

HOUSE BILL NO. 81

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 1/22/13

Referred: 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 04.11.080 is amended to read:

5 **Sec. 04.11.080. Types of licenses and permits.** Licenses and permits issued
6 under this title are as follows:

- 7 (1) beverage dispensary license;
8 (2) duplicate beverage dispensary license for additional rooms;
9 (3) restaurant or eating place license;
10 (4) club license;
11 (5) bottling works license;
12 (6) brewery license;
13 (7) package store license;
14 (8) general wholesale license;

- (9) wholesale malt beverage and wine license;
- (10) distillery license;
- (11) common carrier dispensary license;
- (12) retail stock sale license;
- (13) recreational site license;
- (14) pub license;
- (15) winery license;
- (16) caterer's permit;
- (17) special events permit;
- (18) conditional contractor's permit;
- (19) brewpub license;
- (20) golf course license;
- (21) outdoor recreation lodge license;
- (22) destination resort license.**

* **Sec. 2.** AS 04.11.220(e) is amended to read:

(e) In this section, an "accredited college or university" means a college or university accredited by the Northwest **Commission on Colleges and Universities** [ASSOCIATION OF SECONDARY AND HIGHER SCHOOLS].

* **Sec. 3.** AS 08.70.110(a) is amended to read:

(a) The department shall license

[(1)] applicants who pass the written examination administered by the department and meet the standards established by the department under AS 08.70.050 [;

(2) PERSONS LICENSED UNDER EMERGENCY REGULATIONS 7 AAC 12.045 PROMULGATED IN REGISTER 51, JULY 8, 1974, WHO HAVE PRACTICED AS ADMINISTRATORS SINCE LICENSING].

* **Sec. 4.** AS 11.46.495 is amended to read:

Sec. 11.46.495. Definitions. In AS 11.46.400 - 11.46.495, unless the context requires otherwise,

- (1) "highway" has the meaning given in AS 19.59.001;
- (2) "motor vehicle" has the meaning given in AS 28.90.990;

(3) "official traffic control device" means a traffic control device that has been placed on a highway by authority of a state or municipal agency, a utility, or a contractor employed by a state or municipal agency or a utility;

(4) "oil or gas pipeline or supporting facility [FACILITIES]" means real property or tangible personal property used in the exploration for, production or refining of, or pipeline transportation of oil, gas, or gas liquids, except for property used solely in the retail distribution of oil or gas;

(5) "tamper" means to interfere with something improperly, meddle with it, or make unwarranted alterations to its existing condition;

(6) "traffic control device" includes a sign, signal, road marker, barricade, flare, warning light, reflector, railroad sign or signal, shield, insignia, milepost, or similar device intended to warn, inform, or control the flow of pedestrian, equestrian, bicycle, or motor vehicle traffic;

(7) "utility" means an enterprise, whether publicly or privately owned or operated, which provides gas, electric, steam, water, sewer, or communications service, and any common carrier;

(8) "widely dangerous means" means any difficult-to-confine substance, force, or other means capable of causing widespread damage, including fire, explosion, avalanche, poison, radioactive material, bacteria, collapse of a building, or flood.

* **Sec. 5.** AS 11.51.100(a) is amended to read:

(a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person

(1) intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child;

(2) leaves the child with another person who is not a parent, guardian, or lawful custodian of the child knowing that the person is

(A) registered or required to register as a sex offender or child kidnapper under AS 12.63 or a law or ordinance in another jurisdiction with similar requirements;

(B) charged by complaint, information, or indictment with a violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another jurisdiction with similar elements; or

(C) charged by complaint, information, or indictment with an attempt, solicitation, or conspiracy to commit a crime described in (B) of this paragraph;

(3) leaves the child with another person knowing that the person has previously physically mistreated or had sexual contact with any child, and the other person causes physical injury to or engages in sexual contact with the child; or

(4) recklessly fails to provide an adequate quantity of food or liquids to a child, causing protracted impairment of the child's health.

*** Sec. 6.** AS 11.56.810(a) is amended to read:

(a) A person commits the crime of terroristic threatening in the second degree if the person knowingly makes a false report that a circumstance

(1) dangerous to human life exists or is about to exist and

(A) a person is placed in reasonable fear of physical injury to any person;

(B) causes evacuation of a building, public place or area, business premises, or mode of public transportation;

(C) causes serious public inconvenience; or

(D) the report claims that a bacteriological, biological, chemical, or radiological substance that is capable of causing serious physical injury has been sent or is present in a building, public place or area, business premises, or mode of public transportation; or

(2) exists or is about to exist that is dangerous to the proper or safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility; in this paragraph, "oil or gas pipeline or [AND] supporting facility" and "utility" have the meanings given in AS 11.46.495.

