



LAWS OF ALASKA

2003

Source

CSSB 49(STA)

Chapter No.

AN ACT

Making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Making corrective amendments to the Alaska Statutes as recommended by the revisor of
2 statutes; and providing for an effective date.

3
4 * **Section 1.** AS 02.15.230(a) is amended to read:

5 (a) The commissioner and those officers and employees of the department
6 **whom** [WHO] the commissioner may designate have general police powers in aid of
7 the enforcement of this chapter [,] and the regulations and orders issued under it and
8 all other laws of the state relating to aeronautics.

9 * **Sec. 2.** AS 04.11.494(e) is amended to read:

10 (e) A person is disqualified as described under (b)(9) of this section due to the
11 person's criminal record if **fewer** [LESS] than

12 (1) two years **have** [HAS] elapsed from the person's unconditional
13 discharge due to a conviction or adjudication as a delinquent for any of the following
14 offenses or a law or ordinance from another jurisdiction with similar elements:

1 (A) driving while under the influence of an alcoholic
2 beverage, inhalant, or controlled substance [INTOXICATED] under
3 AS 28.35.030 or refusal to submit to a chemical test under AS 28.35.032; or

4 (B) a crime involving domestic violence, as that term is defined
5 under AS 18.66.990, or violating a protective order under AS 11.56.740;

6 (2) five years have [HAS] elapsed from the person's unconditional
7 discharge due to a conviction or adjudication as a delinquent for any of the following
8 offenses or a law or ordinance from another jurisdiction with similar elements:

9 (A) a felony violation or a felony attempt to commit a violation
10 of AS 11.41; or

11 (B) a misdemeanor violation of or a misdemeanor attempt to
12 violate a provision in this title; or

13 (3) 10 years have [HAS] elapsed from the person's unconditional
14 discharge due to a conviction or adjudication as a delinquent for a felony violation or a
15 felony attempt to violate a provision of this title or a law or ordinance from another
16 jurisdiction with similar elements.

17 * **Sec. 3.** AS 06.01.028(a)(4) is amended to read:

18 (4) made to a consumer reporting agency regulated under 15 U.S.C.
19 1681 - 1681v [15 U.S.C. 1681 - 1681u] (Fair Credit Reporting Act); or

20 * **Sec. 4.** AS 06.26.190(a) is amended to read:

21 (a) A trust company and an interstate state trust company or an international
22 [NATIONAL] trust company maintaining a trust office under AS 06.26.810 -
23 06.26.895 may close on the legal holidays described in AS 44.12.010 - 44.12.025. A
24 notice of holiday closings shall be made available to the trust company's customers by
25 mail, by the Internet, or by other means.

26 * **Sec. 5.** AS 06.26.610(a)(5) is amended to read:

27 (5) an inquiry has been made by a state financial institution, or by a
28 credit-reporting agency regulated under 15 U.S.C. 1681 - 1681v [15 U.S.C. 1681 -
29 1681u] (Fair Credit Reporting Act) solely for the express purpose of determining the
30 credit worthiness of the customer as an applicant for credit, and the information
31 disclosed by the trust company, state financial institution, or credit-reporting agency

1 relates only to the payment habits of the customer in connection with loans or other
2 credit accommodations and does not pertain to records concerning deposit balances in
3 savings or checking accounts.

4 * **Sec. 6.** AS 08.13.080(b) is amended to read:

5 (b) **An applicant for** [THE BOARD SHALL ISSUE] a license to practice
6 manicuring **shall** [TO AN APPLICANT WHO]

7 (1) **submit** [SUBMITS] documentation that the applicant has
8 completed a course of 12 hours of instruction or training approved by the board that
9 addresses health, safety, and hygiene concerns of manicuring customers and
10 practitioners that are relevant to the practice of manicuring from a school licensed
11 under AS 08.13.110 as a school of manicuring; documentation of completion of the
12 course must include certification from the school that the applicant has passed a test
13 given by the school covering the health, safety, and hygiene concerns of manicuring
14 customers and practitioners that are relevant to the practice of manicuring; and

15 (2) **pay** [PAYS] the appropriate fee.

16 * **Sec. 7.** AS 08.13.080(c) is amended to read:

17 (c) **An applicant for** [THE BOARD SHALL ADD] an endorsement to a
18 license to practice manicuring or hairdressing indicating that the person is an advanced
19 manicurist **shall** [IF THE PERSON]

20 (1) **hold** [HOLDS], or **be** [HAS BEEN] approved for, a current license
21 issued under this chapter for manicuring or hairdressing;

22 (2) **request** [REQUESTS] the endorsement;

23 (3) **submit** [SUBMITS] documentation from a licensed school of
24 manicuring or hairdressing certifying completion of 250 hours of instruction in
25 manicuring that meet the requirements of AS 08.13.110(c);

26 (4) **pass** [PASSES] an examination given by the board for advanced
27 manicurists; and

28 (5) **pay** [PAYS] the appropriate fee.

29 * **Sec. 8.** AS 08.13.100(a) is amended to read:

30 (a) The board shall authorize the issuance of a license for the practice of
31 barbering, hairdressing, or esthetics to each qualified applicant who has passed an

1 examination under AS 08.13.090. The board shall authorize the issuance of a
2 license to practice manicuring to each applicant who has satisfied the
3 requirements of AS 08.13.080(b). The board shall authorize the issuance of an
4 endorsement to a license to practice manicuring or hairdressing indicating that
5 the person is an advanced manicurist to each applicant who has satisfied the
6 requirements of AS 08.13.080(c). The board shall authorize the issuance of a license
7 for the practice of tattooing and permanent cosmetic coloring or for body piercing to
8 each applicant who has satisfied the requirements of AS 08.13.080(d).

