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Mischel
1/7/19

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act making corrective amendments to the Alaska Statutes as recommended by the
2 revisor of statutes."

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

4 * **Section 1.** AS 06.01.010(e) is amended to read:

5 (e) An examination [EXAM] fee or other charge assessed to a state financial
6 institution under this section may not exceed a fee or other charge assessed for the
7 same type of examination [EXAM] or service to a similarly situated federally
8 chartered [FEDERALLY-CHARTERED] financial institution.

9 * **Sec. 2.** AS 06.05.399(e) is amended to read:

10 (e) Not [NO] later than 150 days after the application for a certificate of
11 authority to operate a branch bank or to change location has been accepted, the
12 department shall make a determination whether to approve the application. Within 30
13 days after the second publication of the notice referred to in (c) of this section, a
14 person opposing the pending application may file written objections with the

department. When it approves or denies the application, the department shall notify the bank and any other person who requested in writing to be notified; [AND] if the application is denied, the department shall state the reasons for its decision.

* **Sec. 3.** AS 06.10.020(a) is amended to read:

(a) The activities referred to in AS 06.10.010 are

(1) making loans;

(2) receiving security for loans;

(3) acquiring by assignment or otherwise partial or entire interests in loans or in security for loans;

(4) servicing, collecting, enforcing, or otherwise realizing on [UPON] loans or on [UPON] security for loans or on [UPON] interests therein [,] and holding, managing, or disposing of proceeds therefrom; and

(5) entering into and performing contracts and doing other acts necessary or appropriate for or preliminary or incident to any of the foregoing activities.

* **Sec. 4.** AS 06.15.080 is amended to read:

Sec. 06.15.080. Management and control of mutual bank; bylaws. The management and control of the affairs of a mutual bank are [IS] vested in the board of trustees. The board of trustees may adopt, amend, and repeal bylaws governing the affairs of the mutual bank.

* **Sec. 5.** AS 06.40.140(d) is amended to read:

(d) All statutory, regulatory, and contractual restrictions providing that the insurance policy may not be cancelled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under this section. The insurer shall give the prescribed notice on behalf of itself or the borrower to any governmental agency, mortgagee, or other third party on or before the fifth business day after the date [DAY] it receives the notice of cancellation from the licensee and shall determine the effective date of cancellation, taking into consideration the number of days' [DAYS] notice required to complete the cancellation.

* **Sec. 6.** AS 06.40.150(a) is amended to read:

(a) If a financed insurance policy is cancelled, and provided the insurer has been notified of the assignment of interest of the insured to the licensee, the insurer shall, within 60 days after [OF] the effective date of cancellation, [SHALL] take the steps that are necessary to have any gross unearned premiums that are due under the insurance policy returned to the licensee for the account of the borrower if the licensee has complied with the notice provisions of AS 06.40.140(b).

* **Sec. 7.** AS 06.50.400(c) is amended to read:

(c) The written agreement required by (a) of this section may not require an advance recipient to waive any rights under 15 U.S.C. 1692 - 1692p [15 U.S.C. 1692 - 1692o] (Fair Debt Collection Practices Act) or other state or federal laws that regulate debt collection practices.

* **Sec. 8.** AS 06.55.406(a) is amended to read:

(a) A money services licensee and an authorized delegate shall file with the attorney general all reports required by federal currency reporting, record keeping, and suspicious transaction reporting requirements as set out in 31 U.S.C. 5311 [31 U.S.C. 5311, 31 C.F.R. 103,] and other federal and state laws pertaining to money laundering.

* **Sec. 9.** AS 08.01.080 is amended to read:

Sec. 08.01.080. Department regulations. The department shall adopt regulations to carry out the purposes of this chapter, including [BUT NOT LIMITED TO] describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license.

* **Sec. 10.** AS 08.01.087(b) is amended to read:

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone [, TELEGRAPH,] or facsimile to all board members, if a board regulates the act or practice involved, unless a

majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the office of administrative hearings (AS 44.64.010) shall conduct the hearing and shall issue a proposed decision within 10 days after the hearing; the commissioner shall issue a final order within five days after the proposed decision is issued;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or with a provision of this title or regulation adopted under this title dealing with business licenses or an occupation or board listed in AS 08.01.010;

(3) examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010; the commissioner may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents.

* **Sec. 11.** AS 08.04.070(a) is amended to read:

(a) The board shall elect annually from its members a presiding officer, [A] secretary, and [A] treasurer. One person may hold the offices of secretary and treasurer.

* **Sec. 12.** AS 08.04.070(f) is amended to read:

(f) The board shall adopt a formal statement of goals, objectives, and policies to be reviewed and updated annually.

* **Sec. 13.** AS 08.08.207(b) is amended to read:

(b) The applicant shall obtain regular and full-time employment as a law clerk

1 in the office of a judge of a court of record or an attorney or firm of attorneys licensed
2 to practice law in the state [ALASKA] and engaged in the general practice of law.
3 The person by whom the applicant is employed, or, if the applicant is employed by a
4 firm, the person under whose direction the applicant is to study, must have been
5 admitted to practice law in the [THIS] state for at least five years at the time the
6 application for registration is filed, and be otherwise eligible to act as tutor. Before the
7 commencement of the study of law under this section, the applicant shall file with the
8 university an application to register as a law clerk. The application shall be made on a
9 form to be provided by the university and shall require answers to interrogatories the
10 university may determine from time to time to be relevant to a consideration of the
11 application. Proof of a fact stated in the application may be required by the university.
12 If the applicant fails or refuses to furnish any information or proof or answer any
13 interrogatory required by the application, or independently by the university, in a
14 manner satisfactory to the university, the application may be denied.

15 * **Sec. 14.** AS 08.08.207(d) is amended to read:

16 (d) A law clerk whose registration has been approved by the university must
17 pursue a course of study for three calendar years of at least 44 weeks each year, with a
18 minimum each week of 35 hours of study. Time [(IT BEING UNDERSTOOD THAT
19 THE TIME ACTUALLY] spent in the performance of the duties of the law clerk is
20 [TO BE] considered [AS] time spent in the study of law [)]. The tutor must give
21 personal direction regularly and frequently to the law clerk, must examine the law
22 clerk at least once a month on the work done in the previous month, and must certify
23 monthly as to compliance with the requirements of this subsection and (e) and (g) of
24 this section.

25 * **Sec. 15.** AS 08.08.207(i)(1) is amended to read:

26 (1) "law school" means an accredited [A] law school
27 [ACCREDITED,] approved by or meeting the standards of the Section [COUNCIL]
28 of Legal Education and Admissions of the American Bar Association or the
29 Association of American Law Schools [;] or a school in the state [ALASKA] offering
30 a course of study that [WHICH] the university approves as [THE] equivalent to a
31 year's study in a law school under this section;

1 * **Sec. 16.** AS 08.08.210(a) is amended to read:

2 (a) A person may not engage in the practice of law in the state unless the
3 person is licensed to practice law in the state [ALASKA] and is an active member of
4 the Alaska Bar. A member of the bar in good standing in another jurisdiction may
5 appear in the courts of the state under the rules the supreme court may adopt.

6 * **Sec. 17.** AS 08.08.210(d) is amended to read:

7 (d) Employees of the Department of Law, the Public Defender Agency, and
8 the office of public advocacy [,] whose activities would constitute the practice of law
9 under this chapter and under Alaska Bar Rules are required to obtain a license to
10 practice law in the state not [ALASKA NO] later than 10 months following the
11 commencement of [THEIR] employment.

12 * **Sec. 18.** AS 08.08.230(a) is amended to read:

13 (a) A person not an active member of the Alaska Bar and not licensed to
14 practice law in the state [ALASKA] who engages in the practice of law or holds out
15 as entitled to engage in the practice of law as that term is defined in the Alaska Bar
16 Rules, or an active member of the Alaska Bar who wilfully employs such a person
17 knowing that the person is engaging in the practice of law or holding out as entitled to
18 so engage, is guilty of a class A misdemeanor.

19 * **Sec. 19.** AS 08.11.200(9) is amended to read:

20 (9) "practice of speech-language pathology" means the application of
21 principles, methods, and procedures related to the development and disorders of
22 human communication, including [BUT NOT LIMITED TO]

23 (A) screening for, identifying, assessing, [AND] interpreting,
24 diagnosing, rehabilitating, and preventing disorders of speech, such as
25 disorders related to articulation, fluency, voice, and language;

26 (B) screening for, identifying, assessing, [AND] interpreting,
27 diagnosing, and rehabilitating disorders of oral-pharyngeal function or
28 dysphagia or related disorders;

29 (C) screening for, identifying, assessing, [AND] interpreting,
30 diagnosing, and rehabilitating cognitive and communication disorders;

31 (D) assessing, selecting, and developing augmentative and

alternative communication systems and providing training in their use;

(E) providing aural rehabilitation and related counseling services to hearing impaired individuals and their families;

(F) enhancing speech-language proficiency and communication effectiveness, such as accent reduction; and

(G) screening of hearing and other factors for the purpose of speech-language evaluation or the initial identification of individuals with other communication disorders, if [PROVIDED THAT] judgments and descriptive statements about the results of the screening are limited to pass-fail determinations;

* **Sec. 20.** AS 08.18.161 is amended to read:

Sec. 08.18.161. Exemptions. To the extent that this chapter governs contractors, this chapter does not apply to

(1) an authorized representative of the United States government, the state [STATE OF ALASKA], or a political subdivision or agency of the state;

(2) an officer of a court when acting within the scope of office;

(3) a public utility operating under the regulations of the Regulatory Commission of Alaska in construction, maintenance, or development work incidental to its own business;

(4) a construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of a petroleum or gas well or a surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) the sale or installation of finished products, materials, or articles of merchandise that are not actually fabricated into and do not become a permanent, fixed part of a structure;

(6) construction, alteration, or repair of personal property;

(7) a person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(8) an owner who contracts for a project with a registered contractor;

(9) a person working on an existing structure on that person's own property, whether occupied by the person or not, and a person working on that person's own existing residence, whether owned by the person or not;

(10) an owner or tenant of commercial property who uses the owner's or tenant's own employees to do maintenance, repair, and alteration work on that property;

(11) an owner who acts as the owner's own contractor and in doing so performs the work independently or hires workers or subcontractors, purchases materials, and, as such, sees to the paying for all labor, subcontractors, and materials; in this case, the owner shall be limited to construction of one home, duplex, triplex, four-plex, or commercial building every two years; an owner who advertises the structure under construction for sale or sells the structure during the period of construction or within two years after the period of construction begins shall file, on forms provided by the department, a notice indicating that the owner is not engaged in a business for which the owner is required to register as a contractor under this chapter; for the purposes of this paragraph, construction begins on the date that is the earlier of when the owner

(A) begins the actual construction work; or

(B) enters into an agreement with another person for the other person to provide labor, to act as a subcontractor, or to provide materials for the construction;

(12) a person performing construction work incidental to farming, dairying, agriculture, horticulture, stock or poultry raising, mining, logging, fishing, clearing, or other work on the land in rural districts for fire prevention purposes, or access road building, unless the person is a licensee.

