

Offered: 3/7/86  
For Today's Calendar

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 493 (Judiciary)  
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 04.11.070 is amended to read:  
11 Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may  
12 issue, renew, transfer, relocate, suspend, or revoke a license under  
13 this title.  
14 \* Sec. 2. AS 04.11.130(c) is amended to read:  
15 (c) The holder of a brewery license may permit a person to  
16 sample small portions of the brewery's product free of charge unless  
17 prohibited by a provision of AS 04.16 [AS 04.16.030].  
18 \* Sec. 3. AS 04.11.140(c) is amended to read:  
19 (c) The holder of a winery license may permit a person to sample  
20 small portions of the wine on the premises free of charge unless  
21 prohibited by a provision of AS 04.16 [AS 04.16.030].  
22 \* Sec. 4. AS 04.11.370(7) is amended to read:  
23 (7) use of the licensed premises as a resort for illegal  
24 possessors or users of narcotics, prostitutes, or promoters of prosti-  
25 tution [PIMPS]; in addition to any other legally competent evidence,  
26 the character of the premises may be proved by the general reputation  
27 of the premises in the community as a resort for illegal possessors or  
28 users of narcotics, prostitutes, or promoters of prostitution [PIMPS];  
29 \* Sec. 5. AS 04.11.537 is amended to read:

1           Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining wheth-  
2 er issuance, renewal, transfer, relocation, suspension, or revocation  
3 of a license is in the best interests of the public, the board need  
4 not conform to or distinguish its decision from any action it has  
5 taken in the past on applications presenting similar facts, but may  
6 instead base its decision only on the particular facts before it.

7 \* Sec. 6. AS 04.11.560(b) is amended to read:

8           (b) A decision by the board relating to the issuance, renewal,  
9 transfer, relocation, suspension, or revocation of a license under  
10 this title may be appealed to the superior court under AS 44.62.560.

11 \* Sec. 7. AS 05.05.010(a) is amended to read:

12           (a) There is created an athletic commission within the Depart-  
13 ment of Commerce and Economic Development. The commission consists of  
14 four members appointed by the governor. One member of the commission  
15 must be appointed from each of the four judicial districts [MAJOR  
16 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV OF THE STATE CONSTITU-  
17 TION]. The commissioners must be appointed for overlapping two-year  
18 terms. Members of the commission serve at the pleasure of the gover-  
19 nor and must be selected on the basis of their known interest in and  
20 knowledge of athletics in the state.

21 \* Sec. 8. AS 08.18.081(a) is amended to read:

22           (a) A person having a claim against a contractor for any of the  
23 items referred to in AS 08.18.071 may bring suit upon the bond in the  
24 district court of the judicial district in which venue lies. A copy of  
25 the complaint shall be served by registered or certified mail upon the  
26 commissioner at the time suit is filed and the commissioner shall  
27 maintain a record, available for public inspection, of all suits  
28 commenced. Two additional copies shall be served upon the director of  
29 the division of insurance with the payment [OF \$5] to the director of

1        a fee set under AS 21.06.250, taxable as costs in the action. This  
2        service upon the director shall constitute service on the surety and  
3        the director shall transmit the complaint or a copy of it to the  
4        surety within 72 hours after it has been received. The surety upon  
5        the bond is not liable in an aggregate amount in excess of that named  
6        in the bond, but in case claims pending at any one time exceed the  
7        amount of the bond, the claims shall be satisfied from the bond in the  
8        following order:

9                (1) labor, including employee benefits;

10               (2) taxes and contributions due the state, city and bor-  
11        ough, in that order;

12               (3) material and equipment;

13               (4) claims for breach of contract;

14               (5) repair of public facilities.

15        \* Sec. 9. AS 08.20.150 is repealed.

16        \* Sec. 10. AS 08.20.200 is amended to read:

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

25        \* Sec. 11. AS 08.54.142(b) is amended to read:

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

29        \* Sec. 12. AS 08.64.280 and 08.64.350 are repealed.

1 \* Sec. 13. AS 08.72.120 is amended to read:

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

7 \* Sec. 14. AS 08.72.125(b) is amended to read:

8           (b) It is unlawful for a person to practice, or to attempt or  
9 offer to practice, optometry in communities on a part-time basis  
10 without obtaining a branch office certificate of registration from the  
11 board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE  
12 SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS  
13 A BRANCH OFFICE].

14 \* Sec. 15. AS 08.72.130 is repealed.