9 * **Sec. 9.** AS 08.36.110(1)(F) is amended to read:

10 (F) is not the subject of an adverse report from the National
11 Practitioner Data Bank or the American Association of Dental Examiners
12 Clearinghouse for **Board Actions** [DISCIPLINARY INFORMATION] that
13 relates to criminal or fraudulent activity, or dental malpractice;

14 * **Sec. 10.** AS 08.36.234(a)(1)(J) is amended to read:

15 (J) is not the subject of an adverse report from the National
16 Practitioner Data Bank or the American Association of Dental Examiners
17 Clearinghouse for **Board Actions** [DISCIPLINARY INFORMATION] that
18 relates to criminal or fraudulent activity, negligent dental care, or malpractice;

19 * **Sec. 11.** AS 09.30.310 is amended to read:

20 **Sec. 09.30.310. Recordation of acknowledgment of satisfaction.** If a
21 certified copy of the judgment has been recorded with the recorder of any recording
22 district, as provided in AS 09.30.010, then the acknowledgment required under
23 AS 09.30.300 **must** [SHALL] identify the book and page of the official record in
24 which the judgment has been recorded **or the serial number assigned to the**
25 **judgment by the recorder** and show the full name of the judgment debtor as it
26 appears upon the judgment recorded.

27 * **Sec. 12.** AS 09.50.390 is amended to read:

28 **Sec. 09.50.390. Nature of state interest.** A complaint or pleading naming the
29 State of Alaska as a defendant must set out, with such particularity as reasonably
30 available information will permit, the nature of the interest or lien of the state. In
31 actions or suits involving liens of the state, the complaint or pleading must include the

1 name and address, if known, of the person whose liability created the lien and, if a
2 notice of the lien was recorded, the amount shown on the lien, the department of the
3 state government involved, the recording district, and the book and page on which the
4 lien was recorded **or the serial number assigned to the lien by the recorder.**

5 * **Sec. 13.** AS 09.65.170(c)(2) is amended to read:

6 (2) "regional development organization" **means a nonprofit**
7 **organization or nonprofit corporation formed to encourage economic**
8 **development within a particular region of the state that includes the entire area**
9 **of each municipality within that region and that has a board of directors that**
10 **represents the region's economic, political, and social interests** [HAS THE
11 MEANING GIVEN IN AS 44.33.895].

12 * **Sec. 14.** AS 10.06.580(a) is amended to read:

13 (a) If the corporation fails to make the offer required by AS 10.06.578(a) or
14 the shareholder rejects the offer within the 30-day period specified in AS 10.06.578(f),₂

15 (1) the corporation shall, within 20 days after the expiration of the 30-
16 day period specified in AS 10.06.578(f), file a petition in the court of the judicial
17 district where the registered office of the corporation is located, requesting that the fair
18 value of the shares be determined; if, in the case of a merger or consolidation, the
19 surviving or new corporation is a foreign corporation without a registered office in the
20 state, the petition shall be filed in the judicial district where the registered office of the
21 domestic corporation was last located; or

22 (2) if the corporation fails to institute a proceeding as provided in this
23 section, a dissenting shareholder may institute a proceeding in the name of the
24 corporation; if a dissenting shareholder does not institute a proceeding within 30 days
25 after the expiration of the **20-day** [10-DAY] period granted the corporation under (1)
26 of this subsection, the dissenter loses the dissenter's rights unless the superior court,
27 for good cause shown, otherwise directs.

28 * **Sec. 15.** AS 10.06.811(a) is amended to read:

29 (a) A biennial report of a domestic or foreign corporation shall be filed with
30 the department and is due before January 2 of the filing year. A domestic corporation
31 filing articles of incorporation and a foreign corporation receiving a certificate of

1 authority during an even-numbered year must file the biennial report each even-
2 numbered year. A domestic corporation filing articles of incorporation and a
3 foreign corporation receiving a certificate of authority [WITH THE
4 DEPARTMENT] during an odd-numbered year must file the biennial report each odd-
5 numbered year. The biennial report is delinquent if not filed before February 1 of
6 each odd or even year as provided in this section. Delinquent returns are subject to the
7 penalty in AS 10.06.815.

8 * **Sec. 16.** AS 10.06.833 is amended to read:

9 **Sec. 10.06.833. Payments and filing for withdrawal of foreign**
10 **corporation.** A [REGISTERED] foreign corporation that has been issued a
11 certificate of authority under AS 10.06.705 may withdraw from this state upon
12 payment of all biennial corporation taxes and penalties due at the time of desired
13 withdrawal and by filing with the department an application for a certificate of
14 withdrawal signed by its proper officers and under its corporate seal. The fee for
15 filing the application with the commissioner shall be established by the department by
16 regulation.

17 * **Sec. 17.** AS 10.20.460(1) is amended to read:

18 (1) maintaining or defending any action or suit or [OF] an
19 administrative or arbitration proceeding, or effecting its settlement or the settlement of
20 claims or disputes;

21 * **Sec. 18.** AS 10.25.220(b) is amended to read:

22 (b) The presiding officer executing the articles of amendment shall make and
23 annex to them an affidavit stating that the provisions of AS 10.25.210 and this section
24 regarding the amendment were complied with.

25 * **Sec. 19.** AS 10.30.060 is amended to read:

26 **Sec. 10.30.060. Power to acquire and dispose of lands, and exemption**
27 **from execution, taxation, and public appropriation.** A cemetery association or
28 nonprofit cemetery corporation may buy or take by gift or devise, and hold, land not
29 exceeding 80 acres, for the sole purpose of a cemetery. The land is exempt from
30 execution, and from any appropriation to public purposes, and from taxation if
31 intended to be used exclusively for burial purposes and in no way for the profit of the

1 members or trustees of the association or the directors [TRUSTEES], officers, or
2 employees of the corporation.

