



LAWS OF ALASKA

1991

Source

HCS CSSB 86(JUD)

Chapter No.

21

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

Approved by the Governor: June 10, 1991

Actual Effective Date: June 11, 1991

AN ACT

1 Making corrective amendments to the Alaska Statutes as recommended by the revisor
2 of statutes; and providing for an effective date.
3
4

5 * Section 1. AS 01.10.040 is amended by adding a new subsection to read:

6 (b) When the words "includes" or "including" are used in a law, they shall be construed
7 as though followed by the phrase "but not limited to."

8 * Sec. 2. AS 05.35.150 is amended to read:

9 Sec. 05.35.150. ALASKA AMATEUR SPORTS FUND. There is established as a
10 separate fund in the Department of Commerce and Economic Development the Alaska amateur
11 sports fund. The fund consists of private contributions and money appropriated to the fund from
12 receipts under AS 28.10.421(D) | AS 28.10.165, 28.10.421(d)(14), AND 28.10.421(f)]. Money in
13 the fund may be appropriated for the promotion and development of amateur sports.

14 * Sec. 3. AS 08.01.110(4) is amended to read:

15 (4) "license" means a business license or a license, certificate, permit, or
16 registration or similar evidence of authority issued for an occupation by the department or by
17 one of the boards listed in AS 08.01.010;

18 * Sec. 4. AS 08.04.120 is amended to read:

19 Sec. 08.04.120. EDUCATIONAL AND EXPERIENCE REQUIREMENTS. An applicant
20 shall meet the following requirements of education and experience: [.]

21 (1) the |REPEALED

Chapter 21

1 (2) AFTER APRIL 26, 1965, THE] educational requirement is (A) satisfactory
2 completion of two years of study at one or more colleges or universities recognized by the board,
3 or (B) graduation from a junior or community college in Alaska or otherwise recognized by the
4 board, or (C) the substantial equivalent of (A) or (B) of this paragraph; the [THE] experience
5 requirement is four years of accounting experience satisfactory to the board; [.]

6 (2) [(3) AFTER APRIL 26, 1960,] the education and experience requirements may
7 also be satisfied by

8 (A) the satisfactory completion of four years of study with a
9 nonaccounting major at one or more colleges or universities recognized by the board, and
10 three years of accounting experience satisfactory to the board; [,] or

11 (B) the satisfactory completion of four years of study with an accounting
12 major at one or more colleges or universities recognized by the board, and two years of
13 accounting experience satisfactory to the board.

14 * Sec. 5. AS 08.04.425(c) is amended to read:

15 (c) Failure by an applicant for renewal of a permit to practice to furnish the [THAT]
16 evidence required under (b) of this section constitutes grounds for revocation, suspension, or
17 refusal to renew the permit under AS 08.04.450, unless the board determines that failure to have
18 been due to reasonable cause or excusable neglect. However, the board may renew a permit to
19 practice despite failure to furnish evidence of satisfaction of the continuing education
20 requirements established under (a) of this section if the applicant agrees to follow a particular
21 program or schedule of continuing education prescribed by the board.

22 * Sec. 6. AS 08.24.135 is amended to read:

23 Sec. 08.24.135. FEES. The department shall set fees for licenses and applications under
24 AS 08.01.065 and shall set delayed renewal penalties [FINES] under AS 08.01.100.

25 * Sec. 7. AS 08.72.274 is amended to read:

26 Sec. 08.72.274. EXEMPTION. Except for AS 08.72.275, this [THIS] chapter and
27 regulations adopted under this chapter do not limit the practice of an optician licensed under
28 AS 08.71.

29 * Sec. 8. AS 08.80.020 is amended to read:

30 Sec. 08.80.020. TERM OF OFFICE. The term of office of a member of the board begins

1 on April 1 after appointment [OF EACH YEAR].

2 * Sec. 9. AS 08.84.065(a) is amended to read:

3 (a) The board may issue a nonrenewable temporary permit to an applicant for licensure
4 by acceptance of credentials or by examination who

5 (1) meets the requirements of

6 (A) AS 08.84.030(a)(1) or (b)(1); or

7 (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (3); [AS 08.84.030(2) AND

8 08.84.032(2) AND (4)] and

9 (2) pays the required fee.

10 * Sec. 10. AS 08.88.460(a) is amended to read:

11 (a) A person seeking reimbursement for a loss suffered in a transaction as a result of
12 fraud, misrepresentation, deceit, or the conversion of trust funds on the part of a real estate
13 broker, associate real estate broker, or real estate salesman licensed under this chapter shall make
14 a claim to the commission for reimbursement on a form furnished by the commission. The form
15 shall be executed under penalty of unsworn falsification [PERJURY], and must
16 [INFORMATION REQUIRED TO BE SUPPLIED SHALL] include the following:

17 (1) the name and address of the real estate broker, associate real estate broker,
18 or real estate salesman;

19 (2) the amount of the alleged loss;

20 (3) the date or period of time during which the alleged loss occurred;

21 (4) the date upon which the alleged loss was discovered;

22 (5) the name and address of the claimant; and [OR]

23 (6) a [THE] general statement of facts relative to the claim [CLAIMANT].