*** Sec. 7.** AS 14.20.310(a) is amended to read:

(a) The number of teachers eligible for sabbatical leave that may be allowed under AS 14.20.280 - 14.20.350 is as follows:

(1) not more than one-half of one percent of the total number of teachers from all borough and city school districts and regional educational [EDUCATION] attendance areas may be on state-supported sabbatical leave in any year;

(2) any number of teachers may be on sabbatical leave at school district or personal expense.

* **Sec. 8.** AS 15.10.120(a) is amended to read:

(a) An election supervisor shall appoint in each precinct within the election supervisor's district an election board composed of at least three qualified voters registered to vote in that precinct. If the election supervisor is unable to locate three qualified individuals registered to vote in that precinct who are willing and able to serve on the election board, the election supervisor may appoint any qualified individual registered to vote in the house [ELECTION] district in which the precinct is located. If the election supervisor is unable to locate three qualified individuals registered to vote in the precinct or in the district who are willing and able to serve on the election board, the election supervisor may appoint any qualified individual registered to vote in this state. In addition to the three qualified voters registered to vote in the precinct, district, or state, an election supervisor may also appoint not more than two members of the youth vote ambassador program established in AS 15.10.108 to serve on a precinct election board.

* **Sec. 9.** AS 15.15.430(a) is amended to read:

(a) The review of ballot counting by the director shall include only

(1) a review of the precinct registers, tallies, and ballots cast;

(2) a review of absentee and questioned ballots as prescribed by law;

and

(3) unless the ballot for the house [ELECTION] district contains nothing but uncontested offices, a hand count of ballots from one randomly selected precinct in each house [ELECTION] district that accounts for at least five percent of the ballots cast in that district.

* **Sec. 10.** AS 18.60.075(a) is amended to read:

(a) An employer shall do everything necessary to protect the life, health, and

1 safety of employees, including [, BUT NOT LIMITED TO]

2 (1) complying with all occupational safety and health standards and
3 regulations adopted by the department;

4 (2) furnishing and prescribing the use of suitable protective equipment,
5 safety devices, and safeguards as are prescribed for the work and workplace [WORK
6 PLACE];

7 (3) adopting and prescribing control or technological procedures, and
8 monitoring and measuring employee exposure in connection with hazards, as may be
9 necessary for the protection of employees; and

10 (4) furnishing to each employee employment and a place of
11 employment that are free from recognized hazards that, in the opinion of the
12 commissioner, are causing or are likely to cause death or serious physical harm to the
13 employees.

14 * **Sec. 11.** AS 18.60.780(2) is amended to read:

15 (2) "commercial buildings" means buildings including [BUT NOT
16 LIMITED TO] wholesale and retail stores and storerooms, and office buildings;

17 * **Sec. 12.** AS 18.60.780(6) is amended to read:

18 (6) "glazing" means the act of installing and securing glass or other
19 glazing material into prepared openings in structural elements including [BUT NOT
20 LIMITED TO] doors, enclosures, and panels;

21 * **Sec. 13.** AS 18.60.780(8) is amended to read:

22 (8) "industrial buildings" means buildings including [BUT NOT
23 LIMITED TO] factories, manufacturing plants, or other auxiliary structures used in a
24 manufacturing process;

25 * **Sec. 14.** AS 18.60.780(9) is amended to read:

26 (9) "other structures used as dwellings" means buildings including
27 [BUT NOT LIMITED TO] mobile homes, manufactured or industrialized housing,
28 and lodging homes;

29 * **Sec. 15.** AS 18.60.780(11) is amended to read:

30 (11) "public buildings" means buildings including [BUT NOT
31 LIMITED TO] hotels, hospitals, motels, dormitories, sanitariums, nursing homes,

1 theaters, stadiums, gymnasiums, amusement park buildings, schools and other
 2 buildings used for educational purposes, museums, restaurants, bars, correctional
 3 institutions, places of worship, and other buildings of public accommodation or
 4 assembly;

5 *** Sec. 16.** AS 18.60.780(12) is amended to read:

6 (12) "residential buildings" means structures including [BUT NOT
 7 LIMITED TO] homes and apartments used as dwellings for one or more families or
 8 persons;

9 *** Sec. 17.** AS 18.60.780(13) is amended to read:

10 (13) "safety glazing material" means any glazing material, including
 11 [BUT NOT LIMITED TO] tempered glass, laminated glass, wire glass, or rigid
 12 plastic, that meets the test requirements of the American National Standards Institute
 13 Standard (ANSI Standard) Z-97.1-1972, and that is so constructed, treated, or
 14 combined with other materials as to minimize the likelihood of cutting and piercing
 15 injuries resulting from human contact with the glazing material;

16 *** Sec. 18.** AS 18.63.040(b) is amended to read:

17 (b) A basic hazardous painting certificate program must include instruction
 18 and written and practical testing in methods of ventilation, respirator selection,
 19 chemical reaction to body tissue, proper use of painting tools, knowledge of relevant
 20 health and safety laws and regulations, including relevant portions of state
 21 occupational safety and health standards adopted by the department in regulation
 22 [REFERENCE UNDER 8 AAC 61.010], and other appropriate subjects. A basic
 23 hazardous painting certificate program may not exceed 16 hours of instruction and
 24 testing. A supplemental hazardous painting certificate program must include
 25 instruction and written and practical testing necessary to ensure that a person who
 26 completes the program will be knowledgeable about new developments and changes
 27 related to hazardous painting that have occurred since the person completed a basic
 28 hazardous painting certificate program.

29 *** Sec. 19.** AS 35.15.080(b) is amended to read:

30 (b) If the commissioner [OF TRANSPORTATION AND PUBLIC
 31 FACILITIES] determines that assumption of responsibilities by a municipality under

(a) of this section is not practicable or not in the best interests of the state, the commissioner shall notify the governing body of the municipality of the finding and specify reasons for it. If the governing body requests reconsideration of the decision, the commissioner shall hold a hearing in the municipality within 30 days following mailing of the request. Following the hearing, the commissioner may affirm, modify, or reverse the initial decision and shall specify in writing the reasons.

* **Sec. 20.** AS 35.15.080(f) is amended to read:

(f) To carry out the purpose of this section, the commissioner [OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations relating to the application for and the making and the conditions of agreements and the local assumption of responsibilities for the planning, design, and construction of public works under this section. The commissioner may require different terms in agreements for different projects to meet local conditions and unique requirements and to assure compliance with the public facilities procurement policies developed by the department under AS 35.10.160 - 35.10.200. If necessary, the commissioner may require as a condition of an agreement approval of the agreement by the federal government.

* **Sec. 21.** AS 35.20.020 is amended to read:

Sec. 35.20.020. Declaration of taking. A declaration of taking, in the form of an order signed by the commissioner [OF THE DEPARTMENT], declaring that the real property, or an interest in it, or any easement is necessary for the public use of the state is sufficient to vest title in the state. However, a declaration of taking is not effective until eminent domain proceedings have been instituted in the proper court [,] and a copy of the declaration of taking is recorded in the office of the recorder located in the recording district where the land is located. The department may pay or have paid, from the appropriate fund, into court the amount it considers represents a reasonable valuation for the land, easement, or materials taken.

* **Sec. 22.** AS 35.27.020(c) is amended to read:

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature [AFTER SEPTEMBER 1, 1977,] will be reserved for

the following purposes: the design, construction, mounting, and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility that [WHICH] is subject to substantial public use.

* **Sec. 23.** AS 35.40.110 is amended to read:

Sec. 35.40.110. Robert B. Atwood Building. The [AFTER MARCH 31, 2002, THE] state office building at 550 West Seventh Avenue in Anchorage is named the Robert B. Atwood Building. [THE NAME OF THE BUILDING MAY BE CHANGED BEFORE MARCH 31, 2002, IF A LESSEE AND THE STATE AGREE TO A NEW NAME BEFORE MARCH 31, 2002.]

* **Sec. 24.** AS 35.40.210(b) is amended to read:

(b) The department [DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES] shall erect and maintain appropriate signs facing the oncoming traffic in both directions entering the highway at Fairbanks, Delta Junction, Tok Junction, the Alaska border, and at points approximately halfway between those locations designating the highways described in (a) of this section as the Purple Heart Trail. Each sign must

(1) display a replica of the Purple Heart Medal;

(2) contain the following statement: "Purple Heart Trail."

