

Original sponsor: Rules/Legislative Council

Offered: 4/5/82  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 591 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments in the Alaska  
7 Statutes as recommended by the revisor of statutes; and  
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 02.15.140 is amended to read:

11 Sec. 02.15.140. STATE FINANCIAL ASSISTANCE. The department may  
12 grant or lend money, subject to the provisions of AS 02.15.060, 02.15.-  
13 070 and 02.15.120, to any person or municipality or to municipalities  
14 acting jointly for project costs relating to the planning, acquisition,  
15 construction, improvement, maintenance, or operation of an airport owned  
16 or controlled or to be owned or controlled by the municipality or muni-  
17 cipalities or person. Grants or loans may be furnished in connection  
18 with federal or other financial aid for the same purpose.

19 \* Sec. 2. AS 03.60.005 is repealed.

20 \* Sec. 3. AS 05.05.030(c) is amended to read:

21 (c) Each commissioner shall attend and supervise all boxing and  
22 wrestling events in the senate district from which appointed [HIS AREA],  
23 and other athletic events in the district that [HIS AREA WHICH] he  
24 considers necessary and may provide for the attendance of a physician  
25 whose fees shall be paid for by the promoter or manager of the program.

26 \* Sec. 4. AS 05.10.030 is amended to read:

27 Sec. 05.10.030. LICENSE FOR CONTEST AT WHICH ADMISSION IS CHARGED.  
28 The commission may issue and, for cause, revoke a license to conduct,  
29 hold, or give boxing, sparring and wrestling contests, matches, and

1 exhibitions where an admission fee is charged by a club, corporation,  
2 organization, association, or fraternal society. [HOWEVER, BOXING  
3 CONTESTS, SPARRING OR WRESTLING MATCHES OR EXHIBITIONS CONDUCTED BY AN  
4 ELEMENTARY SCHOOL, HIGH SCHOOL, COLLEGE, OR UNIVERSITY, WHETHER PUBLIC  
5 OR PRIVATE, OR BY THE OFFICIAL STUDENT ASSOCIATION THEREOF, WHETHER ON  
6 OR OFF THE SCHOOL, COLLEGE, OR UNIVERSITY GROUNDS, WHERE ALL THE PARTI-  
7 CIPATING CONTESTANTS ARE BONA FIDE STUDENTS ENROLLED IN AN ELEMENTARY  
8 SCHOOL, HIGH SCHOOL, COLLEGE, OR UNIVERSITY, INSIDE THE STATE, ARE NOT  
9 SUBJECT TO THIS CHAPTER.]

10 \* Sec. 5. AS 05.10 is amended by adding a new section to read:

11 Sec. 05.10.035. EXEMPTIONS FROM LICENSE REQUIREMENT. Boxing  
12 contests, sparring or wrestling matches, or exhibitions conducted by a  
13 public or private elementary school, high school, college, or university  
14 or by an official student association are not subject to this chapter if  
15 all participants are bona fide students. This exemption applies to  
16 events held on and off the grounds of the school, college, or university.

17 \* Sec. 6. AS 05.10.130 is amended to read:

18 Sec. 05.10.130. PARTICIPATION IN PURSE OR CONDUCTING SHAM CONTEST.  
19 A person or a member of any group of persons or corporation promoting  
20 wrestling or boxing exhibitions or contests who participates directly or  
21 indirectly in the purse or fee of a manager of a boxer or wrestler or  
22 who participates directly or indirectly in the purse or fee of a boxer  
23 or a wrestler, and a licensee who conducts or participates in any sham  
24 or fake boxing contest or sparring match or exhibition, forfeits his  
25 license and the commission shall declare the license cancelled and void  
26 and the licensee may not thereafter receive another license.

27 \* Sec. 7. AS 05.30.080 is amended to read:

28 Sec. 05.30.080. EQUIPMENT REQUIRED. (a) A snow vehicle is  
29 required to contain the following equipment:

1 (1) brakes adequate to control the movement of and to stop  
2 and to hold the vehicle under normal conditions of operation;

3 (2) at least one head lamp so aimed and of sufficient intens-  
4 ity to reveal persons and objects at a distance of at least 100 feet  
5 ahead during hours of darkness under normal atmospheric conditions;

6 (3) a throttle which, when released by the hand, will return  
7 the engine speed to idle;

8 (4) an exhaust muffler in good working order [EXCEPT AT THE  
9 OPERATOR'S OPTION WHEN PARTICIPATING IN AN EVENT PERMITTED UNDER AS 05.-  
10 35].

11 (b) The provisions of (a)(4) of this section do not apply to a  
12 snow vehicle while the vehicle is operated in a racing event permitted  
13 under AS 05.35.

14 \* Sec. 8. AS 08.04.680(4) is repealed.

15 \* Sec. 9. AS 08.08.210(c) is repealed and reenacted to read:

16 (c) This section and AS 08.08.230 do not apply to the practice of  
17 law for the legislature by a person employed by or under contract with  
18 the legislature until the results are released of the third Alaska Bar  
19 examination following that person's employment.

20 \* Sec. 10. AS 08.36.280(a)(4) is amended to read:

21 (4) tenders and pays the fee prescribed in AS 08.36.290(9)  
22 [AS 08.36.290(6)].

23 \* Sec. 11. AS 08.48.071(c)(6) is amended to read:

24 (6) a report of significant developments in the field of  
25 architecture, engineering, or land surveying of concern to the board.

26 \* Sec. 12. AS 08.48.071(f) is amended to read:

27 (f) The Department of Commerce and Economic Development shall  
28 assemble statistics relating to the performance of its staff and the  
29 performance [THAT] of the board, including but not limited to,

1 (1) the number of architects, engineers, and land surveyors  
2 registered over a five-year period;

3 (2) the rate of passage of examinations administered by the  
4 board;

5 (3) the number of persons making application for registration  
6 as a professional architect, engineer, or land surveyor over a five-year  
7 period;

8 (4) an account of registration fees collected under AS 08.-  
9 48.201(b);

10 (5) a measure of the correspondence workload of any licensing  
11 examiner employed by the department to carry out this chapter [BOARD].

12 \* Sec. 13. AS 08.80 is amended by adding a new section to read:

13 Sec. 08.80.260. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

14 The board may, after a hearing, impose a disciplinary sanction on a  
15 person licensed under this chapter when the board finds that the person

16 (1) secured a license through deceit, fraud, or intentional  
17 misrepresentation;

18 (2) engaged in deceit, fraud, or intentional misrepresenta-  
19 tion in the course of providing professional services or engaging in  
20 professional activities;

21 (3) advertised professional services in a false or misleading  
22 manner;

23 (4) has been convicted of a felony or other crime that affects  
24 his ability to continue to practice competently and safely;

25 (5) intentionally or negligently engaged in or permitted the  
26 performance of patient care by persons under his supervision that does  
27 not conform to minimum professional standards regardless of whether  
28 actual injury to the patient occurred;

29 (6) failed to comply with this chapter, with a regulation

1 adopted under this chapter, or with an order of the board;

2 (7) continued to practice after becoming unfit due to

3 (A) professional incompetence;

4 (B) failure to keep informed of or use current pro-  
5 fessional theories or practices;

6 (C) addiction or severe dependency on alcohol or a drug  
7 that impairs his ability to practice safely;

8 (D) physical or mental disability;

9 (8) engaged in lewd or immoral conduct in connection with the  
10 delivery of professional service to patients;

11 (9) made a controlled substance available to a person except  
12 upon prescription issued by a person licensed to prescribe controlled  
13 substances;

14 (10) was convicted of selling federal legend drugs without the  
15 prescription of a person licensed to prescribe federal legend drugs;

16 (11) violated state or federal regulations pertaining to the  
17 provision of adequate security for dangerous drugs.