* **Sec. 21.** AS 08.40.190(a) is amended to read:

(a) AS 08.40.005 - 08.40.200 do not apply to any utility or municipality engaged in

(1) electrical construction and maintenance of electrical wiring for the generation and distribution of electrical current where the wiring is an integral part of a system owned and operated by that utility or municipal light and power department;

(2) the installation, operation, maintenance, or repair of telephone, [TELEGRAPH,] signal, or communication systems when the work is performed by the employees of that utility.

* **Sec. 22.** AS 08.40.190(b) is amended to read:

(b) AS 08.40.005 - 08.40.200 do not apply to a person engaged in

(1) the manufacture, maintenance, or repair of electrical apparatus or equipment;

(2) electrical work, the cost of which does not exceed \$5,000, involving residences or small commercial establishments in communities that

(A) have a population of under 500 according to the latest available federal or state census or other census approved by the department; or

(B) are over 50 miles by air or water transportation from the business place of an electrical administrator licensed under AS 08.40.005 - 08.40.200;

(3) electrical installation on residential property that is owned by the installer or a member of the installer's immediate family and not intended for sale at the time of making the installation;

(4) the operation, maintenance, or repair of a television or radio broadcasting system and the installation of a radio broadcasting system under 500 watts input power except for A.C. power supply and wiring;

(5) the installation, maintenance, and repair of elevators so long as the work is performed by an agent or employee of the elevator industry and is confined to the elevator control system, which system does not include the power supply, wiring, and motor connection;

(6) the operation, maintenance, and repair of telephone [, TELEGRAPH,] and intercommunication facilities;

(7) the installation, maintenance, and repair of fire alarm, intrusion alarm, or other low voltage signaling systems of 48 volts to ground or less;

(8) the maintenance or repair of diesel electric engines installed on heavy construction equipment, either in a shop or on a job site;

(9) the installation in a commercial water well of the submersible pump motor and the wiring to the well pump system controls if the controls are outside a building or a structure;

(10) the installation in a noncommercial water well of the submersible pump motor and the wiring to the well pump system controls;

(11) electrical maintenance or repair work if the work is performed by the person as an employee of an owner or tenant of commercial property as part of the employee's work duties with respect to the property but is not offered or performed as a service to the public.

* **Sec. 23.** AS 08.48.071(a) is amended to read:

(a) The following record of the board's proceedings and of all applications for registration or authorization shall be kept by the department [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] under AS 08.01.050:

- (1) the name, age, and last known address of each applicant;
- (2) the date of application;
- (3) the place of business of the applicant;
- (4) the education, experience, and other qualifications;
- (5) the type of examination required;
- (6) whether [OR NOT] the applicant was rejected;
- (7) whether [OR NOT] a certificate of registration or authorization was granted or endorsed;
- (8) the date of the action of the board;
- (9) other action taken by the board;
- (10) other information that may be considered necessary by the board.

* **Sec. 24.** AS 08.48.071(e) is amended to read:

(e) The department [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] shall, under AS 08.01.050, preserve the records under (a) of this section for the previous five years.

* **Sec. 25.** AS 08.48.071(f) is amended to read:

(f) The department [DEPARTMENT OF COMMERCE, COMMUNITY,

1 AND ECONOMIC DEVELOPMENT] shall assemble statistics relating to the
2 performance of its staff and the performance of the board, including [BUT NOT
3 LIMITED TO,]

4 (1) the number of architects, engineers, land surveyors, and landscape
5 architects registered over a five-year period;

6 (2) the rate of passage of examinations administered by the board;

7 (3) the number of persons making application for registration as a
8 professional architect, engineer, land surveyor, or landscape architect over a five-year
9 period;

10 (4) an account of registration fees collected under AS 08.01.065;

11 (5) a measure of the correspondence workload of any licensing
12 examiner employed by the department to carry out this chapter.

13 * **Sec. 26.** AS 08.48.265 is amended to read:

14 **Sec. 08.48.265. Fees.** The department [DEPARTMENT OF COMMERCE,
15 COMMUNITY, AND ECONOMIC DEVELOPMENT] shall set fees under
16 AS 08.01.065 for examinations, registrations, certificates of authorization, and
17 renewals of a certificate.

18 * **Sec. 27.** AS 08.48.341 is amended by adding a new paragraph to read:

19 (23) "department" means the Department of Commerce, Community,
20 and Economic Development.

21 * **Sec. 28.** AS 08.72.300 is amended by adding a new paragraph to read:

22 (6) "opioid" includes the opium and opiate substances and opium and
23 opiate derivatives listed in AS 11.71.140 and 11.71.160.

24 * **Sec. 29.** AS 08.80.390(a) is amended to read:

25 (a) A hospital, clinic, nursing home, infirmary, or related facility that provides
26 outpatient dispensing of [DISPENSES] drugs for outpatient treatment shall have a
27 licensed pharmacist in charge of the dispensary, except that prescriptions may be
28 compounded and dispensed by or under the supervision of the prescribing physician.

29 * **Sec. 30.** AS 08.80.480(40) is amended to read:

30 (40) "wholesale drug distributor" means anyone engaged in wholesale
31 distribution of drugs, including [BUT NOT LIMITED TO] manufacturers;

1 repackagers; own-label distributors; private label distributors; jobbers; brokers;
2 warehouses, including manufacturers' and distributors' warehouses; chain drug
3 warehouses; wholesale drug warehouses; independent wholesale drug traders; and
4 retail pharmacies that conduct wholesale distributions.

5 * **Sec. 31.** AS 08.87.120(e) is amended to read:

6 (e) An amendment or repeal of a regulation adopted by the board under this
7 section may [SHALL] not operate to deprive a person holding a certificate under this
8 chapter of credit toward renewal of the person's certificate for a course of instruction
9 or seminar that had been completed by the person before the amendment or repeal of
10 the regulation.

11 * **Sec. 32.** AS 08.88.037(b) is amended to read:

12 (b) If it appears to the department that a person has engaged in or is about to
13 engage in an act or practice in violation of a provision of this chapter or a regulation
14 adopted under it and that action is warranted in the public interest, the department
15 shall notify all commission members by telephone [, TELEGRAPH,] or facsimile of a
16 proposed order or action, and, if a majority of the members of the commission
17 approve, the department may

18 (1) after reasonable notice of and an opportunity for a hearing is given
19 to the person, issue an order directing the person to stop the act or practice; the
20 department may issue a temporary order before a hearing is held; a temporary order
21 remains in effect until a final order affirming, modifying, or reversing the temporary
22 order is issued or until 15 days have elapsed after the person receives the notice and
23 has not requested a hearing; a temporary order becomes final if the person to whom
24 the notice is addressed does not request a hearing within 15 days after receiving the
25 notice; if a hearing is requested, a hearing shall be conducted by a hearing officer
26 within 30 days; the commission shall issue a final order within 10 days after the
27 hearing;

28 (2) bring an action in superior court to enjoin the act or practice and to
29 enforce compliance with this chapter, a regulation adopted under it, or an order issued
30 under it;

31 (3) examine or have examined the books and records of a person

whose business activities require licensure under this chapter and the department may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents.

* **Sec. 33.** AS 08.88.041(a) is amended to read:

(a) Five members of the commission must be real estate brokers or associate brokers who have been licensed real estate brokers or licensed associate brokers in the state [ALASKA] for at least three years before appointment. Two members of the commission must be public members in accordance with AS 08.01.025.

* **Sec. 34.** AS 08.98.250 is amended by adding a new paragraph to read:

(7) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160.

* **Sec. 35.** AS 09.55.240(b) is amended to read:

(b) The use of water for mining, power, and municipal purposes and the use of pole and power lines for telephone and telegraph wires, for aerial trams, and for the transmission of electric light and electric power, by whomever utilized, are each declared to be beneficial to the public and to be a public use within the provisions of AS 09.55.240 - 09.55.460. Rights-of-way across private property when they are necessary for the operation of the mine or other project in connection with which it is intended to be used may be condemned in the manner as for any other condemnation. The right-of-way may extend only to a right-of-way along, on [UPON], and across the surface of the land to be condemned and to a strip of the land of sufficient width to permit the construction on the land of a ditch, flume, pipeline, canal, or other means of conveying water as is adequate for the purposes intended, for the setting of poles or the construction of towers on [UPON] which to string wires for telephone [AND TELEGRAPH] lines and lines for the transmission of electric light or power for the operation of aerial trams, and to permit maintaining the lines and keeping them in repair.

