

HOUSE BILL NO. 292

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 2/3/14

Referred: Judiciary

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 04.11.160(e) is amended to read:

5 (e) A person who applies for issuance or renewal of a license under this
6 section shall file, on forms provided by the board, the following information regarding
7 each product line of alcoholic beverages that the person intends to purchase, offer for
8 sale, or sell: (1) the supplier of the product line; (2) the full and correct brand names in
9 the product line; (3) the name of the distiller, brewer, vintner, or importer of the
10 product line; and (4) a certification by the distiller, brewer, vintner, or importer of the
11 product line that the person is the primary source of supply for the product line. In
12 addition to the fees imposed under (a) and (b) of this section, a person filing under this
13 subsection shall pay a biennial filing fee as follows:

14 1 to 25 suppliers \$ 500

1	26 to 50 suppliers	\$1,000
2	51 to 75 suppliers	\$1,500
3	over 75 suppliers	\$2,000

4 In this subsection, "distiller, brewer, vintner, or importer" includes an exclusive agent
 5 of the distiller, brewer, vintner, or importer if the agent's name appears on the label of
 6 the brand approved by the **Alcohol and Tobacco Tax and Trade Bureau**
 7 [FEDERAL BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS].

8 * **Sec. 2.** AS 04.21.065(b) is amended to read:

9 (b) The warning signs required by (a) of this section must be at least 11 inches
 10 by 14 inches and the lettering must be at least one-half inch high and in contrasting
 11 colors. The first sign must read, "WARNING: Drinking alcoholic beverages such as
 12 beer, wine, wine coolers, and distilled spirits or smoking cigarettes during pregnancy
 13 can cause birth defects." The second sign must read, "WARNING: A person who
 14 provides alcoholic beverages to a person under 21 years of age, if convicted under
 15 AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000." The
 16 third sign must read, "WARNING: A person under 21 years of age who enters these
 17 premises in violation of law could, under AS 04.16.049(e), be civilly liable for
 18 damages of **\$1,500** [\$1,000]." The license or permit holder shall display the first and
 19 second signs in a manner that would make them conspicuous to a person who will be
 20 purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or
 21 designated premises and shall conspicuously display the third sign at each door
 22 through which customers enter the licensed premises.

23 * **Sec. 3.** AS 14.40.367 is amended to read:

24 **Sec. 14.40.367. Confidential records relating to university land and**
 25 **interests in land.** Notwithstanding **AS 40.25.100 - 40.25.295** [AS 40.25.100 -
 26 40.25.220], on a determination that it is in the best interest of the University of Alaska
 27 or on the request of the person who has provided the information, the president of the
 28 university may keep the following confidential:

- 29 (1) the name of a person applying for the sale, lease, or other disposal
 30 of university land or an interest in university land;
 31 (2) before the issuance of a notice of intent to award a contract relating

1 to a sale, lease or disposal of university land or an interest in university land, the
2 names of the participants and the terms of their offers;

3 (3) all geological, well, geophysical, engineering, architectural, sales,
4 market, cost, appraisal, timber cruise, gross receipts, net receipts, or other financial
5 information relating to university land or an interest in university land and considered
6 for, offered for, or currently subject to disposal or a contract;

7 (4) cost data and financial information submitted by an applicant in
8 support of applications for bonds, leases, or other information in offerings and
9 ongoing operations relating to management of university land;

10 (5) applications for rights-of-way or easements across university land;
11 and

12 (6) requests for information about or applications by public agencies
13 for university land that is being considered for use for a public purpose.

14 * **Sec. 4.** AS 15.13.400(9) is amended to read:

15 (9) "immediate family" means the spouse, parent, child [PARENTS,
16 CHILDREN], including a stepchild and an adopted [ADOPTIVE] child, and sibling
17 [SIBLINGS] of an individual;

18 * **Sec. 5.** AS 16.43.140(a) is amended to read:

19 (a) A [AFTER JANUARY 1, 1974, A] person may not operate gear in the
20 commercial taking of fishery resources without a valid entry permit or a valid interim-
21 use permit issued by the commission.

22 * **Sec. 6.** AS 16.43.160(c) is amended to read:

23 (c) The [FOR AN ENTRY PERMIT OR AN INTERIM-USE PERMIT
24 ISSUED OR RENEWED FOR CALENDAR YEAR 2006 AND FOLLOWING
25 YEARS, THE] annual base fee for issuance or renewal of an entry permit or an
26 interim-use permit may not be less than \$30 or more than \$3,000. The annual base fee
27 must reasonably reflect the different rates of economic return for different fisheries. In
28 addition to the annual base fee established by the commission under this subsection, a
29 nonresident shall pay an annual nonresident surcharge for the issuance or renewal of
30 one or more entry permits or interim-use permits. The commission shall establish the
31 annual nonresident surcharge by regulation at an amount that is as close as is

1 practicable to the maximum allowed by law.

