

CS FOR SENATE BILL NO. 42(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/25/99

Referred: Finance

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 08.54.605(a) is amended to read:

5 (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and
6 08.54.660, a person may not receive or renew a registered guide license, master guide
7 license, class-A assistant guide license, assistant guide license, or transporter license
8 if

9 (1) the person has been convicted of

10 (A) a violation of a state hunting, guiding, or transportation
11 services statute or regulation within the last five years for which the person was
12 fined more than \$1,000 or imprisoned for more than five days;

13 (B) a felony within the last five years; or

14 (C) a felony offense against the person under AS 11.41 within

1 the last 10 years; or

2 (2) the person's right to obtain, or exercise the privileges granted by,
3 a hunting, guiding, outfitting, or transportation services license is suspended or revoked
4 in this state or another state or in Canada.

5 * **Sec. 2.** AS 09.55.040 is amended to read:

6 **Sec. 09.55.040. Compensation and expenses allowed.** The members of the
7 jury and witnesses are entitled to the same compensation as in civil actions in a district
8 court, and the compensation and other incidental expenses shall be audited and allowed
9 as in the case of other similar expenses. [WHEN THE JUDGE OR MAGISTRATE
10 HAS SUBMITTED THE PETITION IN COMPLIANCE WITH AS 09.55.020 AND
11 THERE IS NO INTERESTED PARTY OR AN ESTATE FROM WHICH THE
12 COSTS OF THE PROCEEDINGS CAN BE AUDITED AND ALLOWED, THEN
13 THE COSTS SHALL BE PAID FROM THE "RELIEF FUND" CREATED BY THE
14 LAWS DEALING WITH LOST PERSONS, UPON VOUCHERS MADE OUT,
15 SIGNED, AND SWORN TO BY THE JUDGE OR MAGISTRATE.]

16 * **Sec. 3.** AS 09.55.069 is amended to read:

17 **Sec. 09.55.069. Compensation and expenses allowed.** The members of the
18 jury and witnesses in an inquest under AS 09.55.062 - 09.55.069 are entitled to the
19 same compensation as in civil actions in a district court, and the compensation and
20 other incidental expenses shall be audited and allowed as in the case of other similar
21 expenses. [WHEN THE JUDICIAL OFFICER HAS SUBMITTED THE PETITION
22 TO A JURY IN COMPLIANCE WITH AS 09.55.062 AND THERE IS NO
23 INTERESTED PARTY OR AN ESTATE FROM WHICH THE COSTS OF THE
24 PROCEEDINGS CAN BE AUDITED AND ALLOWED, THEN THE COSTS SHALL
25 BE PAID FROM THE "RELIEF FUND" CREATED BY THE LAWS DEALING
26 WITH LOST PERSONS, UPON VOUCHERS MADE OUT, SIGNED, AND SWORN
27 TO BY THE JUDICIAL OFFICER.]

28 * **Sec. 4.** AS 10.50.995 is amended to read:

29 **Sec. 10.50.995. Short title.** This chapter may be cited as the Alaska Revised
30 Limited Liability Company Act.

31 * **Sec. 5.** AS 11.61.123(e)(2) is amended to read:

(2) "private exposure" means that a person has exposed the person's body or part of the body in a place, and under circumstances, that the person reasonably believed would not result in the person's body or body parts being (A) viewed by the defendant; or (B) produced in a picture; "private exposure" does not include the exposure of a person's body or body parts in a law enforcement facility, correctional facility, designated treatment facility, or a juvenile detention facility; in this paragraph, "correctional facility" has the meaning given in AS 33.30.901, "designated treatment facility" has the meaning given in AS 47.30.915, and "juvenile detention facility" has the meaning given in AS 47.12.990 [AS 47.10.990].