24 * Sec. 11. AS 09.35.060 is amended to read:

25 Sec. 09.35.060. EXECUTION AFTER DEATH OF JUDGMENT DEBTOR. If the
26 judgment debtor dies after judgment, execution may be issued on the judgment in the manner and
27 with the effect as if the debtor were still living, except as provided in AS 13.16.505 [EXCEPT
28 THAT NO ACTION MAY BE TAKEN WITHIN SIX MONTHS FROM THE GRANTING OF
29 LETTERS TESTAMENTARY OR OF ADMINISTRATION UPON THE ESTATE OF THE
30 DECEASED WITHOUT LEAVE OF THE COURT HAVING JURISDICTION OVER THE

Chapter 21

PROBATE OF THE ESTATE].

* Sec. 12. AS 12.30.030(b) is amended to read:

(b) When a court denies a motion under (a) of this section or conditions of release have been imposed by the court having original jurisdiction over the offense, an appeal may be taken to the court having appellate jurisdiction over the court denying the motion or imposing the conditions subject to the applicable court rules [OF THE SUPREME COURT OF ALASKA, AND THE DISTRICT COURT RULES OF CRIMINAL PROCEDURE]. The order of the lower court shall be affirmed unless it is found that the lower court abused its discretion. If it is held that the lower court did abuse its discretion, the appellate court may modify, vacate, set aside, reverse, remand the action for further proceeding, or remand the action directing entry of the appropriate order, which may include ordering the person to be released under AS 12.30.020(a). The appeal shall be determined promptly.

* Sec. 13. AS 12.55.155(d)(6) is amended to read:

(6) in a conviction for assault under AS 11.41.200 - 11.41.220 [11.41.230], the defendant acted with serious provocation from the victim;

* Sec. 14. AS 16.05.340(a)(17) is amended to read:

(17) Waterfowl conservation tag 5

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

- (i) qualifies for a \$5 license fee under (6) of this subsection;
(ii) is a resident under the age of 16;
(iii) is 60 years of age or older and is [HAS BEEN] a resident

[FOR AT LEAST ONE YEAR];

- (iv) is a disabled veteran eligible for a free license under

AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

* Sec. 15. AS 16.05.450 is amended to read:

Sec. 16.05.450. ISSUANCE OF LICENSES. (a) The commissioner or an authorized

1 agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who
 2 files a written application at a place in the state designated by the commissioner, containing the
 3 reasonable information required by the commissioner together with the required fee. The
 4 application shall be simple in form and shall be executed by the applicant under the penalty of
 5 unsworn falsification [PERJURY].

6 (b) The Commercial Fisheries Entry Commission shall issue a vessel license under
 7 AS 16.05.490 to each qualified vessel for which a written application has been filed, at a place
 8 in the state designated by the commission, containing the reasonable information required by the
 9 commission together with the required fee. The application shall be simple in form and shall be
 10 executed by the applicant under the penalty of unsworn falsification [PERJURY].

11 (c) Repealed

12 * Sec. 16. AS 16.30.030(3) is amended to read:

13 (3) "edible meat" means, in the case of big game animals, the meat of the ribs,
 14 neck, brisket, front quarters as far as the distal joint of [JUNCTURE OF THE HUMERUS
 15 AND] the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and
 16 that portion of the animal between the front and hindquarters; in the case of wild fowl, the meat
 17 of the breast; however, "edible meat" of big game or wild fowl does not include

18 (A) meat of the head;

19 (B) meat that has been damaged and made inedible by the method of
 20 taking;

21 (C) bones, sinew, and incidental meat reasonably lost as a result of boning
 22 or a close trimming of the bones;

23 (D) viscera;

24 * Sec. 17. AS 18.07.021 is amended to read:

25 Sec. 18.07.021. OFFICE OF [STATE HEALTH] PLANNING AND RESEARCH
 26 [DEVELOPMENT AGENCY]. The office of planning and research in the department [IS THE
 27 STATE HEALTH PLANNING AND DEVELOPMENT AGENCY DESIGNATED UNDER 42
 28 U.S.C. 300m(b)(3). THE OFFICE] shall [PERFORM THE FUNCTIONS ENUMERATED
 29 UNDER 42 U.S.C. 300m-2,] administer the certificate of need program under [OUTLINED IN]
 30 AS 18.07.041 - 18.07.111 [,] and perform other functions prescribed in this chapter.

Chapter 21

1 * Sec. 18. AS 18.10.260 is repealed and reenacted to read:

2 Sec. 18.10.260. DEFINITIONS. In this chapter,

3 (1) "commissioner" means the commissioner of health and social services;

4 (2) "department" means the Department of Health and Social Services.

