



LAWS OF ALASKA

1986

Source

SCS CSHB 493 (Jud)

Chapter No.

37

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, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 25, 1986
Actual Effective Date: May 26, 1986; Sections 43 and 46-48
are retroactive to January 1, 1986

AN ACT

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

* Section 1. AS 04.11.070 is amended to read:

Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may issue, renew, transfer, relocate, suspend, or revoke a license under this title.

* Sec. 2. AS 04.11.370(7) is amended to read:

(7) use of the licensed premises as a resort for illegal possessors or users of narcotics, prostitutes, or promoters of prostitution [PIMPS]; in addition to any other legally competent evidence, the character of the premises may be proved by the general reputation of the premises in the community as a resort for illegal possessors or users of narcotics, prostitutes, or promoters of prostitution [PIMPS];

* Sec. 3. AS 04.11.537 is amended to read:

Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining whether issuance, renewal, transfer, relocation, suspension, or revocation of a license is in the best interests of the public, the board need not conform to or distinguish its decision from any action it has taken in the past on applications presenting similar facts, but may instead base its decision only on the particular facts before it.

* Sec. 4. AS 04.11.560(b) is amended to read:

(b) A decision by the board relating to the issuance, renewal,

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1 transfer, relocation, suspension, or revocation of a license under
2 this title may be appealed to the superior court under AS 44.62.560.

3 * Sec. 5. AS 05.05.010(a) is amended to read:

4 (a) There is created an athletic commission within the Depart-
5 ment of Commerce and Economic Development. The commission consists of
6 four members appointed by the governor. One member of the commission
7 must be appointed from each of the four judicial districts [MAJOR
8 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV OF THE STATE CONSTITU-
9 TION]. The commissioners must be appointed for overlapping two-year
10 terms. Members of the commission serve at the pleasure of the gover-
11 nor and must be selected on the basis of their known interest in and
12 knowledge of athletics in the state.

13 * Sec. 6. AS 08.18.081(a) is amended to read:

14 (a) A person having a claim against a contractor for any of the
15 items referred to in AS 08.18.071 may bring suit upon the bond in the
16 district court of the judicial district in which venue lies. A copy of
17 the complaint shall be served by registered or certified mail upon the
18 commissioner at the time suit is filed and the commissioner shall
19 maintain a record, available for public inspection, of all suits
20 commenced. Two additional copies shall be served upon the director of
21 the division of insurance with the payment [OF \$5] to the director of
22 a fee set under AS 21.06.250, taxable as costs in the action. This
23 service upon the director shall constitute service on the surety and
24 the director shall transmit the complaint or a copy of it to the
25 surety within 72 hours after it has been received. The surety upon
26 the bond is not liable in an aggregate amount in excess of that named
27 in the bond, but in case claims pending at any one time exceed the
28 amount of the bond, the claims shall be satisfied from the bond in the
29 following order:

- (1) labor, including employee benefits;
- (2) taxes and contributions due the state, city and borough, in that order;
- (3) material and equipment;
- (4) claims for breach of contract;
- (5) repair of public facilities.

* Sec. 7. AS 08.20.150 is repealed.

* Sec. 8. AS 08.20.200 is amended to read:

Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who practices chiropractic in the state without a license in violation of AS 08.20.100 is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than a year, or by both. [IN PROSECUTIONS UNDER THIS SECTION, EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE DEFENDANT'S CERTIFICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE EVIDENCE THAT THE DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

* Sec. 9. AS 08.54.142(b) is amended to read:

(b) A person may not engage in the activity of transporting by air without an annual [AIR COMMERCE] certificate as required by AS 42.30.225 [AS 02.05.040].

* Sec. 10. AS 08.64.280 and 08.64.350 are repealed.

* Sec. 11. AS 08.72.120 is amended to read:

Sec. 08.72.120. REGISTRATION. It is unlawful for a person to practice, or attempt, or offer to practice, optometry without first obtaining a certificate of registration from the board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON PRACTICES].

* Sec. 12. AS 08.72.125(b) is amended to read:

(b) It is unlawful for a person to practice, or to attempt or

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offer to practice, optometry in communities on a part-time basis without obtaining a branch office certificate of registration from the board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS A BRANCH OFFICE].

* Sec. 13. AS 08.72.130 is repealed.

