Offered: 5/5/87
Referred: Rules

5-0070L

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 107 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments to the Alaska

7 Statutes as recommended by the revisor of statutes;

8 and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 04.16.010(c) is amended to read:

11 (c) A licensee, an agent, or employee may not permit a person to

12 enter and a person may not enter premises licensed under this title

13 between the hours of 5:00 a.m. and 8:00 a.m. each day. This sub-

14 section does not apply to common carriers [, AS DEFINED IN AS 42.10.-

15 420(2),] or to an employee of the licensee who is on the premises to

16 prepare for the next day's business. A person may enter or remain on

17 the premises of a bona fide restaurant or eating place licensed under

18 this title to consume food or nonalcoholic beverages.

19 * Sec. 2. AS 06.25.085 is amended to read:

20 Sec. 06.25.085. APPLICATION OF GENERAL BANKING LAWS. The pro-

21 visions of AS 06.05.005 - 06.05.085, 06.05.090 06.05.270, 06.05.307,

22 06.05.320 - 06.05.327, [06.05.405 - 06.05.425,] 06.05.440 - 06.05.445,

23 06.05.462, <u>06.05.465 - 06.05.510,</u> [06.05.465 - 06.05.515] and 06.05.-

24 525 - 06.05.545 apply to all trust companies engaged in any phase of

25 the business of banking as that term is defined by AS 06.05.540(3) or

26 AS 06.25.100.

27 * Sec. 3. AS 06.30.720 is amended to read:

28 Sec. 06.30.720. PETITION BY COMMISSIONER. The commissioner,

29 acting through the attorney general, may apply to the superior court

1 for the appointment of a receiver, if in the [HIS] judgment of the
2 commissioner the public interest requires it and [EITHER]
3 (1) irregularities complained of in an order of the commis-
4 sioner under AS 06.01.030 [AS PROVIDED IN SEC. 660 OF THIS CHAPTER]
5 are not corrected; [, OR]
6 (2) irregularities complained of in a petition for the
7 appointment of a conservator are not corrected; [,] or
8 (3) an [IN THE CASE OF ANY] emergency exists.
9 * Sec. 4. AS 08.03.010(a) and (b) are repealed.
10 * Sec. 5. AS 08.04.500(a) is amended to read:
11 (a) A person may not assume or use the title or designation
12 "certified public accountant" or the abbreviation "CPA" or any other
13 title, designation, word, letter, abbreviation, sign, card, or device
14 tending to indicate that person is a certified public accountant,
15 unless the person has received a certificate, holds a live permit
16 [ISSUED UNDER AS 08.04.390 - 08.04.440, HEREINAFTER REFERRED TO AS A
17 "LIVE" PERMIT], and all of the person's offices in this state for the
18 practice of public accounting are maintained and registered as re-
19 quired by AS 08.04.350 - 08.04.380.
20 * Sec. 6. AS 08.04.510(b) is amended to read:
21 (b) A partnership or corporation of certified public accountants
22 in good standing in any state, not registered as a partnership or
23 corporation of certified public accountants under AS 08.04.240 [AND
24 08.04.250] but holding a permit under AS 08.04.420, may use the title
25 or designation "certified public accountants."
26 * Sec. 7. AS 08.04.680 is amended to read:
27 Sec. 08.04.680. DEFINITIONS. In this chapter [AS USED IN
28 AS 08.04.010 - 08.04.690]
29 (1) "board" means the Board of Public Accountancy;

1 (2) "certificate" means certificate as a certified public
2 accountant;
3 (3) "license" means license as a public accountant;
4 (4) "live permit" means a permit issued under AS 08.04.-
5 390 - 08.04.430 [REPEALED].
6 * Sec. 8. AS 08.62.020 is amended to read:
7 Sec. 08.62.020. APPOINTMENT AND TERM OF OFFICE. The governor
8 shall appoint the pilot and agent or manager members of the board,
9 subject to confirmation by a majority of the members of the legisla-
10 ture in joint session, for terms of four years, or until their succes-
11 sors are appointed. A [THE FIRST MEMBERS SHALL BE INITIALLY APPOINTED
12 FOR ONE, TWO, THREE AND FOUR YEAR TERMS. NO] person, with the excep-
13 tion of the commissioner or the commissioner's designee, may not be
14 appointed to the board for more than two consecutive terms.
15 * Sec. 9. AS 08.62.180 is amended to read:
16 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to
17 (1) vessels under enrollment, except as provided in AS 08.-
18 62.185;
19 (2) fishing vessels registered in the United States or in
20 British Columbia, Canada;
21 (3) vessels propelled by machinery and not more than 65
22 feet in length over deck, except tugboats and towboats propelled by
23 steam [MOTORBOATS AS DEFINED IN SEC. 1 OF THE FEDERAL MOTOR BOAT ACT
24 OF 1940 (54 STAT. 163; 46 U.S.C., SEC. 526 ET SEQ.)];
25 (4) vessels of United States registry of less than 300
26 gross tons and tow boats of United States registry and vessels owned
27 by the State of Alaska, engaged exclusively
28 (A) on the rivers of Alaska, or
29 (B) in the coastwise trade on the west coast of the

