



LAWS OF ALASKA

1988

Source

HCS CSSB 413 (Jud)

Chapter No.

85

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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: June 1, 1988

Actual Effective Date: June 2, 1988, except for secs. 19 and 20, which take effect July 1, 1988

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 04.11.120(b) is amended to read:

(b) A sale under a bottling works license may be made only to a person licensed under this title and only in quantities of more than five [WINE] gallons.

* Sec. 2. AS 04.11.130(b) is amended to read:

(b) A brewery license authorizes the holder to sell beer in quantities of more than five [WINE] gallons to persons licensed to sell beer under this title.

* Sec. 3. AS 04.11.140(b) is amended to read:

(b) A winery license authorizes the holder to sell wine to persons licensed under this title in quantities of more than five [WINE] gallons.

* Sec. 4. AS 04.11.160(b) is amended to read:

(b) A wholesale malt beverage and wine license authorizes the holder to sell malt beverages and wine in the original packages in quantities of not less than five [WINE] gallons. The holder of a wholesale malt beverage and wine license may not sell to a person not licensed under this title except as provided in AS 04.21.040. The annual wholesale malt beverage and wine license fee is \$200 for the first \$20,000 of business transacted during a year, payable at the

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time of making an original application or application for renewal. In addition, the following annual fees shall be paid by a holder of a wholesale malt beverage and wine license:

Business Transacted During Year	Fee
over \$20,000 and not over \$50,000 . . .	\$ 300
over \$50,000 and not over \$100,000 . . .	\$ 1,000
over \$100,000 and not over \$150,000 . . .	\$ 1,500
over \$150,000 and not over \$200,000 . . .	\$ 2,000
over \$200,000 and not over \$400,000 . . .	\$ 4,000
over \$400,000 and not over \$600,000 . . .	\$ 6,000
over \$600,000 and not over \$800,000 . . .	\$ 8,000
over \$800,000	\$10,000

* Sec. 5. AS 04.11.200(b) is amended to read:

(b) A sale by a holder of a retail stock sale license may only be in quantities of five [WINE] gallons or more per sale and may only be to persons licensed under this chapter.

* Sec. 6. AS 04.16.130(b) is amended to read:

(b) This section does not apply to stocks of beer carried on a delivery truck by a licensed wholesaler if carried for the purpose of sale and delivery to persons licensed under this title in quantities of not less than 10 [WINE] gallons for each sale.

* Sec. 7. AS 06.05.095 is amended to read:

Sec. 06.05.095. PAYMENT OF ITEMS. If the balance in an [ANY] account subject to withdrawal by or upon the order of a depositor ~~is~~ insufficient to pay an [EQUALS OR EXCEEDS THE AMOUNT OF ANY] item presented for payment, a bank may select from the items that [WHICH] in the aggregate exceed the balance the items to be paid in the [ANY] order convenient to the bank.

* Sec. 8. AS 06.05.180, as amended by sec. 1, ch. 7, SLA 1988, is

amended to read:

Sec. 06.05.180. POWERS AS TRUSTEE AUTHORIZED. Every bank organized under this chapter, subject to the restrictions and limitations of laws and the regulations of the department, may

(1) act as trustee under any mortgage or bond issued by the state, or any municipality, body politic, or corporation, foreign or domestic, and accept and execute any municipal or corporate trust not prohibited by the laws of this state;

(2) accept a trust from, and execute a trust for a married person [WOMAN] in respect to the married person's [WOMAN'S] separate property, and act as agent in the management of the property or transact any business in relation to the property;

(3) act under the order or appointment of a court of competent jurisdiction including any probate court as custodian [GUARDIAN], receiver, or trustee of the estate of a minor, and as depository of money paid into court for the benefit of any person, corporation, or party, and in any other fiduciary capacity;

(4) act under the order or appointment of a court of competent jurisdiction including any probate court as trustee, custodian [GUARDIAN], receiver or committee of the estate of an incapacitated person, as defined in AS 13.26.005, or of a [LUNATIC, IDIOT,] spendthrift, [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or as receiver or committee of the property or estate of a [ANY] person in insolvency or bankruptcy proceedings;