18 \* Sec. 14. AS 08.80 is amended by adding a new section to read:

19 Sec. 08.80.265. DISCIPLINARY SANCTIONS. (a) When it finds that a  
20 licensee is guilty of an offense under AS 08.80.260, the board may  
21 impose the following sanctions singly or in combination:

22 (1) permanently revoke a license;

23 (2) suspend a license for a determinate period of time;

24 (3) censure a licensee;

25 (4) issue a letter of reprimand;

26 (5) place a licensee on probationary status and require the  
27 licensee to

28 (A) report regularly to the board upon matters involving  
29 the basis of probation;

1 (B) limit practice to those areas prescribed;

2 (C) continue professional education until a satisfactory  
3 degree of skill has been attained in those areas determined by the  
4 board to need improvement;

5 (6) impose limitations or conditions on the practice of a  
6 licensee.

7 (b) The board may withdraw probationary status if it finds that  
8 the deficiencies that required the sanction have been remedied.

9 (c) The board may summarily suspend a license before final hearing  
10 or during the appeals process if the board finds that the licensee poses  
11 a clear and immediate danger to the public health and safety if he  
12 continues to practice. A person whose license is suspended under this  
13 section shall be entitled to a hearing by the board no later than seven  
14 days after the effective date of the order. The person may appeal the  
15 suspension after a hearing to a court of competent jurisdiction.

16 (d) The board may reinstate a license that has been suspended or  
17 revoked if the board finds after a hearing that the applicant is able to  
18 practice with skill and safety.

19 (e) The board shall seek consistency in the application of disci-  
20 plinary sanctions, and significant departure from prior decisions involv-  
21 ing similar situations shall be explained in findings of fact or orders.

22 \* Sec. 15. AS 08.88.475(b) is amended to read:

23 (b) If the \$50,000 liability of the fund as provided in (a) of  
24 this section is insufficient to pay in full the valid claims of all  
25 persons who have filed claims against one broker or salesman, the  
26 \$50,000 shall be distributed among the claimants in the ratio that their  
27 individual claims bear to the aggregate of valid claims, or in another  
28 manner that the commission [COURT] considers equitable. Distribution  
29 shall be among the persons entitled to share in the recovery, without

1 regard to the order of priority in which [THEIR JUDGMENTS WERE OBTAINED  
2 OR] their claims were filed.

3 \* Sec. 16. AS 08.98.040 is amended to read:

4 Sec. 08.98.040. BOARD MEETINGS. The board shall hold at least  
5 three [ANNUAL] meetings each year. The board may hold special meetings  
6 at the call of the chairman or of a majority of the members. A majority  
7 of board members constitutes a quorum and a majority vote of those  
8 present is the decision of the board.

9 \* Sec. 17. AS 09.16.010(f) is amended to read:

10 (f) This chapter does not impair any right of [OR] indemnity under  
11 existing law. If one tortfeasor is entitled to indemnity from another,  
12 the right of the indemnity obligee is for indemnity and not contribution,  
13 and the indemnity obligor is not entitled to contribution from the  
14 obligee for any portion of his indemnity obligation.

15 \* Sec. 18. AS 09.25.220 is amended to read:

16 Sec. 09.25.220. DEFINITIONS. In AS 09.25.150 - 09.25.220 [THIS  
17 CHAPTER], unless the context otherwise requires,

18 (1) "privilege" means the conditional privilege granted to  
19 public officials and reporters to refuse to testify as to a source of  
20 information;

21 (2) "public official" means a person elected to a public  
22 office created by the constitution or laws of this state, whether execu-  
23 tive, legislative or judicial, and who was holding that office at the  
24 time of the communication for which privilege is claimed;

25 (3) "reporter" means a person regularly engaged in the busi-  
26 ness of collecting or writing news for publication, or presentation to  
27 the public, through a news organization; it includes persons who were  
28 reporters at the time of the communication, though not at the time of  
29 the claim of privilege;

1 (4) "news organization" means

2 (A) an individual, partnership, corporation or other  
3 association regularly engaged in the business of

4 (i) publishing a newspaper or other periodical that  
5 [WHICH] reports news events, is issued at regular intervals  
6 and has a general circulation;

7 (ii) providing newsreels or other motion picture  
8 news for public showing; or

9 (iii) broadcasting news to the public by wire, radio,  
10 television or facsimile; [,]

11 (B) a press association or other association in indivi-  
12 duals, partnerships, corporations, or other associations described  
13 in A(i), (ii), or (iii) [(4)(A) (i), (ii), OR (iii)] of this para-  
14 graph [SECTION] engaged in gathering news and disseminating it to  
15 its members for publication.

16 \* Sec. 19. The following laws are repealed: AS 09.55.240(c) and 09.55.-  
17 420(b).

18 \* Sec. 20. AS 09.65.132(c) is amended to read:

19 (c) An obligee or person or public agency designated to receive  
20 support payments may request an income assignment order to take effect  
21 by alleging in a sworn statement that the obligor has failed to make a  
22 support payment in full within 45 days of the date the payment was due  
23 and by filing that statement with the court.

24 \* Sec. 21. AS 09.65.132(e) is repealed and reenacted to read:

25 (e) The obligee or person or public agency that requested the  
26 income assignment order shall immediately send a copy of the income  
27 assignment order by certified mail to persons who may owe money to an  
28 obligor. An income assignment order made under this section is binding  
29 upon a person, employer, political subdivision, or department of the

1 state immediately upon receipt of a copy of the income assignment order.

2 \* Sec. 22. AS 10.05.711(a)(2) is amended to read:

3 (2) for filing amendatory or supplemental articles that  
4 [WHICH DO NOT] increase the capital stock, or for filing a certificate  
5 of increase of capital stock, a fee established by the department by  
6 regulation subject to AS 10.05.773 based on the amount of change in the  
7 authorized stock of the corporation.

8 \* Sec. 23. AS 11.56.240(2)(B) is amended to read:

9 (B) a statement knowingly given under penalty of perjury  
10 under AS 09.63.020 [AS 09.65.012].

11 \* Sec. 24. AS 11.61.140(b) is amended to read:

12 (b) It is a defense to a prosecution under (a)(1) or (a)(2) of  
13 this section that the conduct of the defendant

14 (1) conformed to accepted veterinary practice;

15 (2) was part of scientific research governed by accepted  
16 standards; or

17 (3) was necessarily incident to lawful hunting or trapping  
18 activities.

19 \* Sec. 25. AS 12.25.080 is repealed.

20 \* Sec. 26. AS 12.55.135(c) is amended to read:

21 (c) A defendant convicted of assault in the fourth [THIRD] degree  
22 committed in violation of the provisions of an order issued under AS 09.-  
23 55.600 or 09.55.610 shall be sentenced to a minimum term of imprisonment  
24 of 10 days. The execution of sentence may not be suspended and probation  
25 or parole may not be granted until the minimum term of imprisonment has  
26 been served. Imposition of sentence may not be suspended, except upon  
27 condition that the defendant be imprisoned for no less than the minimum  
28 term of imprisonment provided in this section, and the minimum sentence  
29 provided for in this section may not be otherwise reduced.

1 \* Sec. 27. AS 12.55.140 is repealed.

2 \* Sec. 28. AS 14.07.020(11) is amended to read:

3 (11) review plans for construction of [AND] new public elemen-  
4 tary and secondary schools and for additions to and major rehabilitation  
5 of existing public elementary and secondary schools and, in accordance  
6 with regulations adopted by the department, determine the extent of  
7 eligibility for state aid of a school construction project begun after  
8 July 1, 1978; for purposes of this paragraph, a "plan" includes educa-  
9 tional specifications, schematic designs, and final contract documents;

10 \* Sec. 29. AS 14.07.050 is amended to read:

11 Sec. 14.07.050. SELECTION OF TEXTBOOKS. [(a)] Textbooks for use  
12 in the public schools of the state shall be selected by district boards  
13 for district schools [AND BY A STATE SCHOOLS TEXTBOOK COMMITTEE AP-  
14 POINTED BY THE DIRECTOR FOR STATE SCHOOLS. SELECTIONS OF THE STATE  
15 SCHOOLS TEXTBOOK COMMITTEE SHALL BE SUBMITTED TO THE BOARD OF DIRECTORS  
16 FOR STATE-OPERATED SCHOOLS FOR APPROVAL OR REJECTION.