* Sec. 14. AS 08.88.421 is amended to read:

Sec. 08.88.421. EXCEPTIONS. This chapter does not apply to

(1) a person who is not licensed under this chapter who makes a real estate transaction with respect to real estate the person owns or on the person's own behalf, unless the transaction involves land defined in AS 34.55.044(6) which is not in Alaska;

(2) an attorney in fact under a power of attorney authorizing the consummation of a specific real estate transaction; an attorney in fact may not act as such for more than two transactions in a calendar year;

(3) a lawyer performing duties as a lawyer;

(4) a public official in the conduct of official duties;

(5) a person acting as receiver, trustee, administrator, executor, or guardian;

(6) a person acting under court order;

(7) a person acting under the authority of a will or trust instrument;

(8) a person dealing in mineral rights transactions;

(9) [EACH OF THE FOLLOWING:

(A)] a domestic or foreign corporation, [OR] a general or limited partnership, [;] or

[(B)] a partner or regular employee of a domestic or foreign corporation or a general or limited partnership, when

performing an act described in AS 08.88.161 in the regular course, or as an incident to, the management, sale, or other disposition of real estate owned by the corporation or partnership; the exemption provided in this paragraph [SUBPARAGRAPH] does not apply to a person who performs an act described in AS 08.88.161 either as a vocation or for compensation if the amount of the compensation is dependent upon or directly related to the value of the real estate with respect to which the act is performed; [.]

(10) a resident manager of rented real estate if the resident manager's duties are limited to the negotiation of leases and rental agreements and the collection of rent for the use of the real estate and if the resident manager is

(A) employed by the owner of the real estate; or

(B) employed by, or engaged under contract with, a licensed real estate broker.

* Sec. 15. AS 09.55.010 is amended to read:

Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A person may bring an action for change of name in the superior court. A [NO] change of name of a person may not be made unless the court finds sufficient reasons for the change and also finds it consistent with the public interest. A change of name upon marriage, dissolution, or divorce meets these requirements.

* Sec. 16. AS 10.45.120 is amended to read:

Sec. 10.45.120. CORPORATE NAME. The corporate name of a professional corporation shall contain the last name of one or more of its shareholders, unless the regulations of a particular regulating board or the ethics of a profession permit the use of a corporate name which does not include the surname of any present or former shareholder.

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1 The corporate name shall be ended by the word "Corporation," [OR] "In-
2 corporated," or "Limited," or by the abbreviation "Corp.," [OR]
3 "Inc.," or "Ltd.," or by the words, "a professional corporation," or
4 by the abbreviation "P.C."

5 * Sec. 17. AS 11.81.250(a) is amended to read:

6 (a) For purposes of sentencing under AS 12.55, all offenses
7 defined in this title, except murder in the first and second degree,
8 sexual assault in the first degree, sexual abuse of a minor in the
9 first degree, misconduct involving a controlled substance in the first
10 degree, and kidnapping, are classified on the basis of their
11 seriousness, according to the type of injury characteristically caused
12 or risked by commission of the offense and the culpability of the
13 offender. Except for murder in the first and second degree, sexual
14 assault in the first degree, sexual abuse of a minor in the first
15 degree, misconduct involving a controlled substance in the first
16 degree, and kidnapping, the offenses in this title are classified into
17 the following categories:

18 (1) class A felonies, which characteristically involve
19 conduct resulting in serious physical injury or a substantial risk of
20 serious physical injury to a person;

21 (2) class B felonies, which characteristically involve
22 conduct resulting in less severe violence against a person than class
23 A felonies, aggravated offenses against property interests, or aggra-
24 vated offenses against public administration or order;

25 (3) class C felonies, which characteristically involve
26 conduct serious enough to deserve felony classification but not seri-
27 ous enough to be classified as A or B felonies;

28 (4) class A misdemeanors, which characteristically involve
29 less severe violence against a person, less serious offenses against

property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk or physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

* Sec. 18. AS 11.81.250(b) is amended to read:

(b) The classification of each felony defined in this title, except murder in the first and second degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.

* Sec. 19. AS 12.55.155(c)(20) is amended to read:

(20) the defendant was on furlough under AS 33.30 or on parole or probation for another felony charge or conviction that would be considered a prior felony conviction under AS 12.55.145(a)(2);

* Sec. 20. AS 14.08.081 is amended to read:

Sec. 14.08.081. RECALL. The members of a regional school board are subject to recall in accordance with AS 29.26.240 - 29.26.360, except that the director of [THE DIVISION OF] elections shall perform the functions of a municipal clerk, [AND] the lieutenant governor shall perform the functions of the assembly or council under those sections, and the last regular election is the last regularly

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1 scheduled election held within the regional educational attendance
2 area.

