

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 148 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH 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 04.16.051(b) is amended to read:

11 (b) This section does not prohibit the furnishing or delivery of
12 an alcoholic beverage

13 (1) by a parent to the parent's child, by a guardian to the
14 guardian's ward, or by a person to the legal spouse of that person if
15 the furnishing or delivery occurs off licensed premises; or

16 (2) by a licensed physician or nurse to a patient in the
17 course of administering medical treatment.

18 * Sec. 2. AS 05.05.030(c) is amended to read:

19 (c) Each member of the commission [COMMISSIONER] shall attend
20 and supervise all boxing and wrestling events in the member's [COMMIS-
21 SIONER'S] area unless an official inspector attends the event under
22 AS 05.10.110. A member may attend [, AND] other athletic events in
23 the member's [THAT] area that [WHICH] the member [COMMISSIONER] con-
24 siders necessary. A member [AND] may provide for the attendance of a
25 physician whose fees shall be paid for by the promoter or manager of
26 the event [PROGRAM].

27 * Sec. 3. AS 05.05.040 is amended to read:

28 Sec. 05.05.040. MEETINGS AND COMPENSATION OF ATHLETIC COMMIS-
29 SION. The commission may meet at least once a year at the call of the

1 | governor. When called, the members of the commission may, at the
2 | election of the governor, receive travel expenses incurred in carrying
3 | out the purposes of this chapter. A member [THE COMMISSIONERS] may
4 | receive the per diem allowance for time spent at meetings allowed by
5 | law or by executive order.

6 | * Sec. 4. AS 08.84.030(a) is amended to read:

7 | (a) To be eligible for licensure by the board as a physical
8 | therapist or physical therapy assistant, an applicant, unless a gradu-
9 | ate of a foreign school of physical therapy located outside the United
10 | States, shall

11 | (1) [REPEALED

12 | (2)] have graduated from a school of physical therapy
13 | approved by the Council on Medical Education and Hospitals of the
14 | American Medical Association, or the American Physical Therapy Associ-
15 | ation;

16 | (2) [(3)] pass to the satisfaction of the board an examina-
17 | tion prepared by [THE PROFESSIONAL EXAMINATION SERVICE ASSOCIATION OR
18 | BY] a national testing service approved by the board to determine the
19 | applicant's fitness for practice as a physical therapist or physical
20 | therapy assistant, or be entitled to licensure without examination as
21 | provided in AS 08.84.060;

22 | (3) [(4)] meet qualifications for licensure established in
23 | regulations adopted by the board under AS 08.84.010(b)(8).

24 | * Sec. 5. AS 09.10.050 is amended to read:

25 | Sec. 09.10.050. ACTIONS TO BE BROUGHT IN SIX YEARS. A [NO]
26 | person may not bring an action (1) upon a contract or liability,
27 | express or implied, excepting those mentioned in AS 09.10.040 [OR
28 | 09.10.055]; (2) for waste or trespass upon real property; or (3) for
29 | taking, detaining, or injuring personal property, including an action

1 for its specific recovery [, EXCEPT THOSE MENTIONED IN AS 09.10.055];
2 unless commenced within six years.

3 * Sec. 6. AS 09.20.040 is amended to read:

4 Sec. 09.20.040. COMPLIANCE WITH STATUTE. The selection of
5 jurors shall be made in substantial compliance with AS 09.20.040 -
6 09.20.090 [THE FOLLOWING PROVISIONS]. A failure in substantial com-
7 pliance which prejudices the rights of a party is reversible error.

8 * Sec. 7. AS 09.30.170 is amended to read:

9 Sec. 09.30.170. DEFINITIONS. In AS 09.30.100 - 09.30.180

10 (1) "foreign state" means a governmental unit other than
11 the United States, or a state, district, commonwealth, territory
12 including trust territory, or insular possession thereof [, OR THE
13 PANAMA CANAL ZONE, THE TRUST TERRITORY OF THE PACIFIC ISLAND, OR THE
14 RYUKYU ISLANDS];

15 (2) "foreign judgment" means a judgment of a foreign state
16 granting or denying recovery of a sum of money other than a judgment
17 for taxes, a fine or other penalty, or a judgment for support in
18 matrimonial or family matters.

