

Offered: 4/3/86  
Referred: Rules

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR 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 04.11.370(7) is amended to read:  
15 (7) use of the licensed premises as a resort for illegal  
16 possessors or users of narcotics, prostitutes, or promoters of prosti-  
17 tution [PIMPS]; in addition to any other legally competent evidence,  
18 the character of the premises may be proved by the general reputation  
19 of the premises in the community as a resort for illegal possessors or  
20 users of narcotics, prostitutes, or promoters of prostitution [PIMPS];  
21 \* Sec. 3. AS 04.11.537 is amended to read:  
22 Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining wheth-  
23 er issuance, renewal, transfer, relocation, suspension, or revocation  
24 of a license is in the best interests of the public, the board need  
25 not conform to or distinguish its decision from any action it has  
26 taken in the past on applications presenting similar facts, but may  
27 instead base its decision only on the particular facts before it.  
28 \* Sec. 4. AS 04.11.560(b) is amended to read:  
29 (b) A decision by the board relating to the issuance, renewal,

1 transfer, relocation, suspension, or revocation of a license under  
2 this title may be appealed to the superior court under AS 44.62.560.

3 \* Sec. 5. AS 05.05.010(a) is amended to read:

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

13 \* Sec. 6. AS 08.18.081(a) is amended to read:

14 (a) A person having a claim against a contractor for any of the  
15 items referred to in AS 08.18.071 may bring suit upon the bond in the  
16 district court of the judicial district in which venue lies. A copy of  
17 the complaint shall be served by registered or certified mail upon the  
18 commissioner at the time suit is filed and the commissioner shall  
19 maintain a record, available for public inspection, of all suits  
20 commenced. Two additional copies shall be served upon the director of  
21 the division of insurance with the payment [OF \$5] to the director of  
22 a fee set under AS 21.06.250, taxable as costs in the action. This  
23 service upon the director shall constitute service on the surety and  
24 the director shall transmit the complaint or a copy of it to the  
25 surety within 72 hours after it has been received. The surety upon  
26 the bond is not liable in an aggregate amount in excess of that named  
27 in the bond, but in case claims pending at any one time exceed the  
28 amount of the bond, the claims shall be satisfied from the bond in the  
29 following order:

- 1 (1) labor, including employee benefits;
- 2 (2) taxes and contributions due the state, city and bor-
- 3 ough, in that order;
- 4 (3) material and equipment;
- 5 (4) claims for breach of contract;
- 6 (5) repair of public facilities.

7 \* Sec. 7. AS 08.20.150 is repealed.

8 \* Sec. 8. AS 08.20.200 is amended to read:

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

17 \* Sec. 9. AS 08.54.142(b) is amended to read:

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

21 \* Sec. 10. AS 08.64.280 and 08.64.350 are repealed.

22 \* Sec. 11. AS 08.72.120 is amended to read:

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

28 \* Sec. 12. AS 08.72.125(b) is amended to read:

29 (b) It is unlawful for a person to practice, or to attempt or

1 offer to practice, optometry in communities on a part-time basis  
2 without obtaining a branch office certificate of registration from the  
3 board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE  
4 SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS  
5 A BRANCH OFFICE].

6 \* Sec. 13. AS 08.72.130 is repealed.

7 \* Sec. 14. AS 08.88.421 is amended to read:

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

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

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

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

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

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

21 (6) a person acting under court order;

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

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

25 (9) [EACH OF THE FOLLOWING:

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

28 [(B)] a partner or regular employee of a domestic or  
29 foreign corporation or a general or limited partnership, when

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

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

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

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

17 \* Sec. 15. AS 09.55.010 is amended to read:

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

24 \* Sec. 16. AS 10.45.120 is amended to read:

25 Sec. 10.45.120. CORPORATE NAME. The corporate name of a profes-  
26 sional corporation shall contain the last name of one or more of its  
27 shareholders, unless the regulations of a particular regulating board  
28 or the ethics of a profession permit the use of a corporate name which  
29 does not include the surname of any present or former shareholder.

1 The corporate name shall be ended by the word "Corporation," [OR] "In-  
2 corporated," or "Limited," or by the abbreviation "Corp.," [OR]  
3 "Inc.," or "Ltd.," or by the words, "a professional corporation," or  
4 by the abbreviation "P.C."

