

Offered: 5/5/83
Referred: Rules

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 133 (Judiciary)
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 AS 02.15.260(10) is repealed and reenacted to read: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 AS 03.19 is repealed.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 registered [PROFESSIONAL]
- 9 nurse under AS 08.68 [AS DEFINED IN AS 08.68.410], an optometrist
- 10 under AS 08.72 [AS DEFINED IN AS 08.72.300(3)], a registered
- 11 pharmacist under AS 08.80, a registered physical therapist under
- 12 AS 08.84, or a psychologist under AS 08.86, shall [PROFESSIONALLY
- 13 IDENTIFY HIMSELF OR HERSELF BY THE] use as professional identification
- 14 [OF] appropriate letters or a title after that person's name which
- 15 represents that person's specific field of practice. The letters or
- 16 title shall appear on all signs, stationery or other advertising in
- 17 which the person offers or displays personal professional services to
- 18 the public. In addition, a person engaged in the practice of medicine
- 19 or osteopathy under AS 08.64.380(2), or a person engaged in any manner
- 20 in 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 08.24.011 - 08.24.031 and AS 08.24.380(1) are repealed:

11 * Sec. 15. AS 08.24.061 is amended to read:

12 Sec. 08.24.061. PUBLICATION OF APPLICABLE LAW. The department
13 shall reproduce the laws relating to licensing of collection agencies
14 and operators, the [RULES AND] regulations adopted by the department
15 [OR THE BOARD] and other pertinent matter, publish the material in
16 pamphlet form, and make the pamphlets available to the public without
17 expense.

18 * Sec. 16. AS 08.24.100(a) is amended to read:

19 (a) Notwithstanding any other provision of this chapter, a
20 licensee may not engage in the collection agency business unless and
21 until the collection agency, and each branch office of the agency is
22 under the management and control of a licensed operator for each
23 office. The department [OR THE BOARD] may waive this requirement for
24 a period not to exceed 90 days upon the death or disability of an
25 operator, or for other good cause.

26 * Sec. 17. AS 08.24.120(b) is amended to read:

27 (b) The department is [AND THE BOARD ARE] authorized to make a
28 complete investigation of applicants including inquiry of police
29 agencies as to the applicant's record of arrest or conviction of

1 crime.

2 * Sec. 18. AS 08.24.130(a)(5) is amended to read:

3 (5) additional information which the department by [OR THE
4 BOARD, BY RULE OR] regulation, requires.

5 * Sec. 19. AS 08.24.270 is amended to read:

6 Sec. 08.24.270. ADMINISTRATIVE PROCEDURE ACT. The department
7 [AND THE BOARD] shall comply with the Administrative Procedure Act
8 (AS 44.62) both as to enactment of regulations and adjudication.

9 * Sec. 20. AS 08.24.280(f) is amended to read:

10 (f) No collection agency, or [AN] employee of a collection
11 agency, may intentionally make a false entry in the collection agency
12 record or intentionally mutilate, destroy or otherwise dispose of a
13 record within the time limits provided in this section. The records
14 shall at all reasonable times be open for inspection by the department
15 [, THE BOARD OR THEIR AUTHORIZED AGENT].

16 * Sec. 21. AS 08.24.340(b)(4) is amended to read:

17 (4) further information which the [BOARD OR] department may
18 require.

19 * Sec. 22. AS 08.36.280(c) is amended to read:

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

26 * Sec. 23. AS 08.36.280(d) is amended to read:

27 (d) A temporary permit may be revoked, suspended or annulled, or
28 the permittee may be reprimanded, censured or disciplined by the board
29 in the same manner and for the same cause as a licensed dentist under

1 AS 08.36.315 [AS 08.36.310].

2 * Sec. 24. AS 08.60.030 is repealed.

3 * Sec. 25. AS 08.62.110 is repealed.

