

Offered: 2/20/85
For Today's Calendar

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 157 (Judiciary)

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 AS 03.40.170 is repealed.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 09.55.440(a) is amended to read:

23 (a) Upon the filing of the declaration of taking and the deposit
24 with the court of the amount of the estimated compensation stated in
25 the declaration, title to the estate as specified in the declaration
26 vests in the plaintiff, and that property is condemned and taken for
27 the use of the plaintiff, and the right to just compensation for it
28 vests in the persons entitled to it. The compensation shall be ascer-
29 tained and awarded in the proceeding and established by judgment. The

1 judgment shall include interest at the rate set out in AS 09.30.070
2 [OF SIX PER CENT PER YEAR] on the amount finally awarded which exceeds
3 the amount paid into court under the declaration of taking. The
4 interest runs from the date title vests to the date of payment of the
5 judgment.

6 * Sec. 4. AS 12.60.150 is amended to read:

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

13 * Sec. 5. AS 16.10.020 is amended to read:

14 Sec. 16.10.020. GROUNDS FOR PERMIT OR LICENSE. If in the judg-
15 ment of the Department of Environmental Conservation [HEALTH AND
16 SOCIAL SERVICES], the purpose of the applicant for the permit or
17 license is to develop power, obtain water for civic, domestic, irriga-
18 tion, manufacturing, mining or other purposes tending to develop the
19 natural resources of the state, the department may grant the permit or
20 license and may require the applicant to construct and maintain
21 adequate fish ladders, fishways or other means by which fish may pass
22 over, around or through the dam, obstruction or diversion in the
23 pursuit of the propagation or spawning process.

24 * Sec. 6. AS 16.10.500 is amended to read:

25 Sec. 16.10.500. DECLARATION OF POLICY. It is the policy of the
26 state, under AS 16.10.500 - 16.10.560 [AS 16.10.500 - 16.10.550], to
27 promote the enhancement of the state's fisheries by means of grants
28 for organizational and planning purposes to regional associations
29 described in AS 16.10.510 which have qualified under AS 16.10.380, and

1 by means of long-term, low interest loans for hatchery planning,
2 construction, and operation and for planning and implementation of
3 enhancement and rehabilitation activities including, but not limited
4 to, lake fertilization and habitat improvement.

5 * Sec. 7. AS 16.10.505 is amended to read:

6 Sec. 16.10.505. FISHERIES ENHANCEMENT REVOLVING LOAN FUND.
7 There is created within the Department of Commerce and Economic De-
8 velopment a revolving fund to be known as the fisheries enhancement
9 revolving loan fund. The fund shall be used to carry out the purposes
10 of AS 16.10.500 - 16.10.560 [AS 16.10.500 - 16.10.550] and for no
11 other purpose.

12 * Sec. 8. AS 16.43.150(g) is amended to read:

13 (g) Except as provided in AS 16.10.333 - 16.10.337, AS 44.81.-
14 210(a)(22), and [IN AS] 44.81.230 - 44.81.250, an entry permit may not
15 be:

16 (1) pledged, mortgaged, leased, or encumbered in any way;

17 (2) transferred with any retained right of repossession or
18 foreclosure; or

19 (3) attached, distrained, or sold on execution of judgment
20 or under any other process or order of any court.

21 * Sec. 9. AS 16.52.060(2) and (3) are repealed.

22 * Sec. 10. AS 19.40.100(b)(3) is repealed.

23 * Sec. 11. AS 21.09.090(b)(1) is repealed.

24 * Sec. 12. AS 21.22.200(3) is repealed.

25 * Sec. 13. AS 21.33.310 and 21.33.330 are repealed.

26 * Sec. 14. AS 21.36.150(c) is amended to read:

27 (c) If the director's report made under (a) of this section, or
28 order on hearing made under AS 21.36.320 [AS 21.36.140] does not
29 charge a violation of this chapter, an intervenor in the proceedings

1 may appeal from the order or report within the time and in the manner
2 provided for appeals from the director generally.

3 * Sec. 15. AS 21.42.290(a) is amended to read:

4 (a) A minor domiciled in this state who has attained the age of
5 16 years shall be considered competent to receive and to give full
6 acquittance and discharge for a payment or payments in aggregate
7 amount not exceeding \$3,000 in any one year made by a life insurer
8 under the maturity, death or settlement agreement provisions in effect
9 or elected by the minor under a life insurance policy or annuity
10 contract, if the policy, contract or agreement provides for the pay-
11 ment or payments to the minor, and if before the payment the insurer
12 has not received written notice of the appointment of a duly qualified
13 guardian of the property of the minor. A minor is not [MAY NOT BE
14 CONSIDERED] competent to alienate the right to or to anticipate the
15 payments. [THIS SECTION DOES NOT RESTRICT THE RIGHTS OF MINORS SET
16 OUT IN AS 21.42.080.]