* **Sec. 36.** AS 12.37.900(7) is amended to read:

(7) "in-progress trace" means to determine the origin of a wire communication to a telephone [OR TELEGRAPH] instrument, equipment, or facility

during the course of the communication;

* **Sec. 37.** AS 12.37.900(12) is amended to read:

(12) "pen register" means a device or apparatus that is connected to a telephone [OR TELEGRAPH] instrument, equipment, or facility to determine the destination of a wire communication to a telephone [OR TELEGRAPH] instrument, equipment, or facility, but that does not intercept the contents of the communication; "pen register" does not include a device used by a provider or customer of a wire or electronic communication service for billing, or for recording as an incident to billing, for communications services provided by the provider, nor a device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

* **Sec. 38.** AS 12.37.900(14) is amended to read:

(14) "trap device" means a device or apparatus that is connected to a telephone or telegraph instrument, equipment, or facility to determine the origin of a wire communication to the telephone [OR TELEGRAPH] instrument, equipment, or facility, but that does not intercept the contents of the communication;

* **Sec. 39.** AS 13.12.550 is amended to read:

Sec. 13.12.550. Contents of petition for trust validity. A petition for trust validity under AS 13.12.535 must contain

- (1) a statement that a copy of the trust has been filed with the court;
- (2) a statement that the trust is in writing and was signed by the settlor;
- (3) a statement that the trust was executed with the intent that it be enforceable in accordance with its terms;
- (4) a statement that the settlor had the legal capacity to enter into and establish the trust;
- (5) a statement that the settlor was free from undue influence and duress and executed the trust in the exercise of free will;
- (6) a statement that execution of the trust was not the result of fraud or mistake;
- (7) the names and addresses of the settlor, the settlor's spouse, the settlor's children, the settlor's heirs, and the parties in interest [AS DEFINED IN

AS 13.36.390];

(8) the ages of the settlor's children, the settlor's heirs, and the parties in interest [AS DEFINED IN AS 13.36.390] who are minors so far as known or ascertainable with reasonable diligence by the petitioner;

(9) a statement that the trust has not been revoked or modified; and

(10) a statement that the settlor is familiar with the contents of the trust.

* **Sec. 40.** AS 13.12.550 is amended by adding a new subsection to read:

(b) In this section, "party in interest" has the meaning given in AS 13.36.390.

* **Sec. 41.** AS 13.12.603(a) is amended to read:

(a) If a devisee fails to survive the testator and is a grandparent, a descendant of a grandparent, or a stepchild of either the testator or the donor of a power of appointment exercised by the testator's will, the following apply:

(1) except as provided in (4) of this subsection, if the devise is not in the form of a class gift and the deceased devisee leaves surviving descendants, a substitute gift is created in the devisee's surviving descendants; the surviving descendants take by representation the property to which the devisee would have been entitled had the devisee survived the testator;

(2) except as provided in (4) of this subsection, if the devise is in the form of a class gift, other than a devise to "issue," "descendants," "heirs of the body," "heirs," "next of kin," "relatives," or "family," or a class described by language of similar import, a substitute gift is created in the surviving descendants of a deceased devisee; the property to which the devisees would have been entitled had all of them survived the testator passes to the surviving devisees and the surviving descendants of the deceased devisees; each surviving devisee takes the share to which the surviving devisee would have been entitled had the deceased devisees survived the testator; each deceased devisee's surviving descendants who are substituted for the deceased devisee take by representation the share to which the deceased devisee would have been entitled had the deceased devisee survived the testator; [IN THIS PARAGRAPH, "DECEASED DEVISEE" MEANS A CLASS MEMBER WHO FAILED TO SURVIVE THE TESTATOR AND LEFT ONE OR MORE SURVIVING

DESCENDANTS;]

(3) for the purposes of AS 13.12.601, words of survivorship, as in a devise to an individual "if the individual survives me," or in a devise to "my surviving children," are not, in the absence of additional evidence, a sufficient indication of an intent contrary to the application of this section;

(4) if the will creates an alternative devise with respect to a devise for which a substitute gift is created by (1) or (2) of this subsection, the substitute gift is superseded by the alternative devise only if an expressly designated devisee of the alternative devise is entitled to take under the will;

(5) unless the language creating a power of appointment expressly excludes the substitution of the descendants of an appointee for the appointee, a surviving descendant of a deceased appointee of a power of appointment can be substituted for the appointee under this section, whether or not the descendant is an object of the power.

* **Sec. 42.** AS 13.12.603(d) is amended by adding new paragraphs to read:

(8) "deceased devisee" means a class member who failed to survive the testator and left one or more surviving descendants;

(9) "primary devise" means the devise that would have taken effect had all the deceased devisees of the alternative devises who left surviving descendants survived the testator;

(10) "primary substitute gift" means the substitute gift created with respect to a primary devise;

(11) "younger-generation devise" means a devise that

(A) is to a descendant of a devisee of a primary devise;

(B) is an alternative devise with respect to the primary devise;

(C) is a devise for which a substitute gift is created; and

(D) would have taken effect had all the deceased devisees who left surviving descendants survived the testator except the deceased devisee or devisees of the primary devise;

(12) "younger-generation substitute gift" means a substitute gift created with respect to a younger-generation devise.

1 * **Sec. 43.** AS 15.13.020(e) is amended to read:

2 (e) A member of the commission, during tenure, may not

3 (1) hold or campaign for elective office;

4 (2) be an officer of a political party, political committee, or group;

5 (3) permit the member's name to be used, or make any contributions
6 whatsoever, in support of or in opposition to a candidate or proposition or question
7 that appears on any ballot in the state, including [BUT NOT LIMITED TO] that of a
8 municipality; however, contributions may be made to a candidate for the office of
9 President of the United States;

10 (4) participate in any way in an election campaign or participate in or
11 contribute to any political party; or

12 (5) lobby, employ, or assist a lobbyist.

13 * **Sec. 44.** AS 15.15.370 is amended to read:

14 **Sec. 15.15.370. Completion of ballot count; certificate.** When the count of
15 ballots is completed, and in no event later than the day after the election, the election
16 board shall make a certificate in duplicate of the results. The certificate includes the
17 number of votes cast for each candidate, for and against each proposition, yes or no on
18 each question, and any additional information prescribed by the director. The election
19 board shall, immediately upon completion of the certificate or as soon thereafter as the
20 local mail service permits, send in one sealed package to the director one copy of the
21 certificate and the register. In addition, all ballots properly cast shall be mailed to the
22 director in a separate, sealed package. Both packages, in addition to an address on the
23 outside, shall clearly indicate the precinct from which they come. Each board shall,
24 immediately upon completion of the certification and as soon thereafter as the local
25 mail service permits, send the duplicate certificate to the respective election
26 supervisor. The director may authorize election boards in precincts in those areas of
27 the state where distance and weather make mail communication unreliable to forward
28 their election results by telephone [, TELEGRAM,] or radio. The director may
29 authorize the unofficial totaling of votes on a regional basis by election supervisors,
30 tallying the votes as indicated on duplicate certificates. To ensure [ASSURE]
31 adequate protection, the director shall prescribe the manner in which the ballots,

registers, and all other election records and materials are thereafter preserved, transferred, and destroyed.

* **Sec. 45.** AS 15.15.440 is amended to read:

Sec. 15.15.440. State ballot counting review. The state ballot counting review shall begin as soon as practicable after the election is completed and **not** [NO] later than 16 days after an election and shall be continued until completed. The director may designate the hours each day during which the state ballot counting review board is to conduct its ballot counting review. The director shall close the review when the director is satisfied that no missing precinct certificate of election would, if received, change the result of the election. If no election certificate has been received from a precinct, the director may secure from the election supervisors and may count a certified copy of the duplicate election certificate of the precinct. If no election materials have been received, but election results have been received by telephone [, TELEGRAM,] or radio, the director shall count the election results so received. If the director has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the director shall await the receipt of the certificate until the close of business on the 15th day after the date of election. A certificate not actually delivered to the director by the close of business on the 15th day after the election may not be counted at the state ballot counting review.

* **Sec. 46.** AS 15.20.430(b) is amended to read:

(b) The date on which the director receives an application, rather than the date of mailing or transmission, determines whether the application is filed within the time allowed under (a) of this section. [IF THE ACTUAL PHYSICAL DELIVERY BY TELEGRAM OF A COPY IN SUBSTANCE OF THE STATEMENTS MADE IN THE APPLICATION FOR RECOUNT IS RECEIVED IN THE OFFICE OF THE DIRECTOR AT OR BEFORE 5:00 P.M. ALASKA STANDARD TIME ON THE DUE DATE, THE APPLICATION WILL BE ACCEPTED; PROVIDING THE ORIGINAL SIGNED APPLICATION IS POSTMARKED AT OR BEFORE 5:00 P.M. ALASKA STANDARD TIME OF THE SAME DAY.]

* **Sec. 47.** AS 15.20.470 is amended to read:

Sec. 15.20.470. Requirement of notice. The director shall give the candidate

or designated chairperson signing the application, the two or more persons appointed to represent the applicant during the recount, and other directly interested parties, notice of the time and place of the recount by certified mail, [TELEGRAPH,] telephone, or facsimile.

* **Sec. 48.** AS 15.25.090 is amended to read:

Sec. 15.25.090. General procedure for conduct of primary election. Unless specifically provided otherwise, all provisions regarding the conduct of a [THE] general election shall govern the conduct of a [THE] primary election, including [, BUT NOT LIMITED TO,] provisions concerning voter qualification; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of cities and organized boroughs; provision for notification of the election; provisions regarding payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, review, and certification of returns; provisions for the determination of tie votes and of recount, contests, and appeal; and provisions for absentee voting.

* **Sec. 49.** AS 15.25.130 is amended to read:

Sec. 15.25.130. Selection of nominees for party petition. The nominees of political parties by party petition may be selected for statewide offices by the state party central committee or in any other manner prescribed by the party bylaws, and the petition for statewide offices shall be signed by the state chairperson of the political party or, in the absence of the state chairperson, by any two members of the state party central committee. The nominees of political parties by party petition may be selected for district-wide offices by the respective party district committee or in any other manner prescribed by the party bylaws, and the petition for district-wide offices shall be signed by the chairperson of the party district committee, or in the absence of the chairperson, by any two members of the party district committee, or in any other manner prescribed by the party bylaws. The petition may be delivered in person, or by mail, [TELEGRAPH,] facsimile, or other reliable electronic transmission.