17 (b) HOWEVER, A DISTRICT MAY ELECT TO ADOPT THE SELECTIONS OF THE  
18 STATE SCHOOLS TEXTBOOK COMMITTEE].

19 \* Sec. 30. AS 14.17.041(f)(2) is amended to read:

20 (2) in districts with ADM of 3,000 or more, one instructional  
21 unit for each 11 special education pupils or fraction of 11 [14] pupils  
22 in ADM.

23 \* Sec. 31. AS 14.17.051(5) is amended to read:

24 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School  
25 District, Valdez City School District, and Haines Borough School Dis-  
26 trict, the district or area is entitled to receive 115 percent of the  
27 base instructional unit allotment;

28 \* Sec. 32. AS 14.17.056 is amended to read:

29 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-

1 tional unit value for fiscal years beginning on or after July 1, 1982,  
2 is \$42,450. The base instructional unit value for the fiscal year  
3 beginning July 1, 1981, is \$38,590.

4 \* Sec. 33. AS 14.25.115(a) is amended to read:

5 (a) A teacher in membership service on or after July 1, 1977  
6 who is appointed to retirement on or after July 1, 1978 may elect to  
7 apply his unused sick leave credit in computing the total number of  
8 years of credited [CREDITABLE] service under AS 14.25.110 [AS 14.25.-  
9 120(c)(1) AND (4)]. To obtain service credit for unused sick leave, a  
10 teacher must apply to the administrator no later than one year after  
11 appointment to retirement. Unused sick leave shall be credited on a  
12 day-for-day basis in accordance with the table for service after July 1,  
13 1969 contained in AS 14.25.220(40)(J) [AS 14.25.220(16)]. No teacher  
14 contributions may be required for credited unused sick leave.

15 \* Sec. 34. AS 14.40.160(b) is amended to read:

16 (b) The Board of Regents [BOARD] may determine the time and place  
17 of its meetings. However, 30 days notice is required for all regular  
18 meetings and 10 days notice is required for special meetings of the  
19 Board of Regents [BOARD], its committees or subcommittees called under  
20 the bylaws or rules of procedure of the Board of Regents [BOARD].  
21 Emergency meetings may be called without notice.

22 \* Sec. 35. AS 14.40.751(b) and (c) are repealed.

23 \* Sec. 36. AS 15.07.090(d) is amended to read:

24 (d) A person who claims he is a registered voter, but for whom no  
25 evidence of registration in the precinct can be found, shall be granted  
26 the right to vote in the same manner as that of a questioned voter and  
27 his ballot shall be treated in the same manner. The ballot shall be con-  
28 sidered to be a "questioned ballot" and shall be so designated. The  
29 director [LIEUTENANT GOVERNOR] or his representative shall determine

1 whether the voter is registered in the election district before counting  
2 the ballot. A voter who has failed to obtain a transfer as provided in  
3 (c) of this section shall vote a "questioned ballot" in his precinct of  
4 residence.

5 \* Sec. 37. AS 15.07.200 is amended to read:

6 Sec. 15.07.200. REGISTRATION SUPERVISION. The registration program  
7 is under the supervision of the director in accordance with AS 15.10.105  
8 [AS 15.10.110].

9 \* Sec. 38. AS 15.10.180 is amended to read:

10 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE  
11 BALLOT COUNTING REVIEW [CANVASS]. The director shall appoint two persons  
12 from each political party to participate in the state ballot counting  
13 review [CANVASSING OF THE VOTE]. Each person who is appointed and  
14 serves is entitled to compensation as provided in AS 15.15.380. Each  
15 political party may present to the director a list of three or more  
16 names from which he shall select the persons to represent the party.  
17 The list of names may be submitted in writing at least 30 days before  
18 the date of the election. The persons to represent the party on the  
19 state ballot counting review [CANVASSING] board may be selected by the  
20 state party central committee or in any other manner prescribed by the  
21 bylaws of the party. The list of names shall be certified by the chair-  
22 man of the state central committee of the party or by the person autho-  
23 rized by the party bylaws to act in the absence of the chairman.

24 \* Sec. 39. AS 15.13.060(c) is amended to read:

25 (c) Each candidate for state office shall file the name and address  
26 of the campaign treasurer with the commission, or submit, in writing,  
27 the name and address of the campaign treasurer to the director [LIEU-  
28 TENANT GOVERNOR] for filing with the commission, no later than 15 days  
29 after the date of filing his declaration of candidacy or his nominating

1 petition. Each candidate for municipal office shall file the name and  
2 address of the campaign treasurer with the commission no later than  
3 seven days after the date of filing his declaration of candidacy or his  
4 nominating petition. If the candidate does not designate a campaign  
5 treasurer, the candidate is the campaign treasurer.

6 \* Sec. 40. AS 15.15 is amended by adding a new section to read:

7 Sec. 15.15.210. QUESTIONING OF VOTERS OF SUSPECT QUALIFICATION.

8 Every election judge and election clerk shall question, and every watcher  
9 and any other person qualified to vote in the precinct may question a  
10 person attempting to vote if the questioner has good reason to suspect  
11 that the questioned person is not qualified to vote. All questions re-  
12 garding a person's qualifications to vote shall be made in writing  
13 setting out the reason the person has been questioned. A questioned per-  
14 son before voting shall subscribe to an oath or affirmation in a form  
15 provided by the director attesting to the fact that in each particular  
16 the person meets all the qualifications of a voter, that he is not dis-  
17 qualified, and that he has not voted at the same election. He shall also  
18 state the place from which he came immediately before living in the pre-  
19 cinct in which he now offers to vote and the length of time of his resi-  
20 dence in the former place. After the questioned person has executed the  
21 oath or affirmation, the person may vote. If the questioned person re-  
22 fuses to execute the oath or affirmation, the person may not vote.

23 \* Sec. 41. AS 15.20 is amended by adding a new section to read:

24 Sec. 15.20.220. PROCEDURE FOR STATE REVIEW. (a) When the direc-  
25 tor and appointed party representatives have completed the review of  
26 ballots cast at the voting precincts, they shall proceed to review the  
27 absentee and questioned ballot votes certified by the district counting  
28 boards. The review of the absentee and questioned ballot vote certified  
29 by the district counting boards shall be accomplished by reviewing the

1 tallies of the recorded vote to check for mathematical error and by  
2 comparing the totals with the election certificate of results.

3 (b) The state review board shall review and count absentee and  
4 questioned ballots that have been forwarded to the director and that  
5 have not been reviewed or counted by a district counting board. Absen-  
6 tee and questioned ballots not received in the office of the director by  
7 4:00 p.m. on the 15th day following the election may not be counted in  
8 the review.

9 \* Sec. 42. AS 15.40.130 is amended to read:

10 Sec. 15.40.130. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELECTION.  
11 Unless specifically provided otherwise, all provisions regarding the  
12 conduct of the general election shall govern the conduct of the special  
13 election of United States senators, including, but not limited to,  
14 provisions concerning voter qualifications; provisions regarding the  
15 duties, powers, rights and obligations of the director, of other elec-  
16 tion officials, and of cities and organized boroughs; provision for  
17 notification of the election; provision for payment of election expenses;  
18 provisions regarding employees being allowed time from work to vote;  
19 provisions for the counting, reviewing [CANVASSING], and certification  
20 of returns; provisions for the determination of the votes and of  
21 recounts, contests, and appeal; and provision for absentee voting.

