

CS FOR HOUSE BILL NO. 115(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/19/97

Referred: Rules

Sponsor(s): HOUSE 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 03.40.090 is amended to read:

5 **Sec. 03.40.090. Publication of record.** The commissioner shall publish, in
6 book form, a list of all brands and marks on record at the time of the publication. The
7 lists may be supplemented from time to time. The publication must contain a
8 facsimile of all recorded brands and marks, together with the owner's name and
9 mailing [POST OFFICE] address. The records shall be arranged in convenient form
10 for reference. The books and supplements may be sold to the general public at an
11 amount not to exceed \$2 a copy.

12 * **Sec. 2.** AS 05.15.112(b) is amended to read:

13 (b) The member in charge is responsible for preparation, maintenance, and
14 transmittal of all records and reports required of the permittee, and, if the permittee has

1 entered into a contract with an operator under AS 05.15.115, for monitoring the
 2 operator's performance under and compliance with that contract. The alternate
 3 members in charge are responsible for the duties of the member in charge in the
 4 absence of the member in charge. The member in charge and the alternate members
 5 in charge shall be members of the qualified organization or the board of directors of
 6 the qualified organization or employees of the municipality. In the case of a multiple-
 7 beneficiary permit, the member in charge and the alternate members in charge shall
 8 be members of one of the qualified organizations or the board of directors of one of
 9 the qualified organizations or **employees** [EMPLOYERS] of one of the municipalities.

10 * **Sec. 3.** AS 05.15.690(36) is amended to read:

11 (36) "qualified organization" means a bona fide civic or service
 12 organization or a bona fide religious, charitable, fraternal, veterans, labor, political, or
 13 educational organization, police or fire department and company, dog mushers'
 14 association, outboard motor association, or fishing derby or nonprofit trade association
 15 in the state, that operates without profits to its members and that has been in existence
 16 continually for a period of three years immediately before applying for **the license or**
 17 **permit** [A LICENSE]; the organization may be a firm, corporation, company,
 18 association, or partnership;

19 * **Sec. 4.** AS 08.01.050(a) is amended to read:

20 (a) The department shall perform the following administrative and budgetary
 21 services when appropriate:

22 (1) collect and record fees;

23 (2) maintain records and files;

24 (3) issue and receive application forms;

25 (4) notify applicants of acceptance or rejection as determined by the

26 board or **, for occupations or activities listed in AS 08.01.010 that are regulated**
 27 **directly by the department,** as determined by the department under **applicable law**
 28 [AS 08.06 FOR ACUPUNCTURISTS, UNDER AS 08.11 FOR AUDIOLOGISTS,
 29 UNDER AS 08.18 FOR CONTRACTORS, UNDER AS 08.40 FOR ELECTRICAL
 30 AND MECHANICAL ADMINISTRATORS, UNDER AS 08.45 FOR
 31 NATUROPATHS, UNDER AS 08.54 FOR BIG GAME GUIDES AND

1 TRANSPORTERS, UNDER AS 08.55 FOR HEARING AID DEALERS, OR UNDER
2 AS 08.70 FOR NURSING HOME ADMINISTRATORS];

3 (5) designate dates examinations are to be held and notify applicants;

4 (6) publish notice of examinations and proceedings;

5 (7) arrange space for holding examinations and proceedings;

6 (8) notify applicants of results of examinations;

7 (9) issue licenses or temporary licenses as authorized by the board or,

8 **for occupations or activities listed in AS 08.01.010 that are regulated directly by**

9 **the department,** as authorized by the department under **applicable law** [AS 08.06

10 FOR ACUPUNCTURISTS, UNDER AS 08.11 FOR AUDIOLOGISTS, UNDER

11 AS 08.18 FOR CONTRACTORS, UNDER AS 08.40 FOR ELECTRICAL AND

12 MECHANICAL ADMINISTRATORS, UNDER AS 08.45 FOR NATUROPATHS,

13 UNDER AS 08.54 FOR BIG GAME GUIDES AND TRANSPORTERS, UNDER

14 AS 08.55 FOR HEARING AID DEALERS, OR UNDER AS 08.70 FOR NURSING

15 HOME ADMINISTRATORS];

16 (10) issue duplicate licenses upon submission of a written request by
17 the licensee attesting to loss of or the failure to receive the original and payment by
18 the licensee of a fee established by regulation adopted by the department;