* **Sec. 50.** AS 15.40.180 is amended to read:

Sec. 15.40.180. Date of nominations. Candidates for the special election shall be nominated by petition transmitted by [(1) THE] actual physical delivery of the

petition in person or [; (2)] by mail postmarked not later than midnight of the filing date [; OR (3) BY TELEGRAM OF A COPY IN SUBSTANCE OF THE STATEMENTS MADE IN THE PETITION TO THE DIRECTOR BEFORE THE 21ST DAY AFTER THE VACANCY OCCURS].

* **Sec. 51.** AS 15.40.270 is amended to read:

Sec. 15.40.270. Date of nominations. Candidates for the special election shall be nominated by petition transmitted by [(1)] actual physical delivery of the petition in person or [; (2)] by mail postmarked not later than midnight of the filing date [; OR (3) BY TELEGRAM OF A COPY IN SUBSTANCE OF THE STATEMENTS MADE IN THE PETITION TO THE DIRECTOR BEFORE THE 21ST DAY AFTER THE VACANCY OCCURS].

* **Sec. 52.** AS 15.40.430 is amended to read:

Sec. 15.40.430. Designation of nominees by petition. If the vacancy occurs less than one calendar month before the filing date and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by [(1) THE] actual physical delivery of the petition in person or [; (2)] by mail postmarked not later than midnight of the filing date [; OR (3) BY TELEGRAM OF A COPY IN SUBSTANCE OF THE STATEMENTS MADE IN THE PETITION TO THE DIRECTOR BEFORE SEPTEMBER 2 JUST BEFORE THE SPECIAL ELECTION].

* **Sec. 53.** AS 15.45.670 is amended to read:

Sec. 15.45.670. Conduct of special election. Unless specifically provided otherwise, all provisions regarding the conduct of a general election shall govern the conduct of a special election for the recall of a [THE] state public official, including [BUT NOT LIMITED TO,] provisions concerning voter qualification; provisions regarding duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for the payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for counting, reviewing, and certification of returns; provision for the determination of votes and of recount contests and court appeal; and provisions for absentee voting.

1 * **Sec. 54.** AS 17.30.100(a) is amended to read:

2 (a) The commissioner of public safety shall enforce this chapter and shall
3 cooperate with other state and federal agencies in the discharge of their responsibilities
4 pertaining to illicit traffic in controlled substances and in suppressing the abuse of
5 controlled substances. Under this section, the powers of the commissioner of public
6 safety include [BUT ARE NOT LIMITED TO] the following:

7 (1) arranging for the exchange of information among government
8 officials concerning illicit traffic in and abuse of controlled substances;

9 (2) coordinating training programs pertaining to controlled substances
10 at both local and state levels;

11 (3) cooperating with the Drug Enforcement Administration of the
12 United States Department of Justice by establishing a centralized unit to accept,
13 catalog, file, and collect statistics, including records of persons who have violated the
14 provisions of this chapter or AS 11.71 in the state and making the information
15 available for federal, state, and local law enforcement purposes; and

16 (4) instituting in the superior court [,] actions for injunctions against
17 continued manufacture, distribution, dispensation, or research with a controlled
18 substance in the state by a person who violates 21 U.S.C. 811 - 830 (Controlled
19 Substances Act) or the regulations adopted under those sections.

20 * **Sec. 55.** AS 17.37.060 is amended to read:

21 **Sec. 17.37.060. Addition of debilitating medical conditions.** The [NOT
22 LATER THAN AUGUST 31, 1999, THE] department shall adopt regulations under
23 AS 44.62 (Administrative Procedure Act) governing the manner in which it may
24 consider adding debilitating medical conditions to the list provided in AS 17.37.070.
25 After the adoption of the regulations, the department shall also accept for
26 consideration physician or patient initiated petitions to add debilitating medical
27 conditions to the list provided in AS 17.37.070 and, after hearing, shall approve or
28 deny the petitions within 180 days after [OF] submission. The denial of a petition
29 shall be considered a final agency action subject to judicial review.

30 * **Sec. 56.** AS 17.38.020 is amended to read:

31 **Sec. 17.38.020. Personal use of marijuana.** Notwithstanding any other

provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and are not criminal or civil offenses under state [ALASKA] law or the law of any political subdivision of the state [ALASKA] or a basis [BASES] for seizure or forfeiture of assets under state [ALASKA] law:

(1) possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;

(2) possessing, growing, processing, or transporting not more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, except that not more than 12 marijuana plants, with six or fewer being mature, flowering plants, may be present in a single dwelling regardless of the number of persons 21 years of age or older residing in the dwelling;

(3) transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;

(4) consumption of marijuana, except that nothing in this chapter permits the consumption of marijuana in public; and

(5) assisting, aiding, or supporting another person who is 21 years of age or older in any of the acts described in (1) - (4) of this section.

* **Sec. 57.** AS 17.38.060 is amended to read:

Sec. 17.38.060. Marijuana accessories authorized. Notwithstanding any other provision of law, it is lawful and is [SHALL] not [BE] an offense under state [ALASKA] law or the law of any political subdivision of the state [ALASKA] or [BE] a basis for seizure or forfeiture of assets under state [ALASKA] law for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

* **Sec. 58.** AS 17.38.070(a) is amended to read:

(a) Notwithstanding any other provision of law, the following acts, when performed by a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a retail marijuana store, are lawful and are [SHALL] not [BE] an offense under state [ALASKA] law or [BE] a basis for seizure or forfeiture of assets under

state [ALASKA] law:

(1) possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;

(2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;

(3) receiving marijuana or marijuana products from a marijuana testing facility;

(4) purchasing marijuana from a marijuana cultivation facility;

(5) purchasing marijuana or marijuana products from a marijuana product manufacturing facility; and

(6) delivering, distributing, or selling marijuana or marijuana products to consumers.

* **Sec. 59.** AS 17.38.070(b) is amended to read:

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and **are** [SHALL] not [BE] an offense under **state** [ALASKA] law or [BE] a basis for seizure or forfeiture of assets under **state** [ALASKA] law:

(1) cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;

(2) delivering or transferring marijuana to a marijuana testing facility;

(3) receiving marijuana from a marijuana testing facility;

(4) delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;

(5) receiving or purchasing marijuana from a marijuana cultivation facility; and

(6) receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

1 * **Sec. 60.** AS 17.38.070(c) is amended to read:

2 (c) Notwithstanding any other provision of law, the following acts, when
3 performed by a marijuana product manufacturing facility with a current, valid
4 registration, or a person 21 years of age or older who is acting in the person's capacity
5 as an owner, employee, or agent of a marijuana product manufacturing facility, are
6 lawful and **are** [SHALL] not [BE] an offense under **state** [ALASKA] law or [BE] a
7 basis for seizure or forfeiture of assets under **state** [ALASKA] law:

8 (1) packaging, processing, transporting, manufacturing, displaying, or
9 possessing marijuana or marijuana products;

10 (2) delivering or transferring marijuana or marijuana products to a
11 marijuana testing facility;

12 (3) receiving marijuana or marijuana products from a marijuana testing
13 facility;

14 (4) delivering or selling marijuana or marijuana products to a retail
15 marijuana store or a marijuana product manufacturing facility;

16 (5) purchasing marijuana from a marijuana cultivation facility; and

17 (6) purchasing [OF] marijuana or marijuana products from a marijuana
18 product manufacturing facility.

19 * **Sec. 61.** AS 17.38.070(d) is amended to read:

20 (d) Notwithstanding any other provision of law, the following acts, when
21 performed by a marijuana testing facility with a current, valid registration, or a person
22 21 years of age or older who is acting in the person's capacity as an owner, employee,
23 or agent of a marijuana testing facility, are lawful and **are** [SHALL] not [BE] an
24 offense under **state** [ALASKA] law or [BE] a basis for seizure or forfeiture of assets
25 under **state** [ALASKA] law:

26 (1) possessing, cultivating, processing, repackaging, storing,
27 transporting, displaying, transferring, or delivering marijuana;

28 (2) receiving marijuana or marijuana products from a marijuana
29 cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a
30 person 21 years of age or older; and

31 (3) returning marijuana or marijuana products to a marijuana

cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older.

* **Sec. 62.** AS 17.38.070(e) is amended to read:

(e) Notwithstanding any other provision of law, it is lawful and is [SHALL] not [BE] an offense under state [ALASKA] law or [BE] a basis for seizure or forfeiture of assets under state [ALASKA] law to lease or otherwise allow the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with (a) - (d) of this section.

* **Sec. 63.** AS 17.38.190 is amended to read:

Sec. 17.38.190. Rulemaking. (a) The [NOT LATER THAN NINE MONTHS AFTER FEBRUARY 24, 2015, THE] board shall adopt regulations necessary for implementation of this chapter. Regulations under this subsection may [SUCH REGULATIONS SHALL] not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations must [SUCH REGULATIONS SHALL] include

(1) procedures for the issuance, renewal, suspension, and revocation of a registration to operate a marijuana establishment; [, WITH SUCH] procedures under this paragraph are subject to all requirements of AS 44.62 (Administrative Procedure Act);

(2) a schedule of application, registration, and renewal fees; [, PROVIDED,] application fees may [SHALL] not exceed \$5,000, with this upper limit adjusted annually for inflation, unless the board determines a greater fee is necessary to carry out its responsibilities under this chapter;

(3) qualifications for registration that are directly and demonstrably related to the operation of a marijuana establishment;

(4) security requirements for marijuana establishments, including for the transportation of marijuana by marijuana establishments;

(5) requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of 21;

(6) labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;

(7) health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;

(8) reasonable restrictions on the advertising and display of marijuana and marijuana products; and

(9) civil penalties for the failure to comply with regulations made under [PURSUANT TO] this chapter.

(b) In order to ensure that individual privacy is protected, the board may [SHALL] not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store may [SHALL] not be required to acquire and record personal information about consumers.