17 * Sec. 16. AS 21.45.080(e) is amended to read:

18 (e) The provisions of (c) of this section on interest rates
19 apply only to [ALL] policy loans made on policies issued on or after
20 July 1, 1982, except that if a policyholder agrees in writing to the
21 applicability of (c) of this section to a policy issued before July 1,
22 1982, that subsection applies to policy loans made on that [THE]
23 policy.

24 * Sec. 17. AS 21.45.320 is repealed.

25 * Sec. 18. AS 21.66.480(3) is repealed.

26 * Sec. 19. AS 21.80.050(a) is amended to read:

27 (a) The board of directors of the association consists of not
28 fewer [LESS] than five nor more than nine persons serving terms as
29 established in the plan of operation. The members of the board shall

1 be selected by member insurers subject to the approval of the commis-
2 sioner. Vacancies of the board shall be filled for the remaining
3 period of the term in the same manner as initial appointments. [IF NO
4 MEMBERS ARE SELECTED BY OCTOBER 5, 1970, THE COMMISSIONER MAY APPOINT
5 THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS.]

6 * Sec. 20. AS 21.80.180(3) is repealed.

7 * Sec. 21. AS 21.84.180(b) is amended to read:

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

16 * Sec. 22. AS 21.84.210(a) is amended to read:

17 (a) A society may provide for benefits on the lives of children
18 under the minimum age for adult membership but not greater than 18
19 [21] years of age at time of application, upon the application of some
20 adult person, as its laws or rules may provide, which benefits shall
21 be in accordance with AS 21.84.200. A society may, at its option,
22 organize and operate branches for the children. Membership and in-
23 itiation in local lodges may not be required of the children, nor may
24 they have a voice in the management of the society.

25 * Sec. 23. AS 21.90.030 - 21.90.110 are repealed.

26 * Sec. 24. AS 21.90 is amended by adding a new section to read:

27 Sec. 21.90.900. DEFINITIONS FOR TITLE. In this title, unless
28 the context requires otherwise,

29 (1) "alien insurer" means an insurer formed under the laws

1 of a country other than the United States of America, its states,
2 districts, territories, and commonwealths;

3 (2) "authorized insurer" means an insurer authorized by
4 subsisting certificate of authority issued by the director to transact
5 insurance in this state;

6 (3) "commissioner" means the commissioner of the Department
7 of Commerce and Economic Development;

8 (4) "court" means superior court;

9 (5) "director" means the director of the division of insur-
10 ance;

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

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

15 (8) "foreign insurer" means an insurer formed under the
16 laws of a jurisdiction other than this state and includes an alien
17 insurer;

18 (9) "industrial life insurance" means that form of life
19 insurance written under policies with a face amount of \$1,000 or less,
20 with the words "industrial policy" imprinted on the face as part of
21 the descriptive matter, and under which premiums are payable monthly
22 or more often;

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

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

29 (12) "person" has the meaning given in AS 01.10.060 and

1 includes an insurer, Lloyds, fraternal benefit society, medical ser-
2 vice or hospital service plan as defined in AS 21.87, reciprocal or
3 interinsurance exchange, syndicate, and any other legal entity engaged
4 in the business of transacting insurance, including agents, brokers,
5 and claims adjusters;

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

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

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

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

18 (A) solicitation and inducement;

19 (B) preliminary negotiations;

20 (C) effectuation of a contract of insurance;

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

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

25 * Sec. 25. AS 22.15.110(4) is repealed.

26 * Sec. 26. AS 23.20.045 is repealed and reenacted to read:

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

1 * Sec. 27. AS 23.20.200(b) is amended to read:

2 (b) The claim becomes a lien when the department files a notice
3 of the lien with the recording officer of the recording district in
4 which the property is located. The claim becomes a lien on a motor
5 vehicle when the department files a notice of the lien in the office
6 of the commissioner of public safety [REVENUE]. Filing of the notice
7 of lien is constructive notice of the lien against the property de-
8 scribed in the notice to creditors of the owner, and to subsequent
9 purchasers and encumbrancers.

10 * Sec. 28. AS 23.20.250(c) is amended to read:

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

17 * Sec. 29. AS 23.20.520(8), (9) and (12) are repealed.