3 * Sec. 21. AS 14.12.030(b) is amended to read:

4 (b) Each borough and city school district with an average daily
5 membership exceeding 5,000 has a school board of seven, nine or eleven
6 members, as established by ordinance. [SCHOOL BOARD MEMBERS MAY BE
7 ELECTED AT LARGE, OR AS PROVIDED IN AS 29.23.310.]

8 * Sec. 22. AS 14.20.160 is amended to read:

9 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost
10 when the teacher's employment in the district is interrupted or ter-
11 minated [, OR WHEN THE TEACHER REACHES THE AGE OF 65].

12 * Sec. 23. AS 14.20.220(f) is repealed.

13 * Sec. 24. AS 18.05.040(a)(10) is repealed.

14 * Sec. 25. AS 18.08.040(a) is amended to read:

15 (a) Members of the council shall be appointed for staggered
16 [OVERLAPPING] terms of four years.

17 * Sec. 26. AS 18.08.040(b) is amended to read:

18 (b) Each year the governor shall appoint a consumer to one of
19 the staggered terms on the council that expire during that year [OF
20 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR
21 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS,
22 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH
23 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF
24 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

25 * Sec. 27. AS 18.26.030(b) is amended to read:

26 (b) The four public members appointed under (a)(4) of this
27 section serve for staggered four-year terms. Each must be a resident
28 of the state and a qualified voter at the time of appointment and
29 shall comply with the requirements of AS 39.50 (conflict of interest).

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[THE PUBLIC MEMBERS FIRST APPOINTED SHALL HAVE TERMS OF ONE, TWO, THREE AND FOUR YEARS RESPECTIVELY, TO BE DETERMINED BY LOT.] Each member shall hold office for the term of the [HIS] appointment and until a [HIS] successor has been appointed and qualified. A member is eligible for reappointment. A vacancy on the board of directors occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. Each member of the board before entering upon the [HIS] duties of office shall take and subscribe to an oath to perform the duties of [HIS] office faithfully, impartially, and justly to the best of the member's [HIS] ability. A record of the oath shall be filed in the Office of the Governor.

* Sec. 28. AS 18.50.160(c) is amended to read:

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) the physician in attendance at or immediately after the birth; or in the [HIS] absence of a physician

(2) a person other than a parent in attendance at or immediately after the birth; or [IN HIS ABSENCE]

(3) a parent, or, if a parent is unable [THE FATHER, MOTHER, OR, IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE MOTHER], the person in charge of the premises where the birth occurs.

* Sec. 29. AS 18.55.375 is amended to read:

Sec. 18.55.375. INVESTMENT OF STATE SURPLUS. Notwithstanding other provisions of law, when the commissioner of revenue determines that there is in the state treasury a surplus above an amount sufficient to meet current cash expenditure needs, the surplus may be invested, in addition to the investments permitted by AS 37.10.070(a),

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1 in mortgages owned by the authority for loans made to cooperatives
2 under AS 18.55.370(2) and secured by real estate in the state. The [,
3 WHICH] investments shall be subject to the terms and conditions that
4 the authority and the commissioner of revenue may provide in a [ANY]
5 contract of sale. Investments allowed by this section shall be made
6 as provided for other investments of state money under AS 37.10.070
7 [AS 37.10.070(a), (f), (g) AND (i)]. The terms and conditions of a a
8 [ANY] contract of sale authorized to be made under this section may
9 include but are not limited to

10 (1) the investment by the state in a specified or determin-
11 able amount of mortgages;

12 (2) the existence of a prior lien on and pledge of the
13 mortgages invested in by the state;

14 (3) provisions relating to the subordination of the state's
15 interest in and application of annual payments of principal and inter-
16 est or the proceeds of a permitted sale of, or insurance or prepay-
17 ments on, the mortgages; and

18 (4) the right of the authority to repurchase the mortgages
19 at a predetermined price.