3 * **Sec. 20.** AS 10.40.110 is amended to read:

4 **Sec. 10.40.110. Succession to property upon death, resignation, or**
5 **removal of person incorporated as corporation sole.** In the event of the death or
6 resignation of the archbishop, bishop, president, trustee in trust, president of stake,
7 president of congregation, overseer, presiding elder, or member of the clergy, who has
8 formed a corporation under this chapter, or such a person's removal from office by the
9 person or body having removal authority, the successor in office as the corporation
10 sole is vested with the title of all property held by the successor's predecessor with the
11 same power and authority over the property, subject to all the legal liabilities and
12 obligations with reference to the property. The successor shall record in the office of
13 each recording district [PRECINCT] in which the corporation owns real property a
14 certificate of the successor's commission or certified copy of a letter of election or
15 appointment.

16 * **Sec. 21.** AS 10.45.133 is amended to read:

17 **Sec. 10.45.133. Continuity of life.** Unless the articles of incorporation
18 expressly provide otherwise, a professional corporation shall continue as a separate
19 entity independent of its shareholders [,] for all purposes and for the period of time
20 provided in the articles [,] or until dissolved by a vote of two-thirds of the
21 shareholders [MEMBERS]. A professional corporation shall continue
22 notwithstanding the death, insanity, incompetency, conviction for felony, resignation,
23 withdrawal, transfer of ownership of shares, retirement, or expulsion of any one or
24 more of the shareholders, the transfer of shares to a new shareholder, or the happening
25 of any other event that [, WHICH] under the law of this state [,] and under like
26 circumstances [,] would work a dissolution of a partnership.

27 * **Sec. 22.** AS 11.81.900(b)(58) is amended to read:

28 (58) "sexual penetration" [MEANS]

29 (A) means genital intercourse, cunnilingus, fellatio, anal
30 intercourse, or an intrusion, however slight, of an object or any part of a
31 person's body into the genital or anal opening of another person's body; each

1 **party to any of the acts described in this subparagraph is considered to be**
2 **engaged in sexual penetration;**

3 (B) [BUT "SEXUAL PENETRATION"] does not include acts

4 (i) performed for the purpose of administering a
5 recognized and lawful form of treatment that is reasonably adapted to
6 promoting the physical health of the person being treated; or

7 (ii) that are a necessary part of a search of a person
8 committed to the custody of the Department of Corrections or the
9 Department of Health and Social Services;

10 [(C) EACH PARTY TO ANY OF THE ACTS DEFINED AS
11 "SEXUAL PENETRATION" IS CONSIDERED TO BE ENGAGED IN
12 SEXUAL PENETRATION;]

13 * **Sec. 23.** AS 13.16.580 is amended to read:

14 **Sec. 13.16.580. Purchasers from distributees protected.** If property
15 distributed in kind or a security interest in it is acquired for value by a purchaser from
16 or lender to a distributee who has received an instrument or deed of distribution from
17 the personal representative, the purchaser or lender takes title free of rights of any
18 interested person in the estate and incurs no personal liability to the estate, or to any
19 interested person, whether or not the distribution was proper or supported by court
20 order and whether or not the authority of the personal representative was terminated
21 before execution of the instrument or deed. This section protects a purchaser from or
22 lender to a distributee who, as personal representative, executed the deed of
23 distribution, as well as a purchaser from or lender to any other distributee or transferee
24 of a distributee. To be protected under this provision, a purchaser or lender need not
25 inquire whether a personal representative acted properly in making the distribution in
26 kind, even if the personal representative and the distributee are the same person, or
27 whether the authority of the personal representative had terminated before the
28 distribution. Any instrument described in this section **that** [WHICH] is recorded
29 under AS 40.17 or filed under **former** AS 45.09 **or under AS 45.29** and **that**
30 [WHICH] bears a notation of that recordation or filing is prima facie evidence that the
31 transfer described in it was made for value.

1 * **Sec. 24.** AS 14.03.075(g)(1), enacted by sec. 3, ch. 94, SLA 2001, is amended to read:

2 (1) "child with a disability" has the meaning given ["CHILDREN
3 WITH DISABILITIES"] in AS 14.30.350;

4 * **Sec. 25.** AS 14.11.008(a) is amended to read:

5 (a) In order to receive a grant under this chapter or an appropriation under
6 AS 37.05.560, a district must

7 (1) be

8 (A) a **regional** [RURAL] educational attendance area;

9 (B) a municipal school district and, as of June 30 of the
10 previous fiscal year, have a population of less than 1,000; or

11 (C) a municipal school district that operates schools on a
12 military reservation; and

13 (2) provide a percentage share of the project cost, as determined under
14 (b) or (c) of this section. A district shall provide the required participating share
15 within three years after the date that the appropriation bill funding the grant is passed
16 by the legislature.

17 * **Sec. 26.** AS 14.11.100(n) is amended to read:

18 (n) The total amount of school construction projects approved for
19 reimbursement by the department under (a)(8) or (9) of this section

20 (1) may not exceed \$357,143,000; and

21 (2) after June 30, 1995, and until July 1, 2006, shall be allocated as
22 follows:

23 (A) \$154,286,000 shall be allocated to projects in a
24 municipality with a public school enrollment of 25,000 or more students in
25 fiscal year 1998, as determined under **former** AS 14.17.160;

26 (B) \$57,143,000 shall be allocated to projects in a municipality
27 with a public school enrollment of at least 15,000 but less than 25,000 students
28 in fiscal year 1998, as determined under **former** AS 14.17.160;

29 (C) \$145,714,000 shall be allocated to projects in a
30 municipality with a public school enrollment of less than 15,000 students in
31 fiscal year 1998, as determined under **former** AS 14.17.160; allocations under

1 this subparagraph

2 (i) shall first be made to projects described under (a)(8)
3 of this section and then made to projects described under (a)(9) of this
4 section; and

5 (ii) may not exceed \$16,000,000 to projects in a
6 municipality with a public school enrollment of less than 4,000
7 students in fiscal year 1998, as determined under **former**
8 AS 14.17.160.