15 \* Sec. 16. AS 08.88.421 is amended to read:

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

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

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

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

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

27           (5) a person acting as receiver, trustee, administrator,  
28 executor, or guardian;

29           (6) a person acting under court order;

1           (7) a person acting under the authority of a will or trust  
2 instrument;

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

4           (9) [EACH OF THE FOLLOWING:

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

7                 [(B)] a partner or regular employee of a domestic or  
8 foreign corporation or a general or limited partnership, when  
9 performing an act described in AS 08.88.161 in the regular  
10 course, or as an incident to, the management, sale, or other  
11 disposition of real estate owned by the corporation or partner-  
12 ship; the exemption provided in this paragraph [SUBPARAGRAPH]  
13 does not apply to a person who performs an act described in  
14 AS 08.88.161 either as a vocation or for compensation, if the  
15 amount of the compensation is dependent upon or directly related  
16 to the value of the real estate with respect to which the act is  
17 performed; [.]

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

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

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

25 \* Sec. 17. AS 09.55.010 is amended to read:

26           Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A  
27 person may bring an action for change of name in the superior court.  
28 A [NO] change of name of a person may not be made unless the court  
29 finds sufficient reasons for the change and also finds it consistent

1 with the public interest. A change of name upon marriage, dissolu-  
2 tion, or divorce meets these requirements.

3 \* Sec. 18. AS 10.45.120 is amended to read:

4 Sec. 10.45.120. CORPORATE NAME. The corporate name of a profes-  
5 sional corporation shall contain the last name of one or more of its  
6 shareholders, unless the regulations of a particular regulating board  
7 or the ethics of a profession permit the use of a corporate name which  
8 does not include the surname of any present or former shareholder.  
9 The corporate name shall be ended by the word "Corporation," [OR] "In-  
10 corporated," or "Limited," or by the abbreviation "Corp.," [OR]  
11 "Inc.," or "Ltd.," or by the words, "a professional corporation," or  
12 by the abbreviation "P.C."

13 \* Sec. 19. AS 11.81.250(a) is amended to read:

14 Sec. 11.81.250. CLASSIFICATION OF OFFENSES. (a) For purposes  
15 of sentencing under AS 12.55, all offenses defined in this title,  
16 except murder in the first and second degree, sexual assault in the  
17 first degree, sexual abuse of a minor in the first degree, misconduct  
18 involving a controlled substance in the first degree, and kidnapping,  
19 are classified on the basis of their seriousness, according to the  
20 type of injury characteristically caused or risked by commission of  
21 the offense and the culpability of the offender. Except for murder in  
22 the first and second degree, sexual assault in the first degree,  
23 sexual abuse of a minor in the first degree, misconduct involving a  
24 controlled substance in the first degree, and kidnapping, the offenses  
25 in this title are classified into the following categories:

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

29 (2) class B felonies, which characteristically involve

1 conduct resulting in less severe violence against a person than class  
2 A felonies, aggravated offenses against property interests, or aggra-  
3 vated offenses against public administration or order;

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

7 (4) class A misdemeanors, which characteristically involve  
8 less severe violence against a person, less serious offenses against  
9 property interests, less serious offenses against public administra-  
10 tion or order, or less serious offenses against public health and  
11 decency than felonies;

12 (5) class B misdemeanors, which characteristically involve  
13 a minor risk or physical injury to a person, minor offenses against  
14 property interests, minor offenses against public administration or  
15 order, or minor offenses against public health and decency;

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

19 \* Sec. 20. AS 11.81.250(b) is amended to read:

20 (b) The classification of each felony defined in this title,  
21 except murder in the first and second degree, sexual assault in the  
22 first degree, sexual abuse of a minor in the first degree, misconduct  
23 involving a controlled substance in the first degree, and kidnapping,  
24 is designated in the section defining it. A felony under Alaska law  
25 defined outside this title for which no penalty is specifically pro-  
26 vided is a class C felony.

27 \* Sec. 21. AS 12.55.155(c)(20) is amended to read:

28 (20) the defendant was on furlough under AS 33.30 or on  
29 parole or probation for another felony charge or conviction that would

1 be considered a prior felony conviction under AS 12.55.145(a)(2):

2 \* Sec. 22. AS 14.08.081 is amended to read:

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

11 \* Sec. 23. AS 14.12.030(b) is amended to read:

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

16 \* Sec. 24. AS 14.20.160 is amended to read:

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

20 \* Sec. 25. AS 14.20.220(f) is repealed.

