

HOUSE BILL NO. 375 am

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Amended: 2/25/02

Introduced: 2/1/02

A BILL

FOR AN ACT ENTITLED

1 "An Act making corrective amendments to the Alaska Statutes as recommended by the
2 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 01.10.070(d) is amended to read:

5 (d) An Act **that** [WHICH] specifies a definite effective date becomes effective
6 at 12:01 a.m., Alaska Standard Time, on the date specified. **However, if the specified**
7 **definite effective date is on or before the day the governor signs the Act, the day**
8 **the governor's veto is overridden, or the last day of the period allowed for**
9 **gubernatorial action by art. II, sec. 17, Constitution of the State of Alaska, as**
10 **applicable, the Act becomes effective at 12:01 a.m., Alaska Standard Time, on the**
11 **day after the governor signs the Act, the governor's veto is overridden, or the**
12 **period allowed for gubernatorial action by art. II, sec. 17, Constitution of the**
13 **State of Alaska, expires, as applicable.**

14 * **Sec. 2.** AS 09.10.140(b) is amended to read:

1 (b) An action based on a claim of sexual abuse under AS 09.55.650 **that is not**
 2 **otherwise allowed under AS 09.10.060(c)** may be brought more than **two** [THREE]
 3 years after the plaintiff reaches the age of majority if it is brought under the following
 4 circumstances:

5 (1) if the claim asserts that the defendant committed one act of sexual
 6 abuse on the plaintiff, the plaintiff shall commence the action within **two** [THREE]
 7 years after the plaintiff discovered or through use of reasonable diligence should have
 8 discovered that the act caused the injury or condition;

9 (2) if the claim asserts that the defendant committed more than one act
 10 of sexual abuse on the plaintiff, the plaintiff shall commence the action within **two**
 11 [THREE] years after the plaintiff discovered or through use of reasonable diligence
 12 should have discovered the effect of the injury or condition attributable to the series of
 13 acts; a claim based on an assertion of more than one act of sexual abuse is not limited
 14 to plaintiff's first discovery of the relationship between any one of those acts and the
 15 injury or condition, but may be based on plaintiff's discovery of the effect of the series
 16 of acts.

17 * **Sec. 3.** AS 14.48.190 is amended to read:

18 **Sec. 14.48.190. Civil penalty.** A person who violates the provisions of
 19 AS 14.48.020 [,] or who fails or refuses to deposit with the **commission**
 20 [COMMISSIONER] the records required by AS 14.48.150 is subject to a civil penalty
 21 of not more than \$1,000 for each violation. Each day's failure to comply with the
 22 provisions of AS 14.48.020 and 14.48.150 constitutes a separate violation. The fine
 23 may be imposed by the commission in an administrative proceeding or by a court of
 24 competent jurisdiction.

25 * **Sec. 4.** AS 15.20.207(g) is amended to read:

26 (g) Upon completion of the questioned ballot review, the election supervisor
 27 shall prepare an election certificate for execution by the district questioned ballot
 28 counting board, and shall forward the original certificate and returns to the director as
 29 soon as the count is completed but no later than the **16th** [11TH] day following the
 30 election.

31 * **Sec. 5.** AS 15.25.180(a) is amended to read:

- 1 (a) The petition must state in substance
- 2 (1) the full name of the candidate;
- 3 (2) the full residence address of the candidate and the date on which
- 4 residency at that address began;
- 5 (3) the full mailing address of the candidate;
- 6 (4) the name of the political group, if any, supporting the candidate;
- 7 (5) if the candidacy is for the office of state senator or state
- 8 representative, the house or senate district of which the candidate is a resident;
- 9 (6) the office for which the candidate is nominated;
- 10 (7) the date of the election at which the candidate seeks election;
- 11 (8) the length of residency in the state and in the district of the
- 12 candidate;
- 13 (9) that the subscribers are qualified voters of the state or house or
- 14 senate district in which the candidate resides;
- 15 (10) that the subscribers request that the candidate's name be placed on
- 16 the general [PRIMARY] election ballot;
- 17 (11) that the proposed candidate accepts the nomination and will serve
- 18 if elected, with the statement signed by the proposed candidate;
- 19 (12) the name of the candidate as the candidate wishes it to appear on
- 20 the ballot;
- 21 (13) that the candidate is not a candidate for any other office to be
- 22 voted on at the primary or general election and that the candidate is not a candidate for
- 23 this office under any other nominating petition or declaration of candidacy;
- 24 (14) that the candidate meets the specific citizenship requirements of
- 25 the office for which the person is a candidate;
- 26 (15) that the candidate will meet the specific age requirements of the
- 27 office for which the person is a candidate by the time that the candidate, if elected, is
- 28 sworn into office;
- 29 (16) that the candidate is a qualified voter; and
- 30 (17) if the candidacy is for the office of the governor, the name of the
- 31 candidate for lieutenant governor running jointly with the candidate for governor.