9 * **Sec. 27.** AS 16.10.320(d) is amended to read:

10 (d) The total of balances outstanding on loans made to a borrower under
11 AS 16.10.310(a)(1)(A) may not exceed \$300,000. The total of balances outstanding on
12 loans made to a borrower under AS 16.10.310(a)(1)(B) may not exceed \$100,000. The
13 total balances outstanding on loans made to a borrower under AS 16.10.310(a)(1)(C)
14 may not exceed \$300,000. **Excluding loans made under AS 16.10.310(a)(1)(C), the**
15 [THE] total of balances outstanding on all loans, including debt refinancing under
16 AS 16.10.310(a), made to a borrower under AS 16.10.300 - 16.10.370 may not exceed
17 \$300,000.

18 * **Sec. 28.** AS 16.20.565 is amended to read:

19 **Sec. 16.20.565. Egegik Critical Habitat Area established.** The following
20 described area is established as the Egegik Critical Habitat Area:

21 (1) Township 24 South, Range 51 West, Seward Meridian
22 [(PROTRACTED)]

23 Sections 1 - 2

24 Section 11 S 1/2

25 Section 12 N 1/2;

26 (2) Township 23 South, Range 51 West, Seward Meridian
27 [(PROTRACTED)]

28 Section 13

29 Sections 24 - 25

30 Sections 35 - 36;

31 (3) Township 23 South, Range 50 West, Seward Meridian

1 [(PROTRACTED)]

2 Section 7

3 Sections 18 - 19

4 Section 30

5 Section 31 (not tide or submerged land).

6 * **Sec. 29.** AS 18.07.111(3) is amended to read:

7 (3) "commencement of activities" means the visible commencement of
8 actual operations on the ground for the construction of a building, the alteration of the
9 bed capacity of a health care facility, or the provision for a [OR DELETION OF AN
10 EXISTING] category of health services to consumers, which operations are readily
11 recognizable as such, and which operations are done with intent to continue the work
12 until such activities are completed;

13 * **Sec. 30.** AS 18.56.590 is amended to read:

14 **Sec. 18.56.590. Annual report.** To further ensure effective budgetary
15 decision making by the legislature, the corporation shall prepare a complete
16 accounting of the housing assistance loan [REVOLVING] fund and notify the
17 legislature each year by January 10 that the accounting is available. The accounting
18 must consist of an audit by an independent outside auditor for that year. The
19 accounting must include a full description of all mortgage loan interest and principal
20 repayments and program receipts for purposes of programs under AS 18.56.400 -
21 18.56.600, including mortgage loan commitment fees, received by or accrued to the
22 corporation during the preceding fiscal year, and all income earned on assets held by
23 the corporation for purposes of programs under AS 18.56.400 - 18.56.600 during that
24 period.

25 * **Sec. 31.** AS 18.60.097(a) is amended to read:

26 (a) A person affected by an order of the OSHA Review Board under
27 AS 18.60.093(c) or (e) or of the commissioner under AS 18.60.096 may obtain a
28 review of the order by filing a notice of appeal in the superior court as provided in
29 [RULE 45 OF] the Alaska Rules of Appellate Procedure.

30 * **Sec. 32.** AS 18.60.097(b) is amended to read:

31 (b) The department may obtain review of an order of the OSHA Review

1 Board under AS 18.60.093(c) or (e) by filing a notice of appeal in the superior court as
2 provided in [RULE 45 OF] the Alaska Rules of Appellate Procedure.

3 * **Sec. 33.** AS 18.70.160 is amended to read:

4 **Sec. 18.70.160. Agreement not to affect insurance rates or liability.** An
5 agreement made under AS 18.70.150 and this section shall be carried out in a manner
6 that does not raise insurance rates. An agreement may not reduce the liability of an
7 insurance company in case of loss during the absence of **fire services personnel**
8 [MEN] and equipment.

9 * **Sec. 34.** AS 26.23.070(c) is amended to read:

10 (c) If a jurisdiction with which the governor proposes to cooperate under (b)
11 of this section has not enacted the **Emergency Management Assistance Compact**
12 [INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT], the governor may
13 negotiate a special agreement with that jurisdiction.

14 * **Sec. 35.** AS 28.05.095(b) is amended to read:

15 (b) Except as provided in (c) of this section, a driver may not transport a child
16 under the age of 16 in a motor vehicle unless the driver has provided **the required**
17 **safety device** and properly secured each child as described in this subsection. If the
18 child is less than four years of age, the child shall be properly secured in a child safety
19 device meeting the standards of the United States Department of Transportation for a
20 child safety device for infants. If the child is four but not yet 16 years of age, the child
21 shall be properly secured in a child safety device approved for a child of that age and
22 size by the United States Department of Transportation or in a safety belt, whichever
23 is appropriate for the particular child.

24 * **Sec. 36.** AS 28.15.231(b) is amended to read:

25 (b) **Points** [EXCEPT AS OTHERWISE PROVIDED IN AS 28.35.235(b),
26 POINTS] may not be assessed for violating a provision of a state law or regulation or
27 a municipal ordinance regulating standing, parking, equipment, size, or weight; nor
28 may points be assessed for violations by pedestrians, passengers, or bicycle riders, or
29 for violations of provisions relating to the preservation of the condition of traffic-
30 control devices on the highways. Points shall be assessed for violations of oversize or
31 overweight permits relating only to restrictions upon speed or hours of operation.

1 * **Sec. 37.** AS 28.20.400(a) is amended to read:

2 (a) A person in whose name more than 25 vehicles are registered in this state
3 may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the
4 department as provided in (b) of this section. A person in whose name **25 or fewer**
5 [FEWER THAN 25] vehicles are registered qualifies as a self-insurer and shall be
6 issued a certificate of self-insurance [,] if the person provides proof satisfactory to the
7 department that the person has and will continue to have the ability to pay a judgment
8 for property damage, bodily injury, or both, in the amount of at least \$125,000.

9 * **Sec. 38.** AS 34.20.040 is amended to read:

10 **Sec. 34.20.040. Recording certificate.** A certificate of discharge provided for
11 in AS 34.20.030 and the proof or acknowledgment of the certificate shall be recorded
12 at full length. A reference shall be made to the book and page containing the record of
13 the certificate **or the serial number of the record of the certificate** in the entry of the
14 discharge of the mortgage made by the recorder upon the record of the discharge.

