

Introduced: 1/22/86  
Referred: Judiciary

BY THE RULES COMMITTEE  
BY REQUEST OF THE  
LEGISLATIVE COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 493

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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 04.11.130(c) is amended to read:

11 (c) The holder of a brewery license may permit a person to  
12 sample small portions of the brewery's product free of charge unless  
13 prohibited by a provision of AS 04.16 [AS 04.16.030].

14 \* Sec. 2. AS 04.11.140(c) is amended to read:

15 (c) The holder of a winery license may permit a person to sample  
16 small portions of the wine on the premises free of charge unless  
17 prohibited by a provision of AS 04.16 [AS 04.16.030].

18 \* Sec. 3. AS 04.11.370(7) is amended to read:

19 (7) use of the licensed premises as a resort for illegal  
20 possessors or users of narcotics, prostitutes, or promoters of prosti-  
21 tution [PIMPS]; in addition to any other legally competent evidence,  
22 the character of the premises may be proved by the general reputation  
23 of the premises in the community as a resort for illegal possessors or  
24 users of narcotics, prostitutes, or promoters of prostitution [PIMPS];

25 \* Sec. 4. AS 05.05.010(a) is amended to read:

26 (a) There is created an athletic commission within the Depart-  
27 ment of Commerce and Economic Development. The commission consists of  
28 four members appointed by the governor. One member of the commission  
29 must be appointed from each of the four judicial districts [MAJOR

1 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV OF THE STATE CONSTITU-  
2 TION]. The commissioners must be appointed for overlapping two-year  
3 terms. Members of the commission serve at the pleasure of the gover-  
4 nor and must be selected on the basis of their known interest in and  
5 knowledge of athletics in the state.

6 \* Sec. 5. AS 08.20.150 is repealed.

7 \* Sec. 6. AS 08.20.200 is amended to read:

8 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who  
9 practices chiropractic in the state without a license in violation of  
10 AS 08.20.100 is guilty of a misdemeanor, and upon conviction is pun-  
11 ishable by a fine of not more than \$1,000, or by imprisonment for not  
12 more than a year, or by both. [IN PROSECUTIONS UNDER THIS SECTION,  
13 EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE DEFENDANT'S CERTIF-  
14 ICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE EVIDENCE THAT THE  
15 DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

16 \* Sec. 7. AS 08.54.142(b) is amended to read:

17 (b) A person may not engage in the activity of transporting by  
18 air without an annual [AIR COMMERCE] certificate as required by  
19 AS 42.30.225 [AS 02.05.040].

20 \* Sec. 8. AS 08.64.280 and 08.64.350 are repealed.

21 \* Sec. 9. AS 08.72.120 is amended to read:

22 Sec. 08.72.120. REGISTRATION. It is unlawful for a person to  
23 practice, or attempt, or offer to practice, optometry without first  
24 obtaining a certificate of registration from the board [, AND WITHOUT  
25 FILING THE CERTIFICATE WITH THE CLERK OF THE SUPERIOR COURT IN EACH  
26 JUDICIAL DISTRICT IN WHICH THE PERSON PRACTICES].

27 \* Sec. 10. AS 08.72.125(b) is amended to read:

28 (b) It is unlawful for a person to practice, or to attempt or  
29 offer to practice, optometry in communities on a part-time basis

1 without obtaining a branch office certificate of registration from the  
2 board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE  
3 SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS  
4 A BRANCH OFFICE].

5 \* Sec. 11. AS 08.72.130 is repealed.

6 \* Sec. 12. AS 08.88.421 is amended to read:

7 Sec. 08.88.421. EXCEPTIONS. This chapter does not apply to

8 (1) a person who is not licensed under this chapter who  
9 makes a real estate transaction with respect to real estate the person  
10 owns or on the person's own behalf, unless the transaction involves  
11 land defined in AS 34.55.044(6) which is not in Alaska;

12 (2) an attorney in fact under a power of attorney authoriz-  
13 ing the consummation of a specific real estate transaction; an attor-  
14 ney in fact may not act as such for more than two transactions in a  
15 calendar year;

16 (3) a lawyer performing duties as a lawyer;

17 (4) a public official in the conduct of official duties;

18 (5) a person acting as receiver, trustee, administrator,  
19 executor, or guardian;

20 (6) a person acting under court order;

