

Introduced: 2/21/83
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST OF THE
LEGISLATIVE COUNCIL

1 IN THE SENATE

2 SENATE BILL NO. 133

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 * Section 1. AS 02.15.260(10) is repealed and reenacted to read:

11 (10) "municipality" means a political subdivision incorpo-
12 rated under the laws of the state that is a home rule or general law
13 city, a home rule or general law borough, or a unified municipality.

14 * Sec. 2. AS 03.05.010(c)(6) is amended to read:

15 (6) regulation of fur farming, except as specified in
16 AS 16.05.340(b); for purposes of this paragraph, "fur farming" means
17 the raising of animals in captivity for the purpose of marketing their
18 fur [, AND "DOMESTIC FUR FARM ANIMAL" MEANS A FUR ANIMAL BORN AND
19 RAISED IN CAPTIVITY];

20 * Sec. 3. AS 03.10.030(e) is amended to read:

21 (e) An installment payment is delinquent unless it is mailed by
22 the borrower on or before the 30th day after the date specified for
23 payment in the loan agreement or unless it is received by the depart-
24 ment on or before the 30th day after the date specified for payment in
25 the loan agreement. If an installment payment is delinquent, the
26 director of the division of agriculture of the department may assess a
27 delinquency penalty. The delinquency penalty shall be an amount equal
28 to seven percent of the delinquent payment, but the combined delin-
29 quency penalty and loan interest may not exceed 15 percent.

1 * Sec. 4. AS 03.19 is repealed.

2 * Sec. 5. AS 03.45.060(c) is amended to read:

3 (c) If the inspector determines that the animal should be
4 slaughtered or destroyed, the inspector [HE] may condemn and have the
5 animal slaughtered or destroyed in the manner the inspector [HE]
6 determines. Reimbursement may be allowed for the slaughter or des-
7 truction of dairy cattle only. In such case, the inspector and the
8 owner shall appraise the dairy cattle at a fair valuation without
9 regard to the disease. Where they cannot agree as to the value of the
10 animal, the owner and inspector may select a disinterested third party
11 to aid in the appraisal. Where they cannot agree on the selection
12 of a third party, a peace officer in the judicial district where the
13 inspection is made may designate a third disinterested party to act
14 with the inspector and owner to determine the value of the animal.
15 The amount realized from the sale of the carcass of the slaughtered
16 animal shall be paid to the owner of the animal and the inspector
17 shall certify to the commissioner of environmental conservation the
18 name and address of the owner, the date the animal was condemned, the
19 appraised value of the animal, together with the net sum realized from
20 the salvage thereof, or which could have been realized.

21 * Sec. 6. AS 03.45.070 is amended to read:

22 Sec. 03.45.070. COMPENSATION TO OWNERS OF DAIRY CATTLE DE
23 STROYED; RECORDS TO BE KEPT. The commissioner of environmental con-
24 servation may enter into cooperative agreements with the United States
25 Department of Agriculture for controlling diseases among dairy cattle
26 and may match federal indemnity payments for livestock slaughtered
27 thereunder, from any funds available. The commissioner [HE] shall
28 keep a record of all payments made, with a copy of the inspector's
29 certification of appraised value and salvage value.

1 * Sec. 7. AS 08.01.010(2), (5), (16) and (17) are repealed.

2 * Sec. 8. AS 08.01.010 is amended by adding a new paragraph to read:

3 (24) Board of Barbers and Hairdressers (AS 08.13.010)

4 * Sec. 9. AS 08.02.010(a) is amended to read:

5 (a) A person licensed in the state as a chiropractor under
6 AS 08.20 [AS DEFINED IN AS 08.20.220], a dentist under AS 08.36 [AS
7 DEFINED IN AS 08.36.360], a medical practitioner or osteopath under
8 AS 08.64 [AS DEFINED IN AS 08.64.380], a licensed [PROFESSIONAL] nurse
9 under AS 08.68 [AS DEFINED IN AS 08.68.410], an optometrist under
10 AS 08.72 [AS DEFINED IN AS 08.72.300(3)], a registered pharmacist
11 under AS 08.80, a registered physical therapist under AS 08.84, or a
12 psychologist under AS 08.86, shall [PROFESSIONALLY IDENTIFY HIMSELF OR
13 HERSELF BY THE] use as professional identification [OF] appropriate
14 letters or a title after that person's name which represents that
15 person's specific field of practice. The letters or title shall
16 appear on all signs, stationery or other advertising in which the
17 person offers or displays personal professional services to the pub-
18 lic. In addition, a person engaged in the practice of medicine or
19 osteopathy under AS 08.64.380(2), or a person engaged in any manner in
20 the healing arts who diagnoses, treats, tests, or counsels other
21 persons in relation to human health or disease and uses [IDENTIFIES
22 HIMSELF OR HERSELF BY USING] the letters "M.D." or the title "doctor"
23 or "physician" or any other title which tends to show that the person
24 is willing or qualified to diagnose, treat, test, or counsel another
25 person, shall clarify the letters or title by adding the appropriate
26 specialist designation, if any, such as "dermatologist", "radiolo-
27 gist", "audiologist", "naturopath", or the like.