20 * Sec. 30. AS 18.55.570(a) is amended to read:

21 (a) The authority may issue bonds and notes from time to time
22 for any of its corporate purposes including the payment of principal
23 and interest upon advances for surveys and plans for redevelopment
24 projects. The authority may issue refunding bonds for the purpose of
25 the payment or retirement or in exchange for bonds previously issued
26 by it. The authority may issue the types of bonds and notes it deter-
27 mines, including bonds and notes on which the principal and interest
28 are payable (1) exclusively from the income, proceeds, and revenues of
29 the redevelopment project financed with the proceeds of the bonds or

notes, or (2) exclusively from the income, proceeds, and revenues of any of its redevelopment projects whether or not they are financed in whole or in part with the proceeds of the bonds or notes [, OR (3) IN WHOLE OR IN PART FROM TAXES ALLOCATED TO, AND PAID INTO A SPECIAL FUND BY A CITY, BOROUGH, OR OTHER TAXING AGENCY UNDER THE PROVISIONS OF AS 18.55.695 - 18.55.700]. The bonds or notes may be further secured by a pledge of all or any part of a loan, grant or contribution from the federal government or from another source, or by a mortgage of a redevelopment project of the authority.

* Sec. 31. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-(e) - (h), 18.55.945, and 18.55.950(19) are repealed.

* Sec. 32. AS 18.56.030(c) is amended to read:

(c) The board members described in (a)(2) and (a)(3) of this section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT OF ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A ONE-YEAR TERM.]

* Sec. 33. AS 18.56.105 is amended to read:

Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corporation shall designate regions within the state which in the aggregate, encompass the entire state. In participating in the making or purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) - (3)] or under AS 18.56.100, the corporation shall make its money available through the private financial institutions in the state within each region designated by the corporation under this section. The corporation shall allocate its money among the regions on the basis of recent and future anticipated lending activity as well as the potential need for the loans in each region and may reallocate its money among the regions as it considers appropriate to reflect changes in lending activity or need in the regions.

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1 * Sec. 34. AS 18.56.210(9) is repealed.

2 * Sec. 35. AS 18.56.210(13) is amended to read:

3 (13) "bond" or "obligation" means a bond, bond anticipation
4 note, or other note of the corporation authorized to be issued by the
5 corporation under this chapter, or a mortgage participation certifi-
6 cate issued with respect to mortgages of the corporation.

7 * Sec. 36. AS 18.60.057(b) is amended to read:

8 (b) The [TERMS OF] members of the board serve staggered terms of
9 [ARE] four years. A [EXCEPT THAT (1) THE MEMBERS OF THE BOARD FIRST
10 TAKING OFFICE SHALL SERVE, AS DESIGNATED BY THE GOVERNOR AT THE TIME
11 OF APPOINTMENT, ONE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO
12 YEARS, AND ONE FOR A TERM OF FOUR YEARS, AND (2) A] vacancy caused by
13 the death, resignation, or removal of a member before the expiration
14 of the term for which the member [HE] was appointed shall be filled
15 only for the remainder of the unexpired term. A member of the board
16 may be removed by the governor for inefficiency, neglect of duty or
17 malfeasance in office.

18 * Sec. 37. AS 18.60.070 is amended to read:

19 Sec. 18.60.070. CONTROL OF FUNDS. Funds appropriated by the
20 legislature for AS 18.60.010 - 18.60.105, [FUNDS IN THE BOILER FUND
21 CREATED FOR AS 18.60.380,] and contributions shall be spent only for
22 the purposes of AS 18.60.010 - 18.60.105.

23 * Sec. 38. AS 18.67.020(b) is amended to read:

24 (b) Members of the board serve staggered terms of [THE TERM OF
25 OFFICE OF EACH MEMBER OF THE BOARD IS] three years [, EXCEPT THAT OF
26 THE MEMBERS FIRST APPOINTED ONE SHALL BE APPOINTED FOR A TERM OF THREE
27 YEARS, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF ONE YEAR].
28 All vacancies, except through the expiration of term, shall be filled
29 for the unexpired term only.

* Sec. 39. AS 24.45.171(12) is amended to read:

(12) "public official" or "public officer [OFFICE]" means a public official [OR PUBLIC OFFICE] as defined in AS 39.50.200(a); however, it does not include a judicial officer or an elected or appointed municipal officer.

* Sec. 40. AS 25.24.160(5) is amended to read:

(5) for the [TO] change of [THE] name of either [ONE] of the parties.