21 (7) a person acting under the authority of a will or trust  
22 instrument;

23 (8) a person dealing in mineral rights transactions;

24 (9) [EACH OF THE FOLLOWING:

25 (A)] a domestic or foreign corporation, [OR] a general  
26 or limited partnership, [;] or

27 [(B)] a partner or regular employee of a domestic or  
28 foreign corporation or a general or limited partnership, when  
29 performing an act described in AS 08.88.161 in the regular

1 course, or as an incident to, the management, sale, or other  
2 disposition of real estate owned by the corporation or partner-  
3 ship; the exemption provided in this paragraph [SUBPARAGRAPH]  
4 does not apply to a person who performs an act described in  
5 AS 08.88.161 either as a vocation or for compensation, if the  
6 amount of the compensation is dependent upon or directly related  
7 to the value of the real estate with respect to which the act is  
8 performed; [.]

9 (10) a resident manager of rented real estate if the resi-  
10 dent manager's duties are limited to the negotiation of leases and  
11 rental agreements and the collection of rent for the use of the real  
12 estate and if the resident manager is

13 (A) employed by the owner of the real estate; or

14 (B) employed by, or engaged under contract with, a  
15 licensed real estate broker.

16 \* Sec. 13. AS 09.55.010 is amended to read:

17 Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A  
18 person may bring an action for change of name in the superior court.  
19 A [NO] change of name of a person may not be made unless the court  
20 finds sufficient reasons for the change and also finds it consistent  
21 with the public interest. A change of name upon marriage, dissolu-  
22 tion, or divorce meets these requirements.

23 \* Sec. 14. AS 11.81.250(a) is amended to read:

24 Sec. 11.81.250. CLASSIFICATION OF OFFENSES. (a) For purposes  
25 of sentencing under AS 12.55, all offenses defined in this title,  
26 except murder in the first and second degree, sexual assault in the  
27 first degree, sexual abuse of a minor in the first degree, misconduct  
28 involving a controlled substance in the first degree, and kidnapping,  
29 are classified on the basis of their seriousness, according to the

1 type of injury characteristically caused or risked by commission of  
2 the offense and the culpability of the offender. Except for murder in  
3 the first and second degree, sexual assault in the first degree,  
4 sexual abuse of a minor in the first degree, misconduct involving a  
5 controlled substance in the first degree, and kidnapping, the offenses  
6 in this title are classified into the following categories:

7 (1) class A felonies, which characteristically involve  
8 conduct resulting in serious physical injury or a substantial risk of  
9 serious physical injury to a person;

10 (2) class B felonies, which characteristically involve  
11 conduct resulting in less severe violence against a person than class  
12 A felonies, aggravated offenses against property interests, or aggra-  
13 vated offenses against public administration or order;

14 (3) class C felonies, which characteristically involve  
15 conduct serious enough to deserve felony classification but not seri-  
16 ous enough to be classified as A or B felonies;

17 (4) class A misdemeanors, which characteristically involve  
18 less severe violence against a person, less serious offenses against  
19 property interests, less serious offenses against public administra-  
20 tion or order, or less serious offenses against public health and  
21 decency than felonies;

22 (5) class B misdemeanors, which characteristically involve  
23 a minor risk or physical injury to a person, minor offenses against  
24 property interests, minor offenses against public administration or  
25 order, or minor offenses against public health and decency;

26 (6) violations, which characteristically involve conduct  
27 inappropriate to an orderly society but which do not denote criminal-  
28 ity in their commission.

29 \* Sec. 15. AS 11.81.250(b) is amended to read:

1 (b) The classification of each felony defined in this title,  
2 except murder in the first and second degree, sexual assault in the  
3 first degree, sexual abuse of a minor in the first degree, misconduct  
4 involving a controlled substance in the first degree, and kidnapping,  
5 is designated in the section defining it. A felony under Alaska law  
6 defined outside this title for which no penalty is specifically pro-  
7 vided is a class C felony.

8 \* Sec. 16. AS 14.08.081 is amended to read:

9 Sec. 14.08.081. RECALL. The members of a regional school board  
10 are subject to recall in accordance with AS 29.26.240 - 29.26.360,  
11 except that the director of [THE DIVISION OF] elections shall perform  
12 the functions of a municipal clerk, [AND] the lieutenant governor  
13 shall perform the functions of the assembly or council under those  
14 sections, and the last regular election is the last regular election  
15 held within the regional educational attendance area.

