

Offered: 1/18/84
Referred: Rules

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 133 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND 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 01.10.070(b) is amended to read:

11 (b) The actual effective date of an Act having no effective-date
12 provision is determined by starting with the day after it is signed by
13 the governor or the day after the governor's veto is overridden or the
14 day after expiration of the period allowed for gubernatorial action by
15 art. II, sec. 17 of the Alaska Constitution, and counting 90 calendar
16 days, the Act becoming effective at 12:01 a.m., Alaska [PACIFIC]
17 Standard Time on the 90th day.

18 * Sec. 2. AS 01.10.070(c) is amended to read:

19 (c) The actual effective date and time of an Act having an
20 immediate-effective-date provision is 12:01 a.m., Alaska [PACIFIC]
21 Standard Time, on the day after it is signed by the governor or on the
22 day after the governor's veto is overridden or on the day after ex-
23 piration of the period allowed for gubernatorial action by art. II,
24 sec. 17 of the Alaska Constitution.

25 * Sec. 3. AS 01.10.070(d) is amended to read:

26 (d) An Act which specifies a definite effective date becomes
27 effective at 12:01 a.m., Alaska [PACIFIC] Standard Time on the date
28 specified.

29 * Sec. 4. AS 02.15.260(10) is repealed and reenacted to read:

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

4 * Sec. 5. AS 03.10.030(e) is amended to read:

5 (e) An installment payment is delinquent unless it is mailed by
6 the borrower on or before the 30th day after the date specified for
7 payment in the loan agreement or unless it is received by the depart-
8 ment on or before the 30th day after the date specified for payment in
9 the loan agreement. If an installment payment is delinquent, the
10 director of the division of agriculture of the department may assess a
11 delinquency penalty. The delinquency penalty shall be an amount equal
12 to seven percent of the delinquent payment, but the combined delin-
13 quency penalty and loan interest may not exceed 15 percent.

14 * Sec. 6. AS 03.19 is repealed.

15 * Sec. 7. AS 03.45.060(c) is amended to read:

16 (c) If the inspector determines that the animal should be
17 slaughtered or destroyed, the inspector may condemn and have the
18 animal slaughtered or destroyed in the manner the inspector deter-
19 mines. Reimbursement may be allowed for the slaughter or destruction
20 of dairy cattle only. In such case, the inspector and the owner shall
21 appraise the dairy cattle at a fair valuation without regard to the
22 disease. Where they cannot agree as to the value of the animal, the
23 owner and inspector may select a disinterested third party to aid in
24 the appraisal. Where they cannot agree on the selection of a third
25 party, a peace officer in the judicial district where the inspection
26 is made may designate a third disinterested party to act with the
27 inspector and owner to determine the value of the animal. The amount
28 realized from the sale of the carcass of the slaughtered animal shall
29 be paid to the owner of the animal and the inspector shall certify to

1 the commissioner of environmental conservation the name and address of
2 the owner, the date the animal was condemned, the appraised value of
3 the animal, together with the net sum realized from the salvage there-
4 of, or which could have been realized.

5 * Sec. 8. AS 03.45.070 is amended to read:

6 Sec. 03.45.070. COMPENSATION TO OWNERS OF DAIRY CATTLE DESTROY-
7 ED; RECORDS TO BE KEPT. The commissioner of environmental conserva-
8 tion may enter into cooperative agreements with the United States
9 Department of Agriculture for controlling diseases among dairy cattle
10 and may match federal indemnity payments for livestock slaughtered
11 thereunder, from any funds available. The commissioner shall keep a
12 record of all payments made, with a copy of the inspector's certifica-
13 tion of appraised value and salvage value.

14 * Sec. 9. AS 08.01.010(2), (5), (16) and (17) are repealed.

15 * Sec. 10. AS 08.01.010 is amended by adding a new paragraph to read:

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

17 * Sec. 11. AS 08.02.010(a) is amended to read:

18 (a) A person licensed in the state as a chiropractor under
19 AS 08.20 [AS DEFINED IN AS 08.20.220], a dentist under AS 08.36 [AS
20 DEFINED IN AS 08.36.360], a medical practitioner or osteopath under
21 AS 08.64 [AS DEFINED IN AS 08.64.380], a registered [PROFESSIONAL]
22 nurse under AS 08.68 [AS DEFINED IN AS 08.68.410], an optometrist
23 under AS 08.72 [AS DEFINED IN AS 08.72.300(3)], a registered pharma-
24 cist under AS 08.80, a registered physical therapist under AS 08.84,
25 or a psychologist under AS 08.86, shall [PROFESSIONALLY IDENTIFY
26 HIMSELF OR HERSELF BY THE] use as professional identification [OF]
27 appropriate letters or a title after that person's name which repre-
28 sents that person's specific field of practice. The letters or title
29 shall appear on all signs, stationery or other advertising in which

1 the person offers or displays personal professional services to the
2 public. In addition, a person engaged in the practice of medicine or
3 osteopathy under AS 08.64.380(2), or a person engaged in any manner in
4 the healing arts who diagnoses, treats, tests, or counsels other
5 persons in relation to human health or disease and uses [IDENTIFIES
6 HIMSELF OR HERSELF BY USING] the letters "M.D." or the title "doctor"
7 or "physician" or any other title which tends to show that the person
8 is willing or qualified to diagnose, treat, test, or counsel another
9 person, shall clarify the letters or title by adding the appropriate
10 specialist designation, if any, such as "dermatologist", "radiolo-
11 gist", "audiologist", "naturopath", or the like.

12 * Sec. 12. AS 08.03.010(b)(3) is repealed.

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

14 * Sec. 14. AS 08.04.120(1) is repealed.

15 * Sec. 15. AS 08.20.140 is amended to read:

16 Sec. 08.20.140. LICENSURE BY CREDENTIALS. The board may issue a
17 license without examination to an applicant presenting satisfactory
18 proof of the possession of a license or certificate of registration in
19 good standing in a state or territory of the United States, or a
20 foreign country, if the requirements for registration at the date of
21 the applicant's license were [ARE] essentially equivalent to those in
22 this chapter.