* **Sec. 6.** AS 13.06.050 is amended to read:

Sec. 13.06.050. General definitions for AS 13.06 - AS 13.36. Subject to additional definitions contained in AS 13.06 - AS 13.36 that are applicable to specific provisions of AS 13.06 - AS 13.36, and unless the context otherwise requires, in AS 13.06 - AS 13.36

(1) "agent" includes an attorney-in-fact under a durable or nondurable power of attorney and an individual authorized to make decisions concerning another's health care;

(2) "application" means a written request to the registrar for an order of informal probate or appointment under AS 13.16.080 - 13.16.130;

(3) "beneficiary," as it relates to a trust beneficiary, includes a person who has a present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer; as it relates to a charitable trust, "beneficiary" includes a person entitled to enforce the trust; as it relates to a "beneficiary of a beneficiary designation," "beneficiary" means a beneficiary of an insurance or annuity policy, of an account with payment on death designation under AS 13.33, of a security registered in beneficiary form under AS 13.33, or of a pension, profit-sharing, retirement, or similar benefit plan, or of another nonprobate transfer at death; and, as it relates to a "beneficiary designated in a governing instrument," "beneficiary" includes a grantee of a deed, a devisee, a trust beneficiary, a beneficiary of a beneficiary designation, a donee, appointee, or taker in default of a power of appointment, and a person in whose favor a power of attorney or a power held in an

1 individual, fiduciary, or representative capacity is exercised;

2 (4) "beneficiary designation" means a governing instrument naming a
3 beneficiary of an insurance or annuity policy, of an account with payment on death
4 designation under AS 13.33, of a security registered in beneficiary form under
5 AS 13.33, or of a pension, profit-sharing, retirement, or similar benefit plan, or of
6 another nonprobate transfer at death;

7 (5) "child" includes an individual entitled to take as a child under
8 AS 13.06 - AS 13.36 by intestate succession from the parent whose relationship is
9 involved, and excludes a person who is only a stepchild, a foster child, a grandchild,
10 or a more remote descendant;

11 (6) "claims," in respect to estates of decedents and protected persons,
12 includes liabilities of the decedent or protected person, whether arising in contract, in
13 tort, or in another way, and liabilities of the estate that arise at or after the death of the
14 decedent or after the appointment of a conservator, including funeral expenses and
15 expenses of administration; "claims" does not include estate or inheritance taxes, or
16 demands or disputes regarding title of a decedent or protected person to specific assets
17 alleged to be included in the estate;

18 (7) "court" means the superior court in this state;

19 (8) "conservator" means a person who is appointed by a court to
20 manage the estate of a protected person;

21 (9) "descendant" of an individual means all of the individual's
22 descendants of all generations, with the relationship of parent and child at each
23 generation being determined by the definition of child and parent contained in
24 AS 13.06 - AS 13.36;

25 (10) "devise," when used as a noun, means a testamentary disposition
26 of real or personal property and, when used as a verb, means to dispose of real or
27 personal property by will;

28 (11) "devisee" means a person designated in a will to receive a devise;
29 in AS 13.16, in the case of a devise to an existing trust or trustee, or to a trust or
30 trustee described by will, the trust or trustee is the devisee and the beneficiaries are not
31 devisees;

1 (12) "disability" means a cause for a protective order as described in
2 AS 13.26.165;

3 (13) "distributee" means a person who has received property of a
4 decedent from the decedent's personal representative other than as a creditor or
5 purchaser; "distributee" includes a testamentary trustee only to the extent of the
6 distributed assets, or increment to the distributed assets, remaining in the hands of the
7 testamentary trustee; "distributee" includes a beneficiary of a testamentary trust to
8 whom the trustee has distributed property received from a personal representative; in
9 this paragraph, "testamentary trustee" includes a trustee to whom assets are transferred
10 by will, to the extent of the devised assets;

11 (14) "estate" includes the property of the decedent, trust, or other
12 person whose affairs are subject to AS 13.06 - AS 13.36 as originally constituted and
13 as it exists from time to time during administration;

14 (15) "exempt property" means the property of a decedent's estate that
15 is described in AS 13.12.403;

16 (16) "fiduciary" includes a personal representative, guardian,
17 conservator, and trustee;

18 (17) "foreign personal representative" means a personal representative
19 appointed by another jurisdiction;

20 (18) "formal proceedings" means proceedings conducted before a judge
21 with notice to interested persons;

22 (19) "governing instrument" means a deed, a will, a trust, an insurance
23 or annuity policy, an account with payment on death designation under AS 13.33, a
24 security registered in beneficiary form under AS 13.33, a pension, profit-sharing,
25 retirement, or similar benefit plan, an instrument creating or exercising a power of
26 appointment or a power of attorney, or a dispositive, appointive, or nominative
27 instrument of a similar type;

