

Introduced: 2/1/85
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST OF THE
LEGISLATIVE COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 157

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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 AS 03.40.170 is repealed.

11 * Sec. 2. AS 09.25.121 is amended to read:

12 Sec. 09.25.121. COPIES OF PUBLIC RECORDS FOR VETERANS. When a
13 copy of a public record is required by the Department of Military and
14 Veterans' Affairs [DIVISION OF VETERANS' AFFAIRS], the Department of
15 Commerce and Economic Development, or by the United States Veterans'
16 Administration to be used in determining the eligibility of a person
17 to participate in benefits, the official custodian of the public
18 record shall, without charge, provide the applicant for the benefits,
19 a person acting on behalf of the applicant, or an authorized represen-
20 tative of the department [DIVISION OF VETERANS' AFFAIRS] or the United
21 States Veterans' Administration with a certified copy of the record.

22 * Sec. 3. AS 09.45.110 is amended to read:

23 Sec. 09.45.110. PERIOD BETWEEN SERVICE OF NOTICE AND ACTION
24 BROUGHT. An action for the recovery of the possession of the premises
25 may be maintained in the cases specified in AS 09.45.090(2) when the
26 notice to quit has been served upon the tenant or person in possession
27 for the period of 10 days before the commencement of the action unless
28 the leasing or occupation is for the purpose of farming or agricul-
29 ture, in which case the notice shall be served in accordance with

1 AS 34.03.115 [90 DAYS BEFORE COMMENCEMENT OF THE ACTION].

2 * Sec. 4. AS 09.55.440(a) is amended to read:

3 (a) Upon the filing of the declaration of taking and the deposit
4 with the court of the amount of the estimated compensation stated in
5 the declaration, title to the estate as specified in the declaration
6 vests in the plaintiff, and that property is condemned and taken for
7 the use of the plaintiff, and the right to just compensation for it
8 vests in the persons entitled to it. The compensation shall be ascer-
9 tained and awarded in the proceeding and established by judgment. The
10 judgment shall include interest at the rate set out in AS 09.30.070
11 [OF SIX PER CENT PER YEAR] on the amount finally awarded which exceeds
12 the amount paid into court under the declaration of taking. The
13 interest runs from the date title vests to the date of payment of the
14 judgment.

15 * Sec. 5. AS 12.60.150 is amended to read:

16 Sec. 12.60.150. RIGHTS AND AUTHORITIES OF SURETIES. The sure-
17 ties in an undertaking to keep the peace are entitled to the rights
18 and authority of bail under AS 12.30 [, INCLUDING THE RIGHT TO ARREST
19 THE DEFENDANT AS PROVIDED IN AS 12.30.020] and the Rules of Criminal
20 Procedure, and may be exonerated from their undertaking in the manner
21 prescribed by law [THEREIN].

22 * Sec. 6. AS 16.10.020 is amended to read:

23 Sec. 16.10.020. GROUNDS FOR PERMIT OR LICENSE. If in the judg-
24 ment of the Department of Environmental Conservation [HEALTH AND
25 SOCIAL SERVICES], the purpose of the applicant for the permit or
26 license is to develop power, obtain water for civic, domestic, irriga-
27 tion, manufacturing, mining or other purposes tending to develop the
28 natural resources of the state, the department may grant the permit or
29 license and may require the applicant to construct and maintain

1 adequate fish ladders, fishways or other means by which fish may pass
2 over, around or through the dam, obstruction or diversion in the
3 pursuit of the propagation or spawning process.

4 * Sec. 7. AS 16.10.500 is amended to read:

5 Sec. 16.10.500. DECLARATION OF POLICY. It is the policy of the
6 state, under AS 16.10.500 - 16.10.560 [AS 16.10.500 - 16.10.550], to
7 promote the enhancement of the state's fisheries by means of grants
8 for organizational and planning purposes to regional associations
9 described in AS 16.10.510 which have qualified under AS 16.10.380, and
10 by means of long-term, low interest loans for hatchery planning,
11 construction, and operation and for planning and implementation of
12 enhancement and rehabilitation activities including, but not limited
13 to, lake fertilization and habitat improvement.

