

**SENATE BILL NO. 85**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 2/14/95

Referred: STA. JUD

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 \* **Section 1.** AS 04.11.400(d) is amended to read:

5 (d) The board may approve the issuance or transfer of ownership of a beverage  
6 dispensary or restaurant or eating place license without regard to (a) of this section if  
7 it appears that the issuance or transfer will encourage the tourist trade by encouraging  
8 the construction or improvement of

9 (1) a hotel, motel, resort, or similar business relating to the tourist trade  
10 with a dining facility or having kitchen facilities in a majority of its rental rooms and  
11 at least a minimum number of rental rooms required according to the population of the  
12 established village, incorporated city, unified municipality, or population area  
13 established under (a) of this section in which the facility will be located, as follows:

14 (A) 10 rental rooms if the population is less than 1,501;

1 (B) 20 rental rooms if the population is 1,501 - 2,500  
2 [BETWEEN 1,501 AND 2,500];

3 (C) 25 rental rooms if the population is 2,501 - 5,000  
4 [BETWEEN 2,501 AND 5,000];

5 (D) 30 rental rooms if the population is 5,001 - 15,000  
6 [BETWEEN 5,001 AND 15,000];

7 (E) 35 rental rooms if the population is 15,001 - 25,000  
8 [BETWEEN 15,001 AND 25,000];

9 (F) 40 rental rooms if the population is 25,001 - 50,000  
10 [BETWEEN 25,001 AND 50,000]; and

11 (G) 50 rental rooms if the population is greater than 50,000; or  
12 (2) an airport terminal.

13 \* **Sec. 2.** AS 04.11.498(b) is amended to read:

14 (b) If a majority of the voters of an established village vote "yes" on the  
15 question set out in (a) of this section, and the sale of alcoholic beverages, or the sale  
16 and importation of alcoholic beverages, has been previously prohibited in the  
17 established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning  
18 on the first day of the month following certification of the results of the election, may  
19 not knowingly possess an alcoholic beverage in the established village, unless the  
20 alcoholic beverage is wine to be used for bona fide religious purposes based on tenets  
21 or teachings of a church or religious body, is limited in quantity to the amount  
22 necessary for religious purposes, and is dispensed only for religious purposes, by a  
23 person recognized by the church or religious body as authorized to dispense the wine.  
24 The board shall be notified immediately after certification of the results of the election  
25 and thereafter may not issue, renew, or transfer between holders or locations a license  
26 for licensed premises located within the perimeter of the established village [AS  
27 DEFINED IN AS 04.21.080(b)].

28 \* **Sec. 3.** AS 06.45.060(7)(D) is amended to read:

29 (D) in shares or accounts of savings and loan associations or  
30 mutual savings banks that are insured by the [FEDERAL SAVINGS AND  
31 LOAN INSURANCE CORPORATION OR THE] Federal Deposit Insurance

1 Corporation;

2 \* **Sec. 4.** AS 08.06.030(a) is amended to read:

3 (a) A person is qualified to receive a license to practice acupuncture if the  
4 person

5 (1) is of good moral character;

6 (2) is at least 21 years of age;

7 (3) either

8 (A) has completed a course of study consistent with the core  
9 curriculum and guidelines of the National Council of Acupuncture Schools and  
10 Colleges at a school of acupuncture approved by the department; or

11 (B) is licensed to practice acupuncture in another jurisdiction  
12 that has acupuncture licensing requirements equivalent to those of this state;

13 (4) is qualified for certification by the National **Commission**  
14 [COUNCIL] for the Certification of Acupuncturists as a diplomate in acupuncture;

15 (5) does not have a disciplinary proceeding or unresolved complaint  
16 pending at the time of application; and

17 (6) has not had a license to practice acupuncture suspended or revoked  
18 in this state or in another jurisdiction.