* **Sec. 64.** AS 17.38.210(d) is amended to read:

(d) A local government may establish procedures for the issuance, suspension, and revocation of a registration issued by the local government in accordance with (f) of this section. The [OR (g) OF THIS SECTION. THESE] procedures are [SHALL BE] subject to all requirements of AS 44.62 (Administrative Procedure Act).

* **Sec. 65.** AS 17.38.210(e) is amended to read:

(e) A local government may establish a schedule of annual operating, registration, and application fees for marijuana establishments, provided that the local government may charge [,] the

(1) application fee [SHALL] only [BE DUE] if an application is submitted to the [A] local government in accordance with (f) of this section; and

(2) [A] registration fee [SHALL] only [BE DUE] if a registration is issued by the [A] local government in accordance with (f) of this section [OR (g) OF THIS SECTION].

* **Sec. 66.** AS 17.38.210(i) is amended to read:

(i) A registration issued by a local government in accordance with (f) [OF THIS SECTION OR (g)] of this section has [SHALL HAVE] the same force and effect as a registration issued by the board in accordance with AS 17.38.200. The holder of a [SUCH] registration described in this subsection is [SHALL] not [BE] subject to regulation or enforcement by the board during the term of the [THAT]

1 registration.

2 * **Sec. 67.** AS 17.38.220(a) is amended to read:

3 (a) Nothing in this chapter is intended to require an employer to permit or
4 accommodate the use, **consumption** [CONSUMPTIONS], possession, transfer,
5 display, transportation, sale, or growing of marijuana in the workplace or to affect the
6 ability of employers to have policies restricting the use of marijuana by employees.

7 * **Sec. 68.** AS 21.22.020(a) is amended to read:

8 (a) The statement to be filed with the director under AS 21.22.010 shall be
9 made under oath or affirmation and must contain the following information:

10 (1) the name and address of each person by whom or on whose behalf
11 the merger or other acquisition of control referred to in AS 21.22.010 is to be effected,
12 who will be called the "acquiring party," ["], as follows:

13 (A) if the person is an individual, the principal occupation of
14 the person and all offices and positions held during the past five years, and all
15 felony convictions and misdemeanor convictions involving moral turpitude
16 during the past 10 years;

17 (B) if the person is not an individual,

18 (i) a report of the nature of its business operations
19 during the past five years or for whatever lesser period the person and
20 any of its predecessors have been in existence;

21 (ii) an informative description of the business intended
22 to be done by the person and the person's subsidiaries; and

23 (iii) a list of all individuals who are or who have been
24 selected to become directors or executive officers of the person, or who
25 perform or will perform functions appropriate to those positions; the
26 list shall include for each [SUCH] individual **under this sub-**
27 **subparagraph** the information required by (A) of this paragraph;

28 (2) a description of the consideration used or to be used in effecting the
29 merger or other acquisition of control, including

30 (A) the source, nature, and amount;

31 (B) a description of any transaction in which funds were or are

to be obtained for a [ANY SUCH] purpose under this paragraph; and

(C) the identity of persons furnishing the consideration; however, if a source of the consideration is a loan made in the lender's ordinary course of business, the director shall keep the identity of the lender confidential, if the person filing the statement so requests;

(3) fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years or for whatever lesser period that an acquiring party and any predecessors of the [THAT] acquiring party have been in existence, and similar unaudited information as of a date not earlier than 90 days before the filing of the statement;

(4) any plans or proposals that each acquiring party may have to

(A) liquidate the insurer;

(B) sell its assets or merge or consolidate it with any person; or

(C) make any other material change in its business or corporate structure or management;

(5) the number of shares of any security referred to in AS 21.22.010 that each acquiring party proposes to acquire, [AND] the terms of the offer, request, invitation, agreement, or acquisition referred to in this chapter, and a statement as to the method by which the fairness of the proposal was determined;

(6) the amount of each class of any security referred to in AS 21.22.010 that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

(7) a full description of any contracts, arrangements, or understandings with respect to any security referred to in AS 21.22.010 in which an acquiring party is involved, including [BUT NOT LIMITED TO] transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies; this description must identify the persons with whom the [THOSE] contracts, arrangements, or understandings have been entered into;

(8) a description of the purchase of any security referred to in AS 21.22.010 during the 12 calendar months preceding the filing of the statement [.]

by an [ANY] acquiring party, including the dates of purchase, the names of the purchasers, and consideration paid or agreed to be paid;

(9) a description of any recommendations to purchase a security referred to in AS 21.22.010 made during the 12 calendar months preceding the filing of the statement [,] by an acquiring party [,] or by anyone based on [UPON] interviews or at the suggestion of the acquiring party;

(10) copies of all tender offers for, requests or invitations for tenders of exchange offers for, and agreements to acquire or exchange any securities referred to in AS 21.22.010 [,] and, if distributed, of additional soliciting material;

(11) the terms of any agreement, contract, or understanding made with a broker-dealer as to solicitation of securities referred to in AS 21.22.010 for tender [,] and the amount of any fees, commissions, or other compensation to be paid to a broker-dealer;

(12) any additional information as the director may by order or regulation prescribe as necessary or appropriate for the protection of policyholders and security holders [SECURITY HOLDERS] of the insurer or in the public interest.

* **Sec. 69.** AS 21.54.500(16) is amended to read:

(16) "health care insurer" means a person transacting the business of health care insurance, including an insurance company licensed under AS 21.09, a hospital or medical service corporation licensed under AS 21.87, a fraternal benefit society licensed under AS 21.84, a health maintenance organization licensed under AS 21.86, a multiple employer welfare arrangement, a church plan, and a governmental plan, except for a nonfederal governmental plan that elects to be excluded under 42 U.S.C. 300gg-21(a)(2) [42 U.S.C. 300gg-21(b)(2)] (Health Insurance Portability and Accountability Act [OF 1996]);

* **Sec. 70.** AS 21.59.090(2) is amended to read:

(2) "automobile service corporation services" means any professional service, technical service, replacement of goods that the corporation may become obligated to provide upon a contingent event or a certain event that may occur at an uncertain time and for which a specified single or periodic prepayment is charged or collected, including [, BUT NOT LIMITED TO] (A) emergency road service; (B)

1 reimbursement of legal fees for representation on traffic offenses; and (C) providing
2 bail bonds for traffic offenses; an automobile service corporation may provide other
3 services or benefits that do not fall within the definition of [AN] automobile service
4 corporation services;

5 * **Sec. 71.** AS 21.66.180 is amended to read:

6 **Sec. 21.66.180. General powers.** A title insurance company may

7 (1) do business as defined in AS 21.66.480;

8 (2) do any act, directly or through a title insurance limited producer,
9 incidental to making a contract or policy of title insurance, including [, BUT NOT
10 LIMITED TO,] conducting or holding an escrow, settlement, or closing of a
11 transaction; and [,]

12 (3) provide other services relative or incidental to the sale and transfer
13 of real or personal property.

14 * **Sec. 72.** AS 21.66.310(b) is amended to read:

15 (b) An insured named in a title insurance policy or any other person directly or
16 indirectly connected with the transaction involving the issuance of a title insurance
17 policy, including [, BUT NOT LIMITED TO] a mortgage lender, real estate broker,
18 builder, or attorney, or an officer, employee, agent, representative, or solicitor of a
19 mortgage lender, real estate broker, builder, attorney, or other person, may not
20 knowingly receive or accept, directly or indirectly, a rebate, reduction, or abatement of
21 a charge or premium or a special favor or advantage, or a monetary consideration or
22 inducement.

23 * **Sec. 73.** AS 21.78.290(a) is amended to read:

24 (a) Unless the court directs otherwise, the receiver shall give or cause to be
25 given notice of the liquidation order as soon as possible after the date of the entry of
26 the order of liquidation

27 (1) by first class mail and [EITHER BY TELEGRAM OR] telephone,
28 to the insurance director, commissioner, or superintendent of each jurisdiction in
29 which the insurer is doing business;

30 (2) by first class mail to a guaranty association or a foreign guaranty
31 association that is or that might become obligated as a result of the liquidation;

(3) by first class mail to all insurance agents of the insurer;

(4) by first class mail to all persons known or reasonably expected to have claims against the insurer, including all policyholders, at the person's last known address as indicated by the records of the insurer; and

(5) by publication in a newspaper of general circulation in the locale in which the insurer has its principal place of business and in other locations that the receiver considers appropriate.

* **Sec. 74.** AS 21.78.330(12) is amended to read:

(12) "state" means a state of the United States, [AND] the District of Columbia, and **the Commonwealth of** Puerto Rico.