5 * Sec. 19. AS 19.25.150 is amended to read:

6 Sec. 19.25.150. UNLAWFUL ADVERTISING. An advertising sign, display, or device
7 that [WHICH] violates the provisions of AS 19.25.080 - 19.25.180 [THIS CHAPTER] is a public
8 nuisance. The department shall give 30 days' notice, by certified mail, to the owner of the land
9 on which the advertising sign, display, or device is located, ordering its removal if it is prohibited
10 by AS 19.25.080 - 19.25.180 [THIS CHAPTER] or ordering the owner to cause it to conform
11 to regulations if it is authorized by AS 19.25.080 - 19.25.180 [THIS CHAPTER]. If the owner
12 of the property fails to comply within 30 days as required in the notice, the department shall
13 remove the outdoor advertising sign, display, or device at the expense of the owner of the land
14 or the person who erected it.

15 * Sec. 20. AS 21.09.070(c) is amended to read:

16 (c) After January 1, 1992 [JUNE 30, 1991], an insurer may not renew and continue its
17 certificate of authority unless the insurer possesses at least the basic capital or basic surplus, and
18 additional surplus required under this section.

19 * Sec. 21. AS 21.09.080(a) is amended to read:

20 (a) In order for a domestic insurer to renew and continue the insurer's certificate of
21 authority after January 1, 1992 [JUNE 30, 1991], the insurer must possess at least the basic
22 capital, basic guarantee surplus, and additional maintained surplus required under
23 AS 21.09.070(a).

24 * Sec. 22. AS 21.12.020(c) is amended to read:

25 (c) A reduction from liability, for reinsurance ceded to an assuming insurer not meeting
26 the requirements of (a) of this section, shall be allowed in an amount not exceeding the liabilities
27 carried by the ceding insurer. The reduction shall be equal to the amount of money held by or
28 on behalf of the ceding insurer, including money held in trust for the ceding insurer, under a
29 reinsurance contract with the assuming insurer as security for the payment of obligations under
30 it, if [. IF] the security is held in the United States subject to withdrawal solely by, and under

1 the exclusive control of, the ceding insurer, or in the case of a trust, held in a qualified United
2 States financial institution. The [, THE] security must be in the form of

3 (1) cash;

4 (2) securities listed by the Securities Valuation Office of the National Association
5 of Insurance Commissioners that qualify as admitted assets under AS 21.21;

6 (3) clean, irrevocable, unconditional letters of credit issued or confirmed by a
7 qualified United States financial institution; letters of credit meeting applicable standards of issuer
8 acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing
9 or confirming institution's subsequent failure to meet applicable standards of issuer acceptability,
10 continue to be acceptable as security until their expiration, extension, renewal, modification, or
11 amendment, whichever occurs first; or

12 (4) other security acceptable to and approved in advance by the director.

13 * Sec. 23. AS 21.18.110(b)(5) is amended to read:

14 (5) If in any contract year the gross premium charged by a life insurer on a policy
15 or contract is less than the valuation net premium for the policy or contract calculated by the
16 method used in calculating the reserve on the policy or contract but using the minimum valuation
17 standards of mortality and rate of interest, the minimum reserve required for that policy or
18 contract shall be the greater of either the reserve calculated according to the mortality table, rate
19 of interest, and method actually used for the policy or contract, or the reserve calculated by the
20 method actually used for the policy or contract but using the minimum valuation standards of
21 mortality and rate of interest and replacing the valuation net premium by the actual gross
22 premium in each contract year for which the valuation net premium exceeds the actual gross
23 premium. In this paragraph, the minimum valuation standards of mortality and rate of interest
24 are those standards referred to in (b) and (c) [(C)] of this section [PARAGRAPH].
25 Notwithstanding this paragraph, for a life insurance policy issued on or after January 1, 1987, for
26 which the gross premium in the first policy year exceeds that of the second year and for which
27 no comparable additional benefit is provided in the first year for the excess premium and that
28 [WHICH] provides an endowment benefit or a cash surrender value or a combination of these
29 in an amount greater than the excess premium, the provisions of this paragraph shall be applied
30 as if the method used in calculating the reserve for such a policy were based on a net one-year

Chapter 21

1 term premium for the benefits provided for in the first policy year [THE METHOD
2 DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, IGNORING THE SECOND
3 PARAGRAPH OF PARAGRAPH (2) OF THIS SUBSECTION]. The minimum reserve at each
4 policy anniversary of such a policy shall be the greater of the minimum reserve calculated under
5 (2)(B) of this subsection [IN ACCORDANCE WITH PARAGRAPH (2), INCLUDING THE
6 SECOND PARAGRAPH OF THAT PARAGRAPH], and the minimum reserve calculated under
7 [IN ACCORDANCE WITH] this paragraph.