19 (11) notify licensees of renewal dates at least 30 days before the
20 expiration date of their licenses;

21 (12) compile and maintain a current register of licensees;

22 (13) answer routine inquiries;

23 (14) maintain files relating to individual licensees;

24 (15) arrange for printing and advertising;

25 (16) purchase supplies;

26 (17) employ additional help when needed;

27 (18) perform other services that may be requested by the board;

28 (19) provide inspection, enforcement, and investigative services to the
29 boards and for the occupations listed in AS 08.01.010 regarding all licenses issued by
30 or through the department;

31 (20) retain and safeguard the official seal of a board and prepare, sign,

1 and affix a board seal, as appropriate, for licenses approved by a board;

2 (21) issue business licenses under AS 43.70.

3 * **Sec. 5.** AS 08.02.010(b) is amended to read:

4 (b) A person subject to (a) of this section who fails to comply with the
5 requirements of (a) of this section shall be given notice of noncompliance by that
6 person's appropriate licensing board **or, if the person is not regulated by a board,**
7 **by the department.** If, after a reasonable time, with opportunity for a hearing, the
8 person's noncompliance continues, the board **or department, as appropriate,** may
9 suspend or revoke the person's license or registration, or administer other disciplinary
10 action which in its determination is appropriate.

11 * **Sec. 6.** AS 08.88.041(a) is amended to read:

12 (a) Five members of the commission must be real estate brokers or associate
13 brokers who have been licensed real estate brokers or licensed associate brokers in
14 Alaska for at least three years before appointment. Two members of the **commission**
15 [BOARD] must be public members in accordance with AS 08.01.025.

16 * **Sec. 7.** AS 08.88.281 is amended to read:

17 **Sec. 08.88.281. Real estate surety fund.** Before issuing a license to an
18 applicant under this chapter, the **commission** [BOARD] shall determine that the
19 applicant has complied with the provisions of AS 08.88.455 and is covered by the real
20 estate surety fund established in AS 08.88.450.

21 * **Sec. 8.** AS 09.50.250 is amended to read:

22 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation
23 having a contract, quasi-contract, or tort claim against the state may bring an action
24 against the state **in a state court that has jurisdiction over the claim.** A person who
25 may present the claim under AS 44.77 may not bring an action under this section
26 except as set out in AS 44.77.040(c). A person who may bring an action under
27 AS 36.30.560 - 36.30.695 may not bring an action under this section except as set out
28 in AS 36.30.685. However, an action may not be brought under this section if the
29 claim

30 (1) is an action for tort, and is based upon an act or omission of an
31 employee of the state, exercising due care, in the execution of a statute or regulation,

1 whether or not the statute or regulation is valid; or is an action for tort, and based
 2 upon the exercise or performance or the failure to exercise or perform a discretionary
 3 function or duty on the part of a state agency or an employee of the state, whether or
 4 not the discretion involved is abused;

5 (2) is for damages caused by the imposition or establishment of a
 6 quarantine by the state;

7 (3) arises out of assault, battery, false imprisonment, false arrest,
 8 malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or
 9 interference with contract rights; or

10 (4) arises out of the use of an ignition interlock device certified under
 11 AS 33.05.020(c).

12 * **Sec. 9.** AS 12.62.900(23) is amended to read:

13 (23) "serious offense" means a conviction for a felony offense, a crime
 14 involving domestic violence, or a violation or attempted violation of any of the
 15 following laws, or of the laws of another jurisdiction with substantially similar
 16 elements:

17 (A) AS 11.41.410 - 11.41.470;

18 (B) AS 11.51.130(a)(1) - (3) [AS 11.51.130(a)(1), (3), OR (5)];

19 (C) AS 11.61.110(a)(7);

20 (D) AS 11.66.100 - 11.66.130; or

21 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
 22 11.40.420, if committed before January 1, 1980;

23 * **Sec. 10.** AS 13.12.603(a) is amended to read:

24 (a) If a devisee fails to survive the testator and is a grandparent, a descendant
 25 of a grandparent, or a stepchild of either the testator or the donor of a power of
 26 appointment exercised by the testator's will, the following apply:

27 (1) except as provided in (4) of this subsection, if the devise is **not** in
 28 the form of a class gift and the deceased devisee leaves surviving descendants, a
 29 substitute gift is created in the devisee's surviving descendants; the surviving
 30 descendants take by representation the property to which the devisee would have been
 31 entitled had the devisee survived the testator;

1 (2) except as provided in (4) of this subsection, if the devise is in the
 2 form of a class gift, other than a devise to "issue," "descendants," "heirs of the body,"
 3 "heirs," "next of kin," "relatives," or "family," or a class described by language of
 4 similar import, a substitute gift is created in the surviving descendants of a deceased
 5 devisee; the property to which the devisees would have been entitled had all of them
 6 survived the testator passes to the surviving devisees and the surviving descendants of
 7 the deceased devisees; each surviving devisee takes the share to which the surviving
 8 devisee would have been entitled had the deceased devisees survived the testator; each
 9 deceased devisee's surviving descendants who are substituted for the deceased devisee
 10 take by representation the share to which the deceased devisee would have been
 11 entitled had the deceased devisee survived the testator; in this paragraph, "deceased
 12 devisee" means a class member who failed to survive the testator and left one or more
 13 surviving descendants;

14 (3) for the purposes of AS 13.12.601, words of survivorship, as in a
 15 devise to an individual "if the individual survives me," or in a devise to "my surviving
 16 children," are not, in the absence of additional evidence, a sufficient indication of an
 17 intent contrary to the application of this section;

18 (4) if the will creates an alternative devise with respect to a devise for
 19 which a substitute gift is created by (1) or (2) of this subsection, the substitute gift is
 20 superseded by the alternative devise only if an expressly designated devisee of the
 21 alternative devise is entitled to take under the will;

22 (5) unless the language creating a power of appointment expressly
 23 excludes the substitution of the descendants of an appointee for the appointee, a
 24 surviving descendant of a deceased appointee of a power of appointment can be
 25 substituted for the appointee under this section, whether or not the descendant is an
 26 object of the power.

27 * **Sec. 11.** AS 14.17.025(a) is amended to read:

28 (a) Local contributions to a city or borough school district **must** [SHALL]
 29 include at least the lesser of

30 (1) the equivalent of a four mill tax levy on the full and true value of
 31 the taxable real and personal property in the district as of January 1 of the second

1 preceding fiscal year, as determined by the Department of Community and Regional
2 Affairs under AS 14.17.140 and AS 29.45.110; or

3 (2) 35 percent of the district's basic need for the preceding fiscal year,
4 as determined under AS 14.17.021(c) [AS 14.17.021(b)].

5 * **Sec. 12.** AS 14.17.025(b) is amended to read:

6 (b) In addition to the local contributions required under (a) of this section,
7 local contributions to a city or borough school district in a fiscal year may include no
8 more than the greater of

9 (1) the equivalent of a two mill tax levy on the full and true value of
10 the taxable real and personal property in the district as of January 1 of the second
11 preceding fiscal year, as determined by the Department of Community and Regional
12 Affairs under AS 14.17.140 and AS 29.45.110; or

13 (2) 23 percent of the district's basic need for the fiscal year under
14 AS 14.17.021(c) [AS 14.17.021(b)], as adjusted under AS 14.17.225(b).

15 * **Sec. 13.** AS 14.20.020(a) is amended to read:

16 (a) Except as provided in (f) of this section, the department shall issue a
17 teacher certificate to every person who meets the requirements in **(b), (c), and (h)** [(b)
18 AND (c)] of this section.

19 * **Sec. 14.** AS 14.20.177(a) is amended to read:

20 (a) A school district may implement a layoff plan under this section if it is
21 necessary for the district to reduce the number of tenured teachers because

22 (1) school attendance in the district has decreased; or

23 (2) the basic need of the school district determined under
24 AS 14.17.021(c) [AS 14.17.021(b)] and adjusted under AS 14.17.225(b) decreases by
25 three percent or more from the previous year.