14 * Sec. 8. AS 16.10.505 is amended to read:

15 Sec. 16.10.505. FISHERIES ENHANCEMENT REVOLVING LOAN FUND.
16 There is created within the Department of Commerce and Economic De-
17 velopment a revolving fund to be known as the fisheries enhancement
18 revolving loan fund. The fund shall be used to carry out the purposes
19 of AS 16.10.500 - 16.10.560 [AS 16.10.500 - 16.10.550] and for no
20 other purpose.

21 * Sec. 9. AS 16.43.150(g) is amended to read:

22 (g) Except as provided in AS 16.10.333 - 16.10.337, AS 44.81.-
23 210(a)(22), and [IN AS] 44.81.230 - 44.81.250, an entry permit may not
24 be:

- 25 (1) pledged, mortgaged, leased, or encumbered in any way;
26 (2) transferred with any retained right of repossession or
27 foreclosure; or
28 (3) attached, distrained, or sold on execution of judgment
29 or under any other process or order of any court.

1 * Sec. 10. AS 16.52.060(2) and (3) are repealed.

2 * Sec. 11. AS 19.40.100(b)(3) is repealed.

3 * Sec. 12. AS 21.09.090(b)(1) is repealed.

4 * Sec. 13. AS 21.22.200(3) is repealed.

5 * Sec. 14. AS 21.33.330 is repealed.

6 * Sec. 15. AS 21.36.150(c) is amended to read:

7 (c) If the director's report made under (a) of this section, or
8 order on hearing made under AS 21.36.320 [AS 21.36.140] does not
9 charge a violation of this chapter, an intervenor in the proceedings
10 may appeal from the order or report within the time and in the manner
11 provided for appeals from the director generally.

12 * Sec. 16. AS 21.42.290(a) is amended to read:

13 (a) A minor domiciled in this state who has attained the age of
14 16 years shall be considered competent to receive and to give full
15 acquittance and discharge for a payment or payments in aggregate
16 amount not exceeding \$3,000 in any one year made by a life insurer
17 under the maturity, death or settlement agreement provisions in effect
18 or elected by the minor under a life insurance policy or annuity
19 contract, if the policy, contract or agreement provides for the pay-
20 ment or payments to the minor, and if before the payment the insurer
21 has not received written notice of the appointment of a duly qualified
22 guardian of the property of the minor. A minor is not [MAY NOT BE
23 CONSIDERED] competent to alienate the right to or to anticipate the
24 payments. [THIS SECTION DOES NOT RESTRICT THE RIGHTS OF MINORS SET
25 OUT IN AS 21.42.080.]

26 * Sec. 17. AS 21.45.080(ε) is amended to read:

27 (e) The provisions of (c) of this section on interest rates
28 apply only to [ALL] policy loans made on policies issued on or after
29 July 1, 1982, except that if a policyholder agrees in writing to the

1 applicability of (c) of this section to a policy issued before July 1,
2 1982, that subsection applies to policy loans made on that [THE]
3 policy.

4 * Sec. 18. AS 21.45.320 is repealed.

5 * Sec. 19. AS 21.66.480(3) is repealed.

6 * Sec. 20. AS 21.80.050(a) is amended to read:

7 (a) The board of directors of the association consists of not
8 fewer [LESS] than five nor more than nine persons serving terms as
9 established in the plan of operation. The members of the board shall
10 be selected by member insurers subject to the approval of the commis-
11 sioner. Vacancies of the board shall be filled for the remaining
12 period of the term in the same manner as initial appointments. [IF NO
13 MEMBERS ARE SELECTED BY OCTOBER 5, 1970, THE COMMISSIONER MAY APPOINT
14 THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS.]

15 * Sec. 21. AS 21.80.180(3) is repealed.

16 * Sec. 22. AS 21.84.180(b) is amended to read:

17 (b) A person admitted before attaining the [FULL] age of 18 [21]
18 years is [SHALL BE] bound by the terms of the application and certifi-
19 cate and by all the laws and rules of the society and is [SHALL BE]
20 entitled to all the rights and privileges of membership to the same
21 extent as though the age of majority had been attained at the time of
22 application. A society may also admit general or social members who
23 do not [SHALL] have a [NO] voice or vote in the management of its
24 insurance affairs.

25 * Sec. 23. AS 21.84.210(a) is amended to read:

26 (a) A society may provide for benefits on the lives of children
27 under the minimum age for adult membership but not greater than 18
28 [21] years of age at time of application, upon the application of some
29 adult person, as its laws or rules may provide, which benefits shall

1 be in accordance with AS 21.84.200. A society may, at its option,
2 organize and operate branches for the children. Membership and in-
3 itiation in local lodges may not be required of the children, nor may
4 they have a voice in the management of the society.

