

SENATE BILL NO. 265

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 2/8/10

Referred: State Affairs, Judiciary

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 02.15.260(15) is amended to read:

5 (15) "public aircraft" means an aircraft used exclusively in the
6 governmental service of the United States or [AND] the state government;

7 * **Sec. 2.** AS 06.55.407(a) is amended to read:

8 (a) Except as otherwise provided in (b) of this section, all information or
9 reports obtained by the department from an applicant, a licensee, or an authorized
10 delegate are confidential and not subject to disclosure under AS 40.25.100 - 40.25.295
11 [AS 40.25.100 - 40.25.220], including

12 (1) all information contained in or related to examination,
13 investigation, operating, or condition reports prepared by, on behalf of, or for the use
14 of the department; and

1 (2) financial statements, balance sheets, and authorized delegate
2 information.

3 * **Sec. 3.** AS 06.60.580 is amended to read:

4 **Sec. 06.60.580. Form and contents of fund claim.** The form for a fund claim
5 shall be executed under penalty of unsworn falsification in the second degree and
6 must include

- 7 (1) the name and address of each originator licensee involved;
- 8 (2) the amount of the alleged loss;
- 9 (3) the date or period of time during which the alleged loss occurred;
- 10 (4) the date when the alleged loss was discovered;
- 11 (5) the name and address of the claimant; and
- 12 (6) a general statement of the facts related to the fund claim.

13 * **Sec. 4.** AS 08.04.450 is amended to read:

14 **Sec. 08.04.450. Revocation or suspension of license, practice privilege, or**
15 **permit.** In addition to its powers under AS 08.01.075, the board may revoke, suspend,
16 or refuse to renew a license, practice privilege, or permit, or may censure a holder of a
17 license, practice privilege, or permit for

- 18 (1) fraud or deceit in obtaining a license, practice privilege, or permit
19 required by this chapter;
- 20 (2) dishonesty or gross negligence in the practice of public accounting,
21 or other acts discreditable to the accounting profession;
- 22 (3) violation of a provision of AS 08.04.500 - 08.04.610;
- 23 (4) violation of a rule of professional conduct or other regulation
24 adopted by the board;
- 25 (5) conviction of a felony under the laws of any state or of the United
26 States;
- 27 (6) conviction of any crime, an essential element of which is
28 dishonesty or fraud, under the laws of any state or of the United States;
- 29 (7) cancellation, revocation, suspension, or refusal to renew authority
30 to practice as a certified public accountant or public accountant in any other state for
31 any cause other than failure to pay a required fee;

1 (8) suspension or revocation of the right to practice before any state or
2 federal agency;

3 (9) failure to satisfy the continuing education requirements prescribed
4 by the board under AS 08.04.425, except as conditioned, relaxed, or suspended by the
5 board under AS 08.04.425(c) and (d);

6 (10) failure to satisfactorily complete [THE SUPERVISION
7 REQUIRED BY AS 08.04.423 OR] a quality review requirement under
8 AS 08.04.426; or

9 (11) committing an act in another state for which the holder of the
10 license, practice privilege, or permit would be subject to discipline in this state.

11 * **Sec. 5.** AS 08.32.110(a) is amended to read:

12 (a) The role of the dental hygienist is to assist members of the dental
13 profession in providing oral health care to the public. A person licensed to practice the
14 profession of dental hygiene in the state may

15 (1) remove calcareous deposits, accretions, and stains from the
16 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and
17 polishing techniques;

18 (2) apply topical preventive agents;

19 (3) apply pit and fissure sealants;

20 (4) perform root planing [PLANNING] and periodontal soft tissue
21 curettage;

22 (5) perform other dental operations and services delegated by a
23 licensed dentist if the dental operations and services are not prohibited by (c) of this
24 section; and

25 (6) if certified by the board and under the direct, indirect, or general
26 supervision of a licensed dentist, administer local anesthetic agents.