15 * **Sec. 39.** AS 34.20.070(b) is amended to read:

16 (b) Not less than 30 days after the default and not less than three months
17 before the sale the trustee shall record in the office of the recorder of the recording
18 district in which the trust property is located a notice of default setting out (1) the
19 name of the trustor, (2) the book and page where the trust deed is recorded **or the**
20 **serial number assigned to the trust deed by the recorder**, (3) a description of the
21 trust property, including the property's street address if there is a street address for the
22 property, (4) a statement that a breach of the obligation for which the deed of trust is
23 security has occurred, (5) the nature of the breach, (6) the sum owing on the
24 obligation, (7) the election by the trustee to sell the property to satisfy the obligation,
25 and (8) the date, time, and place of the sale. An inaccuracy in the street address may
26 not be used to set aside a sale if the legal description is correct. At any time before the
27 sale, if the default has arisen by failure to make payments required by the trust deed,
28 the default may be cured by payment of the sum in default other than the principal
29 **that** [WHICH] would not then be due if no default had occurred, plus attorney fees or
30 court costs actually incurred by the trustee due to the default. If, under the same trust
31 deed, notice of default under this subsection has been recorded two or more times

1 previously and the default has been cured under this subsection, the trustee may elect
2 to refuse payment and continue the sale.

3 * **Sec. 40.** AS 34.20.070(d) is amended to read:

4 (d) If the State of Alaska is a subsequent party, the trustee, in addition to the
5 notice of default, shall give the state a supplemental notice of any state lien existing as
6 of the date of filing the notice of default. This notice must set out, with such
7 particularity as reasonably available information will permit, the nature of the state's
8 lien, including the name and address, if known, of the person whose liability created
9 the lien, the amount shown on the lien document, the department of the state
10 government involved, the recording district, and the book and page on which the lien
11 was recorded **or the serial number assigned to the lien by the recorder.**

12 * **Sec. 41.** AS 34.20.080(c) is amended to read:

13 (c) The deed must recite the date and the book and page of the recording of
14 default, and the mailing or delivery of the copies of the notice of default, the true
15 consideration for the conveyance, the time and place of the publication of notice of
16 sale, and the time, place, and manner of sale, and refer to the deed of trust by reference
17 to the page, volume, and place of record **or to the place of record and the serial**
18 **number assigned to the deed of trust by the recorder.**

19 * **Sec. 42.** AS 34.20.120(b) is amended to read:

20 (b) The substitution must contain

21 (1) the date of execution of the trust deed;

22 (2) the names of the trustee, trustor, and beneficiary;

23 (3) the book and page where the trust deed is recorded **or the serial**
24 **number assigned to the trust deed by the recorder;**

25 (4) the name of the new trustee; and

26 (5) an acknowledgment signed and acknowledged by the trustee
27 named in the trust deed of a receipt of a copy of the substitution, or an affidavit of
28 service of a copy of it.

29 * **Sec. 43.** AS 34.35.080(a) is amended to read:

30 (a) A lien provided for in AS 34.35.050 - 34.35.120 does not bind real
31 property for more than six months after the claim of lien is recorded, unless an action

1 is commenced in the proper court to enforce the lien within

2 (1) that time; or

3 (2) six months after recording of an extension notice in the same
4 recording office within the original six-month period showing the recording date and
5 the book and page or instrument number or serial number of the initial claim of lien,
6 and the balance owing.

7 * **Sec. 44.** AS 34.35.900(a) is amended to read:

8 (a) When a lien is satisfied by payment, an acknowledgment of satisfaction
9 suitable for recordation shall be delivered to all parties to the lien by the lien claimant.
10 The acknowledgment of satisfaction shall be delivered immediately upon payment by
11 tender of cash in satisfaction of the claim or within 10 days after payment when
12 satisfaction is obtained in some other manner. A certificate of discharge of a lien for
13 nonpayment of a state tax or license fee recorded under AS 43.10.042 shall be
14 delivered within 15 days after tender of cash in satisfaction of the claim or within 30
15 days when satisfaction is obtained in some other manner. The acknowledgment must
16 identify all parties to the lien and any property subject to the lien using the same name
17 or description contained in the claim of record, if a claim was made, and the book and
18 page of the official record containing the claim or the serial number assigned to the
19 claim by the recorder.

20 * **Sec. 45.** AS 34.45.290(d) is amended to read:

21 (d) If [, AFTER SEPTEMBER 7, 1986,] a holder fails to maintain the records
22 required by AS 34.45.300 and the records of the holder available for the periods
23 subject to AS 34.45.110 - AS 34.45.780 are insufficient to permit the preparation of a
24 report, the department may require the holder to report and pay the amount that is
25 reasonably estimated from the available records.

26 * **Sec. 46.** AS 35.10.010 is amended to read:

27 **Sec. 35.10.010. Standard plans and specifications and limitation on cost.**

28 The department shall prepare and adopt plans and specifications and determine
29 standards for the construction of each public work. Each public work shall be limited
30 in cost to the amount of the appropriation made for that purpose. The plans and
31 specifications may be amended from time to time as the department considers

1 advisable. This section does not apply to the construction of school buildings [IN
2 INCORPORATED CITIES, UNLESS THE CONSTRUCTION IS DONE IN
3 WHOLE OR IN PART WITH STATE FUNDS, OR TO THE CONSTRUCTION OF
4 SCHOOL BUILDINGS WHEN THE CONSTRUCTION AMOUNTS TO LESS
5 THAN \$2,000].

6 * **Sec. 47.** AS 35.10.180(a) is amended to read:

7 (a) The department shall develop and keep current by periodic revision
8 physical facility procurement and planning policies for [RURAL SCHOOLS,] public
9 buildings [,] and other state facilities [,] and shall develop regulations and guidelines
10 for the implementation of these policies.

