

**CS FOR SENATE BILL NO. 85(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/8/95

Referred: Judiciary

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

**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 04.11.498(c) is amended to read:

29 (c) If a majority of the voters of an established village vote "yes" on the  
30 question set out in (a) of this section and the sale of alcoholic beverages, or the sale  
31 and importation of alcoholic beverages, has not been previously prohibited in the

1 established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning  
2 90 days after certification of the results of the election, may not knowingly possess an  
3 alcoholic beverage in the established village, unless the person is licensed by the board  
4 or the alcoholic beverage is wine to be used for bona fide religious purposes based on  
5 tenets or teachings of a church or religious body, is limited in quantity to the amount  
6 necessary for religious purposes, and is dispensed only for religious purposes by a  
7 person recognized by the church or religious body as authorized to dispense the wine.  
8 The board shall be notified immediately after certification of the results of the election  
9 and thereafter may not issue, renew, or transfer between holders or locations a license  
10 for licensed premises located within the perimeter of the established village [AS  
11 DEFINED IN AS 04.21.080(b)]. Licenses that may not be renewed because of a local  
12 option election held under this section are void 90 days after the results of the election  
13 are certified. A license that will expire during the 90 days after the results of a local  
14 option election under this section are certified may be extended until it is void under  
15 this subsection, by payment of a prorated portion of the biennial license fee.

16 \* **Sec. 4.** AS 06.45.060(7)(D) is amended to read:

17 (D) in shares or accounts of savings and loan associations or  
18 mutual savings banks that are insured by the [FEDERAL SAVINGS AND  
19 LOAN INSURANCE CORPORATION OR THE] Federal Deposit Insurance  
20 Corporation;

21 \* **Sec. 5.** AS 08.06.030(a) is amended to read:

22 (a) A person is qualified to receive a license to practice acupuncture if the  
23 person

- 24 (1) is of good moral character;  
25 (2) is at least 21 years of age;  
26 (3) either

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

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

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

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

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

7 \* **Sec. 6.** AS 08.45.030 is amended to read:

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

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

16 (2) after December 31, 1987, has

17 (A) graduated from a school of naturopathy that required four  
18 years of attendance at the school and at the time of graduation the school was  
19 accredited or a candidate for accreditation by the Council on Naturopathic  
20 Medical Education or a successor organization recognized by the United States  
21 Department of Education; and

22 (B) passed the Naturopathic Physicians Licensing Examination  
23 [SPONSORED BY THE AMERICAN ASSOCIATION OF NATUROPATHIC  
24 PHYSICIANS].

25 \* **Sec. 7.** AS 08.45.035(a) is amended to read:

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

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

31 (2) has not previously failed the Naturopathic Physicians Licensing

1 Examination [SPONSORED BY THE AMERICAN ASSOCIATION OF  
2 NATUROPATHIC PHYSICIANS].

3 \* **Sec. 8.** AS 08.80.120 is amended to read:

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

9 \* **Sec. 9.** AS 09.38.015(c) is amended to read:

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

13 \* **Sec. 10.** AS 09.38.500(1) is amended to read:

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

17 \* **Sec. 11.** AS 13.26.344(1) is amended to read:

18 (l) In the statutory form power of attorney, the language conferring general  
19 authority with respect to health care services [,] shall be construed to mean that, as to  
20 the health care of the principal, whether to be provided in the state or elsewhere, the  
21 principal authorizes the agent to

22 (1) have access to and disclose to others medical and related  
23 information and records;

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

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

29 (4) consent or refuse to consent to the principal's psychiatric care, but  
30 the consent does not authorize a voluntary commitment or placement in a mental  
31 health treatment facility, **convulsive** [CONCLUSIVE] or electric-shock therapy,

1 psychosurgery, sterilization, or an abortion;

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

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

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

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

11 \* **Sec. 12.** AS 16.10.294(f) is amended to read:

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

15 \* **Sec. 13.** AS 16.10.294(g) is amended to read:

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

20 \* **Sec. 14.** AS 18.05 is amended by adding a new section to read:

21 Sec. 18.05.061. PENALTY FOR VIOLATION. A person who violates a  
22 provision of AS 18.05.040 - 18.05.046 or a regulation adopted under AS 18.05.040 -  
23 18.05.046 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of  
24 not more than \$500, or by imprisonment for not more than one year. Each day that  
25 a person continues a violation is a separate offense.

