

**CS FOR HOUSE BILL NO. 410(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/24/06

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 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 04.11.499(2) is amended to read:

5 (2) "send" means to cause to be taken or distributed or to attempt or  
6 solicit to cause to be taken or distributed, and includes use of the United States **Postal**  
7 **Service** [POST OFFICE];

8 \* **Sec. 2.** AS 09.45.825 is amended to read:

9 **Sec. 09.45.825. Procedure applicable.** Except as otherwise provided in  
10 AS 09.45.800 - 09.45.880, the **Alaska Rules of Civil Procedure** [COURT RULES  
11 OF CIVIL PROCEDURE] shall apply to actions authorized by AS 09.45.800 -  
12 09.45.880.

13 \* **Sec. 3.** AS 09.45.830 is amended to read:

14 **Sec. 09.45.830. Jurisdiction.** Upon the completion of the service, publication

1 and posting of the summons, as may be required by AS 09.45.800 - 09.45.880 and the  
 2 **Alaska Rules of Civil Procedure** [COURT RULES OF CIVIL PROCEDURE], the  
 3 court has complete jurisdiction over the parties plaintiff or plaintiffs and the entire real  
 4 property described in the complaint as intended to be affected by the action and over  
 5 the person of everyone having or claiming an estate, right, title, or interest in or to, or  
 6 lien upon, all or any part of the property and shall be considered to have obtained the  
 7 possession and control of the property for the purposes of the action with complete  
 8 jurisdiction to render the judgment provided for in AS 09.45.800 - 09.45.880.

9 \* **Sec. 4.** AS 09.55.536(a) is amended to read:

10 (a) In an action for damages due to personal injury or death based upon the  
 11 provision of professional services by a health care provider, including a person  
 12 providing services on behalf of a governmental entity, when the parties have not  
 13 agreed to arbitration of the claim under AS 09.55.535, the court shall appoint within  
 14 20 days after **the** filing of **an** answer to a summons and complaint a three-person  
 15 expert advisory panel unless the court decides that an expert advisory opinion is not  
 16 necessary for a decision in the case. When the action is filed, the court shall, by order,  
 17 determine the professions or specialties to be represented on the expert advisory panel,  
 18 giving the parties the opportunity to object or make suggestions.

19 \* **Sec. 5.** AS 09.65.161 is amended to read:

20 **Sec. 09.65.161. Immunity for disclosure of required health care data.** A  
 21 person who reports health care data required to be reported under AS 18.05 and  
 22 regulations adopted under that chapter for conditions or diseases of public health  
 23 **importance** [SIGNIFICANCE] may not be held liable for the disclosure to the  
 24 Department of Health and Social Services or for the use of the data by the department.

25 \* **Sec. 6.** AS 11.46.130(a) is amended to read:

26 (a) A person commits the crime of theft in the second degree if the person  
 27 commits theft as defined in AS 11.46.100 and

- 28 (1) the value of the property or services is \$500 or more but less than  
 29 \$25,000;  
 30 (2) the property is a firearm or explosive;  
 31 (3) the property is taken from the person of another;

1 (4) the property is taken from a vessel and is vessel safety or survival  
2 equipment;

3 (5) the property is taken from an aircraft and the property is aircraft  
4 safety or survival equipment;

5 (6) the value of the property is \$50 or more but less than \$500 and,  
6 within the preceding five years, the person has been convicted and sentenced on two  
7 or more separate occasions in this or another jurisdiction of

8 (A) **an offense under** AS 11.46.120, or an offense under  
9 another law or ordinance with similar elements;

10 (B) a crime set out in this subsection or an offense under  
11 another law or ordinance with similar elements;

12 (C) **an offense under** AS 11.46.140(a)(1), or an offense under  
13 another law or ordinance with similar elements; or

14 (D) **an offense under** AS 11.46.220(c)(1) or (c)(2)(A), or an  
15 offense under another law or ordinance with similar elements; or

16 (7) the property is an access device.