28 (20) "guardian" means a person who has qualified as a guardian of a
29 minor or incapacitated person in accordance with testamentary or court appointment,
30 but excludes a person who is merely a guardian ad litem;

31 (21) "heirs," except as controlled by AS 13.12.711, means a person,

1 including the surviving spouse and the state, who is entitled under the statutes of
2 intestate succession to the property of a decedent;

3 (22) "incapacitated person" has the meaning given in AS 13.26.005;

4 (23) "informal proceedings" means those proceedings conducted without
5 notice to interested persons by an officer of the court acting as a registrar for probate
6 of a will or appointment of a personal representative;

7 (24) "interested person" includes heirs, devisees, children, spouses,
8 creditors, beneficiaries, and other persons having property rights in or claims against
9 a trust estate or the estate of a decedent, ward, or protected person; "interested person"
10 also includes persons having priority for appointment as personal representative, and
11 other fiduciaries representing interested persons; "interested person," as it relates to
12 particular persons, may vary from time to time and its meaning shall be determined
13 according to the particular purposes of, and matter involved in, a proceeding;

14 (25) "issue" of a person means a descendant under (9) of this section;

15 (26) "joint tenants with the right of survivorship" includes co-owners
16 of property held under circumstances that entitle one or more of the co-owners to the
17 whole of the property on the death of one or more of the other co-owners, but excludes
18 forms of co-ownership registration in which the underlying ownership of each party
19 is in proportion to that party's contribution;

20 (27) "lease" includes an oil, gas, or mineral lease;

21 (28) "letters" includes letters testamentary, letters of guardianship,
22 letters of administration, and letters of conservatorship;

23 (29) "minor" means a person who is under 19 years of age;

24 (30) "mortgage" means a conveyance, agreement, or arrangement in
25 which property is encumbered or used as security;

26 (31) "nonresident decedent" means a decedent who was domiciled in
27 another jurisdiction at the time of the decedent's death;

28 (32) "organization" means a corporation, business trust, estate, trust,
29 partnership, joint venture, association, government or governmental subdivision or
30 agency, or another legal or commercial entity;

31 (33) "parent" includes a person entitled to take, or who would be

entitled to take if a child dies without a will, as a parent under AS 13.06 - AS 13.36 by intestate succession from the child whose relationship is in question, and excludes a person who is only a stepparent, foster parent, or grandparent;

(34) "payor" means a trustee, insurer, business entity, employer, government, governmental agency or subdivision, or another person authorized or obligated by law or a governing instrument to make payments;

(35) "person" means an individual or an organization;

(36) [(35)] "personal representative" includes an executor, an administrator, a successor personal representative, a special administrator, and a person who performs substantially the same function under the law governing their status; "general personal representative" excludes a special administrator;

(37) [(36)] "petition" means a written request to the court for an order after notice;

(38) [(37)] "proceeding" includes an action at law and a suit in equity;

(39) [(38)] "property" means anything that may be the subject of ownership, and includes both real and personal property and an interest in real or personal property;

(40) [(39)] "protected person" has the meaning given in AS 13.26.005;

(41) [(40)] "protective proceeding" has the meaning given in AS 13.26.005;

(42) [(41)] "registrar" means the official of the court designated to perform the functions of registrar under AS 13.06.090;

(43) [(42)] "security" includes a note, a stock, a treasury stock, a bond, a debenture, an evidence of indebtedness, a certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, a collateral trust certificate, a transferable share, a voting trust certificate, an interest or instrument commonly known as a security, or a certificate of interest or participation in, a temporary or interim certificate, receipt, or certificate of deposit for, or a warrant or right to subscribe to or purchase, one of the items identified in this paragraph;

(44) [(43)] "settlement," in reference to a decedent's estate, includes the

1 full process of administration, distribution, and closing;

2 (45) [(44)] "special administrator" means a personal representative as
3 described by AS 13.16.310 - 13.16.330;

4 (46) [(45)] "state" means a state of the United States, the District of
5 Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession
6 subject to the jurisdiction of the United States;

7 (47) [(46)] "successor personal representative" means a personal
8 representative, other than a special administrator, who is appointed to succeed a
9 previously appointed personal representative;