27 * **Sec. 6.** AS 08.48.341(10) is amended to read:

28 (10) "limited liability partnership" means a limited liability
29 partnership [AN ORGANIZATION REGISTERED UNDER AS 32.05.415] or a
30 foreign limited liability partnership; in this paragraph, "limited liability partnership"
31 and "foreign limited liability partnership" have the meanings given in AS 32.06

1 [HAS THE MEANING GIVEN IN AS 32.05.990];

2 * **Sec. 7.** AS 08.65.140(d) is amended to read:

3 (d) A certified direct-entry midwife may not knowingly deliver a woman who

4 (1) has a history of thrombophlebitis or pulmonary embolism;

5 (2) has gestational diabetes, diabetes, hypertension, Rh disease with
6 positive titer, active tuberculosis, active syphilis, active gonorrhea, epilepsy, heart
7 disease, or kidney disease;

8 (3) contracts genital herpes simplex in the first trimester of pregnancy
9 or has active genital herpes in the last two weeks of pregnancy;

10 (4) has severe psychiatric illness;

11 (5) inappropriately uses controlled substances, including those
12 obtained by prescription;

13 (6) has multiple gestation;

14 (7) has a fetus of less than 37 weeks gestation at the onset of labor;

15 (8) has a gestation of more than 42 weeks by dates and examination;

16 (9) has a fetus in any presentation other than vertex at the onset of
17 labor;

18 (10) is a primigravida with an unengaged fetal head in active labor, or
19 any woman who has rupture of membranes with unengaged fetal head, with or without
20 labor;

21 (11) has a fetus with suspected or diagnosed congenital anomalies that
22 may require immediate medical intervention;

23 (12) has pre-eclampsia or eclampsia;

24 (13) has bleeding with evidence of placenta previa;

25 (14) **has** any condition determined by the board to be of high risk to
26 the pregnant woman and newborn;

27 (15) has had a previous caesarian delivery or other uterine surgery;

28 (16) experienced the rupture of membranes at least 24 hours before the
29 onset of labor; or

30 (17) is less than 16 years of age at the time of delivery.

31 * **Sec. 8.** AS 12.55.035(c) is amended to read:

1 (c) Upon conviction of an offense, a defendant that is an organization may be
2 sentenced to pay a fine not exceeding the **greatest** [GREATER] of

3 (1) an amount that is

4 (A) \$1,000,000 for a felony offense or for a misdemeanor
5 offense that results in death;

6 (B) \$200,000 for a class A misdemeanor offense that does not
7 result in death;

8 (C) \$25,000 for a class B misdemeanor offense that does not
9 result in death;

10 (D) \$10,000 for a violation;

11 (2) three times the pecuniary gain realized by the defendant as a result
12 of the offense; or

13 (3) three times the pecuniary damage or loss caused by the defendant
14 to another, or to the property of another, as a result of the offense.

15 * **Sec. 9.** AS 12.65.140(b) is amended to read:

16 (b) Except for public reports issued by the team, records [,] and other
17 information collected by the team or a member of the team related to duties under this
18 chapter are confidential and not subject to public disclosure under **AS 40.25.100 -**
19 **40.25.295** [AS 40.25.100 - 40.25.220].

20 * **Sec. 10.** AS 13.26.344(j) is amended to read:

21 (j) In a statutory form power of attorney, the language conferring general
22 authority with respect to personal relationships **shall** be construed to mean that, as to
23 real and personal property owned by the principal, whether in the state or elsewhere,
24 the principal authorizes the agent to

25 (1) do all acts necessary to maintain the customary standard of living
26 of the spouse, children, and other dependents of the principal, including by way of
27 illustration and not by way of restriction, power to provide living quarters by purchase,
28 lease, or by other contract, or by any payment of the operating costs, including
29 interest, amortization payments, repairs, and taxes, of premises owned by the principal
30 and occupied by the principal's family or dependents, to provide normal domestic help
31 for the operation of the household, to provide usual vacations and usual travel