17 \* **Sec. 7.** AS 11.46.220(c) is amended to read:

18 (c) Concealment of merchandise is

19 (1) a class C felony if

20 (A) the merchandise is a firearm;

21 (B) the value of the merchandise is \$500 or more; or

22 (C) the value of the merchandise is \$50 or more but less than  
23 \$500 and, within the preceding five years, the person has been convicted and  
24 sentenced on two or more separate occasions in this or another jurisdiction of  
25 [THE OFFENSE OF]

26 (i) **the offense of** concealment of merchandise under  
27 this paragraph or (2)(A) of this subsection, or an offense under another  
28 law or ordinance with similar elements; or

29 (ii) **an offense under** AS 11.46.120, 11.46.130, or  
30 11.46.140(a)(1), or an offense under another law or ordinance with  
31 similar elements;

1 (2) a class A misdemeanor if

2 (A) the value of the merchandise is \$50 or more but less than  
3 \$500; or

4 (B) the value of the merchandise is less than \$50 and, within  
5 the preceding five years, the person has been convicted and sentenced on two  
6 or more separate occasions of the offense of concealment of merchandise or  
7 theft in any degree, or an offense under another law or ordinance with similar  
8 elements;

9 (3) a class B misdemeanor if the value of the merchandise is less than  
10 \$50.

11 \* **Sec. 8.** AS 14.03.123(c) is amended to read:

12 (c) The state board shall adopt regulations implementing this section,  
13 providing for a statewide student assessment system, and providing for the process of  
14 assigning a designation under (a) of this section, including

15 (1) the methodology used to assign the performance designation,  
16 including the measures used and their relative weights;

17 (2) high **performance** [ACHIEVEMENT] and low **performance**  
18 [ACHIEVEMENT] designations that are based on the accountability system under this  
19 section;

20 (3) a procedure for appealing a designation that may be used by the  
21 principal of a public school or by the superintendent of a public school district;

22 (4) additional measures that may be progressively implemented by the  
23 commissioner to assist schools or districts to improve performance in accordance with  
24 this section and with federal law; to the extent necessary to conform to federal law, the  
25 additional measures may be unique to a certain school or district if that school or  
26 district receives federal funding that is not available to all schools or districts in the  
27 state.

28 \* **Sec. 9.** AS 14.03.123(d) is amended to read:

29 (d) A public school or district that receives a low **performance**  
30 [ACHIEVEMENT] designation under this section shall prepare and submit to the  
31 department a school or district improvement plan, as applicable, in accordance with

1 regulations adopted by the board. The improvement plan must be prepared with the  
 2 maximum feasible public participation of the community including, as appropriate,  
 3 interested individuals, teachers, parents, parent organizations, students, tribal  
 4 organizations, local government representatives, and other community groups.

5 \* **Sec. 10.** AS 14.03.123(e) is amended to read:

6 (e) The department shall establish a program of special recognition for those  
 7 public schools that receive a high **performance** [ACHIEVEMENT] designation.

8 \* **Sec. 11.** AS 14.60.010(6) is amended to read:

9 (6) "public schools" include elementary schools, high schools,  
 10 citizenship night schools for adults, and other public educational institutions **that**  
 11 [WHICH] may be established; [HOWEVER, NOTHING IN THIS TITLE  
 12 INCLUDES SCHOOLS FOR ALASKA NATIVES UNDER THE CONTROL OF  
 13 THE FEDERAL GOVERNMENT AND ADMINISTERED AND SUPERVISED  
 14 THROUGH THE BUREAU OF INDIAN AFFAIRS;]

15 \* **Sec. 12.** AS 15.07.137 is amended to read:

16 **Sec. 15.07.137. Voting information from municipalities.** Within 60 days  
 17 after each election held in a municipality, the municipal clerk shall certify and send to  
 18 the director the official registration list containing the names, residence addresses, and  
 19 voter **identification** numbers of all persons voting in each precinct in that election.  
 20 The names of the persons who voted in the municipal election shall be indicated on the  
 21 official registration list sent to the director by the municipal clerk.

22 \* **Sec. 13.** AS 15.10.105(a) is amended to read:

23 (a) **The division of elections is created.** The lieutenant governor shall control  
 24 and supervise the division of elections. The lieutenant governor shall appoint a  
 25 director of elections. The director shall act for the lieutenant governor in the  
 26 supervision of central and regional election offices, the hiring, performance  
 27 evaluation, promotion, termination, and all other matters relating to the employment  
 28 and training of election personnel, and the administration of all state elections as well  
 29 as those municipal elections that the state is required to conduct. The director is  
 30 responsible for the coordination of state responsibilities under 42 U.S.C. 1973gg  
 31 (National Voter Registration Act of 1993). The director serves at the pleasure of the

1 lieutenant governor.