28 * Sec. 10. AS 08.03.010(b)(3) is repealed.

29 * Sec. 11. AS 08.03.010(c)(13) is repealed.

1 * Sec. 12. AS 08.04.120(1) is repealed.

2 * Sec. 13. AS 08.20.140 is amended to read:

3 Sec. 08.20.140. LICENSURE BY CREDENTIALS. The board may issue a
4 license without examination to an applicant presenting satisfactory
5 proof of the possession of a license or certificate of registration in
6 good standing in a state or territory of the United States, or a
7 foreign country, if the requirements for registration at the date of
8 the applicant's license were [ARE] essentially equivalent to those in
9 this chapter.

10 * Sec. 14. AS 08.24 is repealed.

11 * Sec. 15. AS 08.36.280(c) is amended to read:

12 (c) The board may annually renew a temporary permit upon written
13 application of an applicant and upon payment of the prescribed fee if
14 the applicant has not committed an act which is a ground for revoca-
15 tion in AS 08.36.315 [AS 08.36.310], but in any case, within two years
16 from issuance of the applicant's first temporary permit, the applicant
17 must pass a board exam.

18 * Sec. 16. AS 08.36.280(d) is amended to read:

19 (d) A temporary permit may be revoked, suspended or annulled, or
20 the permittee may be reprimanded, censured or disciplined by the board
21 in the same manner and for the same cause as a licensed dentist under
22 AS 08.36.315 [AS 08.36.310].

23 * Sec. 17. AS 08.60.030 is repealed.

24 * Sec. 18. AS 08.62.110 is repealed.

25 * Sec. 19. AS 08.62.120 is amended to read:

26 Sec. 08.62.120. DURATION, RENEWAL. A license issued under this
27 chapter shall be renewed biennially on dates set by the department.
28 [A LICENSE ISSUED UNDER FORMER AS 30.10 LAPSES AT THE END OF CALENDAR
29 YEAR 1970. A LICENSE ISSUED BETWEEN MAY 7, 1970 AND THE END OF 1970

1 SHALL BE ISSUED FOR A FEE OF \$100.] A license shall be renewed with-
2 out examination upon the payment of the biennial license fee.

3 * Sec. 20. AS 08.68.270(4) is amended to read:

4 (4) habitually abuses alcoholic beverages, or illegally
5 uses controlled substances as defined by AS 11.71.900(4) [HALLUCINO-
6 GENIC OR STIMULANT DRUGS AS DEFINED BY AS 17.12.150(3) OR NARCOTIC
7 DRUGS AS DEFINED BY AS 17.10.230(13)];

8 * Sec. 21. AS 08.71.220 is repealed.

9 * Sec. 22. AS 08.80.295(e) is repealed.

10 * Sec. 23. AS 08.88.201 is amended to read:

11 Sec. 08.88.201. REEXAMINATION. A person who fails an examina-
12 tion may apply for a subsequent examination, but shall pay the appli-
13 cation fee for each application. [THE PERSON MAY NOT PETITION FOR AN
14 ADDITIONAL EXAMINATION UNDER AS 08.88.191(a), BUT MAY TAKE ONE IF IT
15 IS OFFERED.]

16 * Sec. 24. AS 08.88.261 is amended to read:

17 Sec. 08.88.261. OUT-OF-STATE LICENSES. A person who holds a
18 valid, active license from another state which grants an equivalent
19 right to Alaskan licensees is entitled to a license of the kind the
20 person holds there without examination if the person (1) meets the
21 requirements of AS 08.88.171 [AS 08.88.211(a)(2) - (5) FOR BROKERS OR
22 AS 08.88.211(b) FOR SALESMEN,] and files the required bond; (2) passed
23 an examination in the other state; and (3) has actively practiced the
24 person's profession for at least five out of the previous six years
25 before filing an application.

26 * Sec. 25. AS 08.88.263 is amended to read:

27 Sec. 08.88.263. LICENSE BY ENDORSEMENT. A person who holds a
28 valid active real estate license issued by another state shall be
29 granted an equivalent Alaska real estate license if that person

1 (1) passes the portion of the real estate examination which
2 examines on Alaska law; and

3 (2) meets the requirements of AS 08.88.171 [AND 08.88.211].

4 * Sec. 26. AS 08.99 is repealed.

5 * Sec. 27. AS 09.38.030(c)(2) is amended to read:

6 (2) enforceable under an order of a court of bankruptcy
7 under 11 U.S.C. 1301 - 1330 (P.L. 95 - 598, Bankruptcy Reform Act of
8 1978 [CHAPTER XIII OF THE BANKRUPTCY ACT (11 U.S.C., SEC. 1301 ET
9 SEQ.)].