8 * Sec. 24. AS 21.18.110(b)(8) is amended to read:

9 (8) This paragraph [SECTION] applies to all annuity and pure endowment
10 contracts other than group annuity and pure endowment contracts purchased under a retirement
11 plan or plan of deferred compensation, established or maintained by an employer (including a
12 partnership or sole proprietorship) or by an employee organization, or by both, other than a plan
13 providing individual retirement annuities under 26 U.S.C. 408 (Internal Revenue Code), as
14 amended. Reserves according to the commissioner's annuity reserve method for benefits under
15 annuity or pure endowment contracts, excluding any disability and accidental death benefits in
16 those contracts, shall be the greatest of the respective excesses of the present values, at the date
17 of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits,
18 provided for by those contracts at the end of each respective contract year, over the present value,
19 at the date of valuation, of any future valuation considerations derived from future gross
20 considerations, required by the terms of such contract, that become payable before the end of that
21 respective contract year. The future guaranteed benefits shall be determined by using the
22 mortality table, if any, and the interest rate, or rates, specified in such contracts for determining
23 guaranteed benefits. The valuation considerations are the portions of the respective gross
24 considerations applied under the terms of those contracts to determine nonforfeiture values.

25 * Sec. 25. AS 21.18.110(e) is amended to read:

26 (e) Notwithstanding (d) [(2)] of this section [SUBSECTION], if the calendar year
27 statutory valuation interest rate for a life insurance policy differs from the corresponding actual
28 rate for a similar policy issued in the immediately preceding calendar year by less than one-half
29 of one percent, the calendar year statutory valuation interest rate for the life insurance policy
30 shall be equal to the corresponding actual rate for the immediately preceding calendar year. For

1 the purpose of this paragraph, the calendar year statutory valuation interest rate shall be
2 determined for 1980 using the reference interest rate defined for 1979 and shall be determined
3 for each following calendar year regardless of the operative date under AS 21.45.300(w)
4 [WHEN SUBSECTION (w) OF THE STANDARD NONFORFEITURE LAW FOR LIFE
5 INSURANCE BECOMES OPERATIVE].

6 * Sec. 26. AS 21.33.021(e) is amended to read:

7 (e) A plaintiff or complainant is not entitled to a judgment by default in an action, suit
8 or proceeding in which the process is served under this section unless there is compliance with
9 the Rules of Civil Procedure governing default judgments.

10 * Sec. 27. AS 21.36.360(q) is amended to read:

11 (q) A fraudulent or criminal insurance act described in

12 (1) (b) of this section that is committed to obtain \$10,000 or more is a class B
13 felony;

14 (2) (c) or (d) of this section is a class B felony;

15 (3) (b) of this section that is committed to obtain \$500 or more but less than
16 \$10,000 is a class C felony;

17 (4) (e), (f), (g), or (h) of this section is a class C felony;

18 (5) (b) of this section that is committed to obtain less than \$500 is a class A
19 misdemeanor;

20 (6) (i), (j), (k), (l), or (m), or (n) of this section is a class A misdemeanor; [AND]

21 (7) (o) of this section is a class B misdemeanor; and

22 (8) (p) of this section is a class B misdemeanor unless another specific penalty
23 is provided for the violation of the provision.

24 * Sec. 28. AS 21.39.175 is amended to read:

25 Sec. 21.39.175. STATISTICS. An insurer providing malpractice coverage for health care
26 providers shall collect, maintain, and report information concerning claims against health care
27 providers that it insures. The information shall be on forms prescribed by the director [,] and
28 must [SHALL] be sufficient to enable a proper determination of losses for rate making and to
29 identify causes and sources of loss for loss control. At least annually, the insurer shall report to
30 the director the number and amount of claims filed, reserved, paid, settled, and adjudicated during

Chapter 21

1 the year, and the premiums paid to and the expenses incurred by the insurer [CORPORATION]
2 during the year. This report shall be available to the public. The director may require that
3 supplemental reports include the names of insured health care providers and the claimants;
4 however, a report that becomes available to the public may not include the names of health care
5 providers or claimants or information that will permit by inference the identity of specific health
6 care providers or claimants. All statistics, including the supplemental reports, shall be made
7 available to the State Medical Board.

8 * Sec. 29. AS 21.51.070(a) is amended to read:

9 (a) There shall be a provision as follows:

10 "Reinstatement: If (1) a renewal premium is not paid within the time granted the
11 insured for payment, (2) a subsequent acceptance of premium by the insurer or by an agent
12 authorized by the insurer to accept the premium occurs, without requiring in connection therewith
13 an application for reinstatement, and (3) the insurer issues a conditional receipt for the premium
14 tendered, the policy will be reinstated upon approval of the application by the insurer or, lacking
15 approval, upon the 45th day following the date of the conditional receipt unless the insurer has
16 previously notified the insured in writing of its disapproval of the application. The reinstated
17 policy shall cover only loss resulting from the accidental injury that [WHICH] may be sustained
18 after the date of reinstatement and loss due to the sickness that [WHICH] may begin more than
19 10 days after that date. In all other respects, the insured and insurer shall have the same rights
20 thereunder as they had under the policy immediately before the due date of the defaulted
21 premium, subject to any provisions endorsed hereon or attached hereto in connection with the
22 reinstatement. A premium accepted in connection with a reinstatement shall be applied to a
23 period for which premium has not been previously paid, but not to a period more than 60 days
24 before the date of reinstatement."

25 * Sec. 30. AS 21.66.370(f) is amended to read:

26 (f) A [BEGINNING NOVEMBER 12, 1974, A] title insurance company or agent of a
27 title insurance company may not charge a rate for a policy or contract of title insurance except
28 in accordance with filings or rates that [WHICH] are in effect for the title insurance company
29 as provided in this chapter.