2 \* **Sec. 14.** AS 15.20.072(c) is amended to read:

3 (c) If the request for a special needs ballot is made through a representative,  
4 the representative shall sign a register provided by an election official. The register  
5 must include the following information:

6 (1) the representative's name;

7 (2) the representative's residence and mailing address;

8 (3) the representative's social security number, voter **identification**  
9 number, or date of birth;

10 (4) the name of the voter on whose behalf the representative is  
11 requesting a ballot and voting materials;

12 (5) an oath that the representative

13 (A) is receiving a ballot and voting materials on behalf of the  
14 voter;

15 (B) will not vote the ballot for the voter;

16 (C) will not coerce the voter;

17 (D) will not divulge the vote cast by the voter; and

18 (E) has been notified that unlawful interference with voting is  
19 punishable under AS 15.56.030;

20 (6) the representative's signature.

21 \* **Sec. 15.** AS 15.60.010 is amended by adding a new paragraph to read:

22 (42) "division" means the division of elections created under  
23 AS 15.10.105.

24 \* **Sec. 16.** AS 21.89.080(b) is amended to read:

25 (b) An electronic transaction under this section must comply with **AS 09.80**  
26 [AS 09.25.500 - 09.25.520].

27 \* **Sec. 17.** AS 23.30 is amended by adding a new section to read:

28 **Sec. 23.30.002. Division of workers' compensation; director.** The division  
29 of workers' compensation is established in the department. The commissioner shall  
30 appoint the director of the division of workers' compensation.

31 \* **Sec. 18.** AS 24.60 is amended by adding a new section to read:

1                   **Sec. 24.60.995. Short title.** This chapter may be cited as the Legislative Ethics  
2                   Act.

3                   \* **Sec. 19.** AS 26.23.040(e)(12) is amended to read:

4                                   (12) to the extent that money is available from an appropriation for the  
5                   purposes of this paragraph,

6   (A) award grants for the purpose of forming local emergency  
7                   planning committees under AS 26.23.073;

8   (B) in order to comply with **49 U.S.C. 5116(a)(2)(B)** [49  
9                   U.S.C. APPX. 1815(a)(3)], make funds available to local emergency planning  
10                   committees for developing and maintaining emergency plans under  
11                   AS 26.23.073 and 26.23.075;

12    (C) make funds available to local emergency planning  
13                   committees to implement 42 U.S.C. 11022(e) and 42 U.S.C. 11044; and

14    (D) award grants for training local emergency planning  
15                   committees and for training and equipping the emergency response  
16                   organizations identified in the local plans that execute the plans developed by  
17                   the committees under AS 26.23.073 and 26.23.075.

18                   \* **Sec. 20.** AS 28.10.181(p) is amended to read:

19                                   (p) Vehicles owned by veterans. The department, upon receipt of written proof  
20                   that the veteran is a sole or joint owner of a motor vehicle, shall issue special  
21                   registration plates for the motor vehicle to a requesting person who is a veteran or  
22                   retired veteran of the armed forces of the United States. The commissioner, after  
23                   consulting with the **person in the Department of Military and Veterans' Affairs in**  
24                   **charge of veterans' affairs** [DIRECTOR OF THE DIVISION OF VETERANS  
25                   AFFAIRS], shall determine the design and color of the veteran or retired veteran  
26                   plates.

27                   \* **Sec. 21.** AS 28.10.181(q) is amended to read:

28                                   (q) Vehicles owned by recipients of the Purple Heart. The department, upon  
29                   receipt of written proof that the person is the sole or joint owner of a motor vehicle,  
30                   shall issue special registration plates for the motor vehicle to a requesting person who  
31                   has received the Purple Heart medal awarded for wounds suffered in action against an

1 armed enemy or as a result of the hostile action of an armed enemy. The  
 2 commissioner, after consulting with the person in the Department of Military and  
 3 Veterans' Affairs in charge of veterans' affairs [DIRECTOR OF THE DIVISION  
 4 OF VETERANS AFFAIRS], shall determine the design and color of the Purple Heart  
 5 medal recipient plates.