23 * Sec. 16. AS 08.24.011, 08.24.021, 08.24.031 and 08.24.380(1) are
24 repealed:

25 * Sec. 17. AS 08.24.061 is amended to read:

26 Sec. 08.24.061. PUBLICATION OF APPLICABLE LAW. The department
27 shall reproduce the laws relating to licensing of collection agencies
28 and operators, the [RULES AND] regulations adopted by the department
29 [OR THE BOARD] and other pertinent matter, publish the material in

1 pamphlet form, and make the pamphlets available to the public without
2 expense.

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

4 (a) Notwithstanding any other provision of this chapter, a
5 licensee may not engage in the collection agency business unless and
6 until the collection agency, and each branch office of the agency is
7 under the management and control of a licensed operator for each
8 office. The department [OR THE BOARD] may waive this requirement for
9 a period not to exceed 90 days upon the death or disability of an
10 operator, or for other good cause.

11 * Sec. 19. AS 08.24.120(b) is amended to read:

12 (b) The department is [AND THE BOARD ARE] authorized to make a
13 complete investigation of applicants including inquiry of police
14 agencies as to the applicant's record of arrest or conviction of
15 crime.

16 * Sec. 20. AS 08.24.130(a)(5) is amended to read:

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

19 * Sec. 21. AS 08.24.270 is amended to read:

20 Sec. 08.24.270. ADMINISTRATIVE PROCEDURE ACT. The department
21 [AND THE BOARD] shall comply with the Administrative Procedure Act
22 (AS 44.62) both as to adoption [ENACTMENT] of regulations and adjudi-
23 cation.

24 * Sec. 22. AS 08.24.280(f) is amended to read:

25 (f) No collection agency, or [AN] employee of a collection
26 agency, may intentionally make a false entry in the collection agency
27 record or intentionally mutilate, destroy or otherwise dispose of a
28 record within the time limits provided in this section. The records
29 shall at all reasonable times be open for inspection by the department

1 [, THE BOARD OR THEIR AUTHORIZED AGENT].

2 * Sec. 23. AS 08.24.340(b)(4) is amended to read:

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

5 * Sec. 24. AS 08.36.280(c) is amended to read:

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

12 * Sec. 25. AS 08.36.280(d) is amended to read:

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

17 * Sec. 26. AS 08.60.030 is repealed.

18 * Sec. 27. AS 08.62.110 is repealed.

19 * Sec. 28. AS 08.62.120 is amended to read:

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

26 * Sec. 29. AS 08.68.270(4) is amended to read:

27 (4) habitually abuses alcoholic beverages, or illegally
28 uses controlled substances as defined by AS 11.71.900(4) [HALLUCINO-
29 GENIC OR STIMULANT DRUGS AS DEFINED BY AS 17.12.150(3) OR NARCOTIC

1 DRUGS AS DEFINED BY AS 17.10.230(13)];

2 * Sec. 30. AS 08.71.220 is repealed.

3 * Sec. 31. AS 08.80.295(e) is repealed.

4 * Sec. 32. AS 08.88.201 is amended to read:

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

10 * Sec. 33. AS 08.88.261 is amended to read:

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

20 * Sec. 34. AS 08.88.263 is amended to read:

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

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

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

27 * Sec. 35. AS 08.99.010 - 08.99.100 and 08.99.120 are repealed.

28 * Sec. 36. AS 09.38.030(c)(2) is amended to read:

29 (2) enforceable under an order of a court of bankruptcy

1 under 11 U.S.C. 1301 - 1330 (Bankruptcy Reform Act of 1978) [CHAPTER
2 XIII OF THE BANKRUPTCY ACT (11 U.S.C., SEC. 1301 ET SEQ.)].

3 * Sec. 37. AS 09.38.115(b) is amended to read:

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

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

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

16 * Sec. 38. AS 09.45.845 is amended to read:

17 Sec. 09.45.845. VACATING OF STREETS IN WHOLE OR IN PART. The
18 vacating of streets in whole or in part by the voluntary action of a
19 municipality, for the purpose of making it possible for the court to
20 mitigate the hardships suffered by individuals because of the change
21 in land boundaries caused by the act of God, consisting of an earth-
22 slide, can be accomplished by the offer of the municipality expressed
23 in the complaint followed by the court's approval of it in the action
24 authorized in AS 09.45.800 - 09.45.880, without other formalities.
25 This provision is a special emergency substitute for the provisions
26 contained in AS 29.33.200 - 29.33.240 [AS 40.15.140 - 40.15.180].

27 * Sec. 39. AS 09.65.132(g) is amended to read:

28 (g) An income assignment under this section has priority over
29 all other attachments, executions, garnishments, or other assignments

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

10 * Sec. 40. AS 11.71.120(d) is repealed.

11 * Sec. 41. AS 11.71.900(15) is amended to read:

12 (15) "opiate" means

13 (A) a substance having an addiction-forming or
14 addiction-sustaining capability similar to morphine or being
15 capable of conversion into a drug having addiction-forming or
16 addiction-sustaining capability; and

17 (B) includes its racemic and levorotatory forms; but

18 [AND]

19 (C) does not include [, UNLESS SPECIFICALLY DESIGNATED
20 AS CONTROLLED UNDER AS 11.71.120] the dextrorotatory isomer of 3-
21 methoxy-n-methylmorphinan and its salts (dextromethorphan);

22 * Sec. 42. AS 12.30.040(a) is amended to read:

23 (a) A person who has been convicted of an offense and is await-
24 ing sentence, or who has filed an appeal shall be treated in accor-
25 dance with the provisions of AS 12.30.020 unless the court has reason
26 to believe that no one or more conditions of release will reasonably
27 assure the appearance of the person as required or prevent the person
28 from posing a danger to other persons and the community. If that
29 determination is made, the person may be remanded to custody. This

1 section does not affect the right of a person appealing from a judg-
2 ment of conviction from a district court to the superior court to be
3 released on bail pending appeal under Rule 603(b) of the Rules of
4 Appellate Procedure [RULE 2(c) OF THE DISTRICT COURT RULES OF CRIMINAL
5 PROCEDURE].