5 * Sec. 24. AS 21.90.030 - 21.90.110 are repealed.

6 * Sec. 25. AS 21.90 is amended by adding a new section to read:

7 Sec. 21.90.900. DEFINITIONS FOR TITLE. In this title, unless
8 the context requires otherwise,

9 (1) "alien insurer" means an insurer formed under the laws
10 of a country other than the United States of America, its states,
11 districts, territories, and commonwealths;

12 (2) "authorized insurer" means an insurer authorized by
13 subsisting certificate of authority issued by the director to transact
14 insurance in this state;

15 (3) "commissioner" means the commissioner of the Department
16 of Commerce and Economic Development;

17 (4) "court" means superior court;

18 (5) "director" means the director of the division of insur-
19 ance;

20 (6) "division" means the division of insurance, Department
21 of Commerce and Economic Development;

22 (7) "domestic insurer" means an insurer formed under the
23 laws of this state;

24 (8) "foreign insurer" means an insurer formed under the
25 laws of a jurisdiction other than this state and includes an alien
26 insurer;

27 (9) "industrial life insurance" means that form of life
28 insurance written under policies with a face amount of \$1,000 or less,
29 with the words "industrial policy" imprinted on the face as part of

1 the descriptive matter, and under which premiums are payable monthly
2 or more often;

3 (10) "insurance" means a contract whereby one undertakes to
4 indemnify another or pay or provide a specified or determinable amount
5 or benefit upon determinable contingencies;

6 (11) "insurer" includes a person engaged as indemnitor,
7 surety, or contractor in the business of entering into contracts of
8 insurance or of annuity;

9 (12) "person" has the meaning given in AS 01.10.060 and
10 includes an insurer, Lloyds, fraternal benefit society, medical ser-
11 vice or hospital service plan as defined in AS 21.87, reciprocal or
12 interinsurance exchange, syndicate, and any other legal entity engaged
13 in the business of transacting insurance, including agents, brokers,
14 and claims adjusters;

15 (13) "policy" means the written contract of or written
16 agreement for or effecting insurance, by whatever name called, and
17 includes all clauses, riders, endorsements and papers attached to it
18 and a part of it;

19 (14) "premium" means the consideration for insurance, by
20 whatever name called, and by whatever method paid or collected, in-
21 cluding an assessment, or membership, policy, survey, inspection,
22 service or similar fee or charge made in consideration for an insur-
23 ance contract;

24 (15) "state" means a state, District of Columbia, territory,
25 commonwealth, or possession of the United States of America;

26 (16) "transact" with respect to insurance includes

27 (A) solicitation and inducement;

28 (B) preliminary negotiations;

29 (C) effectuation of a contract of insurance;

1 (D) transaction of matters subsequent to effectuation
2 of the contract of insurance and arising out of it;

3 (17) "unauthorized insurer" means an insurer not authorized
4 to transact insurance in this state.

5 * Sec. 26. AS 22.15.110(4) is repealed.

6 * Sec. 27. AS 23.20.045 is repealed and reenacted to read:

7 Sec. 23.20.045. REGULATIONS. The department may adopt regula-
8 tions under the Administrative Procedure Act (AS 44.62) necessary to
9 administer this chapter.

10 * Sec. 28. AS 23.20.200(b) is amended to read:

11 (b) The claim becomes a lien when the department files a notice
12 of the lien with the recording officer of the recording district in
13 which the property is located. The claim becomes a lien on a motor
14 vehicle when the department files a notice of the lien in the office
15 of the commissioner of public safety [REVENUE]. Filing of the notice
16 of lien is constructive notice of the lien against the property de-
17 scribed in the notice to creditors of the owner, and to subsequent
18 purchasers and encumbrancers.

19 * Sec. 29. AS 23.20.250(c) is amended to read:

20 (c) In the event of an employer's adjudication in bankruptcy,
21 judicially-confirmed extension proposal, or composition, under 11
22 U.S.C. (Federal Bankruptcy Act) [THE FEDERAL BANKRUPTCY ACT OF 1898,
23 AS AMENDED (11 USC 1 ET SEQ.)], contributions that [WHICH] are or
24 become due are entitled to the priority provided under [IN] that Act,
25 as amended.