1 United States including Alaska, Hawaii, and British Columbia,
2 Canada;
3 (5) vessels of Canada, including Canadian cruise ships,
4 engaged in frequent trade between British Columbia and Alaska, if
5 reciprocal exemptions are granted by Canada to vessels owned by the
6 State of Alaska and those of United States registry; and
7 (6) pleasure craft.
8 * Sec. 10. AS 08.64.205 is amended to read:
9 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each
10 osteopath applicant shall meet the qualifications prescribed in
11 AS 08.64.200(4) and (5) [AS 08.64.200(1), (4) AND (5)] and shall
12 (1) submit a certificate of graduation from the legally
13 chartered school of osteopathy approved by the board;
14 (2) submit a certificate from a hospital approved by the
15 American Medical Association or the American Osteopathic Association
16 which certifies that the osteopath has satisfactorily completed and
17 performed the duties of intern or resident physician for one year;
18 (3) take the examination required by AS 08.64.210 or be
19 certified to practice by the National Board of Examiners for Osteo-
20 pathic Physicians and Surgeons.
21 * Sec. 11. AS 08.64.209(a) is amended to read:
22 (a) Each applicant who desires to practice podiatry shall meet
23 the qualification [QUALIFICATIONS] prescribed in AS 08.64.200(4)
24 [AS 08.64.200(1) AND (4)] and shall
25 (1) submit a certificate of graduation from a legally
26 chartered school of podiatry approved by the board;
27 (2) take the examination required by AS 08.64.210; the
28 State Medical Board shall call to its aid a podiatrist of known abil-
29 ity who is licensed to practice podiatry to assist in the examination

1 and licensure of applicants for a license to practice podiatry;
2 (3) meet other qualifications of experience or education
3 which the board may require.
4 * Sec. 12. AS 08.64.225 is amended to read:
5 Sec. 08.64.225. FOREIGN MEDICAL GRADUATES. Applicants who are
6 graduates of medical colleges not accredited by the American Medical
7 Association or one of its agencies shall meet the requirements of
8 AS 08.64.200(3), (4) and (5) [AS 08.64.200(1), (3), (4) AND (5)] and
9 must have passed an examination and be certified by the Education
10 Council on Foreign Medical Graduates, or be licensed by examination in
11 another state or territory of the United States or province of Canada.
12 * Sec. 13. AS 08.64.272 is amended to read:
13 Sec. 08.64.272. RESIDENCY AND INTERNSHIP. For the limited
14 purpose of doing residency or internship work, the board may issue a
15 temporary permit to an applicant without examination if the applicant
16 meets the requirement [REQUIREMENTS] of AS 08.64.200(2) [AS 08.64.-
17 200(1) AND (2)], pays the required fee, and has been accepted by an
18 eligible institution in the state for the purpose of doing residency
19 or internship work.
20 * Sec. 14. AS 08.88.500 is repealed.
21 * Sec. 15. AS 09.17.080(a) is amended to read:
22 (a) In all actions involving fault of more than one party to the
23 action, including third-party defendants and persons who have been
24 released under AS 09.16.040 [AS 09.17.090], the court, unless other-
25 wise agreed by all parties, shall instruct the jury to answer special
26 interrogatories or, if there is no jury, shall make findings, indicat-
27 ing
28 (1) the amount of damages each claimant would be entitled
29 to recover if contributory fault is disregarded; and

1 (2) the percentage of the total fault of all of the parties
2 to each claim that is allocated to each claimant, defendant, third-
3 party defendant, and person who has been released from liability under
4 AS 09.16.040 [AS 09.17.090].
5 * Sec. 16. AS 09.17.080(c) is amended to read:
6 (c) The court shall determine the award of damages to each
7 claimant in accordance with the findings, subject to a reduction under
8 AS 09.16.040 [AS 09.17.090], and enter judgment against each party
9 liable. The court also shall determine and state in the judgment each
10 party's equitable share of the obligation to each claimant in accor-
11 dance with the respective percentages of fault.
12 * Sec. 17. AS 09.17.090 is repealed.
13 * Sec. 18. AS 09.38.115(b) is amended to read:
14 (b) The dollar amounts change on October [JULY] 1 of each even-
15 numbered year if the percentage of change, calculated to the nearest
16 whole percentage point, between the index for January [NOVEMBER] of
17 that [THE PRECEDING] year and the most recent [REFERENCE BASE] index
18 used to change the exemption amount, is 10 percent or more, but
19 (1) the portion of the percentage change in the index in
20 excess of a multiple of 10 percent is disregarded and the dollar
21 amounts change only in multiples of 10 percent of the amounts appear-
22 ing in this chapter on August 26, 1982; and
23 (2) the dollar amounts do not change if the amounts re-
24 quired by this section are those currently in effect as a result of
25 earlier application of this section.
26 * Sec. 19. AS 09.38.115(d) is amended to read:
27 (d) The Department of Labor shall adopt a regulation announcing
28 (1) on or before June [APRIL] 30 of each year in which
29 dollar amounts are to change, the changes in dollar amounts required

1 by (b) of this section; and

2 (2) promptly after the changes occur, changes in the index

3 required by (c) of this section, including, if applicable, the numer-

4 ical equivalent of the reference base index under a revised reference

5 base index and the designation or title of any index superseding the

6 index.