10 * Sec. 28. AS 09.38.115(b) is amended to read:

11 (b) The dollar amounts change on July 1 of each even-numbered
12 year if the percentage of change, calculated to the nearest whole
13 percentage point, between the index for November [DECEMBER] of the
14 preceding year and the reference base index, is 10 percent or more,
15 but

16 (1) the portion of the percentage change in the index in
17 excess of a multiple of 10 percent is disregarded and the dollar
18 amounts change only in multiples of 10 percent of the amounts appear-
19 ing in this chapter on the effective date of this chapter; and

20 (2) the dollar amounts do not change if the amounts re-
21 quired by this section are those currently in effect as a result of
22 earlier application of this section.

23 * Sec. 29. AS 09.65.132(g) is amended to read:

24 (g) An income assignment under this section has priority over
25 all other attachments, executions, garnishments, or other assignments
26 unless otherwise ordered by the court. An income assignment is not
27 limited to the wages of an obligor but may include all money owed to
28 the obligor not otherwise exempt by law. Exemptions under AS 09.38
29 [THE EXEMPTIONS FROM EXECUTION BY JUDGMENT DEBTORS UNDER

1 AS 09.35.080(a) AND THE RESTRICTIONS FROM EXECUTION BY JUDGMENT
2 DEBTORS UNDER AS 09.35.080(b)(1)] do not apply to income assignments
3 under this section; however, 50 percent of the gross wages of the
4 obligor or \$100 a week, whichever is less, is exempt from execution
5 under this section.

6 * Sec. 30. AS 12.30.040(a) is amended to read:

7 (a) A person who has been convicted of an offense and is await-
8 ing sentence, or who has filed an appeal shall be treated in accor-
9 dance with the provisions of AS 12.30.020 unless the court has reason
10 to believe that no one or more conditions of release will reasonably
11 assure the appearance of the person as required or prevent the person
12 from posing a danger to other persons and the community. If that
13 determination is made, the person may be remanded to custody. This
14 section does not affect the right of a person appealing from a judg-
15 ment of conviction from a district court to the superior court to be
16 released on bail pending appeal under Rule 603(b) of the Rules of
17 Appellate Procedure [RULE 2(c) OF THE DISTRICT COURT RULES OF CRIMINAL
18 PROCEDURE].

19 * Sec. 31. AS 12.47.030(b) is amended to read:

20 (b) Evidence of a mental disease or defect that is manifested
21 only by repeated criminal or antisocial conduct is not sufficient to
22 establish that the defendant was guilty but mentally ill [THE DEFENSE]
23 under (a) of this section.

24 * Sec. 32. AS 14.07.058(e) is amended to read:

25 (e) The board of control in consultation with the department
26 shall appoint an executive secretary and prescribe the duties and fix
27 the salary of that executive secretary. The executive secretary shall
28 serve at the pleasure of the board of control.

29 * Sec. 33. AS 14.17.080 is amended to read:

1 Sec. 14.17.080. COMPUTATION BY DISTRICT. By October 30 of the
2 pre-fiscal year each district shall submit to the commissioner a
3 preliminary report of computations for the following fiscal year of
4 the amount of basic state aid for which the district is eligible under
5 [DISTRICT'S BASIC NEED AS DEFINED IN] AS 14.17.021; [THE AMOUNT WHICH
6 IT EXPECTS TO MATCH UNDER THE PROVISIONS OF AS 14.17.071;] and the
7 amount for supplemental programs which has been approved for funding
8 consideration by the commissioner. Each district shall make the
9 computations in the manner prescribed by AS 14.17.080 - 14.17.150.
10 The computations are the basis for requesting legislative appropria-
11 tions and for making preliminary payments under the public school
12 foundation program.

13 * Sec. 34. AS 14.17.140(a) is amended to read:

14 (a) The [TO DETERMINE THE EQUALIZED PERCENTAGE TO BE APPLIED TO
15 BASIC NEED UNDER AS 14.17.021, AND THE MATCHING RATIO FOR REQUIRED
16 LOCAL EFFORT UNDER AS 14.17.071, THE] Department of Community and
17 Regional Affairs, in consultation with the assessor for each district,
18 shall determine the full value of the taxable real and personal prop-
19 erty in each district. Exemptions granted under AS 43.25 [CH. 129,
20 SLA 1957, KNOWN AS THE ALASKA INDUSTRIAL INCENTIVE ACT (AS 43.25.010 -
21 43.25.170),] shall be honored. If there is no local assessor or
22 current local assessment for a district, then the Department of Com-
23 munity and Regional Affairs shall make the determination of full value
24 from information available. In making the determination, the Depart-
25 ment of Community and Regional Affairs shall be guided by AS 29.53.-
26 060. The determination of full value shall be made before October 1
27 and sent by certified mail, return receipt requested, before that date
28 to the president of the school board in each district. Duplicate
29 copies shall be sent to the commissioner. The governing body of the

1 borough or city which is the district may obtain judicial review of
2 the determination by filing a motion in the superior court of the
3 judicial district in which the district is located within 30 days
4 after receipt of the determination. The superior court may modify the
5 determination of the Department of Community and Regional Affairs only
6 upon a finding of abuse of discretion or upon a finding that there is
7 no substantial evidence to support the determination.