5 \* Sec. 17. AS 11.81.250(a) is amended to read:

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

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

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

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

28 (4) class A misdemeanors, which characteristically involve  
29 less severe violence against a person, less serious offenses against

1 property interests, less serious offenses against public administra-  
2 tion or order, or less serious offenses against public health and  
3 decency than felonies;

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

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

11 \* Sec. 18. AS 11.81.250(b) is amended to read:

12 (b) The classification of each felony defined in this title,  
13 except murder in the first and second degree, sexual assault in the  
14 first degree, sexual abuse of a minor in the first degree, misconduct  
15 involving a controlled substance in the first degree, and kidnapping,  
16 is designated in the section defining it. A felony under Alaska law  
17 defined outside this title for which no penalty is specifically pro-  
18 vided is a class C felony.

19 \* Sec. 19. AS 12.55.155(c)(20) is amended to read:

20 (20) the defendant was on furlough under AS 33.30 or on  
21 parole or probation for another felony charge or conviction that would  
22 be considered a prior felony conviction under AS 12.55.145(a)(2);

23 \* Sec. 20. AS 14.08.081 is amended to read:

24 Sec. 14.08.081. RECALL. The members of a regional school board  
25 are subject to recall in accordance with AS 29.26.240 - 29.26.360,  
26 except that the director of [THE DIVISION OF] elections shall perform  
27 the functions of a municipal clerk, [AND] the lieutenant governor  
28 shall perform the functions of the assembly or council under those  
29 sections, and the last regular election is the last regularly

1 scheduled election held within the regional educational attendance  
2 area.

3 \* Sec. 21. AS 14.12.030(b) is amended to read:

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

8 \* Sec. 22. AS 14.20.160 is amended to read:

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

12 \* Sec. 23. AS 14.20.220(f) is repealed.

13 \* Sec. 24. AS 18.05.040(a)(10) is repealed.

14 \* Sec. 25. AS 18.08.040(a) is amended to read:

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

17 \* Sec. 26. AS 18.08.040(b) is amended to read:

18 (b) Each year the governor shall appoint a consumer to one of  
19 the staggered terms on the council that expire during that year [OF  
20 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR  
21 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS,  
22 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH  
23 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF  
24 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

25 \* Sec. 27. AS 18.26.030(b) is amended to read:

26 (b) The four public members appointed under (a)(4) of this  
27 section serve for staggered four-year terms. Each must be a resident  
28 of the state and a qualified voter at the time of appointment and  
29 shall comply with the requirements of AS 39.50 (conflict of interest).

1 [THE PUBLIC MEMBERS FIRST APPOINTED SHALL HAVE TERMS OF ONE, TWO,  
2 THREE AND FOUR YEARS RESPECTIVELY, TO BE DETERMINED BY LOT.] Each  
3 member shall hold office for the term of the [HIS] appointment and  
4 until a [HIS] successor has been appointed and qualified. A member is  
5 eligible for reappointment. A vacancy on the board of directors  
6 occurring other than by expiration of term shall be filled in the same  
7 manner as the original appointment but for the unexpired term only.  
8 Each member of the board before entering upon the [HIS] duties of  
9 office shall take and subscribe to an oath to perform the duties of  
10 [HIS] office faithfully, impartially, and justly to the best of the  
11 member's [HIS] ability. A record of the oath shall be filed in the  
12 Office of the Governor.

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

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

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

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

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

24 \* Sec. 29. AS 18.55.375 is amended to read:

25 Sec. 18.55.375. INVESTMENT OF STATE SURPLUS. Notwithstanding  
26 other provisions of law, when the commissioner of revenue determines  
27 that there is in the state treasury a surplus above an amount suffi-  
28 cient to meet current cash expenditure needs, the surplus may be  
29 invested, in addition to the investments permitted by AS 37.10.070(a),

1 in mortgages owned by the authority for loans made to cooperatives  
2 under AS 18.55.370(2) and secured by real estate in the state. The [,  
3 WHICH] investments shall be subject to the terms and conditions that  
4 the authority and the commissioner of revenue may provide in a [ANY]  
5 contract of sale. Investments allowed by this section shall be made  
6 as provided for other investments of state money under AS 37.10.070  
7 [AS 37.10.070(a), (f), (g) AND (i)]. The terms and conditions of a  
8 [ANY] contract of sale authorized to be made under this section may  
9 include but are not limited to

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

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

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

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

20 \* Sec. 30. AS 18.55.570(a) is amended to read:

21 (a) The authority may issue bonds and notes from time to time  
22 for any of its corporate purposes including the payment of principal  
23 and interest upon advances for surveys and plans for redevelopment  
24 projects. The authority may issue refunding bonds for the purpose of  
25 the payment or retirement or in exchange for bonds previously issued  
26 by it. The authority may issue the types of bonds and notes it deter-  
27 mines, including bonds and notes on which the principal and interest  
28 are payable (1) exclusively from the income, proceeds, and revenues of  
29 the redevelopment project financed with the proceeds of the bonds or