1 expenses, to provide usual educational facilities, and to provide funds for all the
2 current living costs of the spouse, children, and other dependents, including, among
3 other things, shelter, clothing, food, and incidentals;

4 (2) provide, whenever necessary, medical, dental, and surgical care,
5 hospitalization, and custodial care for the spouse, children, and other dependents of the
6 principal;

7 (3) continue whatever provision has been made by the principal for the
8 principal's spouse, children, and other dependents, with respect to automobiles, or
9 other means of transportation, including by way of illustration, but not by way of
10 restriction, power to license, insure, and replace automobiles owned by the principal
11 and customarily used by the spouse, children, or other dependents of the principal;

12 (4) continue whatever charge accounts have been opened for the
13 convenience of the principal's spouse, children, or other dependents, open any new
14 accounts that the agent considers desirable to accomplish the purposes enumerated in
15 this subsection, and pay the items charged on these accounts by a person authorized or
16 permitted by the principal to make the charges;

17 (5) continue the discharge of any services or duties assumed by the
18 principal to a parent, relative, or friend of the principal;

19 (6) supervise, enforce, defend, or settle any claim by or against the
20 principal arising out of property damages or personal injuries suffered by or caused by
21 the principal, or under any circumstance that the resulting loss will or may fall on the
22 principal;

23 (7) continue payments incidental to the membership or affiliation of
24 the principal in a church, club, society, order, or other organization, or continue
25 contributions to the organization;

26 (8) demand, receive, or obtain money or any other thing of value to
27 which the principal is or may become or may claim to be entitled as remuneration for
28 services performed, or as a stock dividend or distribution, or as interest or principal
29 upon indebtedness, or as a periodic distribution of profits from any partnership or
30 business in which the principal has or claims an interest, and endorse, collect, or
31 otherwise realize upon an instrument for the payment received;

1 (9) prepare, execute, and file all tax, social security, unemployment
2 insurance, and information returns required by the laws of the United States or of any
3 state or subdivision, or of any foreign government; prepare, execute, and file all other
4 papers and instruments that the agent considers desirable or necessary for the
5 safeguarding of the principal against excess or illegal taxation or against penalties
6 imposed for claimed violation of a law or regulation; and pay, compromise, or contest
7 or apply for refunds in connection with a tax or assessment for which the principal is
8 or may be liable;

9 (10) use an asset of the principal to perform a power enumerated in
10 this subsection, including by way of illustration and not by way of restriction, power
11 to draw money by check or otherwise from a bank deposit of the principal, to sell land
12 or a chattel, bond, share, commodity interest, or other asset of the principal, to borrow
13 money, and to pledge as security for the loan any asset, including insurance, that
14 belongs to the principal;

15 (11) execute, acknowledge, verify, seal, file, and deliver an
16 application, consent, petition, notice, release, waiver, agreement, or other instrument
17 that the agent considers useful to accomplish a purpose enumerated in this subsection;

18 (12) prosecute, defend, submit to arbitration, settle, and propose or
19 accept a compromise with respect to a claim existing in favor of, or against, the
20 principal based on or involving a transaction enumerated in this subsection, or
21 intervene in any action or proceeding related to a transaction;

22 (13) hire, discharge, and compensate an attorney, accountant, expert
23 witness, or assistant when the agent considers the action to be desirable for the proper
24 execution of any of the powers described in this subsection, and for the keeping of
25 records, about that action; and

26 (14) do any other act or acts that the principal can do through an agent,
27 for the welfare of the spouse, children, or dependents of the principal or for the
28 preservation and maintenance of the other personal relationships of the principal to a
29 parent, relative, friend, or organization.

