

BY THE RULES COMMITTEE  
BY REQUEST OF THE  
LEGISLATIVE COUNCIL

1 IN THE SENATE

2 SENATE BILL NO. 413

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH 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 04.11.120(b) is amended to read:

11 (b) A sale under a bottling works license may be made only to a  
12 person licensed under this title and only in quantities of more than  
13 five [WINE] gallons.

14 \* Sec. 2. AS 04.11.130(b) is amended to read:

15 (b) A brewery license authorizes the holder to sell beer in  
16 quantities of more than five [WINE] gallons to persons licensed to  
17 sell beer under this title.

18 \* Sec. 3. AS 04.11.140(b) is amended to read:

19 (b) A winery license authorizes the holder to sell wine to  
20 persons licensed under this title in quantities of more than five  
21 [WINE] gallons.

22 \* Sec. 4. AS 04.11.160(b) is amended to read:

23 (b) A wholesale malt beverage and wine license authorizes the  
24 holder to sell malt beverages and wine in the original packages in  
25 quantities of not less than five [WINE] gallons. The holder of a  
26 wholesale malt beverage and wine license may not sell to a person not  
27 licensed under this title except as provided in AS 04.21.040. The  
28 annual wholesale malt beverage and wine license fee is \$200 for the  
29 first \$20,000 of business transacted during a year, payable at the

1 time of making an original application or application for renewal. In  
2 addition, the following annual fees shall be paid by a holder of a  
3 wholesale malt beverage and wine license:

4 Business Transacted During Year	Fee
5 over \$20,000 and not over \$50,000 . . . .	\$ 300
6 over \$50,000 and not over \$100,000 . . .	\$ 1,000
7 over \$100,000 and not over \$150,000 . . .	\$ 1,500
8 over \$150,000 and not over \$200,000 . . .	\$ 2,000
9 over \$200,000 and not over \$400,000 . . .	\$ 4,000
10 over \$400,000 and not over \$600,000 . . .	\$ 6,000
11 over \$600,000 and not over \$800,000 . . .	\$ 8,000
12 over \$800,000 . . . . .	\$10,000

13 \* Sec. 5. AS 04.11.200(b) is amended to read:

14 (b) A sale by a holder of a retail stock sale license may only  
15 be in quantities of five [WINE] gallons or more per sale and may only  
16 be to persons licensed under this chapter.

17 \* Sec. 6. AS 04.16.130(b) is amended to read:

18 (b) This section does not apply to stocks of beer carried on a  
19 delivery truck by a licensed wholesaler if carried for the purpose of  
20 sale and delivery to persons licensed under this title in quantities  
21 of not less than 10 [WINE] gallons for each sale.

22 \* Sec. 7. AS 08.01.010 is amended by adding a new paragraph to read:

23 (28) regulation of electrical administrators under AS 08.40.

24 \* Sec. 8. AS 08.01.035 is amended to read:

25 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members, of boards  
26 subject to this chapter [AND MEMBERS OF THE REAL ESTATE COMMISSION  
27 UNDER AS 08.88] are appointed for staggered terms of four years. A  
28 member of a board serves until a successor is appointed. An appoint-  
29 ment to fill a vacancy on a board is for the remainder of the

1 time of making an original application or application for renewal. In  
2 addition, the following annual fees shall be paid by a holder of a  
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29 ment to fill a vacancy on a board is for the remainder of the

1 unexpired term. A member who has served all or part of two successive  
2 terms on a board may not be reappointed to that board unless four  
3 years have elapsed since the person has last served on the board.

4 \* Sec. 9. AS 08.01.065(c) is amended to read:

5 (c) A fee established under this section should reflect, but  
6 should not exceed, the actual costs to the department of the activity  
7 for which the fee is charged except that the department may establish  
8 a fee that is less than the cost of the activity for which the fee is  
9 charged if the department determines that it is not reasonable to  
10 impose the full cost of the activity on the applicant or licensee.  
11 [THE ACTUAL OR ANTICIPATED COSTS TO THE DEPARTMENT OF SERVICES PROVID-  
12 ED TO OR ON BEHALF OF A BOARD MUST REFLECT, TO THE EXTENT POSSIBLE,  
13 THE AMOUNT OF FEES THE DEPARTMENT COLLECTS FROM PERSONS IN OCCUPATIONS  
14 REGULATED BY THE BOARD.]