19 \* **Sec. 5.** AS 08.45.030 is amended to read:

20 Sec. 08.45.030. ISSUANCE OF LICENSE. The division shall issue a license  
21 to practice naturopathy to an applicant who provides proof satisfactory to the division  
22 that the applicant has received a degree from an accredited four-year college or  
23 university, and

24 (1) on or before December 1, 1987, has graduated from a school of  
25 naturopathy that required four years of attendance at the school and after graduation  
26 has received a license in another state after passing an examination for licensure in that  
27 state and is licensed by a state at the time of application; or

28 (2) after December 31, 1987, has

29 (A) graduated from a school of naturopathy that required four  
30 years of attendance at the school and at the time of graduation the school was  
31 accredited or a candidate for accreditation by the Council on Naturopathic

1 Medical Education or a successor organization recognized by the United States  
2 Department of Education; and

3 (B) passed the Naturopathic Physicians Licensing Examination  
4 [SPONSORED BY THE AMERICAN ASSOCIATION OF NATUROPATHIC  
5 PHYSICIANS].

6 \* **Sec. 6.** AS 08.45.035(a) is amended to read:

7 (a) The division shall issue a temporary license to practice naturopathy to an  
8 applicant who has applied for and is qualified to take the next Naturopathic Physicians  
9 Licensing Examination offered after the date of application and provides proof  
10 satisfactory to the division that the applicant

11 (1) meets the requirements of AS 08.45.030(2)(A); and

12 (2) has not previously failed the Naturopathic Physicians Licensing  
13 Examination [SPONSORED BY THE AMERICAN ASSOCIATION OF  
14 NATUROPATHIC PHYSICIANS].

15 \* **Sec. 7.** AS 08.80.120 is amended to read:

16 Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. To pass  
17 the state pharmacy examination, each applicant shall attain a general average of not  
18 less than 75 percent and a grade of not less than 60 percent in any one category of the  
19 National Association of **Boards** [BOARD] of Pharmacy Standard Examinations for  
20 licensure or an equivalent examination given by the board.

21 \* **Sec. 8.** AS 09.38.015(c) is amended to read:

22 (c) Property of the state, a [GENERAL LAW OR HOME RULE] municipality,  
23 and of the Alaska Municipal Bond Bank Authority or another state public corporation  
24 is exempt.

25 \* **Sec. 9.** AS 09.38.500(1) is amended to read:

26 (1) "burial plot" means a parcel of real estate **that is** used for burial of  
27 human remains and **that** [WHICH] is located within an area designated for cemetery  
28 purposes by the state or a [GENERAL LAW OR HOME RULE] municipality;

29 \* **Sec. 10.** AS 13.26.344(1) is amended to read:

30 (l) In the statutory form power of attorney, the language conferring general  
31 authority with respect to health care services [,] shall be construed to mean that, as to

1 the health care of the principal, whether to be provided in the state or elsewhere, the  
2 principal authorizes the agent to

3 (1) have access to and disclose to others medical and related  
4 information and records;

5 (2) consent or refuse to consent to medical care or relief for the  
6 principal from pain, but the agent may not authorize the termination of life-sustaining  
7 procedures;

8 (3) take all steps necessary to enforce a properly executed declaration  
9 under AS 18.12;

10 (4) consent or refuse to consent to the principal's psychiatric care, but  
11 the consent does not authorize a voluntary commitment or placement in a mental  
12 health treatment facility, **convulsive** [CONCLUSIVE] or electric-shock therapy,  
13 psychosurgery, sterilization, or an abortion;

14 (5) arrange for care or lodging of the principal in a hospital, nursing  
15 home, or hospice;

16 (6) grant releases to health care professionals or health care institutions;

17 (7) hire, discharge, or compensate an attorney, accountant, expert  
18 witness, or assistant when the agent considers the action to be desirable for the proper  
19 execution of the powers described in this subsection; and

20 (8) do any other act or acts [,] that the principal can do through an  
21 agent [,] and that the agent considers desirable or necessary to provide for the  
22 principal's physical or mental **well-being** [WELL BEING].