2 * **Sec. 7.** AS 16.43.160(d) is amended to read:

3 (d) **The** [FOR AN ENTRY PERMIT OR AN INTERIM-USE PERMIT
4 ISSUED OR RENEWED FOR CALENDAR YEAR 2006 AND FOLLOWING
5 YEARS, THE] holder of a permit whose household income, assets, and financial
6 resources fall within the eligibility standards for the food stamp program under 7
7 U.S.C. 2011 - 2025, as amended, is subject to an annual base fee for the issuance or
8 renewal of an entry permit or an interim-use permit that is equal to 50 percent of the
9 annual base fee that the permit holder would otherwise pay under (c) of this section. In
10 addition to the reduced annual base fee under this subsection, a nonresident who
11 qualifies for a reduced fee under this subsection shall pay the annual nonresident
12 surcharge established under (c) of this section.

13 * **Sec. 8.** AS 18.60.180 is amended to read:

14 **Sec. 18.60.180. Regulations.** The Department of Labor and Workforce
15 Development shall formulate definitions and regulations for the safe and proper
16 construction, installation, repair, use, and operation of boilers and for the safe and
17 proper construction, installation, and repair of unfired pressure vessels. The definitions
18 and regulations must be based upon and shall follow the generally accepted
19 nationwide engineering standards, formulae, and practices established for boiler and
20 unfired pressure vessel construction and safety. The Department of Labor and
21 Workforce Development may adopt the existing published codification of these
22 definitions and regulations, known as the **American Society of Mechanical**
23 **Engineers Boiler and Pressure Vessel Code** [BOILER CONSTRUCTION CODE
24 OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS], and may adopt
25 the amendments and interpretations made and published by that society. The
26 Department of Labor and Workforce Development shall adopt amendments and
27 interpretations to the code immediately upon their adoption by the American Society
28 of Mechanical Engineers so that the definitions and regulations at all times follow
29 generally accepted nationwide engineering standards.

30 * **Sec. 9.** AS 18.60.210(a) is amended to read:

31 (a) AS 18.60.180 - 18.60.390 do not apply to the following:

- 1 (1) boilers and unfired pressure vessels under federal regulation;
- 2 (2) unfired pressure vessels meeting the requirements of the federal
- 3 Department of Transportation for shipment of liquids or gases under pressure;
- 4 (3) air tanks located on vehicles operating under the regulations of
- 5 another state authority and used for carrying passengers or freight;
- 6 (4) air tanks installed on the right-of-way of railroads and used directly
- 7 in the operation of trains;
- 8 (5) unfired pressure vessels having a volume of five cubic feet or less
- 9 or vessels having an inside diameter not exceeding six inches;
- 10 (6) unfired pressure vessels designed for a pressure not exceeding 15
- 11 pounds per square inch when not located in a place of public assembly;
- 12 (7) manually fired miniature boilers for model locomotive, boat,
- 13 tractor, or stationary engines constructed or maintained as a hobby for exhibition use,
- 14 having a volume less than five cubic feet and grate area less than two square feet and
- 15 equipped with an American Society of Mechanical Engineers coded safety valve of
- 16 adequate capacity and size, a water level indicator, and pressure gauge;
- 17 (8) except as provided in (c) of this section, antique manually fired
- 18 boilers of locomotive, boat, tractor, or stationary engines constructed or maintained as
- 19 a hobby and equipped with an American Society of Mechanical Engineers coded
- 20 safety valve of adequate capacity and size;
- 21 (9) automatic utility hot water heaters that are used for space heating
- 22 using the potable system, if the hot water heater
- 23 (A) is equipped with a safety relief valve and operational
- 24 controls required by the latest **American Society of Mechanical Engineers**
- 25 **Boiler and Pressure Vessel Code** [BOILER CONSTRUCTION CODE]
- 26 published by the American Society of Mechanical Engineers that has been
- 27 adopted by the Department of Labor and Workforce Development under
- 28 AS 18.60.180;
- 29 (B) contains only water;
- 30 (C) does not exceed 120 gallons in capacity, a water
- 31 temperature of 210 degrees Fahrenheit, a pressure of 150 pounds of square

1 inch gauge pressure, or a heat input of more than 200,000 BTU an hour; and

2 (D) contains a tempering valve that will regulate the outlet
3 domestic water temperature at not more than 140 degrees Fahrenheit.