7 * Sec. 20. AS 11.66.280(4) is amended to read:

8 (4) "gambling enterprise" means a gambling business <u>that</u>

9 [WHICH]

10 (A) includes five or more persons who conduct, fi-

11 nance, manage, supervise, direct, or own all or part of the

12 business;

13 (B) has been or remains in substantially continuous

14 operation for a period in excess of 30 days or has a gross income

15 of $2,000 or more in any single day; and

16 (C) is not a <u>municipality or a</u> qualified organization

17 under <u>AS 05.15.210</u> [AS 05.15.210(15)], except that, for purposes

18 of this paragraph, no application for a license under <u>AS 05.15</u>

19 [AS 05.15.210(15)] is required to be considered a qualified

20 organization;

21 * Sec. 21. AS 14.07.058(f) is repealed.

22 * Sec. 22. AS 14.17.140(b) is amended to read:

23 (b) Motor vehicles subject to the motor vehicle registration tax

24 under <u>AS 28.10.431</u> [AS 28.10.255] shall be treated as taxable property

25 for purposes of (a) of this section.

26 * Sec. 23. AS 14.20.420(a) is amended to read:

27 (a) The term of office for each member of the commission is

28 three years and until a successor is appointed [, EXCEPT THAT MEMBERS

29 OF THE FIRST COMMISSION SHALL BE APPOINTED AS FOLLOWS: THREE MEMBERS

1 FOR ONE YEAR, THREE MEMBERS FOR TWO YEARS, AND THREE MEMBERS FOR THREE
2 YEARS. MEMBERS OF THE FIRST COMMISSION SHALL DRAW BY LOT FOR THE
3 INITIAL TERM OF APPOINTMENT].
4 * Sec. 24. AS 14.42.030(b) is amended to read:
5 (b) The commission shall
6 (1) develop a comprehensive statewide plan for coordinated
7 postsecondary education in the state and serve as the state commission
8 on postsecondary education required under sec. 1202 of Title XII of
9 the Higher Education Act of 1965, as amended by the Education Amend-
10 ments of 1972 (PL 92-318, sec. 196; 86 Stat. 324);
11 (2) establish a state advisory council on community col-
12 leges and develop a comprehensive statewide plan for the expansion and
13 improvement of the community colleges under sec. 1001 of Title X of
14 the Higher Education Act of 1965, as amended by the Education Amend-
15 ments of 1972 (PL 92-318, sec. 186; 86 Stat. 312, 313);
16 (3) serve as the state agency required under secs. 105 of
17 Title I (Community Service and Continuing Education), 603 of Title VI
18 (Financial Assistance for Undergraduate Education), [AND] 704 of Title
19 VII (Construction of Academic Facilities), and Part B of Title IV
20 (Guaranteed Student Loan Program) of the Higher Education Act of 1965
21 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005, 1123) as authorized
22 by sec. 1202(c) of Title XII of the Higher Education Act of 1965, as
23 amended by the Education Amendments of 1972 (PL 92-318, sec. 196; 86
24 Stat. 324);
25 (4) administer the provisions of AS 14.43.090 - 14.43.160
26 (student loan program), and serve as the student financial aid commit-
27 tee;
28 (5) administer the provisions of AS 14.48 (regulation of
29 postsecondary educational institutions);

1 (6) resolve any disputes that exist or arise under a con-
2 sortium or other cooperative agreement between institutions of public
3 and private higher education in the state.
4 * Sec. 25. AS 15.13.100 is amended to read:
5 Sec. 15.13.100. EXPENDITURES BEFORE FILING. A [NO] political
6 campaign expenditure may not be made or incurred by a person in an
7 election or by a person or group with the person's [HIS] knowledge and
8 on the person's [HIS] behalf before the date upon which the person [HE
9 OR SHE] files for nomination for the office which the person seeks,
10 except for personal travel expenses or for opinion surveys or polls.
11 These expenditures must [SHALL BE CHARGED AGAINST THE SPENDING LIMITA-
12 TION THAT APPLIES TO THE OFFICE FOR WHICH HE SUBSEQUENTLY FILES, AND
13 SHALL] be included in the first report required under this chapter
14 after filing for office.
15 * Sec. 26. AS 15.13.120(a)(2) is amended to read:
16 (2) making a campaign contribution that [OR EXPENDITURE
17 WHICH] exceeds the limitations of AS 15.13.070 [AS 15.13.070(f)].
18 * Sec. 27. AS 16.05.390(b) is amended to read:
19 (b) Each agent authorized to sell licenses or tags under AS 16.-
20 05.380 shall, as directed by the commissioner of revenue, transmit the
21 proceeds from the sales of licenses and tags, except the amount autho-
22 rized to be retained, together with a report of the sales, to the
23 commissioner for deposit in the fish and game fund or the general
24 fund. [FEES IMPOSED UNDER AS 16.05.340(e) SHALL BE COLLECTED AND
25 TRANSMITTED IN THE SAME MANNER.]
26 * Sec. 28. AS 16.05.430(a) is amended to read:
27 (a) A person who violates AS 16.05.330 - 16.05.420 or a regula-
28 tion adopted under AS 16.05.330 - 16.05.420 is guilty of a misdemeanor
29 and upon conviction is punishable by a fine of not more than $1,000,