8 * Sec. 35. AS 14.17.190(b) is amended to read:

9 (b) Each district shall maintain financial records of the re-
10 ceipt and disbursement of public school foundation money [AND MONEY
11 ACQUIRED FROM LOCAL EFFORT]. The records must be in the form required
12 by the commissioner and are subject to audit by the commissioner or
13 the board at any time.

14 * Sec. 36. AS 14.17.225(d) is repealed.

15 * Sec. 37. AS 14.20.220, 14.20.230 and 14.20.275 are repealed.

16 * Sec. 38. AS 14.20.310(a)(1) is amended to read:

17 (1) not more than one-half of one percent of the total
18 number of teachers from all borough and city school districts and
19 regional educational attendance areas [THE STATE-OPERATED SCHOOL
20 DISTRICT] may be on state-supported sabbatical leave in any year;

21 * Sec. 39. AS 14.20.320 is amended to read:

22 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of a
23 teacher to the teaching position, the teacher shall make a report to
24 the governing body concerning educational accomplishments. A teacher
25 who does not serve for at least a full year after returning shall
26 refund to the school board [DISTRICT, IF THE SABBATICAL LEAVE WAS AT
27 DISTRICT EXPENSE, OR TO THE BOARD OF STATE-OPERATED SCHOOLS, IF THE
28 SABBATICAL LEAVE WAS STATE-SUPPORTED,] money paid to the teacher under
29 AS 14.20.310 unless the failure to serve a full year after return is

1 attributable to sickness, injury or death.

2 * Sec. 40. AS 14.30.030 is amended to read:

3 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief
4 administrative officer of a district [OR STATE-OPERATED] school or
5 regional educational attendance area shall report all apparent vio-
6 lations of AS 14.30.010 to the governing body of the district. The
7 governing body shall, on receiving the report or on the complaint of
8 any person, provide for a full and impartial investigation of all
9 charges of violation. In private or federal schools, the chief admin-
10 istrative officer shall make a full and impartial investigation of all
11 apparent violations. If it reasonably appears upon investigation that
12 a person has violated AS 14.30.010, the governing body of a district
13 [OR STATE-OPERATED] school or regional educational attendance area, or
14 the chief administrative officer of a private or federal school, shall
15 make and file with the district court a complaint against the person,
16 charging the violation. The judge or magistrate may issue a warrant
17 for the arrest of the person and may act upon the complaint.

18 * Sec. 41. AS 14.42.015(a)(2) is amended to read:

19 (2) one person representing private higher education in the
20 state selected jointly by the Boards of Trustees of Alaska Pacific
21 [METHODIST] University and Sheldon Jackson College from among their
22 membership;

23 * Sec. 42. AS 14.43.095(c) is amended to read:

24 (c) The committee shall make an annual report reviewing the work
25 of the committee to the governor and [,] the legislature [AND THE
26 PRIVATE COLLEGES AND UNIVERSITIES WHERE STUDENTS RECEIVING TUITION
27 GRANTS ARE ENROLLED].

28 * Sec. 43. AS 14.43.100(b) is amended to read:

29 (b) A person whose loan [OR GRANT] application is not

1 recommended or presented to the committee by the executive secretary
2 may appeal to the committee through the chairman of the committee and
3 the committee shall consider the application.

4 * Sec. 44. AS 14.43.160(3) is repealed.

5 * Sec. 45. AS 14.52 is repealed.

6 * Sec. 46. AS 14.57.020(b) is amended to read:

7 (b) A member appointed to fill a vacancy serves for the unex-
8 pired term of the member succeeded. [OF THE INITIAL APPOINTEES OF THE
9 BOARD, ONE SHALL SERVE FOR ONE YEAR, TWO FOR TWO YEARS, AND TWO FOR
10 THREE YEARS.]

11 * Sec. 47. AS 15.07.070(b) is amended to read:

12 (b) To register by mail the director or the area election super-
13 visor shall furnish, upon request, and at no cost to the voter, forms
14 prepared by the director on which the registration information re-
15 quired under AS 15.07.060 shall be inserted by the voter, or by a
16 person on behalf of the voter if the voter [HE] is physically incapac-
17 itated. The forms shall be executed before a notary public, a commis-
18 sioned officer of the armed forces including the National Guard, a
19 district judge or magistrate, a United States postal official, or
20 other person qualified to administer oaths. If none of the officials
21 listed in this subsection is reasonably accessible, the person shall
22 have the forms witnessed by two persons over the age of 18 years, and,
23 in addition, shall provide the certification required by AS 09.63.020
24 [AS 09.65.012]. The director may require proof of identification of
25 the applicant as required by regulations adopted by the director under
26 the Administrative Procedure Act (AS 44.62). Upon receipt and ap-
27 proval of the completed registration forms the director or the elec-
28 tion supervisor shall forward to the voter an acknowledgment in the
29 form of a registration card, and the voter's [HIS] name shall

1 immediately be placed on the master register located in the office of
2 the director and on the district register located in the office of the
3 election supervisor. If the registration is denied, the voter shall
4 immediately be informed in writing by certified or registered letter
5 that registration was denied and the reason for denial.