19 * Sec. 8. AS 10.06.343 is amended to read:

20 Sec. 10.06.343. STOCK RIGHTS AND OPTIONS. Subject to a pro-
21 vision in its articles, a corporation may create and issue, whether or
22 not in connection with the issuance and sale of any of its shares or
23 other securities, rights, or options entitling the holders of the
24 rights or options [SHARES] to purchase from the corporation shares of
25 any class or classes. These rights or options shall be evidenced in
26 the manner the board approves and, subject to the provisions of the
27 articles, shall set out the terms upon which, the time within which,
28 and the price at which the shares may be purchased from the corpo-
29 ration upon the exercise of the right or option. If the rights or

1 options are to be issued to directors, officers, or employees of the
2 corporation or of a subsidiary of the corporation and not to the
3 shareholders generally, their issuance shall be authorized by the
4 approval of the outstanding shares or shall be consistent with a plan
5 so approved or ratified. In the absence of fraud in the transaction,
6 the judgment of the board as to the adequacy of the consideration
7 received for the rights or options is conclusive.

8 * Sec. 9. AS 10.06.833 is amended to read:

9 Sec. 10.06.833. FEES AND PENALTIES PAYABLE ON WITHDRAWAL OF
10 FOREIGN CORPORATION. A registered foreign corporation may withdraw
11 from this state upon payment of all biennial corporation taxes and
12 penalties due at the time of desired withdrawal and by filing with the
13 department an application for a certificate of withdrawal signed by
14 its proper officers and under its corporate seal. The fee for filing
15 the application [CERTIFICATE] with the commissioner shall be estab-
16 lished by the department by regulation.

17 * Sec. 10. AS 10.06.870 is amended to read:

18 Sec. 10.06.870. IDENTIFICATION CODE. The commissioner [OF
19 COMMERCE AND ECONOMIC DEVELOPMENT AND THE COMMISSIONER OF REVENUE]
20 shall [JOINTLY] establish and adopt a coded list of business activi-
21 ties and shall make the list available to the public.

22 * Sec. 11. AS 10.15.255 is amended to read:

23 Sec. 10.15.255. TERMINATION OF RECORDED CONTRACT. When a
24 contract recorded under AS 10.15.230 - 10.15.260 has been terminated
25 in any manner, the cooperative shall upon demand, give a statement of
26 termination to the member party to the contract, who may record the
27 statement in the office of the recorder where the contract was origi-
28 nally recorded. The recorder shall stamp "expired" after the name of
29 the member in the alphabetical record. The fee for the recording and

1 stamping shall be established by the department by regulation [SUBJECT
2 TO AS 10.05.773].

3 * Sec. 12. AS 10.15.260 is amended to read:

4 Sec. 10.15.260. RECORDING OF LIST OF TERMINATED CONTRACTS. A
5 cooperative may record in the office of the recorder where the con-
6 tract was originally recorded a sworn list of the names of all persons
7 whose contracts have been terminated in a manner other than by expira-
8 tion of their term. The recorder shall stamp "expired" after the name
9 of each of those persons in the alphabetical record. The fee for the
10 recording and stamping shall be established by the department by
11 regulation [SUBJECT TO AS 10.05.773].

12 * Sec. 13. AS 10.15.325 is amended to read:

13 Sec. 10.15.325. FORM OF BIENNIAL REPORT; DELINQUENT REPORTS.
14 The biennial report shall be made on forms furnished by the depart-
15 ment. The information contained in the biennial report shall be given
16 as of June 30 of the reporting year. [THE FIRST BIENNIAL REPORT FOR
17 CORPORATIONS REQUIRED TO FILE IN ODD-NUMBERED YEARS MUST BE FILED
18 BEFORE JULY 2, 1981. THE FIRST BIENNIAL REPORT FOR CORPORATIONS
19 REQUIRED TO FILE IN EVEN-NUMBERED YEARS MUST BE FILED BEFORE JULY 2,
20 1982.] The biennial report is delinquent if not filed before August 1
21 of each odd or even year as provided in this section. A corporation
22 that is delinquent is [DELINQUENT RETURNS ARE] subject to involuntary
23 dissolution under [THE PENALTY PRESCRIBED IN] AS 10.15.505.