6 \* **Sec. 22.** AS 29.05.200(b) is amended to read:

7 (b) Before August 31 of each fiscal year, the department shall submit a report  
 8 to the office of management and budget [DEPARTMENT OF  
 9 ADMINISTRATION] indicating

10 (1) each municipality expected to qualify to receive an organization  
 11 grant during the next fiscal year;

12 (2) the amount of money needed to cover all organization grants  
 13 expected to be awarded during the next fiscal year.

14 \* **Sec. 23.** AS 32.11.220 is amended to read:

15 **Sec. 32.11.220. Sharing of profits and losses.** The profits and losses of a  
 16 limited partnership shall be allocated among the partners, and among classes of  
 17 partners, in the manner provided in writing in the partnership agreement. If the  
 18 partnership agreement does not specify the allocation in writing, profits and losses  
 19 shall be allocated on the basis of the value, as stated in the partnership records  
 20 required to be kept under AS 32.11.840, of the contributions made by each partner to  
 21 the extent they have been received by the partnership and have not been returned.

22 \* **Sec. 24.** AS 32.11.230 is amended to read:

23 **Sec. 32.11.230. Allocation of distributions.** Distributions of cash or other  
 24 assets of a limited partnership shall be allocated among the partners and among classes  
 25 of partners in the manner provided in writing in the partnership agreement. If the  
 26 partnership agreement does not specify the allocation in writing, distributions shall be  
 27 made on the basis of the value, as stated in the partnership records required to be kept  
 28 under AS 32.11.840, of the contributions made by each partner to the extent they have  
 29 been received by the partnership and have not been returned.

30 \* **Sec. 25.** AS 32.11.300 is amended to read:

31 **Sec. 32.11.300. Limitations on distribution.** A partner may not receive a

1 distribution from a limited partnership to the extent that, after giving effect to the  
 2 distribution, all liabilities of the limited partnership, other than liabilities to partners on  
 3 account of their partnership **interests** [INTEREST], exceed the fair value of the  
 4 partnership assets.

5 \* **Sec. 26.** AS 36.30.170(e) is amended to read:

6 (e) If a bidder qualifies under (b) of this section as an Alaska bidder, is a  
 7 qualifying entity, and is the lowest responsible and responsive bidder with a bid that is  
 8 not more than 10 percent higher than the lowest bid, the procurement officer shall  
 9 award the contract to that bidder. This subsection does not give a bidder who would  
 10 otherwise qualify for a preference under this subsection a preference over another  
 11 bidder who would otherwise qualify for a preference under this subsection or (f) of  
 12 this section. In this subsection, "qualifying entity" means a

13 (1) sole proprietorship owned by a person with a disability;

14 (2) partnership under **former** AS 32.05, **AS 32.06**, or AS 32.11 if each  
 15 of the partners is a person with a disability;

16 (3) limited liability company organized under AS 10.50 if each of the  
 17 members is a person with a disability; or

18 (4) corporation that is wholly owned by individuals and each of the  
 19 individuals is a person with a disability.

20 \* **Sec. 27.** AS 37.05.530(a) is amended to read:

21 (a) The National Petroleum Reserve - Alaska special revenue fund is  
 22 established. The fund consists of all money disbursed to the state by the federal  
 23 government under **42 U.S.C. 6506a(l) and former** 42 U.S.C. 6508 (P.L. 96-514) since  
 24 December 12, 1980, less the amount deposited in the general fund and expended by  
 25 the state by general fund appropriations before June 9, 1984.