11 * **Sec. 48.** AS 35.15.080(d) is amended to read:

12 (d) Provisions of this title governing planning, design, and construction of
13 public works by the department, and regulations adopted under the provisions, govern
14 the administration of projects assumed by a municipality [OR REGIONAL
15 EDUCATIONAL ATTENDANCE AREA] under this section. For that purpose the
16 provisions supersede any conflicting provisions of ordinance or charter of a
17 municipality.

18 * **Sec. 49.** AS 35.15.080(f) is amended to read:

19 (f) To carry out the purpose of this section, the commissioner of transportation
20 and public facilities shall adopt regulations relating to the application for and the
21 making and the conditions of agreements and the local assumption of responsibilities
22 for the planning, design, and construction of public works under this section. The
23 commissioner [SHALL INCLUDE IN GRANT CONTRACTS TERMS AND
24 CONDITIONS REQUIRING A REGIONAL SCHOOL BOARD AND ITS
25 CONTRACTORS TO ADHERE TO THE PROVISIONS OF AS 36.05.010 WITH
26 RESPECT TO THE PAYMENT OF WAGE RATES ON CONSTRUCTION
27 PROJECTS AND] may require different terms in agreements for different projects to
28 meet local conditions and unique requirements and to assure compliance with the
29 public facilities procurement policies developed by the department under
30 AS 35.10.160 - 35.10.200. If necessary, the commissioner may require as a condition
31 of an agreement approval of the agreement by the federal government.

1 [REGULATIONS ADOPTED, AMENDED, OR REPEALED BY THE
2 DEPARTMENT UNDER THIS SECTION THAT RELATE TO EDUCATIONAL
3 FACILITIES SHALL BE DEVELOPED IN CONJUNCTION WITH THE ALASKA
4 ASSOCIATION OF SCHOOL BOARDS AND THE ALASKA ASSOCIATION OF
5 SCHOOL ADMINISTRATORS AND REVIEWED BY THOSE ASSOCIATIONS
6 BEFORE FINAL ACTION ON THE REGULATIONS IS TAKEN BY THE
7 DEPARTMENT.]

8 * **Sec. 50.** AS 35.15.100 is amended to read:

9 **Sec. 35.15.100. Responsibility of department.** When a municipality [OR
10 REGIONAL EDUCATIONAL ATTENDANCE AREA] has assumed responsibility
11 for a public works project under AS 35.15.080 - 35.15.120, the department is relieved
12 of responsibility to the extent it is assumed by the municipality [OR REGIONAL
13 EDUCATIONAL ATTENDANCE AREA]. The department may provide technical
14 assistance on the responsibility assumed if requested to do so by the municipality [OR
15 AREA] and shall be reasonably compensated for that assistance from the account
16 established under AS 35.15.090.

17 * **Sec. 51.** AS 35.15.110(a) is amended to read:

18 (a) Before advertisement for bids or construction contract negotiations, the
19 department shall approve both the project site and the land interest in the site [,
20 EXCEPT THAT, IF THE PROJECT INVOLVES CONSTRUCTION OF AN
21 EDUCATIONAL FACILITY, TITLE OR SUFFICIENT INTEREST DETERMINED
22 ACCEPTABLE BY THE DEPARTMENT TO AN APPROVED SITE FOR A
23 SCHOOL BUILDING SHALL BE VESTED IN THE MUNICIPALITY, THE
24 REGIONAL EDUCATIONAL ATTENDANCE AREA, OR THE STATE BEFORE
25 ADVERTISEMENT FOR BIDS OR INITIATION OF CONSTRUCTION
26 CONTRACT NEGOTIATIONS].

27 * **Sec. 52.** AS 35.15.120(2) is amended to read:

28 (2) "governing body" means **a municipality's** [IN THE CASE OF A
29 MUNICIPALITY, ITS] assembly or council [, AND, IN THE CASE OF A
30 REGIONAL EDUCATIONAL ATTENDANCE AREA, ITS REGIONAL SCHOOL
31 BOARD].

1 * **Sec. 53.** AS 36.30.850(b)(30) is amended to read:

2 (30) contracts entered into with a regional development organization;
3 in this paragraph, "regional development organization" **means a nonprofit**
4 **organization or nonprofit corporation formed to encourage economic**
5 **development within a particular region of the state that includes the entire area**
6 **of each municipality within that region and that has a board of directors that**
7 **represents the region's economic, political, and social interests** [HAS THE
8 MEANING GIVEN IN AS 44.33.895];

9 * **Sec. 54.** AS 41.41.070(d) is amended to read:

10 (d) In addition to its employees, the authority may contract for and engage the
11 services of bond counsel, consultants, experts, and financial advisors the **authority**
12 [CORPORATION] considers necessary for the purpose of developing information,
13 furnishing advice, or conducting studies, investigations, hearings, or other
14 proceedings.

15 * **Sec. 55.** AS 41.41.090(b) is amended to read:

16 (b) If a member of the board or an employee of the authority acquires, owns,
17 or controls an interest, direct **or** [OF] indirect, in an entity or project in which assets of
18 the authority are invested, the member shall immediately disclose the interest to the
19 board. The disclosure is a matter of public record and shall be included in the minutes
20 of the first board meeting following the disclosure.