23 \* **Sec. 11.** AS 16.10.294(f) is amended to read:

24 (f) A person affected by an order issued under **AS 16.10.265 - 16.10.296**  
25 [THIS CHAPTER] may seek equitable relief preventing the commissioner from  
26 enforcing the order.

27 \* **Sec. 12.** AS 16.10.294(g) is amended to read:

28 (g) In an action instituted in the superior court by the commissioner or a  
29 representative of the commissioner, a person acting in the capacity of a fish processor  
30 or primary fish buyer in violation of **AS 16.10.265 - 16.10.296** [THIS CHAPTER] may  
31 be enjoined from acting as a fish processor or primary fish buyer.

1 \* **Sec. 13.** AS 18.05 is amended by adding a new section to read:

2           Sec. 18.05.061. PENALTY FOR VIOLATION. A person who violates a  
3 provision of this chapter or a regulation adopted under this chapter is guilty of a  
4 misdemeanor and, upon conviction, is punishable by a fine of not more than \$500, or  
5 by imprisonment for not more than one year. Each day that a person continues a  
6 violation is a separate offense.

7 \* **Sec. 14.** AS 18.65.705(4) is amended to read:

8           (4) has not been convicted, within the five years immediately preceding  
9 the application, of, and is not currently charged under a complaint, information,  
10 indictment, or presentment with, any of the following misdemeanor offenses or similar  
11 laws of another jurisdiction:

12                           (A) AS 11.41.230, 11.41.250, 11.41.270;

13                           (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

14                           (C) AS 11.51.130;

15                           (D) AS 11.56.330, **11.56.340**, 11.56.350, 11.56.380, 11.56.545,  
16 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

17                           (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

18                           or

19                           (F) AS 11.71.050, 11.71.060;

20 \* **Sec. 15.** AS 21.21.230 is amended to read:

21           Sec. 21.21.230. SAVINGS AND LOAN. To the extent that the account is  
22 insured by the **Federal Deposit Insurance Corporation** [FEDERAL SAVINGS AND  
23 LOAN INSURANCE CORPORATION], an insurer may invest in share or savings  
24 accounts of savings and loan and building and loan associations.

25 \* **Sec. 16.** AS 21.21.600(19) is amended to read:

26           (19) "savings and loan" means an organization organized under the laws  
27 of a state that has qualified for the insurance protection provided by the **Federal**  
28 **Deposit Insurance Corporation** [FEDERAL SAVINGS AND LOAN INSURANCE  
29 CORPORATION];

30 \* **Sec. 17.** AS 41.09.010(h) is amended to read:

31           (h) Amounts due the permanent fund under AS 37.13.010 **shall** [MAY] be

1 calculated before the application of a credit extended under (a) of this section.

2 \* **Sec. 18.** AS 42.40.750(c) is amended to read:

3 (c) The railroad labor relations agency shall determine who is eligible to vote  
4 in an election held under this section and shall adopt regulations [ESTABLISH  
5 RULES] governing the election. In an election in which none of the choices on the  
6 ballot receives a majority of the votes cast, a runoff election shall be conducted, the  
7 ballot providing for selection between the two choices receiving the largest number of  
8 valid votes cast in the election. If an organization receives the majority of the votes  
9 cast in the election, it shall be certified by the railroad labor relations agency as  
10 exclusive representative of all the employees in the bargaining unit. An election may  
11 not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid  
12 election has been held within the preceding 12 months.

13 \* **Sec. 19.** AS 44.19.155(d) is amended to read:

14 (d) Each member of the council shall select one person to serve as a  
15 permanent alternate at meetings of the council. If a member of the council is unable  
16 to attend, the member shall advise the alternate who may attend and act in the place  
17 of the member. The alternate for a public member appointed [AFTER JULY 9, 1978]  
18 under (a)(1) of this section shall, at the time of the alternate's designation and  
19 throughout the period of service as a permanent alternate, be the mayor or member of  
20 the assembly or council of a municipality within the region from which the permanent  
21 member is appointed. The alternate for the director of the office of management and  
22 budget, serving under (a)(2)(A) of this section, shall be the director's designee within  
23 that office. The alternate for a designated member serving under (a)(2)(B) - (G) of  
24 this section shall be a deputy commissioner of the department or the director of a  
25 division in the department. The names of alternates shall be filed with the council.