6 * Sec. 43. AS 12.47.030(b) is amended to read:

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

11 * Sec. 44. AS 12.62.035(e) is amended to read:

12 (e) As used in this section

13 (1) "contributing to the delinquency of a minor" means a
14 conviction for a violation or attempted violation of AS 11.51.130(a)-
15 (1), (3), or (5); former AS 11.40.130; or the laws of another juris-
16 isdiction [FOR A VIOLATION OR ATTEMPTED VIOLATION OF AN OFFENSE COMMIT-
17 TED OUTSIDE THE STATE] if the offense would have been a crime in this
18 state under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if
19 committed in the state;

20 (2) "interested person" means a corporation, company,
21 partnership, firm, association, organization, business trust, or
22 society, as well as a natural person, that employs or solicits the
23 employment of a person to serve with or without compensation in a
24 position in which the person has or would have supervisory or disci-
25 plinary power over a minor;

26 (3) "sex crime" means a conviction for a violation or
27 attempted violation of AS 11.41.410 - 11.41.470, AS 11.61.110(a)(7),
28 or AS 11.66.100 - 11.66.130; former AS 11.15.120, 11.15.134, or 11.-
29 15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -

1 11.40.420; or the laws of another jurisdiction [FOR A VIOLATION OR
2 ATTEMPTED VIOLATION OF AN OFFENSE COMMITTED OUTSIDE THE STATE] if the
3 offense would have been a crime in this state under one of the [ABOVE]
4 sections listed in this paragraph if committed in the state.

5 * Sec. 45. AS 14.07.058(e) is amended to read:

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

10 * Sec. 46. AS 14.08.151(a) is amended to read:

11 (a) Except as provided in (b) of this section [AND AS 14.08.-
12 161(g)], the ownership of land and buildings used in relation to
13 regional educational attendance area schools shall remain vested in
14 the state, and use permits shall be given to the regional school
15 boards.

16 * Sec. 47. AS 14.11.100(g) is repealed.

17 * Sec. 48. AS 14.11.135 is amended to read:

18 Sec. 14.11.135. DEFINITIONS. In AS 14.11.100 - 14.11.135,
19 unless the context requires otherwise,

20 (1) "approved school construction project" means the plan
21 for a new school or an addition to or major rehabilitation of an
22 existing school to the extent to which approved by the commissioner in
23 accordance with AS 14.07.020(11);

24 (2) "commissioner" means the commissioner of education;

25 (3) "costs of school construction" means the cost of
26 acquiring, constructing, enlarging, repairing, remodeling, equipping
27 or furnishing of public elementary and secondary school buildings and
28 includes the sum total of all costs of financing and carrying out the
29 project; these include, but are not limited to, the costs of all

1 necessary studies, surveys, plans and specifications, architectural,
2 engineering or other special services, acquisition of real property,
3 site preparation and development, purchase, construction, reconstruc-
4 tion and improvement of real property and the acquisition of machinery
5 and equipment as may be necessary in connection with the project; an
6 allocable portion of the administrative and operating expenses of the
7 grantee; the cost of financing the project, including interest on
8 bonds issued to finance the project; and the cost of other items,
9 including any indemnity and surety bonds and premiums on insurance,
10 legal fees, fees and expenses of trustees, depositaries, financial
11 advisors, and paying agents for the bonds issued as the issuer consid-
12 ers necessary;

13 (4) "department" means the Department of Education.

14 * Sec. 49. AS 14.17.080 is amended to read:

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

27 * Sec. 50. AS 14.17.140(a) is amended to read:

28 (a) The [TO DETERMINE THE EQUALIZED PERCENTAGE TO BE APPLIED TO
29 BASIC NEED UNDER AS 14.17.021, AND THE MATCHING RATIO FOR REQUIRED

1 LOCAL EFFORT UNDER AS 14.17.071, THE] Department of Community and
2 Regional Affairs, in consultation with the assessor for each district,
3 shall determine the full value of the taxable real and personal prop-
4 erty in each district. Exemptions granted under AS 43.25 [CH. 129,
5 SLA 1957, KNOWN AS THE ALASKA INDUSTRIAL INCENTIVE ACT (AS 43.25.010 -
6 43.25.170),] shall be honored. If there is no local assessor or
7 current local assessment for a district, then the Department of Com-
8 munity and Regional Affairs shall make the determination of full value
9 from information available. In making the determination, the Depart-
10 ment of Community and Regional Affairs shall be guided by AS 29.53.-
11 060. The determination of full value shall be made before October 1
12 and sent by certified mail, return receipt requested, before that date
13 to the president of the school board in each district. Duplicate
14 copies shall be sent to the commissioner. The governing body of the
15 borough or city which is the district may obtain judicial review of
16 the determination by filing a motion in the superior court of the
17 judicial district in which the district is located within 30 days
18 after receipt of the determination. The superior court may modify the
19 determination of the Department of Community and Regional Affairs only
20 upon a finding of abuse of discretion or upon a finding that there is
21 no substantial evidence to support the determination.

22 * Sec. 51. AS 14.17.225(d) is repealed.

23 * Sec. 52. AS 14.20.220(a) - (c), 14.20.230 and 14.20.275 are repealed.

24 * Sec. 53. AS 14.20.310(a)(1) is amended to read:

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

29 * Sec. 54. AS 14.20.320 is amended to read:

1 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of a
2 teacher to the teaching position, the teacher shall make a report to
3 the governing body concerning educational accomplishments. A teacher
4 who does not serve for at least a full year after returning shall
5 refund to the school board [DISTRICT, IF THE SABBATICAL LEAVE WAS AT
6 DISTRICT EXPENSE, OR TO THE BOARD OF STATE-OPERATED SCHOOLS, IF THE
7 SABBATICAL LEAVE WAS STATE-SUPPORTED,] money paid to the teacher under
8 AS 14.20.310 unless the failure to serve a full year after return is
9 attributable to sickness, injury or death.

10 * Sec. 55. AS 14.30.030 is amended to read:

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

26 * Sec. 56. AS 14.42.015(a)(2) is amended to read:

27 (2) one person representing private higher education in the
28 state selected jointly by the Boards of Trustees of Alaska Pacific
29 [METHODIST] University and Sheldon Jackson College from among their

1 membership;

2 * Sec. 57. AS 14.43.095(c) is amended to read:

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

7 * Sec. 58. AS 14.43.100(b) is amended to read:

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

12 * Sec. 59. AS 14.43.160(3) is repealed.