22 \* Sec. 43. AS 16.05.407(a) is amended to read:

23 (a) It is unlawful for a nonresident to hunt, pursue, or take  
24 brown bear, grizzly bear, polar bear, or sheep in this state, unless  
25 personally accompanied by a person who is licensed as a master guide,  
26 registered guide, or assistant guide by the Guide Licensing and Control  
27 Board [DEPARTMENT], or who is personally accompanied by a resident  
28 Alaskan over 19 years of age who is the spouse of or is related by blood  
29 within and including the second degree of kindred. A person who applies

1 for a nonresident big game tag for the taking of an animal specified in  
2 this section shall first furnish to the state, on a form provided by the  
3 state, an affidavit showing that he will be accompanied in his hunt by a  
4 person who is qualified under the terms of this section. A person who  
5 falsifies the required affidavit is guilty of perjury.

6 \* Sec. 44. AS 16.05.407(b) is amended to read:

7 (b) It is unlawful for a nonresident to import polar bear into  
8 this state unless personally accompanied by a person who is licensed as  
9 a master guide, registered guide, or assistant guide by the Guide  
10 Licensing and Control Board [DEPARTMENT].

11 \* Sec. 45. AS 16.51.180(6) is repealed and reenacted to read:

12 (6) "value" means the actual price paid for the seafood,  
13 including indirect costs such as fuel, supplies, or gear, whether paid  
14 at the time of purchase or tendered as a deferred or delayed payment,  
15 except that "value" means the market value of the seafood if the seafood  
16 is taken in company-owned or company-subsidized boats or in boats that  
17 are operated under lease or other contractual arrangement.

18 \* Sec. 46. AS 18.07.071(c) is amended to read:

19 (c) A temporary certificate granted under [(a) AND] (b) of this  
20 section confers no vested rights on behalf of the applicant. The office  
21 shall impose those special limitations and restrictions concerning  
22 duration and right of extension which the office considers appropriate.  
23 No temporary certificate may be granted for a period longer than neces-  
24 sary for the sponsor to obtain review of the action certified by the  
25 temporary certificate under AS 18.07.051. Application for a certificate  
26 of need under AS 18.07.041 must commence within 60 days of the date of  
27 issuance of the temporary certificate.

28 \* Sec. 47. AS 18.07.111 is amended by adding a new paragraph to read:

29 (12) "certificate" means a certificate of need issued by the

1 office under AS 18.07.041 or AS 18.07.071.

2 \* Sec. 48. AS 18.26.170 is amended to read:

3 Sec. 18.26.170. INVESTMENTS BY AUTHORITY. Except as otherwise  
4 provided by this chapter, the authority may invest any funds, not needed  
5 to meet current cash expenditure needs, in securities, obligations or  
6 certificates of deposit approved for investment of the state treasury  
7 surplus under [AS DEFINED IN] AS 37.10.070(a)(1) - (4). These invest-  
8 ments [ANY SUCH SECURITIES] shall be purchased at no higher price than  
9 the offering or market price of them at the time of the purchase.

10 \* Sec. 49. AS 18.35.100(a) is repealed.

11 \* Sec. 50. AS 18.35.200 is amended to read:

12 Sec. 18.35.200. TOILET FACILITIES REQUIRED. An owner of public  
13 facilities or sponsor of special events open to the general public shall  
14 where practical provide and maintain at the facilities or events sani-  
15 tary toilet accommodations for public use whether the facilities or  
16 events are permanent or temporary. [AN OWNER OF A PERMANENT FACILITY IN  
17 OPERATION ON AUGUST 1, 1974 HAS TWO YEARS FROM THAT DATE TO COMPLY WITH  
18 THE REQUIREMENT OF THIS SECTION.] No charge may be required for use of  
19 a toilet facility in any public place.

20 \* Sec. 51. AS 18.55.020(b) is amended to read:

21 (b) The term of office of a board member, other than the commis-  
22 sioner of commerce and economic development or his designee, is three  
23 years. The terms of office are staggered [, WITH TWO TERMS EXPIRING  
24 EVERY THIRD YEAR BEGINNING WITH 1968, AND ONE TERM EXPIRING EACH REMAIN-  
25 ING YEAR].

26 \* Sec. 52. AS 18.65.310(a) is amended to read:

27 (a) Upon payment of a \$5 fee, the Department of Public Safety  
28 shall issue a card identical to the motor vehicle operator's license  
29 provided for in AS 28.15.111 [AS 28.15.080], except that the card shall

1 be of a different color and shall state in bold type letters across the  
2 face of it that it is for identification purposes only.

3 \* Sec. 53. AS 18.80.060 is repealed and reenacted to read:

4 Sec. 18.80.060. POWERS AND DUTIES OF THE COMMISSION. (a) In  
5 addition to the other powers and duties prescribed by this chapter the  
6 commission shall

7 (1) appoint an executive director approved by the governor;

8 (2) hire other administrative staff as may be necessary to  
9 the commission's function;

10 (3) exercise general supervision and direct the activities of  
11 the executive director and other administrative staff;

12 (4) accept complaints under AS 18.80.100;

13 (5) study the problems of discrimination in all or specific  
14 fields of human relationships, and foster through community effort or  
15 goodwill, cooperation and conciliation among the groups and elements of  
16 the population of the state, and publish results of investigations and  
17 research as in its judgment will tend to eliminate discrimination because  
18 of race, religion, color, national ancestry, physical handicap, age,  
19 sex, marital status, changes in marital status, pregnancy or parenthood;

20 (6) make an overall assessment, at least once every three  
21 years, of the progress made toward equal employment opportunity by every  
22 department of state government; results of the assessment shall be  
23 included in the annual report made under AS 18.80.150.

24 (b) In addition to other powers and duties prescribed by this  
25 chapter, the commission may

26 (1) delegate to the executive director all powers and duties  
27 given it by this chapter except the duties and powers given it by AS 18.  
28 80.120 and 18.80.130;

29 (2) call upon the departments and agencies of the state, with

1 the approval of the governor, for cooperation and assistance in carrying  
2 out this chapter;

3 (3) hold hearings under AS 18.80.120.

4 (c) A commissioner or an employee authorized by the commission may  
5 administer oaths, certify to all official acts, and issue subpoenas,  
6 subpoenas duces tecum and other process to compel the attendance of  
7 witnesses and the production of testimony, records, papers, accounts,  
8 and documents in any inquiry, investigation, hearing, or proceeding  
9 before the commission in the state. The commission, a commissioner,  
10 or an employee authorized by the commission may petition a court of  
11 this state to enforce its subpoenas, subpoenas duces tecum, and other  
12 process.

13 \* Sec. 54. AS 19.30.080 is repealed and reenacted to read:

14 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. An access  
15 road constructed under AS 19.30.060 - 19.30.100 shall be of low standard,  
16 not necessarily suitable for all weather use. The state is not under  
17 obligation to maintain an access road constructed under AS 19.30.060 -  
18 19.30.100. If an access road is constructed outside a municipality that  
19 has zoning ordinances, the right-of-way width for the road shall be  
20 determined by the division of lands and the Department of Transportation  
21 and Public Facilities. If an access road is constructed within the  
22 boundaries of a municipality that has zoning ordinances, the right-of-  
23 way width shall conform to the subdivision control ordinances of the  
24 municipality. Contracts for the work on an access road shall be awarded  
25 to the lowest responsible bidder qualified to contract with the state.

26 \* Sec. 55. AS 19.40.100(b) is amended to read:

27 (b) "Industrial or commercial traffic" [TRAVEL"] means

28 (1) travel necessary and related to resource exploration and  
29 development or to support of those activities, if the individual engaged

1 in those activities has all necessary permits; [OR]

2 (2) travel necessary and related to access by local residents  
3 to their property; or

4 (3) motor carriers engaged in commerce which are common  
5 carriers or contract carriers regulated by the Alaska Transportation  
6 Commission under AS 42.10.