1 * **Sec. 6.** AS 16.43.160(f) is amended to read:

2 (f) For an entry permit or an interim-use permit issued for calendar year 2002
3 and following years, the holder of a permit whose household income, assets, and
4 financial resources fall within the eligibility standards for the food stamp program
5 under 7 U.S.C. 2011 - 2025 [7 U.S.C. 2001 - 2025], as amended, is subject to a
6 maximum annual fee that is equal to 50 percent of the fee that the permit holder would
7 otherwise pay under (e) of this section.

8 * **Sec. 7.** AS 18.56.300(b) is amended to read:

9 (b) As a condition of a commitment to purchase or approve a loan under this
10 section for residential housing the construction of which begins after June 30, 1992,
11 the corporation shall require inspection of the unit of residential housing that is the
12 subject of the loan. The inspection must be performed by a municipal building
13 inspector, by a person who is approved or certified to perform residential inspections
14 by the International Conference of Building Officials or the International Association
15 of Electrical Inspectors, or, when the unit of residential housing is located in a rural
16 area, by an architect **registered** [LICENSED] under AS 08.48, by an engineer
17 **registered** [LICENSED] under AS 08.48, or by another person approved by the
18 corporation. When the unit of residential housing is located in a rural area, the person
19 who makes the inspection may use methods other than a personal physical inspection
20 to make the inspection if the method is approved by the corporation, and variations
21 from the applicable code may be accepted at the corporation's discretion, if the person
22 authorized to inspect the unit under this subsection satisfies the corporation that the
23 variation does not adversely affect the structural integrity of the unit or the health and
24 safety of the residents. The person who makes the inspection shall determine whether
25 the construction conforms to relevant provisions of the construction codes of the
26 municipality or of the state building code, as applicable, at each of the following
27 stages of construction:

- 28 (1) plan approval;
29 (2) completion of footings and foundations;
30 (3) completion of electrical installation, plumbing, and framing;
31 (4) completion of installation of insulation;

1 (5) final approval.

2 * **Sec. 8.** AS 23.30.017(c) is amended to read:

3 (c) In this section,

4 (1) "design professional" means a person **registered** [LICENSED]
5 under AS 08.48 as an architect, engineer, or land surveyor;

6 (2) "professional services" means services provided by a design
7 professional that are within the scope of services for which the design professional is
8 **registered** [LICENSED].

9 * **Sec. 9.** AS 33.32.017(d) is amended to read:

10 (d) In exchange for the inmate workers and other services provided to it, the
11 private industry or organization shall pay to the commissioner a weekly payment in an
12 amount not less than [THE SUM OF] the existing minimum hourly wage, established
13 under AS 23.10.065, multiplied by the total number of hours worked during that week
14 by inmates employed in the "Free Venture" correctional industry.

