



# **LAWS OF ALASKA**

**2005**

**Source**

HCS CSSB 101(JUD)

**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 04.11.210(c) is amended to read:

5 (c) In this section, "recreational site" **includes** [MEANS, BUT IS NOT  
6 LIMITED TO,] a location where baseball games, car races, hockey games, dog sled  
7 racing events, or curling matches are regularly held during a season.

8 \* **Sec. 2.** AS 06.50.020(a) is amended to read:

9 (a) To qualify for a license, an applicant shall

10 (1) have cash assets of at least \$25,000, as determined under generally  
11 accepted accounting principles, except that an applicant who wants to engage in the  
12 business of making advances at more than one location in the state shall have cash  
13 assets of at least \$25,000 for each location;

14 (2) demonstrate the financial responsibility, financial condition,

1 business experience, character, and general fitness that reasonably warrant the  
2 department's belief that the applicant's business will be conducted lawfully and fairly;  
3 when determining whether this qualification has been met, and for the purpose of  
4 investigating compliance with this chapter, the department may review

5 (A) the relevant business records of the applicant and the  
6 adequacy of the capital of the applicant;

7 (B) the competence, experience, integrity, and financial ability  
8 of the applicant, and, if the applicant is an entity, of any person who is a  
9 member, partner, director, senior officer, or owner of 10 percent or more of the  
10 equity of the applicant; and

11 (C) a record [OF CONVICTION], on the part of the applicant  
12 or a person described in (B) of this paragraph, of

13 (i) **a conviction for** criminal activity, fraud, or other act  
14 of personal dishonesty;

15 (ii) an act, an omission, or a practice that constitutes a  
16 breach of a fiduciary duty; or

17 (iii) a suspension, a revocation, a removal, or an  
18 administrative act by an agency or a department of the United States or  
19 a state from participation in the conduct of a business;

20 (3) if the person has a physical business location in the state, have a  
21 physical business location that is accessible by and convenient to the public;

22 (4) have a current business license issued under AS 43.70; and

23 (5) if applicable, have a certificate of incorporation under  
24 AS 10.06.218, have a certificate of authority under AS 10.06.705, have a copy of  
25 articles of organization that satisfies AS 10.50.090, be registered under AS 10.50.605,  
26 have a statement of foreign qualification filed under AS 32.06.922, have a certificate  
27 of limited partnership filed under AS 32.11.060, or be registered under AS 32.11.420.

28 \* **Sec. 3.** AS 10.06.960(a) is amended to read:

29 (a) A corporation organized under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 -  
30 1629e] as amended (Alaska Native Claims Settlement Act) shall be incorporated under  
31 and is subject to this chapter except

1 (1) each corporation shall issue without further consideration the  
2 number of shares of common stock that may be necessary to comply with the  
3 requirements of the Act [ACT] and all stock so issued is considered fully paid and  
4 nonassessable when issued;

5 (2) unless otherwise provided in the articles of incorporation, the  
6 capital

7 (A) is considered the consideration for the initial issuance of  
8 shares; and

9 (B) of a corporation organized under the Act [ACT] includes  
10 the

11 (i) land or interests in it conveyed to the corporation by  
12 the United States under the Act [ACT], except that which is required to  
13 be conveyed under 43 U.S.C. 1613(c)(1), (3), and (4), entered at its fair  
14 value to the corporation upon receiving the conveyance of it; and

15 (ii) money, when received under 43 U.S.C. 1605 and 43  
16 U.S.C. 1608, that is retained by the corporation and that is not  
17 immediately distributed or required to be distributed under 43 U.S.C.  
18 1606(j).

19 \* **Sec. 4.** AS 10.06.960(b) is amended to read:

20 (b) Notwithstanding the provision of AS 10.06.305 - 10.06.390, payment from  
21 the money of a corporation organized under the Act [ACT] that is required by the  
22 language of the Act [ACT] to be distributed to shareholders or to other corporations so  
23 organized is not a distribution to its shareholders as defined in AS 10.06.990.

24 \* **Sec. 5.** AS 10.06.960(c) is amended to read:

25 (c) Notwithstanding the provisions of AS 10.06.546, a plan of merger,  
26 consolidation, or exchange in which each participating corporation either (1) was  
27 organized under the Act [ACT], within the same one of the 12 regions of Alaska  
28 established under the Act [ACT], or (2) resulted from the prior merger, consolidation,  
29 or exchange of other similarly organized corporations within the same region, is  
30 approved if it receives the affirmative vote of the holders of at least a majority of the  
31 outstanding shares of each corporation. If a class of shares of a corporation specified

1 in this subsection is entitled to vote as a class, the plan of merger, consolidation, or  
2 exchange is approved if it receives the affirmative vote of the holders of at least a  
3 majority of the outstanding shares of each class of shares entitled to vote as a class and  
4 of the total outstanding shares. Notwithstanding AS 10.06.574 - 10.06.582, a plan of  
5 merger, consolidation, or exchange approved under this section before December 19,  
6 1991, may not include a right of shareholders to dissent.

7 \* **Sec. 6.** AS 10.06.960(e) is amended to read:

8 (e) Notwithstanding the provision of AS 10.06.502 - 10.06.510, a corporation  
9 organized under the Act [ACT] may amend its articles by a vote of the board of  
10 directors in order for the corporation to comply with the mandatory requirements of  
11 the Act [ACT].

12 \* **Sec. 7.** AS 10.06.960(f) is amended to read:

13 (f) Notwithstanding the other provisions of this chapter, a corporation  
14 organized under the Act [ACT] is governed by the Act [ACT] to the extent the Act  
15 [ACT] is inconsistent with this chapter, and the corporation may take any action,  
16 including amendment of its articles, authorized by the Act [ACT], and the action is  
17 considered to be approved and adopted if approved under the Act [ACT]. An  
18 amendment approved under the Act [ACT] and delivered to the commissioner under  
19 AS 10.06.512 shall be filed by the commissioner under AS 10.06.910, and a certificate  
20 of amendment shall be issued.

21 \* **Sec. 8.** AS 10.06.960(g) is amended to read:

22 (g) Notwithstanding AS 10.06.358, if there are no retained earnings, the  
23 directors of a corporation organized under the Act [ACT] may declare and pay  
24 distributions in cash or property out of its net profits for the fiscal year in which the  
25 distribution is declared and for the preceding fiscal year, except when the corporation  
26 is insolvent under AS 10.06.360. For the purposes of this subsection, a corporation's  
27 debts include the amounts it is required to distribute under 43 U.S.C. 1606(i) and 43  
28 U.S.C. 1606(j). The directors may determine the net profits derived from the  
29 exploitation or liquidation of wasting assets without consideration of the depletion of  
30 those assets resulting from lapse of time, consumption, liquidation, or exploitation, of  
31 the assets, and a distribution declared from those net profits shall be described,

1 concurrently with distribution of the net profits to shareholders, as a distribution from  
2 wasting assets without consideration of the depletion of the assets. In this subsection,  
3 "wasting assets" means timber resources and subsurface estates.

4 \* **Sec. 9.** AS 10.06.960(h) is amended to read:

5 (h) Notwithstanding AS 10.06.358, the directors of a corporation organized  
6 under the Act [ACT] may, from time to time, distribute to its shareholders in partial  
7 liquidation a portion of the corporation's assets out of capital, in cash or property,  
8 except that a distribution

9 (1) may not be made at a time when the corporation is insolvent under  
10 AS 10.06.360;

11 (2) may not be made unless the articles of incorporation authorize the  
12 board to make the distribution or the distribution is authorized by the affirmative vote  
13 of the holders of at least two-thirds of the outstanding shares;

14 (3) when made, shall be identified as a distribution in partial  
15 liquidation and the amount per share shall be disclosed to the shareholders  
16 concurrently with the distribution.

17 \* **Sec. 10.** AS 10.06.960(i) is amended to read:

18 (i) Notwithstanding AS 10.06.633(e), a corporation that is organized as a  
19 Native corporation under the Act [ACT], that has been involuntarily dissolved by the  
20 commissioner under AS 10.06.633, and that has failed to apply for reinstatement  
21 during the period established under AS 10.06.633(e), may be reinstated under  
22 AS 10.06.633(e) within one year of June 29, 1994. The reinstated corporation and its  
23 shareholders have all of the rights, privileges, liabilities, and obligations that would  
24 have applied to them if the corporation had not been dissolved, and all corporate and  
25 shareholder actions taken during the period of dissolution are considered to be as valid  
26 as if dissolution had not occurred.

27 \* **Sec. 11.** AS 10.06.960(k) is amended to read:

28 (k) Notwithstanding (i) of this section and AS 10.06.633(e), a corporation that  
29 is organized as a Native village corporation under the Act [ACT], that has been  
30 involuntarily dissolved by the commissioner under AS 10.06.633, and that has failed  
31 to apply for reinstatement during the period established under AS 10.06.633(e) may be

1 reinstated under AS 10.06.633(e) on or before December 31, 2003. The reinstated  
2 corporation and its shareholders have all of the rights, privileges, liabilities, and  
3 obligations that would have applied to them if the corporation had not been dissolved,  
4 and all corporate and shareholder actions taken during the period of dissolution are  
5 considered to be as valid as if dissolution had not occurred. If a corporation elects to  
6 reinstate under this subsection and if the corporation's previously used corporate name  
7 is no longer available for use by the corporation, then, notwithstanding AS 10.06.502 -  
8 10.06.510, an amendment to the articles of incorporation changing the previously used  
9 corporate name may be adopted by action of the corporation's board of directors alone.