26 * Sec. 30. AS 23.20.520(8), (9) and (12) are repealed.

27 * Sec. 31. AS 23.20.520(10) is amended to read:

28 (10) "contribution" and "payment in place of contribution"
29 ["CONTRIBUTIONS" AND "PAYMENTS IN PLACE OF CONTRIBUTIONS," WHETHER

1 SINGULAR OR PLURAL,] means the money payment [PAYMENTS] to be made to
2 the [STATE UNEMPLOYMENT COMPENSATION] fund, which payments are [AND
3 THEY ARE CONSIDERED TO BE] taxes due to the state;

4 * Sec. 32. AS 23.20.520(15) and (24) are repealed.

5 * Sec. 33. AS 25.23.180(d) is repealed and reenacted to read:

6 (d) For the purpose of an adoption proceeding under this chap-
7 ter, a decree issued by a court of competent jurisdiction in this or
8 another state terminating all rights of a parent with reference to a
9 child or the relationship of parent and child dispenses with the
10 required

11 (1) consent by that parent to an adoption of that child;
12 and

13 (2) notice of a proceeding to that parent unless otherwise
14 required by this section.

15 * Sec. 34. AS 25.30.070 is amended to read:

16 Sec. 25.30.070. JURISDICTION DECLINED BY REASON OF CONDUCT. (a)
17 If the petitioner for an initial decree has wrongfully taken the child
18 from another state or has engaged in similar reprehensible conduct,
19 the court may not exercise its jurisdiction unless it is necessary in
20 an emergency to protect the child and the court has jurisdiction under
21 [FOR REASONS SET OUT IN] AS 25.30.020(a)(2).

22 (b) If the petitioner for a modification decree has, without the
23 consent of the person entitled to custody, improperly removed the
24 child from the physical custody of the person entitled to custody or
25 has improperly retained the child after a visit or other temporary
26 relinquishment of physical custody, the court may not exercise its
27 jurisdiction to modify a custody decree of another state unless it is
28 necessary in an emergency to protect the child and the court has
29 jurisdiction under [FOR REASONS SET OUT IN] AS 25.30.020(a)(2). If

1 the petitioner has violated any other provision of a custody decree of
2 another state, the court may decline to exercise its jurisdiction if
3 this is just and proper under the circumstances.

4 (c) In appropriate cases a court dismissing a petition under
5 this section may charge the petitioner with necessary travel and other
6 expenses, including attorney fees, incurred by other parties or their
7 witnesses.

8 * Sec. 35. AS 26.15.080 is repealed.

9 * Sec. 36. AS 28.05.141(d) is amended to read:

10 (d) A person aggrieved by the decision of the hearing officer
11 may, within 30 days, initiate a proceeding in superior [DISTRICT]
12 court to rescind the department's action by filing a notice of appeal
13 in accordance with the applicable rules of court governing appeals in
14 civil matters. The court shall conduct a hearing de novo. The deci-
15 sion of the department suspending, revoking, canceling, limiting,
16 restricting or denying a license, registration, title, permit or
17 privilege is stayed and does not take effect during the pendency of an
18 appeal.

19 * Sec. 37. AS 28.10.021(a) is amended to read:

20 (a) The owner of a vehicle subject to registration shall apply
21 for registration under this chapter by properly completing the form
22 prescribed by the commissioner under AS 28.05.041. Before the issu-
23 ance of a certificate of registration by the department, the owner
24 shall pay all registration fees and taxes required under this chapter
25 [AND ALASKA MOTOR FREIGHT CARRIER AND BUS TRANSPORTATION FEES REQUIRED
26 UNDER AS 42,] and comply with any other applicable statutes and regu-
27 lations.

28 * Sec. 38. AS 28.10.041(a) is amended to read:

29 (a) The department may refuse to register a vehicle if

1 (1) the application contains a false or fraudulent state-
2 ment;

3 (2) the applicant fails to furnish information required by
4 the department;

5 (3) the applicant is not entitled to the issuance of a
6 certificate of title or registration under this chapter;

7 (4) the vehicle is determined to be mechanically unsafe to
8 be driven or moved on a highway, vehicular way or area, or other
9 public property in this state;

10 (5) the department has reasonable grounds to believe that
11 the vehicle was stolen or fraudulently acquired or that the granting
12 of registration would be a fraud against the rightful owner or other
13 person having a valid lien upon the vehicle;

14 (6) the registration of the vehicle has been suspended or
15 revoked for any reason under the laws of this state;

16 (7) the required fees or [,] taxes [, MOTOR FREIGHT CARRIER
17 FEES OR BUS TRANSPORTATION FEES] have not been paid;

18 (8) the vehicle or applicant fails to comply with this
19 chapter or regulations authorized by this section.