(5) act as executor or administrator with or without the will annexed of the estate of a deceased person;

(6) accept and execute any legal trust, duty and power in regard to the holding, management and disposition of any estate, real or personal, wherever located, and the rents and profits from it, or

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1 the sale of it, as may be granted or confided to it by a court of
2 competent jurisdiction including any probate court or by any person,
3 corporation, municipality or other authority, and is accountable to
4 all parties in interest for the faithful discharge of every trust,
5 duty, or power which it may accept;

6 (7) accept and execute any trust or power conferred upon it
7 by any person or any body politic or domestic or foreign corporation,
8 or any other authority, grant, assignment, transfer, devise, bequest
9 or otherwise, or which may be entrusted or committed or transferred to
10 it by order of a court of competent jurisdiction including any probate
11 court;

12 (8) receive, manage, hold and dispose of according to the
13 terms of any trust or power any property or estate, real or personal,
14 which may be the subject of any such trust or power;

15 (9) act as the fiscal or transfer agent of the United
16 States or of any state, territory, municipality, or other body poli-
17 tic, and in this capacity may receive and disburse money [MONEYS],
18 transfer, register and countersign certificates of stocks, bonds, or
19 other evidences of indebtedness;

20 (10) whenever the instrument or power governing the fidu-
21 ciary relationship directs, requires, authorizes, or permits invest-
22 ment in obligations of the United States government, invest in those
23 [THE] obligations [, FOR SHORT-TERM CASH MANAGEMENT PURPOSES,] either
24 directly or, for short-term cash management purposes, in the form of
25 securities of, or other interests in, a money market mutual fund
26 operating as an open-end management type investment company or in-
27 vestment trust registered under 15 U.S.C. 80a-1 - 80a-64 (Investment
28 Company Act of 1940), if

29 (A) the portfolio of the investment company or

investment trust is limited to obligations of the United States government and repurchase agreements fully collateralized by the obligations; and

(B) the investment company or investment trust takes delivery of the collateral directly or through an authorized custodian.

* Sec. 9. AS 06.05.465(f) is amended to read:

(f) The contents of safe deposit boxes which have not been removed within 30 days after demand shall be opened and the contents dealt with in the manner provided for boxes upon which the payment of rental is in default, and the sealed packages containing the contents and the certificates together with any other unclaimed property held by the bank as bailee and certified inventories of that property shall be transferred to the department which shall retain it for five years unless claimed by the person entitled to it before that time. After five years the department shall [SELL OR OTHERWISE APPROPRIATELY] dispose of the property under AS 34.45.110 - 34.45.780. [THE PROCEEDS OF ANY SALE SHALL BE TRANSFERRED TO THE STATE TREASURY AND SHALL BE DEPOSITED IN THE GENERAL FUND.]

* Sec. 10. AS 06.05.465(i) is amended to read:

(i) Any unclaimed distribution to a stockholder or a depositor shall be held until 90 days after the final distribution and then transmitted to the department. Unclaimed funds of a stockholder or a depositor shall be held by the department for five years and, unless claimed by the person entitled to them before that date, shall be disposed of under AS 34.45.110 - 34.45.780 [TRANSFERRED TO THE STATE TREASURY AND DEPOSITED IN THE GENERAL FUND].

* Sec. 11. AS 06.25.140 is amended to read:

Sec. 06.25.140. ESTATES OF INCAPACITATED PERSONS [INCOMPETENTS].

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1 A trust company may act under the order or appointment of a court of
2 competent jurisdiction including any probate court as trustee,
3 custodian [GUARDIAN], receiver or committee of the estate of an
4 incapacitated person, as defined in AS 13.26.005, or of a [LUNATIC,
5 IDIOT,] spendthrift, [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or
6 as receiver or committee of the property or estate of a [ANY] person
7 in insolvency or bankruptcy proceedings, and act as executor or
8 administrator with or without the will annexed of the estate of a
9 [ANY] deceased person.