16 \* Sec. 17. AS 14.11.105, 14.11.110, 14.11.115, 14.11.120, 14.11.125,  
17 14.11.130 and 14.11.135(1) are repealed.

18 \* Sec. 18. AS 14.12.030(b) is amended to read:

19 (b) Each borough and city school district with an average daily  
20 membership exceeding 5,000 has a school board of seven, nine or eleven  
21 members, as established by ordinance. [SCHOOL BOARD MEMBERS MAY BE  
22 ELECTED AT LARGE, OR AS PROVIDED IN AS 29.23.310.]

23 \* Sec. 19. AS 14.20.160 is amended to read:

24 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost  
25 when the teacher's employment in the district is interrupted or ter-  
26 minated [, OR WHEN THE TEACHER REACHES THE AGE OF 65].

27 \* Sec. 20. AS 14.20.220(f) is repealed.

28 \* Sec. 21. AS 18.05.040(a)(10) is repealed.

29 \* Sec. 22. AS 18.08.040(a) is amended to read:

1 (a) Members of the council shall be appointed for staggered  
2 [OVERLAPPING] terms of four years.

3 \* Sec. 23. AS 18.08.040(b) is amended to read:

4 (b) Each year the governor shall appoint a consumer to one of  
5 the staggered terms on the council that expire during that year [OF  
6 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR  
7 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS,  
8 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH  
9 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF  
10 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

11 \* Sec. 24. AS 18.26.030(b) is amended to read:

12 (b) The four public members appointed under (a)(4) of this  
13 section serve for staggered four-year terms. Each must be a resident  
14 of the state and a qualified voter at the time of appointment and  
15 shall comply with the requirements of AS 39.50 (conflict of interest).  
16 [THE PUBLIC MEMBERS FIRST APPOINTED SHALL HAVE TERMS OF ONE, TWO,  
17 THREE AND FOUR YEARS RESPECTIVELY, TO BE DETERMINED BY LOT.] Each  
18 member shall hold office for the term of the [HIS] appointment and  
19 until a [HIS] successor has been appointed and qualified. A member is  
20 eligible for reappointment. A vacancy on the board of directors  
21 occurring other than by expiration of term shall be filled in the same  
22 manner as the original appointment but for the unexpired term only.  
23 Each member of the board before entering upon the [HIS] duties of  
24 office shall take and subscribe to an oath to perform the duties of  
25 [HIS] office faithfully, impartially, and justly to the best of the  
26 member's [HIS] ability. A record of the oath shall be filed in the  
27 Office of the Governor.

28 \* Sec. 25. AS 18.50.160(c) is amended to read:

29 (c) When a birth occurs outside an institution, the certificate

1 shall be prepared and filed by one of the following in the indicated  
2 order of priority:

3 (1) the physician in attendance at or immediately after the  
4 birth; or in the [HIS] absence of a physician

5 (2) a person other than a parent in attendance at or imme-  
6 diately after the birth; or [IN HIS ABSENCE]

7 (3) a parent, or, if a parent is unable [THE FATHER, MOTH-  
8 ER, OR, IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE MOTHER],  
9 the person in charge of the premises where the birth occurs.

10 \* Sec. 26. AS 18.55.375 is amended to read:

11 Sec. 18.55.375. INVESTMENT OF STATE SURPLUS. Notwithstanding  
12 other provisions of law, when the commissioner of revenue determines  
13 that there is in the state treasury a surplus above an amount suffi-  
14 cient to meet current cash expenditure needs, the surplus may be  
15 invested, in addition to the investments permitted by AS 37.10.070(a),  
16 in mortgages owned by the authority for loans made to cooperatives  
17 under AS 18.55.370(2) and secured by real estate in the state. The [,  
18 WHICH] investments shall be subject to the terms and conditions that  
19 the authority and the commissioner of revenue may provide in a [ANY]  
20 contract of sale. Investments allowed by this section shall be made  
21 as provided for other investments of state money under AS 37.10.070  
22 [AS 37.10.070(a), (f), (g) AND (i)]. The terms and conditions of a  
23 [ANY] contract of sale authorized to be made under this section may  
24 include but are not limited to

25 (1) the investment by the state in a specified or determin-  
26 able amount of mortgages;

27 (2) the existence of a prior lien on and pledge of the  
28 mortgages invested in by the state;

29 (3) provisions relating to the subordination of the state's

1 interest in and application of annual payments of principal and inter-  
2 est or the proceeds of a permitted sale of, or insurance or prepay-  
3 ments on, the mortgages; and

4 (4) the right of the authority to repurchase the mortgages  
5 at a predetermined price.