26 * **Sec. 15.** AS 14.30.010(b) is amended to read:

27 (b) This section does not apply if a child

28 (1) is provided an academic education comparable to that offered by
29 the public schools in the area, either by

30 (A) attendance at a private school in which the teachers are
31 certificated according to AS 14.20.020;

1 (B) tutoring by personnel certificated according to
2 AS 14.20.020; or

3 (C) attendance at an educational program operated in
4 compliance with AS 14.45.100 - 14.45.200 by a religious or other private
5 school;

6 (2) attends a school operated by the federal government;

7 (3) has a physical or mental condition that a competent medical
8 authority determines will make attendance impractical;

9 (4) is in the custody of a court or law enforcement authorities;

10 (5) is temporarily ill or injured;

11 (6) has been suspended or expelled under AS 14.03.160 or
12 suspended or denied admittance under [ACCORDING TO] AS 14.30.045;

13 (7) resides more than two miles from either a public school or a route
14 on which transportation is provided by the school authorities, except that this
15 paragraph [SUBSECTION] does not apply if the child resides within two miles of a
16 federal or private school that the child is eligible and able to attend;

17 (8) is excused by action of the school board of the district at a regular
18 meeting or by the district superintendent subject to approval by the school board of the
19 district at the next regular meeting;

20 (9) has completed the 12th grade;

21 (10) is enrolled in

22 (A) the state boarding school established under AS 14.16; or

23 (B) a full-time program of correspondence study approved by
24 the department; in those school districts providing an approved correspondence
25 study program, a student may be enrolled either in the district correspondence
26 program or in the centralized correspondence study program;

27 (11) is equally well-served by an educational experience approved by
28 the school board as serving the child's educational interests despite an absence from
29 school, and the request for excuse is made in writing by the child's parents or
30 guardian [,] and approved by the principal or administrator of the school that the child
31 attends.

1 * **Sec. 16.** AS 14.36.030(b) is amended to read:

2 (b) For each fiscal year [BEGINNING AFTER JUNE 30, 1980], a district
3 operating an approved community school program under (a) of this section may
4 receive a further grant from the state equal to the amount allocated by the district to
5 the support of the community school program from sources other than the grant
6 provided under (a) of this section. The additional grant under this subsection may not
7 exceed the amount received under (a) of this section.

8 * **Sec. 17.** AS 14.43.120(b) is amended to read:

9 (b) Scholarship loans may only be used to attend a

10 (1) career education program operating on a sound fiscal basis that has

11 (A) operated for two years before the borrower attends; and

12 (B) submitted an executed program participation agreement as
13 required by the commission; or

14 (2) a college or university that

15 (A) has operated for at least two years before the borrower
16 attends;

17 (B) is accredited by a national or regional accreditation
18 association recognized by the Council on **Recognition of** Postsecondary
19 Accreditation or is approved by the commission;

20 (C) if the loans are federally insured, is approved by the United
21 States Secretary of Education;

22 (D) is a degree granting institution; and

23 (E) has submitted an executed program participation agreement
24 as required by the commission.

25 * **Sec. 18.** AS 14.43.140 is amended to read:

26 **Sec. 14.43.140. Enforceability of certain contracts with minors.** A written
27 obligation entered into by a minor at least 16 years of age, evidencing a loan or other
28 assistance received by the minor from any person for the purpose of furthering the
29 minor's education in a career education program or an institution of higher learning,
30 is enforceable against the minor with the same effect as if the minor were, at the time
31 of its execution, **18** [19] years of age, if the person making the loan has before making

1 the loan a certification from the institution that the minor is enrolled in the institution
2 or has been accepted for enrollment.

3 * **Sec. 19.** AS 14.56.182 is amended to read:

4 **Sec. 14.56.182. Alaska Blue Book.** The division of state libraries, archives,
5 and museums shall compile and issue biennially, beginning in 1973, an official
6 directory of all state officers, state departments, agencies, institutions, boards and
7 commissions, and municipal officials, to be known as the Alaska Blue Book, and
8 include in the book information regarding the functions of these officers and agencies
9 that are considered most valuable to the people of the state, together with other data
10 and information that is usually included in similar publications of other states. The
11 book must also include official reports of state agencies in the form prescribed by the
12 division and a synopsis of all studies undertaken by each of the agencies listed.