10 * Sec. 12. AS 08.01.010 is amended by adding a new paragraph to read:
11 (28) regulation of electrical administrators under AS 08.40.

12 * Sec. 13. AS 08.01.035 is amended to read:

13 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members of boards
14 subject to this chapter [AND MEMBERS OF THE REAL ESTATE COMMISSION
15 UNDER AS 08.88] are appointed for staggered terms of four years. A
16 member of a board serves until a successor is appointed. An appoint-
17 ment to fill a vacancy on a board is for the remainder of the un-
18 expired term. A member who has served all or part of two successive
19 terms on a board may not be reappointed to that board unless four
20 years have elapsed since the person has last served on the board.

21 * Sec. 14. AS 08.01.065(c) is amended to read:

22 (c) A fee established under this section should reflect, but
23 should not exceed, the actual costs to the department of the activity
24 for which the fee is charged except that the department may establish
25 a fee that is less than the cost of the activity for which the fee is
26 charged if the department determines that it is not reasonable to
27 impose the full cost of the activity on the applicant or licensee.
28 [THE ACTUAL OR ANTICIPATED COSTS TO THE DEPARTMENT OF SERVICES PROVID-
29 ED TO OR ON BEHALF OF A BOARD MUST REFLECT, TO THE EXTENT POSSIBLE,

1 THE AMOUNT OF FEES THE DEPARTMENT COLLECTS FROM PERSONS IN OCCUPATIONS
2 REGULATED BY THE BOARD.]

3 * Sec. 15. AS 08.40.190(c) is amended to read:

4 (c) Work within the exclusionary provisions of this section is
5 nevertheless subject to the inspection provisions of AS 08.40.070 and
6 must follow the regulations regarding workmanship adopted by the
7 department [BOARD].

8 * Sec. 16. AS 09.45.730 is amended to read:

9 Sec. 09.45.730. TRESPASS BY CUTTING OR INJURING TREES OR SHRUBS.
10 A person who without lawful authority cuts down, girdles, or otherwise
11 injures or removes [CARRIES OFF] a tree, timber, or a shrub on (1)
12 the land of another person or on the street or highway in front of a
13 person's house, or (2) [OF] a village [, TOWN,] or municipal [CITY]
14 lot, or cultivated grounds, or [ON] the commons or public land
15 [GROUNDS] of a village [, TOWN,] or municipality [CITY], or (3) [ON]
16 the street or highway in front of land described in (2) of this sec-
17 tion [THEM, WITHOUT LAWFUL AUTHORITY], is liable to the owner of that
18 land, or to the village [, TOWN,] or municipality [CITY] for treble
19 the amount of damages which may be assessed in a civil action. Howev-
20 er, if the trespass was unintentional [CASUAL] or involuntary, or the
21 defendant had probable cause to believe that the land on which the
22 trespass was committed was the defendant's own or that of the person
23 in whose service or by whose direction the act was done, or where the
24 timber was taken from unenclosed woodland for the purpose of repairing
25 a public highway or bridge on or adjoining [UPON] the land [OR ADJOIN-
26 ING IT], only actual damages may be recovered.

27 * Sec. 17. AS 09.63.040(c) is amended to read:

28 (c) A verification made under this section may be in substan-
29 tially the following form:

1 [PRECEDING] the beginning of the school year, and who is under the age
2 of 20 and has not completed the 12th grade, is of school age.

3 * Sec. 20. AS 14.03.080(d) is amended to read:

4 (d) A child who is five years of age before August 15 following
5 [PRECEDING] the beginning of the school year, and who is under school
6 age, may enter a public school kindergarten.