10 (48) [(47)] "successor" means a person, other than a creditor, who is
11 entitled to property of a decedent under the decedent's will or AS 13.06 - AS 13.36;

12 (49) [(48)] "supervised administration" refers to the proceedings
13 described in AS 13.16.215 - 13.16.235;

14 (50) [(49)] "survive" means to not predecease an event, including the
15 death of another individual, or to not be considered to predecease an event under
16 AS 13.12.104 or 13.12.702; "survive" includes its derivatives, including "survives,"
17 "survived," "survivor," and "surviving";

18 (51) [(50)] "testacy proceeding" means a proceeding to establish a will
19 or determine intestacy;

20 (52) [(51)] "testator" includes an individual of either sex;

21 (53) [(52)] "trust" includes an express trust, private or charitable, with
22 additions to the trust, wherever and however created; "trust" also includes a trust
23 created or determined by judgment or decree under which the trust is to be
24 administered in the manner of an express trust; "trust" excludes other constructive
25 trusts, resulting trusts, conservatorships, personal representatives, trust accounts that
26 are POD designation accounts under AS 13.33.201 - 13.33.227, custodial arrangements
27 under AS 13.26 or AS 13.46, business trusts providing for certificates to be issued to
28 beneficiaries, common trust funds, voting trusts, security arrangements, liquidation
29 trusts, trusts for the primary purpose of paying debts, dividends, interest, salaries,
30 wages, profits, pensions, or employee benefits of any kind, and any arrangement under
31 which a person is nominee or escrowee for another;

1 (54) [(53)] "trustee" includes an original, additional, or successor
 2 trustee, whether or not appointed or confirmed by a court;

3 (55) [(54)] "ward" has the meaning given in AS 13.26.005;

4 (56) [(55)] "will" includes a codicil and a testamentary instrument that
 5 merely appoints an executor, revokes or revises another will, nominates a guardian, or
 6 expressly excludes or limits the right of an individual or class to succeed to property
 7 of the decedent passing by intestate succession.

8 * **Sec. 7.** AS 13.26.344(a) is amended to read:

9 (a) In a statutory form power of attorney, the language conferring general
 10 authority with respect to real estate transactions shall be construed to mean that, as to
 11 an estate or interest in land of the principal, whether in the estate or elsewhere, the
 12 principal authorizes the agent to

13 (1) accept as a gift or as security for a loan, demand, buy, lease,
 14 receive, or otherwise acquire either ownership or possession of any estate or interest
 15 in land;

16 (2) sell, exchange, convey, quitclaim, release, surrender, mortgage,
 17 encumber, partition or consent to the partitioning, revoke, create or modify a trust,
 18 grant options concerning, lease or sublet, or otherwise to dispose of, an estate or
 19 interest in land;

20 (3) release in whole or in part, assign the whole or a part of, satisfy in
 21 whole or in part, and enforce a mortgage, encumbrance, lien, or other claim to land
 22 that exists, or is claimed to exist, in favor of the principal;

23 (4) do any act of management or of conservation with respect to an
 24 estate or interest in land owned, or claimed to be owned, by the principal, including
 25 by way of illustration, but not of restriction, power to insure against any casualty,
 26 liability, or loss, obtain or regain possession or protect the estate or interest, pay,
 27 compromise, or contest taxes or assessments, or apply for refunds in connection with
 28 a payment, compromise, or tax, purchase supplies, hire assistance of labor, and make
 29 repairs or alterations in the structures or land;

30 (5) use, develop, modify, alter, replace, remove, erect, or install
 31 structures or other improvements on land in which the principal has, or claims to have,

1 an estate or interest;

2 (6) demand, receive, or obtain money or any other thing of value to
3 which the principal is, or may become, or may claim to be entitled as the proceeds of
4 an interest in land or of one or more of the transactions enumerated in this subsection;
5 conserve, invest, disburse, or use anything so received for purposes enumerated in this
6 subsection; and reimburse the agent for an expenditure properly made in the execution
7 of the powers conferred by the statutory form power of attorney;