6 \* Sec. 27. AS 18.55.570(a) is amended to read:

7 (a) The authority may issue bonds and notes from time to time  
8 for any of its corporate purposes including the payment of principal  
9 and interest upon advances for surveys and plans for redevelopment  
10 projects. The authority may issue refunding bonds for the purpose of  
11 the payment or retirement or in exchange for bonds previously issued  
12 by it. The authority may issue the types of bonds and notes it deter-  
13 mines, including bonds and notes on which the principal and interest  
14 are payable (1) exclusively from the income, proceeds, and revenues of  
15 the redevelopment project financed with the proceeds of the bonds or  
16 notes, or (2) exclusively from the income, proceeds, and revenues of  
17 any of its redevelopment projects whether or not they are financed in  
18 whole or in part with the proceeds of the bonds or notes [, OR (3) IN  
19 WHOLE OR IN PART FROM TAXES ALLOCATED TO, AND PAID INTO A SPECIAL FUND  
20 BY A CITY, BOROUGH, OR OTHER TAXING AGENCY UNDER THE PROVISIONS OF  
21 AS 18.55.695 - 18.55.700]. The bonds or notes may be further secured  
22 by a pledge of all or any part of a loan, grant or contribution from  
23 the federal government or from another source, or by a mortgage of a  
24 redevelopment project of the authority.

25 \* Sec. 28. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-  
26 (a) - (h), 18.55.945, and 18.55.950(19) are repealed.

27 \* Sec. 29. AS 18.56.030(c) is amended to read:

28 (c) The board members described in (a)(2) and (a)(3) of this  
29 section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT OF

1 ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A ONE-YEAR  
2 TERM.]

3 \* Sec. 30. AS 18.56.105 is amended to read:

4 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpo-  
5 ration shall designate regions within the state which in the aggre-  
6 gate, encompass the entire state. In participating in the making or  
7 purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) -  
8 (3)] or under AS 18.56.100, the corporation shall make its money  
9 available through the private financial institutions in the state  
10 within each region designated by the corporation under this section.  
11 The corporation shall allocate its money among the regions on the  
12 basis of recent and future anticipated lending activity as well as the  
13 potential need for the loans in each region and may reallocate its  
14 money among the regions as it considers appropriate to reflect changes  
15 in lending activity or need in the regions.

16 \* Sec. 31. AS 18.56.210(9) is repealed.

17 \* Sec. 32. AS 18.56.210(13) is amended to read:

18 (13) "bond" or "obligation" means a bond, bond anticipation  
19 note, or other note of the corporation authorized to be issued by the  
20 corporation under this chapter, or a mortgage participation certifi-  
21 cate issued with respect to mortgages of the corporation.

22 \* Sec. 33. AS 18.60.057(b) is amended to read:

23 (b) The [TERMS OF] members of the board serve staggered terms of  
24 [ARE] four years. A [EXCEPT THAT (1) THE MEMBERS OF THE BOARD FIRST  
25 TAKING OFFICE SHALL SERVE, AS DESIGNATED BY THE GOVERNOR AT THE TIME  
26 OF APPOINTMENT, ONE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO  
27 YEARS, AND ONE FOR A TERM OF FOUR YEARS, AND (2) A] vacancy caused by  
28 the death, resignation, or removal of a member before the expiration  
29 of the term for which the member [HE] was appointed shall be filled

1           only for the remainder of the unexpired term. A member of the board  
2           may be removed by the governor for inefficiency, neglect of duty or  
3           malfeasance in office.

4           \* Sec. 34. AS 18.60.070 is amended to read:

5                     Sec. 18.60.070. CONTROL OF FUNDS. Funds appropriated by the  
6           legislature for AS 18.60.010 - 18.60.105, [FUNDS IN THE BOILER FUND  
7           CREATED FOR AS 18.60.380,] and contributions shall be spent only for  
8           the purposes of AS 18.60.010 - 18.60.105.