7 \* Sec. 56. AS 19.65.010 is repealed.

8 \* Sec. 57. AS 22.05.140(a) is amended to read:

9 (a) The monthly salary of [THE CHIEF JUSTICE AND OF] each [ASSO-  
10 CIATE] justice is equal to Step F, Range 30 of the salary schedule in  
11 AS 39.27.011(a) for Juneau, Alaska.

12 \* Sec. 58. AS 22.05.140(c) is amended to read:

13 (c) In addition to annual salary, [THE CHIEF JUSTICE AND] each  
14 [ASSOCIATE] justice is entitled to receive a geographic cost-of-living  
15 adjustment, based on the location of his primary office assignment,  
16 equal to 3.5 percent of his annual salary times the number of pay step  
17 increases provided under AS 39.27.020 for a state employee working in  
18 the same election district in those districts for which AS 39.27.020  
19 specified zero-to-five pay step increases. In an election district for  
20 which AS 39.27.020 specifies more than five pay steps, the number of pay  
21 step increases under this section is limited to five. Any retirement  
22 benefits to which a [THE CHIEF JUSTICE OR AN ASSOCIATE] justice may be  
23 entitled shall be computed only on the annual salary.

24 \* Sec. 59. AS 22.15.030(a) is amended by adding a new paragraph to read:

25 (11) over civil actions for taking utility service and for  
26 damages to or interference with a utility line filed under AS 42.20.030.

27 \* Sec. 60. AS 22.30.015 is amended to read:

28 Sec. 22.30.015. TERM OF OFFICE. The term of office for a commis-  
29 sion member is four years. [UPON INITIAL APPOINTMENT, THE JUSTICE OF

1 THE SUPREME COURT SERVES FOUR YEARS, ONE SUPERIOR COURT JUDGE SERVES  
2 THREE YEARS AND THE OTHER SERVES FOR TWO YEARS, ONE DISTRICT COURT JUDGE  
3 SERVES FOR FOUR YEARS AND THE OTHER SERVES FOR THREE YEARS, ONE MEMBER  
4 OF THE BAR SERVES FOR TWO YEARS AND THE OTHER SERVES FOR ONE YEAR, AND  
5 ONE OF THE LAYMEN SERVES FOR FOUR YEARS AND THE OTHER SERVES FOR ONE  
6 YEAR].

7 \* Sec. 61. AS 23.10.130 is repealed and reenacted to read:

8 Sec. 23.10.130. STATUTE OF LIMITATIONS. An action for unpaid  
9 minimum wages, unpaid overtime compensation, or liquidated damages under  
10 AS 23.10.050 - 23.10.150 is forever barred unless it is started within  
11 two years after the cause of action accrues. For the purposes of this  
12 section an action is considered to be started on the date when the  
13 complaint is filed.

14 \* Sec. 62. AS 23.10.355 is amended to read:

15 Sec. 23.10.355. PERSONS UNDER 19. No person under 19 may be  
16 employed or allowed to sell or serve alcoholic beverages [INTOXICATING  
17 LIQUORS] or to work in any room or other place where alcoholic beverages  
18 [INTOXICATING LIQUORS] are sold for consumption on the premises, except  
19 as provided in AS 04.16.049(c) [AS 04.15.020(h)].

20 \* Sec. 63. AS 23.20.030(c) is repealed.

21 \* Sec. 64. AS 23.20.195(c) is repealed and reenacted to read:

22 (c) Penalties collected under this section shall periodically be  
23 transferred from the clearing account to the training and building fund.

24 \* Sec. 65. AS 23.20.195(d) is repealed.

25 \* Sec. 66. AS 26.15.160(2) is amended to read:

26 (2) Persons are eligible who were dependent upon a member of  
27 the armed forces or upon a veteran eligible for the benefits of this  
28 chapter at the time of the member's or veteran's death if the member or  
29 veteran was a resident of the territory for one year before entry into

1 service and died before November 5, 1975 [THE CESSATION OF THE PRESENT  
2 NATIONAL EMERGENCY AS DETERMINED AND PROCLAIMED BY THE GOVERNOR].

3 Dependents shall be unmarried and the deceased veteran or member of the  
4 armed forces shall have been their chief means of support and they shall  
5 be either a widow, widower, minor child, or a mother, father, sister, or  
6 brother incapable of self-support. Dependents shall be residents of the  
7 state at the time of application and shall intend to remain residents in  
8 the state permanently. The rights of minor children under this chapter  
9 may be exercised only if they have no surviving parent and have an  
10 appointed guardian who may apply on their behalf for the benefits of  
11 this chapter for their care, support or education.

12 \* Sec. 67. AS 29.48.035(a)(10) is amended to read:

13 (10) alcoholic beverages as provided by AS 04.21.010 [AS 04.-  
14 15.070];

15 \* Sec. 68. AS 29.63.065(c) is amended to read:

16 (c) The state shall reimburse a home rule or general law munici-  
17 pality for the sewer and water assessment revenues which it would receive  
18 but for the operation of this section. Reimbursement under this subsec-  
19 tion is a lien in favor of the state against the property exempted to  
20 the extent of the assessment against the property exempted. Upon  
21 recordation in the recording office of the district in which the property  
22 exempted is located the lien is prior and superior to other liens against  
23 the property except for general taxes or other special assessments and  
24 may be enforced by lien foreclosure [AS PROVIDED IN AS 34.10.070 -  
25 34.10.220]. The lien becomes immediately due and payable

26 (1) upon sale or other transfer of the property except to a  
27 spouse, widow, widower, or minor heir; however, if the property is  
28 transferred to a minor heir the lien becomes due and payable on the date  
29 the minor heir reaches the age of 25 years; or

1 (2) when property exempted under (a)(1) or (2) of this section  
2 receives more than one sewer connection or more than one water connec-  
3 tion; or

4 (3) when the claimant fails to prove eligibility under (b)(2)  
5 of this section.

6 \* Sec. 69. AS 29.90.010 is amended to read:

7 Sec. 29.90.010. STATE AID FOR HOSPITAL AND HEALTH FACILITY CON-  
8 STRUCTION. If construction of a hospital began after January 1, 1968,  
9 or if construction of a health facility began after January 1, 1968, and  
10 before July 1, 1980, and state matching aid for construction approved  
11 for payment to the municipality or other hospital or health facility  
12 sponsor constitutes less than 25 percent of the total project cost, the  
13 department shall pay to the municipality or other hospital or health  
14 facility sponsor each fiscal year \$2,500 a bed for the maximum number of  
15 beds provided for in the construction design of the hospital or health  
16 facility or five percent of the total project cost, whichever is greater.  
17 State aid provided for in this section shall continue until the munici-  
18 pality or other hospital or health facility sponsor has received an  
19 amount which, combined with state matching money for construction of the  
20 hospital or health facility, equals 25 percent of the total project  
21 cost. Money received for construction may not be used for any other  
22 purpose.

23 \* Sec. 70. AS 33.30.200(2) is amended to read:

24 (2) "court" means the supreme court, the superior court, the  
25 district [MAGISTRATE] court, or a justice or judge of a court;

26 \* Sec. 71. AS 37.35.010 - 37.35.070 are repealed.