7 * Sec. 21. AS 14.11.115(c)(1) is amended to read:

8 (1) "debt" means the principal amount of the direct and
9 general obligation indebtedness of the municipality for which all
10 taxable property is subject to taxation to pay the bond, note or other
11 evidence of the debt, determined annually by the Department of Commu-
12 nity and Regional Affairs in consultation with each municipality that
13 is a school district and reported to the municipality and the commis-
14 sioner of education; the determination shall be made by October 1 and
15 report the outstanding debt as of July 1 of that year [IN ACCORDANCE
16 WITH AS 14.17.140(c)];

17 * Sec. 22. AS 14.25.110(g) is amended to read:

18 (g) A member who is eligible for a service retirement salary
19 under this chapter or under the Retirement Act of 1945 is entitled to
20 a benefit of at least \$25 per month for each year of credited service,
21 excluding adjustments made under AS 14.25.142 or 14.25.143. If the
22 member elected option two under former AS 14.25.063(b)(2) for payment
23 of any indebtedness when the member initially applied for a retirement
24 benefit, or if the member elected to receive an early retirement
25 benefit under (b) of this section, the resulting benefit reduction
26 continues in effect.

27 * Sec. 23. AS 14.30.030 is amended to read:

28 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief
29 administrative officer of a district school or regional educational

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1 attendance area shall report all apparent violations of AS 14.30.010
2 to the governing body of the district. The governing body shall, on
3 receiving the report or on the complaint of any person, provide for a
4 full and impartial investigation of all charges of violation. In
5 private or federal schools, the chief administrative officer shall
6 make a full and impartial investigation of all apparent violations.
7 If it reasonably appears upon investigation that a person has violated
8 AS 14.30.010, the governing body of a district school or regional
9 educational attendance area, or the chief administrative officer of a
10 private or federal school, shall make and file with the district court
11 a complaint against the person, charging the violation. [THE JUDGE OR
12 MAGISTRATE MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON AND MAY
13 ACT UPON THE COMPLAINT.]

14 * Sec. 24. AS 15.13.020(d) is repealed and reenacted to read:

15 (d) Members of the commission serve staggered terms of five
16 years, or until a successor is appointed and qualifies. The terms of
17 no two members who are members of the same political party may expire
18 in consecutive years. A member may not serve more than one term.
19 However, a person appointed to fill the unexpired term of a predeces-
20 sor may be appointed to a successive full five-year term.

21 * Sec. 25. AS 15.25.040(a) is amended to read:

22 (a) The declaration is filed by either

23 (1) the actual physical delivery of the declaration in
24 person or by mail at or before 5:00 p.m., prevailing time, June 1 of
25 the year in which a general election is held for the office, or

26 (2) the actual physical delivery by telegram of a copy in
27 substance of the statements made in paragraphs (1) - (5) of the decla-
28 ration as required by AS 15.25.030 at or before 5:00 p.m., prevailin
29 time, June 1 of the year in which a general election is held for th

office and also the actual physical delivery of the declaration containing paragraphs (1) - (16) [(1) - (15)] as required by AS 15.25.030 by registered mail which is received not more than 15 days after that time.

* Sec. 26. AS 23.20.350(e) is amended to read:

(e) An individual who is eligible under (d) of this section is entitled to receive a weekly benefit under this chapter for the number of weeks set out in column (B) of the table in this subsection opposite the applicable earnings ratio of the individual set out in column (A):

(A)	(B)
Earnings Ratio	Number of Weeks
less than <u>1.50</u> [1.49]	16
1.50 - 1.99	18
2.00 - 2.49	20
2.50 - 2.99	22
3.00 - 3.49	24
3.50 or more	26

* Sec. 27. AS 24.60.030(c) is amended to read:

(c) Conflicts of interest are prohibited but there is not a conflict of interest if, as to a specific matter, there is no substantial impropriety or appearance of impropriety because

(1) the person's interest is relatively insignificant; or

(2) the person's authority is relatively far removed from any official action that could reasonably be affected by the potential conflict of interest, provided that no attempt has been made to remove the appearance of impropriety by delegating responsibility for official action.

* Sec. 28. AS 28.10.441(8) is amended to read:

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(8) special permit for vehicle used for transport of disabled or handicapped person issued under AS 28.10.495 [AS PROVIDED IN AS 28.10.215] none.