* **Sec. 75.** AS 23.10.055(a) is amended to read:

(a) The provisions of AS 23.10.050 - 23.10.150 do not apply to

(1) an individual employed in agriculture, which includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry and lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with the farming operations, including preparation for market, or delivery to storage or to market or to carriers for transportation to market;

(2) an individual employed in the catching, trapping, cultivating, [OR] farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(3) an individual employed in the **handpicking** [HAND PICKING] of shrimp;

(4) an individual employed in domestic service, including a **babysitter** [BABY-SITTER], in or about a private home;

(5) an individual employed by the United States or by the state or a political subdivision of the state, except as provided in AS 23.10.065(b), including prisoners not on furlough detained or confined in prison facilities;

(6) an individual engaged in the nonprofit activities of a nonprofit

1 religious, charitable, cemetery, or educational organization or other nonprofit
2 organization where the employer-employee relationship does not, in fact, exist, and
3 where services rendered to the organization are on a voluntary basis and are related
4 only to the organization's nonprofit activities; in [FOR PURPOSES OF] this
5 paragraph, "nonprofit activities" means activities for which the nonprofit organization
6 does not incur a liability for unrelated business income tax under 26 U.S.C. 513, as
7 amended;

8 (7) an employee engaged in the delivery of newspapers to the
9 consumer;

10 (8) an individual employed solely as a watchman or caretaker of a
11 plant or property that is not in productive use for a period of four months or more;

12 (9) an individual employed

13 (A) in a bona fide executive, administrative, or professional
14 capacity;

15 (B) in the capacity of an outside salesman or a salesman who is
16 employed on a straight commission basis; or

17 (C) as a computer systems analyst, computer programmer,
18 software engineer, or other similarly skilled worker;

19 (10) an individual employed in the search for placer or hard rock
20 minerals;

21 (11) an individual under 18 years of age employed on a part-time basis
22 not more than 30 hours in a week;

23 (12) employment by a nonprofit educational or child care facility to
24 serve as a parent of children while the children are in residence at the facility if the
25 employment requires residence at the facility and is compensated on a cash basis
26 exclusive of room and board at an annual rate of not less than

27 (A) \$10,000 for an unmarried person; or

28 (B) \$15,000 for a married couple;

29 (13) an individual who drives a taxicab, who is compensated for
30 taxicab services exclusively by customers of the service, and whose written
31 contractual arrangements with owners of taxicab vehicles, taxicab permits, or radio

dispatch services are based on [UPON] flat contractual rates and not based on a percentage share of the individual's receipts from customers, and whose written contract with owners of taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that the contract places no restrictions on hours worked by the individual or on areas in which the individual may work except to comply with local ordinances;

(14) a person who holds a license under AS 08.54 and who is employed by a registered guide-outfitter or master guide-outfitter licensed under AS 08.54, for the first 60 workdays in which the person is employed by the registered guide-outfitter or master guide-outfitter during a calendar year;

(15) an individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational, or educational organization where the employer-employee relationship does not, in fact, exist, and where services are rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program);

(16) an individual who

(A) provides emergency medical services only on a voluntary basis;

(B) serves with a full-time fire department only on a voluntary basis; or

(C) provides ski patrol services on a voluntary basis;

(17) a student participating in a University of Alaska practicum described under AS 14.40.065;

(18) an individual who is employed by a motor vehicle dealer and whose primary duty is to

(A) receive, analyze, or reference requests for service, repair, or analysis of motor vehicles;

(B) arrange financing for the sale of motor vehicles and related products and services that are added or included as part of the sale; or

(C) solicit, sell, lease, or exchange motor vehicles.

* **Sec. 76.** AS 23.10.060(d) is amended to read:

(d) This section does not apply [WITH RESPECT] to

(1) an employee employed by an employer employing fewer [LESS] than four employees in the regular course of business, as "regular course of business" is defined by regulations of the commissioner;

(2) an employee employed in handling, packing, storing, pasteurizing, drying, preparing in their raw or natural state, or canning agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products;

(3) an employee of an employer engaged in small mining operations where not more than 12 employees are employed if the employee is employed not in excess of 12 hours a day or 56 hours a week during a period or periods of not more than 14 workweeks in the aggregate in a calendar year during the mining season, as the season is defined by the commissioner;

(4) an employee engaged in agriculture;

(5) an employee employed in connection with the publication of a weekly, semiweekly, or daily newspaper with a circulation of less than 1,000;

(6) a switchboard operator employed in a public telephone exchange that has fewer than 750 stations;

(7) an employee in an otherwise exempted employment or proprietor in a retail or service establishment engaged in handling [TELEGRAPHIC,] telephone [,] or radio messages for the public under an agency or contract arrangement with a [TELEGRAPH OR] communications company where the [TELEGRAPH MESSAGE OR] communications revenue of the agency does not exceed \$500 a month;

(8) an employee employed as a seaman;

(9) an employee employed in planting or tending trees, cruising, or surveying, or bucking, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal if the number of employees employed by the employer in the forestry or lumbering operations does not exceed 12;

(10) an individual employed as an outside buyer of poultry, eggs, cream, or milk in their raw or natural state;

(11) casual employees as may be liberally defined by regulations of the

commissioner;

(12) an employee of a hospital whose employment includes the provision of medical services;

(13) work performed by an employee under a flexible work hour plan if the plan is included as part of a collective bargaining agreement;

(14) work performed by an employee under a voluntary flexible work hour plan if

(A) the employee and the employer have signed a written agreement and the written agreement has been filed with the department; and

(B) the department has issued a certificate approving the plan that states the work is for 40 hours a week and not more than 10 hours a day; for work over 40 hours a week or 10 hours a day under a flexible work hour plan not included as part of a collective bargaining agreement, compensation at the rate of one and one-half times the regular rate of pay shall be paid for the overtime;

(15) an individual employed as a line haul truck driver for a trip that exceeds 100 road miles one way if the compensation system under which the truck driver is paid includes overtime pay for work in excess of 40 hours a week or for more than eight hours a day and the compensation system requires a rate of pay comparable to the rate of pay required by this section;

(16) an individual employed as a community health aide by a local or regional health organization as those terms are defined in AS 18.28.100;

(17) work performed by a mechanic primarily engaged in the servicing of automobiles, light trucks, and motor homes if the mechanic

(A) is employed as a flat-rate mechanic by a nonmanufacturing establishment primarily engaged in the business of selling or servicing motor vehicles;

(B) has signed a written agreement with the employer that specifies the mechanic's flat hourly rate of pay and the automotive manual or manuals on which the flat rate is to be based;

(C) is compensated for all hours worked in any capacity for

that employer up to and including eight hours a day and 40 hours a week at an hourly rate that is not less than the greater of

(i) 75 percent of the flat hourly rate of pay agreed on [UPON] by the employer and employee under (B) of this paragraph; or

(ii) twice the state minimum wage; and

(D) is compensated for all hours worked in any capacity for that employer in excess of eight hours a day or 40 hours a week at one and one-half times the rate described in (C) of this paragraph;

(18) work performed by an employee under a voluntary written agreement addressing the trading of work shifts among employees if

(A) the employee is employed by an air carrier subject to subchapter II of the Railway Labor Act (45 U.S.C. 181-188), including employment as a customer service representative;

(B) the trading agreement is not a flexible work hour plan entered into under (13) or (14) of this subsection;

(C) the trading agreement is filed with the employee's employer; and

(D) the trading agreement states that the employee is not entitled to receive overtime for any hours worked by the employee when the employee voluntarily works those hours under a shift trading practice under which the employee has the opportunity, in the same or other work weeks, to reduce hours worked by voluntarily offering a shift for trade or reassignment;

(19) work performed by a flight crew member employed by an air carrier subject to 45 U.S.C. 181 - 188 (subchapter II of the Railway Labor Act); in this paragraph, "flight crew" means the pilot, co-pilot, flight engineer, and flight attendants.

* **Sec. 77.** AS 23.30.230(a) is amended to read:

(a) The following persons are not covered by this chapter:

(1) a part-time babysitter [BABY-SITTER];

(2) a cleaning person;

(3) harvest help and similar part-time or transient help;

(4) a person employed as a sports official on a contractual basis and who officiates only at sports events in which the players are not compensated; in this paragraph, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, organizer, or other person who is a neutral participant in a sports event;

(5) a person employed as an entertainer on a contractual basis;

(6) a commercial fisherman, as defined in AS 16.05.940;

(7) an individual who drives a taxicab and whose compensation and written contractual arrangement is as described in AS 23.10.055(a)(13), unless the hours worked by the individual or the areas in which the individual may work are restricted except to comply with local ordinances;

(8) a participant in the Alaska temporary assistance program (AS 47.27) who is engaged in work activities required under AS 47.27.035 other than subsidized or unsubsidized work or on-the-job training;

(9) a person employed as a player or coach by a professional hockey team if the person is covered under a health care insurance plan provided by the professional hockey team, the coverage is applicable to both work-related and nonwork-related injuries, and the coverage provides medical and related benefits as required under this chapter, except that coverage may not be limited to two years from the date of injury as described under AS 23.30.095(a); in this paragraph, "health care insurance" has the meaning given in AS 21.12.050;

(10) a person working as a qualified real estate licensee who performs services under a written contract that provides that the person will not be treated as an employee for federal income tax or workers' compensation purposes; in this paragraph, "qualified real estate licensee" means a person who is required to be licensed under AS 08.88.161 and whose payment for services is directly related to sales or other output rather than the number of hours worked;

(11) a transportation network company driver who provides a prearranged ride or is otherwise logged onto the digital network of a transportation network company as a driver; and

(12) a person employed as an independent contractor; a person is an independent contractor for the purposes of this section only if the person

1 (A) has an express contract to perform the services;

2 (B) is free from direction and control over the means and
3 manner of providing services, subject only to the right of the individual for
4 whom, or entity for which, the services are provided to specify the desired
5 results, completion schedule, or range of work hours, or to monitor the work
6 for compliance with contract plans and specifications, or federal, state, or
7 municipal law;

8 (C) incurs most of the expenses for tools, labor, and other
9 operational costs necessary to perform the services, except that materials and
10 equipment may be supplied;

11 (D) has an opportunity for profit and loss as a result of the
12 services performed for the other individual or entity;

13 (E) is free to hire and fire employees to help perform the
14 services for the contracted work;

15 (F) has all business, trade, or professional licenses required by
16 federal, state, or municipal authorities for a business or individual engaging in
17 the same type of services as the person;

18 (G) follows federal Internal Revenue Service requirements by

19 (i) obtaining an employer identification number, if
20 required;

21 (ii) filing business or self-employment tax returns for
22 the previous tax year to report profit or income earned for the same
23 type of services provided under the contract; or

24 (iii) intending to file business or self-employment tax
25 returns for the current tax year to report profit or income earned for the
26 same type of services provided under the contract if the person's
27 business was not operating in the previous tax year; and

28 (H) meets at least two of the following criteria:

29 (i) the person is responsible for the satisfactory
30 completion of services that the person has contracted to perform and is
31 subject to liability for a failure to complete the contracted work, or

maintains liability insurance or other insurance policies necessary to protect the employees, financial interests, and customers of the person's business;

(ii) the person maintains a business location or a business mailing address separate from the location of the individual for whom, or the entity for which, the services are performed;

(iii) the person provides contracted services for two or more different customers within a 12-month period or engages in any kind of business advertising, solicitation, or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.