4 * Sec. 26. AS 08.62.120 is amended to read:

5 Sec. 08.62.120. DURATION, RENEWAL. A license issued under this
6 chapter shall be renewed biennially on dates set by the department.
7 [A LICENSE ISSUED UNDER FORMER AS 30.10 LAPSES AT THE END OF CALENDAR
8 YEAR 1970. A LICENSE ISSUED BETWEEN MAY 7, 1970 AND THE END OF 1970
9 SHALL BE ISSUED FOR A FEE OF \$100.] A license shall be renewed with-
10 out examination upon the payment of the biennial license fee.

11 * Sec. 27. AS 08.68.270(4) is amended to read:

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

16 * Sec. 28. AS 08.71.220 is repealed.

17 * Sec. 29. AS 08.80.295(e) is repealed.

18 * Sec. 30. AS 08.88.201 is amended to read:

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

24 * Sec. 31. AS 08.88.261 is amended to read:

25 Sec. 08.88.261. OUT-OF-STATE LICENSES. A person who holds a
26 valid, active license from another state which grants an equivalent
27 right to Alaskan licensees is entitled to a license of the kind the
28 person holds there without examination if the person (1) meets the
29 requirements of AS 08.88.171 [AS 08.88.211(a)(2) - (5) FOR BROKERS OR

1 AS 08.88.211(b) FOR SALESMEN,] and files the required bond; (2) passed
2 an examination in the other state; and (3) has actively practiced the
3 person's profession for at least five out of the previous six years
4 before filing an application.

5 * Sec. 32. AS 08.88.263 is amended to read:

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

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

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

12 * Sec. 33. AS 08.99.010 - 08.99.100 and AS 08.99.120 are repealed.

13 * Sec. 34. AS 09.38.030(c)(2) is amended to read:

14 (2) enforceable under an order of a court of bankruptcy
15 under 11 U.S.C. 1301 - 1330 (P.L. 95 - 598, Bankruptcy Reform Act of
16 1978) [CHAPTER XIII OF THE BANKRUPTCY ACT (11 U.S.C., SEC. 1301 ET
17 SEQ.)].

18 * Sec. 35. AS 09.38.115(b) is amended to read:

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

24 (1) the portion of the percentage change in the index in
25 excess of a multiple of 10 percent is disregarded and the dollar
26 amounts change only in multiples of 10 percent of the amounts appear-
27 ing in this chapter on the effective date of this chapter; and

28 (2) the dollar amounts do not change if the amounts re-
29 quired by this section are those currently in effect as a result of

1 earlier application of this section.

2 * Sec. 36. AS 09.65.132(g) is amended to read:

3 (g) An income assignment under this section has priority over
4 all other attachments, executions, garnishments, or other assignments
5 unless otherwise ordered by the court. An income assignment is not
6 limited to the wages of an obligor but may include all money owed to
7 the obligor not otherwise exempt by law. Exemptions under AS 09.38
8 [THE EXEMPTIONS FROM EXECUTION BY JUDGMENT DEBTORS UNDER AS 09.35.-
9 080(a) AND THE RESTRICTIONS FROM EXECUTION BY JUDGMENT DEBTORS UNDER
10 AS 09.35.080(b)(1)] do not apply to income assignments under this
11 section; however, 50 percent of the gross wages of the obligor or \$100
12 a week, whichever is less, is exempt from execution under this sec-
13 tion.

14 * Sec. 37. AS 12.30.040(a) is amended to read:

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

27 * Sec. 38. AS 12.47.030(b) is amended to read:

28 (b) Evidence of a mental disease or defect that is manifested
29 only by repeated criminal or antisocial conduct is not sufficient to

1 establish that the defendant was guilty but mentally ill [THE DEFENSE]
2 under (a) of this section.

3 * Sec. 39. AS 14.07.058(e) is amended to read:

4 (e) The board of control in consultation with the department
5 shall appoint an executive secretary and prescribe the duties and fix
6 the salary of that executive secretary. The executive secretary shall
7 serve at the pleasure of the board of control.