* Sec. 29. AS 37.14.160 is amended to read:

Sec. 37.14.160. DUTIES OF COMMISSIONER OF REVENUE. The commissioner of revenue is the treasurer of the fund [FUNDS] created in AS 37.14.110 [AS 37.14.010 AND 37.14.110] and shall

(1) act as official custodian of the cash and securities belonging to the fund [THOSE FUNDS] and provide adequate safe deposit facilities for it [EACH OF THEM];

(2) receive cash belonging to the fund [THOSE FUNDS];

(3) collect the principal on securities acquired for the [EACH] fund [ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and credit the [EACH] fund accordingly;

(4) collect interest and dividends earned on investments of the fund [FUNDS ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and credit the income reserve account of the [EACH] fund accordingly;

(5) invest and reinvest the principal of the [EACH] fund in accordance with AS 37.14.170.

* Sec. 30. AS 37.14.170 is amended to read:

Sec. 37.14.170. INVESTMENTS. (a) The commissioner of revenue, with the approval of the [EACH] advisory board created in AS 37.14.120 [AS 37.14.020 AND 37.14.120], may invest the principal of the fund [FUNDS] created in AS 37.14.110 [AS 37.14.010 AND 37.14.110] in the same manner as specified for the investment of surplus pension funds under AS 39.35.110.

(b) The commissioner of revenue may

(1) invest and reinvest the principal of the fund [FUNDS];

(2) sell, exchange, convey, transfer, or otherwise dispose

1 of investments of the fund [FUNDS] by private contract or at public
2 auction;

3 (3) vote upon a stock, bond, or other security; give a
4 general or special proxy or power of attorney with or without power of
5 substitution; exercise a conversion privilege, subscription right, or
6 other option and make payments incidental to it; consent to or partic-
7 ipate in a corporate reorganization or other change affecting corpo-
8 rate securities, delegate discretionary power, pay an assessment or
9 charge in connection with the delegation; and generally exercise any
10 of the powers of an owner with respect to stocks, bonds, securities,
11 or other investments held in the fund [FUNDS];

12 (4) make, execute, acknowledge, and deliver documents of
13 transfer and conveyance and instruments necessary or appropriate to
14 carry out the powers granted;

15 (5) register investments held in the [A] fund in the name
16 of the public school fund advisory board [HAVING THE POWER TO APPROVE
17 INVESTMENTS FOR A FUND];

18 (6) do all acts whether or not expressly authorized that
19 [WHICH] are considered proper for the protection of the investments
20 held in the fund [FUNDS].

21 * Sec. 31. AS 39.20.180 is amended to read:

22 Sec. 39.20.180. TRANSPORTATION AND PER DIEM EXPENSES FOR MEMBERS
23 OF BOARDS, COMMISSIONS, ETC. Except as otherwise provided by law,
24 [FROM AND AFTER MARCH 27, 1962,] the provisions in this section re-
25 lating to per diem and transportation govern exclusively [AND SUPER-
26 SEDE ALL OTHER PROVISIONS OF LAW] with respect to a member of a state
27 board, commission, committee, judicial council, or other similar body
28 of persons of the state organized or established under the authority
29 of law, but excluding any other state employee other than a

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1 legislator, who is otherwise entitled by law to receive from the state
2 payments for expenses of transportation, and for reimbursement or for
3 per diem in lieu of reimbursement for other expenses incident to
4 duties as such member:

5 (1) for [FOR] transportation, the member is entitled either
6 to the use of state transportation requests, or to be reimbursed for
7 expenses of transportation to the same extent, in the same manner, and
8 under the same conditions as provided for state officials and employ-
9 ees by the provisions of AS 39.20.110 - 39.20.170; [.]

10 (2) for [FOR] reimbursement for other expenses, the member
11 is entitled to a per diem allowance prescribed by the commissioner of
12 administration under the regulatory authority set out in AS 39.20.160
13 for each day or portion of a day spent in actual meeting or on au-
14 thorized official business incident to duties as a member.