18 * Sec. 30. AS 23.20.520(10) is amended to read:

19 (10) "contribution" and "payment in place of contribution"
20 ["CONTRIBUTIONS" AND "PAYMENTS IN PLACE OF CONTRIBUTIONS," WHETHER
21 SINGULAR OR PLURAL,] means the money payment [PAYMENTS] to be made to
22 the [STATE UNEMPLOYMENT COMPENSATION] fund, which payments are [AND
23 THEY ARE CONSIDERED TO BE] taxes due to the state;

24 * Sec. 31. AS 23.20.520(15) and (24) are repealed.

25 * Sec. 32. AS 25.23.180(d) is repealed and reenacted to read:

26 (d) For the purpose of an adoption proceeding under this chap-
27 ter, a decree issued by a court of competent jurisdiction in this or
28 another state terminating all rights of a parent with reference to a
29 child or the relationship of parent and child dispenses with the

1 required

2 (1) consent by that parent to an adoption of that child;
3 and

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

6 * Sec. 33. AS 25.30.070 is amended to read:

7 Sec. 25.30.070. JURISDICTION DECLINED BY REASON OF CONDUCT. (a)

8 If the petitioner for an initial decree has wrongfully taken the child
9 from another state or has engaged in similar reprehensible conduct,
10 the court may not exercise its jurisdiction unless it is necessary in
11 an emergency to protect the child and the court has jurisdiction under
12 [FOR REASONS SET OUT IN] AS 25.30.020(a)(2).

13 (b) If the petitioner for a modification decree has, without the
14 consent of the person entitled to custody, improperly removed the
15 child from the physical custody of the person entitled to custody or
16 has improperly retained the child after a visit or other temporary
17 relinquishment of physical custody, the court may not exercise its
18 jurisdiction to modify a custody decree of another state unless it is
19 necessary in an emergency to protect the child and the court has
20 jurisdiction under [FOR REASONS SET OUT IN] AS 25.30.020(a)(2). If
21 the petitioner has violated any other provision of a custody decree of
22 another state, the court may decline to exercise its jurisdiction if
23 this is just and proper under the circumstances.

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

28 * Sec. 34. AS 26.15.080 is repealed.

29 * Sec. 35. AS 28.10.021(a) is amended to read:

1 (a) The owner of a vehicle subject to registration shall apply
2 for registration under this chapter by properly completing the form
3 prescribed by the commissioner under AS 28.05.041. Before the issu-
4 ance of a certificate of registration by the department, the owner
5 shall pay all registration fees and taxes required under this chapter
6 [AND ALASKA MOTOR FREIGHT CARRIER AND BUS TRANSPORTATION FEES REQUIRED
7 UNDER AS 42,] and comply with any other applicable statutes and regu-
8 lations.

9 * Sec. 36. AS 28.10.041(a) is amended to read:

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

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

13 (2) the applicant fails to furnish information required by
14 the department;

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

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

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

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

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

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

1 * Sec. 37. AS 28.10.101, 28.10.105 and 28.10.107 are repealed.

2 * Sec. 38. AS 28.10 is amended by adding a new section to read:

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

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

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

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

14 (c) A vehicle subject to registration and not described in (b)
15 of this section shall have its initial registration, and may have its
16 annual registration, renewed in the month of initial registration in
17 the state, subject to the provisions of (f) of this section.

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

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

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

26 (g) The department shall issue to the registered owner, upon
27 receipt of the proper application and fees, registration plates, tabs
28 and registration form displaying the month and year in which the
29 registration expires.

1 (h) The department shall mail notice of registration expiration
2 to the registered owner of record at the owner's mailing address as
3 shown in the records of the department. An owner of a vehicle subject
4 to registration who has received notice under this subsection may
5 renew registration of the vehicle by returning the notice form, to-
6 gether with appropriate fees, to the department by mail postmarked no
7 later than the fifth day of the registration renewal period shown upon
8 the vehicle's current registration or notice form. Upon receipt of a
9 timely postmarked registration renewal and the appropriate fees and
10 taxes, the department shall renew the registration and mail the
11 current registration card and registration plates or tabs to the owner
12 at the owner's mailing address as shown in the department's records.

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

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

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

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

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

27 * Sec. 39. AS 28.10.111(a) is amended to read:

28 (a) Application for the renewal of vehicle registration shall be
29 made by completing the proper form and paying any required fee and tax

1 [, AND ANY MOTOR FREIGHT CARRIER FEE OR BUS TRANSPORTATION FEE RE-
2 QUIRED UNDER AS 42].

3 * Sec. 40. AS 28.10.321(b) is amended to read:

4 (b) An application for certificates of title and registration
5 shall be accompanied by any required registration fees and taxes,
6 transfer of title and lien fees, [AND MOTOR FREIGHT CARRIER OR BUS
7 TRANSPORTATION FEES, IF ANY,] and by the previous certificates of
8 title and registration, if any.