* **Sec. 78.** AS 25.25.611(a) is amended to read:

(a) If AS 25.25.613 does not apply, upon complaint or comparable pleading, a tribunal of this state may modify a child support order issued in another state that is registered in this state, if, after notice and an opportunity for hearing, the tribunal finds that

(1) the following requirements are met:

(A) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(B) a petitioner who is not a resident of this state seeks modification; and

(C) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

(2) this state is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal, and all of the parties who are individuals have filed consents in a record in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction.

* **Sec. 79.** AS 38.05.067(b) is amended to read:

(b) The director may not sell the land under this section at less than the [FAIR] appraised fair market value. The director shall adopt regulations necessary to

1 ensure that land sold under this section is for bona fide residential use and not for
2 speculation.

3 * **Sec. 80.** AS 38.05.070(f) is amended to read:

4 (f) A lease may be extended once for a period up to two years [,] if the director
5 determines the extension to be in the best interests of the state and the extension is
6 necessary to prolong the lease while the department considers

7 (1) a lessee preference application under AS 38.05.102;

8 (2) an application to renew the lease under (e) of this section; or

9 (3) an application to issue a new lease on the same site that, because
10 the new lease substantially changes the purpose or operation of an existing lease,
11 requires a new finding and determination under AS 38.05.035(e) before the purpose or
12 operation of a lease is changed.

13 * **Sec. 81.** AS 40.19.020(d) is amended to read:

14 (d) For purposes of (c) of this section, the residence of a corporation or
15 partnership is the place in which the principal executive office of the business is
16 located.

17 * **Sec. 82.** AS 40.19.040(e) is amended to read:

18 (e) In this section, "rerecording" includes recording of a lien previously filed.

19 * **Sec. 83.** AS 40.25.140(a) is amended to read:

20 (a) Except as provided in (b) of this section, the names, addresses, or other
21 personal identifying information of people who have used materials made available to
22 the public by a library shall be kept confidential, except upon court order, and are not
23 subject to inspection under AS 40.25.110 or 40.25.120. This section applies to a
24 library [LIBRARIES] operated by the state, a municipality, or a public school,
25 including the University of Alaska.

26 * **Sec. 84.** AS 42.05.254(a) is amended to read:

27 (a) A regulated [PUBLIC] utility operating in the state shall pay to the
28 commission an annual regulatory cost charge in an amount not to exceed the
29 maximum percentage of adjusted gross revenue that applies to the utility sector of
30 which the utility is a part. The regulatory cost charges that the commission expects to
31 collect from all regulated utilities may not exceed the sum of the following

percentages of the total adjusted gross revenue of all regulated [PUBLIC] utilities derived from operations in the state: (1) not more than .7 percent to fund the operations of the commission, and (2) not more than .17 percent to fund operations of the public advocacy function under AS 42.04.070(c) and AS 44.23.020(e) within the Department of Law. An exempt utility shall pay the actual cost of services provided to it by the commission.

* **Sec. 85.** AS 42.05.254(b) is amended to read:

(b) The commission shall by regulation establish a method to determine annually the amount of the regulatory cost charge for a regulated [PUBLIC] utility. If the amount the commission expects to collect under (a) of this section and under AS 42.06.286(a) exceeds the authorized budgets of the commission and the Department of Law public advocacy function under AS 42.04.070(c) and AS 44.23.020(e), the commission shall, by order, reduce the percentages determined under (h) of this section so that the total amount of the fees collected approximately equals the authorized budgets of the commission and the Department of Law public advocacy function under AS 42.04.070(c) and AS 44.23.020(e) for the fiscal year.

* **Sec. 86.** AS 42.05.254(f) is amended to read:

(f) The commission shall allow a regulated [PUBLIC] utility to recover all payments made to the commission under this section. The commission may not require a regulated [PUBLIC] utility to file a rate case in order to be eligible to recover the regulatory cost charge.

* **Sec. 87.** AS 42.05.254(h) is amended to read:

(h) The commission shall by regulation establish a method to determine annually the maximum percentage of adjusted gross revenue that will apply to each regulated [PUBLIC] utility sector and the maximum percentage of gross revenue that will apply to the regulated pipeline carrier sector. Other than the cost of services provided to exempt utilities, the method established shall allocate the commission's costs, and the Department of Law's certified costs of its public advocacy function under AS 42.04.070(c) and AS 44.23.020(e), among the regulated [PUBLIC] utility sectors and the regulated pipeline carrier sector based on the relative amount of the commission's annual costs and the Department of Law's certified costs that is

1 attributable to regulating each sector. For purposes of this subsection, the Department
2 of Law shall annually certify to the commission the costs of its public advocacy
3 function under AS 42.04.070(c) and AS 44.23.020(e).

4 * **Sec. 88.** AS 42.05.411(a) is amended to read:

5 (a) A **regulated** [PUBLIC] utility may not establish or place in effect any new
6 or revised rates, charges, rules, regulations, conditions of service or practices except
7 after 45 days' notice to the commission and 30 days' notice to the public. Notice shall
8 be given to the commission by filing with the commission and keeping open for public
9 inspection the revised tariff provisions, which shall plainly indicate the changes to be
10 made in the schedules then in force and the time when the changes will go into effect.
11 The commission shall prescribe means by regulation **for** [WHEREBY] notice **to be**
12 [IS] given to the public before, or **not** [NO] later than 15 days after, the filing, **as**
13 [THAT] is reasonably adequate to notify customers affected by the filing. The
14 commission, for good cause shown, may allow changes to take effect on less than 45
15 days' notice to the commission or 30 days' notice to the public under conditions the
16 commission prescribes. **In this subsection, "regulated utility" has the meaning**
17 **given in AS 42.05.254.**

18 * **Sec. 89.** AS 42.05.511(a) is amended to read:

19 (a) The commission may investigate the management of a public utility,
20 including [BUT NOT LIMITED TO] staffing patterns, wage and salary scales and
21 agreements, investment policies and practices, **and** purchasing and payment
22 arrangements with affiliated interests, for the purpose of determining inefficient or
23 unreasonable practices that adversely affect the cost or quality of service of the public
24 utility.

25 * **Sec. 90.** AS 42.05.511(c) is amended to read:

26 (c) In a rate proceeding, the utility involved has the burden of proving that any
27 written or unwritten contract or arrangement it may have with any of its affiliated
28 interests for the furnishing of any services or for the purchase, sale, lease, or exchange
29 of any property is necessary and consistent with the public interest and that the
30 payment made therefor, or consideration given, is reasonably based, in part, **on**
31 [UPON] the submission of satisfactory proof as to the cost to the affiliated interest of

furnishing the service or property and, in part, on [UPON] the estimated cost the utility would have incurred if it furnished the service or property with its own personnel and capital.

* **Sec. 91.** AS 42.05.571(c) is amended to read:

(c) After a hearing, the commission shall enter its findings of fact and final order. The order must [WHICH SHALL] state when the penalties, if any, are payable.

* **Sec. 92.** AS 42.06.270(a) is amended to read:

(a) Unless governed by AS 42.06.240(b), a certificate shall be issued to a [ANY] qualified applicant, authorizing the whole or any part of the operation, service, construction, extension, or acquisition covered by the application, if it is found that the applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of this chapter and the requirements and regulations of the commission, and that the proposed service, operation, construction, extension, or acquisition, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise the application shall be denied.

* **Sec. 93.** AS 42.06.340(b) is amended to read:

(b) During construction of a pipeline, the commission, after investigation and opportunity for hearing and findings as required in (a) of this section, may order the inclusion, within the pipeline at points that it designates, of special fittings including [BUT NOT LIMITED TO] tees, wyes, spools, reducers, enlargers, flanges, flange plates, valves, and valve boxes, to reduce the time and cost of future connections for the injection and removal of gas and oil from the main pipeline, and to maintain and facilitate intrastate commerce. A request for special fittings may be made by the commissioner of natural resources for the state. A request for special fittings and valves may be made to the commission by a local government, person, company, or corporation. The cost of furnishing and installing the special fittings shall be paid by the state. However, if the special fittings are used by a person for a commercial enterprise or by a municipality for the operation of a utility, the commission shall require that the using person or municipality reimburse the state for the cost of

furnishing and installing **the special fittings**.

* **Sec. 94.** AS 42.06.350(b) is amended to read:

(b) The commission may reject the filing of all or part of a tariff that does not comply with the form or filing regulations of the commission or that is not consistent with this chapter or the regulations of the commission. A tariff or provision [SO] rejected **by the commission** is void.

* **Sec. 95.** AS 42.20.010 is amended to read:

Sec. 42.20.010. Establishment by foreigners prohibited. Cable [TELEGRAPH OR CABLE] lines owned or operated or controlled by persons not citizens of the United States, or by any foreign corporation or government, may not be established in or permitted to enter the state.