30 * **Sec. 11.** AS 13.27.030(a) is amended to read:

31 (a) In a guardianship or protective proceeding in this state, a court may request

1 the appropriate court of another state to

2 (1) hold an evidentiary hearing;

3 (2) order a person in that state to produce evidence or give testimony
4 under procedures of that state;

5 (3) order that an evaluation or assessment be made of the respondent;

6 (4) order any appropriate investigation of a person involved in a
7 proceeding;

8 (5) forward to the court a certified copy of the transcript or other
9 record of a hearing under (1) of this subsection or any other proceeding, any evidence
10 otherwise produced under (2) of this subsection, and any evaluation or assessment
11 prepared in compliance with an order under (3) or (4) of this subsection;

12 (6) issue any order necessary to assure the appearance in the
13 proceeding of a person whose presence is necessary for the court to make a
14 determination, including the respondent or the incapacitated or protected person;

15 (7) issue an order authorizing the release of medical, financial,
16 criminal, or other relevant information in that state, including protected health
17 information as defined in 45 C.F.R. 160.103 [45 CFR 164.504], as amended.

18 * **Sec. 12.** AS 14.43.930(e)(2) is amended to read:

19 (2) "qualified high school" means a public high school, a high school
20 accredited by the Northwest Association of Accredited Schools [NORTHWEST
21 ASSOCIATION OF SCHOOLS AND COLLEGES], or a high school registered with
22 the department.

23 * **Sec. 13.** AS 17.37.010(a) is amended to read:

24 (a) The department shall create and maintain a confidential registry of patients
25 who have applied for and are entitled to receive a registry identification card according
26 to the criteria set out in this chapter. The registry must also contain the name of the
27 primary caregiver and the name of the alternate caregiver of a patient, if either is
28 designated by the patient. Only one primary caregiver and one alternate caregiver may
29 be listed in the registry for a patient. The registry and the information contained within
30 it are not a public record under AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220].
31 Peace officers and authorized employees of state or municipal law enforcement

1 agencies shall be granted access to the information contained within the department's
2 confidential registry only

3 (1) for the purpose of verifying that an individual who has presented a
4 registry identification card to a state or municipal law enforcement official is lawfully
5 in possession of such card; or

6 (2) for the purpose of determining that an individual who claims to be
7 lawfully engaged in the medical use of marijuana is registered or listed with the
8 department or is considered to be registered or listed under (g) of this section.

9 * **Sec. 14.** AS 18.65.087(e) is amended to read:

10 (e) The name, address, and other identifying information of a member of the
11 public who makes an information request under this section is not a public record
12 under AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220].

13 * **Sec. 15.** AS 26.23 is amended by adding a new section to article 1 to read:

14 **Sec. 26.23.240. Short title.** AS 26.23.010 - 26.23.240 and 26.23.900 may be
15 cited collectively as the Alaska Disaster Act.

16 * **Sec. 16.** AS 29.65.050(b) is amended to read:

17 (b) All approved selections under former AS 29.18.190 and 29.18.200 for
18 which patent has not been issued to a municipality on July 1, 1978, shall be reviewed
19 by the director within nine months after July 1, 1978. Any approved selection of land
20 that was vacant, unappropriated, [OR] unreserved land on the date of selection is valid
21 as of the date of the approval under former AS 29.18.190, 29.18.200, 29.18.201,
22 29.18.202, and 29.18.203, and a patent shall be issued to the municipality within three
23 months after approval by the director of a plat of survey. The acreage shall be credited
24 toward fulfillment of the municipality's entitlement. A municipality is not entitled to
25 receive patent under this chapter to more than its entitlement determined under
26 AS 29.65.010 - 29.65.030. Any prior approval by the director of municipal selections
27 for land that was not vacant, unappropriated, [OR] unreserved land on the date of
28 selection shall be rescinded, and patent may not be issued except when disposal to a
29 third party by sale or lease has occurred. Transfers of land to municipalities under this
30 chapter are subject to AS 38.05.321. Classification actions as reflected on the land
31 status records of the Department of Natural Resources are determinative of land

1 classification status for purposes of this chapter.