13 * Sec. 60. AS 14.52 is repealed.

14 * Sec. 61. AS 14.57.020(b) is amended to read:

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

19 * Sec. 62. AS 15.07.070(b) is amended to read:

20 (b) To register by mail the director or the area election super-
21 visor shall furnish, upon request, and at no cost to the voter, forms
22 prepared by the director on which the registration information re-
23 quired under AS 15.07.060 shall be inserted by the voter, or by a
24 person on behalf of the voter if the voter [HE] is physically incapac-
25 itated. The forms shall be executed before a notary public, a commis-
26 sioned officer of the armed forces including the National Guard, a
27 district judge or magistrate, a United States postal official, or
28 other person qualified to administer oaths. If none of the officials
29 listed in this subsection is reasonably accessible, the person shall

1 have the forms witnessed by two persons over the age of 18 years, and,
2 in addition, shall provide the certification required by AS 09.63.020
3 [AS 09.65.012]. The director may require proof of identification of
4 the applicant as required by regulations adopted by the director under
5 the Administrative Procedure Act (AS 44.62). Upon receipt and ap-
6 proval of the completed registration forms the director or the elec-
7 tion supervisor shall forward to the voter an acknowledgment in the
8 form of a registration card, and the voter's [HIS] name shall immedi-
9 ately be placed on the master register located in the office of the
10 director and on the district register located in the office of the
11 election supervisor. If the registration is denied, the voter shall
12 immediately be informed in writing by certified or registered letter
13 that registration was denied and the reason for denial.

14 * Sec. 63. AS 15.20.081(d) is amended to read:

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

29 * Sec. 64. AS 15.60.010(30) is amended to read:

1 (30) "special election" means an election held at a time
2 other than when the general or [PARTY] primary election is held and an
3 election called to be held with, and at the time of, the general or
4 [PARTY] primary election;

5 * Sec. 65. AS 16.05.632(a)(2) is amended to read:

6 (2) be nontransferable [, UNLESS THE SHELLFISH POT LICENSE
7 ISSUED UNDER AS 16.05.630 IS TRANSFERRED IN ACCORDANCE WITH
8 AS 16.05.670, IN WHICH CASE THE REGISTRATION TAGS SHALL BE TRANSFERRED
9 WITH THE LICENSE];

10 * Sec. 66. AS 16.05.660 is amended to read:

11 Sec. 16.05.660. LICENSE EXEMPTION. A person may, by complying
12 with the 25-cent license requirement of AS 16.05.340(a)(6)
13 [AS 16.05.340], take not more than 2,000 pounds each of tom cod, blue
14 cod, smelt, pickerel, white fish, and spider crab a year from waters
15 of the state.

16 * Sec. 67. AS 16.10.530 is repealed.

17 * Sec. 68. AS 16.35.180(b) is repealed.

18 * Sec. 69. AS 16.43.210(e) is repealed.

19 * Sec. 70. AS 16.43.990(8) is amended to read:

20 (8) "type of gear" means a customary and identifiable
21 classification of gear and shall include:

22 (A) those classifications for which separate
23 regulations were [ARE] adopted by the Board of Fisheries and for
24 which separate gear licenses were [ARE] required by former
25 AS 16.05.550 - 16.05.630; and

26 (B) distinct subclassifications of gear such as
27 "power" troll gear and "hand" troll gear;

28 * Sec. 71. AS 17.30.070(c) is amended to read:

29 (c) If the classification of a controlled substance in a

1 schedule set out in AS 11.71.140 - 11.71.190 [, OR BY A REGULATION
2 ADOPTED IN ACCORDANCE WITH AS 11.71.120(a),] is different from its
3 corresponding classification under federal law, the requirements of
4 (a) and (b) of this section are determined by the classification of
5 the substance under federal law.

6 * Sec. 72. AS 17.30.080 is amended to read:

7 Sec. 17.30.080. UNLAWFUL ADMINISTRATION, PRESCRIPTION AND
8 DISPENSATION OF CONTROLLED SUBSTANCES. A controlled substance
9 classified under federal law or in a schedule set out in
10 AS 11.71.140 - 11.71.190 [OR BY REGULATIONS ADOPTED IN ACCORDANCE WITH
11 AS 11.71.120(a)] may not be administered, prescribed, dispensed, or
12 distributed other than for a medical purpose.

13 * Sec. 73. 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. 74. AS 18.26.230(b) is repealed.

20 * Sec. 75. AS 18.55.470(5) is amended to read:

21 (5) "veteran" means a person honorably separated from the
22 military service of the United States who has at any time resided
23 continuously for at least a year in the state and who served in the
24 armed forces of the United States for at least 90 days or whose
25 service was for less than 90 days because of injury or disability
26 incurred in the line of duty, between (A) September 16, 1940 and July
27 25, 1947; (B) June 25, 1950 and January 31, 1955; or (C) August 4,
28 1964 and November 7, 1975 [, AND A DATE SIX MONTHS AFTER THE
29 TERMINATION OF HOSTILITIES INVOLVING FORCES OF THE UNITED STATES IN

1 VIET NAM]; "veteran" also includes the spouse or widow or widower of a
2 veteran.

3 * Sec. 76. AS 21.60.010(d) is amended to read:

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

6 * Sec. 77. AS 22.05.020 is repealed and reenacted to read:

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

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

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

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

16 * Sec. 78. AS 22.10.020 is repealed and reenacted to read:

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

21 (b) The jurisdiction of the superior court extends over the
22 whole of the state.

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

28 (d) The superior court has jurisdiction in all matters appealed
29 to it from a subordinate court, or administrative agency when appeal

1 is provided by law. The hearings on appeal from a final order or
2 judgment of a subordinate court or administrative agency shall be on
3 the record unless the superior court, in its discretion, grants a
4 trial de novo, in whole or in part.

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

11 (f) An appeal to the superior court may be taken on the ground
12 that a sentence of imprisonment of 90 days or more was excessive and
13 the superior court in the exercise of this jurisdiction has the power
14 to reduce the sentence. When a sentence is appealed by the state on
15 the ground it is too lenient, the court may not increase the sentence
16 but may express its approval or disapproval of the sentence and its
17 reasons in a written opinion.

