

**CS FOR SENATE BILL NO. 85(JUD) am**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Amended: 3/30/95**

**Offered: 3/23/95**

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

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

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

14 (A) 10 rental rooms if the population is less than 1,501;

1 (B) 20 rental rooms if the population is 1,501 - 2,500  
2 [BETWEEN 1,501 AND 2,500];

3 (C) 25 rental rooms if the population is 2,501 - 5,000  
4 [BETWEEN 2,501 AND 5,000];

5 (D) 30 rental rooms if the population is 5,001 - 15,000  
6 [BETWEEN 5,001 AND 15,000];

7 (E) 35 rental rooms if the population is 15,001 - 25,000  
8 [BETWEEN 15,001 AND 25,000];

9 (F) 40 rental rooms if the population is 25,001 - 50,000  
10 [BETWEEN 25,001 AND 50,000]; and

11 (G) 50 rental rooms if the population is greater than 50,000; or  
12 (2) an airport terminal.

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

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

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

29 (c) If a majority of the voters of an established village vote "yes" on the  
30 question set out in (a) of this section and the sale of alcoholic beverages, or the sale  
31 and importation of alcoholic beverages, has not been previously prohibited in the

1 established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning  
2 90 days after certification of the results of the election, may not knowingly possess an  
3 alcoholic beverage in the established village, unless the person is licensed by the board  
4 or the alcoholic beverage is wine to be used for bona fide religious purposes based on  
5 tenets or teachings of a church or religious body, is limited in quantity to the amount  
6 necessary for religious purposes, and is dispensed only for religious purposes by a  
7 person recognized by the church or religious body as authorized to dispense the wine.  
8 The board shall be notified immediately after certification of the results of the election  
9 and thereafter may not issue, renew, or transfer between holders or locations a license  
10 for licensed premises located within the perimeter of the established village [AS  
11 DEFINED IN AS 04.21.080(b)]. Licenses that may not be renewed because of a local  
12 option election held under this section are void 90 days after the results of the election  
13 are certified. A license that will expire during the 90 days after the results of a local  
14 option election under this section are certified may be extended until it is void under  
15 this subsection, by payment of a prorated portion of the biennial license fee.

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

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

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

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

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

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

31 \* **Sec. 7.** AS 08.06.030(a) is amended to read:

1 (a) A person is qualified to receive a license to practice acupuncture if the  
2 person

3 (1) is of good moral character;

4 (2) is at least 21 years of age;

5 (3) either

6 (A) has completed a course of study consistent with the core  
7 curriculum and guidelines of the National Council of Acupuncture Schools and  
8 Colleges at a school of acupuncture approved by the department; or

9 (B) is licensed to practice acupuncture in another jurisdiction  
10 that has acupuncture licensing requirements equivalent to those of this state;

11 (4) is qualified for certification by the National Commission  
12 [COUNCIL] for the Certification of Acupuncturists as a diplomate in acupuncture;

13 (5) does not have a disciplinary proceeding or unresolved complaint  
14 pending at the time of application; and

15 (6) has not had a license to practice acupuncture suspended or revoked  
16 in this state or in another jurisdiction.

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

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

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

26 (2) after December 31, 1987, has

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

(B) passed the Naturopathic Physicians Licensing Examination  
[SPONSORED BY THE AMERICAN ASSOCIATION OF NATUROPATHIC  
PHYSICIANS].

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

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

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

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

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

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

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

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

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

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

1 is exempt.

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

3 (1) "burial plot" means a parcel of real estate that is used for burial of  
4 human remains and that [WHICH] is located within an area designated for cemetery  
5 purposes by the state or a [GENERAL LAW OR HOME RULE] municipality;

6 \* **Sec. 14.** AS 13.26.344(1) is amended to read:

7 (1) In the statutory form power of attorney, the language conferring general  
8 authority with respect to health care services [,] shall be construed to mean that, as to  
9 the health care of the principal, whether to be provided in the state or elsewhere, the  
10 principal authorizes the agent to

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

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

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

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

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

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

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

28 (8) do any other act or acts [,] that the principal can do through an  
29 agent [,] and that the agent considers desirable or necessary to provide for the  
30 principal's physical or mental well-being [WELL BEING].

31 \* **Sec. 15.** AS 16.10.294(f) is amended to read:

(f) A person affected by an order issued under AS 16.10.265 - 16.10.296 [THIS CHAPTER] may seek equitable relief preventing the commissioner from enforcing the order.

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

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

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

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

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

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

(A) AS 11.41.230, 11.41.250, 11.41.270;

(B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

(C) AS 11.51.130;

(D) AS 11.56.330, 11.56.340, 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

(E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

or

(F) AS 11.71.050, 11.71.060;

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

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

(1) to a licensed public utility or a licensed common carrier under

AS 38.05.810(e);

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

Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 9 - 10

Sections 15 - 16

Yukon River Crossing:

Township 13 North, Range 11 West, Fairbanks [UMIAT]  
Meridian

Section 26;

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

Deadhorse:

Township 10 North, Range 14 East, Umiat Meridian

Sections 24 - 25

Township 10 North, Range 15 East, Umiat Meridian

Section 19

Section 30; or

(4) necessary for

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

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

(C) a state lease or materials sale for

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

(ii) reconstruction or maintenance of state highways; or

(iii) construction or maintenance of airports.

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

Sec. 21.21.230. SAVINGS AND LOAN. To the extent that the account is insured by the Federal Deposit Insurance Corporation [FEDERAL SAVINGS AND



1 LOAN INSURANCE CORPORATION], an insurer may invest in share or savings  
2 accounts of savings and loan and building and loan associations.

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

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

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

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

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

30 (h) Amounts due the permanent fund under AS 37.13.010 **shall** [MAY] be  
31 calculated before the application of a credit extended under (a) of this section.

1     \* **Sec. 24.** AS 42.40.750(c) is amended to read:

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

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

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

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

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

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

31            (6) ensure that the **visitors'** [VISITORY] experience in the state is and

continues to be satisfactory and leads to word-of-mouth advertising and return visits to the state;

\* **Sec. 28.** AS 44.62.160(a) is amended to read:

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

\* **Sec. 29.** AS 46.14.990 is amended by adding new paragraphs to read:

(26) "commissioner" means the commissioner of environmental conservation;

(27) "department" means the Department of Environmental Conservation.

\* **Sec. 30.** AS 47.10.080(b)(6) is amended to read:

(6) in addition to an order under (1) - (5) of this subsection, if the delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or 11.71.040(a)(4), order the minor to perform 50 hours of community service; for purposes of this paragraph, "community service" includes work

(A) **defined as community service under** [ON A PROJECT IDENTIFIED IN] AS 33.30.901; or

(B) that, on the recommendation of the city council or traditional village council, would benefit persons within the city or village who are elderly or disabled.

\* **Sec. 31.** AS 47.10.097(b) is amended to read:

(b) Fingerprint records taken under this section are not subject to **AS 47.10.093(a)** [AS 47.10.090].

\* **Sec. 32.** AS 47.10.490(2) is repealed and reenacted to read:

(2) "out-of-home care provider" means an agency or person, other than the child's legal parents, with whom a child who is in the custody of the state under AS 47.10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) is currently placed; in this paragraph, "agency or person" includes a foster parent, a relative other than a

1 parent, a person who has petitioned for adoption of the child, and a residential child  
2 care facility;

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

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