26 \* **Sec. 28.** AS 37.05.530(c) is amended to read:

27 (c) The Department of Commerce, Community, and Economic Development  
 28 shall adopt regulations under which municipalities impacted by National Petroleum  
 29 Reserve - Alaska oil and gas development under **42 U.S.C. 6506a or former** 42  
 30 U.S.C. 6508 may apply for and be eligible to receive grants to alleviate the impact.  
 31 The department shall give priority in the allocation of grants to municipalities that are

1 experiencing or will experience the most direct or severe impact from oil and gas  
 2 development under 42 U.S.C. 6506a or former 42 U.S.C. 6508 within the National  
 3 Petroleum Reserve - Alaska. The department shall fund all meritorious grant  
 4 applications out of the money appropriated to it each year. Within 10 days after the  
 5 convening of each regular session of the legislature, the department shall submit to the  
 6 legislature a list of all municipalities that have received grants, a list of all  
 7 municipalities determined by the department to be eligible for further grants, a  
 8 recommendation of the amount of money to be granted for those additional  
 9 applications, and written justification of each past and potential grant.

10 \* **Sec. 29.** AS 37.05.530(d) is amended to read:

11 (d) It is the intent of the legislature that each year all of the money in the  
 12 National Petroleum Reserve - Alaska special revenue fund be made available for  
 13 appropriation by the legislature to municipalities that demonstrate under (c) of this  
 14 section present impact, or the need to determine or plan for future impact, from oil and  
 15 gas development under 42 U.S.C. 6506a or former 42 U.S.C. 6508. It is the intent of  
 16 the legislature that an initial appropriation be made to the Department of Commerce,  
 17 Community, and Economic Development to cover anticipated impact grants, and that  
 18 additional funds be made available through supplemental appropriations if the impact  
 19 is greater than anticipated and the legislature considers the additional grants proposed  
 20 by the department to be meritorious.

21 \* **Sec. 30.** AS 37.05.530(e) is amended to read:

22 (e) A municipality may use the funds received under (d) of this section only  
 23 for the following activities and services to alleviate the impact of the oil and gas  
 24 development under 42 U.S.C. 6506a or former 42 U.S.C. 6508 within the National  
 25 Petroleum Reserve - Alaska:

26 (1) planning;

27 (2) construction, maintenance, and operation of essential public  
 28 facilities by the municipality; and

29 (3) other necessary public services provided by the municipality.

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

31 (g) Amounts received by the state under 42 U.S.C. 6506a(l) or former 42

1 U.S.C. 6508 and not appropriated for grants to municipalities under (d) of this section  
 2 shall be deposited at the end of each fiscal year as follows: (1) 25 percent to the  
 3 principal of the Alaska permanent fund; and (2) .5 percent to the public school trust  
 4 fund (AS 37.14.110). The amounts remaining after the deposits to the Alaska  
 5 permanent fund and the public school trust fund may be appropriated to the power cost  
 6 equalization and rural electric capitalization fund (AS 42.45.100). The amounts  
 7 remaining after any appropriation to the power cost equalization and rural electric  
 8 capitalization fund shall lapse into the general fund for use by the state for the  
 9 following facilities and services: planning; construction, maintenance, and operation  
 10 of essential public facilities; and other necessary public services.

11 \* **Sec. 32.** AS 39.35.680(20) is amended to read:

12 (20) "former member" means an employee who is terminated and who  
 13 has received a total refund of the balance of the employee contribution account [,] or  
 14 who has requested in writing a refund of the balance in the employee contribution  
 15 account [, OR WHO IS ELIGIBLE FOR A REFUND UNDER AS 39.35.200(b)];

16 \* **Sec. 33.** AS 39.50.200(a) is amended to read:

17 (a) In this chapter,

18 (1) "assistant to the governor or the lieutenant governor" includes any  
 19 executive, legislative, special, administrative, or press assistant to the governor or  
 20 lieutenant governor, and any person similarly employed in a policy-making position;

21 (2) "child" includes a biological child, an adoptive child, and a  
 22 stepchild;

23 (3) "commission" means the Alaska Public Offices Commission  
 24 created under AS 15.13.020(a);

25 (4) "domestic partner" means a person who is cohabiting with another  
 26 person in a relationship that is like a marriage but that is not a legal marriage;

27 (5) "instrumentality of the state" means a state department or agency,  
 28 whether in the legislative, judicial, or executive branch, including the University of  
 29 Alaska;

30 (6) "judicial officer" means a person appointed as a justice to the  
 31 supreme court or as a judge to the court of appeals, superior court, district court, or

1 magistrate court;

2 (7) "mother or father" includes a biological parent, an adoptive parent,  
3 and a step-parent;