21 \* Sec. 26. AS 18.05.040(a)(10) is repealed.

22 \* Sec. 27. AS 18.08.040(a) is amended to read:

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

25 \* Sec. 28. AS 18.08.040(b) is amended to read:

26 (b) Each year the governor shall appoint a consumer to one of  
27 the staggered terms on the council that expire during that year [OF  
28 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR  
29 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS,

1 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH  
2 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF  
3 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

4 \* Sec. 29. AS 18.26.030(b) is amended to read:

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

21 \* Sec. 30. AS 18.50.160(c) is amended to read:

22 (c) When a birth occurs outside an institution, the certificate  
23 shall be prepared and filed by one of the following in the indicated  
24 order of priority:

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

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

29 (3) a parent, or, if a parent is unable [THE FATHER,

1 MOTHER, OR, IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE  
2 MOTHER], the person in charge of the premises where the birth occurs.

3 \* Sec. 31. AS 18.55.375 is amended to read:

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

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

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

22 (3) provisions relating to the subordination of the state's  
23 interest in and application of annual payments of principal and inter-  
24 est or the proceeds of a permitted sale of, or insurance or prepay-  
25 ments on, the mortgages; and

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

28 \* Sec. 32. AS 18.55.570(a) is amended to read:

29 (a) The authority may issue bonds and notes from time to time

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

18 \* Sec. 33. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-  
19 (e) - (h), 18.55.945, and 18.55.950(19) are repealed.

20 \* Sec. 34. AS 18.56.030(c) is amended to read:

21 (c) The board members described in (a)(2) and (a)(3) of this  
22 section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT OF  
23 ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A ONE-YEAR  
24 TERM.]

25 \* Sec. 35. AS 18.56.105 is amended to read:

26 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpo-  
27 ration shall designate regions within the state which in the aggre-  
28 gate, encompass the entire state. In participating in the making or  
29 purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) -

1 (3)] or under AS 18.56.100, the corporation shall make its money  
2 available through the private financial institutions in the state  
3 within each region designated by the corporation under this section.  
4 The corporation shall allocate its money among the regions on the  
5 basis of recent and future anticipated lending activity as well as the  
6 potential need for the loans in each region and may reallocate its  
7 money among the regions as it considers appropriate to reflect changes  
8 in lending activity or need in the regions.

9 \* Sec. 36. AS 18.56.210(9) is repealed.

10 \* Sec. 37. AS 18.56.210(13) is amended to read:

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

15 \* Sec. 38. AS 18.60.057(b) is amended to read:

16 (b) The [TERMS OF] members of the board serve staggered terms of  
17 [ARE] four years. A [EXCEPT THAT (1) THE MEMBERS OF THE BOARD FIRST  
18 TAKING OFFICE SHALL SERVE, AS DESIGNATED BY THE GOVERNOR AT THE TIME  
19 OF APPOINTMENT, ONE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO  
20 YEARS, AND ONE FOR A TERM OF FOUR YEARS, AND (2) A] vacancy caused by  
21 the death, resignation, or removal of a member before the expiration  
22 of the term for which the member [HE] was appointed shall be filled  
23 only for the remainder of the unexpired term. A member of the board  
24 may be removed by the governor for inefficiency, neglect of duty or  
25 malfeasance in office.

26 \* Sec. 39. AS 18.60.070 is amended to read:

27 Sec. 18.60.070. CONTROL OF FUNDS. Funds appropriated by the  
28 legislature for AS 18.60.010 - 18.60.105, [FUNDS IN THE BOILER FUND  
29 CREATED FOR AS 18.60.380,] and contributions shall be spent only for

1 the purposes of AS 18.60.010 - 18.60.105.

2 \* Sec. 40. AS 18.67.020(b) is amended to read:

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

9 \* Sec. 41. AS 24.45.171(12) is amended to read:

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

14 \* Sec. 42. AS 25.24.160(5) is amended to read:

15 (5) for the [TO] change of [THE] name of either [ONE] of  
16 the parties.

17 \* Sec. 43. AS 28.10.411(d) is repealed.