8 * Sec. 40. AS 14.17.080 is amended to read:

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

21 * Sec. 41. AS 14.17.140(a) is amended to read:

22 (a) The [TO DETERMINE THE EQUALIZED PERCENTAGE TO BE APPLIED TO
23 BASIC NEED UNDER AS 14.17.021, AND THE MATCHING RATIO FOR REQUIRED
24 LOCAL EFFORT UNDER AS 14.17.071, THE] Department of Community and
25 Regional Affairs, in consultation with the assessor for each district,
26 shall determine the full value of the taxable real and personal prop-
27 erty in each district. Exemptions granted under AS 43.25 [CH. 129,
28 SLA 1957, KNOWN AS THE ALASKA INDUSTRIAL INCENTIVE ACT (AS 43.25.010 -
29 43.25.170),] shall be honored. If there is no local assessor or

1 current local assessment for a district, then the Department of Com-
2 munity and Regional Affairs shall make the determination of full value
3 from information available. In making the determination, the Depart-
4 ment of Community and Regional Affairs shall be guided by AS 29.53.-
5 060. The determination of full value shall be made before October 1
6 and sent by certified mail, return receipt requested, before that date
7 to the president of the school board in each district. Duplicate
8 copies shall be sent to the commissioner. The governing body of the
9 borough or city which is the district may obtain judicial review of
10 the determination by filing a motion in the superior court of the
11 judicial district in which the district is located within 30 days
12 after receipt of the determination. The superior court may modify the
13 determination of the Department of Community and Regional Affairs only
14 upon a finding of abuse of discretion or upon a finding that there is
15 no substantial evidence to support the determination.

16 * Sec. 42. AS 14.17.225(d) is repealed.

17 * Sec. 43. AS 14.20.230 and 14.20.275 are repealed.

18 * Sec. 44. AS 14.20.310(a)(1) is amended to read:

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

23 * Sec. 45. AS 14.20.320 is amended to read:

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

1 SABBATICAL LEAVE WAS STATE-SUPPORTED,] money paid to the teacher under
2 AS 14.20.310 unless the failure to serve a full year after return is
3 attributable to sickness, injury or death.

4 * Sec. 46. AS 14.30.030 is amended to read:

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

20 * Sec. 47. AS 14.42.015(a)(2) is amended to read:

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

25 * Sec. 48. AS 14.43.095(c) is amended to read:

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

1 * Sec. 49. AS 14.43.100(b) is amended to read:

2 (b) A person whose loan [OR GRANT] application is not recommend-
3 ed or presented to the committee by the executive secretary may appeal
4 to the committee through the chairman of the committee and the com-
5 mittee shall consider the application.

6 * Sec. 50. AS 14.43.160(3) is repealed.

7 * Sec. 51. AS 14.52 is repealed.

8 * Sec. 52. AS 14.57.020(b) is amended to read:

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

13 * Sec. 53. AS 15.07.070(b) is amended to read:

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

1 election supervisor shall forward to the voter an acknowledgment in
2 the form of a registration card, and the voter's [HIS] name shall
3 immediately be placed on the master register located in the office of
4 the director and on the district register located in the office of the
5 election supervisor. If the registration is denied, the voter shall
6 immediately be informed in writing by certified or registered letter
7 that registration was denied and the reason for denial.

8 * Sec. 54. AS 15.20.081(d) is amended to read:

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

22 * Sec. 55. AS 16.10.265(a) is amended to read:

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

1 AS 16.43].

2 * Sec. 56. AS 16.10.267(a) is amended to read:

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

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

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

12 * Sec. 57. AS 16.10.530 is repealed.

13 * Sec. 58. AS 18.23.040 is amended to read:

14 Sec. 18.23.040. PENALTY FOR VIOLATION. Other than as authorized
15 by AS 18.23.030, a disclosure of data and information acquired by a
16 review committee or of what transpired at a review meeting is a misde-
17 meanor and punishable by imprisonment for not more than one year or by
18 a fine of not more than \$500 [UNDER AS 11.05.010].