30 * Sec. 31. AS 21.75.300(a) is amended to read:

1 (a) The [WITHIN SIX MONTHS OF JULY 13, 1978, THE] director shall, by regulation,
2 provide a general plan for the implementation of cooperative insurance coverage limited to the
3 risks defined in AS 21.75.330.

4 * Sec. 32. AS 21.88.030(b) is amended to read:

5 (b) The term of office of each governor is three years [, EXCEPT THAT THE
6 GOVERNOR OF THE STATE SHALL DESIGNATE TWO INITIALLY APPOINTED
7 GOVERNORS TO SERVE FOR ONE YEAR AND TWO INITIALLY APPOINTED
8 GOVERNORS TO SERVE FOR TWO YEARS]. Upon the expiration of the term of a governor,
9 the governor of the state shall appoint a successor who shall be from the same class described
10 in (a) of this section as the governor whose term has expired.

11 * Sec. 33. AS 21.88.040(a) is amended to read:

12 (a) The [WITHIN 30 DAYS AFTER MAY 29, 1976, THE] board of governors shall
13 prepare and submit to the director for approval a plan of operation that [WHICH] provides for
14 the fair and reasonable administration of the affairs of the corporation and the discharge of the
15 purposes for which it is created. The plan and any amendments to it become effective upon the
16 director's approval. If the board of governors fails to submit a plan of operation, or if at a
17 subsequent time the board of governors fails to submit suitable amendments to the plan, the
18 director shall, after notice and hearing, adopt and promulgate a plan of operation or amendments
19 that [WHICH] are necessary or advisable to carry out the provisions of this chapter. Adoption
20 of the plan is not subject to the Administrative Procedure Act (AS 44.62).

21 * Sec. 34. AS 21.89.040 is amended to read:

22 Sec. 21.89.040. EYE CARE UNDER HEALTH AND ACCIDENT INSURANCE. All
23 policies, contracts, or prepaid plans for individual or group accident or health insurance issued
24 or delivered in the state [ON OR AFTER MAY 27, 1976] that provide reimbursement for any
25 service within the lawful scope of practice of an optometrist licensed under AS 08.72 must [,
26 SHALL] provide for reimbursement to persons covered under the policy, contract, or plan who
27 had the service performed by an optometrist.

28 * Sec. 35. AS 28.10.161(a) is amended to read:

29 (a) The [EXCEPT AS PROVIDED IN AS 28.10.181(i), THE] department, upon
30 registering a vehicle, shall issue the owner one fully reflectorized registration plate for a trailer

Chapter 21

1 or a motorcycle and two fully reflectorized registration plates for every other vehicle. Except
2 as specifically provided in AS 28.10.181, the plate or plates must remain with the vehicle as long
3 as the vehicle is subject to registration under this chapter.

4 * Sec. 36. AS 28.35.035(c) is amended to read:

5 (c) If a chemical test is administered to a person under (a) or (b) of this section, that
6 person is not subject to the penalties for refusal to submit to a chemical test provided by
7 AS 28.35.032 [AND 28.35.034].

8 * Sec. 37. AS 29.20.170 is amended to read:

9 Sec. 29.20.170. VACANCIES. The governing body may provide by ordinance the
10 manner in which a vacancy occurs in any elected office except the office of mayor or school
11 board member. Unless otherwise provided by ordinance, the governing body shall declare an
12 elective office, other than the office of mayor or school board member, vacant when the person
13 elected

14 (1) fails to qualify or take office within 30 days after election or appointment;

15 (2) is physically absent from the municipality for 90 consecutive days unless
16 excused by the governing body;

17 (3) resigns and the resignation is accepted;

18 (4) is physically or mentally unable to perform the duties of office as determined
19 by two-thirds vote of the governing body;

20 (5) is convicted of a felony or of an offense involving a violation of the oath of
21 office;

22 (6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds
23 of the members of the governing body concur in expelling the person elected;

24 (7) is convicted of a violation of AS 15.13;

25 (8) no longer physically resides in the municipality and the governing body by
26 two-thirds vote declares the seat vacant; **this paragraph does not apply to a member of the**
27 **governing body who forfeits office under AS 29.20.140(a);** or

28 (9) if a member of the governing body, misses three consecutive regular meetings
29 and is not excused.

30 * Sec. 38. AS 29.35.050(a) is amended to read:

1 (a) Notwithstanding AS 29.35.200 - 29.35.220, a [A] municipality may by ordinance

2 (1) provide for the establishment, maintenance, and operation of a system of
3 garbage and solid waste collection and disposal for the entire municipality, or for districts or
4 portions of it;

5 (2) require all persons in the municipality or district to use the system and to
6 dispose of their garbage and solid waste as provided in the ordinance;

7 (3) award contracts for collection and disposal, or provide for the collection and
8 disposal of garbage and solid waste by municipal officials and employees;

9 (4) pay for garbage and solid waste collection and disposal from available money;

10 (5) require property owners or occupants of premises to use the garbage and solid
11 waste collection and disposal system provided by the municipality;

12 (6) fix charges against the property owners or occupants of premises for the
13 collection and disposal; and

14 (7) provide penalties for violations of the ordinances.