15 \* Sec. 10. AS 08.40.190(c) is amended to read:

16 (c) Work within the exclusionary provisions of this section is  
17 nevertheless subject to the inspection provisions of AS 08.40.070 and  
18 must follow the regulations regarding workmanship adopted by the  
19 department [BOARD].

20 \* Sec. 11. AS 09.45.730 is amended to read:

21 Sec. 09.45.730 TRESPASS BY CUTTING OR INJURING TREES OR SHRUBS.  
22 A person who cuts down, girdles, or otherwise injures or carries off a  
23 tree, timber, or shrub on the land of another person or on the street  
24 or highway in front of a person's house, or of a village, town, or  
25 city lot, or cultivated grounds, or on the commons or public grounds  
26 of a village, town, or city, or on the street or highway in front of  
27 them, without lawful authority, is liable to the owner of that land,  
28 or to the village, town, or city for treble the amount of damages  
29 which may be assessed in a civil action. However, if the trespass was

1 unintentional [CASUAL] or involuntary, or the defendant had probable  
2 cause to believe that the land on which the trespass was committed was  
3 the defendant's own or that of the person in whose service or by whose  
4 direction the act was done, or where the timber was taken from unen-  
5 closed woodland for the purpose of repairing a public highway or  
6 bridge upon the land or adjoining it, only actual damages may be  
7 recovered.

8 \* Sec. 12. AS 12.55.035(b) is amended to read:

9 (b) Upon conviction of an offense, a defendant who is not an  
10 organization may be sentenced to pay, unless otherwise specified in  
11 the provision of law defining the offense, a fine of no more than

12 (1) \$75,000 for murder in the first or second degree,  
13 sexual assault in the first degree, sexual abuse of a minor in the  
14 first degree, kidnapping, or misconduct involving a controlled sub-  
15 stance in the first degree;

16 (2) \$50,000 for a class A, B, or C felony;

17 (3) \$5,000 for a class A misdemeanor;

18 (4) \$1,000 for a class B misdemeanor;

19 (5) \$300 for a violation.

20 \* Sec. 13. AS 14.03.070 is amended to read:

21 Sec. 14.03.070. SCHOOL AGE. A child who is six years of age [OR  
22 WHO WILL BECOME SIX YEARS OF AGE] before August 15 following [PRECED-  
23 ING] the beginning of the school year, and who is under the age of 20  
24 and has not completed the 12th grade, is of school age.

25 \* Sec. 14. AS 14.03.080(d) is amended to read:

26 (d) A child who is five years of age before August 15 following  
27 [PRECEDING] the beginning of the school year, and who is under school  
28 age, may enter a public school kindergarten.

29 \* Sec. 15. AS 14.11.115(c)(1) is amended to read:

1           (1) "debt" means the principal amount of the direct and  
2 general obligation indebtedness of the municipality for which all  
3 taxable property is subject to taxation to pay the bond, note or other  
4 evidence of the debt, determined annually by the Department of Commu-  
5 nity and Regional Affairs in consultation with each municipality that  
6 is a school district and reported to the municipality and the commis-  
7 sioner of education; the determination shall be made by October 1 and  
8 report the outstanding debt as of July 1 of that year [IN ACCORDANCE  
9 WITH AS 14.17.140(c)];

10 \* Sec. 16. AS 14.25.110(g) is amended to read:

11           (g) A member who is eligible for a service retirement salary  
12 under this chapter or under the Retirement Act of 1945 is entitled to  
13 a benefit of at least \$25 per month for each year of credited service,  
14 excluding adjustments made under AS 14.25.142 or 14.25.143. If the  
15 member elected option two under former AS 14.25.063(b)(2) for payment  
16 of any indebtedness when the member initially applied for a retirement  
17 benefit, or if the member elected to receive an early retirement  
18 benefit under (b) of this section, the resulting benefit reduction  
19 continues in effect.