6 * Sec. 48. AS 15.20.081(d) is amended to read:

7 (d) Upon receipt of an absentee ballot by mail, the voter, in
8 the presence of a notary public, commissioned officer of the armed
9 forces including the National Guard, district judge or magistrate,
10 United States postal official, or other person qualified to administer
11 oaths, may proceed to mark the ballot in secret, to place the ballot
12 in the small envelope, to place the small envelope in the larger
13 envelope, and to sign the voter's certificate on the back of the
14 larger envelope in the presence of an official listed in this subsec-
15 tion who shall sign as attesting official and shall date the [HIS]
16 signature. If none of the officials listed in this subsection are
17 reasonably accessible, an absentee voter shall have the ballot wit-
18 nessed by two persons over the age of 18 years and, in addition, shall
19 provide the certification prescribed in AS 09.63.020 [AS 09.65.012].

20 * Sec. 49. AS 16.10.265(a) is amended to read:

21 (a) It is unlawful for an individual while acting as a fish
22 processor or primary fish buyer, or as an agent, director, officer,
23 member, or employee of a fish processor, of a primary fish buyer, or
24 of a cooperative corporation organized under AS 10.15 to intentionally
25 or knowingly make an original purchase of fish from a seller who, in
26 violation of AS 16.43, does not hold an entry permit or an interim-use
27 permit [ISSUED OR TRANSFERRED TO THE SELLER IN ACCORDANCE WITH AS 16.-
28 43].

29 * Sec. 50. AS 16.10.267(a) is amended to read:

1 (a) When a fisherman who is required to hold a permit under
2 AS 16.43 sells fish, the fisherman shall possess

3 (1) an entry permit or interim-use permit issued or trans-
4 ferred to the fisherman under AS 16.43, or other document authorized
5 by regulation to be used in place of an entry permit or interim-use
6 permit; and

7 (2) an identification card that has been issued to the
8 fisherman by a state or federal agency and that bears a photograph of
9 the fisherman.

10 * Sec. 51. AS 16.10.500 - 16.10.620 are repealed.

11 * Sec. 52. AS 18.23.040 is amended to read:

12 Sec. 18.23.040. PENALTY FOR VIOLATION. Other than as authorized
13 by AS 18.23.030, a disclosure of data and information acquired by a
14 review committee or of what transpired at a review meeting is a misde-
15 meanor [AND PUNISHABLE UNDER AS 11.05.010].

16 * Sec. 53. AS 18.26.230(b) is repealed.

17 * Sec. 54. AS 21.60.010(d) is amended to read:

18 (d) Each violation of this section shall subject the violator to
19 the penalties provided in AS 21.90.020 [AS 21.90.030].

20 * Sec. 55. AS 22.05.020 is repealed and reenacted to read:

21 Sec. 22.05.020. COMPOSITION AND GENERAL POWERS OF SUPREME COURT.

22 (a) The supreme court is a court of record and consists of five
23 justices including the chief justice.

24 (b) The supreme court is vested with all power and authority
25 necessary to carry into complete execution all its judgments, decrees
26 and determinations in all matters within its jurisdiction, according
27 to the constitution, the laws of the state, and the common law.

28 (c) The supreme court may prescribe by rule the fees to be
29 charged by all courts for judicial services.

1 * Sec. 56. AS 22.10.020 is repealed and reenacted to read:

2 Sec. 22.10.020. JURISDICTION OF THE SUPERIOR COURT. (a) The
3 superior court is the trial court of general jurisdiction, with origi-
4 nal jurisdiction in all civil and criminal matters, including probate
5 and guardianship of minors and incompetents.

6 (b) The jurisdiction of the superior court extends over the
7 whole of the state.

8 (c) The superior court and its judges may issue injunctions,
9 writs of review, mandamus, prohibition, habeas corpus and all other
10 writs necessary or proper to the complete exercise of its jurisdic-
11 tion. A writ of habeas corpus may be made returnable before any judge
12 of the superior court.

13 (d) The superior court has jurisdiction in all matters appealed
14 to it from a subordinate court, or administrative agency when appeal
15 is provided by law. The hearings on appeal from a final order or
16 judgment of a subordinate court or administrative agency shall be on
17 the record unless the superior court, in its discretion, grants a
18 trial de novo, in whole or in part.

19 (e) An appeal to the superior court is a matter of right, but an
20 appeal from a subordinate court may not be taken by the defendant in a
21 criminal case after a plea of guilty, except on the ground that the
22 sentence was excessive, as further provided by this section. The
23 state has no right to appeal in criminal cases, except to test the
24 sufficiency of an indictment or information or to appeal a sentence on
25 the ground it is too lenient.