1 or by imprisonment for not more than six months, or by both.
2 * Sec. 29. AS 16.05.860 is amended to read:
3 Sec. 16.05.860. PENALTY FOR VIOLATING FISHWAY AND HATCHERY
4 REQUIREMENTS. (a) The owner of a dam or obstruction who fails to
5 comply with AS 16.05.840 or 16.05.850 or a regulation adopted under
6 AS 16.05.840 or 16.05.850 within a reasonable time specified by writ-
7 ten notice from the commissioner is guilty of a misdemeanor, and is
8 punishable by a fine of not more than $1,000. Each day the owner
9 fails to comply constitutes a separate offense.
10 (b) In addition to the fine, the dam or other obstruction
11 managed, controlled, or owned by a person violating AS 16.05.840 or
12 16.05.850 or a regulation adopted under AS 16.05.840 or 16.05.850 is a
13 public nuisance and is subject to abatement.
14 * Sec. 30. AS 16.05.925 is amended to read:
15 Sec. 16.05.925. PENALTY FOR VIOLATIONS. Except as provided in
16 AS 16.05.430, 16.05.720, 16.05.831, and 16.05.860, a [A] person who
17 violates AS 16.05.920, or a regulation adopted under this chapter or
18 AS 16.20, is guilty of a class A misdemeanor. [HOWEVER, A PERSON WHO
19 VIOLATES A REGULATION ADOPTED UNDER THIS CHAPTER FOR THE REGULATION OF
20 COMMERCIAL FISHERIES IS SUBJECT TO THE PENALTIES SET OUT IN AS 16.05.-
21 720.]
22 * Sec. 31. AS 16.10.470(b) is amended to read:
23 (b) A person who holds a permit for the operation of a salmon
24 hatchery under AS 16.10.400 - 16.10.470 and each regional association
25 levying a voluntary [ROYALTY] assessment under AS 16.10.540 [AS 16.-
26 10.530] shall submit an annual financial report to the Department of
27 Commerce and Economic Development on a form to be provided by the
28 Department of Commerce and Economic Development.
29 * Sec. 32. AS 16.10.475 is repealed.

1 * Sec. 33. AS 16.10.540 is amended to read:

2 Sec. 16.10.540. VOLUNTARY ASSESSMENT ON SALE OF SALMON. (a) An
3 [IN PLACE OF OR IN ADDITION TO AN ASSESSMENT LEVIED UNDER AS 16.10.-
4 530, AN] association of persons who hold entry permits under AS 16.43,
5 which consists of at least 51 percent of the persons holding entry
6 permits and actively participating in a fishery to be benefited by a
7 hatchery program, may levy and collect an assessment from among its
8 members for the purpose of securing and repaying a loan made under
9 AS 16.10.510.

10 (b) Upon satisfactory demonstration to the commissioner that an
11 assessment levied under this section may reasonably be relied upon to
12 secure and repay a loan to be made under AS 16.10.510, the commis-
13 sioner may make the loan [WITHOUT REQUIRING AN ASSESSMENT UNDER
14 AS 16.10.530].

15 (c) [IF AN ASSESSMENT MADE UNDER THIS SECTION FAILS TO SATISFY
16 THE PAYMENTS REQUIRED ON THE PRINCIPAL AND INTEREST DUE ON THE LOAN
17 THE COMMISSIONER MAY NEGOTIATE WITH THE REGIONAL ASSOCIATION TO LEVY
18 AN ASSESSMENT UNDER AS 16.10.530.]

19 * Sec. 34. AS 16.30.030(3) is repealed.

20 * Sec. 35. AS 16.43.030(a) is amended to read:

21 (a) The members of the commission shall be appointed for terms
22 of four years. [INITIAL APPOINTMENTS SHALL BE AS FOLLOWS: ONE MEMBER
23 FOR TWO YEARS, ONE MEMBER FOR THREE YEARS, AND ONE MEMBER FOR FOUR
24 YEARS.]

25 * Sec. 36. AS 16.43.182 is repealed.

26 * Sec. 37. AS 16.43.980(b) is repealed.

27 * Sec. 38. AS 18.55.570(c) is amended to read:

28 (c) Bonds and notes of the authority issued under AS 18.55.480 -
29 18.55.960 shall be authorized by its resolution and may be issued in

1 one or more series and shall bear the date or dates, be payable upon
2 demand or mature at the time or times, bear interest at the rate or
3 rates provided [FOR BONDS AND NOTES OF THE AUTHORITY UNDER AS 18.55.-
4 190], be in the denomination or denominations, be in the form either
5 coupon or registered, carry the conversion or registration privileges,
6 have the rank or priority, be executed in the manner, be payable in
7 the medium of payment, at the place or places, and be subject to the
8 terms of redemption, with or without premium, which the resolution,
9 its trust indenture or mortgage provides.
10 * Sec. 39. AS 18.56.900(9) is amended to read:
11 (9) "mortgage" or "mortgage loan" means a mortgage loan for
12 residential housing insured or guaranteed by the United States or an
13 instrumentality of the United States or for which there is a commit-
14 ment by the United States or an instrumentality of the United States
15 to insure or guarantee such a mortgage, or if not so insured or guar-
16 anteed or if there is no such commitment, <u>that is</u> [WHICH THE CORPO-
17 RATION DETERMINES MEETS THE CONDITIONS DESCRIBED IN AS 18.56.100(k) OR
18 WHICH SHALL BE] secured upon such terms and conditions as the corpo-
19 ration considers necessary or practicable to insure all repayments;
20 * Sec. 40. AS 18.67.101 is amended to read:
21 Sec. 18.67.101. INCIDENTS AND OFFENSES TO WHICH AS 18.67.010 -
22 18.67.180 APPLY. The board may order the payment of compensation in
23 accordance with the provisions of this chapter for personal injury or
24 death that resulted from
25 (1) an attempt on the part of the applicant to prevent the
26 commission of crime, or to apprehend a suspected criminal, or aiding
27 or attempting to aid a police officer to do so, or aiding a victim of
28 crime; or
29 (2) the commission or attempt on the part of one other than