1 notes, or (2) exclusively from the income, proceeds, and revenues of  
2 any of its redevelopment projects whether or not they are financed in  
3 whole or in part with the proceeds of the bonds or notes [, OR (3) IN  
4 WHOLE OR IN PART FROM TAXES ALLOCATED TO, AND PAID INTO A SPECIAL FUND  
5 BY A CITY, BOROUGH, OR OTHER TAXING AGENCY UNDER THE PROVISIONS OF  
6 AS 18.55.695 - 18.55.700]. The bonds or notes may be further secured  
7 by a pledge of all or any part of a loan, grant or contribution from  
8 the federal government or from another source, or by a mortgage of a  
9 redevelopment project of the authority.

10 \* Sec. 31. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-  
11 (e) - (h), 18.55.945, and 18.55.950(19) are repealed.

12 \* Sec. 32. AS 18.56.030(c) is amended to read:

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

17 \* Sec. 33. AS 18.56.105 is amended to read:

18 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpo-  
19 ration shall designate regions within the state which in the aggre-  
20 gate, encompass the entire state. In participating in the making or  
21 purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) -  
22 (3)] or under AS18.56.100, the corporation shall make its money  
23 available through the private financial institutions in the state  
24 within each region designated by the corporation under this section.  
25 The corporation shall allocate its money among the regions on the  
26 basis of recent and future anticipated lending activity as well as the  
27 potential need for the loans in each region and may reallocate its  
28 money among the regions as it considers appropriate to reflect changes  
29 in lending activity or need in the regions.

1 \* Sec. 34. AS 18.56.210(9) is repealed.

2 \* Sec. 35. AS 18.56.210(13) is amended to read:

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

7 \* Sec. 36. AS 18.60.057(b) is amended to read:

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

18 \* Sec. 37. AS 18.60.070 is amended to read:

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

23 \* Sec. 38. AS 18.67.020(b) is amended to read:

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

1 \* Sec. 39. AS 24.45.171(12) is amended to read:

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

6 \* Sec. 40. AS 25.24.160(5) is amended to read:

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

9 \* Sec. 41. AS 28.10.411(d) is repealed.

10 \* Sec. 42. AS 28.10.502(b) is amended to read:

11 (b) A lien under this section is limited to towing and storage  
12 charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH  
13 THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A  
14 FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE  
15 LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME  
16 SERVICE OR ROUTE]. Storage charges cease to be part of the lien after  
17 60 days unless the registered owner or primary lienholder, if any, has  
18 been given actual notice of the possessory lien within that time or  
19 unless a certified letter has been mailed within that time to the  
20 owner and primary lienholder, if any, at their addresses of record  
21 with the Department of Public Safety or the corresponding office in  
22 another jurisdiction in which the title to the motor vehicle and the  
23 lien on it are recorded.

24 \* Sec. 43. AS 29.10.040(a) is amended to read:

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

29 \* Sec. 44. AS 29.45.030(a)(4) is amended to read:

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

6 \* Sec. 45. AS 29.60.120(a)(3) is amended to read:

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

12 \* Sec. 46. AS 29.60.360(a) is amended to read:

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

1 \* Sec. 47. AS 29.60 is amended by adding a new section to read:

2           Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To  
3 qualify to receive money under AS 29.60.350 - 29.60.370, a municipal-  
4 ity organized under federal law as an Indian reserve that existed  
5 before enactment of 43 U.S.C. 1618(a) and is continued in existence  
6 under that subsection shall form a community development corporation  
7 with authority to determine how money received under AS 29.60.350 -  
8 29.60.370 will be used. The charter must require that the governing  
9 board of the corporation shall be elected at an annual election open  
10 to all residents of the municipality who are registered and qualified  
11 to vote in state elections. The department may distribute money for  
12 the municipality only to a corporation organized in accordance with  
13 this section and only after the corporation has delivered a written  
14 waiver of sovereign immunity from legal action by the state to recover  
15 all or a portion of the money distributed under AS 29.60.350 - 29.60.-  
16 370.

17 \* Sec. 48. AS 29.60 is amended by adding a new section to art. 4 to  
18 read:

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

23 \* Sec. 49. RETROACTIVITY OF SECTIONS 43 AND 46 - 48. The amendments to  
24 AS 29.10 and AS 29.60 made by secs. 43 and 46 - 48 of this Act are retroac-  
25 tive to January 1, 1986.