15 * Sec. 39. AS 29.35.210(a) is amended to read:

16 (a) A second class borough may by ordinance exercise the following powers on a
17 nonareawide basis:

18 (1) provide transportation systems;

19 (2) regulate the offering for sale, exposure for sale, sale, use, or explosion of
20 fireworks;

21 (3) license, impound, and dispose of animals;

22 (4) subject to AS 29.35.050, provide garbage, solid waste, and septic waste
23 collection and disposal;

24 (5) provide air pollution control in accordance with AS 46.03.140 - 46.03.230;

25 (6) provide water pollution control;

26 (7) participate in federal or state loan programs for housing rehabilitation and
27 improvement for energy conservation;

28 (8) provide for economic development;

29 (9) provide for the acquisition and construction of local service roads and trails
30 under AS 19.30.111 - 19.30.251;

Chapter 21

1 (10) establish an emergency services communication center under AS 29.35.130;

2 (11) subject to AS 28.01.010, regulate the licensing and operation of motor
3 vehicles and operators;

4 (12) engage in activities authorized under AS 29.47.460.

5 * Sec. 40. AS 34.40.120 is amended to read:

6 Sec. 34.40.120. "LAND" AND "ESTATE AND INTEREST IN LAND" DEFINED. The
7 term "land" as used in this chapter [AS 34.40.010 AND 34.40.070 - 34.40.130,] shall be
8 construed as coextensive in meaning with "lands, tenements, and hereditaments," and the term
9 "estate and interest in land" shall be construed to embrace every interest, freehold, and chattel,
10 legal and equitable, present and future, vested and contingent in land as defined in this section.

11 * Sec. 41. AS 34.40.130 is amended to read:

12 Sec. 34.40.130. "CONVEYANCE" DEFINED. The term "conveyance," as used in this
13 chapter [AS 34.40.010 AND 34.40.070 - 34.40.130], shall be construed to embrace every
14 instrument in writing except a last will and testament, of whatever form and by whatever name
15 it may be known in law, by which an estate or interest in land [LANDS] is created, aliened,
16 assigned, or surrendered.

17 * Sec. 42. AS 34.60.150(2) is amended to read:

18 (2) "displaced person" means any person who [, ON OR AFTER JANUARY 2,
19 1971] moves from real property, or moves personal property from real property, as a result of
20 the acquisition of the real property, in whole or in part, or as a result of the written order of the
21 state agency to vacate real property, for a program or project undertaken by the state agency, and
22 solely for the purpose of AS 34.60.040(a) and 34.60.090, as a result of the acquisition of, or as
23 a result of the written order of a state agency to vacate other real property on which the person
24 conducts a business or farm operation for the program or project;

25 * Sec. 43. AS 38.06.050(a) is amended to read:

26 (a) If legislative approval is required by AS 38.06.055, a sale, exchange, encumbrance,
27 or other disposition of oil or gas or of the rights or waiver of the rights to receive future
28 production of royalty oil or gas may not be made by the commissioner of natural resources under
29 AS 38.05.183 without prior review of the proposed sale, exchange, encumbrance, or other
30 disposition by the board. A written recommendation of the board on the proposed sale,

1 exchange, encumbrance, or other disposition of oil or gas or of the rights or waiver of the rights
2 to receive future production of royalty oil or gas shall be submitted to the legislature at the time
3 a bill [RESOLUTION] approving the proposed sale, exchange, encumbrance, or other disposition
4 is introduced in the legislature.

5 * Sec. 44. AS 38.06.070(c) is amended to read:

6 (c) The board shall make a full report to the legislature on each criterion specified in (a)
7 or (b) of this section for any disposition of royalty oil or gas that [WHICH] requires legislative
8 approval. The board's report shall be submitted for legislative review at the time a bill
9 [RESOLUTION] for legislative approval of a proposed disposition of royalty oil or gas is
10 introduced in the legislature.

11 * Sec. 45. AS 43.20.014(a) is amended to read:

12 (a) A taxpayer is allowed as a credit against the tax due under this chapter 50 percent
13 of cash contributions accepted for direct instruction, research, and educational support purposes,
14 including library and museum acquisitions, by an accredited, nonprofit, public or private, Alaska,
15 two- or four-year, college, [OR] university, or university foundation. The credit may not
16 exceed the lesser of 10 percent of the amount of tax due under this chapter or \$100,000. A
17 contribution claimed as a credit under this section may not be claimed as a credit under another
18 provision of this title. A deduction is not allowed under 26 U.S.C. 170, if the credit provided by
19 this section is claimed.

20 * Sec. 46. AS 43.23.005(a) is amended to read:

21 (a) An individual is eligible to receive one permanent fund dividend each year in an
22 amount to be determined under AS 43.23.025 if the individual applies to the department, and if
23 (1) on the date of application the individual is a state resident;
24 (2) the individual was a state resident for a period of at least 12 [24] consecutive
25 months immediately preceding April 1 of the current dividend year; and
26 (3) the individual has been physically present in the state at some time during the
27 period beginning July 1 two years before the date of application and ending on the date of
28 application.