2 * **Sec. 17.** AS 29.65.060(a) is amended to read:

3 (a) If an entitlement determined under AS 29.65.010 or 29.65.020 results in a
4 per capita entitlement for the municipality of less than one and one-half acre, the
5 municipality may select vacant school or mental health land in the municipality in
6 partial fulfillment of its land entitlement under this chapter. School or mental health
7 land may be selected notwithstanding the fact that this land is not unappropriated and
8 unreserved within the meaning of this chapter and under former AS 29.18.190 and
9 29.18.200, but each selection of school or mental health land by a municipality must
10 be vacant, unappropriated, [OR] unreserved land as defined in this chapter, except that
11 it need not be general grant land.

12 * **Sec. 18.** AS 34.45.320(b) is amended to read:

13 (b) If the owner establishes the right to receive the abandoned property to the
14 satisfaction of the holder before the property has been delivered or if it appears that the
15 presumption of abandonment is erroneous, the holder need not pay or deliver the
16 property to the department, and the property is no longer presumed abandoned. The
17 holder shall file with the department a written explanation, made under penalty of
18 unsworn falsification **in the second degree**, of the proof of claim or of the error in the
19 presumption of abandonment.

20 * **Sec. 19.** AS 34.45.380(a) is amended to read:

21 (a) A person, excluding another state, claiming an interest in property paid or
22 delivered to the department may file a claim on a form prescribed by the department
23 and bearing a notice that statements are made under penalty of unsworn falsification **in**
24 **the second degree**.

25 * **Sec. 20.** AS 40.25.220 is amended to read:

26 **Sec. 40.25.220. Definitions for AS 40.25.100 - 40.25.295 [AS 40.25.100 -**
27 **40.25.220].** In **AS 40.25.100 - 40.25.295** [AS 40.25.100 - 40.25.220], unless the
28 context otherwise requires,

29 (1) "electronic services and products" means computer-related services
30 and products provided by a public agency, including

31 (A) electronic manipulation of the data contained in public

1 records in order to tailor the data to the person's request or to develop a product
2 that meets the person's request;

3 (B) duplicating public records in alternative formats not used
4 by a public agency, providing periodic updates of an electronic file or data
5 base, or duplicating an electronic file or data base from a geographic
6 information system;

7 (C) providing on-line access to an electronic file or data base;

8 (D) providing information that cannot be retrieved or generated
9 by the existing computer programs of the public agency;

10 (E) providing functional electronic access to the information
11 system of the public agency; in this subparagraph, "functional access" includes
12 the capability for alphanumeric query and printing, graphic query and plotting,
13 nongraphic data input and analysis, and graphic data input and analysis;

14 (F) providing software developed by a public agency or
15 developed by a private contractor for a public agency;

16 (G) generating maps or other standard or customized products
17 from an electronic geographic information system;

18 (2) "public agency" means a political subdivision, department,
19 institution, board, commission, division, authority, public corporation, council,
20 committee, or other instrumentality of the state or a municipality; "public agency"
21 includes the University of Alaska and the Alaska Railroad Corporation;

22 (3) "public records" means books, papers, files, accounts, writings,
23 including drafts and memorializations of conversations, and other items, regardless of
24 format or physical characteristics, that are developed or received by a public agency,
25 or by a private contractor for a public agency, and that are preserved for their
26 informational value or as evidence of the organization or operation of the public
27 agency; "public records" does not include proprietary software programs [;

28 (4) REPEALED].

29 * **Sec. 21.** AS 41.21.506(b) is amended to read:

30 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative
31 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514

1 and to implement the plan adopted under (a) of this section. The regulations must