15 * Sec. 32. AS 41.17.043 is amended to read:

16 Sec. 41.17.043. TERMS OF OFFICE. The term of office of a member
17 of the board is three years [; THE GOVERNOR SHALL MAKE THE INITIAL
18 APPOINTMENTS TO THE BOARD IN SUCH A WAY THAT FOUR NOMINATIONS EXPIRE
19 DURING 1980, FOUR APPOINTMENTS EXPIRE DURING 1981, AND THREE APPOINT-
20 MENTS EXPIRE DURING 1982]. The state forester serves an indefinite
21 term, ex officio.

22 * Sec. 33. AS 41.17.400(b) is amended to read:

23 (b) The commissioner shall prepare a management plan for the
24 Tanana Valley State Forest under AS 41.17.230. [THE COMMISSIONER
25 SHALL SUBMIT THE MANAGEMENT PLAN TO THE LEGISLATURE FOR ITS APPROVAL
26 WITHIN THE FIRST 10 DAYS OF THE SECOND SESSION OF THE FOURTEENTH STATE
27 LEGISLATURE. THE MANAGEMENT PLAN FOR THE TANANA VALLEY STATE FOREST
28 IS APPROVED UNLESS THE LEGISLATURE ADOPTS LEGISLATION DISAPPROVING THE
29 MANAGEMENT PLAN.]

1 * Sec. 34. AS 41.17.400(c) is amended to read:

2 (c) In addition to [THE COMMISSIONER SHALL CONSIDER AND PERMIT]
3 the uses described in AS 41.17.230(e), the [WITHIN THE TANANA VALLEY
4 STATE FOREST, SUBJECT TO THE PROCEDURES ESTABLISHED IN AS 41.17.-
5 230(f). THE] commissioner may establish transportation corridors
6 within the Tanana Valley State Forest.

7 * Sec. 35. AS 41.21.506(a) is amended to read:

8 (a) The [WITHIN TWO YEARS FROM JUNE 2, 1984 THE] commissioner
9 shall develop and adopt a comprehensive management plan for the Kenai
10 River Special Management Area in consultation with the Kenai Peninsula
11 Borough. The plan may include the land adjacent to the rivers de-
12 scribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the
13 state or privately owned and may include other land considered appro-
14 priate by the commissioner and the Kenai Peninsula Borough. The
15 commissioner shall periodically review the plan and adopt changes to
16 the plan in consultation with the Kenai Peninsula Borough.

17 * Sec. 36. AS 41.35.140 is amended to read:

18 Sec. 41.35.140. TERM OF MEMBERSHIP. The term of office for a
19 member of the committee is three years, except for those who are
20 members by virtue of their positions with the state, who [. THEY]
21 serve for as long as they remain in the position by virtue of which
22 they are members of the committee. A member appointed to fill a
23 vacancy serves for the unexpired term of the member succeeded. [OF
24 THOSE MEMBERS LISTED UNDER AS 41.35.120(3) AND (4), UPON INITIAL
25 APPOINTMENT, ONE SHALL SERVE FOR ONE YEAR, TWO FOR TWO YEARS, AND TWO
26 FOR THREE YEARS.]

27 * Sec. 37. AS 41.99 is amended by adding a new section to read:

28 Sec. 41.99.900. DEFINITIONS. In this title, unless the context
29 requires otherwise,

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1 (1) "commissioner" means the commissioner of natural re-
2 sources;

3 (2) "department" means the Department of Natural Resources.

4 * Sec. 38. AS 44.21.160(f) is amended to read:

5 (f) The department [DIVISION OF DATA PROCESSING] shall provide
6 [COORDINATE WITH THE DIVISION OF TELECOMMUNICATIONS IN PROVIDING] for
7 the effective transfer of information by telecommunications through
8 the establishment of compatible systems and common standards.