27 \* Sec. 72. AS 38.05.351 is amended to read:

28 Sec. 38.05.351. BONA FIDE PURCHASERS. No right, title, or interest  
29 of a bona fide purchaser of any lease, interest in a lease, option to

1 acquire a lease or an interest in it, acquired after the effective date  
2 of issuance of the lease and held by a qualified person, association, or  
3 corporation in conformity with this chapter [SECTION] shall be canceled  
4 or forfeited or otherwise adversely affected by reason of the fact that  
5 the holding of the person, association, or corporation from which the  
6 lease, interest, or option was acquired, or of his predecessor in title  
7 (including the original lessee of the state) may have been canceled or  
8 forfeited, or may be or have been subject to cancellation or forfeiture.  
9 If, in any proceeding for cancellation or forfeiture, an underlying  
10 lease, interest, or option is canceled or forfeited to the state and  
11 there are valid interests therein or valid options to acquire the lease  
12 or an interest therein which are not subject to cancellation or forfei-  
13 ture, the underlying lease, interest, or option shall be sold by the  
14 director to the highest responsible qualified bidder by competitive  
15 bidding under general competitive leasing regulations subject to all  
16 outstanding valid interests therein and valid options pertaining thereto.  
17 Likewise if, in any such proceeding, less than the whole interest in a  
18 lease, interest, or option is canceled or forfeited to the state, the  
19 partial interests so canceled or forfeited shall be sold by the director  
20 to the highest responsible qualified bidder under general competitive  
21 leasing regulations.

22 \* Sec. 73. AS 38.35.120(a)(1) is amended to read:

23 (1) it assumes the status of and will perform all of its  
24 functions undertaken under the lease as a common carrier and will accept,  
25 convey, and transport without discrimination crude oil or natural gas,  
26 depending on the kind of pipeline involved, delivered to it for trans-  
27 portation from fields in the vicinity of the pipeline subject to the  
28 lease throughout its route both on state land obtained under the lease  
29 and on other land; however, a lessee who owns or operates a natural gas

1 pipeline subject to regulation either (A) under the Natural Gas Act (15  
2 U.S.C. 717 et seq.) of the United States, or (B) by the state or politi-  
3 cal subdivisions with respect to rates and charges for the sale of  
4 natural gas, is, to the extent of that regulation, exempt from the  
5 common carrier requirement in this paragraph; it will accept, convey,  
6 and transport crude oil or natural gas without unjust or unreasonable  
7 discrimination in favor of one producer or person, including itself, as  
8 against another but will take the crude oil or natural gas, depending on  
9 the kind of pipeline involved, delivered or offered, without unreasonable  
10 discrimination, that the Alaska Public Utilities [PIPELINE] Commission  
11 shall, after a full hearing with due notice to the interested parties  
12 and a proper finding of facts, determine to be reasonable in the per-  
13 formance of its duties as a common carrier;

14 \* Sec. 74. AS 38.35.230(2) is amended to read:

15 (2) "coordinate agencies" includes Department of Labor,  
16 Department of Highways, Department of Environmental Conservation, and  
17 the Alaska Public Utilities [PIPELINE] Commission;

18 \* Sec. 75. AS 38.50.130(a) is amended to read:

19 (a) In conjunction with the public notice required by AS 38.50.-  
20 110, the director shall prepare and distribute the report required by  
21 this section to the parties listed in AS 38.50.110(a)(2) - (8) [AS 38.-  
22 50.120(a)(2) - (8)] and to any other party who requests it. The report  
23 shall contain, among other things, a copy of the notice required by  
24 AS 38.50.110 and a discussion in a concise format designed to facilitate  
25 public understanding of the issues of

26 (1) the physical characteristics of the land involved, includ-  
27 ing the surface and mineral resources associated with the land;

28 (2) the appraised fair market value of each tract involved in  
29 the exchange or, if the exchange is for other than equal appraised fair

1 market value, the nonmonetary values which are involved;

2 (3) the benefits and detriments which can be expected to  
3 accrue, including possible social, economic, and environmental impacts;  
4 and

5 (4) alternatives to the proposed exchange.

6 \* Sec. 76. AS 39.05.060(a)(7) is repealed.

7 \* Sec. 77. AS 39.05.110(1) is amended to read:

8 (1) "confirmation" means confirmation or approval by the  
9 legislature [OR EITHER HOUSE OF THE LEGISLATURE] of a name submitted for  
10 appointment to a position or membership;

11 \* Sec. 78. AS 39.05.110(2) is amended to read:

12 (2) "position or membership" means an executive position or  
13 membership on a state board, commission, authority, council, or commit-  
14 tee which by law requires appointment by the governor [OR OTHER AP-  
15 POINTING AUTHORITY] and confirmation by the legislature [OR EITHER HOUSE  
16 OF THE LEGISLATURE].

17 \* Sec. 79. AS 39.20.100 is repealed.

18 \* Sec. 80. AS 39.20.310(4) is repealed.

19 \* Sec. 81. AS 39.20.320 is amended to read:

20 Sec. 39.20.320. ADOPTION OF REGULATIONS. The director of the  
21 division of personnel [AND LABOR RELATIONS] in the Department of Admin-  
22 istration shall prepare and submit regulations necessary to carry out  
23 the intent of AS 39.20.200 - 39.20.330. These regulations shall include  
24 provisions for crediting and, if necessary, converting accrued leave  
25 when an officer or employee transfers, without break in service, between  
26 a department or agency of the state government where he is subject to  
27 AS 39.20.200 - 39.20.330 and a department or agency of the state govern-  
28 ment where he is not subject to AS 39.20.200 - 39.20.330. These regula-  
29 tions shall be submitted to the commissioner of administration [WITHIN

1 60 DAYS OF JULY 9, 1978]. The commissioner of administration shall  
2 review the regulations and submit them to the personnel board. The  
3 regulations, or any part of the regulations, have the force and effect  
4 of law 30 days after they are submitted to the personnel board if not  
5 disapproved by the personnel board. Amendments to the regulations shall  
6 be prepared and submitted in the same manner, and have the force and  
7 effect of law 30 days after they are submitted to the personnel board,  
8 if not disapproved by the personnel board. The regulations adopted  
9 under AS 39.20.200 - 39.20.330 relate to the internal management of  
10 state agencies and their adoption is not subject to the provisions of  
11 the Administrative Procedure Act (AS 44.62).

12 \* Sec. 82. AS 39.25.180 is repealed.

13 \* Sec. 83. AS 39.25.200(2) is amended to read:

14 (2) "director" means the director of the division of person-  
15 nel [AND LABOR RELATIONS];

16 \* Sec. 84. AS 39.30.020(a) is amended to read:

17 (a) An [A STATE] employee whose services are covered by an agree-  
18 ment under AS 39.30.010 shall pay for the period of coverage, into the  
19 state treasury, contributions equal to the amount of tax which would be  
20 imposed by sec. 1400 of the Federal Insurance Contributions Act if the  
21 services constituted employment within the meaning of that act. [THE  
22 LIABILITY ARISES IN CONSIDERATION OF THE EMPLOYEE'S RETENTION IN THE  
23 SERVICE OF THE STATE, OR HIS ENTRY UPON SERVICE WITH THE TERRITORY OF  
24 ALASKA AFTER MARCH 23, 1951.]

25 \* Sec. 85. AS 39.30.070 is amended to read:

26 Sec. 39.30.070. STUDIES AND REPORTS. The department shall make  
27 studies concerning the problem of old age and survivors insurance pro-  
28 tection for employees of [THE STATE AND] local governments and their  
29 instrumentalities and concerning the operation of agreements made and

1 plans approved under AS 39.30.010 - 39.30.080 and shall submit a report  
2 to the legislature at the beginning of each regular session covering the  
3 administration and operation of AS 39.30.010 - 39.30.080 during the  
4 preceding year, including recommendations for amendments to AS 39.30.-  
5 010 - 39.30.080 which it considers proper.