19 * Sec. 59. AS 18.26.230(b) is repealed.

20 * Sec. 60. AS 21.60.010(d) is amended to read:

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

23 * Sec. 61. AS 22.05.020 is repealed and reenacted to read:

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

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

27 (b) The supreme court is vested with all power and authority
28 necessary to carry into complete execution all its judgments, decrees
29 and determinations in all matters within its jurisdiction, according

1 to the constitution, the laws of the state, and the common law.

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

4 * Sec. 62. AS 22.10.020 is repealed and reenacted to read:

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

9 (b) The jurisdiction of the superior court extends over the
10 whole of the state.

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

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

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

28 (f) An appeal to the superior court may be taken on the ground
29 that a sentence of imprisonment of 90 days or more was excessive and

1 the superior court in the exercise of this jurisdiction has the power
2 to reduce the sentence. When a sentence is appealed by the state on
3 the ground it is too lenient, the court may not increase the sentence
4 but may express its approval or disapproval of the sentence and its
5 reasons in a written opinion.

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

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

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

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

8 * Sec. 63. AS 22.10.040(4) is amended to read:

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

13 * Sec. 64. AS 24.30.036 is amended to read:

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

22 * Sec. 65. AS 28.10.105(c) is repealed.

23 * Sec. 66. AS 28.10.411(b) is amended to read:

24 (b) Motor carrier [AND BUS TRANSPORTATION] fees paid on vehicles
25 subject to the Alaska Motor Freight Carrier Act (AS 42.10) [AND THE
26 ALASKA BUS ACT (AS 42.15)] shall be paid to the department at the same
27 time the registration fee is paid.

28 * Sec. 67. AS 33.30.150 is amended to read:

29 Sec. 33.30.150. VISITATION PRIVILEGES. An honor prisoner with

1 good behavior serving a sentence of one year or more may be permitted
2 as a privilege and not as a right to visit with family at a place
3 other than at the place of confinement and at the expense of the
4 prisoner for a period not exceeding one week nor more frequently than
5 once each six months under rules and regulations adopted by the com-
6 missioner and in the sole discretion of the commissioner. The wilful
7 failure of a prisoner to return to the place of confinement not later
8 than the expiration of a period during which the prisoner is autho-
9 rized to be away from the place of confinement under this section is
10 an unlawful evasion under AS 11.56.340 or 11.56.350 [AS 11.30.093].

11 * Sec. 68. AS 33.30.250(f) is amended to read:

12 (f) The wilful failure of a prisoner to return to the place of
13 confinement not later than the expiration of any period during which
14 the prisoner is authorized to be away from the place of confinement
15 under this section, is an unlawful evasion under AS 11.56.340 or
16 11.56.350 [AS 11.30.093].

17 * Sec. 69. AS 33.30.260 is amended to read:

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

1 by an economic disaster, residents of that area shall be given employ-
2 ment preference as provided in AS 44.33.290, followed by other resi-
3 dents of the state.

4 * Sec. 72. AS 36.95.010(3) is amended to read:

5 (3) "public construction" or "public works" means the
6 on-site field surveying, erection, rehabilitation, alteration, exten-
7 sion or repair, including painting or redecorating of buildings,
8 highways or other improvements to real property under contract for the
9 state, a political subdivision of the state, or a regional school
10 board [WITH RESPECT TO AN EDUCATIONAL FACILITY UNDER AS 14.08.161];

11 * Sec. 73. AS 37.14.060 - 37.14.100 are repealed.

12 * Sec. 74. AS 38.04.065(a) is amended to read:

13 (a) The commissioner shall, with local governmental and public
14 involvement in accordance with AS 38.05.345 [AS 38.05.305], develop,
15 maintain and, when appropriate, revise land use plans which provide,
16 by regions or areas, for the use of the state-owned land.