20 * Sec. 39. AS 28.10.101, 28.10.105 and 28.10.107 are repealed.

21 * Sec. 40. AS 28.10 is amended by adding a new section to read:

22 Sec. 28.10.108. REGISTRATION PROCEDURES. (a) A vehicle re-
23 quired to be registered under this chapter shall be registered under
24 the procedures set out in this section.

25 (b) Subject to the provisions of (f) of this section, a vehicle
26 subject to registration

27 (1) under AS 28.10.011 and 28.10.421(b)(3) and (4) and
28 (c)(1) - (4) shall have its initial registration, and may have its
29 annual registration, renewed during the month of December;

1 (2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3), (6)
2 and (9) shall have its initial registration, and may have its annual
3 registration, renewed during the month of January.

4 (c) A vehicle subject to registration and not described in (b)
5 of this section shall have its initial registration, and may have its
6 annual registration, renewed in the month of initial registration in
7 the state, subject to the provisions of (f) of this section.

8 (d) A registered vehicle retains the same annual expiration date
9 regardless of the ownership of the vehicle.

10 (e) The registration of a vehicle expires on the last day of the
11 month to which the vehicle is assigned.

12 (f) Upon request of the owner and payment of the proportionate
13 prorated applicable fees, a vehicle registered under this section
14 shall have its registration period extended in monthly increments to
15 allow annual registration to occur in the month of the owner's choice.

16 (g) The department shall issue to the registered owner, upon
17 receipt of the proper application and fees, registration plates, tabs
18 and registration form displaying the month and year in which the
19 registration expires.

20 (h) The department shall mail notice of registration expiration
21 to the registered owner of record at the owner's mailing address as
22 shown in the records of the department. An owner of a vehicle subject
23 to registration who has received notice under this subsection may
24 renew registration of the vehicle by returning the notice form, to-
25 gether with appropriate fees, to the department by mail postmarked no
26 later than the fifth day of the registration renewal period shown upon
27 the vehicle's current registration or notice form. Upon receipt of a
28 timely postmarked registration renewal and the appropriate fees and
29 taxes, the department shall renew the registration and mail the

1 current registration card and registration plates or tabs to the owner
2 at the owner's mailing address as shown in the department's records.

3 (i) If a vehicle is held for sale by a dealer, the requirement
4 of registration and payment of fees and taxes does not apply until the
5 vehicle is sold to a party other than another dealer. The exemption
6 from payment of fees and taxes under this subsection applies only if

7 (1) the dealer is registered with the state; and

8 (2) the vehicle for which the exemption is sought can be
9 shown to be part of the dealer's inventory at the time of exemption.

10 (j) The purchaser of a vehicle for which registration and taxes
11 have been held in abeyance under (i) of this section shall register
12 the vehicle within five working days of purchase and pay the prorated
13 fees and taxes required by the department.

14 (k) The department shall prorate fees in monthly increments to
15 allow for registration of vehicles in more or less than one-year
16 periods when required by any provision of this section.

17 * Sec. 41. AS 28.10.111(a) is amended to read:

18 (a) Application for the renewal of vehicle registration shall be
19 made by completing the proper form and paying any required fee and tax
20 [, AND ANY MOTOR FREIGHT CARRIER FEE OR BUS TRANSPORTATION FEE RE-
21 QUIRED UNDER AS 42].

22 * Sec. 42. AS 28.10.321(b) is amended to read:

23 (b) An application for certificates of title and registration
24 shall be accompanied by any required registration fees and taxes,
25 transfer of title and lien fees, [AND MOTOR FREIGHT CARRIER OR BUS
26 TRANSPORTATION FEES, IF ANY,] and by the previous certificates of
27 title and registration, if any.

28 * Sec. 43. AS 28.10.421(a) is amended to read:

29 (a) Unless otherwise provided by law, the fees prescribed in

1 this section shall be paid to the department at the times provided
2 under AS 28.10.108 and 28.10.111 [AS 28.10.101 - 28.10.111].