15 * **Sec. 10.** AS 35.15.080(f) is amended to read:

16 (f) To carry out the purpose of this section, the commissioner of transportation
17 and public facilities shall adopt regulations relating to the application for and the
18 making and the conditions of agreements and the local assumption of responsibilities
19 for the planning, design, and construction of public works under this section. The
20 commissioner shall include in grant contracts terms and conditions requiring a
21 regional school board and its contractors to adhere to the provisions of AS 36.05.010
22 with respect to the payment of wage rates on construction projects [, AND
23 AS 36.10.010 WITH RESPECT TO EMPLOYMENT PREFERENCE,] and may
24 require different terms in agreements for different projects to meet local conditions
25 and unique requirements and to assure compliance with the public facilities
26 procurement policies developed by the department under AS 35.10.160 - 35.10.200. If
27 necessary, the commissioner may require as a condition of an agreement approval of
28 the agreement by the federal government. Regulations adopted, amended, or repealed
29 by the department under this section **that** [WHICH] relate to educational facilities
30 shall be developed in conjunction with the Alaska Association of School Boards and
31 the Alaska Association of School Administrators and reviewed by those associations

1 before final action on the regulations is taken by the department.

2 * **Sec. 11.** AS 35.40.010 is amended to read:

3 **Sec. 35.40.010. E. L. Patton Bridge.** The bridge spanning the Yukon River
4 at the southern terminus of the **James Dalton Highway** [HIGHWAY] is named "The
5 E. L. Patton Bridge ["]."

6 * **Sec. 12.** AS 44.21.225 is amended to read:

7 **Sec. 44.21.225. Executive director.** The executive director of the
8 commission shall

9 (1) formulate a comprehensive statewide plan that identifies the
10 concerns and needs of older Alaskans and present that plan to the commission;

11 (2) administer, with the approval of the commissioner of
12 administration, federal programs **subject to state control** as provided under **42 U.S.C.**
13 **3001 - 3058ee** [42 U.S.C. 3001 - 3045i] (Older Americans Act), as amended; and

14 (3) administer, with the approval of the commissioner of
15 administration, state programs as provided under AS 47.65.

16 * **Sec. 13.** AS 44.21.230(a)(7) is amended to read:

17 (7) with the approval of the commissioner of administration, set policy
18 for the administration of federal programs **subject to state control** as provided under
19 **42 U.S.C. 3001 - 3058ee** [42 U.S.C. 3001 - 3045i] (Older Americans Act), as
20 amended, and evaluate grant applicants and make grant awards under those programs;

21 * **Sec. 14.** AS 45.02.401 is amended to read:

22 **Sec. 45.02.401. Passing of title; reservation for security; limited**
23 **application of this section.** Each provision of this chapter with regard to the rights,
24 obligations, and remedies of the seller, the buyer, purchasers, or other third parties
25 applies irrespective of title to the goods except where the provision refers to the title.
26 Insofar as situations are not covered by the other provisions of this chapter and matters
27 concerning title become material the following rules apply:

28 (1) title to goods cannot pass under a contract for sale before their
29 identification to the contract (AS 45.02.501), and, unless otherwise explicitly agreed,
30 the buyer acquires by their identification a special property as limited by the code; a
31 retention or reservation by the seller of the title (property) in goods shipped or

1 delivered to the buyer is limited in effect to a reservation of a security interest; subject
 2 to these provisions and to the provisions of AS 45.29 [AS 45.09.101 - 45.09.507], title
 3 to goods passes from the seller to the buyer in the manner and on the conditions
 4 explicitly agreed on by the parties;

5 (2) unless otherwise explicitly agreed, title passes to the buyer at the
 6 time and place at which the seller completes performance with reference to the
 7 physical delivery of the goods, despite a reservation of a security interest and even
 8 though a document of title is to be delivered at a different time or place; in particular
 9 and despite a reservation of a security interest by the bill of lading,

10 (A) if the contract requires or authorizes the seller to send the
 11 goods to the buyer but does not require the seller to deliver them at destination,
 12 title passes to the buyer at the time and place of shipment; but

13 (B) if the contract requires delivery at destination, title passes
 14 on tender there;

15 (3) unless otherwise explicitly agreed, where delivery is to be made
 16 without moving the goods,

17 (A) if the seller is to deliver a document of title, title passes at
 18 the time and place the seller delivers the documents; or

19 (B) if the goods are at the time of contracting already identified
 20 and no documents are to be delivered, title passes at the time and place of
 21 contracting;

22 (4) a rejection or other refusal by the buyer to receive or retain the
 23 goods, whether or not justified, or a justified revocation of acceptance reverts title to
 24 the goods in the seller; this reversioning occurs by operation of law and is not a "sale."