29 * Sec. 47. AS 43.23.015(b) is amended to read:

30 (b) The department shall prescribe and furnish an application form for claiming a

Chapter 21

1 permanent fund dividend. The application must contain a statement of eligibility and a
2 certification of residency in substantially the following form:

3 I certify that

4 () I am a state resident on the date of this application, I have been a state resident for
5 at least 12 [24] months immediately preceding April 1 of the current dividend year, and I have
6 been physically present in the State of Alaska at some time during the period beginning July 1
7 two years before the date of application and ending on the date of this application; or

8 () (name), the individual on whose behalf I am applying, is a state resident on the date
9 of this application, has been a state resident for at least 12 [24] months immediately preceding
10 April 1 of the current dividend year, and has been physically present in the State of Alaska at
11 some time during the period beginning July 1 two years before the date of application and ending
12 on the date of this application. I understand that a false claim of eligibility to obtain a permanent
13 fund dividend for myself or for another is a criminal offense, that if convicted I will forfeit future
14 dividends, and that I must repay all dividends that have been paid to me. I understand that if I
15 wilfully misrepresent, exercise gross negligence, or recklessly disregard a material fact regarding
16 my eligibility for a permanent fund dividend I will forfeit the dividend, be subject to a civil fine
17 of up to \$5,000, and lose my eligibility for the next five dividends. I understand that these
18 penalties are in addition to any criminal penalties imposed.

19 _____
20 (signature of individual, parent,
21 guardian, or other authorized
22 representative)

23 * Sec. 48. AS 43.50.080(a) is amended to read:

24 (a) On or before the last day of each calendar month a licensee shall file with the
25 department a return, under penalty of unsworn falsification [PERJURY], for each place of
26 business. The return shall state the number of cigarettes manufactured, imported, or acquired by
27 the licensee during the preceding calendar month, and other information which the department
28 requires. If a licensee ceases to import or acquire cigarettes, the licensee shall immediately file
29 with the department a return for the period ending with the cessation.

30 * Sec. 49. AS 43.55.019(a) is amended to read:

1 (a) A producer of oil or gas is allowed as a credit against the tax due under
2 AS 43.55.011 - 43.55.150 50 percent of cash contributions accepted for direct instruction,
3 research, and educational support purposes, including library and museum acquisitions, by an
4 accredited, nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or
5 university foundation. The credit may only be applied against the tax liability accruing during
6 the month the contribution is made. The credit may not exceed the lesser of 10 percent of the
7 amount of tax due under AS 43.55.011 - 43.55.150 or \$10,000. A contribution claimed as a credit
8 under this section may not be claimed as a credit under another provision of this title.

9 * Sec. 50. AS 43.56.018(a) is amended to read:

10 (a) The owner of property taxable under this chapter is allowed as a credit against the
11 tax due under this chapter 50 percent of cash contributions accepted for direct instruction,
12 research, and educational support purposes, including library and museum acquisitions, by an
13 accredited, nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or
14 university foundation. The credit may only be applied against the tax liability accruing during
15 the month the contribution is made. The credit may not exceed the lesser of 10 percent of the
16 amount of tax due under this chapter or \$10,000. A contribution claimed as a credit under this
17 section may not be claimed as a credit under another provision of this title.

18 * Sec. 51. AS 43.65.018(a) is amended to read:

19 (a) A person engaged in the business of mining in the state is allowed as a credit against
20 the tax due under this chapter 50 percent of cash contributions accepted for direct instruction,
21 research, and educational support purposes, including library and museum acquisitions, by an
22 accredited, nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or
23 university foundation. The credit may not exceed the lesser of 10 percent of the amount of tax
24 due under this chapter or \$100,000. A contribution claimed as a credit under this section may not
25 be claimed as a credit under another provision of this title.

26 * Sec. 52. AS 43.65.020(a) is amended to read:

27 (a) A person subject to tax under this chapter shall make a return stating specifically the
28 items of gross income from the property, including royalty received and the deductions and
29 credits allowed by this chapter, and other information for carrying out this chapter that the
30 department prescribes. The return must show the mining license number and must be signed by

Chapter 21

1 the taxpayer or an authorized agent of the taxpayer, under penalty of unsworn falsification
2 [PERJURY]. If receivers, trustees, or assigns are operating the property or business, they shall
3 make returns for the person engaged in mining, or the recipient of royalty in connection with
4 mining property. The tax due on the basis of the returns shall be collected in the same manner
5 as if collected from the person of whose business they have custody and control.

6 * Sec. 53. AS 43.75.018(a) is amended to read:

7 (a) A person engaged in a fisheries business is allowed as a credit against the tax due
8 under this chapter 50 percent of cash contributions accepted for direct instruction, research, and
9 educational support purposes, including library and museum acquisitions, by an accredited,
10 nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or university
11 foundation. The credit may not exceed the lesser of 10 percent of the amount of tax due under
12 this chapter or \$100,000. A contribution claimed as a credit under this section may not be
13 claimed as a credit under another provision of this title.