17 * Sec. 75. AS 38.04.900(a) is amended to read:

18 (a) The commissioner shall adopt under the Administrative Proce-
19 dure Act (AS 44.62) regulations believed [HE BELIEVES ARE] necessary
20 to carry out the purposes of this chapter. [WITHIN 120 DAYS AFTER THE
21 EFFECTIVE DATE OF THIS ACT, THE DIRECTOR SHALL SUBMIT TO THE COMMIS-
22 SIONER DRAFT REGULATIONS IMPLEMENTING THIS CHAPTER AND REVISING REGU-
23 LATIONS IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT PERTAINING TO
24 PLANNING, CLASSIFICATION, MANAGEMENT, AND DISPOSAL OF THE STATE'S
25 SURFACE ESTATE IN LAND. NEW AND REVISED REGULATION SHALL BE INTEGRAT-
26 ED IN A SINGLE COMPREHENSIVE DRAFT COMPATIBLE WITH THE STRUCTURE OF
27 THE ALASKA ADMINISTRATIVE CODE. IN PREPARING THIS DRAFT, THE DIRECTOR
28 SHALL SEEK TO SIMPLIFY AND CLARIFY REGULATIONS GOVERNING LAND PLAN-
29 NING, CLASSIFICATION, MANAGEMENT, AND DISPOSAL.]

1 * Sec. 76. AS 38.04.910(8) is repealed and reenacted to read:

2 (8) "state park" means an area of state land designated by
3 law to be managed for public use and enjoyment of recreational, sce-
4 nic, cultural, historical, wilderness, and similar values, and in-
5 cludes roadside rests and recreational beaches, state monuments and
6 historic sites, state recreation areas and state parks.

7 * Sec. 77. AS 38.05.057(e)(3) is amended to read:

8 (3) notice of the application period and the date of the
9 lottery shall be given in accordance with AS 38.05.345 [AS 38.05.-
10 345(e)]; and

11 * Sec. 78. AS 38.05.057(g) is amended to read:

12 (g) After receiving the deposit required under (a) of this
13 section, the director [OR HIS REPRESENTATIVE] shall immediately issue
14 a receipt containing a description of the land or property to be
15 conveyed, the price of the land, and the terms of disposal. The
16 receipt shall be acknowledged in writing by the purchaser. [A CON-
17 TRACT OF SALE SHALL BE EXECUTED IN THE SAME FORM AND MANNER AS RE-
18 QUIRED UNDER AS 38.05.055.]

19 * Sec. 79. AS 38.05.078(e) is amended to read:

20 (e) If a purchaser of land described in (a) or former [AND] (b)
21 of this section fails to comply with the conditions in the contract of
22 sale required by (d) of this section, the contract of sale is void and
23 the purchaser forfeits all rights in and title to the land. The com-
24 missioner shall request the attorney general to bring an action to
25 eject the purchaser from the land and to declare the right of reentry
26 of the state.

27 * Sec. 80. AS 38.05.078(f) is repealed.

28 * Sec. 81. AS 38.05.079(a) is amended to read:

29 (a) After September 1, 1980, the commissioner may issue a permit

1 for the use of remote state land in a municipality for a cabin site if
2 the land was [IS] classified for that purpose under former AS 38.05.-
3 047(a)(5)(B). After September 1, 1981, the commissioner may issue a
4 permit for the use of remote state land outside a municipality for a
5 cabin site if the land is classified for that purpose under the pro-
6 cedures required by AS 38.05.300 and 38.05.345 [38.05.305].

7 * Sec. 82. AS 38.05.082(d) is amended to read:

8 (d) Subleasing and renewals of leases are governed by AS 38.05.-
9 095 and 38.05.102 [SECS. 95 - 100 OF THIS CHAPTER].