13 * **Sec. 20.** AS 14.56.190(1) is amended to read:

14 (1) "division" means the division of state libraries, archives, and
15 museums;

16 * **Sec. 21.** AS 14.56.200 is amended to read:

17 **Sec. 14.56.200. Grants for constructing and equipping libraries.** The
18 division of state libraries, archives, and museums shall administer a program
19 providing for grants to rural communities for constructing and equipping community
20 libraries according to the provisions of AS 14.56.210 - 14.56.240.

21 * **Sec. 22.** AS 14.56.210 is amended to read:

22 **Sec. 14.56.210. Application for grants.** (a) A rural community desiring to
23 receive the benefits of the grants provided for in AS 14.56.200 shall apply to the
24 division of state libraries, archives, and museums. If the rural community is within
25 a borough with areawide library powers, the borough may apply on behalf of the
26 community.

27 (b) To be eligible for a grant under AS 14.56.200 - 14.56.240, the applicant
28 shall provide not less than 10 percent of the total cost of the project for which the
29 funds are granted. The remaining percentage shall be provided by the state. The
30 matching share of the applicant may be in the form of money, land, services, or other
31 items acceptable to the division of state libraries, archives, and museums.

1 Satisfactory assurance of the continuation of library services shall be included as part
2 of the application.

3 * **Sec. 23.** AS 14.56.230 is amended to read:

4 **Sec. 14.56.230. Regulations.** The division of state libraries, archives, and
5 museums shall adopt regulations necessary to carry out the purposes of AS 14.56.200
6 - 14.56.240.

7 * **Sec. 24.** AS 14.56.350(a) is amended to read:

8 (a) The director of the division of state libraries, archives, and museums shall
9 administer a program providing for grants to municipalities in the state for the
10 construction and equipping of libraries. To be eligible for a grant under this section,
11 a municipality shall provide not less than 40 percent of the total cost of the project for
12 which funds are granted. The department shall administer the funds under this section
13 and shall adopt regulations necessary to carry out the purposes of this section.

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

15 (h) In this section, " [SUBSECTION] plan type" is defined as follows:

16 (1) plan type A: at any time policyholder may withdraw funds only

17 (A) with an adjustment to reflect a change in interest rates or
18 asset values since receipt of the funds by the insurer;

19 (B) without such adjustment but in installments over five years
20 or more;

21 (C) as an immediate life annuity; or

22 (D) no withdrawal permitted;

23 (2) plan type B: before expiration of the interest rate guarantee,
24 policyholder may withdraw funds only

25 (A) with adjustment to reflect a change in interest rates or asset
26 values since receipt of the funds by the insurer;

27 (B) without adjustment but in installments over five years or
28 more; or

29 (C) no withdrawal permitted; at the end of interest rate
30 guarantee, funds may be withdrawn without adjustment in a single sum or
31 installments over less than five years;

1 (3) plan type C: policyholder may withdraw funds before expiration of
 2 an interest rate guarantee in a single sum or installments over less than five years
 3 either

4 (A) without adjustment to reflect changes in interest rates or
 5 asset values since receipt of the funds by the insurer; or

6 (B) subject only to a fixed surrender charge stipulated in the
 7 contract as a percentage of the fund.

8 * **Sec. 26.** AS 23.30.195(a) is amended to read:

9 (a) Compensation to which any claimant would be entitled under AS 23.30.190
 10 [EXCEPTING (a)(20) OF THAT SECTION] shall, notwithstanding death arising from
 11 causes other than the injury, be payable to and for the benefit of the persons following:

12 (1) if there be a widow or widower and no child of the deceased, to the
 13 widow or widower;

14 (2) if there be a widow or widower and a surviving child of the
 15 deceased, one-half to the widow or widower, the other half to the surviving child;

16 (3) if there be a surviving child of the deceased, but no widow or
 17 widower, then to the child.

18 * **Sec. 27.** AS 24.05.135(c) is amended to read:

19 (c) As the tapes, spools, or other recording devices are filled, or as reports are
 20 completed, they shall be transferred to the state library for placement in the state
 21 archives. Reproductions shall be placed in a centrally located public library in Juneau,
 22 Anchorage, and Fairbanks, until one year after adjournment of the legislative session
 23 recorded. The division of state libraries, archives, and museums shall supply
 24 reproductions of electronic recordings at cost to any person requesting them.