18 \* Sec. 44. AS 28.10.502(b) is amended to read:

19 (b) A lien under this section is limited to towing and storage  
20 charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH  
21 THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A  
22 FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE  
23 LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME  
24 SERVICE OR ROUTE]. Storage charges cease to be part of the lien after  
25 60 days unless the registered owner or primary lienholder, if any, has  
26 been given actual notice of the possessory lien within that time or  
27 unless a certified letter has been mailed within that time to the  
28 owner and primary lienholder, if any, at their addresses of record  
29 with the Department of Public Safety or the corresponding office in

1 another jurisdiction in which the title to the motor vehicle and the  
2 lien on it are recorded.

3 \* Sec. 45. AS 29.10.040(a) is amended to read:

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

8 \* Sec. 46. AS 29.45.030(a)(4) is amended to read:

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

14 \* Sec. 47. AS 29.60.120(a)(3) is amended to read:

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

20 \* Sec. 48. AS 29.60.360(a) is amended to read:

21 (a) The base amount to be distributed from the municipal assis-  
22 tance fund to each municipality for the fiscal year shall be the  
23 amount received by the municipality during fiscal year 1978 under  
24 AS 43.70.080 as that section provided before the 1978 amendment. A  
25 city incorporated within a borough after June 30, 1977, shall receive  
26 as a base amount a share of the amount distributed to the borough in  
27 which it is located based on a ratio of population in the city to the  
28 total population of the borough. A city incorporated outside a bor-  
29 ough after June 30, 1977, shall receive as a base amount the amount

1 received by the city in the state most closely approximating it in  
2 population at the time of its incorporation. A borough incorporated  
3 after June 30, 1977, shall receive as a base amount the amount re-  
4 ceived by the borough in the state most closely approximating it in  
5 population at the time of its incorporation. The base amount to be  
6 distributed to each municipality organized under federal law shall be  
7 the amount received as a base amount by the city most closely approx-  
8 imating it in population on June 30, 1977.

9 \* Sec. 49. AS 29.60 is amended by adding a new section to read:

10 Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To  
11 qualify to receive money under AS 29.60.350 - 29.60.370, a municipal-  
12 ity organized under federal law as an Indian reserve that existed  
13 before enactment of 43 U.S.C. 1618(a) and is continued in existence  
14 under that subsection shall form a community development corporation  
15 with authority to determine how money received under AS 29.60.350 -  
16 29.60.370 will be used. The charter must require that the governing  
17 board of the corporation shall be elected at an annual election open  
18 to all residents of the municipality who are registered and qualified  
19 to vote in state elections. The department may distribute money for  
20 the municipality only to a corporation organized in accordance with  
21 this section and only after the corporation has delivered a written  
22 waiver of sovereign immunity from legal action by the state to recover  
23 all or a portion of the money distributed under AS 29.60.350 - 29.60.-  
24 370.

25 \* Sec. 50. AS 29.60 is amended by adding a new section to art. 4 to  
26 read:

27 Sec. 29.60.375. DEFINITION. In AS 29.60.350 - 29.60.370 "munic-  
28 ipality" includes a municipality organized under federal law as an  
29 Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and

1 is continued in existence under that subsection.

2 \* Sec. 51. RETROACTIVITY OF SECTIONS 45 AND 48 - 50. The amendments to  
3 AS 29.10 and AS 29.60 made by secs. 45 and 48 - 50 of this Act are retroac-  
4 tive to January 1, 1986.

5 \* Sec. 52. AS 32.05.020(4) is amended to read:

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

10 (A) as a debt by installments or otherwise;

11 (B) as wages of an employee or rent to a landlord;

12 (C) as an annuity to a surviving spouse [WIDOW] or  
13 representative of a deceased partner;

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

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

18 \* Sec. 53. AS 32.05.200(b)(5) is amended to read:

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

22 \* Sec. 54. AS 34.40.100 is amended to read:

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

1 void the title of the grantor.

2 \* Sec. 55. AS 37.05.230(6) is repealed.