6 \* Sec. 86. AS 39.30.080(2) is amended to read:

7 (2) "employee" includes an officer of a [THE STATE OR] poli-  
8 tical subdivision of the state;

9 \* Sec. 87. AS 39.30.080(3) is amended to read:

10 (3) "employment" means any service performed by an employee  
11 of [THE STATE, OR] a political subdivision of the state, except (A)  
12 service which in the absence of an agreement entered into under AS 39.-  
13 30.010 - 39.30.080 would constitute "employment" as defined in the  
14 Social Security Act; or (B) service which under the Social Security Act  
15 may not be included in an agreement between the state and the Federal  
16 Security Administrator entered into under AS 39.30.010 - 39.30.080;

17 \* Sec. 88. AS 39.35.350(a) is amended to read:

18 (a) An employee who receives a refund of contributions in accor-  
19 dance with AS 39.35.200 forfeits corresponding credited service under  
20 this chapter.

21 \* Sec. 89. AS 39.35.470 is repealed.

22 \* Sec. 90. AS 39.50.200(b)(14), (27), and (28) are repealed.

23 \* Sec. 91. AS 41.17.040(a) is amended to read:

24 (a) The Board of Forestry is established in the Department of  
25 Natural Resources, division of forestry [FOREST, LAND, AND WATER MANAGE-  
26 MENT].

27 \* Sec. 92. AS 41.17.950(5) is amended to read:

28 (5) "division" means the division of forestry [FOREST, LAND,  
29 AND WATER MANAGEMENT];

1 \* Sec. 93. AS 42.05.711(1) is amended to read:

2 (1) A [ON JUNE 30, 1980, A] utility which furnishes collection and  
3 disposal service of garbage, refuse, trash, or other waste material and  
4 has annual gross revenues of \$200,000 or less is exempt from the provi-  
5 sions of this chapter, other than the certification provisions of AS 42.-  
6 05.221 - 42.05.281, unless 25 percent of the subscribers or subscribers  
7 representing 25 percent of the gross revenue of the utility petition the  
8 commission for regulation.

9 \* Sec. 94. AS 42.06.310(c) is amended to read:

10 (c) Every common carrier shall, when ordered [ORDER] by the Alaska  
11 Public Utilities [PIPELINE] Commission, extend or enlarge its pipeline  
12 or storage facilities provided the extension or enlargement shall be  
13 found to be reasonable and required in the public interest and that the  
14 expense involved will not impair the ability of the common carrier or  
15 public utility to perform its duty to the public.

16 \* Sec. 95. AS 43.21.020(b) is amended to read:

17 (b) Gross income of a corporation from oil and gas production  
18 shall be the gross value at the point of production of oil or gas pro-  
19 duced from a lease or property in the state. The department shall by  
20 regulation determine a uniform method of establishing the gross value at  
21 the point of production. In making its determination the department may  
22 use the actual prices or values received for the oil or gas, the posted  
23 prices for the oil or gas in the same field, or the prevailing prices or  
24 values of oil or gas in the same field. In addition, in its determina-  
25 tion of gross value at the point of production of oil or gas produced  
26 from a lease or property, the department shall determine the reasonable  
27 costs of transportation from the point of sale to the point of produc-  
28 tion of the oil or gas. Transportation costs set by a tariff properly  
29 on file with the Alaska Public Utilities [PIPELINE] Commission or other

1 regulatory agency shall be considered prima facie reasonable, but if a  
2 tariff properly on file with a regulatory agency is subsequently amended,  
3 changed, or overturned retroactively, the reasonable costs of transpor-  
4 tation shall be recomputed for that period using the newly determined  
5 tariff.

6 \* Sec. 96. AS 43.55.150(b) is amended to read:

7 (b) If the department finds that the conditions in (a)(1), (2),  
8 and (3) of this section are present, the department shall determine the  
9 reasonable costs of transportation, using the fair market value of like  
10 transportation, the fair market value of equally efficient and available  
11 alternative modes of transportation, or other reasonable methods. Trans-  
12 portation costs fixed by tariff rates properly on file with the Alaska  
13 Public Utilities [PIPELINE] Commission or other regulatory agency shall  
14 be considered prima facie reasonable.

15 \* Sec. 97. AS 43.75.020(b) is amended to read:

16 (b) Upon receipt of the application in proper form accompanied by  
17 the initial fee [,] the department shall issue the license [AS OF THE  
18 DATE THE APPLICATION IS FILED OR MAILED, AND THE APPLICANT MAY CARRY ON  
19 THE BUSINESS FROM THE DATE THE APPLICATION WAS ACTUALLY MADE].

20 \* Sec. 98. AS 43.80.035(b)(1) is amended to read:

21 (1) issue summons [SUBPOENAS] under AS 43.05.040 to compel  
22 the testimony of witnesses and the production of records and documents  
23 necessary to obtain and audit reports and information on wholesale  
24 prices of salmon when required under (a) of this section;

25 \* Sec. 99. AS 44.19.028 is amended to read:

26 Sec. 44.19.028. INTERIM BOARDS. The governor may establish the  
27 interim advisory boards, councils, and commissions he considers neces-  
28 sary. The governor may prescribe the functions and authority of interim  
29 boards, councils, and commissions and fix the compensation of their

1 members. An interim board, council, or commission remains in existence  
2 only until the adjournment of the next regular or reconvened session of  
3 the legislature.

4 \* Sec. 100. AS 44.19.084 - 44.19.100 are repealed.

5 \* Sec. 101. AS 44.27.060(b) is amended to read:

6 (b) The commissioner of a department responsible for the design  
7 and construction of a building or facility shall deposit into the art in  
8 public places fund one percent of the construction cost of a building or  
9 facility if the building or facility [WHICH] is exempt from the require-  
10 ments of AS 35.27 and the exemption is because

11 (1) the estimated construction cost of the building or facil-  
12 ity is less than \$250,000; or

13 (2) the building or facility is not designed for substantial  
14 public use.

15 \* Sec. 102. AS 44.29.020(12) is amended to read:

16 (12) aid to families with dependent children;

17 \* Sec. 103. AS 44.37.100 - 44.37.180 are repealed.

18 \* Sec. 104. AS 44.47.565 is amended to read:

19 Sec. 44.47.565. LOCAL BOUNDARY COMMISSION. There is in the Depart-  
20 ment of Community and Regional Affairs a local boundary commission. The  
21 local boundary commission consists of five members appointed by the  
22 governor for overlapping five-year terms. One member shall be appointed  
23 from each of the four judicial [MAJOR SENATORIAL ELECTION] districts  
24 described in AS 22.10.010 and one member shall be appointed from the  
25 state at large. The member appointed from the state at large is the  
26 chairman of the commission.

27 \* Sec. 105. AS 44.62.130(b) is amended to read:

28 (b) The Department of Law [LEGISLATIVE COUNCIL] shall prescribe a  
29 uniform system of indexing, numbering, arrangement of text, and citation

1 of authority and history notes for the Alaska Administrative Code.

2 \* Sec. 106. AS 44.74.070(a) is amended to read:

3 (a) The commissioner of transportation and public facilities  
4 [COMMISSIONERS OF THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF  
5 HIGHWAYS] may transfer directly to a political subdivision of the state,  
6 including a village organized under Federal Act of June 18, 1934 (48  
7 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), the  
8 title to automotive and construction equipment which can be used in the  
9 maintenance or construction of roads and airports.

10 \* Sec. 107. AS 44.74.070(c) is amended to read:

11 (c) The commissioner [COMMISSIONERS] may transfer equipment which  
12 in his [THEIR] judgment is not economically repairable or is obsolete,  
13 without regard to (b) of this section.

14 \* Sec. 108. AS 44.74.070(d) is amended to read:

15 (d) The commissioner [COMMISSIONERS] shall determine how the  
16 equipment is to be allocated in the best interests of the state. The  
17 commissioner [COMMISSIONERS] may adopt [PROMULGATE] necessary regula-  
18 tions to implement AS 44.74.070 and 44.74.080.

19 \* Sec. 109. AS 45.03.419(a)(3) is amended to read:

20 (3) it is paid on a forged indorsement [INSTRUMENT].