25 * **Sec. 28.** AS 28.10.431(b) is amended to read:

26 (b) The biennial tax is levied upon motor vehicles subject to the registration
 27 [LICENSE] fee under AS 28.10.411 and 28.10.421 and is based upon the age of
 28 vehicles as determined by model year in the first year of the biennial period, according
 29 to the following schedule:

30 Tax According to Age of
 31 Vehicle

	Since Model Year:								
	1st	2nd	3rd	4th	5th	6th	7th	8th	
									or over
1									
2									
3									
4	Motor Vehicle								
5	(1) motorcycle	\$ 17	\$ 15	\$ 13	\$ 10	\$ 7	\$ 5	\$ 2	\$ 4
6	(2) vehicles								
7	specified in								
8	AS 28.10.421(b)(1)	121	99	77	55	39	28	19	16
9	(3) vehicles specified								
10	in AS 28.10.421(b)(3)	121	99	77	55	39	28	19	16
11	(4) vehicles specified								
12	in AS 28.10.421(c)(1)-(4)								
13	5,000 pounds	121	99	77	55	39	28	19	16
14	or less								
15	5,001-12,000	198	154	121	99	77	55	33	22
16	pounds								
17	12,001-18,000	297	242	198	154	110	77	55	44
18	pounds								
19	18,001 pounds	396	19	253	198	154	110	66	44
20	or over								
21	(5) vehicles specified								
22	in AS 28.10.421(b)(4)	198	154	121	99	77	55	33	22
23	(6) vehicles specified								
24	in AS 28.10.421(b)(6)	17	15	13	10	7	5	4	4
25	(7) vehicles specified								
26	in AS 28.10.421(d)(8)	121	99	77	55	39	28	19	16
27	(8) vehicles specified								
28	in AS 28.10.421(b)(2)	121	99	77	55	39	28	19	16
29	(9) vehicles eligible								
30	for dealer plates under								
31	AS 28.10.421(d)(9)	88.							

1 * **Sec. 29.** AS 30.30.170(1) is amended to read:

2 (1) "department" means the Department of Transportation and Public
3 Facilities [, DIVISION OF WATERS AND HARBORS];

4 * **Sec. 30.** AS 37.05.146 is amended to read:

5 **Sec. 37.05.146. Definition of program receipts and non-general fund**
6 **program receipts.** (a) In AS 37.05.142 - 37.05.146 and AS 37.07.080, "program
7 receipts" means fees, charges, income earned on assets, and other state money received
8 by a state agency in connection with the performance of its functions,

9 (b) All [; ALL] program receipts except the following are general fund
10 program receipts:

- 11 (1) federal receipts;
- 12 (2) University of Alaska receipts (AS 14.40.491);
- 13 (3) individual, foundation, or corporation gifts, grants, or bequests that
14 by their terms are restricted to a specific purpose;
- 15 (4) receipts of the following funds:
- 16 (A) highway working capital fund (AS 44.68.210);
- 17 (B) correctional industries fund (AS 33.32.020);
- 18 (C) loan funds;
- 19 (D) international airport revenue fund (AS 37.15.430);
- 20 (E) funds managed by the Alaska Housing Finance Corporation
21 (AS 18.56.020), the Alaska Railroad Corporation (AS 42.40.010), the
22 Municipal Bond Bank Authority (AS 44.85.020), the Alaska Aerospace
23 Development Corporation (AS 14.40.821), or the Alaska Industrial
24 Development and Export Authority (AS 44.88.020);
- 25 (F) fish and game fund (AS 16.05.100);
- 26 (G) school fund (AS 43.50.140);
- 27 (H) training and building fund (AS 23.20.130);
- 28 (I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222,
29 AS 39.35, and former AS 39.37);
- 30 (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
- 31 (K) public school **trust** fund (AS 37.14.110);