3 * Sec. 44. AS 28.17.051(b) is amended to read:

4 (b) A suspension, revocation, or denial of a license under this
5 chapter is subject to the notice and hearing requirements of AS 28.-
6 05.131 and 28.05.141 [AS 28.05.074 - 28.05.076].

7 * Sec. 45. AS 28.35.045(c) is amended to read:

8 (c) A person convicted of negligent driving is guilty of an
9 infraction as provided under AS 28.40.050 [, AND IN ADDITION, THE
10 COURT MAY LIMIT OR SUSPEND THE PERSON'S DRIVER'S LICENSE UNDER AS 28.-
11 15.220(b)].

12 * Sec. 46. AS 29.08.050 is repealed.

13 * Sec. 47. AS 29.13.100(37) is repealed.

14 * Sec. 48. AS 29.18.206(f) is amended to read:

15 (f) For purposes of determining the per capita entitlement under
16 (a) of this section, the population of a municipality shall be the
17 population determined by the commissioner of community and regional
18 affairs [THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] under
19 former AS 43.18.010 for the program year beginning July 1, 1978 for a
20 municipality whose entitlement is determined under AS 29.18.201 or
21 29.18.202.

22 * Sec. 49. AS 29.23.310 is amended to read:

23 Sec. 29.23.310. ELECTION. Each borough and city school district
24 has a school board. Members are elected at the regular election held
25 annually on the first Tuesday of October, unless a different election
26 date or interval of years is provided by ordinance, for three-year
27 terms and until their successors take office. All board members are
28 elected at large, but school zones for the election of borough school
29 boards may be established, altered, or abolished by the assembly by

1 ordinance [AS PROVIDED BY AS 29.23.100].

2 * Sec. 50. AS 29.53.045(c) is amended to read:

3 (c) A municipality may levy and collect a tax on the full and
4 true value of that portion of taxable property taxable under AS 43.56
5 as assessed by the Department of Revenue which value, when combined
6 with the value of property otherwise taxable by the municipality, does
7 not exceed the product of 225 percent of the average per capita as-
8 sessed full and true value of property in the state multiplied by the
9 number of residents of the taxing municipality. [FOR PURPOSES OF THIS
10 SUBSECTION THE AVERAGE PER CAPITA ASSESSED FULL AND TRUE VALUE OF
11 PROPERTY IN THE STATE SHALL BE CALCULATED WITHOUT REGARD TO THE AS-
12 SSESSED VALUE OF TAXABLE PROPERTY UNDER AS 43.58.]

13 * Sec. 51. AS 29.53.050(b) is amended to read:

14 (b) A [NO] municipality, or combination of municipalities occu-
15 pying the same geographical area, in whole or in part, may not levy
16 taxes (1) that [WHICH] will result in tax revenues from all sources
17 exceeding \$1,000 a year for each person residing within their bound-
18 aries or (2) upon values that [WHICH], when combined with the value of
19 property otherwise taxable by the municipality, exceed the product of
20 225 percent of the average per capita assessed full and true value of
21 property in the state multiplied by the number of residents of the
22 taxing municipality. If two or more municipalities occupying the same
23 geographical area, in whole or in part, attempt to levy a tax (1) the
24 combined levy of which would result in tax revenues from all sources
25 exceeding \$1,000 a year for each person residing within their bound-
26 aries or (2) upon values that [WHICH], when combined with the value of
27 property otherwise taxable by the municipality, exceed the product of
28 225 percent of the average per capita assessed full and true value of
29 property in the state multiplied by the number of residents of the

1 taxing municipality, the commissioner of community and regional af-
2 fairs shall apportion the lawful levy and equitably divide these
3 revenues on the basis of need, services performed and other considera-
4 tions in the public interest. For the purpose of this subsection,
5 population shall be determined by the commissioner of community and
6 regional affairs based on the latest statistics of the United States
7 Bureau of the Census or on other reliable population data. [FOR
8 PURPOSES OF THIS SUBSECTION THE AVERAGE PER CAPITA ASSESSED FULL AND
9 TRUE VALUE OF PROPERTY IN THE STATE SHALL BE CALCULATED WITHOUT REGARD
10 TO THE ASSESSED VALUE OF TAXABLE PROPERTY UNDER AS 43.58.]