1 the applicant to commit any of the following offenses: murder in any
2 degree, manslaughter, criminally negligent homicide, assault in the
3 first or second degree, kidnapping, sexual assault in any degree,
4 sexual abuse of a minor, robbery in any degree, [CONTRIBUTING TO THE
5 DELINQUENCY OF A MINOR UNDER AS 11.51.130(a)(4),] threats to do bodily
6 harm, or driving while intoxicated or another crime resulting from the
7 operation of a motor vehicle, boat, or airplane when the offender is
8 intoxicated.
9 * Sec. 41. AS 21.09.210(b) is amended to read:
10 (b) Each insurer, and each formerly authorized insurer with
11 respect to premiums received while an authorized insurer in this
12 state, shall pay tax on the total direct premium income received
13 during the year ending on the preceding December 31 and paid for the
14 insurance of property or risks resident or located in the state other
15 than wet marine and transportation insurance, after deducting from the
16 total direct premium income the applicable cancellations, returned
17 premiums, the unabsorbed portion of any deposit premium, all policy
18 dividends, unabsorbed premiums refunded to policyholders, refunds,
19 savings, savings coupons and other similar returns paid or credited to
20 policyholders with respect to their policies. No deductions may be
21 made of cash surrender value of policies. Considerations received on
22 annuity contracts are not included in the direct premium income and
23 are not subject to tax. The tax shall be paid to the director annual-
24 ly before April 1, and [, EXCEPT AS PROVIDED IN AS 21.69.390(c),] is
25 computed at the rate of
26 (1) for domestic and foreign insurers, except hospital and
27 medical service corporations, 2.7 percent;
28 (2) for hospital and medical service corporations, six
29 percent of their gross premiums less claims paid.

1 * Sec. 42. AS 21.69.390(c) is repealed.

2 * Sec. 43. The revisor of statutes shall substitute "director" for
3 "commissioner" where the latter appears in the following provisions of
4 AS 21.80 (Alaska Guaranty Association Act): AS 21.80.050(a) and (b);
5 21.80.060(a)(5) and (6); 21.80.070(a), (c)(7) and (8), and (d); 21.80.080;
6 21.80.110; 21.80.120; 21.80.150; and 21.80.170(a) and (b).

7 * Sec. 44. AS 21.80.170(c) is amended to read:

8 (c) If the operation of the Alaska Insurance Guaranty Associa-
9 tion is terminated as to all kinds of insurance otherwise within its
10 scope, the association, as soon as possible thereafter, shall distrib-
11 ute the balance of money and assets remaining after discharge of the
12 functions of the association with respect to prior insurer insol-
13 vencies not covered by the other plan, together with related expenses,
14 to the insurers which are then writing in this state policies of the
15 kinds of insurance covered by this chapter and which had made payments
16 to the association, pro rata upon the basis of the aggregate of the
17 payments made by the respective insurers during the period of five
18 years next preceding the date of the termination order. Upon comple-
19 tion of this distribution with respect to all of the kinds of insur-
20 ance covered by this chapter, <u>the director shall certify that fact to</u>
21 <u>the legislature together with the director's recommendations for the</u>
22 <u>amendment or repeal of</u> this chapter [SHALL BE CONSIDERED TO HAVE
23 EXPIRED].

24 * Sec. 45. AS 21.80.180(5) is amended to read:

25 (5) "insolvent insurer" means an insurer

26 (A) authorized to transact insurance in this state,
27 except an assessable reciprocal insurer formed by and insuring
28 only municipalities or nonprofit public utilities, a reciprocal
29 insurer formed under AS 21.75 to provide marine insurance, a