10 \* **Sec. 12.** AS 10.06.960(n) is amended to read:

11 (n) Notwithstanding AS 10.06.504(d), an amendment to the articles of  
12 incorporation of a corporation organized under **43 U.S.C. 1601 et seq.** [43 U.S.C.  
13 1601 - 1628] (Alaska Native Claims Settlement Act) and incorporated under former  
14 AS 10.05.005 to add a provision eliminating or limiting the personal liability of a  
15 director to the corporation or its stockholders for monetary damages under  
16 AS 10.06.210(1)(N) may be adopted by the affirmative vote of a majority of the shares  
17 represented at the regular or special meeting at which a quorum is present in person or  
18 by proxy.

19 \* **Sec. 13.** AS 10.06.960(o) is amended to read:

20 (o) Notwithstanding AS 10.06.455(b) and 10.06.504(d), an amendment to the  
21 articles of incorporation of a village corporation organized under **43 U.S.C. 1601 et**  
22 **seq.** [43 U.S.C. 1601 - 1629e] (Alaska Native Claims Settlement Act) and  
23 incorporated under former AS 10.05.005 to add a provision authorizing the  
24 classification of directors under AS 10.06.455 may be adopted by the affirmative vote  
25 of a majority of the shares represented at a regular or special meeting at which a  
26 quorum is present in person or by proxy.

27 \* **Sec. 14.** AS 10.06.960(p) is amended to read:

28 (p) In this section,

29 (1) "**Act** [ACT]" means **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 -  
30 1641] (Alaska Native Claims Settlement Act);

31 (2) "Native corporation" has the meaning given in 43 U.S.C. 1602(m).



1     \* **Sec. 15.** AS 10.06.961(a) is amended to read:

2             (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the  
3             property of the child under AS 47.10.010, when a child who is in the custody of this  
4             state under AS 47.10 or a minor who is in the custody of this state under AS 47.12 or  
5             of another state under a provision similar to AS 47.10 or AS 47.12 becomes entitled to  
6             receive dividends or other distributions resulting from the ownership of stock or a  
7             membership in a corporation organized under this chapter and under **43 U.S.C. 1601**  
8             **et seq.** [43 U.S.C. 1601 - 1641] (Alaska Native Claims Settlement Act), the  
9             corporation paying the dividends or making the other distributions shall retain the  
10            dividends and other distributions in an interest bearing account for the benefit of the  
11            child or minor during the state custody.

12    \* **Sec. 16.** AS 10.20.007 is amended to read:

13            **Sec. 10.20.007. Corporations organized under Alaska Native Claims**  
14            **Settlement Act.** A village corporation organized under **43 U.S.C. 1601 et seq.** [43  
15            U.S.C. 1601 - 1628] (Alaska Native Claims Settlement Act) may be incorporated  
16            under and subject to this chapter except the name of the corporation may not contain  
17            the word "village" or otherwise imply that the corporation is a municipal corporation;  
18            however, the name of a village may be used in the corporate name.

19    \* **Sec. 17.** AS 13.12.102(b) is amended to read:

20            (b) The intestate share of the surviving spouse in settlement common stock or  
21            other inalienable stock in a corporation organized under the laws of the state under **43**  
22            **U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1641] (Alaska Native Claims Settlement Act) is

23                   (1) all of it if there is no surviving issue; or

24                   (2) one-half of it if the decedent is survived by issue.

25    \* **Sec. 18.** AS 13.16.705(a) is amended to read:

26            (a) The settlement common stock or other inalienable stock in a corporation  
27            organized under the laws of Alaska under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 -  
28            1642] (Alaska Native Claims Settlement Act) is not subject to probate nor shall its  
29            value be considered in determining the value of an estate or allowance under this title.  
30            Upon death of the holder, if the stock does not pass by the testamentary disposition  
31            clause on the stock certificate or by the form authorized under (b) of this section,

1 properly executed, it passes by will or intestate succession. In such a case, the  
2 determination of the person entitled to the stock shall be made by the corporation that  
3 initially issued the stock or its designated agent. The determination shall be made on  
4 the basis of an affidavit, furnished to the corporation that initially issued the stock, or  
5 its agent, showing the right of the person entitled to the stock to receive it. The  
6 affidavit, accepted in good faith by the corporation or its agent, has the same effect as  
7 an affidavit under AS 13.16.685, and the person entitled to the stock, if the affidavit is  
8 not accepted, has the remedy set out in AS 13.16.685. In case of dispute as to the  
9 person entitled to receive the stock, a person claiming ownership may bring an  
10 independent action in the superior court.

11 \* **Sec. 19.** AS 13.16.705(g) is amended to read:

12 (g) Where appropriate, terms used in this section have the meanings given in  
13 AS 13.06.050. In this section, "stock" means the settlement common stock or other  
14 inalienable stock of a corporation organized under the laws of the state under **43**  
15 **U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1642] (Alaska Native Claims Settlement Act),  
16 and includes membership in a corporation organized under AS 10.20 and inchoate  
17 rights to stock.

18 \* **Sec. 20.** AS 13.26.210(g) is amended to read:

19 (g) In addition to any other requirement of this section, when appointing a  
20 relative or friend of the **protected person** [INCAPACITATED PERSON] as the  
21 conservator of **the** [A] protected person, the court shall require that the proposed  
22 conservator complete one hour of mandatory education on the basics of  
23 conservatorship before the appointment or within 30 days after the appointment. If the  
24 person is appointed based on the person's agreement to complete the mandatory  
25 education and the person fails to complete the mandatory education within the 30  
26 days, the court shall remove the conservator and appoint a successor.

27 \* **Sec. 21.** AS 13.26.332 is amended to read:

28 **Sec. 13.26.332. Statutory form power of attorney.** A person who wishes to  
29 designate another as attorney-in-fact or agent by a power of attorney may execute a  
30 statutory power of attorney set out in substantially the following form:

31 GENERAL POWER OF ATTORNEY

1 THE POWERS GRANTED FROM THE PRINCIPAL TO THE  
2 AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE  
3 VERY BROAD. THEY MAY INCLUDE THE POWER TO  
4 DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND  
5 PERSONAL PROPERTY [, AND THE POWER TO MAKE YOUR  
6 HEALTH CARE DECISIONS]. ACCORDINGLY, THE  
7 FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER  
8 CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS  
9 ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT  
10 ADVICE.

11 YOU MAY REVOKE THIS POWER OF ATTORNEY AT  
12 ANY TIME.

13 Pursuant to AS 13.26.338 - 13.26.353, I, \_\_\_\_ (Name of  
14 principal) \_\_\_\_, of \_\_\_\_ (Address of principal) \_\_\_\_, do hereby appoint  
15 \_\_\_\_ (Name and address of agent or agents) \_\_\_\_, my attorney(s)-in-fact  
16 to act **as indicated** [AS I HAVE CHECKED] below in my name,  
17 place, and stead in any way which I myself could do, if I were  
18 personally present, with respect to the following matters, as each of  
19 them is defined in AS 13.26.344, to the full extent that I am permitted  
20 by law to act through an agent:

21 THE AGENT OR AGENTS YOU HAVE APPOINTED WILL  
22 HAVE ALL THE POWERS LISTED BELOW UNLESS YOU

23 DRAW A LINE THROUGH A CATEGORY; AND

24 INITIAL THE BOX OPPOSITE THAT CATEGORY

- |  |     |
|--|-----|
| 25 (A) real estate transactions                    | ( ) |
| 26 (B) transactions involving tangible personal    |     |
| 27 property, chattels, and goods                   | ( ) |
| 28 (C) bonds, shares, and commodities transactions | ( ) |
| 29 (D) banking transactions                        | ( ) |
| 30 (E) business operating transactions             | ( ) |
| 31 (F) insurance transactions                      | ( ) |

- 1 (G) estate transactions ( )  
2 (H) gift transactions ( )  
3 (I) claims and litigation ( )  
4 (J) personal relationships and affairs ( )  
5 (K) benefits from government programs and military service ( )  
6 (L) records, reports, and statements ( )  
7 (M) delegation ( )  
8 (N) all other matters, including those specified as follows: ( )

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 IF YOU HAVE APPOINTED MORE THAN ONE AGENT,  
13 CHECK ONE OF THE FOLLOWING:

- 14 ( ) Each agent may exercise the powers conferred separately, without  
15 the consent of any other agent.  
16 ( ) All agents shall exercise the powers conferred jointly, with the  
17 consent of all other agents.

18 TO INDICATE WHEN THIS DOCUMENT SHALL  
19 BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

- 20 ( ) This document shall become effective upon the date of my  
21 signature.  
22 ( ) This document shall become effective upon the date of my  
23 disability and shall not otherwise be affected by my disability.

24 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
25 SHALL BECOME EFFECTIVE ON THE DATE OF YOUR  
26 SIGNATURE, CHECK ONE OF THE FOLLOWING:

- 27 ( ) This document shall not be affected by my subsequent disability.  
28 ( ) This document shall be revoked by my subsequent disability.