20 \* Sec. 17. AS 14.30.030 is amended to read:

21           Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief  
22 administrative officer of a district school or regional educational  
23 attendance area shall report all apparent violations of AS 14.30.010  
24 to the governing body of the district. The governing body shall, on  
25 receiving the report or on the complaint of any person, provide for a  
26 full and impartial investigation of all charges of violation. In  
27 private or federal schools, the chief administrative officer shall  
28 make a full and impartial investigation of all apparent violations.  
29 If it reasonably appears upon investigation that a person has violated

1 AS 14.30.010, the governing body of a district school or regional  
2 educational attendance area, or the chief administrative officer of a  
3 private or federal school, shall make and file with the district court  
4 a complaint against the person, charging the violation. [THE JUDGE OR  
5 MAGISTRATE MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON AND MAY  
6 ACT UPON THE COMPLAINT.]

7 \* Sec. 18. AS 14.43.120(d)(4) is amended to read:

8 (4) to attend an institution, other than a nonprofit insti-  
9 tution, if the total amount of scholarship loans made to students to  
10 attend that institution exceeds \$100,000 and the default rate on those  
11 loans exceeds 150 percent of the program default rate [BY MORE THAN  
12 150 PERCENT] as defined by regulation.

13 \* Sec. 19. AS 15.13.020(d) is repealed and reenacted to read:

14 (d) Members of the commission serve staggered terms of five  
15 years, or until a successor is appointed and qualifies. The terms of  
16 no two members who are members of the same political party may expire  
17 in consecutive years. A member may not serve more than one term.  
18 However, a person appointed to fill the unexpired term of a predeces-  
19 sor may be appointed to a successive full five-year term.

20 \* Sec. 20. AS 15.25.040(a) is amended to read:

21 (a) The declaration is filed by either

22 (1) the actual physical delivery of the declaration in  
23 person or by mail at or before 5:00 p.m., prevailing time, June 1 of  
24 the year in which a general election is held for the office, or

25 (2) the actual physical delivery by telegram of a copy in  
26 substance of the statements made in paragraphs (1) - (5) of the decla-  
27 ration as required by AS 15.25.030 at or before 5:00 p.m., prevailing  
28 time, June 1 of the year in which a general election is held for the  
29 office and also the actual physical delivery of the declaration

1 containing paragraphs (1) - (16) [(1) - (15)] as required by  
2 AS 15.25.030 by registered mail which is received not more than 15  
3 days after that time.

4 \* Sec. 21. AS 24.60.030(c) is amended to read:

5 (c) Conflicts of interest are prohibited but there is not a  
6 conflict of interest if, as to a specific matter, there is no substan-  
7 tial impropriety or appearance of impropriety because

8 (1) the person's interest is relatively insignificant; or

9 (2) the person's authority is relatively far removed from  
10 any official action that could reasonably be affected by the potential  
11 conflict of interest, provided that no attempt has been made to remove  
12 the appearance of impropriety by delegating responsibility for offi-  
13 cial action.

14 \* Sec. 22. AS 28.10.441(8) is amended to read:

15 (8) special permit for vehicle used for transport of dis-  
16 abled or handicapped person issued under AS 28.10.495 [AS PROVIDED IN  
17 AS 28.10.215] ..... none.

18 \* Sec. 23. AS 39.20.180 is amended to read:

19 Sec. 39.20.180. TRANSPORTATION AND PER DIEM EXPENSES FOR MEMBERS  
20 OF BOARDS, COMMISSIONS, ETC. Except as otherwise provided by law,  
21 [FROM AND AFTER MARCH 27, 1962,] the provisions in this section re-  
22 lating to per diem and transportation govern exclusively [AND SUPER-  
23 SEDE ALL OTHER PROVISIONS OF LAW] with respect to a member of a state  
24 board, commission, committee, judicial council, or other similar body  
25 of persons of the state organized or established under the authority  
26 of law, but excluding any other state employee other than a legis-  
27 lator, who is otherwise entitled by law to receive from the state  
28 payments for expenses of transportation, and for reimbursement or for  
29 per diem in lieu of reimbursement for other expenses incident to

1 duties as such member:

2 (1) for [FOR] transportation, the member is entitled either  
3 to the use of state transportation requests, or to be reimbursed for  
4 expenses of transportation to the same extent, in the same manner, and  
5 under the same conditions as provided for state officials and employ-  
6 ees by the provisions of AS 39.20.110 - 39.20.170; [.]