26 (f) An appeal to the superior court may be taken on the ground
27 that a sentence of imprisonment of 90 days or more was excessive and
28 the superior court in the exercise of this jurisdiction has the power
29 to reduce the sentence. When a sentence is appealed by the state on

1 the ground it is too lenient, the court may not increase the sentence
2 but may express its approval or disapproval of the sentence and its
3 reasons in a written opinion.

4 (g) In case of an actual controversy in the state, the superior
5 court, upon the filing of an appropriate pleading, may declare the
6 rights and legal relations of an interested party seeking the declara-
7 tion, whether or not further relief is or could be sought. The decla-
8 ration has the force and effect of a final judgment or decree and is
9 reviewable as such. Further necessary or proper relief based on a
10 declaratory judgment or decree may be granted, after reasonable notice
11 and hearing, against an adverse party whose rights have been deter-
12 mined by the judgment.

13 (h) The superior court, in an action for divorce, separation, or
14 child support, affecting inalienable stock in a corporation organized
15 under 43 U.S.C. 1601-1628 (P.L. 92-203, Alaska Native Claims Settle-
16 ment Act), may order the stock transferred to the spouse, a child, or
17 a guardian or custodian for a child, but may not order it sold on the
18 open market or transferred to other persons.

19 (i) The superior court is the court of original jurisdiction
20 over all causes of action arising under the provisions of AS 18.80. A
21 person who is injured or aggrieved by an act, practice or policy which
22 is prohibited under AS 18.80 may apply to the superior court for
23 relief. The person aggrieved or injured may maintain an action on
24 behalf of that person or on behalf of a class consisting of all per-
25 sons who are aggrieved or injured by the act, practice or policy
26 giving rise to the action. In an action brought under this subsec-
27 tion, the court may grant relief as to any act, practice or policy of
28 the defendant which is prohibited by AS 18.80, regardless of whether
29 each act, practice or policy, with respect to which relief is granted,

1 directly affects the plaintiff, so long as a class or members of a
2 class of which the plaintiff is a member are or may be aggrieved or
3 injured by the act, practice or policy. The court may enjoin any act,
4 practice or policy which is illegal under AS 18.80 and may order any
5 other relief, including the payment of money, that is appropriate.

6 * Sec. 57. AS 22.10.040(4) is amended to read:

7 (4) if the court finds that the defendant will be put to
8 unnecessary expense and inconvenience, and if the court finds that the
9 expense and inconvenience were [WAS] intentionally caused, the court
10 may assess costs against the plaintiff.

11 * Sec. 58. AS 24.30.036 is amended to read:

12 Sec. 24.30.036. FISCAL NOTES ON BILLS AFFECTING STATE RETIREMENT
13 SYSTEMS. Before a bill which would have an effect on the retirement
14 systems of the state is reported to the rules committee, there shall
15 be attached to the bill an analysis of the long-term and short-term
16 costs to the state if the bill is adopted, as well as the impact of
17 the bill on the actuarial soundness of the fund. The analysis [SHALL
18 BE PREPARED BY THE LEGISLATIVE BOARD OF RETIREMENT BENEFITS AND] is in
19 addition to the fiscal note requirements of AS 24.30.035.

20 * Sec. 59. AS 28.10.105(c) is repealed.

21 * Sec. 60. AS 33.30.150 is amended to read:

22 Sec. 33.30.150. VISITATION PRIVILEGES. An honor prisoner with
23 good behavior serving a sentence of one year or more may be permitted
24 as a privilege and not as a right to visit with family at a place
25 other than at the place of confinement and at the expense of the
26 prisoner for a period not exceeding one week nor more frequently than
27 once each six months under rules and regulations adopted by the com-
28 missioner and in the sole discretion of the commissioner. The wilful
29 failure of a prisoner to return to the place of confinement not later

1 than the expiration of a period during which the prisoner is autho-
2 rized to be away from the place of confinement under this section is
3 an unlawful evasion under AS 11.56.340 or 11.56.350 [AS 11.30.093].

4 * Sec. 61. AS 33.30.250(f) is amended to read:

5 (f) The wilful failure of a prisoner to return to the place of
6 confinement not later than the expiration of any period during which
7 the prisoner is authorized to be away from the place of confinement
8 under this section, is an unlawful evasion under AS 11.56.340 or
9 11.56.350 [AS 11.30.093].

10 * Sec. 62. AS 33.30.260 is amended to read:

11 Sec. 33.30.260. REHABILITATION FURLOUGHS. The commissioner may
12 authorize a prisoner to participate in educational, training, medical,
13 psychiatric, or other rehabilitation programs approved by the commis-
14 sioner. When the prisoner is not participating in a rehabilitation
15 program, the prisoner shall be confined in the jail unless the commis-
16 sioner directs otherwise. If the prisoner violates the conditions
17 established for the conduct or custody of the prisoner, the commis-
18 sioner may order the balance of the prisoner's sentence to be spent in
19 actual confinement. The wilful failure of a prisoner to return to the
20 place of confinement not later than the expiration of any period
21 during which the prisoner is authorized to be away from the place of
22 confinement under this section, is an unlawful evasion under AS 11.-
23 56.340 or 11.56.350 [AS 11.30.093].