29 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
30 SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR  
31 SIGNATURE AND WANT TO LIMIT THE TERM OF THIS

DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for \_\_\_\_\_ ( )  
years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS  
GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature of Principal

Acknowledged before me at \_\_\_\_\_

\_\_\_\_\_ on \_\_\_\_\_.

Signature of Officer or Notary

**\* Sec. 22.** AS 13.26.344(c) is amended to read:

(c) In a statutory form power of attorney, the language conferring general authority with respect to bonds, shares, and commodities transactions shall be construed to mean that, with respect to a bond, share, or commodity of the principal, whether in the state or elsewhere, the principal authorizes the agent to

(1) accept as a gift, or as a security for a loan, reject, demand, buy, receive, or otherwise acquire either ownership or possession of, a bond, share, or instrument of similar character including, by way of illustration, but not of restriction, stock in a corporation organized under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1628] (Alaska Native Claims Settlement Act), commodity interest, or an instrument with respect to a bond, share, or instruments of similar character, together with the interest, dividends, proceeds, or other distributions connected with a bond, share, or instrument of a similar character;

(2) sell, exchange, transfer, release, surrender, hypothecate, pledge, revoke, create, or modify a trust, grant options concerning, loan, trade in, or otherwise dispose of a bond, share, instrument of similar character, commodity interest, or a related instrument;

(3) release, assign the whole or part of, satisfy in whole or in part, and enforce a pledge, encumbrance, lien, or other claim as to a bond, share, instrument of similar character, commodity interest, or a related interest, when the pledge, encumbrance, lien, or other claim is owned, or claimed to be owned, by the principal;

(4) do any act of management or of conservation with respect to a bond, share, instrument of similar character, commodity interest, or a related instrument, owned or claimed to be owned by the principal or in which the principal has or claims to have an interest, including by way of illustration, but not of restriction, power to insure against a casualty, liability, or loss, obtain or regain possession or protect the principal's interest, pay, compromise, or contest taxes or assessments, apply for a refund in connection with a payment, compromise, or tax, consent to and participate in a reorganization, recapitalization, liquidation, merger,

1 consolidation, sale or lease or other change in or revival of a corporation or other  
2 association, or in the financial structure of a corporation or other association, or in the  
3 priorities, voting rights, or other special rights with respect to a corporation or  
4 association, become a depositor with a protective, reorganization or similar committee  
5 of the bond, share, other instrument of similar character, commodity interest or a  
6 related instrument, belonging to the principal, make a payment reasonably incident to  
7 them, and exercise or sell an option, conversion, or similar right, or vote in person or  
8 by the granting of a proxy for the accomplishment of the purposes enumerated in this  
9 subsection;

10 (5) carry in the name of a nominee selected by the agent evidence of  
11 the ownership of a bond, share, other instrument of similar character, commodity  
12 interest, or related instrument belonging to the principal;

13 (6) employ, in any way believed to be desirable by the agent, a bond,  
14 share, other instrument of similar character, commodity interest, or a related  
15 instrument, in which the principal has or claims to have an interest, for the protection  
16 or continued operation of a speculative or margin transaction personally begun or  
17 personally guaranteed, in whole or in part, by the principal;

18 (7) demand, receive, or obtain money or any other thing of value to  
19 which the principal is, or may claim to be, entitled as the proceeds of an interest in a  
20 bond, share, other instrument of similar character, commodity interest or a related  
21 instrument, or of one or more of the transactions enumerated in this subsection,  
22 conserve, invest, disburse, or use anything so received for purposes enumerated in this  
23 subsection; and reimburse the agent for an expenditure properly made in the execution  
24 of the powers conferred by the statutory form power of attorney;

25 (8) agree and contract, in any manner, and with a broker or other  
26 person, and on terms that the agent may select, for the accomplishment of the purposes  
27 enumerated in this subsection, and perform, rescind, reform, release, or modify the  
28 agreement or contract or other similar agreement made by or on behalf of the  
29 principal;

30 (9) execute, acknowledge, seal, and deliver a consent, agreement,  
31 authorization, assignment, revocation, declaration or modification of trust, notice,

1 waiver of notice, check, or other instrument that the agent considers useful for the  
2 accomplishment of the purposes enumerated in this subsection;

3 (10) execute, acknowledge and file a report or certificate required by  
4 law or regulation;

5 (11) prosecute, defend, submit to arbitration, settle, and propose or  
6 accept a compromise with respect to, a claim existing in favor of, or against, the  
7 principal based on or involving a bond, share, or commodity transactions, or intervene  
8 in a related action or proceeding;

9 (12) hire, discharge, and compensate an attorney, accountant, expert  
10 witness, or assistant when the agent considers that action to be desirable for the proper  
11 execution of the powers described in this subsection, and for the keeping of records  
12 about that action; and

13 (13) do any other act or acts that the principal can do through an agent,  
14 with respect to an interest in a bond, share, or other instrument of similar character,  
15 commodity, or instrument with respect to a commodity.

16 \* **Sec. 23.** AS 13.46.085(a) is amended to read:

17 (a) The stock or membership in a corporation organized under the law of this  
18 state under 43 U.S.C. 1601 et seq. ( [THE] Alaska Native Claims Settlement Act) [(43  
19 U.S.C. 1601 - 1642)] that a minor is entitled to receive under that Act shall be held by  
20 a custodian.

21 \* **Sec. 24.** AS 13.46.085(f) is amended to read:

22 (f) In this section,

23 (1) "Act" means 43 U.S.C. 1601 et seq. ( [THE] Alaska Native Claims  
24 Settlement Act) [(43 U.S.C. 1601 - 1642)];

25 (2) "minor" means an individual who is less than 18 years of age;

26 (3) "stock" means the stock or membership in a corporation that is  
27 organized under the law of this state under the Act and that a minor is entitled to  
28 receive under the Act, whether by gift, devise, or other method; "stock" includes  
29 inchoate rights to stock.

30 \* **Sec. 25.** AS 14.57.210(a) is amended to read:

31 (a) A museum may acquire title to undocumented property held by a museum



1 for seven years or longer if

2 (1) the seven-year holding period is verified by the written records of  
3 the museum;

4 (2) when this paragraph is applicable, the museum has notified by mail  
5 all corporations, except nonprofit corporations, created under 43 U.S.C. 1601 et seq.  
6 [43 U.S.C. 1601 - 1629e] (Alaska Native Claims Settlement Act) that the  
7 undocumented property appears to be a Native artifact, that the corporations are  
8 requested to view, identify, and catalog the property within one year after the  
9 notification, and that the museum may take steps to acquire title to the property after  
10 the one-year notification period and the seven-year holding period have expired  
11 without a person filing a claim with the museum that the person is the owner of the  
12 property; in this paragraph, the periods may run concurrently; and

13 (3) during the seven-year holding period, or the longer period if  
14 expanded by the application of (2) of this subsection, a person has not filed a claim  
15 with the museum that the person is the owner of the property.

16 \* **Sec. 26.** AS 16.05.835(b) is amended to read:

17 (b) A vessel engaged in the Bering Sea [KOREAN] hair crab fishery within  
18 five miles of the shore may not be longer than 58 feet overall length.

19 \* **Sec. 27.** AS 16.10.520(e) is amended to read:

20 (e) The total amount of loans made or purchased in any fiscal year may not  
21 exceed the amount specifically authorized by statute. [THE AMOUNT TO BE  
22 PURCHASED MAY NOT EXCEED \$3,000,000 FOR FISCAL YEAR 1977 AND  
23 \$10,000,000 FOR FISCAL YEAR 1978.]

24 \* **Sec. 28.** AS 16.20.032(b) is amended to read:

25 (b) Selections under 43 U.S.C. 1601 et seq. ( [43 U.S.C. 1601 - 1628 (P.L. 92-  
26 203,] Alaska Native Claims Settlement Act) are recognized as valid prior claims to the  
27 land within the area described in (a) of this section. Land specified in (a) of this  
28 section may not include land patented to a Native corporation under that Act.

29 \* **Sec. 29.** AS 16.20.310(c) is amended to read:

30 (c) The commissioner shall develop and amend the game management plan to  
31 coordinate, as closely as possible, the game management plan with the activities of the

1 [AGRICULTURAL DEVELOPMENT AUTHORITY,] Department of Natural  
2 Resources [,] relating to the Big Delta agricultural development project.

3 \* **Sec. 30.** AS 16.43.450(a) is amended to read:

4 (a) The commission may establish a vessel permit system under AS 16.43.450  
5 - 16.43.520 for the Bering Sea [KOREAN] hair crab fishery or a weathervane scallop  
6 fishery if the commission determines that

7 (1) the regulation of entry into the fishery is necessary to achieve the  
8 purposes of this chapter;

9 (2) a vessel permit system would achieve the purposes of this chapter;  
10 and

11 (3) either

12 (A) limiting the number of participants in the fishery under  
13 AS 16.43.140 - 16.43.330 would not achieve the purposes of this chapter; or

14 (B) regulating the number of vessels in the fishery would  
15 enable the state to gain or retain management of the fishery.

16 \* **Sec. 31.** AS 16.43.450(b) is amended to read:

17 (b) If the federal government has delegated management authority in the  
18 United States exclusive economic zone to the state for the Bering Sea [KOREAN] hair  
19 crab fishery or a weathervane scallop fishery, the commission may, to the extent  
20 consistent with this chapter, adopt regulations to ensure that the vessel permit system  
21 is consistent with applicable federal laws.