4 (8) "municipal officer" includes a borough or city mayor, borough  
5 assemblyman, city councilman, school board member, elected utility board member,  
6 city or borough manager, members of a city or borough planning or zoning  
7 commission within a home rule or general law city or borough, or a unified  
8 municipality;

9 (9) "public official" means

10 (A) a judicial officer;

11 (B) the governor or the lieutenant governor;

12 (C) a person hired or appointed in a department in the  
13 executive branch as

14 (i) the head or deputy head of the department;

15 (ii) the director or deputy director of a division;

16 (iii) a special assistant to the head of the department;

17 (iv) a person serving as the legislative liaison for the

18 department;

19 (D) an assistant to the governor or the lieutenant governor;

20 (E) the chair or a member of a state commission or board;

21 (F) state investment officers and the state comptroller in the  
22 Department of Revenue;

23 (G) the chief procurement officer appointed under  
24 AS 36.30.010;

25 (H) the executive director of the Alaska Workforce Investment  
26 Board; [AND]

27 (I) each appointed or elected municipal officer; **and**

28 **(J) the members of the board of trustees, the executive**  
29 **director, and the investment officers of the Alaska Permanent Fund**  
30 **Corporation;**

31 (10) "source of income" means the entity for which service is

1 performed or that is otherwise the origin of payment; if the person whose income is  
 2 being reported is employed by another, the employer is the source of income; but if  
 3 the person is self-employed by means of a sole proprietorship, partnership,  
 4 professional corporation, or a corporation in which the person, the person's spouse or  
 5 domestic partner, or the person's dependent children, or a combination of them, hold a  
 6 controlling interest, the "source" is the client or customer of the proprietorship,  
 7 partnership, or corporation, but, if the entity that is the origin of payment is not the  
 8 same as the client or customer for whom the service is performed, both are considered  
 9 the source.

10 \* **Sec. 34.** AS 39.50.200(b)(42) is amended to read:

11 (42) [BOARD OF TRUSTEES, EXECUTIVE DIRECTOR, AND  
 12 INVESTMENT OFFICERS OF THE] Alaska Permanent Fund Corporation  
 13 (AS 37.13.040);

14 \* **Sec. 35.** AS 39.52 is amended by adding a new section to read:

15 **Sec. 39.52.965. Short title.** This chapter may be cited as the Alaska Executive  
 16 Branch Ethics Act.

17 \* **Sec. 36.** AS 42.45.010(b) is amended to read:

18 (b) The authority may make loans from the power project fund

19 (1) to electric utilities, regional electric authorities, municipalities,  
 20 regional and village corporations, village councils, independent power producers, and  
 21 nonprofit marketing cooperatives to pay the costs of

22 (A) reconnaissance studies, feasibility studies, license and  
 23 permit applications, preconstruction engineering, and design of power projects;

24 (B) constructing, equipping, modifying, improving, and  
 25 expanding small-scale power production facilities that are designed to produce  
 26 less than 10 megawatts of power, bulk fuel storage facilities, and transmission  
 27 and distribution facilities, including energy production, transmission and  
 28 distribution, waste energy, energy conservation, energy efficiency, and  
 29 alternative energy facilities and equipment; and

30 (C) reconnaissance studies, preconstruction engineering,  
 31 design, construction, equipping, modification, and expansion of potable water

1 supply including surface storage and groundwater sources and transmission of  
2 water from surface storage to existing distribution systems;

3 (2) to a borrower for a power project or for bulk fuel, waste energy,  
4 energy conservation, energy efficiency, or alternative energy facilities or equipment if

5 (A) the loan is entered into under a leveraged lease financing  
6 arrangement;

7 (B) the party that will be responsible for the power project **or**  
8 **the bulk fuel, waste energy, energy conservation, energy efficiency, or**  
9 **alternative energy facilities or equipment** is an electric utility, regional  
10 electric authority, municipality, regional or village corporation, village council,  
11 independent power producer, or nonprofit marketing cooperative; and

12 (C) the borrower seeking the loan demonstrates to the authority  
13 that the financing arrangement for the power project **or the bulk fuel, waste**  
14 **energy, energy conservation, energy efficiency, or alternative energy**  
15 **facilities or equipment** will reduce [PROJECT] financing costs **for the**  
16 **project, facilities, or equipment** below costs of comparable public power  
17 projects, **facilities, or equipment**.