9           \* Sec. 35. AS 18.67.020(b) is amended to read:

10                    (b) Members of the board serve staggered terms of [THE TERM OF  
11           OFFICE OF EACH MEMBER OF THE BOARD IS] three years [, EXCEPT THAT OF  
12           THE MEMBERS FIRST APPOINTED ONE SHALL BE APPOINTED FOR A TERM OF THREE  
13           YEARS, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF ONE YEAR].  
14           All vacancies, except through the expiration of term, shall be filled  
15           for the unexpired term only.

16           \* Sec. 36. AS 24.45.171(12) is amended to read:

17                    (12) "public official" or "public officer [OFFICE]" means a  
18           public official [OR PUBLIC OFFICE] as defined in AS 39.50.200(a);  
19           however, it does not include a judicial officer or an elected or  
20           appointed municipal officer.

21           \* Sec. 37. AS 25.24.160(7) is amended to read:

22                    (7) for the [TO] change of [THE] name of either [ONE] of  
23           the parties.

24           \* Sec. 38. AS 25.24.230(b) is amended to read:

25                    (b) If the petition is brought by one spouse under AS 25.24.-  
26           200(b), the court may grant the spouses a final decree of dissolution  
27           and change the name of the petitioner [RESTORE THE PETITIONER'S PRIOR  
28           NAME], when so requested, if the court, upon consideration of affida-  
29           vits supplied by the spouse and the testimony of the spouse at the

1 hearing, finds that

2 (1) the spouse present at the hearing understands fully the  
3 nature and consequences of the action; and

4 (2) the conditions in AS 25.24.200(b) have been met.

5 \* Sec. 39. AS 25.24.230(e) is amended to read:

6 (e) If the petition is brought by both spouses under AS 25.24.-  
7 200(a), the court shall change [RESTORE] either spouse's [PRIOR] name,  
8 if so requested, and shall fully and specifically set out in the  
9 decree the agreements of the spouses relating to child custody, child  
10 support, visitation, spousal support, division of property, and the  
11 allocation of the obligations of the spouses; and the court shall  
12 order the performance of those agreements. The court shall also  
13 state, in the decree, whether child support payments are to be made  
14 through the child support enforcement agency. If the petition is  
15 brought by one spouse under AS 25.24.200(b), the decree shall state  
16 that it does not bar future action on the issues not resolved in the  
17 decree.

18 \* Sec. 40. AS 28.10.411(d) is repealed.

19 \* Sec. 41. AS 29.10.040(a) is amended to read:

20 (a) A candidate for a charter commission of an existing munic-  
21 ipality shall have been qualified to vote in that [BE A VOTER OF AN  
22 EXISTING] municipality for at least one year [THREE YEARS] immediately  
23 preceding the charter commission election.

24 \* Sec. 42. AS 29.45.030(a)(4) is amended to read:

25 (4) property of a nonbusiness organization [OR ITS AUXILIA-  
26 RY] composed entirely of persons with 90 days or more of active ser-  
27 vice in the armed forces of the United States whose conditions of  
28 service and separation were other than dishonorable, or the property  
29 of an auxiliary of that organization;

1 \* Sec. 43. AS 29.60.120(a)(3) is amended to read:

2 (3) to a municipality in which a [LICENSED] health facility  
3 is operated, \$2,000 per bed for each bed actually used for patient  
4 care, limited to the number of beds provided for in the construction  
5 design of the health facility, or \$8,000 per health facility as the  
6 municipality determines.

7 \* Sec. 44. AS 29.60.360(a) is amended to read:

8 (a) The base amount to be distributed from the municipal assis-  
9 tance fund to each municipality for the fiscal year shall be the  
10 amount received by the municipality during fiscal year 1978 under  
11 AS 43.70.080 as that section provided before the 1978 amendment. A  
12 city incorporated within a borough after June 30, 1977, shall receive  
13 as a base amount a share of the amount distributed to the borough in  
14 which it is located based on a ratio of population in the city to the  
15 total population of the borough. A city incorporated outside a bor-  
16 ough after June 30, 1977, shall receive as a base amount the amount  
17 received by the city in the state most closely approximating it in  
18 population at the time of its incorporation. A borough incorporated  
19 after June 30, 1977, shall receive as a base amount the amount re-  
20 ceived by the borough in the state most closely approximating it in  
21 population at the time of its incorporation. The base amount to be  
22 distributed to each municipality organized under federal law shall be  
23 the amount received as a base amount by the city most closely approx-  
24 imating it in population on June 30, 1977.