8 (7) participate in any reorganization with respect to real property and
9 receive and hold any shares of stock or instrument of similar character received under
10 a plan of reorganization, and act with respect to a plan of reorganization, including by
11 way of illustration, but not of restriction, power to sell or otherwise to dispose of
12 shares, to exercise or to sell an option, conversion, or similar right, and to vote in
13 person by the granting of a proxy;

14 (8) agree and contract, in any manner, and with any person and on any
15 terms that the agent may select, for the accomplishment of any of the purposes
16 enumerated in this subsection, and perform, rescind, reform, release, or modify an
17 agreement or contract made by or on behalf of the principal;

18 (9) execute, acknowledge, seal, and deliver a deed, revocation,
19 declaration or modification of trust, mortgage, lease, notice, check, or other instrument
20 that the agent considers useful for the accomplishment of any of the purposes
21 enumerated in this subsection;

22 (10) prosecute, defend, submit to arbitration, settle, and propose or
23 accept a compromise with respect to, a claim existing in favor of, or against, the
24 principal based on or involving a real estate transaction or intervene in any related
25 action;

26 (11) hire, discharge, and compensate an attorney, accountant, expert
27 witness, or assistant when the agent considers that action to be desirable for the proper
28 execution of a power described in this subsection, and for the keeping of records about
29 that action; and

30 (12) do any other act or acts that the principal can do through an agent
31 with respect to any estate or interest in land.

1 * **Sec. 8.** AS 15.13.074(h) is amended to read:

2 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant
3 governor and a group that is not a political party and that, under the definition of the
4 term "group," is presumed to be controlled by a candidate for governor or lieutenant
5 governor, may not make a contribution to a candidate for another office, to a person
6 who conducts a write-in campaign as a candidate for other office, or to another group
7 of amounts received by that candidate or controlled group as contributions between
8 January 1 and the date of the general election of the year of a general election for an
9 election for governor and lieutenant governor. This subsection does not prohibit

10 (1) the group described in this subsection from making contributions
11 to the candidates for governor and lieutenant governor whom the group supports; or

12 (2) the governor or lieutenant governor, or the group described in this
13 subsection, from making contributions under AS 15.13.116(a)(2)(A)
14 [AS 15.13.116(a)(3)(A)].

15 * **Sec. 9.** AS 15.13.078(b) is amended to read:

16 (b) The provisions of this chapter do not prohibit the individual who is a
17 candidate from lending any amount to the campaign of the candidate. Loans made by
18 the candidate shall be reported as contributions in accordance with AS 15.13.040 and
19 15.13.110. However, the candidate may not

20 (1) recover, under this section and AS 15.13.116(a)(4)
21 [AS 15.13.116(a)(5)], the amount of a loan made by the candidate to the candidate's
22 own campaign that exceeds

23 (A) \$25,000, if the candidate ran for governor or lieutenant
24 governor;

25 (B) \$10,000, if the candidate ran for

26 (i) the legislature; or

27 (ii) delegate to a constitutional convention;

28 (C) \$10,000, if the candidate was a judge seeking retention;

29 (D) \$5,000, if the candidate ran in a municipal election; or

30 (2) repay a loan that the candidate has made to the candidate's own
31 campaign unless, within five days of making the loan, the candidate notifies the

commission, on a form provided by the commission, of the candidate's intention to repay the loan under AS 15.13.116(a)(4) [AS 15.13.116(a)(5)].

* **Sec. 10.** AS 15.45.250 is amended to read:

Sec. 15.45.250. Provision and scope of use of referendum. The people may approve or reject acts of the legislature by referendum. However, a referendum may not be applied to dedication of revenue, to an appropriation, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

* **Sec. 11.** AS 18.26.030(b) is amended to read:

(b) The four public members appointed under (a)(4) of this section serve for staggered four-year terms. Each must be a resident of the state and a qualified voter at the time of appointment and shall comply with the requirements of AS 39.50 (public official financial disclosure) [(CONFLICT OF INTEREST)]. Each member shall hold office for the term of the appointment and until a successor has been appointed and qualified. A member is eligible for reappointment. A vacancy on the board of directors occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. Each member of the board before entering upon the duties of office shall take and subscribe to an oath to perform the duties of office faithfully, impartially, and justly to the best of the member's ability. A record of the oath shall be filed in the Office of the Governor.