10 * Sec. 83. AS 38.05.102 is amended to read:

11 Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold
12 created under AS 38.05.070 - 38.05.105 [38.05.100] is offered for sale
13 or long-term lease at the termination of the existing leasehold, the
14 director may, upon a finding [IF HE FINDS] that it is in the best
15 interest of the state, allow the holder in good standing of that
16 leasehold to purchase or lease the land for its appraised fair market
17 value at the time of the sale or long-term lease.

18 * Sec. 84. AS 38.05.118(b) is amended to read:

19 (b) Notice of intent to negotiate a contract authorized by (a)
20 of this section shall be given in accordance with AS 38.05.345
21 [AS 38.05.305].

22 * Sec. 85. AS 38.05.255 is amended to read:

23 Sec. 38.05.255. SURFACE USE OF LAND OR WATER. Surface uses of
24 land or water [WATERS] included within mining properties by owners of
25 those properties shall be limited to those necessary for the prospect-
26 ing for, extraction of, or basic processing of mineral deposits and
27 shall be subject to reasonable concurrent uses. Permits for millsites
28 and tailings disposal may be granted by the director. The permits
29 shall be conditioned upon payment of a reasonable charge for the use

1 and continuance of the limited use. Timber from land [LANDS] open to
2 mining without lease, except timberland [TIMBERLANDS], may be used by
3 a mining claimant or prospecting site locator for the mining or devel-
4 opment of the [HIS] location or adjacent claims under common owner-
5 ship. On other land [LANDS], timber may be acquired as provided
6 [ELSEWHERE] in this chapter. Use of water shall be made in accordance
7 with AS 46.15 [SEC. 260 OF THIS CHAPTER AND RULES AND REGULATIONS
8 ADOPTED UNDER IT OR IN ACCORDANCE WITH ANY LAW AMENDING OR SUPERSEDING
9 THAT SECTION].

10 * Sec. 86. AS 38.08.020 is amended to read:

11 Sec. 38.08.020. PUBLIC NOTICE. The director shall publish
12 notice of the availability of the land in the same manner as provided
13 in AS 38.05.345 [AS 38.05.345(e)].

14 * Sec. 87. AS 39.25.120(b) is amended to read:

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

21 * Sec. 88. AS 39.50.200(b) is amended by adding new paragraphs to read:

22 (46) Alaska Power Authority public directors (AS 44.83.030);
23 and

24 (47) Alaska Resources Corporation (AS 37.12.010).

25 * Sec. 89. AS 43.20.270(b) is amended to read:

26 (b) Notwithstanding the provisions of AS 09.35.070, AS 09.38.-
27 010 - 09.38.020 [- 09.35.090] or any other provision of law exempting
28 property from execution, only the following property, if it belongs to
29 the head of a family, is exempt from distraint and sale under AS 43.-

1 20.011 - 43.20.350:

2 (1) the schoolbooks and wearing apparel necessary for the
3 family;

4 (2) arms for personal use;

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

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

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

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

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

13 (8) the books, tools, or implements of a trade or profes-
14 sion, to an amount not greater than \$100.

15 * Sec. 90. AS 44.19.056 is amended to read:

16 Sec. 44.19.056. COMPOSITION. The State Geographic Board con-
17 sists of the commissioner [DIRECTOR] of the Department of Community
18 and Regional Affairs, the curator of the state museum, the state
19 historical librarian, the commissioner of the Department of Trans-
20 portation and Public Facilities, the commissioner of the Department of
21 Natural Resources, the commissioner of the Department of Education,
22 the director of the division of lands, and one other person appointed
23 by the governor.