1 joint insurance arrangement formed under AS 21.76, and the Med-
2 ical Indemnity Corporation of Alaska, [AND THE HEALTH CARE PRO-
3 VIDERS JOINT UNDERWRITING ASSOCIATION ESTABLISHED UNDER AS 21.-
4 88,] either at the time the policy was issued or when the insured
5 event occurred, and
6 (B) determined to be insolvent by a court of competent
7 jurisdiction;
8 * Sec. 46. AS 21.80.180(6) is amended to read:
9 (6) "member insurer" means a person, except an assessable
10 reciprocal insurer formed by and insuring only municipalities or
11 nonprofit public utilities, a reciprocal insurer formed under AS 21.75
12 to provide marine insurance, a joint insurance arrangement formed
13 under AS 21.76, and the Medical Indemnity Corporation of Alaska, [AND
14 THE HEALTH CARE PROVIDERS JOINT UNDERWRITING ASSOCIATION ESTABLISHED
15 UNDER AS 21.88,] who
16 (A) writes insurance to which this chapter applies
17 under AS 21.80.020 including the exchange of reciprocal or inter-
18 insurance contracts, and
19 (B) is licensed to transact insurance in the state;
20 * Sec. 47. AS 22.15.240(c) and 22.15.240(d) are repealed.
21 * Sec. 48. AS 24.45.116 is amended to read:
22 Sec. 24.45.116. DISCLOSURE OF CONTRIBUTIONS. A [BEFORE A CIVIC
23 LEAGUE OR ORGANIZATION MAY BE ELIGIBLE FOR THE BENEFITS OF AS 43.20.-
24 031(f), IT MUST AGREE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.
25 THE] civic league or organization shall report the total amount of
26 contributions received for the reporting period and for any contribu-
27 tion over $100, the name of the contributor and the amount contri-
28 buted. The civic league or organization may establish a separate fund
29 to account for receipts and expenditures arising out of activities to

1 influence legislative action. Reports shall be made on a form pro-
2 vided by the commission on February 10, April 25, and July 10 of each
3 year, listing contributions received during the period that ended 10
4 days earlier.
5 * Sec. 49. AS 29.10.200(43) is amended to read:
6 (43) AS 29.45.700(d) (sales and use tax) [AS 29.45.700(a)
7 (POWER OF LEVY)]
8 * Sec. 50. AS 29.45.230(e) is amended to read:
9 (e) In this section "disaster" means a major disaster declared
10 by the President of the United States under [THE PROVISIONS OF 42
11 U.S.C. SEC. 1855 - 1855g (FEDERAL DISASTER ACT OF 1950), OR OTHER]
12 federal law [,] or a disaster declared by the governor under AS 26.-
13 23.010 - 26.23.110.
14 * Sec. 51. AS 29.45.700(a) is amended to read:
15 (a) A city in a borough that levies and collects areawide sales
16 and use taxes may levy sales and use taxes on all sources taxed by the
17 borough in the manner provided for boroughs. Except as provided in
18 (d) of this section, the [THE] assembly may by ordinance authorize a
19 city to levy and collect sales and use taxes on other sources [EXCEPT
20 PURCHASES MADE WITH FOOD COUPONS, FOOD STAMPS, OR OTHER TYPE OF CER-
21 TIFICATE ISSUED UNDER 7 U.S.C. 2011 - 2025 (FOOD STAMP ACT). THIS
22 SUBSECTION APPLIES TO HOME RULE AND GENERAL LAW MUNICIPALITIES].
23 * Sec. 52. AS 29.45.700 is amended by adding a new subsection to read:
24 (d) A city that levies and collects sales and use taxes under
25 (a) of this section may not levy and collect a sales tax on a purchase
26 made with food coupons, food stamps, or other type of certificate
27 issued under 7 U.S.C. 2011 - 2025 (Food Stamp Act). This subsection
28 applies to home rule and general law municipalities.
29 * Sec. 53. Sections 49, 51, and 52 of this Act are retroactive to

1 October 1, 1986.

2 * Sec. 54. AS 33.30 is amended by adding a new section to read:

3 Sec. 33.30.026. CONTRACTS. Contracting for services under this

4 chapter is governed by AS 36.30 (State Procurement Code).

5 * Sec. 55. AS 33.30.031(c) is amended to read:

6 (c) Notwithstanding AS 36.30.300 [AS 37.05.230(1)(B)], an agree-

7 ment with a private agency to provide necessary facilities under (a)

8 of this section must be based on competitive bids.

9 * Sec. 56. AS 35.15.060 is repealed.

10 * Sec. 57. AS 35.27.030(1) and AS 35.30.040(1) are repealed.

11 * Sec. 58. AS 36.25.020(c) is amended to read:

12 (c) A suit brought under this section shall be brought in the

13 name of the state or the political subdivision of the state for the

14 use of the person suing in the [SUPERIOR] court with jurisdiction. A

15 suit under this section is subject to AS 08.18.151. A [NO] suit may

16 not be started after the expiration of one year after the date of

17 final settlement of the contract. The state or political subdivision

18 of the state is not liable for costs or expenses of the suit.

19 * Sec. 59. AS 36.30.730 is amended by adding a new subsection to read:

20 (f) The commissioner shall separately account for fees collected

21 under (c) and (d) of this section and deposited in the general fund.

22 The annual estimated balance in the account may be used by the legis-

23 lature to make appropriations to the department to carry out the

24 purposes of (c) and (d) of this section.