22 \* **Sec. 32.** AS 16.43.460(b) is amended to read:

23 (b) If the commission establishes a vessel permit system under AS 16.43.450  
24 for a fishery that [IS, OR RECENTLY] was [,] subject to a moratorium on entry of  
25 new vessels under **former** AS 16.43.901 or **former** 16.43.906, the commission shall  
26 incorporate some or all of the vessel eligibility criteria established for the moratorium  
27 into the eligibility criteria for vessel permits issued under the vessel permit system.

28 \* **Sec. 33.** AS 17.20.330 is amended to read:

29 **Sec. 17.20.330. Liability for dissemination of false advertising.** The  
30 publisher, radio-broadcast licensee, or agency or medium for the dissemination of an  
31 advertisement, except the manufacturer, packer, distributor, or seller of the article to

1 which a false advertisement relates, is not liable under AS 17.20.305, 17.20.315, or  
2 AS 45.50.471 - 45.50.561 for the dissemination of the false advertisement, unless the  
3 publisher, licensee, agency, or medium has refused the request of the commissioner of  
4 health and social services **or the commissioner of commerce, community, and**  
5 **economic development** to furnish the name and post office address of the  
6 manufacturer, packer, distributor, seller, or advertising agency [,] residing in the state  
7 who caused dissemination of the advertisement.

8 \* **Sec. 34.** AS 18.56.097 is amended to read:

9 **Sec. 18.56.097. Collateral for loans.** Under procedures established by  
10 regulations of the corporation adopted in accordance with AS 18.56.088 a person may  
11 pledge as security for the repayment of a loan made, purchased, or insured by the  
12 corporation under this chapter a preference right the person holds to receive title to  
13 land the person occupies as a primary place of residence, primary place of business,  
14 subsistence campsite, or as headquarters for reindeer husbandry. The preference right  
15 must be conveyed to the person by the Native corporation to which the land was  
16 granted under **43 U.S.C. 1613** [SECTION 14 OF THE ALASKA NATIVE CLAIMS  
17 SETTLEMENT ACT (85 STAT. 688, 43 U.S.C. SEC. 1601 - 1626, AS AMENDED  
18 BY P.L. 94-204)] before it may be pledged as security under this section. The  
19 Department of Commerce, Community, and Economic Development shall prescribe  
20 procedures and standard forms for establishing and appraising the value of a  
21 preference right held by a person to secure the repayment of a loan made, purchased,  
22 or insured by the corporation under this chapter.

23 \* **Sec. 35.** AS 21.34.170(a) is amended to read:

24 (a) A surplus lines broker shall file with the director on or before the end of  
25 each month, on forms prescribed by the director, a verified report of all surplus lines  
26 insurance, by type of insurance as required to be reported in the annual statement that  
27 must be filed with the director by admitted insurers. The report must include all  
28 surplus lines insurance transactions during the preceding calendar month showing the  
29 aggregate gross premiums written, the aggregate return premiums, the amount of  
30 aggregate tax remitted to this state, and the amount of aggregate tax remitted to each  
31 other state for which an allocation is made under **AS 21.34.180** [AS 21.34.150].

1     **\* Sec. 36.** AS 21.34.180(a) is amended to read:

2             (a) Gross premiums written, less any return premium, for surplus lines  
3 insurance are subject to a premium [RECEIPTS] tax as outlined in AS 21.09.210,  
4 which shall be collected by the surplus lines broker as specified by the director, in  
5 addition to the full amount of the gross premium written by the insurer for the  
6 insurance. The tax on any portion of the premium unearned at termination of  
7 insurance having been credited by the state to the surplus lines broker shall be returned  
8 to the policy holder directly by the surplus lines broker or through the producing  
9 broker, if any. The surplus lines broker may not absorb the tax or any part of it, and  
10 may not rebate for any reason the tax or any part of it. However, if, under  
11 AS 21.09.210, an admitted insurer is required to collect and pay premium tax on a  
12 portion of a subscription policy, the surplus lines broker is not required to collect any  
13 amount that would constitute double taxation of that portion of the insurance.

14     **\* Sec. 37.** AS 22.10.025(a) is amended to read:

15             (a) The superior court, in an action for divorce, separation, or child support,  
16 affecting inalienable stock in a corporation organized under **43 U.S.C. 1601 et seq.**  
17 [43 U.S.C. 1601 - 1628] (Alaska Native Claims Settlement Act), may order the stock  
18 transferred to the spouse, a child, or a guardian or custodian for a child, but may not  
19 order it sold on the open market or transferred to other persons.

20     **\* Sec. 38.** AS 26.05.330(e) is amended to read:

21             (e) For each day of duty as a member of a general court-martial, or as a  
22 witness under summons from the president or judge advocate of the court, officers and  
23 enlisted persons shall be paid as provided in AS 26.05.260(b) [AND (c)].

24     **\* Sec. 39.** AS 26.10.060(a) is amended to read:

25             (a) The provisions of 50 U.S.C. App. 459 (sec. 9, Universal Military Training  
26 and Service Act), as amended, are extended to this state and its political subdivisions.  
27 [IT IS THE INTENT OF THIS SECTION THAT ALL RE-EMPLOYMENT  
28 BENEFITS GRANTED BY 50 U.S.C. APP. 459 TO A VETERAN WHO WAS IN  
29 THE EMPLOY OF A PRIVATE EMPLOYER AT THE TIME OF THE VETERAN'S  
30 INDUCTION INTO THE ARMED FORCES OF THE UNITED STATES SHALL,  
31 IN THE SAME MANNER AND TO THE SAME EXTENT, BE GRANTED TO A

1 VETERAN WHO WAS IN THE EMPLOY OF THE STATE OF ALASKA OR A  
2 POLITICAL SUBDIVISION OF THE STATE AT THE TIME OF INDUCTION  
3 INTO THE ARMED FORCES OF THE UNITED STATES.]

4 \* **Sec. 40.** AS 29.45.050(m) is amended to read:

5 (m) A municipality may by ordinance partially or totally exempt all or some  
6 types of economic development property from taxation for up to five years. The  
7 municipality may provide for renewal of the exemption under conditions established  
8 in the ordinance. However, under a renewal, a municipality that is a school district  
9 may only exempt all or a portion of the amount of taxes that exceeds the amount  
10 levied on other property for the school district. A municipality may by ordinance  
11 permit deferral of payment of taxes on all or some types of economic development  
12 property for up to five years. The municipality may provide for renewal of the  
13 deferral under conditions established in the ordinance. A municipality may adopt an  
14 ordinance under this subsection only if, before it is adopted, copies of the proposed  
15 ordinance made available at a public hearing on it contain written notice that the  
16 ordinance, if adopted, may be repealed by the voters through referendum. An  
17 ordinance adopted under this subsection must include specific eligibility requirements  
18 and require a written application for each exemption or deferral. In this subsection  
19 "economic development property" means real or personal property, including  
20 developed property conveyed under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1629e]  
21 (Alaska Native Claims Settlement Act), that

22 (1) has not previously been taxed as real or personal property by the  
23 municipality;

24 (2) is used in a trade or business in a way that

25 (A) creates employment in the municipality;

26 (B) generates sales outside of the municipality of goods or  
27 services produced in the municipality; or

28 (C) materially reduces the importation of goods or services  
29 from outside the municipality; and

30 (3) has not been used in the same trade or business in another  
31 municipality for at least six months before the application for deferral or exemption is

1 filed; this paragraph does not apply if the property was used in the same trade or  
2 business in an area that has been annexed to the municipality within six months before  
3 the application for deferral or exemption is filed; this paragraph does not apply to  
4 inventories.

5 \* **Sec. 41.** AS 34.15.075(b) is amended to read:

6 (b) In this section, "Alaska Native Claims Settlement Act real property" means  
7 real property that, at some point in that real property's chain of title, was conveyed by  
8 the federal government under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1629h]  
9 (Alaska Native Claims Settlement Act) to a corporation established under **43 U.S.C.**  
10 **1601 et seq.** [43 U.S.C. 1601 - 1629h.]

11 \* **Sec. 42.** AS 34.45.760(10) is amended to read:

12 (10) "intangible property"

13 (A) includes

14 (i) money, checks, drafts, warrants, deposits, interest,  
15 dividends, and income;

16 (ii) credit balances, customer overpayments, gift  
17 certificates, security deposits, refunds, credit memos, unpaid wages,  
18 and unidentified remittances;

19 (iii) stocks and other intangible equity interests in  
20 business associations;

21 (iv) money deposited to redeem stocks, bonds, coupons,  
22 and other securities, or to make distributions;

23 (v) amounts due and payable under the terms of  
24 insurance policies;

25 (vi) amounts distributable from a trust or custodial fund  
26 established under a plan to provide health, welfare, pension, vacation,  
27 severance, retirement, death, stock purchase, profit-sharing, employee  
28 savings, supplemental unemployment insurance, or similar benefits;  
29 and

30 (vii) amounts due and payable as mineral proceeds;

31 (B) does not include

- 1 (i) unused airline tickets;
- 2 (ii) shares of stock issued by a corporation organized
- 3 under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1629a] (Alaska Native
- 4 Claims Settlement Act) or unclaimed dividends payable on the shares
- 5 of stock; or
- 6 (iii) overpaid contributions by employers to the
- 7 unemployment compensation fund under AS 23.20.130;

8 \* **Sec. 43.** AS 36.30.170(b) is amended to read:

9 (b) The procurement officer shall award a contract based on solicited bids to

10 the lowest responsive and responsible bidder after an Alaska bidder preference of five

11 percent, an Alaska products preference as described in AS 36.30.322 - 36.30.338, and

12 a recycled products preference under AS 36.30.337 have been applied. In this

13 subsection, "Alaska bidder" means a person who

14 (1) holds a current Alaska business license;

15 (2) submits a bid for goods, services, or construction under the name as

16 appearing on the person's current Alaska business license;

17 (3) has maintained a place of business within the state staffed by the

18 bidder or an employee of the bidder for a period of six months immediately preceding

19 the date of the bid;

20 (4) is incorporated or qualified to do business under the laws of the

21 state, is a sole proprietorship and the proprietor is a resident of the state, is a limited

22 liability company organized under AS 10.50 and all members are residents of the state,

23 or is a partnership under **former** AS 32.05, **AS 32.06**, or AS 32.11 and all partners are

24 residents of the state; and

25 (5) if a joint venture, is composed entirely of ventures that qualify

26 under (1) - (4) of this subsection.