25 * **Sec. 15.** AS 46.03.760(a) is amended to read:

26 (a) A person who violates or causes or permits to be violated a provision of
 27 this chapter other than AS 46.03.250 - 46.03.313 [AS 46.03.250 - 46.03.314], or a
 28 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of the department,
 29 or a permit, approval, or acceptance, or term or condition of a permit, approval, or
 30 acceptance issued under this chapter or AS 46.04 or AS 46.09 is liable, in a civil
 31 action, to the state for a sum to be assessed by the court of not less than \$500 nor more

1 than \$100,000 for the initial violation, nor more than \$5,000 for each day after that on
2 which the violation continues, and that shall reflect, when applicable,

3 (1) reasonable compensation in the nature of liquidated damages for
4 any adverse environmental effects caused by the violation, which shall be determined
5 by the court according to the toxicity, degradability, and dispersal characteristics of
6 the substance discharged, the sensitivity of the receiving environment, and the degree
7 to which the discharge degrades existing environmental quality;

8 (2) reasonable costs incurred by the state in detection, investigation,
9 and attempted correction of the violation;

10 (3) the economic savings realized by the person in not complying with
11 the requirement for which a violation is charged.

12 * **Sec. 16.** AS 47.05.012 is amended to read:

13 **Sec. 47.05.012. Material incorporated by reference.** Under
14 AS 44.62.245(a)(2), in adopting or amending a regulation that incorporates a
15 document or other material by reference, the department may incorporate future
16 amended versions of the document or other material if the document or other material
17 is one of the following:

18 (1) a document that is published, compiled, or prepared by the United
19 States Department of Health and Human Services and is included in the following list:

20 (A) the international classification of diseases, clinical
21 modifications;

22 (B) the common procedure coding system;

23 (C) the specifications for national uniform billing data
24 elements;

25 (D) the federal poverty guidelines for the state;

26 (E) the Indian Health Service encounter rates; or

27 (F) the relative value units used in the Medicare program for
28 determination of fee schedules;

29 (2) the current procedural terminology for physicians published by the
30 American Medical Association;

31 (3) the diagnostic and statistical manual of mental disorders published

1 by the American Psychiatric Association;

2 (4) the length of stay in hospitals by diagnosis and operation for the
3 western region of the United States, published by **Solucient**; [HCIA, INC.]

4 (5) the relative value guide published by the American Society of
5 Anesthesiologists;

6 (6) the consumer price index published by the United States
7 Department of Labor;

8 (7) the health plan employer data and information set published by the
9 National Committee for Quality Assurance;

10 (8) practice standards adopted by the American Academy of Pediatrics,
11 American College of Obstetricians and Gynecologists, American Diabetes
12 Association, American Cancer Society, American Academy of Family Physicians,
13 American College of Physicians, United States Centers for Disease Control and
14 Prevention, Agency for **Healthcare Research and Quality** [HEALTH CARE
15 POLICY AND RESEARCH], or the National Asthma Education and Prevention
16 Program;

17 (9) the compendium of animal rabies control published by the United
18 States Centers for Disease Control and Prevention;

19 (10) the control of communicable diseases manual published by the
20 American Public Health Association;

21 (11) the standards manual and interpretative guidelines for behavioral
22 health, employment and community support services, and for medical rehabilitation
23 published by the Commission on Accreditation of Rehabilitative Facilities;

24 (12) consumer assessment of health plans published by the Agency for
25 Health Care Policy and Research; or

26 (13) resources for optimal care of the injured patient published by the
27 Committee on Trauma, American College of Surgeons.

28 * **Sec. 17.** AS 36.10.006 and AS 18.55.934(b) are repealed.

29 * **Sec. 18.** Sections 1 - 18, 25, and 26, ch. 99, SLA 1985, and ch. 148, SLA 1990 are
30 repealed.

31 * **Sec. 19.** This Act takes effect immediately under AS 01.10.070(c).