24 * Sec. 91. AS 44.19.058(5) is amended to read:

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

29 * Sec. 92. AS 44.62.330(a)(27) is amended to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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

* Sec. 93. AS 44.83.398(f) is amended to read:

(f) The provisions of (b) of this section do not apply to an intertie that is authorized as a separate project under AS 44.83.380. The authority shall establish and maintain separate power rate schedules applicable to each intertie that it has acquired or constructed as a separate power project under the energy program for Alaska. The power rate schedules shall produce sufficient revenue from utilities connected by the intertie to pay (1) operation, maintenance, and equipment replacement costs of the intertie; (2) debt service of the intertie; and (3) safety inspections and investigations of the intertie by the authority. If the authority determines that an intertie has ceased to function as a separate project and has become a part of one or more other power projects as a transmission line, the power rate schedules established under this subsection shall be terminated and a wholesale power rate applicable to the former intertie shall be calculated under (b) of this section for the project or projects of which it has become a part.

* Sec. 94. AS 44.88.140(c) is repealed.

* Sec. 95. AS 45.55.230(a) is amended to read:

(a) A person aggrieved by a final order of the administrator may obtain a review of the order in the superior court by filing, in accordance with the Rules of Appellate Procedure [WITHIN 60 DAYS AFTER THE ENTRY OF THE ORDER], a written petition praying that the order be

1 modified or set aside in whole or in part. A copy of the petition
2 shall be served immediately upon the administrator, and thereupon the
3 administrator shall certify and file in court a copy of the filing and
4 evidence upon which the order was entered. When these are filed, the
5 court has exclusive jurisdiction to affirm, modify, enforce, or set
6 aside the order, in whole or in part.

7 * Sec. 96. AS 46.30.020 is amended to read:

8 Sec. 46.30.020. WATER AND WASTEWATER WORKS ADVISORY BOARD.
9 There is created the Water and Wastewater Works Advisory Board com-
10 posed of the commissioner of environmental conservation and eight
11 additional members appointed by the governor. The Water and Waste-
12 water Works Advisory Board shall advise and assist the department in
13 the administration of the training and certification program. Ap-
14 pointments to the board shall be for a period of five years. [THE
15 INITIAL TERM OF OFFICE OF TWO OF THE MEMBERS IS FOR ONE YEAR, THE
16 INITIAL TERM OF THREE OF THE MEMBERS IS THREE YEARS, AND THE INITIAL
17 TERM OF THREE OF THE MEMBERS IS FIVE YEARS.] Vacancies shall be
18 filled in the same manner as the original appointments.

19 * Sec. 97. AS 46.30.040 is amended to read:

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

28 * Sec. 98. AS 46.30.120 is amended to read:

29 Sec. 46.30.120. PROHIBITED ACTS. It is [ON OR AFTER TWO YEARS

1 FOLLOWING SEPTEMBER 24, 1976, IT SHALL BE] unlawful

2

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

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

8 * Sec. 99. AS 47.10.230(f) is amended to read:

9 (f) If a blood relative of the child specified under (e) of this
10 section exists and agrees that the child should be placed elsewhere,
11 before placement elsewhere the department shall fully communicate the
12 nature of the placement proceedings to the relative. Communication
13 under this subsection [SECTION] shall be made in the relative's native
14 language, if necessary. Nothing in this subsection [SECTION] or in
15 (e) of this section applies to child placement for adoptive purposes.

16 * Sec. 100. AS 47.23.110(8) is repealed.

17 * Sec. 101. AS 47.23.250(i) is amended to read:

18 (i) Exemptions under AS 09.38 [THE EXEMPTIONS FROM EXECUTION BY
19 JUDGMENT DEBTORS UNDER AS 09.35.080(a) AND THE RESTRICTIONS FROM
20 EXECUTION BY JUDGMENT DEBTORS UNDER AS 09.35.080(b)(1)] do not apply
21 to proceedings to enforce the payment of child support under AS 47.-
22 23.230 - 47.23.270; however, 50 percent of the gross wages of the
23 obligor or \$100 a week, whichever is less, is exempt from execution
24 under AS 47.23.230 - 47.23.270.

25 * Sec. 102. This Act takes effect immediately in accordance with
26 AS 01.10.070(c).