21 * **Sec. 56.** AS 41.41.310 is amended to read:

22 **Sec. 41.41.310. Covenants.** In a resolution of the authority authorizing or
23 relating to the issuance of bonds or bond anticipation notes, the authority has power by
24 provisions in the resolution that will constitute covenants of the authority and
25 contracts with the holders of the bonds or bond anticipation notes to

26 (1) pledge to a payment or purpose all or a part of its revenues to
27 which its right then exists or may thereafter come into existence, and the money
28 derived from the revenues, and the proceeds of bonds or notes;

29 (2) covenant as to the use and disposition of payments of principal or
30 interest received by the authority on loans or other investments held by the authority;

31 (3) covenant as to establishment of reserves or sinking funds and the

1 making of provision for and the regulation and disposition of the reserves or sinking
2 funds;

3 (4) covenant with respect to or against limitations on a right to sell or
4 otherwise dispose of property of any kind;

5 (5) covenant as to bonds and notes to be issued, and their limitations,
6 terms, and conditions, and as to the custody, application, and disposition of the
7 proceeds of the bonds and notes;

8 (6) covenant as to the issuance of additional bonds or notes, or as to
9 limitations on the issuance of additional bonds or notes and the incurring of other
10 debts;

11 (7) covenant as to the payment of the principal of or interest on the
12 bonds or notes, as to the sources and methods of the payment, as to the rank or priority
13 of the bonds or notes with respect to a lien or security, or as to the acceleration of the
14 maturity of the bonds or notes;

15 (8) **provide** for the replacement of lost, stolen, destroyed, or mutilated
16 bonds or notes;

17 (9) covenant as to the redemption of bonds or notes and privileges of
18 their exchange for other bonds or notes of the authority;

19 (10) covenant to create or authorize the creation of special funds of
20 money to be held in pledge or otherwise for operating expenses, payment or
21 redemption of bonds or notes, reserves, or other purposes;

22 (11) establish the procedure, if any, by which the terms of a contract or
23 covenant with or for the benefit of the holders of bonds or notes may be amended or
24 abrogated, the amount of bonds or notes the holders of which must consent to
25 amendment or abrogation, and the manner in which the consent may be given;

26 (12) covenant as to the custody of property or investments, their
27 safekeeping and insurance, and the use and disposition of insurance money;

28 (13) agree with a corporate trustee that may be a trust company or
29 bank having the powers of a trust company within or outside the state as to the
30 pledging or assigning of revenue or funds to which or in which the authority has rights
31 or an interest; the agreement may further provide for other rights and remedies

exercisable by the trustee as may be proper for the protection of the holders of a bond or note of the authority and not otherwise in violation of law and may provide for the restriction of the rights of an individual holder of bonds or notes of the authority;

(14) appoint and provide for the duties and obligations of a paying agent or paying agents or other fiduciaries as the resolution may provide within or outside the state;

(15) limit the rights of the holders of a bond or note to enforce a pledge or covenant securing the bonds or notes;

(16) make covenants other than and in addition to the covenants expressly authorized in this section of like or different character, and to make covenants to do or refrain from doing acts and things as may be necessary or convenient and desirable in order to better secure bonds or notes or that, in the absolute discretion of the authority, will tend to make bonds or notes more marketable, notwithstanding that the covenants, acts, or things may not be enumerated in this section.

* **Sec. 57.** AS 41.41.340(a) is amended to read:

Sec. 41.41.340. Validity of pledge. (a) The pledge of assets or revenue of the authority to the payment of the principal of or interest on an obligation of the authority is valid and binding from the time the pledge is made, and the assets or revenue become immediately subject to the lien of the pledge without physical delivery or further act. The lien of a pledge is valid and binding against all parties having claims in tort, contract, or otherwise against the authority, irrespective of whether those parties have notice of the lien of the pledge.

* **Sec. 58.** AS 41.41.390(b) is amended to read:

(b) Refunding bonds may be sold or exchanged for outstanding bonds issued under this chapter, and, if sold, the proceeds may be applied, subject to appropriation and in addition to another authorized purpose, to the purchase, redemption, or payment of the outstanding obligations. Pending the application of the proceeds of refunding bonds, with any other available funds, to the payment of the principal of, accrued interest on, and redemption premium on the obligations being refunded, and, if so provided or permitted in the resolution authorizing the issuance of the refunding bonds

1 or in the trust agreement securing them, to the payment of any interest on the
2 refunding bonds and expenses in connection with the refunding, the proceeds may be
3 invested in direct obligations of, or obligations the principal of and the interest on
4 which are unconditionally guaranteed by, the United States that mature or that will be
5 subject to redemption, at the option of the holders of them, not later than the respective
6 dates when the proceeds, together with the interest accruing on them, will be required
7 for the purposes intended.

8 * **Sec. 59.** AS 43.70.110(4) is amended to read:

9 (4) "person" includes an individual, firm, partnership, joint venture
10 [ADVENTURE], association, corporation, estate trust, business trust, receiver, or any
11 group or combination acting as a unit.

12 * **Sec. 60.** AS 44.23.020(b)(9) is amended to read:

13 (9) prepare, publish, and revise as it becomes useful or necessary to do
14 so an information pamphlet on landlord and tenant rights and the means of making
15 complaints to appropriate public agencies concerning landlord and tenant rights; the
16 contents of the pamphlet and any revision shall be approved by the Department of
17 Law [, DIVISION OF CONSUMER PROTECTION,] before publication.

18 * **Sec. 61.** AS 44.31.020 is amended to read:

19 **Sec. 44.31.020. Duties of department.** The Department of Labor and
20 Workforce Development shall

21 (1) enforce the laws, and adopt regulations under them concerning
22 employer-employee relationships, including the safety, hours of work, wages, and
23 conditions of workers, including children;

24 (2) accumulate, analyze, and report labor statistics;

25 (3) operate systems of workers' compensation and unemployment
26 insurance;

27 (4) gather data reflecting the cost of living in the various election
28 districts of the state upon request of the director of personnel under AS 39.27.030; in
29 this paragraph, "election district" has the meaning given in AS 39.27.020(b);

30 (5) operate the federally funded employment and training programs
31 under 29 U.S.C. 2801 - 2945 (Workforce Investment Act of 1998); and

(6) administer the state's program of adult basic education **and adopt regulations to administer the program.**

* **Sec. 62.** AS 45.01.206(b) is amended to read:

(b) Subsection (a) of this section does not apply to contracts for the sale of goods (AS 45.02.201) or securities (AS 45.08.113), or to security agreements **(AS 45.29.203)** [(AS 45.09.203)].