7 (2) for [FOR] reimbursement for other expenses, the member  
8 is entitled to a per diem allowance prescribed by the commissioner of  
9 administration under the regulatory authority set out in AS 39.20.160  
10 for each day or portion of a day spent in actual meeting or on au-  
11 thorized official business incident to duties as a member.

12 \* Sec. 24. AS 44.21.160(f) is amended to read:

13 (f) The department [DIVISION OF DATA PROCESSING] shall provide  
14 [COORDINATE WITH THE DIVISION OF TELECOMMUNICATIONS IN PROVIDING] for  
15 the effective transfer of information by telecommunications through  
16 the establishment of compatible systems and common standards.

17 \* Sec. 25. AS 44.81.270(a) is amended to read:

18 (a) At the direction of the Legislative Budget and Audit Commit-  
19 tee under AS 24.20.271, the [THE] legislative auditor may conduct an  
20 audit of [CAUSE] the bank [TO BE AUDITED IN THE MANNER AND UNDER THE  
21 CONDITIONS PRESCRIBED BY AS 24.20.271 FOR AUDITS PERFORMED BY THE  
22 LEGISLATIVE AUDIT DIVISION]. The legislative audit division has free  
23 access to all books and papers of the bank that relate to its business  
24 and books and papers kept by a director, officer, or employee relating  
25 to or upon which a record of its business is kept, and may summon  
26 witnesses and administer oaths or affirmations in the examination of  
27 the directors, officers, or employees of the bank or any other person  
28 in relation to its affairs, transactions, and conditions, and may  
29 require and compel the production of records, books, papers,

1 contracts, or other documents by court order if not voluntarily  
2 produced.

3 \* Sec. 26. AS 44.81.270(b) is amended to read:

4 (b) The bank shall be audited annually by independent outside  
5 auditors. The legislative auditor may confer with the outside audi-  
6 tors and review the workpapers of the audit. [AT THE DIRECTION OF THE  
7 LEGISLATIVE BUDGET AND AUDIT COMMITTEE UNDER AS 24.20.271, THE LEGIS-  
8 LATIVE AUDITOR MAY CONDUCT AN AUDIT OF THE BANK.]

9 \* Sec. 27. AS 44.85.270(i) is amended to read:

10 (i) All references to the "reserve fund" in this section include  
11 special accounts within the reserve fund which may be created by the  
12 authority to secure the payment of particular bonds [, INCLUDING,  
13 WITHOUT LIMITATION, BONDS ISSUED BY THE CAPITAL CITY ESTABLISHED UNDER  
14 AS 29.14.010]. The commissioner of revenue may lend surplus money in  
15 the general fund to the authority for deposit to any account in the  
16 reserve fund in an amount equal to the required debt service reserve.  
17 The loans shall be made on such terms and conditions as may be agreed  
18 upon by the commissioner of revenue and the authority, including,  
19 without limitation, terms and conditions providing that the loans need  
20 not be repaid until the obligations of the corporation secured and to  
21 be secured by the account in the reserve fund are no longer outstand-  
22 ing.

23 \* Sec. 28. AS 08.40.080; AS 15.05.016; AS 15.15.213; AS 19.10.220;  
24 AS 19.25.110, 19.25.120; AS 44.33.020(11); and AS 44.81.010(c) are re-  
25 pealed.

26 \* Sec. 29. Sections 13 and 14 of this Act take effect July 1, 1988.

27 \* Sec. 30. Except for secs. 13 and 14, this Act takes effect immediate-  
28 ly under AS 01.10.070(c).