* Sec. 41. AS 28.10.411(d) is repealed.

* Sec. 42. AS 28.10.502(b) is amended to read:

(b) A lien under this section is limited to towing and storage charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME SERVICE OR ROUTE]. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and primary lienholder, if any, at their addresses of record with the Department of Public Safety or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded.

* Sec. 43. AS 29.10.040(a) is amended to read:

(a) A candidate for a charter commission of an existing municipality shall have been qualified to vote in that [BE A VOTER OF AN EXISTING] municipality for at least one year [THREE YEARS] immediately preceding the charter commission election.

* Sec. 44. AS 29.45.030(a)(4) is amended to read:

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1 (4) property of a nonbusiness organization [OR ITS AUXILIA-
2 RY] composed entirely of persons with 90 days or more of active ser-
3 vice in the armed forces of the United States whose conditions of
4 service and separation were other than dishonorable, or the property
5 of an auxiliary of that organization;

6 * Sec. 45. AS 29.60.120(a)(3) is amended to read:

7 (3) to a municipality in which a [LICENSED] health facility
8 is operated, \$2,000 per bed for each bed actually used for patient
9 care, limited to the number of beds provided for in the construction
10 design of the health facility, or \$8,000 per health facility as the
11 municipality determines.

12 * Sec. 46. AS 29.60.360(a) is amended to read:

13 (a) The base amount to be distributed from the municipal assis-
14 tance fund to each municipality for the fiscal year shall be the
15 amount received by the municipality during fiscal year 1978 under
16 AS 43.70.080 as that section provided before the 1978 amendment. A
17 city incorporated within a borough after June 30, 1977, shall receive
18 as a base amount a share of the amount distributed to the borough in
19 which it is located based on a ratio of population in the city to the
20 total population of the borough. A city incorporated outside a bor-
21 ough after June 30, 1977, shall receive as a base amount the amount
22 received by the city in the state most closely approximating it in
23 population at the time of its incorporation. A borough incorporated
24 after June 30, 1977, shall receive as a base amount the amount re-
25 ceived by the borough in the state most closely approximating it in
26 population at the time of its incorporation. The base amount to be
27 distributed to each municipality organized under federal law shall be
28 the amount received as a base amount by the city most closely approx-
29 imating it in population on June 30, 1977.

* Sec. 47. AS 29.60 is amended by adding a new section to read:

Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To qualify to receive money under AS 29.60.350 - 29.60.370, a municipality organized under federal law as an Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and is continued in existence under that subsection shall form a community development corporation with authority to determine how money received under AS 29.60.350 - 29.60.370 will be used. The charter must require that the governing board of the corporation shall be elected at an annual election open to all residents of the municipality who are registered and qualified to vote in state elections. The department may distribute money for the municipality only to a corporation organized in accordance with this section and only after the corporation has delivered a written waiver of sovereign immunity from legal action by the state to recover all or a portion of the money distributed under AS 29.60.350 - 29.60.-370.

* Sec. 48. AS 29.60 is amended by adding a new section to art. 4 to read:

Sec. 29.60.375. DEFINITION. In AS 29.60.350 - 29.60.370 "municipality" includes a municipality organized under federal law as an Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and is continued in existence under that subsection.

* Sec. 49. RETROACTIVITY OF SECTIONS 43 AND 46 - 48. The amendments to AS 29.10 and AS 29.60 made by secs. 43 and 46 - 48 of this Act are retroactive to January 1, 1986.

* Sec. 50. AS 32.05.020(4) is amended to read:

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that the person [HE] is a partner in the business, but this [NO SUCH] inference may not [SHALL] be drawn if

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1 the [SUCH] profits were received in payment

2 (A) as a debt by installments or otherwise;

3 (B) as wages of an employee or rent to a landlord;

4 (C) as an annuity to a surviving spouse [WIDOW] or
5 representative of a deceased partner;

6 (D) as interest on a loan, though the amount of pay-
7 ment varies with the profits of the business;

8 (E) as the consideration for the sale of the goodwill
9 of a business or other property by installments or otherwise.

10 * Sec. 51. AS 32.05.200(b)(5) is amended to read:

11 (5) a partner's right in specific partnership property is
12 not subject to [DOWER, CURTESY, OR] allowances to a surviving spouse
13 [WIDOWS], heirs, or next of kin.