25 \* Sec. 45. AS 29.60 is amended by adding a new section to read:

26 Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To  
27 qualify to receive money under AS 29.60.350 - 29.60.370, a municipal-  
28 ity organized under federal law as an Indian reserve that existed  
29 before enactment of 43 U.S.C. 1618(a) and is continued in existence

1 under that subsection shall form a community development corporation  
2 with authority to determine how money received under AS 29.60.350 -  
3 29.60.370 will be used. The charter must require that the governing  
4 board of the corporation shall be elected at an annual election open  
5 to all residents of the municipality who are registered and qualified  
6 to vote in state elections. The department may distribute money for  
7 the municipality only to a corporation organized in accordance with  
8 this section and only after the corporation has delivered a written  
9 waiver of sovereign immunity from legal action by the state to recover  
10 all or a portion of the money distributed under AS 29.60.350 - 29.60.-  
11 370.

12 \* Sec. 46. AS 29.60 is amended by adding a new section to art. 4 to  
13 read:

14 Sec. 29.60.375. DEFINITION. In AS 29.60.350 - 29.60.370 "munic-  
15 ipality" includes a municipality organized under federal law as an  
16 Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and  
17 is continued in existence under that subsection.

18 \* Sec. 47. RETROACTIVITY OF SECTIONS 41 AND 44 - 46. The amendments to  
19 AS 29.10 and AS 29.60 made by secs. 41 and 44 - 46 of this Act are retroac-  
20 tive to January 1, 1986.

21 \* Sec. 48. AS 32.05.020(4) is amended to read:

22 (4) The receipt by a person of a share of the profits of a  
23 business is prima facie evidence that the person [HE] is a partner in  
24 the business, but this [NO SUCH] inference may not [SHALL] be drawn if  
25 the [SUCH] profits were received in payment

- 26 (A) as a debt by installments or otherwise;  
27 (B) as wages of an employee or rent to a landlord;  
28 (C) as an annuity to a surviving spouse [WIDOW] or  
29 representative of a deceased partner;

1 (D) as interest on a loan, though the amount of pay-  
2 ment varies with the profits of the business;

3 (E) as the consideration for the sale of the goodwill  
4 of a business or other property by installments or otherwise.

5 \* Sec. 49. AS 32.05.200(b)(5) is amended to read:

6 (5) a partner's right in specific partnership property is  
7 not subject to [DOWER, CURTESY, OR] allowances to a surviving spouse  
8 [WIDOWS], heirs, or next of kin.

9 \* Sec. 50. AS 34.40.100 is amended to read:

10 Sec. 34.40.100. WHEN TITLE OF PURCHASER FOR VALUE NOT AFFECTED.  
11 The provisions of AS 34.40.010 and 34.40.070 - 34.40.130 [, AND  
12 AS 13.05 WITH THE EXCEPTION OF AS 13.05.070, AS 13.15.070 - 13.15.130,  
13 AND AS 13.30.670] may not be construed in any manner to affect or  
14 impair the title of a purchaser for a valuable consideration unless it  
15 appears that the purchaser had previous notice of the fraudulent  
16 intent of the purchaser's immediate grantor, or of the fraud rendering  
17 void the title of the grantor.

18 \* Sec. 51. AS 37.05.230(6) is repealed.

19 \* Sec. 52. AS 39.25.120(c) is amended by adding a new paragraph to  
20 read:

21 (19) the deputy director of the division of housing assis-  
22 tance in the Department of Community and Regional Affairs.

23 \* Sec. 53. AS 41.21.611(b)(1) is amended to read:

24 (1) Township 26 South, Range 55 East, Copper River Meridian  
25 Section 12: that portion within USS 3708  
26 Section 13: that portion within USS 3708  
27 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,  
28 S1/2SE1/4  
29 Sections 24 and 25