2 (1) designate incompatible uses and prohibit or restrict them; and

3 (2) establish a registration, licensing, or comparable procedure for
 4 professional fishing guides and such additional fishing guide controls as the
 5 commissioner considers necessary [; NOTWITHSTANDING THE
 6 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER TO IMPLEMENT
 7 THIS PARAGRAPH, THE COMMISSIONER SHALL ESTABLISH A
 8 PROCEDURE BY WHICH THE HOLDER OF A VALID SPORT FISHING
 9 OPERATOR LICENSE ISSUED UNDER AS 16.40.260 MAY PETITION FOR,
 10 AND THE DIRECTOR OF THE DIVISION OF PARKS, OR THE DIRECTOR'S
 11 DESIGNEE, SHALL EXPEDITIOUSLY ISSUE, A WAIVER TO ALLOW THE
 12 SPORT FISHING OPERATOR LICENSE HOLDER TO USE THE SERVICES IN
 13 THE KENAI RIVER SPECIAL MANAGEMENT AREA OF A GUIDE LICENSED
 14 UNDER AS 16.40.270 WHO HAS NOT COMPLETED THE PROCEDURES AND
 15 ADDITIONAL CONTROLS THAT ARE REQUIRED BY THE DEPARTMENT
 16 UNDER THIS PARAGRAPH; THE WAIVER AUTHORIZED IN THIS
 17 PARAGRAPH APPLIES ONLY FOR THE DURATION OF THE SPORT FISHING
 18 SEASON DURING WHICH THE WAIVER APPLICATION IS SUBMITTED AND
 19 ONLY IF THE SPORT FISHING OPERATOR LICENSE HOLDER

20 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE
 21 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN
 22 CIRCUMSTANCES; AND

23 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN
 24 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE
 25 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE
 26 REQUIRED BY REGULATION].

27 * **Sec. 22.** AS 42.40.430 is amended to read:

28 **Sec. 42.40.430. Acquisition of government property.** The corporation, as an
 29 instrumentality of the state, may acquire in its own name from the United States under
 30 **40 U.S.C. 101 et seq.** [40 U.S.C. 471 ET SEQ. (FEDERAL PROPERTY AND
 31 ADMINISTRATIVE SERVICES ACT OF 1949)] or other law, property under the

1 control of a federal department or agency that is useful for the corporation's purposes.
 2 The corporation may acquire from the Department of Administration property of the
 3 state made available under AS 44.68.110 - 44.68.140.

4 * **Sec. 23.** AS 43.05.455(d) is amended to read:

5 (d) The formal hearing before the administrative law judge is not required to
 6 be conducted with strict adherence to the Alaska Rules of Evidence. Relevant
 7 evidence must be admitted if it is probative of a material fact in controversy. Irrelevant
 8 and unduly repetitious evidence shall be excluded. Hearsay evidence is admissible if it
 9 is the kind of evidence on which responsible persons are accustomed to rely in the
 10 conduct of serious affairs, regardless of the existence of a common law or statutory
 11 rule that makes improper the admission of the evidence over objection in a civil
 12 action. Oral evidence may be taken only on oath or affirmation. The rules of privilege
 13 are effective to the same extent that they are recognized in a civil action in the courts
 14 of this state, except that relevant documents and other material items that are public
 15 records under AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220] shall be
 16 admissible.

17 * **Sec. 24.** AS 43.05.475(b) is amended to read:

18 (b) To promote consistency among legal determinations issued under
 19 AS 43.05.405 - 43.05.499, the chief administrative law judge may review and circulate
 20 among the other administrative law judges the drafts of formal decisions, decisions
 21 upon reconsideration, and other legal opinions of the other administrative law judges
 22 in the office. The drafts are confidential documents and are not subject to disclosure
 23 under AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220] or this chapter.

24 * **Sec. 25.** AS 44.62 is amended by adding a new section to article 6 to read:

25 **Sec. 44.62.319. Short title.** AS 44.62.310 - 44.62.319 may be cited as the
 26 Open Meetings Act.

27 * **Sec. 26.** AS 46.14.500(c) is amended to read:

28 (c) In this section, "corresponding onshore area" means, with respect to a
 29 stationary source located within 25 miles of the seaward boundary of the state, the
 30 onshore attainment or nonattainment area that is closest to the stationary source, unless
 31 the commissioner determines that another area with more stringent requirements

1 relating to control and abatement of air pollution may reasonably be expected to be
 2 affected by emissions from the offshore stationary source; this determination shall be
 3 based on the potential for air pollutants from the stationary source to reach the other
 4 onshore area and the potential of the air pollutants to affect the efforts of the other
 5 onshore area to attain or maintain a federal ambient air quality standard set under **42**
 6 **U.S.C. 7470 - 7492 (Clean Air Act, secs. 160 - 169b)** [42 U.S.C. 7470 - 7492 (TITLE
 7 I, PART C, CLEAN AIR ACT)] or a state equivalent.