26 \* Sec. 50. AS 32.05.020(4) is amended to read:

27           (4) The receipt by a person of a share of the profits of a  
28 business is prima facie evidence that the person [HE] is a partner in  
29 the business, but this [NO SUCH] inference may not [SHALL] be drawn if

1        the [SUCH] profits were received in payment  
2                    (A) as a debt by installments or otherwise;  
3                    (B) as wages of an employee or rent to a landlord;  
4                    (C) as an annuity to a surviving spouse [WIDOW] or  
5        representative of a deceased partner;  
6                    (D) as interest on a loan, though the amount of pay-  
7        ment varies with the profits of the business;  
8                    (E) as the consideration for the sale of the goodwill  
9        of a business or other property by installments or otherwise.

10    \* Sec. 51. AS 32.05.200(b)(5) is amended to read:

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

14    \* Sec. 52. AS 34.40.100 is amended to read:

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

23    \* Sec. 53. AS 37.05.230(6) is repealed.

24    \* Sec. 54. AS 39.25.120(c) is amended by adding a new paragraph to  
25    read:

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

28    \* Sec. 55. AS 41.21.611(b)(1) is amended to read:

29                    (1) Township 26 South, Range 55 East, Copper River Meridian

1 Section 12: that portion within USS 3708  
2 Section 13: that portion within USS 3708  
3 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,  
4 S1/2SE1/4  
5 Sections 24 and 25  
6 Section 26: E1/2  
7 Section 33: SE1/4SE1/4SE1/4  
8 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,  
9 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4  
10 Section 35  
11 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,  
12 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,  
13 NW1/4SE1/4SW1/4, NW1/4SE1/4  
14 \* Sec. 56. AS 41.21.611(b)(2) is amended to read:  
15 (2) Township 26 South, Range 56 East, Copper River Meridian  
16 Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4  
17 within USS 3708, S1/2  
18 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that  
19 portion of the S1/2NE1/4 within USS 3708  
20 Section 17: W1/2NW1/4  
21 Section 18  
22 Section 19: W1/2, SW1/4SE1/4  
23 Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,  
24 W1/2SW1/4  
25 \* Sec. 57. AS 41.21.611(b)(4) is amended to read:  
26 (4) Township 28 South, Range 55 East, Copper River Meridian  
27 Section 1: S1/2SW1/4NW1/4, SW1/4  
28 Section 2  
29 Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,

1 SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4  
2 Section 4: E1/2NE1/4NE1/4  
3 Section 10: that portion of Mosquito Lake within the  
4 NE1/4  
5 Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4,  
6 SE1/4SE1/4, except USS 3431  
7 Section 12  
8 Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4,  
9 NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4  
10 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]  
11 Section 19: Lot 13  
12 Section 24: E1/2E1/2, NE1/4NW1/4NE1/4  
13 Section 25: except that portion north of the Haines  
14 Highway [LOTS 9 - 11 AND 16]  
15 Section 26: that portion [OF LOT 5 AND NE1/4NW1/4]  
16 south of the Haines Highway, except Lots 2, 3,  
17 and the SW1/4SW1/4 [LOTS 1, 12, AND 17]  
18 Section 27: that portion south of the Haines Highway  
19 except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]  
20 Section 28: [,] except S1/2S1/2, the south 660 feet of  
21 Lots 5 - 7, and that portion north of the Haines  
22 Highway  
23 Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4,  
24 and Lots 9, 14, 15, and 18  
25 Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT  
26 6 EXCEPT THE SOUTH 660 FEET.]  
27 Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]  
28 Section 34: S1/2S1/2S1/2  
29 Section 35: except NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2

1 [LOT 1]  
2 Section 36: [,] except SW1/4NW1/4, S1/2, and the south  
3 660 feet of Lots 3 - 4  
4 \* Sec. 58. AS 41.21.611(b)(5) is amended to read:  
5 (5) Township 28 South, Range 56 East, Copper River Meridian  
6 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,  
7 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,  
8 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4  
9 Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4  
10 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,  
11 SW1/4SE1/4NE1/4, W1/2, SE1/4  
12 Section 19  
13 Section 20: W1/2W1/2  
14 Section 29: except USS 948, USS 991, Lots 1, 2, and  
15 4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]  
16 Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and  
17 the NE1/4SW1/4  
18 Section 31  
19 Section 32: [,] except USS 991, USS 2455, and Lots 1,  
20 2, and 24  
21 Section 33: S1/2 except USS 2455 and Lots 18 21  
22 Section 34: [LOTS 1, 2, S1/2NE1/4SW1/4,]  
23 W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4, SW1/4 except  
24 NE1/4SW1/4 and Lots 1 and 2  
25 \* Sec. 59. AS 41.21.611(b)(8) is amended to read:  
26 (8) Township 29 South, Range 56 East, Copper River Meridian  
27 Section 1  
28 Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,  
29 E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4