1 Section 26: E1/2  
2 Section 33: SE1/4SE1/4SE1/4  
3 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,  
4 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4  
5 Section 35  
6 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,  
7 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,  
8 NW1/4SE1/4SW1/4, NW1/4SE1/4  
9 \* Sec. 54. AS 41.21.611(b)(2) is amended to read:  
10 (2) Township 26 South, Range 56 East, Copper River Meridian  
11 Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4  
12 within USS 3708, S1/2  
13 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that  
14 portion of the S1/2NE1/4 within USS 3708  
15 Section 17: W1/2NW1/4  
16 Section 18  
17 Section 19: W1/2, SW1/4SE1/4  
18 Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,  
19 W1/2SW1/4  
20 \* Sec. 55. AS 41.21.611(b)(4) is amended to read:  
21 (4) Township 28 South, Range 55 East, Copper River Meridian  
22 Section 1: S1/2SW1/4NW1/4, SW1/4  
23 Section 2  
24 Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,  
25 SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4  
26 Section 4: E1/2NE1/4NE1/4  
27 Section 10: that portion of Mosquito Lake within the  
28 NE1/4  
29 Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4,

1 SE1/4SE1/4, except USS 3431  
2 Section 12  
3 Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4,  
4 NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4  
5 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]  
6 Section 19: Lot 13  
7 Section 24: E1/2E1/2, NE1/4NW1/4NE1/4  
8 Section 25: except that portion north of the Haines  
9 Highway [LOTS 9 - 11 AND 16]  
10 Section 26: that portion [OF LOT 5 AND NE1/4NW1/4]  
11 south of the Haines Highway, except Lots 2, 3,  
12 and the SW1/4SW1/4 [LOTS 1, 12, AND 17]  
13 Section 27: that portion south of the Haines Highway  
14 except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]  
15 Section 28: [,] except S1/2S1/2, the south 660 feet of  
16 Lots 5 - 7, and that portion north of the Haines  
17 Highway  
18 Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4,  
19 and Lots 9, 14, 15, and 18  
20 Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT  
21 6 EXCEPT THE SOUTH 660 FEET.]  
22 Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]  
23 Section 34: S1/2S1/2S1/2  
24 Section 35: except NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2  
25 [LOT 1]  
26 Section 36: [,] except SW1/4NW1/4, S1/2, and the south  
27 660 feet of Lots 3 - 4  
28 \* Sec. 56. AS 41.21.611(b)(5) is amended to read:  
29 (5) Township 28 South, Range 56 East, Copper River Meridian

1                   Section     7:       SW1/4NW1/4NW1/4,       SW1/4NW1/4,  
2                   SW1/4SE1/4NW1/4,   W1/2NE1/4SW1/4,   SE1/4NE1/4SW1/4,  
3                   NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4  
4                   Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4  
5                   Section     18:       W1/2W1/2NE1/4,       E1/2SW1/4NE1/4,  
6                   SW1/4SE1/4NE1/4, W1/2, SE1/4  
7                   Section 19  
8                   Section 20: W1/2W1/2  
9                   Section 29: except USS 948, USS 991, Lots 1, 2, and  
10                   4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]  
11                   Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and  
12                   the NE1/4SW1/4  
13                   Section 31  
14                   Section 32: [,] except USS 991, USS 2455, and Lots 1,  
15                   2, and 24  
16                   Section 33: S1/2 except USS 2455 and Lots 18 21  
17                   Section     34:       [LOTS     1,     2,     S1/2NE1/4SW1/4,]  
18                   W1/2SW1/4SE1/4,   SE1/4SW1/4SE1/4,   SW1/4   except  
19                   NE1/4SW1/4 and Lots 1 and 2  
20                   \* Sec. 57. AS 41.21.611(b)(8) is amended to read:  
21                   (8) Township 29 South, Range 56 East, Copper River Meridian  
22                   Section 1  
23                   Section 2: N1/2NE1/4,   E1/2SE1/4NE1/4,   NE1/4NW1/4,  
24                   E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4  
25                   Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,  
26                   SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,  
27                   W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4  
28                   Section     5:       E1/2,     N1/2NW1/4,     SE1/4NE1/4SW1/4,  
29                   E1/2SE1/4SW1/4