4 * **Sec. 10.** AS 18.80.300(1) is amended to read:

5 (1) "blockbusting" means an unlawful discriminatory practice by a real
6 estate **broker** [BROKERS], real estate **salesperson** [SALESMEN], or **employee or**
7 **agent** [EMPLOYEES OR AGENTS] of a broker or another individual, corporation,
8 partnership, or organization for the purpose of inducing a real estate transaction from
9 which any such person or its stockholders or members may benefit financially, to
10 represent directly or indirectly that a change has occurred or will or may occur from a
11 composition with respect to race, religion, color, or national origin of the owners or
12 occupants of the block, neighborhood, or area in which the real property is located,
13 and to represent directly or indirectly that this change may or will result in undesirable
14 consequences in the block, neighborhood, or area in which the real property is located,
15 including [BUT NOT LIMITED TO] the lowering of property values, an increase in
16 criminal or antisocial behavior, or decline in the quality of the schools or other
17 facilities;

18 * **Sec. 11.** AS 21.54.151 is amended to read:

19 **Sec. 21.54.151. Mental health or substance use disorder benefits.** A health
20 care insurer that offers a health care insurance plan in the group market shall comply
21 with the mental health or substance use disorder benefit requirements established
22 under **42 U.S.C. 300gg-26** [42 U.S.C. 300gg-5].

23 * **Sec. 12.** AS 24.60.080(c) is amended to read:

24 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
25 for a person who is a legislator or legislative employee to accept

26 (1) hospitality, other than hospitality described in (4) of this
27 subsection,

28 (A) with incidental transportation at the residence of a person;
29 however, a vacation home located outside the state is not considered a
30 residence for the purposes of this subparagraph; or

31 (B) at a social event or meal;

- 1 (2) discounts that are available
- 2 (A) generally to the public or to a large class of persons to
- 3 which the person belongs; or
- 4 (B) when on official state business, but only if receipt of the
- 5 discount benefits the state;
- 6 (3) food or foodstuffs indigenous to the state that are shared generally
- 7 as a cultural or social norm;
- 8 (4) travel and hospitality primarily for the purpose of obtaining
- 9 information on matters of legislative concern;
- 10 (5) gifts from the immediate family of the person; in this paragraph,
- 11 "immediate family" means
- 12 (A) the spouse of the person;
- 13 (B) the person's domestic partner;
- 14 (C) a child, including a stepchild and an **adopted**
- 15 [ADOPTIVE] child, of the person or of the person's domestic partner;
- 16 (D) a parent, sibling, grandparent, aunt, or uncle of the person;
- 17 (E) a parent, sibling, grandparent, aunt, or uncle of the person's
- 18 spouse or the person's domestic partner; and
- 19 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-
- 20 aunt, or step-uncle of the person, the person's spouse, or the person's domestic
- 21 partner;
- 22 (6) gifts that are not connected with the recipient's legislative status;
- 23 (7) a discount for all or part of a legislative session, including time
- 24 immediately preceding or following the session, or other gift to welcome a legislator
- 25 or legislative employee who is employed on the personal staff of a legislator or by a
- 26 standing or special committee to the capital city or in recognition of the beginning of a
- 27 legislative session if the gift or discount is available generally to all legislators and the
- 28 personal staff of legislators and staff of standing and special committees; this
- 29 paragraph does not apply to legislative employees who are employed by the
- 30 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
- 31 secretary, the legislative budget and audit committee, the office of victims' rights, or

1 the office of the ombudsman;

2 (8) a gift of legal services in a matter of legislative concern and a gift
3 of other services related to the provision of legal services in a matter of legislative
4 concern;

5 (9) a gift of transportation from a legislator or a legislative employee to
6 a legislator or a legislative employee if the transportation takes place in the state on or
7 in an aircraft, boat, motor vehicle, or other means of transport owned or under the
8 control of the donor; this paragraph does not apply to travel described in (4) of this
9 subsection or travel for political campaign purposes; or

10 (10) a contribution to a charity event, a ticket to a charity event, or a
11 gift in connection with a charity event; in this paragraph, "charity event" has the
12 meaning given in (a)(2)(B) of this section.

