officer or member of the organization is not paid or does not otherwise receive all or a part of the assets or income of the charitable organization;

(4) a person or municipality who has a permit under AS 05.15.100.

* **Sec. 46.** This Act takes effect immediately under AS 01.10.070(c).