3 \* Sec. 56. AS 39.25.120(c) is amended by adding a new paragraph to  
4 read:

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

7 \* Sec. 57. AS 41.21.611(b)(1) is amended to read:

8 (1) Township 26 South, Range 55 East, Copper River Meridian  
9 Section 12: that portion within USS 3708  
10 Section 13: that portion within USS 3708  
11 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,  
12 S1/2SE1/4  
13 Sections 24 and 25  
14 Section 26: E1/2  
15 Section 33: SE1/4SE1/4SE1/4  
16 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,  
17 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4  
18 Section 35  
19 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,  
20 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,  
21 NW1/4SE1/4SW1/4, NW1/4SE1/4

22 \* Sec. 58. AS 41.21.611(b)(2) is amended to read:

23 (2) Township 26 South, Range 56 East, Copper River Meridian  
24 Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4  
25 within USS 3708. S1/2  
26 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that  
27 portion of the S1/2NE1/4 within USS 3708  
28 Section 17: W1/2NW1/4  
29 Section 18

1                   Section 19: W1/2, SW1/4SE1/4  
2                   Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,  
3                   W1/2SW1/4  
4       \* Sec. 59. AS 41.21.611(b)(4) is amended to read:  
5                   (4) Township 28 South, Range 55 East, Copper River Meridian  
6                   Section 1: S1/2SW1/4NW1/4, SW1/4  
7                   Section 2  
8                   Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,  
9                   SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4  
10                  Section 4: E1/2NE1/4NE1/4  
11                  Section 10: that portion of Mosquito Lake within the  
12                  NE1/4  
13                  Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4,  
14                  SE1/4SE1/4, except USS 3431  
15                  Section 12  
16                  Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4,  
17                  NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4  
18                  [SECTION 15: THAT PORTION OF MOSQUITO LAKE]  
19                  Section 19: Lot 13  
20                  Section 24: E1/2E1/2, NE1/4NW1/4NE1/4  
21                  Section 25: except that portion north of the Haines  
22                  Highway [LOTS 9 - 11 AND 16]  
23                  Section 26: that portion [OF LOT 5 AND NE1/4NW1/4]  
24                  south of the Haines Highway, except Lots 2, 3,  
25                  and the SW1/4SW1/4 [LOTS 1, 12, AND 17]  
26                  Section 27: that portion south of the Haines Highway  
27                  except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]  
28                  Section 28: [,] except S1/2S1/2, the south 660 feet of  
29                  Lots 5 - 7, and that portion north of the Haines

1 Highway  
2 Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4,  
3 and Lots 9, 14, 15, and 18  
4 Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT  
5 6 EXCEPT THE SOUTH 660 FEET.]  
6 Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]  
7 Section 34: S1/2S1/2S1/2  
8 Section 35: except NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2  
9 [LOT 1]  
10 Section 36: [,] except SW1/4NW1/4, S1/2, and the south  
11 660 feet of Lots 3 - 4  
12 \* Sec. 60. AS 41.21.611(b)(5) is amended to read:  
13 (5) Township 28 South, Range 56 East, Copper River Meridian  
14 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,  
15 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,  
16 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4  
17 Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4  
18 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,  
19 SW1/4SE1/4NE1/4, W1/2, SE1/4  
20 Section 19  
21 Section 20: W1/2W1/2  
22 Section 29: except USS 948, USS 991, Lots 1, 2, and  
23 4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]  
24 Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and  
25 the NE1/4SW1/4  
26 Section 31  
27 Section 32: [,] except USS 991, USS 2455, and Lots 1,  
28 2, and 24  
29 Section 33: S1/2 except USS 2455 and Lots 18 21

1                   Section 34: [LOTS 1, 2, S1/2NE1/4SW1/4,]  
2                               W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4, SW1/4 except  
3                               NE1/4SW1/4 and Lots 1 and 2  
4 \* Sec. 61. AS 41.21.611(b)(8) is amended to read:  
5                   (8) Township 29 South, Range 56 East, Copper River Meridian  
6                   Section 1  
7                   Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,  
8                               E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4  
9                   Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,  
10                              SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,  
11                              W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4  
12                   Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4,  
13                              E1/2SE1/4SW1/4  
14                   Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,  
15                              S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,  
16                              NW1/4SE1/4NW1/4  
17                   Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4  
18                   Section 9  
19                   Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,  
20                              S1/2NW1/4, S1/2  
21                   Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,  
22                              N1/2SE1/4NW1/4, S1/2  
23                   Sections 12 - 14  
24                   Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,  
25                              E1/2SW1/4SE1/4  
26                   Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,  
27                              NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,  
28                              NE1/4SE1/4NW1/4  
29                   Section 17: N1/2NE1/4NE1/4