9 * Sec. 41. AS 28.10.421(a) is amended to read:

10 (a) Unless otherwise provided by law, the fees prescribed in
11 this section shall be paid to the department at the times provided
12 under AS 28.10.108 and 28.10.111 [AS 28.10.101 - 28.10.111].

13 * Sec. 42. AS 28.17.051(b) is amended to read:

14 (b) A suspension, revocation, or denial of a license under this
15 chapter is subject to the notice and hearing requirements of AS 28.-
16 05.131 and 28.05.141 [AS 28.05.074 - 28.05.076].

17 * Sec. 43. AS 28.35.045(c) is amended to read:

18 (c) A person convicted of negligent driving is guilty of an
19 infraction as provided under AS 28.40.050 [, AND IN ADDITION, THE
20 COURT MAY LIMIT OR SUSPEND THE PERSON'S DRIVER'S LICENSE UNDER AS 28.-
21 15.220(b)].

22 * Sec. 44. AS 29.08.050 is repealed.

23 * Sec. 45. AS 29.13.100(37) is repealed.

24 * Sec. 46. AS 29.18.206(f) is amended to read:

25 (f) For purposes of determining the per capita entitlement under
26 (a) of this section, the population of a municipality shall be the
27 population determined by the commissioner of community and regional
28 affairs [THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] under
29 former AS 43.18.010 for the program year beginning July 1, 1978 for a

1 municipality whose entitlement is determined under AS 29.18.201 or
2 29.18.202.

3 * Sec. 47. AS 29.23.310 is amended to read:

4 Sec. 29.23.310. ELECTION. Each borough and city school district
5 has a school board. Members are elected at the regular election held
6 annually on the first Tuesday of October, unless a different election
7 date or interval of years is provided by ordinance, for three-year
8 terms and until their successors take office. All board members are
9 elected at large, but school zones for the election of borough school
10 boards may be established, altered, or abolished by the assembly by
11 ordinance [AS PROVIDED BY AS 29.23.100].

12 * Sec. 48. AS 29.53.045(c) is amended to read:

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

23 * Sec. 49. AS 29.53.050(b) is amended to read:

24 (b) A [NO] municipality, or combination of municipalities occu-
25 pying the same geographical area, in whole or in part, may not levy
26 taxes (1) that [WHICH] will result in tax revenues from all sources
27 exceeding \$1,000 a year for each person residing within their bound-
28 aries or (2) upon values that [WHICH], when combined with the value of
29 property otherwise taxable by the municipality, exceed the product of

1 225 percent of the average per capita assessed full and true value of
2 property in the state multiplied by the number of residents of the
3 taxing municipality. If two or more municipalities occupying the same
4 geographical area, in whole or in part, attempt to levy a tax (1) the
5 combined levy of which would result in tax revenues from all sources
6 exceeding \$1,000 a year for each person residing within their bound-
7 aries or (2) upon values that [WHICH], when combined with the value of
8 property otherwise taxable by the municipality, exceed the product of
9 225 percent of the average per capita assessed full and true value of
10 property in the state multiplied by the number of residents of the
11 taxing municipality, the commissioner of community and regional af-
12 fairs shall apportion the lawful levy and equitably divide these
13 revenues on the basis of need, services performed and other considera-
14 tions in the public interest. For the purpose of this subsection,
15 population shall be determined by the commissioner of community and
16 regional affairs based on the latest statistics of the United States
17 Bureau of the Census or on other reliable population data. [FOR
18 PURPOSES OF THIS SUBSECTION THE AVERAGE PER CAPITA ASSESSED FULL AND
19 TRUE VALUE OF PROPERTY IN THE STATE SHALL BE CALCULATED WITHOUT REGARD
20 TO THE ASSESSED VALUE OF TAXABLE PROPERTY UNDER AS 43.58.]

21 * Sec. 50. AS 29.68.090 is amended to read:

22 Sec. 29.68.090. ELECTION. (a) The Local Boundary Commission
23 shall immediately notify the director of elections [LIEUTENANT GOVER-
24 NOR] of its acceptance of a merger or consolidation petition. Within
25 30 days after notification, the director [LIEUTENANT GOVERNOR] shall
26 order an election within the area to be included in the new municipal-
27 ity to determine whether the voters desire merger or consolidation.
28 The election is held not less than 30 nor more than 90 days after the
29 election order.

