

CS FOR SENATE BILL NO. 85(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/23/95

Referred: Rules

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 05.12.010(a) is amended to read:

17 (a) A person may not use, display, or publish the symbol of the Arctic Winter
18 Games, consisting of the triple circle symbol and ulu combination, for commercial
19 purposes or private gain without the written authorization of the Arctic Winter Games
20 **International Committee** [INCORPORATED].

21 * **Sec. 5.** AS 05.12.010(b) is amended to read:

22 (b) A person may not use, display, or publish any name, title, or device that
23 tends to indicate that the person is affiliated with or supported by the Arctic Winter
24 Games without the written authorization of the Arctic Winter Games **International**
25 **Committee** [INCORPORATED].

26 * **Sec. 6.** AS 06.45.060(7)(D) is amended to read:

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

31 * **Sec. 7.** AS 08.06.030(a) is amended to read:

1 (a) A person is qualified to receive a license to practice acupuncture if the
2 person

3 (1) is of good moral character;

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

5 (3) either

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

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

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

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

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

17 * **Sec. 8.** AS 08.45.030 is amended to read:

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

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

26 (2) after December 31, 1987, has

27 (A) graduated from a school of naturopathy that required four
28 years of attendance at the school and at the time of graduation the school was
29 accredited or a candidate for accreditation by the Council on Naturopathic
30 Medical Education or a successor organization recognized by the United States
31 Department of Education; and

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

4 * **Sec. 9.** AS 08.45.035(a) is amended to read:

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

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

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

13 * **Sec. 10.** AS 08.48.191(b) is amended to read:

14 (b) A person holding a certificate of registration authorizing the person to
15 practice engineering in a state, territory, or possession of the United States, the District
16 of Columbia, or a foreign country, that, in the opinion of the board meets the
17 requirements of this chapter, based on verified evidence, may, upon application, be
18 registered in accordance with regulations of the board. A person holding a certificate
19 of qualification issued by the National Council of **Examiners for Engineering and**
20 **Surveying** [ENGINEERING EXAMINERS COMMITTEE ON NATIONAL
21 ENGINEERING CERTIFICATION] may, upon application, be registered in
22 accordance with the regulations of the board.

23 * **Sec. 11.** AS 08.80.120 is amended to read:

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

29 * **Sec. 12.** AS 09.38.015(c) is amended to read:

30 (c) Property of the state, a [GENERAL LAW OR HOME RULE] municipality,
31 and of the Alaska Municipal Bond Bank Authority or another state public corporation

1 is exempt.

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

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

6 * **Sec. 14.** AS 13.26.344(1) is amended to read:

7 (1) In the statutory form power of attorney, the language conferring general
8 authority with respect to health care services [,] shall be construed to mean that, as to
9 the health care of the principal, whether to be provided in the state or elsewhere, the
10 principal authorizes the agent to

11 (1) have access to and disclose to others medical and related
12 information and records;

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

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

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

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

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

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

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

31 * **Sec. 15.** AS 16.10.294(f) is amended to read:

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

4 * **Sec. 16.** AS 16.10.294(g) is amended to read:

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

9 * **Sec. 17.** AS 18.05 is amended by adding a new section to read:

10 Sec. 18.05.061. PENALTY FOR VIOLATION. A person who violates a
11 provision of AS 18.05.040 - 18.05.046 or a regulation adopted under AS 18.05.040 -
12 18.05.046 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of
13 not more than \$500, or by imprisonment for not more than one year. Each day that
14 a person continues a violation is a separate offense.

15 * **Sec. 18.** AS 18.65.705(4) is amended to read:

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

20 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

22 (C) AS 11.51.130;

23 (D) AS 11.56.330, 11.56.340, 11.56.350, 11.56.380, 11.56.545,
24 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

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

26 or

27 (F) AS 11.71.050, 11.71.060;

28 * **Sec. 19.** AS 19.40.200(b) is amended to read:

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

31 (1) to a licensed public utility or a licensed common carrier under

1 AS 38.05.810(e);

2 (2) for the reauthorization of leases that were in effect on January 1,
3 1994, for nonresidential purposes within the following development nodes:

4 Coldfoot:

5 Township 28 North, Range 12 West, Fairbanks Meridian

6 Sections 9 - 10

7 Sections 15 - 16

8 Yukon River Crossing:

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

10 Meridian

11 Section 26;

12 (3) for nonresidential development within the following development
13 node:

14 Deadhorse:

15 Township 10 North, Range 14 East, Umiat Meridian

16 Sections 24 - 25

17 Township 10 North, Range 15 East, Umiat Meridian

18 Section 19

19 Section 30; or

20 (4) necessary for

21 (A) an oil and gas lease under AS 38.05.180;

22 (B) exploration, development, production, or transportation of
23 oil and gas north of 68 degrees north latitude; or

24 (C) a state lease or materials sale for

25 (i) exploration, development, production, or
26 transportation of oil and gas;

27 (ii) reconstruction or maintenance of state highways; or

28 (iii) construction or maintenance of airports.