1 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4  
2 Section 23: that portion of the N1/2NW1/4 lying west of  
3 Chilkat Lake  
4 \* Sec. 62. AS 41.21.611(b)(9) is amended to read:  
5 (9) Township 29 South, Range 57 East, Copper River Meridian  
6 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,  
7 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4  
8 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,  
9 NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660  
10 FEET OF LOT 2]  
11 Section 6: except Lots 1 and 9  
12 Sections 7 and [6-] 8  
13 USS 907  
14 Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,  
15 SW1/4SE1/4NE1/4, NW1/4, S1/2  
16 Section 10: Lots 1 - 4, W1/2NE1/4SW1/4,  
17 NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4  
18 Section 14: that portion west of the Haines Highway  
19 Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -  
20 14  
21 Sections 16 - 18  
22 USS 786  
23 Section 19: NE1/4NE1/4NE1/4  
24 Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,  
25 E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,  
26 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4  
27 Sections 21 and 22  
28 Section 23: that portion west of the Haines Highway  
29 Section 25: that portion west of the Haines Highway

1 Section 26: that portion west of the Haines Highway

2 Section 27

3 Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,

4 N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,

5 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

6 Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,

7 NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

8 Section 35

9 Section 36: that portion west of the Haines Highway

10 \* Sec. 63. AS 41.21.611(b)(10) is amended to read:

11 (10) Township 29 South, Range 58 East, Copper River

12 Meridian

13 Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,

14 SE1/4SW1/4, S1/2SW1/4SE1/4

15 Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,

16 NW1/4, NE1/4SW1/4, SE1/4

17 Section 9: NE1/4NE1/4

18 Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,

19 NW1/4NW1/4SW1/4, SE1/4

20 Section 31: that portion south of the Haines Highway

21 \* Sec. 64. AS 41.21.611(b)(11) is amended to read:

22 (11) Township 30 South, Range 57 East, Copper River

23 Meridian

24 Section 1

25 Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,

26 SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,

27 N1/2SE1/4, N1/2SE1/4SE1/4

28 Section 3: NE1/4NE1/4NE1/4

29 Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,

1 NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,  
2 E1/2E1/2SE1/4, NW1/4SE1/4SE1/4  
3 [SECTION 13: NE1/4NE1/4NE1/4]

4 \* Sec. 65. AS 43.25 is repealed.

5 \* Sec. 66. AS 43.26 is repealed.

6 \* Sec. 67. AS 45.50.110 is repealed.

7 \* Sec. 68. AS 45.55.030(d) is amended to read:

8 (d) Every registration expires one year from its effective date  
9 unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN  
10 INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS  
11 OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALEN-  
12 DAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE  
13 REGISTRATION FEE PROPORTIONATELY.]

14 \* Sec. 69. AS 45.89.500(4)(K) is amended to read:

15 (K) any other energy-saving device approved by the  
16 commissioner of commerce and economic development [UNDER AS 44.-  
17 33.040(12)].

18 \* Sec. 70. AS 47.45.230 is amended to read:

19 Sec. 47.25.230. PERSONS LIABLE FOR SUPPORT AND BURIAL. Every  
20 needy person shall be supported while living and upon dying, shall be  
21 given a decent burial by the spouse, children, parents, grandparents  
22 [FATHER, MOTHER, GRANDFATHER, GRANDMOTHER], grandchildren, or siblings  
23 [BROTHERS OR SISTERS] of the needy person, if they, or any of them,  
24 have the ability to do so, in the order named. Every designated  
25 person who fails to support the needy person when directed by the  
26 department to do so, or fails to give the needy person a decent burial  
27 shall reimburse the state or a municipality for the funds expended by  
28 either the state or a municipality for the relief or burial of the  
29 needy person, and these sums with interest and costs may be recovered

1 by the state or a municipality of the state in a civil action.

2 \* Sec. 71. AS 47.37.270(6) is amended to read:

3 (6) "coordinator" means the coordinator of the office of  
4 alcoholism and drug abuse;

5 \* Sec. 72. Section 55, ch. 37, SLA 1985, is amended to read:

6 Sec. 55. Sections 1 - 3 and 31 of this Act take effect immedi-  
7 ately in accordance with AS 01.10.070(c).

8 \* Sec. 73. Section 56, ch. 37, SLA 1985, is amended to read:

9 Sec. 56. Except as provided in sec. 55 of this Act, the sections  
10 of this Act and the portions of sec. 54 [SECTIONS 4 - 54] of this Act  
11 that relate to a particular occupation take effect on the effective  
12 date of the regulations adopted under AS 08.01.065, enacted in sec. 2  
13 of this Act, that apply to that occupation.

14 \* Sec. 74. This Act takes effect immediately in accordance with AS 01.-  
15 10.070(c).