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

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

6 (d) The director of elections [LIEUTENANT GOVERNOR] shall certi-
7 fy the election results. If merger or consolidation is approved, the
8 director [LIEUTENANT GOVERNOR] shall, within 10 days, set a date for
9 election of officers of the new municipality under AS 29.18.120. The
10 election date is not less than 60 nor more than 90 days after the
11 election order. This date is the effective date for the merger or
12 consolidation.

13 * Sec. 51. AS 29.68.570 is amended to read:

14 Sec. 29.68.570. ELECTION. (a) The Local Boundary Commission
15 shall immediately notify the director of elections [LIEUTENANT GOVER-
16 NOR] of its acceptance of a dissolution petition. Within 30 days
17 after notification, the director [LIEUTENANT GOVERNOR] shall order an
18 election within the municipality to determine whether the voters
19 desire dissolution. The election is at least 30 and not more than 90
20 days after the election order.

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

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

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

1 * Sec. 52. AS 34.40.100 is amended to read:

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

10 * Sec. 53. AS 38.05.057(a) is amended to read:

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

1 05.058, FIVE PERCENT OF THE PURCHASE PRICE AFTER DEDUCTION OF THE
2 DISCOUNT).

3 * Sec. 54. AS 38.07.030(a) is amended to read:

4 (a) An owner of agricultural land, or a lessee from the state of
5 agricultural land, in the general vicinity of the land to be cleared
6 or drained under AS 38.07.010(a) may apply to the commissioner to have
7 the land cleared or drained or both along with the state land. The
8 applicant's land shall be included in the contract of land to be
9 cleared or drained if, in the discretion of the commissioner, the
10 inclusion is feasible and furthers the agricultural policies of the
11 division of agriculture.

12 * Sec. 55. AS 39.05 is amended by adding a new section to read:

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

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

19 (2) in the case of four-member boards, for one, two, three
20 and four years;

21 (3) in the case of five-member boards, for one, two, three,
22 four and five years;

23 (4) in the case of six-member boards, two members serve for
24 one year, two for two years, and two for three years;

25 (5) in the case of seven-member boards, two members serve
26 for one year, two for two years, and three for three years;

27 (6) in the case of eight-member boards, two members serve
28 for one year, two for two years, two for three years, and two for four
29 years;

1 (7) in the case of nine-member boards, three members serve
2 for one year, three for two years, and three for three years;

3 (8) in the case of 10-member boards, two members serve for
4 one year, two for two years, two for three years, two for four years,
5 and two for five years.

6 * Sec. 56. AS 39.05.060(c) is repealed.

7 * Sec. 57. AS 39.05.060(d) is amended to read:

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

13 * Sec. 58. AS 39.25.110 is amended by adding a new paragraph to read:

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

15 * Sec. 59. AS 39.25.120(c)(9)(J) is repealed.

16 * Sec. 60. AS 39.35.155, 39.35.157 and AS 39.50.150 are repealed.

17 * Sec. 61. AS 41.99.010 is amended to read:

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

22 * Sec. 62. AS 44.21.025 is repealed.

23 * Sec. 63. AS 44.21.241 - 44.21.255 and AS 44.66.010(a)(6) are re-
24 pealed.

25 * Sec. 64. AS 44.37.025 is amended by adding a new subsection to read:

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

1 * Sec. 65. AS 44.81.010(a) is amended to read:

2 (a) There is established the Alaska Commercial Fishing and
3 Agriculture Bank. The exercise by the bank of the powers conferred by
4 this chapter is considered to be for a public purpose. Except as
5 otherwise provided in this chapter, and except that any filing fees
6 shall be waived, the bank is subject to the provisions of AS 10.15
7 (Alaska Cooperative Corporation Act). The bank is exempt from the
8 provisions of AS 06.05 (Alaska Banking Code) in the exercise of powers
9 granted by this chapter.

10 * Sec. 66. AS 44.81.030 is repealed.

11 * Sec. 67. AS 44.83.224(2) is amended to read:

12 (2) an energy development component for meeting projected
13 thermal, electrical and transportation energy needs in the state at
14 the lowest reasonable cost, including environmental and social costs,
15 consistent with acceptable standards of reliability, giving an equal
16 consideration as practicable to all types of energy sources (except
17 those based on nuclear fuels) that [WHICH] are technologically feasi-
18 ble, and that [WHICH] promote the efficient use of facilities and
19 fuels consistent with energy conservation goals [, AND THE CONSID-
20 ERATIONS SPECIFIED IN AS 44.83.180(e)];

21 * Sec. 68. AS 45.50.572(e) is repealed.

22 * Sec. 69. AS 45.95.050 is repealed.

23 * Sec. 70. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).