* **Sec. 63.** AS 45.45.210 is amended to read:

Sec. 45.45.210. Disclosure of regulation. The following statement shall be conspicuously printed, either on the invoice or on another form given to every customer for whom the shop performs repairs:

"Motor vehicle repair trade practices are regulated by Alaska Statutes 45.45.130 - 45.45.240, administered by the [CONSUMER PROTECTION SECTION,] Alaska Department of Law."

* **Sec. 64.** AS 45.50.475(d) is amended to read:

(d) A person who employs individuals to engage in telephone solicitations is not liable for the violation of **this section** [AS 45.50.475] if an employee solicits a residential telephone customer who is identified in the telephone directory as not wishing to receive telephone solicitations if the person established that

(1) the person has adopted and implemented written procedures to comply with (a) of this section including corrective actions where appropriate;

(2) the person has trained its personnel in the procedures established under (1) of this subsection;

(3) the call that violated **this section** [AS 45.50.475] was made contrary to the procedures and policies established by the person; and

(4) calls on behalf of the person that result in violations of **this section** [AS 45.50.475] are infrequent.

* **Sec. 65.** AS 45.50.475(e) is amended to read:

(e) An individual who solicits a residential telephone customer who is identified in the telephone directory as not wishing to receive telephone solicitations is not liable for the violation of **this section** [AS 45.50.475] if the individual establishes that the individual did not intend to make a call in violation of **this section**

1 [AS 45.50.475] and did not recklessly disregard information or policies and
2 procedures that would have avoided the improper call.

3 * **Sec. 66.** AS 45.50.561 is amended by adding a new subsection to read:

4 (b) AS 45.50.471 - 45.50.561 may be cited as the Alaska Unfair Trade
5 Practices and Consumer Protection Act.

6 * **Sec. 67.** AS 45.50 is amended by adding a new section to article 4 to read:

7 **Sec. 45.50.598. Short title.** AS 45.50.562 - 45.50.598 may be cited as the
8 Alaska Restraint of Trade Act.

9 * **Sec. 68.** AS 47.05.012(9) is amended to read:

10 (9) the compendium of animal rabies **prevention and control, 2002,**
11 published by the United States Centers for Disease Control and Prevention;

12 * **Sec. 69.** AS 47.10.093(b)(1) is amended to read:

13 (1) a guardian ad litem appointed by the court [OR TO A CITIZEN
14 REVIEW BOARD OR LOCAL REVIEW PANEL FOR PERMANENCY
15 PLANNING AUTHORIZED BY AS 47.14.200 OR 47.14.220];

16 * **Sec. 70.** AS 47.12.315(d) is amended to read:

17 (d) When required by this section to disclose information,
18 (1) the department or other agency may not disclose the name of an
19 out-of-home care provider [, AS THAT TERM IS DEFINED IN AS 47.14.299,] with
20 whom the minor was living at the time the minor was alleged to have committed the
21 offense if the minor had been placed in out-of-home care with that provider on other
22 than a permanent or long-term basis; **in this paragraph, "out-of-home care**
23 **provider" means an agency or person, other than the child's legal parents, with**
24 **whom a child who is in the custody of the state under AS 47.10.080(c)(1) or (3),**
25 **47.10.142, or AS 47.14.100(c) is currently placed; "agency or person" includes a**
26 **foster parent, a relative other than a parent, a person who has petitioned for**
27 **adoption of the child, and a residential child care facility;**

28 (2) if the department or other agency maintains the information to be
29 disclosed by electronic means that can be recovered from a computer data base, the
30 department or agency may disclose the information in that medium.

31 * **Sec. 71.** AS 47.14.100(i) is amended to read:

(i) A child may not be placed with an out-of-home care provider [, AS DEFINED IN AS 47.14.299,] if the department determines that the child can remain safely at home with one parent or guardian. **In this subsection, "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(c)(1) or (3), 47.10.142, or AS 47.14.100(c) is currently placed; "agency or person" includes a foster parent, a relative other than a parent, a person who has petitioned for adoption of the child, and a residential child care facility;**

* **Sec. 72.** AS 47.27.005(4) is amended to read:

(4) adopt methods of program administration to ensure consistency with the federal requirements under **the** [A SUCCESSOR] federal **Temporary Assistance for Needy Families** program [THAT REPLACES THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM];

* **Sec. 73.** AS 47.27.020(b) is amended to read:

(b) On the application, each applicant shall attest to whether the family, at any time, has received cash assistance or self-sufficiency services from another state program that was established with federal money under **the** [ANY SUCCESSOR] federal **Temporary Assistance for Needy Families** program [THAT REPLACES THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM] and whether the family has ever been disqualified from receiving cash assistance or self-sufficiency services under **the** [A SUCCESSOR] federal **Temporary Assistance for Needy Families** program [THAT REPLACES AID TO FAMILIES WITH DEPENDENT CHILDREN] for the period for which the application has been submitted.

* **Sec. 74.** AS 11.46.480(b)(5); AS 44.66.010(a)(17); AS 47.10.080(m), 47.10.080(n), 47.10.142(g); AS 47.12.120(h); AS 47.14.200, 47.14.210, 47.14.220, 47.14.230, 47.14.240, 47.14.250, 47.14.260, 47.14.270, 47.14.280, and 47.14.299 are repealed.

* **Sec. 75.** Sections 13 and 53 of this Act take effect on the date AS 44.33.895 is repealed under sec. 2, ch. 43, SLA 2000, as sec. 2, ch. 43, SLA 2000, may be amended from time to time.

* **Sec. 76.** Section 24 of this Act takes effect on the effective date set out in sec. 3, ch. 58,

1 SLA 1997, as amended by sec. 7, ch. 94, SLA 2001, and as it may be amended from time to
2 time.

3 * **Sec. 77.** Section 63 of this Act takes effect January 1, 2004.

4 * **Sec. 78.** Except as provided in secs. 75 - 77 of this Act, this Act takes effect immediately
5 under AS 01.10.070(c).