18 \* **Sec. 37.** AS 43.55.013(g) is amended to read:

19 (g) The monthly production **rate** at the economic limit for a lease or property  
20 is presumed to be 3,000 Mcf times the number of well days for the lease or property  
21 during that month for which the tax is to be paid. The taxpayer may rebut this  
22 presumption by providing clear and convincing evidence of a different monthly  
23 production rate at the economic limit for the lease or property. The hearing shall be  
24 held before February 15 of the year or within six months after commencement of gas  
25 production for a lease or property. The monthly production rate at the economic limit  
26 for the lease or property based upon the clear and convincing evidence of the taxpayer  
27 shall be calculated by dividing the value determined under (i) of this section into the  
28 average monthly direct operating cost determined under (h) of this section.

29 \* **Sec. 38.** AS 43.76.399 is amended by adding new paragraphs to read:

30 (3) "qualified regional seafood development association" means an  
31 association designated as qualified under AS 44.33.065(a);

1 (4) "seafood development region" means a region established under  
2 AS 44.33.065(b).

3 \* **Sec. 39.** AS 44.33.502 is amended to read:

4 **Sec. 44.33.502. Regional competitions.** Four regional competitions shall be  
5 held each summer in the **first, second, third, and fourth judicial districts**  
6 **established in AS 22.10.010** [SOUTHEASTERN, SOUTHCENTRAL, CENTRAL,  
7 AND NORTHWESTERN SENATORIAL DISTRICTS]. First place and honorable  
8 mention awards shall be made in each category and one grand prize award and one  
9 honorable mention award shall be made for each region.

10 \* **Sec. 40.** AS 46.40.210(1) is amended to read:

11 (1) "area which merits special attention" means a delineated  
12 geographic area within the coastal area which is sensitive to change or alteration and  
13 which, because of plans or commitments or because a claim on the resources within  
14 the area delineated would preclude subsequent use of the resources to a conflicting or  
15 incompatible use, warrants special management attention, or which, because of its  
16 value to the general public, should be identified for current or future planning,  
17 protection, or acquisition; these areas, subject to **the department's** [COUNCIL]  
18 definition of criteria for their identification, include:

19 (A) areas of unique, scarce, fragile or vulnerable natural  
20 habitat, cultural value, historical significance, or scenic importance;

21 (B) areas of high natural productivity or essential habitat for  
22 living resources;

23 (C) areas of substantial recreational value or opportunity;

24 (D) areas where development of facilities is dependent upon  
25 the utilization of, or access to, coastal water;

26 (E) areas of unique geologic or topographic significance which  
27 are susceptible to industrial or commercial development;

28 (F) areas of significant hazard due to storms, slides, floods,  
29 erosion, or settlement; and

30 (G) areas needed to protect, maintain, or replenish coastal land  
31 or resources, including coastal flood plains, aquifer recharge areas, beaches,

1 and offshore sand deposits;

2 \* **Sec. 41.** Section 26, ch. 28, SLA 2000, is repealed and reenacted to read:

3 Sec. 26. AS 12.25.190(c) is repealed and reenacted to read:

4 (c) The person cited for the crime shall give a written promise to appear in  
5 court by signing at least one copy of the written citation prepared by the peace officer,  
6 and the officer shall deliver a copy of the citation to the person. The written promise  
7 requirement of this subsection does not apply to motor vehicle and traffic citations for  
8 which a bail or fine schedule has been established under AS 28.05.151, fish and game  
9 citations for which a bail schedule has been established under AS 16.05.165, citations  
10 issued under AS 04.21.065, citations for skiing violations issued under AS 05.45.100,  
11 citations issued under AS 18.35.341, citations issued in state park and recreational  
12 facilities under AS 41.21.960, or littering citations issued under AS 46.06.080.

13 \* **Sec. 42.** AS 14.08.031(d); AS 14.20.215(8); AS 18.56.590; AS 44.99.009; and  
14 AS 47.12.240(g) are repealed.

15 \* **Sec. 43.** This Act takes effect immediately under AS 01.10.070(c).