11 * Sec. 52. AS 29.68.090 is amended to read:

12 Sec. 29.68.090. ELECTION. (a) The Local Boundary Commission
13 shall immediately notify the director of elections [LIEUTENANT GOVER-
14 NOR] of its acceptance of a merger or consolidation petition. Within
15 30 days after notification, the director [LIEUTENANT GOVERNOR] shall
16 order an election within the area to be included in the new municipali-
17 ty to determine whether the voters desire merger or consolidation.
18 The election is held not less than 30 nor more than 90 days after the
19 election order.

20 (b) A voter who is a resident of the area to be included within
21 the proposed municipality may vote.

22 (c) The director of elections [LIEUTENANT GOVERNOR] shall super-
23 vise the election in the general manner prescribed by the Alaska
24 Election Code (AS 15). The state shall pay all election costs.

25 (d) The director of elections [LIEUTENANT GOVERNOR] shall certi-
26 fy the election results. If merger or consolidation is approved, the
27 director [LIEUTENANT GOVERNOR] shall, within 10 days, set a date for
28 election of officers of the new municipality under AS 29.18.120. The
29 election date is not less than 60 nor more than 90 days after the

1 election order. This date is the effective date for the merger or
2 consolidation.

3 * Sec. 53. AS 29.68.570 is amended to read:

4 Sec. 29.68.570. ELECTION. (a) The Local Boundary Commission
5 shall immediately notify the director of elections [LIEUTENANT GOVER-
6 NOR] of its acceptance of a dissolution petition. Within 30 days
7 after notification, the director [LIEUTENANT GOVERNOR] shall order an
8 election within the municipality to determine whether the voters
9 desire dissolution. The election is at least 30 and not more than 90
10 days after the election order.

11 (b) A person who is a qualified voter of the municipality may
12 vote in the dissolution election.

13 (c) The director of elections [LIEUTENANT GOVERNOR] shall super-
14 vise the election in the general manner prescribed by the Alaska
15 Election Code (AS 15). The state shall pay all election costs.

16 (d) The director of elections [LIEUTENANT GOVERNOR] shall certi-
17 fy the election results. If dissolution is approved, the director
18 [LIEUTENANT GOVERNOR] shall declare that the municipality is dissolved
19 effective on the date of certification.

20 * Sec. 54. AS 34.40.100 is amended to read:

21 Sec. 34.40.100. WHEN TITLE OF PURCHASER FOR VALUE NOT AFFECTED.
22 The provisions of AS 34.40.010 and 34.40.070 - 34.40.130 [, AND
23 AS 13.05 WITH THE EXCEPTION OF AS 13.05.070, 13.15.070 - 13.15.130,
24 AND 13.30.670] may not be construed in any manner to affect or impair
25 the title of a purchaser for a valuable consideration, unless it ap-
26 pears that the purchaser had previous notice of the fraudulent intent
27 of the purchaser's [HIS] immediate grantor, or of the fraud rendering
28 void the title of the grantor.

29 * Sec. 55. AS 38.05.057(a) is amended to read:

1 (a) The commissioner may dispose of land, including land limited
2 to use for agricultural purposes, by lottery. The purchase price of
3 land sold by lottery shall be the fair market value of the land as
4 determined by the commissioner. The commissioner may sell land by
5 lottery for less than the fair market value of the land on a deter-
6 mination that scarcity of land for private use in the area of the land
7 to be sold has resulted in unrealistic land values. The commissioner
8 shall consult with the assessor of a municipality before determining
9 the purchase price for land that is located in the municipality and
10 that is to be sold under this section. The lottery shall be conducted
11 in public by the commissioner. An applicant may not be selected to
12 purchase land unless the applicant is present on the date and at the
13 place that the lottery is conducted unless medical reasons, attendance
14 at school, or military service outside the state prevent attendance.
15 An applicant may be represented by an agent on the day of the lottery
16 if the land offered for sale is commercial, industrial, or agricul-
17 tural land. On the day of the lottery a purchaser selected by lot
18 shall deposit an amount equal to five percent of the purchase price [,
19 OR IF THE PURCHASER ELECTS TO USE LAND DISCOUNTS GRANTED UNDER AS 38.-
20 05.058, FIVE PERCENT OF THE PURCHASE PRICE AFTER DEDUCTION OF THE
21 DISCOUNT].