14 * Sec. 54. AS 43.75.030(a) is amended to read:

15 (a) A person subject to the tax shall file a return stating the value of fisheries resources
16 processed during the license year, computed as required by this chapter, and such other
17 information as the department prescribes by regulation. The return must show the license number
18 and must be signed by the taxpayer or an authorized agent, under penalty of unsworn
19 falsification [PERJURY]. If a receiver, trustee, or assign is operating the property or business,
20 that person shall file the return for the person. A tax due on the basis of such a return shall be
21 collected in the same manner as if collected from the person of whose business the receiver,
22 trustee, or assign has custody and control.

23 * Sec. 55. AS 43.75.110 is amended to read:

24 Sec. 43.75.110. DUTY OF TAXPAYER AND PAYMENT OF TAX. A person subject
25 to taxes under AS 43.75.100 shall make a return stating the value of fisheries resources taken,
26 purchased, or otherwise acquired during the license year for sale to fisheries businesses outside
27 of the taxing jurisdiction of the state computed as required by AS 43.75.100, and other
28 information to carry out the provisions of AS 43.75.100 as may be prescribed by the department.
29 The return must contain the license number and must be signed by the taxpayer or an authorized
30 agent, under penalty of unsworn falsification [PERJURY]. If a receiver, trustee, or assign is

1 operating the property or business, that person shall make the return for the person. A tax due
2 on the basis of such return shall be collected in the same manner as if collected from the person
3 of whose business the receiver, trustee, or assign has custody and control. The requirements for
4 time and place of payment of tax, and the obligation to keep records and make the records
5 available to the commissioner are the same as those prescribed in AS 43.75.011 - 43.75.050.

6 * Sec. 56. AS 44.33.270(a) is amended to read:

7 (a) The commissioner of commerce and economic development may sell or transfer at
8 par value or at a premium to a bank or other private purchaser for cash or other consideration
9 the mortgages and notes held by the department as security for loans made under AS 44.33.240 -
10 44.33.275 [THIS CHAPTER].

11 * Sec. 57. AS 46.03.313(b) is amended to read:

12 (b) The [BY JULY 1, 1986, THE] department shall adopt regulations that
13 (1) interpret and clarify the factors listed in (a) of this section; and
14 (2) establish procedures for processing, reviewing, and approving or disapproving
15 applications for the siting and operation of privately owned hazardous waste management
16 facilities.

17 * Sec. 58. AS 46.03.313(d) is amended to read:

18 (d) The department shall hold public hearings in each election district in which a
19 hazardous waste management facility site is proposed to be located. The department shall give
20 reasonable public notice of the time, date, and place of each public hearing at least 30 days
21 before the hearing. The public shall be afforded an opportunity at each hearing to submit written
22 and oral testimony concerning a potential site. [THE DEPARTMENT SHALL CONSIDER THE
23 TESTIMONY SUBMITTED AT PUBLIC HEARINGS WHEN IT PREPARES REPORTS
24 UNDER AS 46.03.314.]

25 * Sec. 59. AS 46.04.030(h) is amended to read:

26 (h) The department is the only state agency that has the power to approve, modify, or
27 revoke a contingency plan for the purposes of this section. The department shall exercise its
28 power under this section in a timely manner. Except [FOR PROSECUTIONS UNDER AS
29 46.03.790(b) AND EXCEPT] as provided in (i) of this section, it is not a defense to an action
30 brought for a violation of (a) - (c) of this section that the person charged believed that a current

Chapter 21

1 contingency plan had been approved by the department.

2 * Sec. 60. AS 46.04.040(d) is amended to read:

3 (d) Except [FOR PROSECUTIONS UNDER AS 46.03.790(b) AND EXCEPT] as
4 provided in (k) of this section, it is not a defense to an action brought for violation of (a) - (c)
5 of this section that the person charged believed in good faith that proof of financial ability to
6 respond in damages had been furnished to, and approved by, the department.

7 * Sec. 61. AS 47.45.010(a) is amended to read:

8 (a) A person who is 65 years of age or over, who resides in the state for at least one
9 year [TWO YEARS] immediately preceding application for a longevity bonus under this chapter,
10 may apply to the commissioner of administration for qualification to receive a monthly bonus of
11 \$250.

12 * Sec. 62. AS 02.15.260(14); AS 05.15.210(21); AS 08.24.180; AS 08.42.020(b); AS 14.36.070(1),
13 14.36.070(2), and 14.36.070(4); AS 21.72.170(5); AS 21.75.340; AS 21.88.060(b); AS 34.03.360(9);
14 AS 34.65.100(1); AS 43.20.310 and 43.20.320; AS 43.23.005(e); AS 46.03.314, 46.03.790(g)(3),
15 46.03.900(16); and AS 47.45.010(d) are repealed.

16 * Sec. 63. This Act takes effect immediately under AS 01.10.070(c).