24 * Sec. 63. Article II of AS 33.35.010 (The Agreement on Detainers) is
25 amended to read:

26 Article II

27 As used in this agreement, unless the context clearly requires other-
28 wise:

29 (1) "[PARTY] state" means a state of the United States, the

1 United States of America, a territory or possession of the United
2 States, the District of Columbia, the Commonwealth of Puerto Rico;

3 (2) "sending state" means a state in which a prisoner is
4 incarcerated at the time that he initiates a request for final dispo-
5 sition under Article III of this agreement or at the time that a
6 request for custody or availability is initiated under Article IV of
7 this agreement;

8 (3) "receiving state" means the state in which trial is to
9 be had on an indictment, information or complaint under Article III or
10 Article IV of this agreement.

11 * Sec. 64. AS 36.10.010 is amended to read:

12 Sec. 36.10.010. EMPLOYMENT PREFERENCE. In the performance of
13 contracts let by the state, a political subdivision of the state, or a
14 regional school board [WITH RESPECT TO AN EDUCATIONAL FACILITY UNDER
15 AS 14.08.161] for construction, repair, preliminary surveys, engineer-
16 ing studies, consulting, maintenance work or any other retention of
17 services necessary to complete any given project, 95 percent residents
18 shall be employed where they are available and qualified. If 10 or
19 fewer persons are employed under the contract, then 90 percent resi-
20 dents shall be employed where they are available and qualified. In
21 all cases of public works projects, preference shall be given to
22 residents. In an area which has been designated as an area impacted
23 by an economic disaster, residents of that area shall be given employ-
24 ment preference as provided in AS 44.33.290, followed by other resi-
25 dents of the state.

26 * Sec. 65. AS 36.95.010(3) is amended to read:

27 (3) "public construction" or "public works" means the
28 on-site field surveying, erection, rehabilitation, alteration, exten-
29 sion or repair, including painting or redecorating of buildings,

1 highways or other improvements to real property under contract for the
2 state, a political subdivision of the state, or a regional school
3 board [WITH RESPECT TO AN EDUCATIONAL FACILITY UNDER AS 14.08.161];

4 * Sec. 66. AS 37.14.060 - 37.14.100 are repealed.

5 * Sec. 67. AS 39.25.120(b) is amended to read:

6 (b) A person holding a position in the partially exempt service
7 is not required to take an examination or qualify or earn a place on a
8 register, and is not eligible for a hearing by the personnel board in
9 case of dismissal, demotion, or suspension. Positions in the partial-
10 ly exempt service are specifically exempt from the rules established
11 under AS 39.25.150(3) - (10), (12), (13), [(14),] and (16) [(17)].

12 * Sec. 68. AS 43.20.270(b) is amended to read:

13 (b) Notwithstanding the provisions of AS 09.35.070, AS 09.38.-
14 010 - 09.38.020 [- 09.35.090] or any other provision of law exempting
15 property from execution, only the following property, if it belongs to
16 the head of a family, is exempt from distraint and sale under AS 43.-
17 20.011 - 43.20.350:

18 (1) the schoolbooks and wearing apparel necessary for the
19 family;

20 (2) arms for personal use;

21 (3) one cow, two hogs, five sheep and their wool, but the
22 aggregate market value of the sheep may not exceed \$50;

23 (4) the necessary food for the exempt cow, hogs, and sheep,
24 for not more than 30 days;

25 (5) fuel to an amount not greater than \$25;

26 (6) provisions to an amount not greater than \$50;

27 (7) household furniture kept for use to an amount not
28 greater than \$300; and

29 (8) the books, tools, or implements of a trade or

1 profession, to an amount not greater than \$100.

2 * Sec. 69. AS 44.19.056 is amended to read:

3 Sec. 44.19.056. COMPOSITION. The State Geographic Board con-
4 sists of the commissioner [DIRECTOR] of the Department of Community
5 and Regional Affairs, the curator of the state museum, the state
6 historical librarian, the commissioner of the Department of Trans-
7 portation and Public Facilities, the commissioner of the Department of
8 Natural Resources, the commissioner of the Department of Education,
9 the director of the division of lands, and one other person appointed
10 by the governor.

11 * Sec. 70. AS 44.19.058(5) is amended to read:

12 (5) to serve as the state representatives of the United
13 States [GEOGRAPHIC] Board on Geographic Names and cooperate with that
14 board so that there is no conflict between the state and federal
15 designations of geographic features in the state.

16 * Sec. 71. AS 44.62.330(a)(27) is amended to read:

17 (27) Department of Health and Social Services and Department
18 of Environmental Conservation under Alaska Food, Drug, and Cosmetic
19 Act (AS 17.20.010 - 17.20.380) [, AND DEPARTMENT OF HEALTH AND SOCIAL
20 SERVICES IN CONNECTION WITH THE LICENSING OF EMBALMERS UNDER AS 08.-
21 44.010].