* **Sec. 96.** AS 42.20.390 is amended to read:

Sec. 42.20.390. Definitions. In AS 42.20.300 - 42.20.390, **unless the context otherwise requires,**

(1) "communications common carrier" means a business or person engaged as a common carrier for hire in the transmission of communications by wire, cable, satellite, electromagnetic waves, or radio, not including radio broadcasting;

(2) "contents" includes information obtained from a private communication concerning the existence, substance, purport, or meaning of the communication, or the identity of a party of the communication;

(3) "eavesdropping device" means a device or apparatus, including an induction coil, that can be used to intercept an oral, wire, or electronic communication, other than

(A) a hearing aid or similar device used for the restoration of subnormal hearing to not better than normal; or

(B) a telephone [OR TELEGRAPH] instrument, equipment, or facility, or any component of **a telephone** [SUCH AN] instrument, equipment, or facility

(i) being used by a provider of wire or electronic communication service in the ordinary course of its business; or

(ii) furnished to a subscriber or user by a provider of

1 wire or electronic communication service in the ordinary course of its
2 business and being used by the subscriber or user in the ordinary course
3 of its business;

4 (4) "electronic communication" means any transfer of signs, signals,
5 writing, images, sounds, data, or intelligence of any nature transmitted in whole or in
6 part by a wire, radio, electromagnetic, photoelectronic or photo-optical system,
7 including a cellular or cordless telephone communication, but does not include

8 (A) wire or oral communications;

9 (B) communications made through a tone-only paging device;

10 (C) communications made through a tracking device consisting
11 of an electronic or mechanical device that permits the tracking of the
12 movement of a person or object; or

13 (D) communications that are disseminated by the sender with
14 the intent or expectation, or through a method of transmission that is so
15 configured, that the communication is readily accessible to the general public;

16 (5) "electronic communication service" means a service that provides
17 to users of the service the ability to send or receive wire or electronic communications;

18 (6) "employee" includes a person who is an officer, agent, or employee
19 of, or a person under contract with, a business or a government entity;

20 (7) "intercept" means the aural or other acquisition of the contents of
21 an oral, wire, or electronic communication through the use of any electronic,
22 mechanical, or other device, including the acquisition of the contents by simultaneous
23 transmission or by recording;

24 (8) "minor" means a child under 18 years of age who has not had the
25 disabilities of a minor removed as described in AS 09.55.590;

26 (9) "oral communication" means human speech used to communicate
27 information from one party to another;

28 (10) "parent" means a natural person who is the minor's natural or
29 adoptive parent, or who has been legally appointed as the minor's guardian, with
30 parental rights that are not terminated by court order and who is not prohibited by
31 court order from communicating with the minor, or a stepparent as defined in

AS 25.23.240 who is not prohibited by court order from communicating with the minor;

(11) "private communication" means an oral, wire, or electronic communication uttered or transmitted by a person who has a reasonable expectation that the communication is not subject to interception;

(12) "wire communication" means human speech used to communicate information from one party to another in whole or in part through the use of facilities for the transmission of communications by wire, cable, or other similar connection between the point of origin and the point of reception furnished or operated by a telephone [, TELEGRAPH,] or radio company for hire as a communications common carrier, but does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.

* **Sec. 97.** AS 42.30.030 is amended to read:

Sec. 42.30.030. Books of account. Every person installing, operating, or maintaining a public service plant for the purpose of supplying the city or the inhabitants of the city with telephone service, water, power, lighterage, wharfage, dockage, storage, heat, or light, or rendering other kindred public service shall keep correct books of account in permanent convenient form showing in detail the volume of business done, the character of the business done, the quantity and kind of service rendered, rates charged, and all expenses incurred in connection with the operation of the enterprise, showing the items of expense in detail. The books shall be open to inspection by the mayor and the city council and by an accredited agent, auditor, or representative appointed by the mayor and city council.

* **Sec. 98.** AS 42.30.040(a) is amended to read:

(a) During April of each year, each person engaged in furnishing a public service, except a rural electrification or telephone cooperative or nonprofit association receiving financial assistance from the federal government under 7 U.S.C. 901 - 918c (Rural Electrification Act) [THE RURAL ELECTRIFICATION ACT], shall file with the city council a written statement under oath, sworn to by the person having the management and control of the business or other person familiar with all the facts. The statement must contain a detailed list of all property used in connection with the

enterprise and give the valuation of each piece of property listed. It must also contain a statement of the receipts and disbursements during the year, and the profits or losses. The statement of disbursements must show to whom each item was paid and what for. The statement shall be for the calendar year preceding and shall be for the use of the city council.

* **Sec. 99.** AS 42.45.110(a) is amended to read:

(a) The costs used to calculate the amount of power cost equalization for all electric utilities eligible under AS 42.45.100 - 42.45.150 include all allowable costs, except return on equity, used by the commission [REGULATORY COMMISSION OF ALASKA] to determine the revenue requirement for electric utilities subject to rate regulation under AS 42.05. The costs used in determining the power cost equalization per kilowatt-hour shall exclude any other type of assistance that reduces the customer's costs of power on a kilowatt-hour basis and that is provided to the electric utility within 60 days before the commission determines the power cost equalization per kilowatt-hour of the electric utility. In calculating power cost equalization, the commission may not consider validated costs or kilowatt-hour sales associated with a United States Department of Defense facility.

* **Sec. 100.** AS 42.45.150 is amended by adding a new paragraph to read:

(4) "commission" means the Regulatory Commission of Alaska.

* **Sec. 101.** AS 42.45.310(a) is amended to read:

(a) Two or more public utilities that purchase power from a power project acquired or constructed as part of the former energy program for the state [ALASKA] and owned by the authority [ALASKA ENERGY AUTHORITY] under AS 44.83.396 may form a joint action agency under AS 42.45.300 and under this section to purchase the power project from the authority [ALASKA ENERGY AUTHORITY] if the purchase and sale of the project has first been authorized by law.

* **Sec. 102.** AS 42.45.310(c) is amended to read:

(c) The agency is a body corporate and politic and an instrumentality of the public utilities that form the agency, but has a separate and independent legal existence from the public utilities. A debt, obligation, or liability of the agency does not constitute a debt, obligation, or liability of a public utility or the state. A liability

1 incurred by the agency shall be satisfied exclusively from the assets or revenue of the
2 agency, and a creditor of the agency or any other person does not have any right of
3 action or claim against a public utility or the state, because of a debt, obligation, or
4 liability of the agency. The agency has the powers of a public utility under AS 42.05
5 and the immunities of a public utility. In addition to the powers granted to the agency
6 under AS 42.45.300 and this section, the agency has the power

7 (1) to adopt bylaws of the agency;

8 (2) to sue and be sued;

9 (3) to carry out the authorized purposes of the agency;

10 (4) subject to (e) of this section, to issue revenue bonds and other
11 obligations that are not obligations of either the state or the public utilities that are
12 parties to the agency agreement to provide financing to carry out the authorized
13 purposes of the agency;

14 (5) in addition to the powers of eminent domain in AS 42.05.631, to
15 exercise the powers of eminent domain and a declaration of taking to acquire land or
16 materials within the boundaries of the power project purchased by the agency from the
17 **authority** [ALASKA ENERGY AUTHORITY] under the procedures set out in
18 AS 09.55.240 - 09.55.460 to carry out the authorized purposes of a joint action
19 agency; and

20 (6) to use facilities, projects, and related assets owned, leased, or
21 operated by the joint action agency as security in accordance with applicable law.

22 * **Sec. 103.** AS 43.55.023(a) is amended to read:

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

25 (1) notwithstanding that a qualified capital expenditure may be a
26 deductible lease expenditure for purposes of calculating the production tax value of oil
27 and gas under AS 43.55.160(a), unless a credit for that expenditure is taken under
28 **former** AS 43.20.043 or AS 43.55.025, a producer or explorer that incurs a qualified
29 capital expenditure may also elect to apply a tax credit against a tax levied by
30 AS 43.55.011(e) in the amount of 10 percent of that expenditure;

31 (2) a producer or explorer may take a credit for a qualified capital

expenditure incurred in connection with geological or geophysical exploration or in connection with an exploration well only if the producer or explorer

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

(B) submits to the Department of Natural Resources all data that would be required to be submitted under AS 43.55.025(f)(2);

(3) a credit for a qualified capital expenditure incurred to explore for, develop, or produce oil or gas deposits located

(A) north of 68 degrees North latitude may be taken only if the expenditure is incurred before January 1, 2014;

(B) in the Cook Inlet sedimentary basin may be taken only if the expenditure is incurred before January 1, 2018.

* **Sec. 104.** AS 44.99.003 is amended to read:

Sec. 44.99.003. Qualifications of radio station. A radio station used for the purposes set out in AS 44.99.002 shall

(1) be licensed by the appropriate agency of the federal government to operate a broadcasting station of not less than 250 watt capacity in the state;

(2) have operated radio broadcasting continuously for a least one year before the date of its employment by the governor and during this period have broadcast daily radio programs totaling at least 75 hours in each month;

(3) have broadcast programs that have been received by the public over long wave radio receivers over a radius of at least 300 miles from the broadcasting station, and on demand shall furnish letters [OR TELEGRAMS] from the radio audience confirming reception within the required area;

(4) have invested at least \$20,000 in real estate, buildings, transmitters, power equipment, antenna, radio masts, musical instruments, office equipment and other property, used or useful in the operation of the radio station exclusively.

* **Sec. 105.** AS 45.68.900(5) is amended to read:

(5) "solicit" means to request, directly or indirectly, and includes

(A) an oral or written request;

(B) a request made by an announcement to the news media or

1 by radio, television, telephone, facsimile [TELEGRAPH, TELEFAX]
2 machine, or other transmission of images or information;

3 (C) a request made in a handbill or other written advertisement
4 that is distributed or posted;

5 (D) the sale of, or attempt to sell, a membership, an
6 advertisement, advertising space, or a tangible item by making a request for
7 financial support for a charitable organization or purpose, by using or referring
8 to the name of a charitable organization as a reason for making the request, or
9 by making a statement that all or part of the sale proceeds will be used for a
10 charitable purpose or benefit a charitable organization;

11 * **Sec. 106.** Section 11, ch. 73, SLA 2018, is amended to read:

12 Sec. 11. AS 14.07.180(e), 14.07.180(f), 14.07.180(g), 14.07.180(h),
13 14.07.180(j), 14.07.180(l), [AND] 14.07.180(m), 14.07.180(o)(1), 14.07.180(o)(3),
14 and 14.07.180(o)(4) are repealed July 1, 2025.

15 * **Sec. 107.** AS 08.62.900(4); AS 08.80.480(35); AS 08.86.230(3); AS 09.55.240(a)(9);
16 AS 11.61.145(c); AS 13.12.603(c); AS 17.20.370(2); AS 17.38.210(g), 17.38.210(k);
17 AS 42.05.381(k)(2); AS 42.20.050, 42.20.060, 42.20.070, 42.20.080, 42.20.085, 42.20.090,
18 and 42.20.110 are repealed.