25 * Sec. 60. AS 36.30.900 is amended to read:

26 Sec. 36.30.900. PREFERENCE FOR ALASKA PRODUCTS. This chapter

27 does not modify, amend, or alter AS 36.15.010 and 36.15.020 regarding

28 preference for Alaska forest products, or AS 36.15.050 and 36.15.060

29 regarding preference for Alaska agricultural and fisheries products

1 [AS 36.20.010 REGARDING PREFERENCE TO PRODUCERS OR DEALERS IN ALASKA]
2 except as provided in AS 36.30.170(b) and (c).
3 * Sec. 61. AS 36.90.050(b) is amended to read:
4 (b) The competitive bid provisions of AS 36.30 [AS 37.05.230 AND
5 THE COMPETITIVE BIDDING PROVISIONS OF ANY OTHER LAW] do not apply to a
6 contract for the maintenance or repair of a marine vessel owned by the
7 state if the contract is awarded to a facility in the state.
8 * Sec. 62. AS 37.05.157, 37.05.158, and AS 37.07.062(c)(4) are re-
9 pealed.
10 * Sec. 63. AS 37.10.088(b) is amended to read:
11 (b) The [UNTIL JUNE 30, 1980, THE TOTAL OF ADVANCES IN ANY
12 FISCAL YEAR MAY NOT EXCEED 20 PER CENT OF THE TOTAL OF GRANTS AND
13 CONTRACTS FROM FEDERAL AND PRIVATE SOURCES APPROPRIATED TO THE UNIVER-
14 SITY FOR THAT FISCAL YEAR. AFTER JUNE 30, 1980, THE] total of ad-
15 vances in a [ANY] fiscal year may not exceed 10 percent of the total
16 of grants and contracts from federal and private sources appropriated
17 to the university for that fiscal year. The amounts advanced in a
18 [ANY] fiscal year shall be repaid in full to the department within 120
19 days following the close of that fiscal year. If the repayment is not
20 made on a timely basis, the department may withhold amounts due from
21 state fund appropriations for the university.
22 * Sec. 64. AS 37.20.040 is repealed.
23 * Sec. 65. AS 37.25.030 is repealed.
24 * Sec. 66. AS 38.09.100 is amended to read:
25 Sec. 38.09.100. LESSEES OF REMOTE PARCELS. (a) A lessee of a
26 remote parcel under former AS 38.05.077 may elect to obtain title to
27 the remote parcel under AS 38.09.050. If a lessee of a remote parcel
28 elects to obtain title under AS 38.09.050, July 28, 1983, shall be
29 considered the date of the issuance of the homestead entry permit.

1 (b) Except as provided in (a) of this section, nothing in
2 this chapter affects the rights and obligations of lessees of remote
3 parcels under former AS 38.05.077.
4 * Sec. 67. AS 39.05.060(a)(6) is repealed.
5 * Sec. 68. AS 39.05.100(a) is amended to read:
6 (a) A person appointed to a board or commission of the state
7 government [,] shall be and have been before the last general elec-
8 tion, (1) a registered voter in the state, if the appointment is made
9 at large or (2) a registered voter from the judicial district, if the
10 appointment is made from a specific judicial district. The student
11 member of the Board of Regents of the University of Alaska appointed
12 under AS 14.40.150(b) and the student member of the Alaska Commission
13 on Postsecondary Education appointed under AS 14.42.015(e) are exempt
14 from the requirement of this subsection if the member was not old
15 enough to be a registered voter in the last general election.
16 * Sec. 69. AS 39.25.110(11)(C) and AS 39.50.200(b)(43) are repealed.
17 * Sec. 70. AS 43.05.210 is repealed.
18 * Sec. 71. AS 43.70.020(b) is amended to read:
19 (b) Application for a renewal of a license and payment of the
20 annual [INITIAL] fee under AS 43.70.030 shall be made before Febru-
21 ary 1 of each year.
22 * Sec. 72. AS 43.70.030(d), 43.70.040, and 43.70.110(2) and (3) are
23 repealed.
24 * Sec. 73. AS 43.70.090 is amended to read:
25 Sec. 43.70.090. REGULATIONS. The department may adopt regula-
26 tions necessary to determine and collect the fees imposed by this
27 chapter [AND MAY ADOPT REGULATIONS DEFINING THE NECESSARY METHODS OF
28 COMBINATION AND APPORTIONMENT FOR MULTISTATE FINANCIAL INSTITUTIONS
29 REQUIRED TO FILE UNDER THIS CHAPTER].

1 * Sec. 74. AS 43.80.015(b) is amended to read:
2 (b) The receipt of land or an interest in it under the federal
3 Act or of cash in order to equalize the values of property exchanged
4 under sec. 22(f) of that Act or AS 38.50 [AS 38.95.060] is not subject
5 to any form of state or local taxation. The basis for computing gain
6 or loss on subsequent sale or other disposition of this land or inter-
7 est in land for purposes of a state or local tax imposed on or mea-
8 sured by income is the fair value of the land or interest in land at
9 the time of receipt.
10 * Sec. 75. AS 43.80.015(c) is amended to read:
11 (c) A real property interest conveyed under the federal Act,
12 AS 38.50, or AS 38.95.050 [OR 38.95.060], including land received in
13 an exchange under sec. 22(f) of the federal Act or AS 38.50 [AS 38.-
14 95.060], to a Native individual or corporation incorporated under
15 Alaska law pursuant to the federal Act, which interest is not devel-
16 oped or leased to third parties, is exempt from state and local real
17 property taxes and local assessments until December 18, 1991. How-
18 ever, municipal taxes, local real property taxes, or local assessments
19 may, under the laws of the state, be imposed upon leased or developed
20 real property within the jurisdiction of any governmental unit or-
21 ganized under the laws of the state. Easements, rights-of-way, lease-
22 holds, and similar interests in real property may be taxed in accor-
23 dance with state or local law. All rents, royalties, profits, and
24 other revenues or proceeds derived from property interests are taxable
25 to the same extent as these revenues or proceeds are taxable when
26 received by a non- native individual or corporation. In sec. 21(d) of
27 the federal Act, the exemption of real property interests from local
28 real property taxes includes exemption from local assessments and
29 extends to land received in an exchange under sec. 22(f) of the