27 \* **Sec. 44.** AS 37.14.410(a) is amended to read:

28 (a) Amounts received by the state as reimbursement for expenses related to the

29 Exxon Valdez oil spill incurred by the state on or before December 31, 1992, shall be

30 deposited in the general fund and, except as required under (b) of this section, may not

31 be credited to **an** [THE] oil and hazardous substance release mitigation account under

1 AS 46.04.010 or to an account established in AS 46.08.020 or 46.08.025.

2 \* **Sec. 45.** AS 38.05.073(c) is amended to read:

3 (c) If the commissioner identifies land for recreational facilities development  
4 leasing under (a) of this section, at least 30 days before the commissioner decides to  
5 solicit proposals from potential lessees, the commissioner shall provide public notice  
6 of the location and the specific type of recreational facilities development being  
7 considered and request comments. The notice shall be provided to (1) a municipality  
8 if the land is entirely or partially within the boundaries of the municipality; (2) a  
9 regional corporation organized under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1629e]  
10 (Alaska Native Claims Settlement Act) if the boundaries of the corporation established  
11 by 43 U.S.C. 1606(a) encompass part or all of the land and the land encompassed by  
12 the corporation's boundaries is entirely or partially outside the municipality; (3) a  
13 village corporation organized under 43 U.S.C. 1601 if all or part of the land is within  
14 40 miles of the village for which the corporation was established and the land is  
15 located entirely or partially outside a municipality; (4) other persons affected by the  
16 specific recreational facility development; and (5) persons who have specifically  
17 requested to be notified. Public notice identifying the location and the specific type of  
18 recreational facilities development under consideration must also be published at least  
19 twice in a newspaper of general circulation in the state and in a local newspaper in  
20 general circulation in the region where the land is located. The comments received  
21 under this subsection become part of the public record for the consideration of the  
22 commissioner.

23 \* **Sec. 46.** AS 38.95.050 is amended to read:

24 **Sec. 38.95.050. Land management contracts with Native corporations.** A  
25 corporation organized under state law pursuant to **43 U.S.C. 1601 et seq.** [43 U.S.C.  
26 1601 - 1628] (Alaska Native Claims Settlement Act) may contract with the  
27 Department of Natural Resources for the management of land; however, a sale, lease,  
28 exchange or other disposal of this land may not be made without the approval of the  
29 corporation owning it. The contract is terminable upon reasonable notice by either  
30 party to it; it may cover all or a portion of the land of the corporation, and shall  
31 provide for the terms of management by reference to law or regulation or otherwise.



1 The Department of Natural Resources is authorized to receive and expend, subject to  
2 appropriation, funds necessary to carry out its functions under this section.

3 \* **Sec. 47.** AS 41.17.041(b) is amended to read:

4 (b) The board is composed of nine members appointed by the governor:

5 (1) a representative of a commercial fishermen's organization;

6 (2) a representative of a Native corporation established under **43**  
7 **U.S.C. 1601 et seq.** [43 U.S.C. 1601-1628] (Alaska Native Claims Settlement Act);

8 (3) a representative of an environmental organization;

9 (4) a representative of a forest industry trade association;

10 (5) a professional fish or wildlife biologist who is not employed in that  
11 capacity by a state, municipal, or federal government agency, except for university  
12 employment;

13 (6) a professional forester who is not employed in that capacity by a  
14 state, municipal, or federal government agency, except for university employment;

15 (7) a representative of a mining organization;

16 (8) a representative of a recreational organization; and

17 (9) the state forester, who serves ex officio and without a vote.

18 \* **Sec. 48.** AS 41.17.900(f) is amended to read:

19 (f) This chapter does not diminish the rights, privileges, or immunities of  
20 Alaska Natives or Alaska Native corporations with respect to land conveyed under **43**  
21 **U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1628] (Alaska Native Claims Settlement Act),  
22 and does not alter or diminish the authority of the Department of Fish and Game under  
23 AS 16, of the Department of Environmental Conservation under AS 46, or of a state  
24 agency under other law.

25 \* **Sec. 49.** AS 41.21.025(b) is amended to read:

26 (b) Land patented to or under interim conveyance to a regional or village  
27 **Native** [NATIVE] corporation under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1628]  
28 ([P.L. 92-203,] Alaska Native Claims Settlement Act) that falls within a state park  
29 boundary is subject to the zoning regulations provided for under (a) of this section  
30 only if the affected regional or village **Native** [NATIVE] corporation consents to or  
31 fails to reject the zoning regulations within 60 days from the date they are submitted to

1 the affected corporation.

2 \* **Sec. 50.** AS 43.50.460(d) is amended to read:

3 (d) For a nonparticipating manufacturer, the certification required by (a) of  
4 this section must additionally certify that the nonparticipating manufacturer

5 (1) is registered to do business in the state or has appointed a resident  
6 agent for service of process and provided notice of the appointment as required by  
7 **AS 43.50.475** [AS 43.50.530];

8 (2) has

9 (A) established and continues to maintain a qualified escrow  
10 fund; and

11 (B) executed a qualified escrow agreement that has been  
12 reviewed and approved by the Department of Law and that governs the  
13 qualified escrow fund; and

14 (3) is in full compliance with AS 45.53 and this section, and any  
15 regulations adopted under those statutes.

16 \* **Sec. 51.** AS 43.98.015(a) is amended to read:

17 (a) The receipt of the original issue of shares of stock in a corporation  
18 organized under Alaska law pursuant to **43 U.S.C. 1601 et seq.** ([THE FEDERAL]  
19 Alaska Native Claims Settlement Act) [(P.L. 92-203; 85 STAT. 688; 43 U.S.C. 1601  
20 ET SEQ.)] by or on behalf of a **Native** [NATIVE] (as defined in the federal Act) is not  
21 subject to any form of state or local taxation.

22 \* **Sec. 52.** AS 43.98.015(b) is amended to read:

23 (b) The receipt of land or an interest in it under the federal Act or of cash in  
24 order to equalize the values of property exchanged under **43 U.S.C. 1621(f)** [SEC.  
25 22(f) OF THAT ACT] or AS 38.50 is not subject to any form of state or local taxation.  
26 The basis for computing gain or loss on subsequent sale or other disposition of this  
27 land or interest in land for purposes of a state or local tax imposed on or measured by  
28 income is the fair value of the land or interest in land at the time of receipt.

29 \* **Sec. 53.** AS 44.27.056 is amended to read:

30 **Sec. 44.27.056. Reports.** The council shall report to the governor [NOT  
31 LATER THAN NOVEMBER 1, 1966, AND] from time to time [THEREAFTER].

1 The council shall notify the legislature when its reports are available.

2 \* **Sec. 54.** AS 44.29.210(a) is amended to read:

3 (a) There is created in the department an alcoholism and drug abuse revolving  
4 loan fund as required under **42 U.S.C. 300x-25** [42 U.S.C. 300x - 4a] to qualify the  
5 state to receive block grant money from the United States Department of Health and  
6 Human Services under **42 U.S.C. 300x-21** [42 U.S.C. 300x - 2].

7 \* **Sec. 55.** AS 44.29.210(c) is amended to read:

8 (c) Money in the fund may be used as required under **42 U.S.C. 300x-25** [42  
9 U.S.C. 300x - 4a] to make loans to private nonprofit organizations for the cost of  
10 establishing programs to help pay the living expenses of individuals recovering from  
11 alcohol or drug abuse who may reside in groups.

12 \* **Sec. 56.** AS 44.42.065(a) is amended to read:

13 (a) The department shall, [AS SOON AS PRACTICABLE AFTER JULY 1,  
14 1980, AND] at least once every seven years [THEREAFTER], perform an energy  
15 audit of each public building.

16 \* **Sec. 57.** AS 44.62.350(c) is amended to read:

17 (c) **Except for a** [A] hearing officer hired [AFTER APRIL 29, 1959,  
18 EXCEPT] to conduct hearings under AS 23.20 (Alaska Employment Security Act), **a**  
19 **hearing officer** shall have been admitted to practice law for at least two years  
20 immediately before the appointment.