- 1 (L) second injury fund (AS 23.30.040);
- 2 (M) fishermen's fund (AS 23.35.060);
- 3 (N) FICA administration fund (AS 39.30.050);
- 4 (O) [RECEIPTS OF THE EMPLOYEE BENEFITS PROGRAM
- 5 ESTABLISHED UNDER AS 39.30.150 - 39.30.180;
- 6 (P) RECEIPTS OF THE DEFERRED COMPENSATION
- 7 PROGRAM ESTABLISHED UNDER AS 39.45;
- 8 (Q)] clean air protection fund (AS 46.14.260);
- 9 **(P)** [(R) RECEIPTS OF THE GROUP INSURANCE
- 10 PROGRAMS ESTABLISHED UNDER AS 39.30.090;
- 11 (S)] mental health trust fund (AS 37.14.031);
- 12 (5) receipts of or from the trust established by AS 37.14.400 -
- 13 37.14.450, except reimbursements described in AS 37.14.410;
- 14 **(6) receipts of the employee benefits program established under**
- 15 **AS 39.30.150 - 39.30.180;**
- 16 **(7) receipts of the deferred compensation program established**
- 17 **under AS 39.45;**
- 18 **(8) receipts of the group insurance programs established under**
- 19 **AS 39.30.090.**

20 * **Sec. 31.** AS 37.05.530(g) is amended to read:

21 (g) Amounts received by the state under 42 U.S.C. 6508 and not appropriated

22 for grants to municipalities under (d) of this section lapse at the end of each fiscal year

23 as follows:

- 24 (1) 50 percent to the principal of the Alaska permanent fund;
- 25 (2) .5 percent to the public school **trust** fund (AS 37.14.110); and
- 26 (3) the remainder to the general fund for use by the state for the
- 27 following facilities and services:
- 28 (A) planning;
- 29 (B) construction, maintenance, and operation of essential public
- 30 facilities; and
- 31 (C) other necessary public services.

1 * **Sec. 32.** AS 37.10.071(f) is amended to read:

2 (f) In this section, "fiduciary of a state fund" or "fiduciary" means

3 (1) the commissioner of revenue for investments under AS 37.10.070;

4 (2) with respect to the Alaska State Pension Investment Board, for
5 investments under **or subject to** AS 14.25.180,

6 (A) each trustee who serves on the board of trustees; and

7 (B) any other person who exercises control or authority with
8 respect to management or disposition of assets for which the board is
9 responsible or who gives investment advice to the board; or

10 (3) the person or body provided by law to manage the investments for
11 investments not subject to AS 14.25.180 or AS 37.10.070.

12 * **Sec. 33.** AS 42.06.245 is amended to read:

13 **Sec. 42.06.245. Federally regulated carriers.** The requirements of this
14 chapter pertaining to permits and certificates of public convenience and necessity do
15 not apply to the construction of a pipeline facility exclusively subject to federal
16 jurisdiction or to the interstate portion of the business of a pipeline or pipeline carrier
17 exclusively subject to federal jurisdiction. **However** [; HOWEVER], the requirements
18 of this chapter for permits and certificates of public convenience and necessity do
19 apply to all the intrastate portion of the business of a pipeline or pipeline carrier
20 subject to federal jurisdiction whenever **it engages** [THEY ENGAGE] in intrastate
21 commerce. **However** [; HOWEVER], nothing limits the powers of the commission
22 set out in this chapter except to the extent they are preempted by federal law.

23 * **Sec. 34.** AS 42.06.250 is amended to read:

24 **Sec. 42.06.250. Application.** Application for **a** certificate shall be made in
25 writing to the commission, verified under oath. **The commission, by regulation, shall**
26 **establish the requirements for** [, AND SHALL BE IN] the form **of the application,**
27 and [CONTAIN] the information **to be contained in it. Notice** [, AND NOTICE] of
28 the application shall be served upon the interested parties in the manner that the
29 commission by regulation requires.

30 * **Sec. 35.** AS 43.55.017(a) is amended to read:

31 (a) Except as provided in this chapter [AND IN AS 43.58], the taxes imposed

1 by this chapter are in place of all taxes now imposed by the state or any of its
 2 municipalities, and neither the state nor a municipality may impose a tax upon

3 (1) producing oil or gas leases;

4 (2) oil or gas produced or extracted in the state;

5 (3) the value of intangible drilling and exploration expenses.