22 * Sec. 72. AS 44.83.398(f) is amended to read:

23 (f) The provisions of (b) of this section do not apply to an
24 intertie that is authorized as a separate project under AS 44.83.380.
25 The authority shall establish and maintain separate power rate sched-
26 ules applicable to each intertie that it has acquired or constructed
27 as a separate power project under the energy program for Alaska. The
28 power rate schedules shall produce sufficient revenue from utilities
29 connected by the intertie to pay (1) operation, maintenance, and

1 equipment replacement costs of the intertie; (2) debt service of the
2 intertie; and (3) safety inspections and investigations of the inter-
3 tie by the authority. If the authority determines that an intertie
4 has ceased to function as a separate project and has become a part of
5 one or more other power projects as a transmission line, the power
6 rate schedules established under this subsection shall be terminated
7 and a wholesale power rate applicable to the former intertie shall be
8 calculated under (b) of this section for the project or projects of
9 which it has become a part.

10 * Sec. 73. AS 44.88.140(c) is repealed.

11 * Sec. 74. AS 45.55.230(a) is amended to read:

12 (a) A person aggrieved by a final order of the administrator may
13 obtain a review of the order in the superior court by filing, in
14 accordance with the Rules of Appellate Procedure [WITHIN 60 DAYS AFTER
15 THE ENTRY OF THE ORDER], a written petition praying that the order be
16 modified or set aside in whole or in part. A copy of the petition
17 shall be served immediately upon the administrator, and thereupon the
18 administrator shall certify and file in court a copy of the filing and
19 evidence upon which the order was entered. When these are filed, the
20 court has exclusive jurisdiction to affirm, modify, enforce, or set
21 aside the order, in whole or in part.

22 * Sec. 75. AS 46.30.020 is amended to read:

23 Sec. 46.30.020. WATER AND WASTEWATER WORKS ADVISORY BOARD.
24 There is created the Water and Wastewater Works Advisory Board com-
25 posed of the commissioner of environmental conservation and eight
26 additional members appointed by the governor. The Water and Waste-
27 water Works Advisory Board shall advise and assist the department in
28 the administration of the training and certification program. Ap-
29 pointments to the board shall be for a period of five years. [THE

1 INITIAL TERM OF OFFICE OF TWO OF THE MEMBERS IS FOR ONE YEAR, THE
2 INITIAL TERM OF THREE OF THE MEMBERS IS THREE YEARS, AND THE INITIAL
3 TERM OF THREE OF THE MEMBERS IS FIVE YEARS.] Vacancies shall be
4 filled in the same manner as the original appointments.

5 * Sec. 76. AS 46.30.040 is amended to read:

6 Sec. 46.30.040. CERTIFICATION REQUIREMENT. All [TWO YEARS
7 FOLLOWING SEPTEMBER 24, 1976, ALL] potable water supply and wastewater
8 systems and facilities, whether publicly or privately owned, which
9 serve 100 or more service connections or are used or intended for use
10 by 500 or more persons, must at all times be under the supervision of
11 an operator whose competency is certified to by the department in a
12 classification corresponding to the classification of the system or
13 facility to be supervised.

14 * Sec. 77. AS 46.30.120 is amended to read:

15 Sec. 46.30.120. PROHIBITED ACTS. It is [ON OR AFTER TWO YEARS
16 FOLLOWING SEPTEMBER 24, 1976, IT SHALL BE] unlawful

17 (1) for any potable water supply or wastewater system or
18 facility subject to AS 46.30.040 to be operated unless the operator is
19 certified under the provisions of this chapter;

20 (2) for any person to perform the duties of an operator
21 without being certified under the provisions of this chapter.

22 * Sec. 78. AS 47.10.230(f) is amended to read:

23 (f) If a blood relative of the child specified under (e) of this
24 section exists and agrees that the child should be placed elsewhere,
25 before placement elsewhere the department shall fully communicate the
26 nature of the placement proceedings to the relative. Communication
27 under this subsection [SECTION] shall be made in the relative's native
28 language, if necessary. Nothing in this subsection [SECTION] or in
29 (e) of this section applies to child placement for adoptive purposes.

1 * Sec. 79. AS 47.23.110(8) is repealed.

2 * Sec. 80. AS 47.23.250(i) is amended to read:

3 (i) Exemptions under AS 09.38 [THE EXEMPTIONS FROM EXECUTION BY
4 JUDGMENT DEBTORS UNDER AS 09.35.080(a) AND THE RESTRICTIONS FROM
5 EXECUTION BY JUDGMENT DEBTORS UNDER AS 09.35.080(b)(1)] do not apply
6 to proceedings to enforce the payment of child support under AS 47.-
7 23.230 - 47.23.270; however, 50 percent of the gross wages of the
8 obligor or \$100 a week, whichever is less, is exempt from execution
9 under AS 47.23.230 - 47.23.270.

10 * Sec. 81. This Act takes effect immediately in accordance with AS 01.-
11 10.070(c).