14 * Sec. 52. AS 34.40.100 is amended to read:

15 Sec. 34.40.100. WHEN TITLE OF PURCHASER FOR VALUE NOT AFFECTED.
16 The provisions of AS 34.40.010 and 34.40.070 - 34.40.130 [, AND
17 AS 13.05 WITH THE EXCEPTION OF AS 13.05.070, AS 13.15.070 - 13.15.130,
18 AND AS 13.30.670] may not be construed in any manner to affect or
19 impair the title of a purchaser for a valuable consideration unless it
20 appears that the purchaser had previous notice of the fraudulent
21 intent of the purchaser's immediate grantor, or of the fraud rendering
22 is continued in existence under that subsection.

23 * Sec. 53. AS 37.05.230(6) is repealed.

24 * Sec. 54. AS 39.25.120(c) is amended by adding a new paragraph to
25 read:

26 (19) the deputy director of the division of housing assis-
27 tance in the Department of Community and Regional Affairs.

28 * Sec. 55. AS 41.21.611(b)(1) is amended to read:

29 (1) Township 26 South, Range 55 East, Copper River Meridi

Section 12: that portion within USS 3708

Section 13: that portion within USS 3708

Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,
S1/2SE1/4

Sections 24 and 25

Section 26: E1/2

Section 33: SE1/4SE1/4SE1/4

Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,
E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4

Section 35

Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,
N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,
NW1/4SE1/4SW1/4, NW1/4SE1/4

* Sec. 56. AS 41.21.611(b)(2) is amended to read:

(2) Township 26 South, Range 56 East, Copper River Meridian

Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4
within USS 3708, S1/2

Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that
portion of the S1/2NE1/4 within USS 3708

Section 17: W1/2NW1/4

Section 18

Section 19: W1/2, SW1/4SE1/4

Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,
W1/2SW1/4

* Sec. 57. AS 41.21.611(b)(4) is amended to read:

(4) Township 28 South, Range 55 East, Copper River Meridian

Section 1: S1/2SW1/4NW1/4, SW1/4

Section 2

Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,

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SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4

Section 4: E1/2NE1/4NE1/4

Section 10: that portion of Mosquito Lake within the NE1/4

Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4, SE1/4SE1/4, except USS 3431

Section 12

Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4, NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4

[SECTION 15: THAT PORTION OF MOSQUITO LAKE]

Section 19: Lot 13

Section 24: E1/2E1/2, NE1/4NW1/4NE1/4

Section 25: except that portion north of the Haines Highway [LOTS 9 - 11 AND 16]

Section 26: that portion [OF LOT 5 AND NE1/4NW1/4] south of the Haines Highway, except Lots 2, 3, and the SW1/4SW1/4 [LOTS 1, 12, AND 17]

Section 27: that portion south of the Haines Highway except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]

Section 28: [,] except S1/2S1/2, the south 660 feet of Lots 5 - 7, and that portion north of the Haines Highway

Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4, and Lots 9, 14, 15, and 18

Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT 6 EXCEPT THE SOUTH 660 FEET.]

Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]

Section 34: S1/2S1/2S1/2

Section 35: except NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2

[LOT 1]

Section 36: [,] except SW1/4NW1/4, S1/2, and the south
660 feet of Lots 3 - 4

* Sec. 58. AS 41.21.611(b)(5) is amended to read:

(5) Township 28 South, Range 56 East, Copper River Meridian

Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,
SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,
NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4

Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4

Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,
SW1/4SE1/4NE1/4, W1/2, SE1/4

Section 19

Section 20: W1/2W1/2

Section 29: except USS 948, USS 991, Lots 1, 2, and
4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]

Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and
the NE1/4SW1/4

Section 31

Section 32: [,] except USS 991, USS 2455, and Lots 1,
2, and 24

Section 33: S1/2 except USS 2455 and Lots 18 21

Section 34: [LOTS 1, 2, S1/2NE1/4SW1/4,]
W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4, SW1/4 except
NE1/4SW1/4 and Lots 1 and 2

* Sec. 59. AS 41.21.611(b)(8) is amended to read:

(8) Township 29 South, Range 56 East, Copper River Meridian

Section 1

Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,
E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4

Chapter 37

1 Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
2 SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,
3 W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4

4 Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4,
5 E1/2SE1/4SW1/4

6 Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,
7 S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,
8 NW1/4SE1/4NW1/4