1 federal Act or AS 38.50 [AS 38.95.060].
2 * Sec. 76. AS 44.62.175(a)(4) is amended to read:
3 (4) notices of state agency requests for proposals issued
4 under AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.-
5 120; and AS 43.40.010;
6 * Sec. 77. AS 44.62.330(a)(46) is repealed.
7 * Sec. 78. AS 45.55.040(b) is amended to read:
8 (b) The administrator may by regulation or order require an
9 applicant for initial registration to publish an announcement of the
10 application in one or more specified newspapers published in this
11 state. If no denial order is in effect and no proceeding is pending
12 under AS 45.55.060, registration becomes effective at noon on the 30th
13 day after an application is filed [, EXCEPT THAT REGISTRATION BECOMES
14 EFFECTIVE UPON FILING OF THE APPLICATION BY ANY OF THE PERSONS SUBJECT
15 TO THIS CHAPTER WHO WERE DOING BUSINESS IN THIS STATE ON MAY 9, 1959].
16 The administrator may by regulation or order specify an earlier effec-
17 tive date, and the administrator may by order defer the effective date
18 until noon of the 30th day after the filing of an amendment.
19 * Sec. 79. AS 45.55.090(b) is amended to read:
20 (b) A registration statement under this section shall contain
21 the following information and be accompanied by the following docu-
22 ments in addition to the information specified in AS 45.55.110(c) and
23 the consent to service of process required by AS 45.55.260(g):
24 (1) one copy [THREE COPIES] of the latest form of prospec-
25 tus filed under the Securities Act of 1933;
26 (2) if the administrator requires, copies of the articles
27 of incorporation and bylaws (or their substantial equivalent) cur-
28 rently in effect, a copy of an agreement with or among underwriters, a
29 copy of an indenture or other instrument governing the issuance of the

1 security to be registered, and a specimen or copy of the security;
2 (3) if the administrator requests, any other information,
3 or copies of any other documents, filed under the Securities Act of
4 1933; and
5 (4) an undertaking to forward all future amendments to the
6 federal prospectus, other than an amendment which merely delays the
7 effective date of the registration statement, promptly and in any
8 event not later than the first business day after the day they are
9 forwarded to or filed with the Securities and Exchange Commission,
10 whichever first occurs.
11 * Sec. 80. AS 45.88.030(d) is amended to read:
12 (d) All principal and interest payments on loans made under this
13 chapter shall be paid into the alternative [TECHNOLOGY AND] energy
14 revolving loan fund.
15 * Sec. 81. AS 45.88.030(e) is amended to read:
16 (e) [THE RATE OF INTEREST FOR A LOAN UNDER THIS SECTION, OTHER
17 THAN A LOAN FOR AN ALTERNATIVE ENERGY SYSTEM, MAY NOT EXCEED NINE AND
18 ONE-HALF PERCENT A YEAR ON THE UNPAID BALANCE OF THE LOAN.] The rate
19 of interest for a loan for an alternative energy system is five per-
20 cent for the first $15,000 of the loan and 15 percent for the amount
21 of the loan that exceeds $15,000.
22 * Sec. 82. AS 46.15.200 is amended to read:
23 Sec. 46.15.200. TERM OF OFFICE. The term of office for members
24 of the board is four years. [THE FIRST MEMBERS APPOINTED SERVE AS
25 FOLLOWS: TWO MEMBERS SERVE FOR ONE YEAR, THREE FOR TWO YEARS AND TWO
26 FOR THREE YEARS.] If a vacancy occurs, the governor shall fill it by
27 appointment for the unexpired term. The appointment shall be submit-
28 ted to the legislature for confirmation at the next regular or special
29 session.

1 * Sec. 83. Section 65, ch. 106, SLA 1986 is amended to read:

2 Sec. 65. REPORT. By December 1, 1988, the commissioner of
3 administration and the commissioner of transportation and public
4 facilities shall report to the legislature concerning procurements by
5 state agencies during fiscal year 1988 [1987]. The report must in-
6 clude

7 (1) a summary of the information required under AS 36.30.-
8 510 [THE RECORDS PREPARED UNDER AS 36.30.510(4)];

9 (2) recommendations for changes in AS 36.30 or other laws
10 based on implementation of AS 36.30 in those 12 months; and

11 (3) a description of any matters that involved litigation
12 concerning AS 36.30 during those 12 months.

13 * Sec. 84. Sections 54, 55, 59 - 61, 76, and 83 of this Act take effect
14 on the effective date of sec. 2, ch. 106, SLA 1986.

15 * Sec. 85. Except for secs. 54, 55, 59 - 61, 76, and 83, this Act takes
16 effect immediately under AS 01.10.070(c).