21 \* **Sec. 58.** AS 44.83.425 is amended to read:

22 **Sec. 44.83.425. Definitions.** In **AS 44.83.382 - 44.83.425** [AS 44.83.380 -  
23 44.83.425],

24 (1) "debt service" means the amounts covenanted with respect to, or  
25 pledged to pay, bonds under a trust agreement securing bonds;

26 (2) "fund" means the power development fund established by  
27 AS 44.83.382;

28 (3) "qualified utility" means an electric utility or an electric operating  
29 entity established as an instrumentality of two or more electric utilities certified under  
30 AS 42.05 to serve all or part of a market area that is served or will be served by the  
31 power project, that the authority determines is capable of operating and maintaining

1 the power project.

2 \* **Sec. 59.** AS 44.88.085(c) is amended to read:

3 (c) The authority may adopt regulations to carry out the purposes of this  
4 chapter and shall adopt regulations as provided in (g) [AND (h)] of this section.

5 \* **Sec. 60.** AS 45.55.138 is amended to read:

6 **Sec. 45.55.138. Application to Alaska Native Claims Settlement Act**  
7 **corporations.** The initial issue of stock of a corporation organized under Alaska law  
8 pursuant to **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1628] (Alaska Native Claims  
9 Settlement Act) is not a sale of a security under AS 45.55.070 and 45.55.130(10).

10 \* **Sec. 61.** AS 45.57.090 is amended to read:

11 **Sec. 45.57.090. Consent to service of process.** A nonresident offeror, except  
12 a foreign corporation which has complied with **AS 10.06.705 - 10.06.788**  
13 [AS 10.05.597 - 10.05.696], who makes a takeover bid affecting an offeree company  
14 is considered to have appointed the commissioner of commerce, community, and  
15 economic development as the offeror's agent upon whom may be served, in any matter  
16 arising under this chapter, any process, notice, order or demand except one issued by  
17 the department. Service may be made on the commissioner or any of the  
18 commissioner's staff at the commissioner's office. The commissioner shall send it by  
19 registered or certified mail addressed to the offeror at the latest address on file and  
20 keep a record of it. A process, notice, order or demand issued by the department shall  
21 be served by being mailed by the commissioner or any of the commissioner's staff by  
22 registered or certified mail addressed to the offeror at the latest address on file.

23 \* **Sec. 62.** AS 46.03.822(c) is amended to read:

24 (c) For purposes of (b)(1)(B) of this section, a third party or an agent of a third  
25 party is in privity of contract with the person who is otherwise liable, if the third party  
26 or its agent and the person are parties to a land contract, deed, or other instrument  
27 transferring title or possession of the real property on which the facility in question is  
28 located, unless that property was acquired by the person after the disposal or  
29 placement of the hazardous substance on, in, or at the facility, and the person  
30 establishes that the person has satisfied the requirements of (b)(1)(B) of this section  
31 and establishes that

1 (1) at the time the person acquired the facility the person did not know  
2 and had no reason to know that a hazardous substance that is the subject of the release  
3 or threatened release was disposed of on, in, or at the facility;

4 (2) the person is a governmental entity that acquired the facility by  
5 escheat, or through another involuntary transfer or acquisition, or through the exercise  
6 of eminent domain authority by purchase or condemnation;

7 (3) the person is a corporation organized under 43 U.S.C. 1601 et seq.  
8 [43 U.S.C. 1601 - 1629e] (Alaska Native Claims Settlement Act) that acquired the  
9 facility under those sections;

10 (4) the person acquired the facility by inheritance or bequest; or

11 (5) the person is a state governmental entity and the state acquired the  
12 facility under Public Law 85-508 (Alaska Statehood Act).

13 \* **Sec. 63.** AS 46.14.010(b) is amended to read:

14 (b) Unless the governor has determined that an emergency exists that requires  
15 emergency regulations under AS 44.62.250, the department may adopt the following  
16 types of regulations only after the procedures established in (a), (c), and (d) of this  
17 section and compliance with AS 46.14.015:

18 (1) a regulation that establishes an ambient air quality standard for an  
19 air pollutant for which there is no corresponding federal standard;

20 (2) a regulation that establishes an ambient air quality standard or  
21 emission standard that is more stringent than a corresponding federal standard;

22 (3) a regulation that establishes an equivalent emission limitation for a  
23 hazardous air pollutant for which the federal administrator has not adopted a  
24 corresponding maximum achievable control technology standard; or

25 (4) a regulation that regulates emissions from an emissions  
26 [EMISSION] unit or stationary source or establishes an emission standard under the  
27 authority of AS 46.14.120(e) or 46.14.130(c)(2).

28 \* **Sec. 64.** AS 46.14.010(c) is amended to read:

29 (c) In preparation for peer review under AS 46.14.015 and before adopting a  
30 regulation described under (b) of this section, the department shall

31 (1) find in writing that exposure profiles and either meteorological

1 conditions or **emissions** [EMISSION] unit characteristics in the state or in an area of  
2 the state reasonably require the ambient air quality standard, or emission standard to  
3 protect human health and welfare or the environment; this paragraph does not apply to  
4 a regulation under (b)(3) of this section;

5 (2) find in writing that the proposed standard or emission limitation is  
6 technologically feasible; and

7 (3) prepare a written analysis of the economic feasibility of the  
8 proposal.

9 \* **Sec. 65.** AS 46.14.010(d) is amended to read:

10 (d) Before adopting a regulation described in (b)(2) of this section, the  
11 department shall find in writing that exposure profiles and either meteorological  
12 conditions or **emissions** [EMISSION] unit characteristics are significantly different in  
13 the state or in an area of the state from those upon which the corresponding federal  
14 regulation is based.

15 \* **Sec. 66.** AS 46.14.010(e) is amended to read:

16 (e) When incorporated into more than one permit, emission standards and  
17 limitations, emissions monitoring and reporting requirements, and compliance  
18 verification requirements that are generally applicable statewide or are generally  
19 applicable to individual **emissions** [EMISSION] unit or stationary source types shall  
20 be adopted in regulation unless they have been requested by the owner and operator to  
21 whom the permit is issued. The department shall, by regulation, adopt a standard,  
22 limitation, or requirement described in this subsection as soon as its general  
23 applicability is reasonably foreseeable.

24 \* **Sec. 67.** AS 46.14.010(f) is amended to read:

25 (f) An emission standard adopted by the department may be applicable to  
26 individual **emissions** [EMISSION] units within a stationary source or to all **emissions**  
27 [EMISSION] units within a stationary source. For purposes of determining  
28 compliance with applicable regulations and with permit limitations, the department  
29 may allow numerical averaging of the emissions of each air pollutant from several  
30 **emissions** [EMISSION] units within a stationary source if

31 (1) requested by the owner and operator; and

1 (2) allowed under 42 U.S.C. 7401 - 7671q (Clean Air Act), as  
2 amended, and regulations adopted under those sections.

3 \* **Sec. 68.** AS 46.14.020 is amended to read:

4 **Sec. 46.14.020. Classification of stationary sources or emissions**  
5 **[EMISSION] units; reporting.** (a) The department, by regulation, may classify  
6 stationary sources or emissions [EMISSION] units that, in the department's  
7 determination, are likely to cause or contribute to air pollution, according to the levels  
8 and types of emissions and other characteristics that relate to air quality. The  
9 department may make a classification under this subsection applicable to the state as a  
10 whole or to a designated area of the state. The department shall base the  
11 classifications on consideration of health, economic, and social factors, sensitivity of  
12 the receiving environment, and physical effects on property.

13 (b) The department or a local air quality control program authorized under  
14 AS 46.14.400 may require an owner and operator of a stationary source or emissions  
15 [EMISSION] unit classified under this section to report information to the department  
16 or the authorized local program concerning location, size, and height of stacks or area  
17 emissions [EMISSION] units, processes employed, fuels used, the nature and time  
18 periods or duration of emissions, and other information relevant to air quality that is  
19 available or reasonably capable of being calculated and compiled.

20 \* **Sec. 69.** AS 46.14.130(b) is amended to read:

21 (b) Except for the owner and operator of a stationary source exempted under  
22 AS 46.14.120(e) or (f), the owner and operator of a stationary source shall obtain an  
23 operating permit from the department if the stationary source

24 (1) emits or has the potential to emit 100 TPY or more of a regulated  
25 air pollutant;

26 (2) emits or has the potential to emit 10 TPY or more of a hazardous  
27 air pollutant or 25 TPY or more, in the aggregate, of two or more hazardous air  
28 pollutants;

29 (3) contains an emissions [EMISSION] unit subject to federal new  
30 source performance standards under 42 U.S.C. 7411 (Clean Air Act, sec. 111) or  
31 national emission standards for hazardous air pollutants issued under 42 U.S.C. 7412

1 (Clean Air Act, sec. 112); or

2 (4) contains another stationary source designated by the federal  
3 administrator by regulation.

4 \* **Sec. 70.** AS 46.14.180 is amended to read:

5 **Sec. 46.14.180. Monitoring.** Monitoring by the owner and operator of stack  
6 emissions or ambient air quality shall be required by the department only for purposes  
7 of demonstrating compliance with applicable permit program requirements.  
8 Monitoring requirements must be reasonable and based on test methods, analytical  
9 procedures, and statistical conventions approved by the federal administrator or the  
10 department or otherwise generally accepted as scientifically competent. Unless  
11 otherwise agreed to by the owner and operator and the department,

12 (1) the department may not require an owner and operator of an  
13 emissions [EMISSION] unit to monitor emissions or ambient air quality solely for the  
14 purpose of scientific investigation or research; and

15 (2) monitoring activities must be consistent with the applicable  
16 emission standards and their permit or permit application requirements.