1 Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,  
2 SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,  
3 W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4  
4 Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4,  
5 E1/2SE1/4SW1/4  
6 Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,  
7 S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,  
8 NW1/4SE1/4NW1/4  
9 Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4  
10 Section 9  
11 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,  
12 S1/2NW1/4, S1/2  
13 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,  
14 N1/2SE1/4NW1/4, S1/2  
15 Sections 12 - 14  
16 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,  
17 E1/2SW1/4SE1/4  
18 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,  
19 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,  
20 NE1/4SE1/4NW1/4  
21 Section 17: N1/2NE1/4NE1/4  
22 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4  
23 Section 23: that portion of the N1/2NW1/4 lying west of  
24 Chilkat Lake  
25 \* Sec. 60. AS 41.21.611(b)(9) is amended to read:  
26 (9) Township 29 South, Range 57 East, Copper River Meridian  
27 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,  
28 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4  
29 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,

1 NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660  
2 FEET OF LOT 2]  
3 Section 6: except Lots 1 and 9  
4 Sections 7 and [6-] 8  
5 USS 907  
6 Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,  
7 SW1/4SE1/4NE1/4, NW1/4, S1/2  
8 Section 10: Lots 1 - 4, W1/2NE1/4SW1/4,  
9 NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4  
10 Section 14: that portion west of the Haines Highway  
11 Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -  
12 14  
13 Sections 16 - 18  
14 USS 786  
15 Section 19: NE1/4NE1/4NE1/4  
16 Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,  
17 E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,  
18 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4  
19 Sections 21 and 22  
20 Section 23: that portion west of the Haines Highway  
21 Section 25: that portion west of the Haines Highway  
22 Section 26: that portion west of the Haines Highway  
23 Section 27  
24 Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,  
25 N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,  
26 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4  
27 Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,  
28 NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4  
29 Section 35

1                   Section 36: that portion west of the Haines Highway  
2   \* Sec. 61. AS 41.21.611(b)(10) is amended to read:  
3                   (10) Township 29 South, Range 58 East, Copper River  
4   Meridian  
5                   Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,  
6                   SE1/4SW1/4, S1/2SW1/4SE1/4  
7                   Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,  
8                   NW1/4, NE1/4SW1/4, SE1/4  
9                   Section 9: NE1/4NE1/4  
10                  Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,  
11                  NW1/4NW1/4SW1/4, SE1/4  
12                  Section 31: that portion south of the Haines Highway  
13   \* Sec. 62. AS 41.21.611(b)(11) is amended to read:  
14                  (11) Township 30 South, Range 57 East, Copper River  
15   Meridian  
16                  Section 1  
17                  Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,  
18                  SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,  
19                  N1/2SE1/4, N1/2SE1/4SE1/4  
20                  Section 3: NE1/4NE1/4NE1/4  
21                  Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,  
22                  NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,  
23                  E1/2E1/2SE1/4, NW1/4SE1/4SE1/4  
24                  [SECTION 13: NE1/4NE1/4NE1/4]  
25   \* Sec. 63. AS 43.25 is repealed.  
26   \* Sec. 64. AS 43.26 is repealed.  
27   \* Sec. 65. AS 45.50.110 is repealed.  
28   \* Sec. 66. AS 45.55.030(d) is amended to read:  
29                  (d) Every registration expires one year from its effective date

1 unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN  
2 INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS  
3 OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALEN-  
4 DAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE  
5 REGISTRATION FEE PROPORTIONATELY.]

6 \* Sec. 67. AS 45.89.500(4)(K) is amended to read:

7 (K) any other energy-saving device approved by the  
8 commissioner of commerce and economic development [UNDER AS 44.-  
9 33.040(12)].

10 \* Sec. 68. AS 47.45.230 is amended to read:

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

23 \* Sec. 69. AS 47.37.270(6) is amended to read:

24 (6) "coordinator" means the coordinator of the office of  
25 alcoholism and drug abuse;

26 \* Sec. 70. Section 55, ch. 37, SLA 1985, is amended to read:

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

29 \* Sec. 71. Section 56, ch. 37, SLA 1985, is amended to read:

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

6           \* Sec. 72. This Act takes effect immediately in accordance with AS 01.-  
7           10.070(c).