21 \* Sec. 110. AS 45.50.010(5)(C) is amended to read:

22 (C) is primarily merely a surname; however, this does  
23 not prevent the registration of a mark used in the state by the  
24 applicant which has become distinctive of the applicant's goods; as  
25 evidence that the mark has become distinctive, the commissioner  
26 [SECRETARY OF STATE] may accept proof of continuous use of the mark  
27 as a mark by the applicant in this state or elsewhere for the five  
28 years preceding the date of the filing of the application for  
29 registration; or

1 \* Sec. 111. AS 45.55.200(a) is amended to read:

2 (a) Whenever it appears to the administrator that a person has  
3 engaged or is about to engage in an act or practice in violation of any  
4 provision of this chapter or rule or order under this chapter, the  
5 administrator may

6 (1) [IF IT IS CONSIDERED] in the public interest or for the  
7 protection of investors, issue an order (A) directing the person to  
8 cease and desist from continuing the act or practice, (B) directing the  
9 person, for a period not to exceed three years, to file the annual  
10 reports, proxies, consents or authorizations, proxy statements, or other  
11 materials relating to proxy solicitations required under AS 45.55.139  
12 with the administrator for examination and review 10 working days before  
13 a distribution to shareholders, and (C) voiding any proxies obtained by  
14 a person required to file under AS 45.55.139, including their future  
15 exercise or actions resulting from their past exercise, if the proxies  
16 were solicited by means of an untrue or misleading statement prohibited  
17 under AS 45.55.160; or

18 (2) bring an action in the superior court to enjoin the acts  
19 or practices and to enforce compliance with this chapter or rule or  
20 order under this chapter, and upon a proper showing, the appropriate  
21 remedy shall be granted and a receiver or conservator may be appointed  
22 for the defendant or the defendant's assets; the court may not require  
23 the administrator to post a bond.

24 \* Sec. 112. AS 45.95.020(c) is repealed.

25 \* Sec. 113. AS 46.03.290(a) is amended to read:

26 (a) When the department finds that an actual or imminent discharge  
27 of low level radioactive materials [RADIONUCLIDES] to the air, water,  
28 land or subsurface land of the state poses an immediate threat to the  
29 public health or welfare, or the environment of the state, it may issue

1 an order declaring an emergency and directing a person or persons to  
2 take action the department believes necessary to meet the emergency, and  
3 protect the public health, welfare, or environment.

4 \* Sec. 114. AS 46.03.758(k) is amended to read:

5 (k) Penalties [NOTWITHSTANDING AS 30.25.220(b), PENALTIES] received  
6 by the state under this section shall be deposited in the general fund  
7 and credited to a special account called the "oil spill mitigation  
8 account". The legislature may annually appropriate from the oil spill  
9 mitigation account a sum equivalent to the amount of penalties received  
10 under this section for the calendar year preceding the legislative  
11 session in which the appropriation is made, the appropriations to be  
12 made for the purpose of restoring and enhancing environments affected by  
13 oil pollution, including but not limited to the funding of aquaculture  
14 projects.

15 \* Sec. 115. AS 46.03.780(a) is amended to read:

16 (a) A person who violates a provision of this chapter or AS 43.04  
17 [AS 30.25], or who fails to perform a duty imposed by this chapter or  
18 AS 43.04 [AS 30.25], or violates or disregards an order, permit, or  
19 other determination of the department made under the provisions of this  
20 chapter or AS 43.04 [AS 30.25], respectively, and thereby causes the  
21 death of fish, animals, or vegetation or otherwise injures or degrades  
22 the environment of the state is liable to the state for damages.

23 \* Sec. 116. AS 46.03.790(d) is amended to read:

24 (d) A person who fails to provide or falsely states information  
25 required under AS 46.03.755 or AS 46.04 [AS 30.25] is guilty of a misde-  
26 meanor and, upon conviction, is punishable by a fine of not more than  
27 \$25,000, or by imprisonment for not more than one year, or by both. Each  
28 unlawful act constitutes a separate offense.

29 \* Sec. 117. AS 46.03.850(a) is amended to read:

1 (a) When, in the opinion of the department, a person is violating  
2 or is about to violate a provision of this chapter or AS 46.04 [AS 30.-  
3 25], or a regulation or lawful order of the department, or a permit or  
4 certificate, or a term or condition of a permit or certificate issued by  
5 the department under this chapter or AS 46.04 [AS 30.25], the department  
6 may notify the person of its determination by personal service or certi-  
7 fied mail. The determination and notice do not constitute an order  
8 under AS 46.03.820.

9 \* Sec. 118. AS 46.03.875 is amended to read:

10 Sec. 46.03.875. REMEDIES CUMULATIVE. All remedies provided by  
11 this chapter or AS 46.04 [AS 30.25] are cumulative, and the securing of  
12 relief, whether injunctive, civil or criminal, under a section of this  
13 chapter or AS 46.04 [AS 30.25] does not stop the state from obtaining  
14 relief under any other section of this chapter or AS 46.04 [AS 30.25].

15 \* Sec. 119. AS 46.03.900(10) is amended to read:

16 (10) "motor vehicle" has the same meaning as in AS 28.35.-  
17 260(a) [AS 28.20.630];

18 \* Sec. 120. AS 46.03.900(25) is repealed.

19 \* Sec. 121. AS 46.04.040(c)(2) is amended to read:

20 (2) for any other oil barge, the amount required by sec.  
21 311(p)(1) [311(b)(1)] of the Clean Water Act, or \$1,000,000, whichever  
22 is greater;

23 \* Sec. 122. AS 46.04.040(c)(3) is amended to read:

24 (3) for any other tank vessels, the amount required by sec.  
25 311(p)(1) [311(b)(1)] of the Clean Water Act, or \$20,000,000, whichever  
26 is greater.

27 \* Sec. 123. AS 46.35.090(e) is amended to read:

28 (e) The commissioner, after consultation with other state agencies  
29 and local governments, shall adopt regulations governing the conduct of

1 adjudicatory hearings under this section. The commissioner may enter  
2 into cooperative agreements with local governments and federal agencies  
3 for the joint holding of adjudicatory hearings. To the extent feasible,  
4 regulations adopted under this section shall conform to adjudicatory  
5 hearing procedures for the review of permit decisions under [AS 30.25  
6 AND] AS 46.03 and AS 46.04. Notwithstanding AS 44.62.330(a)(44),  
7 adjudicatory hearing procedures to review permit decisions under this  
8 chapter, or under [AS 30.25 OR] AS 46.03 or AS 46.04, need not conform  
9 to the Administrative Procedure Act (AS 44.62.330 et seq).

10 \* Sec. 124. AS 47.05.010(1) is amended to read:

11 (1) administer old age assistance, aid to families with  
12 dependent children, aid to the blind, and all other assistance programs,  
13 and receive and spend funds made available to it;

14 \* Sec. 125. AS 47.05.010(2) is amended to read:

15 (2) adopt regulations necessary for the conduct of its busi-  
16 ness and for carrying out federal and state laws granting old age  
17 assistance, aid to families with dependent children, aid to blind persons  
18 and other assistance;

19 \* Sec. 126. AS 47.05.010(5) is amended to read:

20 (5) cooperate with the federal government in matters of  
21 mutual concern pertaining to old age assistance, aid to families with  
22 dependent children, aid to blind persons and other forms of public  
23 assistance;

24 \* Sec. 127. AS 47.37.070 is amended to read:

25 Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM]  
26 consists of nine members appointed by the governor.

27 \* Sec. 128. AS 47.37.100 is amended to read:

28 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of  
29 the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but

1 are entitled to per diem, reimbursement for travel, and other expenses  
2 authorized by law for other boards.

3 \* Sec. 129. Sections 30, 31, and 32 of this Act are retroactive to July 1,  
4 1981.

5 \* Sec. 130. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29