24 * Sec. 14. AS 10.15.535 is amended to read:

25 Sec. 10.15.535. DETERMINATION OF LICENSE FEE FOR COOPERATIVE
26 AUTHORIZED TO ISSUE CAPITAL STOCK. The license fee of each coopera-
27 tive authorized by its articles to issue capital stock shall be estab-
28 lished by the department by regulation [SUBJECT TO AS 10.05.773]. The
29 license fee shall be based on the amount of authorized capital stock.

1 * Sec. 15. AS 10.15.545 is amended to read:

2 Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE WITHOUT CAPITAL
3 STOCK. The license fee of each cooperative having no authorized
4 shares of capital stock shall be established by the department by
5 regulation [SUBJECT TO AS 10.05.773].

6 * Sec. 16. AS 10.15.555 is amended to read:

7 Sec. 10.15.555. MISCELLANEOUS FEES AND CHARGES. (a) The de-
8 partment shall establish by regulation [SUBJECT TO AS 10.05.773] and
9 charge and collect from a cooperative fees for filing

10 (1) articles of incorporation or articles of consolidation
11 for a new cooperative;

12 (2) articles of amendment, restated articles, or articles
13 of merger, and, if the articles provide for an increase of the amount
14 of authorized capital stock of the cooperative, the filing cooperative
15 shall also pay the proportionate part of the annual license fee for
16 the succeeding fraction of the fiscal year, payable by a cooperative
17 whose authorized shares equal the newly increased authorized shares of
18 the filing cooperative, less the annual license fee already paid for
19 the succeeding fraction of the fiscal year by the filing cooperative;
20 but filing articles decreasing the authorized shares does not reduce
21 the annual license fee of the filing cooperative until the beginning
22 of the fiscal year following that in which the articles were filed;

23 (3) statement of intent to dissolve;

24 (4) statement of revocation of voluntary dissolution pro-
25 ceedings;

26 (5) articles of dissolution;

27 (6) all other statements.

28 (b) The department may by regulation charge each cooperative
29 corporation subject to this chapter a fixed fee in place of charging

1 cooperative corporations the various fees specified in this chapter,
2 with the exception of AS 10.15.535, (a)(1) of this section, and for
3 routine administrative services rendered to the cooperative corpora-
4 tion by the department. [AN INCREASE IN THE AMOUNT OF A FIXED FEE
5 CHARGED UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

6 * Sec. 17. AS 10.20.530 is amended to read:

7 Sec. 10.20.530. SERVICE ON COMMISSIONER. When a foreign corpo-
8 ration authorized to transact business in the state, or not authorized
9 to transact business in the state but doing so, fails to appoint or
10 maintain a registered agent in the state, or when a registered agent
11 cannot with reasonable diligence be found at the registered office, or
12 when the certificate of authority of a foreign corporation is sus-
13 pended or revoked, the commissioner is an agent upon whom process,
14 notice, or demand may be served. Service on the commissioner shall be
15 made by delivering to and leaving with the commissioner, or a designee
16 in the corporation division of the department, duplicate copies of the
17 process, notice or demand, accompanied by a fee established by the
18 department by regulation [SUBJECT TO AS 10.05.773]. The commissioner
19 shall immediately have one copy forwarded by registered or certified
20 mail, addressed to the corporation at its principal office in the
21 state or country under whose laws it is incorporated. Service on the
22 commissioner is returnable in not less than 30 days.