17 \* **Sec. 71.** AS 46.14.190(a) is amended to read:

18 (a) Except as provided in (b) of this section, the department shall issue only a  
19 single operating permit to a stationary source, regardless of whether the stationary  
20 source contains a single emissions [EMISSION] unit or multiple emissions  
21 [EMISSION] units.

22 \* **Sec. 72.** AS 46.14.210 is amended to read:

23 **Sec. 46.14.210. General operating permits.** After notice and opportunity for  
24 public comment and hearing, the department may, unless the permit is disapproved by  
25 the federal administrator, establish a general operating permit that would be applicable  
26 to more than one stationary source determined by the department to be similar in  
27 emissions [EMISSION] unit structure. A general operating permit must contain  
28 provisions that meet the requirements of this chapter that are applicable to operating  
29 permits. A general operating permit issued to a particular person takes effect when the  
30 person's application is determined to be complete unless the department notifies the  
31 applicant that the general permit is not applicable to the person's stationary source.



1     \* **Sec. 73.** AS 46.14.250(c) is amended to read:

2             (c) For a stationary source that begins operation during a fiscal year, the  
3             department shall prorate the first year's fee to cover the time period occurring before  
4             the next annual payment date. The owner or operator shall pay the initial emission fee  
5             upon commencement of lawful stationary source operation unless authorized to pay by  
6             installments under (b) of this section. The first year's emission fee may not duplicate a  
7             fee paid by a permittee under AS 44.46.025 for the same **emissions** [EMISSION] units  
8             for the same time period. If the fees would otherwise be duplicative, the department  
9             shall provide a credit toward the emission fee in the amount of the unused balance of  
10            the fee collected under AS 44.46.025. The unused balance to be credited shall be  
11            based on prorating the total original fee under AS 44.46.025 for the time period for  
12            which an emission fee applies.

13    \* **Sec. 74.** AS 46.14.250(f) is amended to read:

14            (f) **The** [AFTER THE TWO YEARS DESCRIBED IN (e) OF THIS  
15            SECTION, THE] department shall set the emission fee rate in regulation to implement  
16            the policy established in (d) of this section. The department shall base the regulation  
17            on the findings of a report, which the department shall make available to the public  
18            with proper notice before adoption of the regulation, that examines

- 19                   (1) fees assessed;  
20                   (2) alternative fee rates or formulas;  
21                   (3) types, sizes, or categories of stationary sources, their respective  
22            emission quantities, and their previous or proposed fee burden;  
23                   (4) apparent inequities encountered in the initial fee rate;  
24                   (5) total costs incurred or anticipated to be incurred under (h) of this  
25            section; and  
26                   (6) other factors that ensure fair distribution of the costs described in  
27            (h) of this section.

28    \* **Sec. 75.** AS 46.14.400(c) is amended to read:

29            (c) If the department finds that the location, character, or extent of particular  
30            concentrations of population, air pollutant **emissions** [EMISSION] units, the  
31            geographic, topographic, or meteorological considerations, or a combination of these

1 factors make impracticable the maintenance of appropriate levels of air quality without  
2 an areawide air pollution control program, the department may determine the  
3 boundaries within which a local air quality control program is necessary and direct  
4 that a local air quality control program spanning those boundaries is the only  
5 acceptable alternative to direct state administration.

6 \* **Sec. 76.** AS 46.14.400(f) is amended to read:

7 (f) A municipality or a local air quality district administering a program under  
8 this section shall administer its local air quality control program according to this  
9 chapter, regulations adopted under those sections, and its cooperative agreement under  
10 (d) of this section. A municipality or local air quality district's program may, upon a  
11 finding by the local agency and an affirmative agreement by the department, establish  
12 a more stringent requirement than the stationary **emissions** [EMISSION] unit permit  
13 program authorized under this chapter if public health or air quality effects provide a  
14 reasonable basis to regulate the **emissions** [EMISSION] unit with the additional or  
15 more stringent requirement and the municipality or district has used procedures  
16 substantially equivalent to those required under AS 46.14.010 - 46.14.015 before  
17 establishing the more stringent requirement. This subsection does not prohibit a  
18 municipality or local air quality control district from establishing a mobile source  
19 emissions program more stringent than the state program without making findings of  
20 public health or air quality effects or using procedures substantially equivalent to those  
21 required under AS 46.14.010 - 46.14.015. In this subsection, "mobile source" does not  
22 include tank vessels or other watercraft.

23 \* **Sec. 77.** AS 46.14.410(e) is amended to read:

24 (e) If the department finds that control of a particular class of stationary source  
25 or **emissions** [EMISSION] unit, because of its complexity or magnitude, is beyond the  
26 reasonable capability of the municipality or the local air quality district or may be  
27 more efficiently and economically controlled at the state level, the department may  
28 assume and retain jurisdiction over the class of stationary source or **emissions**  
29 [EMISSION] unit. Classifications under this subsection may be based on the nature of  
30 stationary sources or **emissions** [EMISSION] units involved, their size relative to the  
31 size of the communities in which they are located, or another basis established by the

1 department.

2 \* **Sec. 78.** AS 46.14.515(a) is amended to read:

3 (a) An officer or employee of the department designated by the commissioner  
4 or an inspector authorized by the commissioner and certified under regulations  
5 adopted under AS 46.14.140(a)(14) may, upon presentation of credentials and at  
6 reasonable times with the consent of the owner or operator, enter upon or through any  
7 premises of a stationary source regulated under this chapter to

8 (1) inspect and copy any records required to be maintained;

9 (2) inspect any **emissions** [EMISSION] unit, monitoring equipment, or  
10 method required to be used; or

11 (3) sample any emissions that the owner and operator of the stationary  
12 source is required to sample.

13 \* **Sec. 79.** AS 46.14.540(a) is amended to read:

14 (a) When the commissioner finds that an act of God, act of war, act of  
15 terrorism, or similar catastrophe necessitates emergency use of an unpermitted  
16 **emissions** [EMISSION] unit or emergency use of a permitted **emissions** [EMISSION]  
17 unit in a manner not authorized by the permit, the commissioner may waive  
18 procedural requirements of this chapter and issue an order to authorize emergency use  
19 of the **emissions** [EMISSION] unit. When acting under this section, the commissioner  
20 shall impose conditions necessary to protect life, human health, welfare, property, and  
21 the environment and may impose other conditions the commissioner finds necessary  
22 and appropriate.

23 \* **Sec. 80.** AS 46.14.560 is amended to read:

24 **Sec. 46.14.560. Unavoidable malfunctions and emergencies.** Excess  
25 emissions caused by an unavoidable emergency, **a** malfunction, or nonroutine repairs  
26 of an **emissions** [EMISSION] unit including pollution control equipment or process  
27 equipment constitute an affirmative defense, when asserted under regulations adopted  
28 under AS 46.14.140, to an action brought for noncompliance with a technology-based  
29 emission standard. This section does not limit the department's power to enjoin the  
30 emission or require corrective action. This provision is in addition to any emergency  
31 or upset provision contained in an applicable requirement.

1     \* **Sec. 81.** AS 46.14.990(11) is amended to read:

2                     (11) "**emissions** [EMISSION] unit" has the meaning given in 40  
3             C.F.R. 51.166(b);

4     \* **Sec. 82.** AS 46.14.990(20) is amended to read:

5                     (20) "operator" means a person or persons who direct, control, or  
6             supervise a stationary source or **emissions** [EMISSION] unit that has the potential to  
7             emit an air pollutant to the atmosphere;

8     \* **Sec. 83.** AS 46.14.990(21) is amended to read:

9                     (21) "owner" means a person or persons with a proprietary or  
10            possessory interest in a stationary source or **emissions** [EMISSION] unit that has the  
11            potential to emit an air pollutant to the atmosphere;

12    \* **Sec. 84.** AS 46.15.165(c) is amended to read:

13                   (c) Upon initiation of the adjudication, the commissioner shall

14                         (1) serve the order on each applicant, certificate holder, or permittee  
15             listed in the department's records within the adjudication area;

16                         (2) serve the order on any agency of the federal, state, or a local  
17             government with management authority over land or water within the adjudication  
18             area;

19                         (3) serve the order on any person who owns or claims land within the  
20             adjudication area if the land is held in trust by the United States for the person or if the  
21             patent, deed, or certificate to the land from the United States was issued under 25  
22             U.S.C. 334 (Indian General Allotment Act of February 8, 1887, 24 Stat. 389, as  
23             amended and supplemented), 25 U.S.C. 372 (the Allotment Act of June 25, 1910, 36  
24             Stat. 855), 43 U.S.C. 270-1, 270-2 (the Allotment Act of May 17, 1906, 34 Stat. 197),  
25             any other allotment act, or the Alaska Native Townsite Act of May 25, 1926, 44 Stat.  
26             629, and serve the order on the United States on behalf of the person;

27                         (4) serve the order on the United States and the appropriate governing  
28             body of the Annette Island Reserve established by 25 U.S.C. 495 (the Act of March 3,  
29             1891, 26 Stat. 1101) if the land or water, including hydrologically interconnected  
30             water, of the Annette Island Reserve is within the adjudication area;

31                         (5) serve the order on any other person claiming a federal reserved

1 water right within the adjudication area;

2 (6) serve the regional corporation and village corporation established  
3 under **43 U.S.C. 1601 et seq.** [43 U.S.C. 1601 - 1628] (Alaska Native Claims  
4 Settlement Act) that has a pending land selection or has acquired ownership to land  
5 under that act that is located within the adjudication area; and

6 (7) serve the order on each mining claimant of record with the United  
7 States and the state within the adjudication area as of the date of the order initiating  
8 the administrative adjudication.