29 * **Sec. 20.** AS 21.21.230 is amended to read:

30 Sec. 21.21.230. SAVINGS AND LOAN. To the extent that the account is
31 insured by the Federal Deposit Insurance Corporation [FEDERAL SAVINGS AND

1 LOAN INSURANCE CORPORATION], an insurer may invest in share or savings
2 accounts of savings and loan and building and loan associations.

3 * **Sec. 21.** AS 21.21.600(19) is amended to read:

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

8 * **Sec. 22.** AS 39.50.020(a) is amended to read:

9 (a) A judicial officer, commissioner, chair or member of a state commission
10 or board specified in AS 39.50.200(b), a person hired or appointed as head or deputy
11 head of, or director of a division within, a department in the executive branch, a
12 person appointed as assistant to the governor, a state investment officer and the state
13 comptroller in the Department of Revenue, and a municipal officer, shall file a
14 statement giving income sources and business interests, under oath and on penalty of
15 perjury, within 30 days after taking office as a public official. Candidates for state
16 elective office other than a candidate who is subject to AS 24.60 shall file such a
17 statement with the director of elections at the time of filing a declaration of candidacy
18 or within 30 days of the filing of a nominating petition, or within 30 days of becoming
19 a candidate by any other means. Candidates for elective municipal office shall file
20 such a statement at the time of filing a nominating petition, declaration of candidacy,
21 or other required filing for the elective municipal office. Refusal or failure to file
22 within the time prescribed shall require that the candidate's filing fees, if any, and
23 filing for office be refused or that a previously accepted filing fee be returned and the
24 candidate's name removed from the filing records. A statement shall also be filed by
25 public officials no later than April 15 or 15 days after the person files a federal income
26 tax return in each following year, whichever comes first. Persons who **are** [, ON OR
27 AFTER DECEMBER 11, 1974, WERE] members of boards or commissions not named
28 in AS 39.50.200(b) are not required to file financial statements.

29 * **Sec. 23.** AS 41.09.010(h) is amended to read:

30 (h) Amounts due the permanent fund under AS 37.13.010 **shall** [MAY] be
31 calculated before the application of a credit extended under (a) of this section.

1 * **Sec. 24.** AS 42.40.750(c) is amended to read:

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

12 * **Sec. 25.** AS 44.19.155(d) is amended to read:

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

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

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

30 * **Sec. 27.** AS 44.33.119(6) is amended to read:

31 (6) ensure that the **visitors'** [VISITORY] experience in the state is and

1 continues to be satisfactory and leads to word-of-mouth advertising and return visits
2 to the state;

3 * **Sec. 28.** AS 44.62.160(a) is amended to read:

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

9 * **Sec. 29.** AS 46.14.990 is amended by adding new paragraphs to read:

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

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

14 * **Sec. 30.** AS 47.10.080(b)(6) is amended to read:

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

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

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

24 * **Sec. 31.** AS 47.10.097(b) is amended to read:

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

27 * **Sec. 32.** AS 47.10.490(2) is repealed and reenacted to read:

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

1 parent, a person who has petitioned for adoption of the child, and a residential child
2 care facility;

3 * **Sec. 33.** AS 18.07.111(12); AS 24.20.075; AS 44.33.122, 44.33.124; AS 44.66.010(a)(8),
4 44.66.010(a)(12), 44.66.010(a)(16); and AS 47.30.500(4) are repealed.

5 * **Sec. 34.** RETROACTIVITY OF AMENDMENT TO AS 41.09.010(h). The amendment
6 to AS 41.09.010(h), made by sec. 23 of this Act, is retroactive to August 7, 1994.

7 * **Sec. 35.** RETROACTIVITY OF ENACTMENT OF AS 46.14.990(26) AND (27). The
8 enactment of AS 46.14.990(26) and (27), made by sec. 29 of this Act, is retroactive to
9 June 26, 1993.

10 * **Sec. 36.** RETROACTIVITY OF AMENDMENT TO AS 47.10.097(b). The amendment
11 to AS 47.10.097(b), made by sec. 31 of this Act, is retroactive to September 1, 1994.

12 * **Sec. 37.** This Act takes effect immediately under AS 01.10.070(c).