23 * Sec. 18. AS 10.20.635 is amended to read:

24 Sec. 10.20.635. FEES FOR FILING DOCUMENTS AND ISSUING CERTIFI-
25 CATES. (a) The commissioner shall establish by regulation and [SUB-
26 JECT TO AS 10.05.773,] charge and collect fees for filing

27 (1) [FILING] articles of incorporation and issuing a certi-
28 ficate of incorporation;

29 (2) [FILING] articles of amendment and issuing a

1 certificate of amendment;

2 (3) [FILING] restated articles of incorporation and issuing
3 a restated certificate of incorporation;

4 (4) [FILING] articles of merger or consolidation and issu-
5 ing a certificate of merger or consolidation;

6 (5) [FILING] a statement of change of address of registered
7 office or change of registered agent, or both;

8 (6) [FILING] articles of dissolution;

9 (7) [FILING] an application of a foreign corporation for a
10 certificate of authority to conduct affairs in this state and issuing
11 a certificate of authority;

12 (8) [FILING] an application of a foreign corporation for an
13 amended certificate of authority to conduct affairs in this state and
14 issuing an amended certificate of authority;

15 (9) [FILING] a copy of an amendment to the articles of
16 incorporation of a foreign corporation holding a certificate of au-
17 thority to conduct affairs in this state;

18 (10) [FILING] a copy of articles of merger of a foreign
19 corporation holding a certificate of authority to conduct affairs in
20 this state;

21 (11) [FILING] an application for withdrawal of a foreign
22 corporation and issuing a certificate of withdrawal;

23 (12) [FILING] any other statement or report, including a
24 biennial report, of a domestic or foreign corporation.

25 (b) The department may by regulation charge each corporation
26 subject to this chapter a fixed fee in place of the various fees
27 specified in this chapter, with the exception of (a)(1) of this sec-
28 tion, and for routine administrative services rendered to the corpo-
29 ration by the department. [AN INCREASE IN THE FIXED FEE CHARGED UNDER

1 THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

2 * Sec. 19. AS 10.20.640 is amended to read:

3 Sec. 10.20.640. FEE FOR CERTIFIED COPIES OF INSTRUMENTS. The
4 fee for furnishing a certified copy of any instrument shall be estab-
5 lished by the department by regulation [SUBJECT TO AS 10.05.773].

6 * Sec. 20. AS 10.25.530(a) is amended to read:

7 (a) The commissioner shall establish by regulation and [SUBJECT
8 TO AS 10.05.773,] charge and collect [FILING] fees for

- 9 (1) filing articles of incorporation;
10 (2) filing articles of amendment;
11 (3) filing articles of consolidation or merger;
12 (4) filing articles of conversion;
13 (5) filing certificate of election to dissolve;
14 (6) filing articles of dissolution;
15 (7) filing certificate of change of principal office and
16 designation or change of registered office and registered agent; and
17 (8) acting as agent for service of process.

18 * Sec. 21. AS 10.25.530(b) is amended to read:

19 (b) The department may by regulation charge each cooperative
20 subject to this chapter a fixed fee in place of the various fees
21 specified in this chapter, with the exception of (a)(1) of this sec-
22 tion, and for the routine administrative services rendered to the
23 corporation by the department. [AN INCREASE IN THE FIXED FEE CHARGED
24 UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

25 * Sec. 22. AS 10.35.060 is amended to read:

26 Sec. 10.35.060. FEE FOR AND DURATION OF REGISTERED NAME. The
27 fee for the initial registration of a business name shall be estab-
28 lished by the department by regulation [SUBJECT TO AS 10.05.773]. The
29 year in which the registration becomes effective is considered a full

1 year of registration and the registration is effective until the close
2 of the fifth calendar year beginning with the year of initial regis-
3 tration.

4 * Sec. 23. AS 10.35.070 is amended to read:

5 Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A registered busi-
6 ness name may be renewed every five years if an application for re-
7 newal is filed. An application for renewal must set out the facts
8 required in an original application for registration and be accom-
9 panied by a renewal fee to be established by the department by regu-
10 lation [SUBJECT TO AS 10.05.773]. An application for renewal may be
11 filed between October 1 and December 31 of any year. The renewal of
12 the registration extends the registration for the following five
13 calendar years.