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

27 (h) The superior court, in an action for divorce, separation, or
28 child support, affecting inalienable stock in a corporation organized
29 under 43 U.S.C. 1601-1628 (Alaska Native Claims Settlement Act), may

1 order the stock transferred to the spouse, a child, or a guardian or
2 custodian for a child, but may not order it sold on the open market or
3 transferred to other persons.

4 (i) The superior court is the court of original jurisdiction
5 over all causes of action arising under the provisions of AS 18.80. A
6 person who is injured or aggrieved by an act, practice or policy which
7 is prohibited under AS 18.80 may apply to the superior court for
8 relief. The person aggrieved or injured may maintain an action on
9 behalf of that person or on behalf of a class consisting of all per-
10 sons who are aggrieved or injured by the act, practice or policy
11 giving rise to the action. In an action brought under this subsec-
12 tion, the court may grant relief as to any act, practice or policy of
13 the defendant which is prohibited by AS 18.80, regardless of whether
14 each act, practice or policy, with respect to which relief is granted,
15 directly affects the plaintiff, so long as a class or members of a
16 class of which the plaintiff is a member are or may be aggrieved or
17 injured by the act, practice or policy. The court may enjoin any act,
18 practice or policy which is illegal under AS 18.80 and may order any
19 other relief, including the payment of money, that is appropriate.

20 * Sec. 79. AS 22.10.040(4) is amended to read:

21 (4) if the court finds that the defendant will be put to
22 unnecessary expense and inconvenience, and if the court finds that the
23 expense and inconvenience were [WAS] intentionally caused, the court
24 may assess costs against the plaintiff.

25 * Sec. 80. AS 24.05.090 is amended to read:

26 Sec. 24.05.090. REGULAR SESSIONS. The legislature shall convene
27 at the capital each year on the second Monday in January at 10:00 a.m.
28 [PACIFIC STANDARD TIME]; however, following a gubernatorial election
29 year the legislature shall convene on the third Monday in January at

1 10:00 a.m. [PACIFIC STANDARD TIME]. Except as provided in this
2 section, each legislature shall have a duration of two years and shall
3 consist of a "First Regular Session" which shall meet in the
4 odd-numbered years and a "Second Regular Session" which shall meet in
5 the even-numbered years and any special session or sessions which the
6 governor or legislature may find necessary to call.

7 * Sec. 81. AS 24.30.036 is amended to read:

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

16 * Sec. 82. AS 27.21.060(b) is repealed.

17 * Sec. 83. AS 28.10.105(c) is repealed.

18 * Sec. 84. AS 28.10.201(b) is amended to read:

19 (b) The owner of a vehicle described in AS 28.10.011 as being
20 exempt from registration and the owner of a snowmobile or off-highway
21 vehicle may not apply for, nor may the department issue, a certificate
22 of title for such a vehicle. However, the department may issue a
23 certificate of title to the owner of a vehicle exempt from
24 registration under AS 28.10.011(3), (6), (7), (11), or (12) only upon
25 application by that owner.

26 * Sec. 85. AS 28.10.411(b) is amended to read:

27 (b) Motor carrier [AND BUS TRANSPORTATION] fees paid on vehicles
28 subject to the Alaska Motor Freight Carrier Act (AS 42.10) [AND THE
29 ALASKA BUS ACT (AS 42.15)] shall be paid to the department at the same

1 time the registration fee is paid.

2 * Sec. 86. AS 31.05.035(c) is amended to read:

3 (c) The reports and information required in (a) of this section
4 shall be kept confidential for 24 months following the 30-day filing
5 period unless the owner of the well gives written permission to
6 release the reports and information at an earlier date. If the
7 commissioner of natural resources finds that the required reports and
8 information contain significant information relating to the valuation
9 of unleased land in the same vicinity, the commissioner [HE] shall
10 keep the reports and information confidential for a reasonable time
11 after the disposition of all affected unleased land, unless the owner
12 of the well gives written permission to release the reports and
13 information at an earlier date. Well location, depth, status and
14 production data and production reports required by the commission to
15 be filed subsequent to the 30-day filing period shall be considered
16 public information and shall not be classified confidential.
17 Production data, as used in this subsection, means volume, gravity and
18 gas-oil ratio of all production of oil or gas after the well begins
19 regular production.

20 * Sec. 87. AS 33.30.150 is amended to read:

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

1 authorized to be away from the place of confinement under this section
2 is an unlawful evasion under AS 11.56.340 or 11.56.350 [AS 11.30.093].

3 * Sec. 88. AS 33.30.250(f) is amended to read:

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

9 * Sec. 89. AS 33.30.260 is amended to read:

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

23 * Sec. 90. Article II of AS 33.35.010 (The Agreement on Detainers) is
24 amended to read:

25 Article II

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

28 (1) "[PARTY] state" means a state of the United States, the
29 United States of America, a territory or possession of the United

1 States, the District of Columbia, the Commonwealth of Puerto Rico;

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

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

10 * Sec. 91. AS 34.15.140(b) is repealed.

11 * Sec. 92. AS 36.95.010(3) is amended to read:

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

18 * Sec. 93. AS 38.04.065(a) is amended to read:

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

23 * Sec. 94. AS 38.04.900(a) is amended to read:

24 (a) The commissioner shall adopt under the Administrative Proce-
25 dure Act (AS 44.62) regulations believed [HE BELIEVES ARE] necessary
26 to carry out the purposes of this chapter. [WITHIN 120 DAYS AFTER THE
27 EFFECTIVE DATE OF THIS ACT, THE DIRECTOR SHALL SUBMIT TO THE COMMIS-
28 SIONER DRAFT REGULATIONS IMPLEMENTING THIS CHAPTER AND REVISING REGU-
29 LATIONS IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT PERTAINING TO

1 PLANNING, CLASSIFICATION, MANAGEMENT, AND DISPOSAL OF THE STATE'S
2 SURFACE ESTATE IN LAND. NEW AND REVISED REGULATION SHALL BE INTEGRAT-
3 ED IN A SINGLE COMPREHENSIVE DRAFT COMPATIBLE WITH THE STRUCTURE OF
4 THE ALASKA ADMINISTRATIVE CODE. IN PREPARING THIS DRAFT, THE DIRECTOR
5 SHALL SEEK TO SIMPLIFY AND CLARIFY REGULATIONS GOVERNING LAND PLAN-
6 NING, CLASSIFICATION, MANAGEMENT, AND DISPOSAL.]