22 * Sec. 56. AS 38.07.030(a) is amended to read:

23 (a) An owner of agricultural land, or a lessee from the state of
24 agricultural land, in the general vicinity of the land to be cleared
25 or drained under AS 38.07.010(a) may apply to the commissioner to have
26 the land cleared or drained or both along with the state land. The
27 applicant's land shall be included in the contract of land to be
28 cleared or drained if, in the discretion of the commissioner, the
29 inclusion is feasible and furthers the agricultural policies of the

1 division of agriculture.

2 * Sec. 57. AS 39.05 is amended by adding a new section to read:

3 Sec. 39.05.055. STAGGERED INITIAL TERMS. The terms of the
4 initially appointed members of a board, commission, council or other
5 multi-member body that will have a continuing existence shall be set
6 by the governor as follows:

7 (1) in the case of three-member boards, for one, two and
8 three years;

9 (2) in the case of five-member boards, for one, two, three,
10 four and five years;

11 (3) in the case of six-member boards, two members serve for
12 one year, two for two years, and two for three years;

13 (4) in the case of seven-member boards, two members serve
14 for one year, two for two years, and three for three years;

15 (5) in the case of eight-member boards, two members serve
16 for one year, two for two years, two for three years, and two for four
17 years;

18 (6) in the case of 10-member boards, two members serve for
19 one year, two for two years, two for three years, two for four years,
20 and two for five years.

21 * Sec. 58. AS 39.05.060(c) is repealed.

22 * Sec. 59. AS 39.05.060(d) is amended to read:

23 (d) [INITIAL TERMS DATE FROM FEBRUARY 1 BEFORE APPOINTMENT.] A
24 vacancy occurring during a term of office is filled in the same manner
25 as the original appointment is made and for the balance of the un-
26 expired term. Each member holds office at the pleasure of the gover-
27 nor notwithstanding the member's term.

28 * Sec. 60. AS 39.25.110 is amended by adding a new paragraph to read:

29 (23) executive director of the Medicaid Rate Commission.

1 * Sec. 61. AS 39.25.120(c)(9)(J) is repealed.

2 * Sec. 62. AS 39.35.155, 39.35.157 and AS 39.50.150 are repealed.

3 * Sec. 63. AS 41.99.010 is amended to read:

4 Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in
5 this title denies the Department of Fish and Game or the Board of
6 Fisheries [FISH] and the Board of Game their management and enforce-
7 ment responsibilities related to the fish and game of this state.

8 * Sec. 64. AS 44.21.025 is repealed.

9 * Sec. 65. AS 44.21.241 - 44.21.255 and AS 44.66.010(a)(6) are re-
10 pealed.

11 * Sec. 66. AS 44.37.025 is amended by adding a new subsection to read:

12 (d) The department shall file with the commissioner of commerce
13 and economic development a copy of each conveyance recorded that
14 contains a statement that property is conveyed to a nonresident alien
15 or for the benefit of a nonresident alien.

16 * Sec. 67. AS 44.81.010(a) is amended to read:

17 (a) There is established the Alaska Commercial Fishing and
18 Agriculture Bank. The exercise by the bank of the powers conferred by
19 this chapter is considered to be for a public purpose. Except as
20 otherwise provided in this chapter, and except that any filing fees
21 shall be waived, the bank is subject to the provisions of AS 10.15
22 (Alaska Cooperative Corporation Act). The bank is exempt from the
23 provisions of AS 06.05 (Alaska Banking Code) in the exercise of powers
24 granted by this chapter.

25 * Sec. 68. AS 44.81.030 is repealed.

26 * Sec. 69. AS 44.83.224(2) is amended to read:

27 (2) an energy development component for meeting projected
28 thermal, electrical and transportation energy needs in the state at
29 the lowest reasonable cost, including environmental and social costs,

1 consistent with acceptable standards of reliability, giving an equal
2 consideration as practicable to all types of energy sources (except
3 those based on nuclear fuels) that [WHICH] are technologically feasi-
4 ble, and that [WHICH] promote the efficient use of facilities and
5 fuels consistent with energy conservation goals [, AND THE CONSID-
6 ERATIONS SPECIFIED IN AS 44.83.180(e)];
7 * Sec. 70. AS 45.50.572(e) is repealed.
8 * Sec. 71. AS 45.95.050 is repealed.
9 * Sec. 72. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c).