14 * Sec. 24. AS 10.40.140(a) is amended to read:

15 (a) Any document required to be filed with the commissioner
16 under this chapter shall be accompanied by a fee to be established by
17 the department by regulation [SUBJECT TO AS 10.05.773].

18 * Sec. 25. AS 11.41.432 is amended to read:

19 Sec. 11.41.432. DEFENSES [DEFENSE]. (a) It is a defense to a
20 crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.-
21 420(a)(3), or 11.41.425 that the offender is

22 (1) mentally incapable; or

23 (2) married to the person and neither party has filed with
24 the court for a separation, divorce, or dissolution of the marriage.

25 (b) Except as provided in (a) of this section, in a prosecution
26 under AS 11.41.410 or 11.41.420, it is not a defense that the victim
27 was, at the time of the alleged offense, the legal spouse of the
28 defendant.

29 * Sec. 26. AS 11.41.470(2) is amended to read:

1 (2) "mentally incapable" means suffering [A PERSON WHO
2 SUFFERS] from a mental disease or defect that renders the person
3 incapable of understanding the nature of consequences of the person's
4 conduct, including the potential for harm to that person;

5 * Sec. 27. AS 12.36.050(a) is amended to read:

6 (a) A claimant seeking remission of [, OR REMITTANCE OF THE
7 VALUE OF,] the claimant's interest in a weapon ordered forfeited under
8 AS 12.55.015(a)(9) shall prove to the court by a preponderance of evi-
9 dence that the claimant

10 (1) has a valid interest in the weapon, acquired in good
11 faith;

12 (2) did not knowingly participate in the commission of the
13 crime in which the weapon was used; and

14 (3) did not know or have reasonable cause to believe that
15 the weapon was used or would be used to commit a crime.

16 * Sec. 28. AS 14.03.085 is amended to read:

17 Sec. 14.03.085. PROCUREMENT PREFERENCE FOR RECYCLED ALASKA
18 PRODUCTS. A school district shall comply with AS 29.71.050, except
19 that in AS 29.71.050(b), "AS 29.71.040" is read as "AS 36.15.050." and
20 in AS 29.71.050(a) - (c) and (e) [AS 29.71.050(a) - (e) and (g)],
21 "municipal" and "municipality" are read as "school district." In this
22 section, "school district" does not include regional educational
23 attendance areas.

24 * Sec. 29. AS 14.25.220(20) is amended to read:

25 (20) "member contribution account" means the total maintain-
26 ed by the system of the member's mandatory contributions, indebtedness
27 principal and interest payments [CONTRIBUTIONS], interest credited to
28 each of those accounts, and adjustments to the account in accordance
29 with AS 14.25.173 [AS 14.25.170];

1 * Sec. 30. AS 15.13.040(d) is amended to read:

2 (d) Every individual, person or group making a contribution or
3 expenditure shall make a full report, upon a form prescribed by the
4 commission, of the following contributions or expenditures:

5 (1) any contribution of cash, goods or services valued at
6 more than \$250 [\$100] a year to any group or candidate; or

7 (2) any expenditure whatsoever for advertising in newspa-
8 pers, on radio or on television; or, for the publication, distribution
9 or circulation of brochures, flyers, or other campaign material for
10 any candidate or ballot proposition or question.

11 * Sec. 31. AS 15.25.030(a)(6) is amended to read:

12 (6) the full residence [RESIDENT] address of the candidate;

13 * Sec. 32. AS 16.43.210(a) is amended to read:

14 (a) Pending the establishment of the maximum number of entry
15 permits under AS 16.43.240 and the issuance of entry permits under AS
16 16.43.270, the commission shall issue interim-use permits under regu-
17 lations adopted by the commission for each fishery, to all applicants
18 who can establish their present ability to participate actively in the
19 fishery for which they are making application [, EXCEPT AS PROVIDED
20 UNDER (e) OF THIS SECTION].