6 * **Sec. 36.** AS 44.27.060(d) is amended to read:

7 (d) In (c) of this section, "building" or "facility" means

8 (1) a building or facility of the state, as defined by **AS 35.27.030**
 9 [AS 35.27.030(2)], that is designed for and that is subject to substantial public use; and

10 (2) a building or facility that is leased by the state and subject to
 11 substantial public use.

12 * **Sec. 37.** AS 45.50.477(a) is amended to read:

13 (a) A person may not use the title "industrial hygienist," the initials "I.H.,"
 14 another term that includes the phrase "industrial hygiene" or similar words, or
 15 represent to the public that the person is an industrial hygienist, unless the person has
 16 a baccalaureate or graduate degree in industrial hygiene, biology, chemistry,
 17 engineering, physics, or a closely related physical or biological science from a college
 18 or university accredited by a national or regional accreditation association recognized
 19 by the Council on **Recognition of** Postsecondary Accreditation, or a degree based on
 20 equivalent academic training, and has acquired competence in industrial hygiene
 21 through special studies or work experience sufficient to provide the person with the
 22 ability and competence to

23 (1) anticipate and recognize the environmental factors and stresses
 24 associated with work and work operations and to understand their effects on people
 25 and their well-being;

26 (2) evaluate, on the basis of training and demonstrated work experience
 27 and with the aid of quantitative measurement techniques, the magnitude of the factors
 28 and stresses identified under (1) of this subsection in terms of their ability to impair
 29 human health and well-being; and

30 (3) prescribe methods to prevent, eliminate, control, or reduce the
 31 factors and stresses identified under (a) of this subsection when necessary to alleviate

1 their effects.

2 * **Sec. 38.** AS 47.27.015(a) is amended to read:

3 (a) A family is not eligible for assistance under the Alaska temporary
4 assistance program if the family includes an adult who

5 (1) has received benefits under the Alaska temporary assistance
6 program, or a program of another state operated under a federal assistance grant
7 program for needy families, for a total of 60 months as the caretaker or spouse of a
8 caretaker of a dependent child or as a pregnant woman, unless the caretaker or
9 pregnant woman is

10 (A) a person who the department has reasonable cause to
11 believe is or recently has been the victim of domestic violence, as defined in
12 AS 18.66.900, and the physical, mental, or emotional well-being of the victim
13 would be endangered by a strict application of the time limit otherwise
14 applicable under this subsection;

15 (B) determined, under regulations of the department to be
16 physically or mentally unable to perform gainful activity;

17 (C) a parent who is providing care for a child who is
18 experiencing a disability; or

19 (D) a family determined by the department to be exempt from
20 this paragraph by reason of hardship; [THE NUMBER OF FAMILIES FOR
21 WHICH AN EXEMPTION IS IN EFFECT UNDER THIS PARAGRAPH
22 MAY NOT EXCEED 10 PERCENT OR THE MAXIMUM PERCENTAGE OF
23 FAMILIES ALLOWED AN EXEMPTION UNDER FEDERAL LAW,
24 WHICHEVER IS GREATER;] or

25 (2) is determined to be fleeing to avoid prosecution, custody, or
26 confinement after conviction, in this or another jurisdiction, for a crime that is
27 classified as a felony or a class A misdemeanor under AS 11 or the criminal laws of
28 the jurisdiction where the criminal activity was committed.

29 * **Sec. 39.** AS 47.27.015 is amended by adding a new subsection to read:

30 (f) The number of families for which an exemption is in effect under (a)(1)
31 of this section may not exceed 10 percent or the maximum percentage of families

1 allowed an exemption under federal law, whichever is greater.

2 * **Sec. 40.** AS 30.15.070(2) is repealed.

3 * **Sec. 41.** The amendment to AS 13.12.603(a), made by sec. 10 of this Act, is retroactive
4 to January 1, 1997, to the extent constitutionally permissible.

5 * **Sec. 42.** The amendments to AS 14.17.025(a) and (b), made by secs. 11 and 12 of this
6 Act, are retroactive to July 1, 1995, to the extent constitutionally permissible.

7 * **Sec. 43.** The amendments to AS 14.20.177(a), made by sec. 14 of this Act, are
8 retroactive to August 16, 1996, to the extent constitutionally permissible.

9 * **Sec. 44.** This Act takes effect immediately under AS 01.10.070(c).