9 * Sec. 39. AS 44.27.052 is amended to read:

10 Sec. 44.27.052. POWERS OF COUNCIL. The council may (1) [IS
11 AUTHORIZED AND EMPOWERED TO] hold public and private hearings; (2) [,
12 TO] enter into contracts, within the limit of funds available, with
13 individuals, organizations, and institutions for services furthering
14 the educational objectives of the council's programs; (3) [TO] enter
15 into contracts, within the limit of funds available, with local and
16 regional associations for cooperative endeavors furthering the educa-
17 tional objectives of the council's programs; (4) [TO] accept gifts,
18 contributions, and bequests of unrestricted funds from individuals,
19 foundations, corporations, and other organizations or institutions for
20 the purpose of furthering the educational objectives of the council's
21 programs; and (5) [TO] make and sign agreements and to do and perform
22 any acts necessary to carry out the purposes of AS 44.27.040 - 44.27.-
23 060 [AS 44.27.040 - 44.27.058]. The council may request and is
24 entitled to receive from any department, division, board, bureau,
25 commission, or agency of the state the assistance and data that
26 [WHICH] will enable it properly to carry out its powers and duties.
27 The council is authorized to receive state funds made available for
28 its purposes.

29 * Sec. 40. AS 44.81.270(a) is amended to read:

1 (a) At the direction of the Legislative Budget and Audit Commit-
2 tee under AS 24.20.271, the [THE] legislative auditor may conduct an
3 audit of [CAUSE] the bank [TO BE AUDITED IN THE MANNER AND UNDER THE
4 CONDITIONS PRESCRIBED BY AS 24.20.271 FOR AUDITS PERFORMED BY THE
5 LEGISLATIVE AUDIT DIVISION]. The legislative audit division has free
6 access to all books and papers of the bank that relate to its business
7 and books and papers kept by a director, officer, or employee relating
8 to or upon which a record of its business is kept, and may summon
9 witnesses and administer oaths or affirmations in the examination of
10 the directors, officers, or employees of the bank or any other person
11 in relation to its affairs, transactions, and conditions, and may
12 require and compel the production of records, books, papers, con-
13 tracts, or other documents by court order if not voluntarily produced.

14 * Sec. 41. AS 44.81.270(b) is amended to read:

15 (b) The bank shall be audited annually by independent outside
16 auditors. The legislative auditor may confer with the outside audi-
17 tors and review the workpapers of the audit. [AT THE DIRECTION OF THE
18 LEGISLATIVE BUDGET AND AUDIT COMMITTEE UNDER AS 24.20.271, THE LEGIS-
19 LATIVE AUDITOR MAY CONDUCT AN AUDIT OF THE BANK.]

20 * Sec. 42. AS 44.85.270(i) is amended to read:

21 (i) All references to the "reserve fund" in this section include
22 special accounts within the reserve fund which may be created by the
23 authority to secure the payment of particular bonds [, INCLUDING,
24 WITHOUT LIMITATION, BONDS ISSUED BY THE CAPITAL CITY ESTABLISHED UNDER
25 AS 29.14.010]. The commissioner of revenue may lend surplus money in
26 the general fund to the authority for deposit to any account in the
27 reserve fund in an amount equal to the required debt service reserve.
28 The loans shall be made on such terms and conditions as may be agreed
29 upon by the commissioner of revenue and the authority, including,

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1 without limitation, terms and conditions providing that the loans need
2 not be repaid until the obligations of the corporation secured and to
3 be secured by the account in the reserve fund are no longer outstand-
4 ing.

5 * Sec. 43. AS 08.40.080; AS 15.05.016; AS 15.15.213; AS 19.10.220;
6 AS 19.25.110, 19.25.120; AS 41.06.060(1); AS 41.15.170(1); AS 41.17.950(3),
7 41.17.950(4); AS 41.21.990(1), 41.21.990(2); AS 41.30; AS 41.35.230(1),
8 41.35.230(3); AS 44.33.020(11); and AS 44.81.010(c) are repealed.

9 * Sec. 44. Sections 19 and 20 of this Act take effect July 1, 1988.

10 * Sec. 45. Except for secs. 19 and 20, this Act takes effect immediate-
11 ly under AS 01.10.070(c).