13 * **Sec. 13.** AS 24.60.990(a)(6) is amended to read:

14 (6) "immediate family" means

15 (A) the spouse or domestic partner of the person; or

16 (B) a parent, child, including a stepchild and an **adopted**
17 [ADOPTIVE] child, and sibling of a person if the parent, child, or sibling
18 resides with the person, is financially dependent on the person, or shares a
19 substantial financial interest with the person;

20 * **Sec. 14.** AS 31.05.030(e) is amended to read:

21 (e) The commission may regulate

22 (1) for conservation purposes and, to the extent not in conflict with
23 regulation by the Department of Labor and Workforce Development or the
24 Department of Environmental Conservation, for public health and safety purposes,

25 (A) the drilling, producing, and plugging of wells;

26 (B) the perforating, fracture **stimulation** [SIMULATION], and
27 chemical treatment of wells;

28 (C) the spacing of wells;

29 (D) the disposal of salt water, nonpotable water, and oil field
30 wastes;

31 (E) the contamination or waste of underground water;

(F) the quantity and rate of the production of oil and gas from a well or property; this authority shall also apply to a well or property in a voluntary cooperative or unit plan of development or operation entered into in accordance with AS 38.05.180(p);

(G) the underground injection of gas for purposes of storage;

(2) the disposal of drilling mud, cuttings, and nonhazardous drilling operation wastes in the annular space of a well for which a permit to drill has been issued by the commission; in this paragraph, a "nonhazardous drilling operation waste" means a waste, other than a hazardous waste identified by the Environmental Protection Agency in 40 C.F.R., Part 261, its regulation identifying and listing hazardous wastes, associated with the act of drilling a well for exploratory or production purposes.

* **Sec. 15.** AS 35.05.060 is amended to read:

Sec. 35.05.060. State assumption of nonfederal flood control project costs.

To the extent that funds are made available by the legislature, the state shall assume 90 percent of the nonfederal costs of planning, land acquisition, construction, and maintenance of flood control projects authorized within the state by the United States [BEFORE OR AFTER JUNE 6, 1971], except that the state shall assume the full share of nonfederally funded costs with respect to those facilities that [WHICH] are primarily state responsibilities, including [BUT NOT LIMITED TO] highways and roads, parks and recreation, and fish and game facilities. The state shall participate in federal flood control projects under this section only as to those projects authorized and approved by the department.

* **Sec. 16.** AS 36.10.080 is amended to read:

Sec. 36.10.080. Chapter incorporated in contracts. The provisions of this chapter are considered to be a part of every public works contract [LET AFTER APRIL 24, 1960].

* **Sec. 17.** AS 38.05.321(f) is amended to read:

(f) Notwithstanding (e) of this section, the landowner is not required to pay an amount due under (e) of this section until the subdivided parcel is conveyed by the owner to a person not a member of the person's immediate family. The department has

1 a lien on the parcel as security for payment of the amount due. For purposes of this
 2 subsection, "immediate family" means

3 (1) the spouse of the person; or

4 (2) a parent, child, including a stepchild and an **adopted** [ADOPTIVE]
 5 child, or sibling of the person if the parent, child, or sibling resides with the person, is
 6 financially dependent on the person, or shares a substantial financial interest with the
 7 person.

8 * **Sec. 18.** AS 39.50.200(a)(2) is amended to read:

9 (2) "child" includes a biological child, an **adopted** [ADOPTIVE]
 10 child, and a stepchild;

11 * **Sec. 19.** AS 39.52.960(6) is amended to read:

12 (6) "child" includes a biological child, an **adopted** [ADOPTIVE]
 13 child, and a stepchild;

14 * **Sec. 20.** AS 43.60.010(c) is amended to read:

15 (c) A brewer shall pay a tax at the rate of 35 cents a gallon on sales of the first
 16 60,000 barrels of beer sold in the state each fiscal year beginning July 1, 2001, for beer
 17 produced in the United States if the producing brewery meets the qualifications of 26
 18 U.S.C. 5051(a)(2). To qualify for the tax rate under this subsection, the brewer must
 19 file with the department a copy of **an Alcohol and Tobacco Tax and Trade Bureau**
 20 [A BUREAU OF ALCOHOL, TOBACCO AND FIREARMS] acknowledged copy of
 21 the brewer's notice of intent to pay reduced rate of tax required under 27 C.F.R.
 22 25.167 for the calendar year in which the fiscal year begins for which the partial
 23 exemption is sought. If proof of eligibility is not received by the department before
 24 June 1, the tax rate under this subsection does not apply until the first day of the
 25 second month after the month the notice is received by the department. For purposes
 26 of applying this subsection, a barrel of beer may contain **not** [NO] more than 31
 27 gallons.

28 * **Sec. 21.** AS 15.56.019 and AS 16.43.228(e) are repealed.

29 * **Sec. 22.** This Act takes effect immediately under AS 01.10.070(c).