9 \* **Sec. 85.** AS 47.07.020(b) is amended to read:

10 (b) In addition to the persons specified in (a) of this section, the following  
11 optional groups of persons for whom the state may claim federal financial  
12 participation are eligible for medical assistance:

13 (1) persons eligible for but not receiving assistance under any plan of  
14 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,  
15 Supplemental Security Income) or a federal program designated as the successor to the  
16 aid to families with dependent children program;

17 (2) persons in a general hospital, skilled nursing facility, or  
18 intermediate care facility, who, if they left the facility, would be eligible for assistance  
19 under one of the federal programs specified in (1) of this subsection;

20 (3) persons under [AGE] 21 **years of age** who are under supervision of  
21 the department, for whom maintenance is being paid in whole or in part from public  
22 funds, and who are in foster homes or private child-care institutions;

23 (4) aged, blind, or disabled persons, who, because they do not meet  
24 income and resources requirements, do not receive supplemental security income  
25 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not  
26 receive a mandatory state supplement, but who are eligible, or would be eligible if  
27 they were not in a skilled nursing facility or intermediate care facility to receive an  
28 optional state supplementary payment;

29 (5) persons under [AGE] 21 **years of age** who are in an institution  
30 designated as an intermediate care facility for the mentally retarded and who are  
31 financially eligible as determined by the standards of the federal program designated

1 as the successor to the aid to families with dependent children program;

2 (6) persons in a medical or intermediate care facility whose income  
3 while in the facility does not exceed \$1,656 a month but who would not be eligible for  
4 an optional state supplementary payment if they left the hospital or other facility;

5 (7) persons under [AGE] 21 **years of age** who are receiving active  
6 treatment in a psychiatric hospital and who are financially eligible as determined by  
7 the standards of the federal program designated as the successor to the **aid to families**  
8 **with dependent children program** [AID TO FAMILIES WITH DEPENDENT  
9 CHILDREN PROGRAM];

10 (8) persons under [AGE] 21 **years of age** and not covered under (a) of  
11 this section, who would be eligible for benefits under the federal program designated  
12 as the successor to the aid to families with dependent children program, except that  
13 they have the care and support of both their natural and adoptive parents;

14 (9) pregnant women not covered under (a) of this section and who  
15 meet the income and resource requirements of the federal program designated as the  
16 successor to the aid to families with dependent children program;

17 (10) persons under [AGE] 21 **years of age** not covered under (a) of  
18 this section who the department has determined cannot be placed for adoption without  
19 medical assistance because of a special need for medical or rehabilitative care and who  
20 the department has determined are hard-to-place children eligible for subsidy under  
21 AS 25.23.190 - 25.23.210;

22 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title  
23 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom  
24 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title  
25 XVI, Social Security Act) because they meet all of the following criteria:

26 (A) they are 18 years of age or younger and qualify as disabled  
27 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

28 (B) the department has determined that

29 (i) they require a level of care provided in a hospital,  
30 nursing facility, or intermediate care facility for the mentally retarded;

31 (ii) it is appropriate to provide their care outside of an

1 institution; and

2 (iii) the estimated amount that would be spent for  
3 medical assistance for their individual care outside an institution is not  
4 greater than the estimated amount that would otherwise be expended  
5 individually for medical assistance within an appropriate institution;

6 (C) if they were in a medical institution, they would be eligible  
7 for medical assistance under other provisions of this chapter; and

8 (D) home and community-based services under a waiver  
9 approved by the federal government are either not available to them under this  
10 chapter or would be inappropriate for them;

11 (12) disabled persons, as described in 42 U.S.C.  
12 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under  
13 applicable federal regulations or guidelines, is less than 250 percent of the official  
14 poverty line applicable to a family of that size according to the federal Office of  
15 Management and Budget, and who, but for earnings in excess of the limit established  
16 under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals with respect to  
17 whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c; a  
18 person eligible for assistance under this paragraph who is not eligible under another  
19 provision of this section shall pay a premium or other cost-sharing charges according  
20 to a sliding fee scale that is based on income as established by the department in  
21 regulations;

22 (13) persons under [AGE] 19 **years of age** who are not covered under  
23 (a) of this section and whose household income does not exceed

24 (A) \$1,635 a month if the household consists of one person;

25 (B) \$2,208 a month if the household consists of two persons;

26 (C) \$2,782 a month if the household consists of three persons;

27 (D) \$3,355 a month if the household consists of four persons;

28 (E) \$3,928 a month if the household consists of five persons;

29 (F) \$4,501 a month if the household consists of six persons;

30 (G) \$5,074 a month if the household consists of seven persons;

31 (H) \$5,647 a month if the household consists of eight persons;

1 (I) \$5,647 a month, plus an additional \$574 a month for each  
2 extra person above eight persons who is in the household if the household  
3 consists of nine persons or more;

4 (14) pregnant women who are not covered under (a) of this section and  
5 whose household income does not exceed

6 (A) \$2,208 a month if the household consists of two persons;

7 (B) \$2,782 a month if the household consists of three persons;

8 (C) \$3,355 a month if the household consists of four persons;

9 (D) \$3,928 a month if the household consists of five persons;

10 (E) \$4,501 a month if the household consists of six persons;

11 (F) \$5,074 a month if the household consists of seven persons;

12 (G) \$5,647 a month if the household consists of eight persons;

13 (H) \$5,647 a month, plus an additional \$574 a month for each  
14 extra person above eight persons who is in the household if the household  
15 consists of nine persons or more;

16 (15) persons who have been diagnosed with breast or cervical cancer  
17 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII).

18 \* **Sec. 86.** AS 47.08.060(c) is amended to read:

19 (c) In applying the formula to determine the applicant's share, the total gross  
20 income and the total assets of the family of the applicant may be taken into account,  
21 with the following exceptions:

22 (1) the applicant's permanent place of abode;

23 (2) one noncommercial vehicle;

24 (3) tools, equipment, vehicles and other assets required in a trade or  
25 business;

26 (4) ordinary household and personal effects;

27 (5) \$1,000 of liquid assets;

28 (6) all nonliquid assets unless this exclusion would bring about an  
29 inequitable result; however, all income derived from this property shall be taken into  
30 consideration in determining the recipient's gross income;

31 (7) inalienable shares in a Native corporation created under **43 U.S.C.**



1        **1601 et seq.** [43 U.S.C. 1601-1628] (Alaska Native Claims Settlement Act), for the  
2        period of their inalienability as specified in the Act;

3                    (8) Alaska longevity bonus payments;

4                    (9) any other assets specifically restricted for the use of the recipient  
5        by state or federal law.

6        \* **Sec. 87.** AS 47.55.020(d) is amended to read:

7                    (d) Notwithstanding AS 47.55.070 and (b) of this section, a resident of a home  
8        whose income, assets, and other resources are insufficient to pay the monthly rate set  
9        under AS 47.55.030(b), and who does not have private insurance to cover the cost of  
10       care, qualifies for payment assistance if the resident is otherwise in compliance with  
11       requirements under this chapter. The amount of payment assistance equals the amount  
12       needed, when added to other income and assets of the resident, to pay the monthly rate  
13       set under AS 47.55.030(b). Payment assistance received by a home resident is a debt  
14       to the state. In determining the amount of payment assistance for which a home  
15       resident qualifies, the following income, assets, and other resources of the resident  
16       shall be disregarded:

17                    (1) income from any source in an amount up to \$100 a month as  
18       established by the department by regulation;

19                    (2) the following assets received under **43 U.S.C. 1601 et seq.** [43  
20       U.S.C. 1601 - 1629g] (Alaska Native Claims Settlement Act):

21                                (A) cash dividends and other income equal to at least \$2,000 as  
22       established by the department by regulation;

23                                (B) stock;

24                                (C) noncash dividends from stock; and

25                                (D) land;

26                    (3) a permanent fund dividend issued under AS 43.23;

27                    (4) compensation to volunteers under the federal retired and senior  
28       volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior  
29       companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);

30                    (5) federal World War II restitution payments made under 50 U.S.C.  
31       App. 1989b-4 and c-5;

- 1 (6) payments under AS 18.67 (Violent Crimes Compensation Board);  
2 (7) an amount, determined by the department by regulation, that is  
3 sufficient for burial expenses of the resident, the resident's spouse, and dependents of  
4 the resident;  
5 (8) real property being used as the primary residence of the resident's  
6 spouse or a dependent of the resident;  
7 (9) other real or personal property equal to at least a total value of up  
8 to \$10,000 as established by the department by regulation.

9 \* **Sec. 88.** AS 18.50.950(4) and AS 46.14.250(e) are repealed.

10 \* **Sec. 89.** This Act takes effect immediately under AS 01.10.070(c).