9 Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4

10 Section 9

11 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,
12 S1/2NW1/4, S1/2

13 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,
14 N1/2SE1/4NW1/4, S1/2

15 Sections 12 - 14

16 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,
17 E1/2SW1/4SE1/4

18 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,
19 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,
20 NE1/4SE1/4NW1/4

21 Section 17: N1/2NE1/4NE1/4

22 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4

23 Section 23: that portion of the N1/2NW1/4 lying west of
24 Chilkat Lake

25 * Sec. 60. AS 41.21.611(b)(9) is amended to read:

26 (9) Township 29 South, Range 57 East, Copper River Meridia

27 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4
28 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4

29 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,

NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660 FEET OF LOT 2]

Section 6: except Lots 1 and 9

Sections 7 and [6-] 8

USS 907

Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,
SW1/4SE1/4NE1/4, NW1/4, S1/2

Section 10: Lots 1 - 4, W1/2NE1/4SW1/4,
NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4

Section 14: that portion west of the Haines Highway

Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -
14

Sections 16 - 18

USS 786

Section 19: NE1/4NE1/4NE1/4

Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,
E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

Sections 21 and 22

Section 23: that portion west of the Haines Highway

Section 25: that portion west of the Haines Highway

Section 26: that portion west of the Haines Highway

Section 27

Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,
NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

Section 35

Chapter 37

Section 36: that portion west of the Haines Highway

* Sec. 61. AS 41.21.611(b)(10) is amended to read:

(10) Township 29 South, Range 58 East, Copper River

Meridian

Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,
SE1/4SW1/4, S1/2SW1/4SE1/4

Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,
NW1/4, NE1/4SW1/4, SE1/4

Section 9: NE1/4NE1/4

Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,
NW1/4NW1/4SW1/4, SE1/4

Section 31: that portion south of the Haines Highway

* Sec. 62. AS 41.21.611(b)(11) is amended to read:

(11) Township 30 South, Range 57 East, Copper River

Meridian

Section 1

Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
N1/2SE1/4, N1/2SE1/4SE1/4

Section 3: NE1/4NE1/4NE1/4

Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,
NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,
E1/2E1/2SE1/4, NW1/4SE1/4SE1/4

[SECTION 13: NE1/4NE1/4NE1/4]

* Sec. 63. AS 43.25 is repealed.

* Sec. 64. AS 43.26 is repealed.

* Sec. 65. AS 45.50.110 is repealed.

* Sec. 66. AS 45.55.030(d) is amended to read:

(d) Every registration expires one year from its effective

unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALENDAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE REGISTRATION FEE PROPORTIONATELY.]

- * Sec. 67. AS 45.89.500(4)(K) is amended to read:

(K) any other energy-saving device approved by the commissioner of commerce and economic development [UNDER AS 44.-33.040(12)].

- * Sec. 68. AS 47.45.230 is amended to read:

Sec. 47.25.230. PERSONS LIABLE FOR SUPPORT AND BURIAL. Every needy person shall be supported while living and upon dying, shall be given a decent burial by the spouse, children, parents, grandparents [FATHER, MOTHER, GRANDFATHER, GRANDMOTHER], grandchildren, or siblings [BROTHERS OR SISTERS] of the needy person, if they, or any of them, have the ability to do so, in the order named. Every designated person who fails to support the needy person when directed by the department to do so, or fails to give the needy person a decent burial shall reimburse the state or a municipality for the funds expended by either the state or a municipality for the relief or burial of the needy person, and these sums with interest and costs may be recovered by the state or a municipality of the state in a civil action.

- * Sec. 69. AS 47.37.270(6) is amended to read:

(6) "coordinator" means the coordinator of the office of alcoholism and drug abuse;

Sec. 70. Section 55, ch. 37, SLA 1985, is amended to read:

Sec. 55. Sections 1 - 3 and 3] of this Act take effect immediately in accordance with AS 01.10.070(c).

Sec. 71. Section 56, ch. 37, SLA 1985, is amended to read:

Chapter 37

1 Sec. 56. Except as provided in sec. 55 of this Act, the sections
2 of this Act and the portions of sec. 54 [SECTIONS 4 - 54] of this Act
3 that relate to a particular occupation take effect on the effective
4 date of the regulations adopted under AS 08.01.065, enacted in sec. 2
5 of this Act, that apply to that occupation.

6 * Sec. 72. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).