8 * **Sec. 27.** AS 47.30.695 is amended to read:

9 **Sec. 47.30.695. Request by parent or guardian to release of minors under**
 10 **18 years of age from detention and commitment.** The parent or guardian of a minor
 11 who is less than 18 years of age may file a notice to withdraw the minor from the
 12 facility. On receipt of the notice, [THE FACILITY MAY]

13 (1) **the facility may** discharge the minor to the custody of the parent or
 14 guardian; or

15 (2) if, in the opinion of the treating physician, release of the minor
 16 would be seriously detrimental to the minor's health, the treating physician may

17 (A) discharge the minor to the custody of the parent or
 18 guardian after advising the parent or guardian that this action is against
 19 medical advice and after receiving a written **acknowledgment**
 20 [ACKNOWLEDGEMENT] of the advice; or

21 (B) refuse to discharge the minor, initiate involuntary
 22 commitment proceedings, and continue to hold the minor until a court order
 23 under AS 47.30.700 has been issued; or

24 (3) if, in the opinion of the treating physician, the minor is likely to
 25 cause serious harm to self or others and there is reason to believe the release could
 26 place the minor in imminent danger, the treating physician shall refuse to discharge
 27 the minor, and shall initiate involuntary commitment proceedings and continue to hold
 28 the minor until a court order under AS 47.30.700 has been issued.

29 * **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 REVISOR'S INSTRUCTION. To reflect the short title in AS 44.62.319, added by sec.

1 25 of this Act, the revisor of statutes shall make the following changes:

2 (1) delete "AS 44.62.310 and 44.62.312" and insert "AS 44.62.310 - 44.62.319
3 (Open Meetings Act)" in the following statute sections: AS 08.08.075, AS 12.65.015(e),
4 12.65.140(c), AS 14.40.946(b), AS 16.20.310(a), AS 18.66.400(d), AS 29.35.890,
5 AS 37.14.430(a) and (b), AS 46.03.464(b)(1), AS 47.14.235(b), and 47.14.300(e);

6 (2) delete "AS 44.62.310 - 44.62.312" and insert "AS 44.62.310 - 44.62.319
7 (Open Meetings Act)" in the following statute sections: AS 24.60.130(j), AS 29.35.695,
8 AS 37.10.240(a), AS 44.42.220(a), 44.62.750(f), 44.83.970, and AS 46.14.320(d)(2);

9 (3) delete "AS 44.62.310 - 44.62.312 (agency public meetings)" and insert
10 "AS 44.62.310 - 44.62.319 (Open Meetings Act)" in AS 44.85.400;

11 (4) delete "AS 44.62.310 and 44.62.312 regarding public meetings" and insert
12 "AS 44.62.310 - 44.62.319 (Open Meetings Act)" in the following statute sections:
13 AS 14.40.871(b) and AS 44.88.085(a); and

14 (5) delete "AS 44.62.310 and 44.62.312, regarding public meetings" and insert
15 "AS 44.62.310 - 44.62.319 (Open Meetings Act)" in AS 18.56.088(a).

16 * **Sec. 29.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **CONDITIONAL EFFECT.** Section 21 of this Act takes effect only if AS 16.40.260
19 and 16.40.270 are repealed under sec. 8, ch. 70, SLA 2004, as amended by sec. 3, ch. 61, SLA
20 2009, and as may be further amended.

21 * **Sec. 30.** If sec. 21 of this Act takes effect, it takes effect on the date of the repeal described
22 in sec. 29 of this Act.

23 * **Sec. 31.** Except as provided in sec. 30 of this Act, this Act takes effect immediately under
24 AS 01.10.070(c).