26 \* **Sec. 20.** AS 44.21.501(a)(8) is amended to read:

27 (8) assist [THE DIVISION OF LABOR RELATIONS] in collective  
28 bargaining negotiations between the state and employee bargaining organizations to  
29 ensure that each collective bargaining agreement negotiated by the state ensures equal  
30 employment opportunity;

31 \* **Sec. 21.** AS 44.33.119(6) is amended to read:

1 (6) ensure that the visitors' [VISITORY] experience in the state is and  
2 continues to be satisfactory and leads to word-of-mouth advertising and return visits  
3 to the state;

4 \* **Sec. 22.** AS 44.62.160(a) is amended to read:

5 (a) The Alaska Administrative Register shall be published quarterly on the first  
6 day of the month [, BEGINNING IN A MONTH TO BE DESIGNATED BY THE  
7 DEPARTMENT OF LAW, BUT NOT LATER THAN OCTOBER 1969]. All  
8 regulations required to be submitted under AS 44.62.040 that are filed by the first day  
9 of the month preceding publication shall be published in the register for that quarter.

10 \* **Sec. 23.** AS 46.14.990 is amended by adding new paragraphs to read:

11 (26) "commissioner" means the commissioner of environmental  
12 conservation;

13 (27) "department" means the Department of Environmental  
14 Conservation.

15 \* **Sec. 24.** AS 47.10.080(b)(6) is amended to read:

16 (6) in addition to an order under (1) - (5) of this subsection, if the  
17 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
18 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
19 purposes of this paragraph, "community service" includes work

20 (A) **defined as community service under** [ON A PROJECT  
21 IDENTIFIED IN] AS 33.30.901; or

22 (B) that, on the recommendation of the city council or  
23 traditional village council, would benefit persons within the city or village who  
24 are elderly or disabled.

25 \* **Sec. 25.** AS 47.10.097(b) is amended to read:

26 (b) Fingerprint records taken under this section are not subject to  
27 **AS 47.10.093(a)** [AS 47.10.090].

28 \* **Sec. 26.** AS 47.10.490(2) is repealed and reenacted to read:

29 (2) "out-of-home care provider" means an agency or person, other than  
30 the child's legal parents, with whom a child who is in the custody of the state under  
31 AS 47.10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) is currently placed;

1 in this paragraph, "agency or person" includes a foster parent, a relative other than a  
2 parent, a person who has petitioned for adoption of the child, and a residential child  
3 care facility;

4 \* **Sec. 27.** AS 18.07.111(12); AS 24.20.075; AS 44.33.122, 44.33.124; AS 44.66.010(a)(8),  
5 44.66.010(a)(12), 44.66.010(a)(16); and AS 47.30.500(4) are repealed.

6 \* **Sec. 28.** RETROACTIVITY OF AMENDMENT TO AS 41.09.010(h). The amendment  
7 to AS 41.09.010(h), made by sec. 17 of this Act, is retroactive to August 7, 1994.

8 \* **Sec. 29.** RETROACTIVITY OF ENACTMENT OF AS 46.14.990(26) AND (27). The  
9 enactment of AS 46.14.990(26) and (27), made by sec. 23 of this Act, is retroactive to  
10 June 26, 1993.

11 \* **Sec. 30.** RETROACTIVITY OF AMENDMENT TO AS 47.10.097(b). The amendment  
12 to AS 47.10.097(b), made by sec. 25 of this Act, is retroactive to September 1, 1994.

13 \* **Sec. 31.** This Act takes effect immediately under AS 01.10.070(c).