26 \* **Sec. 15.** AS 18.65.705(4) is amended to read:

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

31 (A) AS 11.41.230, 11.41.250, 11.41.270;

- 1 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;  
2 (C) AS 11.51.130;  
3 (D) AS 11.56.330, 11.56.340, 11.56.350, 11.56.380, 11.56.545,  
4 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;  
5 (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;  
6 or  
7 (F) AS 11.71.050, 11.71.060;

8 \* **Sec. 16.** AS 19.40.200(b) is amended to read:

9 (b) The prohibition on disposal of state land under (a) of this section does not  
10 apply to a disposal

11 (1) to a licensed public utility or a licensed common carrier under  
12 AS 38.05.810(e);

13 (2) for the reauthorization of leases that were in effect on January 1,  
14 1994, for nonresidential purposes within the following development nodes:

15 Coldfoot:

16 Township 28 North, Range 12 West, Fairbanks Meridian

17 Sections 9 - 10

18 Sections 15 - 16

19 Yukon River Crossing:

20 Township 13 North, Range 11 West, Fairbanks [UMIAT]

21 Meridian

22 Section 26;

23 (3) for nonresidential development within the following development  
24 node:

25 Deadhorse:

26 Township 10 North, Range 14 East, Umiat Meridian

27 Sections 24 - 25

28 Township 10 North, Range 15 East, Umiat Meridian

29 Section 19

30 Section 30; or

31 (4) necessary for

- 1 (A) an oil and gas lease under AS 38.05.180;
- 2 (B) exploration, development, production, or transportation of
- 3 oil and gas north of 68 degrees north latitude; or
- 4 (C) a state lease or materials sale for
- 5 (i) exploration, development, production, or
- 6 transportation of oil and gas;
- 7 (ii) reconstruction or maintenance of state highways; or
- 8 (iii) construction or maintenance of airports.

9 \* **Sec. 17.** AS 21.21.230 is amended to read:

10 Sec. 21.21.230. SAVINGS AND LOAN. To the extent that the account is

11 insured by the **Federal Deposit Insurance Corporation** [FEDERAL SAVINGS AND

12 LOAN INSURANCE CORPORATION], an insurer may invest in share or savings

13 accounts of savings and loan and building and loan associations.

14 \* **Sec. 18.** AS 21.21.600(19) is amended to read:

15 (19) "savings and loan" means an organization organized under the laws

16 of a state that has qualified for the insurance protection provided by the **Federal**

17 **Deposit Insurance Corporation** [FEDERAL SAVINGS AND LOAN INSURANCE

18 CORPORATION];

19 \* **Sec. 19.** AS 39.50.030(b)(6) is amended to read:

20 (6) any loan or loan guarantee **of \$500 or more** made to the person,

21 the person's spouse or dependent child, or a nondependent child of the person who is

22 living with that person, and the identity of the maker of the loan or loan guarantor, and

23 the identity of each creditor to whom the person, the person's spouse or dependent

24 child, or a nondependent child of the person who lives with that person owed \$500 or

25 more; **this paragraph requires disclosure of a loan, loan guarantee, or**

26 **indebtedness only if the loan or guarantee was made, or the indebtedness**

27 **incurred, during the preceding calendar year, or if the amount still owing on the**

28 **loan, loan guarantee, or indebtedness was \$500 or more at any time during the**

29 **preceding calendar year;**

30 \* **Sec. 20.** 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. 21.** 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. 22.** 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. 23.** AS 44.21.501(a)(8) is amended to read:

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

31 \* **Sec. 24.** 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. 25.** 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. 26.** 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. 27.** 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. 28.** 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. 29.** 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. 30.** 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. 31.** RETROACTIVITY OF AMENDMENT TO AS 41.09.010(h). The amendment  
7 to AS 41.09.010(h), made by sec. 20 of this Act, is retroactive to August 7, 1994.

8 \* **Sec. 32.** 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. 26 of this Act, is retroactive to  
10 June 26, 1993.

11 \* **Sec. 33.** RETROACTIVITY OF AMENDMENT TO AS 47.10.097(b). The amendment  
12 to AS 47.10.097(b), made by sec. 28 of this Act, is retroactive to September 1, 1994.

13 \* **Sec. 34.** This Act takes effect immediately under AS 01.10.070(c).