7 * Sec. 95. AS 38.04.910(8) is repealed and reenacted to read:

8 (8) "state park" means an area of state land designated by
9 law to be managed for public use and enjoyment of recreational, sce-
10 nic, cultural, historical, wilderness, and similar values, and in-
11 cludes roadside rests and recreational beaches, state monuments and
12 historic sites, state recreation areas and state parks, including
13 marine parks.

14 * Sec. 96. AS 38.05.057(e)(3) is amended to read:

15 (3) notice of the application period and the date of the
16 lottery shall be given in accordance with AS 38.05.345 [AS 38.05.-
17 345(e)]; and

18 * Sec. 97. AS 38.05.057(g) is amended to read:

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

26 * Sec. 98. AS 38.05.079(a) is amended to read:

27 (a) After September 1, 1980, the commissioner may issue a permit
28 for the use of remote state land in a municipality for a cabin site if
29 the land was [IS] classified for that purpose under former

1 AS 38.05.047(a)(5)(B). After September 1, 1981, the commissioner may
2 issue a permit for the use of remote state land outside a municipality
3 for a cabin site if the land is classified for that purpose under the
4 procedures required by AS 38.05.300 and 38.05.345 [38.05.305].

5 * Sec. 99. AS 38.05.082(d) is amended to read:

6 (d) Subleasing and renewals of leases are governed by AS 38.05.-
7 095 and 38.05.102 [SECS. 95 - 100 OF THIS CHAPTER].

8 * Sec. 100. AS 38.05.102 is amended to read:

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

16 * Sec. 101. AS 38.05.118(b) is amended to read:

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

20 * Sec. 102. AS 38.05.255 is amended to read:

21 Sec. 38.05.255. SURFACE USE OF LAND OR WATER. Surface uses of
22 land or water [WATERS] included within mining properties by owners of
23 those properties shall be limited to those necessary for the prospect-
24 ing for, extraction of, or basic processing of mineral deposits and
25 shall be subject to reasonable concurrent uses. Permits for millsites
26 and tailings disposal may be granted by the director. The permits
27 shall be conditioned upon payment of a reasonable charge for the use
28 and continuance of the limited use. Timber from land [LANDS] open to
29 mining without lease, except timberland [TIMBERLANDS], may be used by

1 a mining claimant or prospecting site locator for the mining or devel-
2 opment of the [HIS] location or adjacent claims under common owner-
3 ship. On other land [LANDS], timber may be acquired as provided
4 [ELSEWHERE] in this chapter. Use of water shall be made in accordance
5 with AS 46.15 [SEC. 260 OF THIS CHAPTER AND RULES AND REGULATIONS
6 ADOPTED UNDER IT OR IN ACCORDANCE WITH ANY LAW AMENDING OR SUPERSEDING
7 THAT SECTION].

8 * Sec. 103. AS 38.06.070(a) is amended to read:

9 (a) In the exercise of its powers under AS 38.06.040(a)
10 [AS 38.06.040(1) - (2)] and 38.06.050 the board shall consider

11 (1) the revenue needs and projected fiscal condition of the
12 state;

13 (2) the existence and extent of present and projected local
14 and regional needs for oil and gas products and by-products, the
15 effect of state or federal commodity allocation requirements which
16 might be applicable to those products and by-products, and the
17 priorities among competing needs;

18 (3) the desirability of localized capital investment,
19 increased payroll, secondary development and other possible effects of
20 the sale, exchange or other disposition of oil and gas or both;

21 (4) the projected social impacts of the transaction;

22 (5) the projected additional costs and responsibilities
23 which could be imposed upon the state and affected political
24 subdivisions by development related to the transaction;

25 (6) the existence of specific local or regional labor or
26 consumption markets or both which should be met by the transaction;

27 (7) the projected positive and negative environmental
28 effects related to the transaction; and

29 (8) the projected effects of the proposed transaction upon

1 existing private commercial enterprise and patterns of investments.

2 * Sec. 104. AS 38.08.020 is amended to read:

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

6 * Sec. 105. AS 39.25.060(a) is amended to read:

7 (a) The personnel board is composed of three members appointed
8 by the governor and confirmed by the legislature meeting in joint
9 session. The term of office of a member is six years [INITIAL
10 APPOINTMENTS TO THE BOARD ARE FOR TERMS OF TWO, FOUR, AND SIX YEARS.
11 SUBSEQUENT APPOINTMENTS ARE FOR SIX-YEAR TERMS]. A vacancy in an
12 unexpired term shall be filled by appointment by the governor for the
13 remainder of the term. The appointment is subject to confirmation in
14 the same manner as a full-term appointment.

15 * Sec. 106. AS 39.25.120(b) is amended to read:

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

22 * Sec. 107. AS 39.50.200(b) is amended by adding new paragraphs to
23 read:

24 (46) Alaska Power Authority public directors (AS 44.83.030);

25 and

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

27 * Sec. 108. AS 41.17.070(c) and (d) are repealed.

28 * Sec. 109. AS 41.17.090(j) is repealed.

29 * Sec. 110. AS 42.06.280 is amended to read:

1 Sec. 42.06.280. INSURANCE AND SECURITY. The commission may
2 require any lessee to procure and furnish liability and property
3 damage insurance from a company licensed to do business in the state
4 or furnish other security or undertaking upon the terms and conditions
5 the commission [COMMISSIONER] considers necessary if the commission
6 [COMMISSIONER] finds that the net assets of the lessee are
7 insufficient to protect the public from damage for which the lessee
8 may be liable arising out of the construction or operation of the
9 pipeline.