* **Sec. 25.** AS 35.40.210(c) is amended to read:

(c) At not fewer than three pullouts along the Purple Heart Trail, selected by the commissioner [OF TRANSPORTATION AND PUBLIC FACILITIES], the department [DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES] shall erect informational displays including

(1) a replica of the Purple Heart Medal;

(2) the following statement: "Purple Heart Trail";

(3) information pertinent to the Purple Heart Medal and Purple Heart Trail and their history.

* **Sec. 26.** AS 35.40.210(d) is amended to read:

(d) The department [DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES] shall determine the appropriate size for the signs to be erected under (b) of this section and informational displays described in (c) of this section.

1 * **Sec. 27.** AS 35.95.100 is amended by adding a new paragraph to read:

2 (10) "commissioner" means the commissioner of transportation and
3 public facilities.

4 * **Sec. 28.** AS 44.62.175(a) is amended to read:

5 (a) The lieutenant governor shall develop and supervise the Alaska Online
6 Public Notice System, to be maintained on the state's site on the Internet. The
7 lieutenant governor shall prescribe the form of notices posted on the system by state
8 agencies. The Alaska Online Public Notice System must include

9 (1) notices of proposed actions given under AS 44.62.190(a);

10 (2) notices of state agency meetings required under AS 44.62.310(e),
11 even if the meeting has been held;

12 (3) notices of solicitations to bid issued under AS 36.30.130;

13 (4) notices of state agency requests for proposals issued under
14 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
15 AS 43.40.010;

16 (5) executive orders and administrative orders issued by the governor;

17 (6) written delegations of authority made by the governor or the head
18 of a principal department under AS 44.17.010;

19 (7) the text or a summary of the text of a regulation or order of repeal
20 of a regulation for which notice is given under AS 44.62.190(a), including an
21 emergency regulation or repeal regardless of whether it has taken effect;

22 (8) notices required by AS 44.62.245(b) regarding an amended version
23 of a document or other material incorporated by reference in a regulation;

24 (9) a summary of the text of recently issued **published** [FORMAL]
25 opinions [AND MEMORANDA OF ADVICE] of the attorney general;

26 (10) a list of vacancies on boards, commissions, and other bodies
27 whose members are appointed by the governor;

28 (11) in accordance with AS 39.52.240(h), advisory opinions of the
29 attorney general; and

30 (12) notices required by AS 26.30.010(d) and (e) regarding
31 applications for military facility zones.

1 * **Sec. 29.** AS 44.88.070 is amended to read:

2 **Sec. 44.88.070. Purpose of the authority.** The purpose of the authority is to
3 promote, develop, and advance the general prosperity and economic welfare of the
4 people of Alaska, to relieve problems of unemployment, and to create additional
5 employment by

6 (1) providing various means of financing and means of facilitating the
7 financing, in cooperation with federal, state, and private institutions, of industrial,
8 manufacturing, energy, export, small business, and business enterprises and the other
9 facilities referred to in AS 44.88.010(a) in the state;

10 (2) owning and operating the enterprises and other facilities described
11 in AS 44.88.172;

12 (3) fostering the expansion of exports of Alaska goods, services, and
13 raw materials;

14 (4) cooperating and acting in conjunction with other organizations,
15 public and private, the objects of which are the promotion and advancement of export
16 trade activities in the state;

17 (5) establishing a source of funding credit guarantees and insurance,
18 not otherwise available, to support export development;

19 (6) providing and cooperating or participating with federal, state, and
20 private institutions to provide actual and potential Alaska exporters, particularly small-
21 and medium-sized exporters, with financial assistance in support of export
22 transactions.

23 * **Sec. 30.** AS 47.12.310(a) is amended to read:

24 (a) Except as specified in AS 47.12.315, 47.12.320, and (b) - (g) and (i) of
25 this section, all information and social records pertaining to a minor who is subject to
26 this chapter or AS 47.17 prepared by or in the possession of a federal, state, or
27 municipal agency or employee in the discharge of the agency's or employee's official
28 duty, including driver's license actions under AS 28.15.185, are privileged and may
29 not be disclosed directly or indirectly to anyone without a court order.

30 * **Sec. 31.** AS 35.27.030(2) is repealed.

31 * **Sec. 32.** This Act takes effect immediately under AS 01.10.070(c).