* **Sec. 12.** AS 19.10.300(f)(1) is amended to read:

(1) "commercial motor vehicle" means a motor vehicle or a combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property;

(B) used upon a land highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 26,000 pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by

the United States Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 5101 - 5127 [49 U.S.C. 1801 - 1813 (HAZARDOUS MATERIALS TRANSPORTATION ACT)];

(D) except that the following vehicles meeting the criteria in (A) - (C) of this paragraph are not commercial vehicles:

(i) emergency or fire equipment that is necessary to the preservation of life or property;

(ii) farm vehicles that are controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm; and

(iii) recreational vehicles used exclusively for purposes other than commercial purposes;

* Sec. 13. AS 19.10.399(1) is amended to read:

(1) "commercial motor vehicle" means a self-propelled or towed vehicle

(A) used to transport passengers or property for commercial purposes;

(B) used upon a highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 10,000 pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by the United States Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 5101 - 5127 [49 U.S.C. 1801 - 1813 (HAZARDOUS MATERIALS TRANSPORTATION ACT)];

(D) except that the following vehicles meeting the criteria in (A) - (C) of this paragraph are not commercial motor vehicles:

(i) emergency or fire equipment that is necessary to the

1 preservation of life or property;

2 (ii) farm vehicles that are controlled and operated by a
3 farmer; used to transport agricultural products, farm machinery, or farm
4 supplies to or from that farmer's farm; not used in the operations of a
5 common or contract motor carrier; and used within 150 miles of the
6 farmer's farm;

7 (iii) school buses;

8 (iv) vehicles owned and operated by the federal
9 government unless the vehicle is used to transport property of the
10 general public for compensation in competition with other persons who
11 own or operate a commercial motor vehicle subject to AS 19.10.310 -
12 19.10.399, and except to the extent that regulation of vehicles operated
13 by the federal government is permitted by federal law; and

14 (v) vehicles used exclusively for purposes other than
15 commercial purposes;

16 * **Sec. 14.** AS 24.60.050(d) is amended to read:

17 (d) If loan proceeds or other program benefits are received from nonqualifying
18 programs or loans after the end of a calendar year, the legislator or legislative
19 employee shall file a statement with the committee within 30 days after the beginning
20 of participation in the state program or receipt of proceeds from the state loan or by
21 the date required under AS 24.60.105 [FEBRUARY 15], whichever is later. If the
22 committee receives the statement while the legislature is in session, it shall promptly
23 forward the statement to the chief clerk of the house or the secretary of the senate, as
24 appropriate, who shall cause it to be published in the supplemental journal. If the
25 committee receives a statement while the legislature is not in session, it shall forward
26 the statement to the chief clerk of the house or the secretary of the senate for
27 publication when the legislature next convenes.

28 * **Sec. 15.** AS 24.60.130(m) is amended to read:

29 (m) Except as provided in (b)(1) and (2) of this section, a member may not
30 be a legislator, a legislative employee, an elected or appointed official required to
31 make [CONFLICT-OF-INTEREST] disclosures under AS 39.50 (public official

financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

* **Sec. 16.** AS 28.33.140(d) is amended to read:

(d) A court convicting a person of an offense described in (a)(1) - (5) of this section shall disqualify that person from driving a commercial motor vehicle for not less than one year for a first offense, except that, if the offense **was**

(1) [WAS] facilitated by a commercial motor vehicle transporting a hazardous substance that required that placards be placed on the vehicle under **49 U.S.C. 5101 - 5127** [49 U.S.C. 1801 - 1813 (HAZARDOUS MATERIALS TRANSPORTATION ACT)], the period of disqualification is not less than three years;

(2) [WAS] a felony offense that involved the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense, a controlled substance, the disqualification is for life and the license may not be reinstated under (g) of this section.