10 * Sec. 111. AS 43.05.085 is amended to read:

11 Sec. 43.05.085. LIST OF CONTRIBUTORS. The commissioner of
12 revenue shall prepare and furnish to the Alaska Public Offices
13 [ELECTION CAMPAIGN] Commission by July 1 of each year a list of all
14 persons claiming a credit under AS 43.20.013(a) [AS 43.20.010(c)],
15 including the dates, if available, and candidates or groups to which
16 the contribution was made. These lists or parts of them may [SHALL]
17 not be made public except on order of the supreme court of the state.

18 * Sec. 112. AS 43.05.190 is repealed.

19 * Sec. 113. AS 43.05.260 is amended to read:

20 Sec. 43.05.260. LIMITATION ON ASSESSMENT. (a) Except as
21 provided in (c) of this section and AS 43.20.200(b), the amount of a
22 tax imposed by this title must be assessed within three years after
23 the return was filed, whether or not a return was filed on or after
24 the date prescribed by law. If the tax is not assessed before the
25 expiration of the three-year period, no proceedings may be instituted
26 in court for the collection of the tax.

27 (b) For purposes of this section, a return filed before the last
28 day prescribed by law or regulation is considered as filed on the last
29 day.

1 (c) The following exceptions apply to the limitation period in
2 [UNDER] (a) of this section:

3 (1) in the case of a false or fraudulent return with the
4 intent to evade tax, the tax may be assessed, or a proceeding in court
5 for collection of the tax may be begun without assessment, at any
6 time;

7 (2) in the case of a failure to file a return, the tax may
8 be assessed, or a proceeding in court for the collection of the tax
9 may be begun without assessment, at any time;

10 (3) if, before the expiration of the time prescribed in
11 this section for the assessment of a tax imposed by this title, both
12 the department and the taxpayer have consented in writing to the
13 assessment after the expiration of the time, the tax may be assessed
14 at any time before the expiration of the period agreed upon; however,
15 the period agreed upon may be extended by a subsequent agreement in
16 writing made before the expiration of the period previously agreed
17 upon.

18 * Sec. 114. AS 43.05.290(g) is repealed.

19 * Sec. 115. AS 43.20.016(a) is amended to read:

20 (a) There is established within the department the municipal
21 assistance fund. The legislature may appropriate to the fund during
22 each fiscal year an amount equal to or greater than 30 percent of the
23 income tax revenue received by the state under AS 43.20.011(e) [AND
24 AS 43.21] for the previous fiscal year. The department shall
25 distribute money from the fund to each organized borough and each city
26 of any class on an annual basis as provided in (b) and (c) of this
27 section. A borough or city may not receive payment under (b) or (c)
28 of this section until it submits to the department a resolution
29 approved by the governing body of the municipality that requests the

1 funds. Distribution of money from the fund to a city or organized
2 borough with a fiscal year beginning on January 1 shall be made on
3 February 1 of the state fiscal year for which the appropriation to the
4 fund is made. Distribution of money from the fund to all other cities
5 and organized boroughs shall be made on June 1 of the state fiscal
6 year for which the appropriation to the fund is made. A borough or
7 city that incorporates after December 31 of a state fiscal year is not
8 eligible for a distribution under this section until the following
9 state fiscal year.

10 * Sec. 116. AS 43.20.270(b) is amended to read:

11 (b) Notwithstanding the provisions of AS 09.38 [AS 09.35.070 -
12 09.35.090] or any other provision of law exempting property from
13 execution, only the following property, if it belongs to the head of a
14 family, is exempt from distraint and sale under this chapter:

15 (1) the schoolbooks and wearing apparel necessary for the
16 family;

17 (2) arms for personal use;

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

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

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

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

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

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

28 * Sec. 117. AS 43.31.151 is amended to read:

29 Sec. 43.31.151. NOTICE OF DEFICIENCY IN FEDERAL ESTATE TAX. It

1 is the duty of the executor to file with the department within 60 days
2 after a final determination of a deficiency in federal estate tax has
3 been made, written notice of the deficiency. If, based upon this
4 deficiency and the ground for it, it appears that the amount of tax
5 previously paid is less than the amount of tax owing, the difference
6 together with interest at the rate of seven percent a year from the
7 due date of the tax shall be paid upon notice and demand by the
8 department. If the executor fails to give the notice required by this
9 section, any additional tax owing may be assessed, or a proceeding in
10 court for the collection of the tax may be begun without assessment at
11 any time before the filing of notice or within 30 days after the
12 delinquent filing of notice, notwithstanding the provisions of
13 AS 43.05.260 [AS 43.31.270].

14 * Sec. 118. AS 43.35.030 is amended to read:

15 Sec. 43.35.030. DISTRIBUTOR FEES. A distributor of
16 coin-operated equipment shall

17 (1) pay an annual permit fee of \$50 to the department
18 [DEPARTMENT OF REVENUE], to be deposited by it in the general fund;
19 and

20 (2) file an affidavit that the distributor is a citizen of
21 the United States, [AND] a bona fide resident of the state for at
22 least one year [MORE THAN THREE YEARS], and has never been convicted
23 of a felony; in the case of a corporation an affidavit is required
24 from each stockholder and employee of the corporation.

25 * Sec. 119. AS 43.56.020(a) is amended to read:

26 (a) The following are exempt from local taxes levied or
27 authorized under AS 43.56.010(b):

28 (1) property rights attached to or inherent in the right to
29 explore for or produce oil or gas;

- 1 (2) oil or gas leases or properties, whether producing or
2 not;
3 (3) oil or gas in place;
4 (4) oil or gas produced or extracted in the state;
5 (5) the value of intangible drilling expenses and
6 exploration expenses;
7 (6) an interest in property described in AS 43.55.017(a)
8 [AS 43.55.010(b)].

9 * Sec. 120. AS 43.58 is repealed.

10 * Sec. 121. AS 44.19.056 is amended to read:

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

19 * Sec. 122. AS 44.19.058(5) is amended to read:

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

24 * Sec. 123. AS 44.62.250 is amended to read:

25 Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of
26 repeal may be adopted as an emergency regulation or order of repeal if
27 a state agency makes a written finding, including a statement of the
28 facts which constitute the emergency, that the adoption of the
29 regulation or order of repeal is necessary for the immediate

1 preservation of the public peace, health, safety, or general welfare.
2 The requirements of AS 44.62.060 and 44.62.190 - 44.62.210 do not
3 apply to the initial adoption of emergency regulations; however, upon
4 adoption of an emergency regulation the adopting agency shall
5 immediately submit a copy of it to the lieutenant governor for filing
6 and for publication in the Alaska Administrative Register, and within
7 five days after adoption the agency shall give notice of the adoption
8 in accordance with AS 44.62.190(a)(1)-(8) [AS 44.62.190(a)(1)-(6)].
9 Failure to give the required notice by the end of the 10th day
10 automatically repeals the regulation.