1 Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,  
2 S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,  
3 NW1/4SE1/4NW1/4  
4 Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4  
5 Section 9  
6 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,  
7 S1/2NW1/4, S1/2  
8 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,  
9 N1/2SE1/4NW1/4, S1/2  
10 Sections 12 - 14  
11 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,  
12 E1/2SW1/4SE1/4  
13 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,  
14 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,  
15 NE1/4SE1/4NW1/4  
16 Section 17: N1/2NE1/4NE1/4  
17 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4  
18 Section 23: that portion of the N1/2NW1/4 lying west of  
19 Chilkat Lake  
20 \* Sec. 58. AS 41.21.611(b)(9) is amended to read:  
21 (9) Township 29 South, Range 57 East, Copper River Meridian  
22 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,  
23 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4  
24 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,  
25 NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660  
26 FEET OF LOT 2]  
27 Section 6: except Lots 1 and 9  
28 Sections 7 and [6-] 8  
29 USS 907

1                   Section    9:     W1/2W1/2NE1/4,       SE1/4SW1/4NE1/4,  
2                               SW1/4SE1/4NE1/4, NW1/4, S1/2  
3                   Section  10:   Lots    1 -    4,       W1/2NE1/4SW1/4,  
4                               NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4  
5                   Section 14: that portion west of the Haines Highway  
6                   Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -  
7                               14  
8                   Sections 16 - 18  
9                               USS 786  
10                   Section 19: NE1/4NE1/4NE1/4  
11                   Section  20:   NE1/4,       E1/2NW1/4,       NW1/4NW1/4,  
12                               E1/2SW1/4NW1/4,       NE1/4SE1/4,       N1/2NW1/4SE1/4,  
13                               SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4  
14                   Sections 21 and 22  
15                   Section 23: that portion west of the Haines Highway  
16                   Section 25: that portion west of the Haines Highway  
17                   Section 26: that portion west of the Haines Highway  
18                   Section 27  
19                   Section  28:   NE1/4,       NE1/4NW1/4,       N1/2NW1/4NW1/4,  
20                               N1/2SE1/4NW1/4,       NE1/4SE1/4,       N1/2NW1/4SE1/4,  
21                               SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4  
22                   Section  34:   NE1/4,       NE1/4NW1/4,       NE1/4SE1/4NW1/4,  
23                               NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4  
24                   Section 35  
25                   Section 36: that portion west of the Haines Highway  
26                   \* Sec. 59. AS 41.21.611(b)(10) is amended to read:  
27                               (10) Township 29 South, Range 58 East, Copper River  
28                   Meridian  
29                   Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,

1 SE1/4SW1/4, S1/2SW1/4SE1/4  
2 Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,  
3 NW1/4, NE1/4SW1/4, SE1/4  
4 Section 9: NE1/4NE1/4  
5 Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,  
6 NW1/4NW1/4SW1/4, SE1/4  
7 Section 31: that portion south of the Haines Highway

8 \* Sec. 60. AS 41.21.611(b)(11) is amended to read:

9 (11) Township 30 South, Range 57 East, Copper River  
10 Meridian

11 Section 1  
12 Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,  
13 SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,  
14 N1/2SE1/4, N1/2SE1/4SE1/4  
15 Section 3: NE1/4NE1/4NE1/4  
16 Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,  
17 NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,  
18 E1/2E1/2SE1/4, NW1/4SE1/4SE1/4  
19 [SECTION 13: NE1/4NE1/4NE1/4]

20 \* Sec. 61. AS 43.25 is repealed.

21 \* Sec. 62. AS 43.26 is repealed.

22 \* Sec. 63. AS 45.89.500(4)(K) is amended to read:

23 (K) any other energy-saving device approved by the  
24 commissioner of commerce and economic development [UNDER AS 44.-  
25 33.040(12)].

26 \* Sec. 64. AS 47.45.230 is amended to read:

27 Sec. 47.25.230. PERSONS LIABLE FOR SUPPORT AND BURIAL. Every  
28 needy person shall be supported while living and upon dying, shall be  
29 given a decent burial by the spouse, children, parents, grandparents

1 [FATHER, MOTHER, GRANDFATHER, GRANDMOTHER], grandchildren, or siblings  
2 [BROTHERS OR SISTERS] of the needy person, if they, or any of them,  
3 have the ability to do so, in the order named. Every designated  
4 person who fails to support the needy person when directed by the  
5 department to do so, or fails to give the needy person a decent burial  
6 shall reimburse the state or a municipality for the funds expended by  
7 either the state or a municipality for the relief or burial of the  
8 needy person, and these sums with interest and costs may be recovered  
9 by the state or a municipality of the state in a civil action.  
10 \* Sec. 65. This Act takes effect immediately in accordance with AS 01.-  
11 10.070(c).