* **Sec. 17.** AS 28.33.190(8) is amended to read:

(8) "hazardous substance" means a substance found by the United States Secretary of Transportation to be hazardous for purposes of **49 U.S.C. 5101 - 5127** [49 U.S.C. 1801 - 1813 (HAZARDOUS MATERIALS TRANSPORTATION ACT)];

* **Sec. 18.** AS 28.40.100(a)(2) is amended to read:

(2) "commercial motor vehicle" means a motor vehicle or a combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property;

(B) used upon a land highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 26,000 pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by the United States Secretary of Transportation to be hazardous for

purposes of **49 U.S.C. 5101 - 5127** [49 U.S.C. 1801 - 1813
(HAZARDOUS MATERIALS TRANSPORTATION ACT)];

(D) except that the following vehicles meeting the criteria in
(A) - (C) of this paragraph are not commercial vehicles:

(i) emergency or fire equipment that is necessary to the
preservation of life or property;

(ii) farm vehicles that are controlled and operated by a
farmer; used to transport agricultural products, farm machinery, or farm
supplies to or from that farmer's farm; not used in the operations of a
common or contract motor carrier; and used within 150 miles of the
farmer's farm; and

(iii) recreational vehicles used exclusively for purposes
other than commercial purposes;

* **Sec. 19.** AS 44.85.030 is amended to read:

Sec. 44.85.030. Membership and vacancies. The bond bank authority
consists of the following five directors: the commissioner of revenue, the commissioner
of community and regional affairs, who shall each be a director ex officio with voting
privileges, and three directors appointed by the governor. The appointment of each
director other than the commissioner of revenue and the commissioner of community
and regional affairs is subject to confirmation by the legislature. The three directors
appointed by the governor serve at the governor's pleasure for four-year terms. They
must be residents of the state and qualified voters at the time of appointment and shall
comply with the requirements of AS 39.50 (**public official financial disclosure**)
[(CONFLICT OF INTEREST)]. Each director shall hold office for the term of
appointment and until a successor has been appointed and qualified. A director is
eligible for reappointment. A vacancy in a directorship occurring other than by
expiration of term shall be filled in the same manner as the original appointment but
for the unexpired term only. Each director before entering upon the duties of office
shall take and subscribe to an oath to perform the duties faithfully, impartially, and
justly to the best of the director's ability. A record of the oath shall be filed in the
office of the governor.

1 * **Sec. 20.** AS 47.10.080(c) is amended to read:

2 (c) If the court finds that the child is a child in need of aid, the court shall

3 (1) order the child committed to the department for placement in an
4 appropriate setting for a period of time not to exceed two years or in any event past
5 the date the child becomes 19 years of age, except that the department or the child's
6 guardian ad litem may petition for and the court may grant in a hearing

7 (A) one-year extensions of commitment that do not extend
8 beyond the child's 19th birthday if the extension is in the best interests of the
9 child; and

10 (B) an additional one-year period of state custody past age 19
11 if the continued state custody is in the best interests of the person and the
12 person consents to it;

13 (2) order the child released to a parent, relative, or guardian of the child
14 or to another suitable person, and, in appropriate cases, order the parent, relative,
15 guardian, or other person to provide medical or other care and treatment; if the court
16 releases the child, it shall direct the department to supervise the care and treatment
17 given to the child, but the court may dispense with the department's supervision if the
18 court finds that the adult to whom the child is released will adequately care for the
19 child without supervision; the department's supervision may not exceed two years or
20 in any event extend past the date the child reaches age 19, except that the department
21 or the child's guardian ad litem may petition for and the court may grant in a hearing

22 (A) one-year extensions of supervision that do not extend
23 beyond the child's 19th birthday if the extensions are in the best interests of the
24 child; and

25 (B) an additional one-year period of supervision past age 19 if
26 the continued supervision is in the best interests of the person and the person
27 consents to it; or

28 (3) [BY] order, under the grounds specified in (o) of this section or
29 AS 47.10.088, the termination of parental rights and responsibilities of one or both
30 parents and commit the child to the custody of the department, and the department
31 shall report quarterly to the court on efforts being made to find a permanent placement

1 for the child.

2 * **Sec. 21.** Section 54, ch. 123, SLA 1996, is amended to read:

3 Sec. 54. FEDERAL OR OTHER PROGRAM RECEIPTS. Federal or other
4 program receipts as defined under AS 37.05.146 that exceed the amount appropriated
5 by sec. 100 [SEC. 102] of this Act are appropriated conditioned upon compliance with
6 the program review provisions of AS 37.07.080(h).

7 * **Sec. 22.** Section 21 of this Act is retroactive to July 1, 1996.

8 * **Sec. 23.** This Act takes effect immediately under AS 01.10.070(c).