11 * Sec. 124. AS 44.62.330(a)(27) is amended to read:

12 (27) Department of Health and Social Services and Department
13 of Environmental Conservation under Alaska Food, Drug, and Cosmetic
14 Act (AS 17.20), and Department of Commerce and Economic Development
15 [HEALTH AND SOCIAL SERVICES] in connection with the licensing of
16 embalmers and funeral directors under AS 08.42 [AS 08.44.010].

17 * Sec. 125. AS 44.83.398(f) is amended to read:

18 (f) The provisions of (b) of this section do not apply to an
19 intertie that is authorized as a separate project under AS 44.83.380.
20 The authority shall establish and maintain separate power rate sched-
21 ules applicable to each intertie that it has acquired or constructed
22 as a separate power project under the energy program for Alaska. The
23 power rate schedules shall produce sufficient revenue from utilities
24 connected by the intertie to pay (1) operation, maintenance, and
25 equipment replacement costs of the intertie; (2) debt service of the
26 intertie; and (3) safety inspections and investigations of the inter-
27 tie by the authority. If the authority determines that an intertie
28 has ceased to function as a separate project and has become a part of
29 one or more other power projects as a transmission line, the power

1 rate schedules established under this subsection shall be terminated
2 and a wholesale power rate applicable to the former intertie shall be
3 calculated under (b) of this section for the project or projects of
4 which it has become a part.

5 * Sec. 126. AS 44.88.140(c) is repealed.

6 * Sec. 127. AS 45.55.080(c) is amended to read:

7 (c) If no stop order is in effect and no proceeding is pending
8 under AS 45.55.120, a registration statement under this section
9 automatically becomes effective at three o'clock Alaska [PACIFIC]
10 Standard Time in the afternoon of the second full business day after
11 the filing of the registration statement or the last amendment, or at
12 an earlier time as the administrator determines.

13 * Sec. 128. AS 45.55.230(a) is amended to read:

14 (a) A person aggrieved by a final order of the administrator may
15 obtain a review of the order in the superior court by filing, in
16 accordance with the Rules of Appellate Procedure [WITHIN 60 DAYS AFTER
17 THE ENTRY OF THE ORDER], a notice of appeal [WRITTEN PETITION PRAYING
18 THAT THE ORDER BE MODIFIED OR SET ASIDE IN WHOLE OR IN PART]. A copy
19 of the notice of appeal [PETITION] shall be served immediately upon
20 the administrator, and thereupon the administrator shall certify and
21 file in court a copy of the filing and evidence upon which the order
22 was entered. When these are filed, the court has exclusive
23 jurisdiction to affirm, modify, enforce, or set aside the order, in
24 whole or in part.

25 * Sec. 129. AS 46.30.020 is amended to read:

26 Sec. 46.30.020. WATER AND WASTEWATER WORKS ADVISORY BOARD.
27 There is created the Water and Wastewater Works Advisory Board com-
28 posed of the commissioner of environmental conservation and eight
29 additional members appointed by the governor. The Water and

1 Wastewater Works Advisory Board shall advise and assist the department
2 in the administration of the training and certification program. Ap-
3 pointments to the board shall be for a period of five years. [THE
4 INITIAL TERM OF OFFICE OF TWO OF THE MEMBERS IS FOR ONE YEAR, THE
5 INITIAL TERM OF THREE OF THE MEMBERS IS THREE YEARS, AND THE INITIAL
6 TERM OF THREE OF THE MEMBERS IS FIVE YEARS.] Vacancies shall be
7 filled in the same manner as the original appointments.

8 * Sec. 130. AS 46.30.040 is amended to read:

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

17 * Sec. 131. AS 46.30.120 is amended to read:

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

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

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

25 * Sec. 132. AS 47.10.230(f) is amended to read:

26 (f) If a blood relative of the child specified under (e) of this
27 section exists and agrees that the child should be placed elsewhere,
28 before placement elsewhere the department shall fully communicate the
29 nature of the placement proceedings to the relative. Communication

1 under this subsection [SECTION] shall be made in the relative's native
2 language, if necessary. Nothing in this subsection [SECTION] or in
3 (e) of this section applies to child placement for adoptive purposes.

4 * Sec. 133. AS 47.23.110(8) is repealed.

5 * Sec. 134. AS 47.23.250(i) is amended to read:

6 (i) Exemptions under AS 09.38 [THE EXEMPTIONS FROM EXECUTION BY
7 JUDGMENT DEBTORS UNDER AS 09.35.080(a) AND THE RESTRICTIONS FROM
8 EXECUTION BY JUDGMENT DEBTORS UNDER AS 09.35.080(b)(1)] do not apply
9 to proceedings to enforce the payment of child support under AS 47.-
10 23.230 - 47.23.270; however, 50 percent of the gross wages of the
11 obligor or \$100 a week, whichever is less, is exempt from execution
12 under AS 47.23.230 - 47.23.270.

13 * Sec. 135. AS 47.35.010(b) is amended to read:

14 (b) The department shall, within 90 days after receiving a
15 written request that it do so, delegate its powers relating to
16 nurseries under this section and under AS 47.35.040 - 47.35.060 [AS
17 47.35.040, 47.35.050 AND 47.35.060] to a municipality which has
18 adopted an ordinance providing for day care licensing under home rule
19 powers or as authorized under AS 29.48.035(a)(20). A municipality to
20 which these powers have been delegated may waive or modify any
21 regulation or standard established by the department under the
22 authority of AS 47.35.010 - 47.35.080 as it applies to nurseries or
23 the application of any such regulation or standard as it applies to a
24 particular day care licensee but must notify the department of any
25 waiver.

26 * Sec. 136. This Act takes effect immediately in accordance with
27 AS 01.10.070(c).