21 * Sec. 33. AS 21.84.590 is amended to read:

22 Sec. 21.84.590. OTHER PROVISIONS APPLICABLE. In addition to the
23 provisions contained in this chapter, the following [OTHER CHAPTERS
24 AND] provisions of this title [SHALL] apply to fraternal benefit
25 societies [,] to the extent applicable and not in conflict with the
26 express provisions of this chapter and the reasonable implications of
27 this chapter [THEREOF, AS FOLLOWS]:

28 (1) AS 21.03

29 (2) AS 21.06

1 (3) AS 21.09.050 and 21.09.100

2 (4) AS 21.33 [AS 21.33.010]

3 (5) AS 21.36

4 (6) AS 21.42.290 and 21.42.355

5 (7) AS 21.69.370 and 21.69.640

6 (8) AS 21.78

7 (9) AS 21.89.060.

8 * Sec. 34. AS 22.15.210(b) is amended to read:

9 (b) A magistrate, while holding office, may not hold office in a
10 political party. A magistrate may hold any other office or position
11 of profit under the United States, the state or its political subdivi-
12 sions, or engage in the conduct of any profession or business that
13 [WHICH] does not interfere with the performance of the judicial duties
14 of the magistrate or require that the magistrate is repeatedly dis-
15 qualified, on the magistrate's own motion, [DISQUALIFY HIMSELF OR
16 HERSELF] from judicial service because of a conflict of interest
17 caused thereby.

18 * Sec. 35. AS 22.20.020(c) is amended to read:

19 (c) If a judicial officer is disqualified on the officer's own
20 motion [DISQUALIFIES HIMSELF OR HERSELF] or consents to disqualifica-
21 tion, the presiding judge of the district shall immediately transfer
22 the action to another judge of that district to which the objections
23 of the parties do not apply or are least applicable and if there is no
24 such judge, the chief justice of the supreme court shall assign a
25 judge for the hearing or trial of the action. If a judicial officer
26 denies disqualification the question shall be heard and determined by
27 another judge assigned for the purpose by the presiding judge of the
28 next higher level of courts or, if none, by the other members of the
29 supreme court. The hearing may be ex parte and without notice to the

1 parties or judge.

2 * Sec. 36. AS 24.08.330(a) is amended to read:

3 (a) The Department of Education is responsible for making offi-
4 cial distribution of the Alaska Statutes to state executive branch
5 agencies. The administrative director of the court system is respon-
6 sible for distribution to the court system. Distribution shall be
7 made on the basis of written lists submitted by the department and the
8 court system to the Legislative Affairs Agency within 90 days after
9 the last day of each regular session of the legislature [REQUESTS AND
10 JUSTIFICATIONS SUBMITTED BY THE EXECUTIVE OFFICER OF EACH AGENCY TO
11 THE LEGISLATIVE AFFAIRS AGENCY AND APPROVED BY THE EXECUTIVE DIRECTOR
12 OF THE LEGISLATIVE AFFAIRS AGENCY]. A legislator is entitled to
13 receive one set of the statutes for the member's personal use, and
14 this entitlement is restricted to the one set issued during a member's
15 entire legislative service. The commissioner of education may deposit
16 one set of the statutes in each free public library within the state.
17 The right of sale to persons and organizations remains exclusively
18 with the publisher.

19 * Sec. 37. AS 25.23.040(a) is amended to read:

20 (a) Unless consent is not required under AS 25.23.050, a petition
21 to adopt a minor may be granted only if written consent to a particu-
22 lar adoption has been executed by

23 (1) the mother of the minor;

24 (2) the father of the minor, if the father was married to
25 the mother at the time the minor was conceived or at any time after
26 conception, the minor is the father's child by adoption, or the father
27 has otherwise legitimated the minor under the laws of the state;

28 (3) any person lawfully entitled to custody of the minor or
29 empowered to consent;

1 (4) the court having jurisdiction to determine custody of
2 the minor, if the legal guardian or custodian of the person of the
3 minor is not empowered to consent to the adoption;

4 (5) the minor, if [MORE THAN] 10 years of age or older,
5 unless the court in the best interest of the minor dispenses with the
6 minor's consent; and

7 (6) the spouse of the minor to be adopted.

8 * Sec. 38. AS 33.32.015(b)(5) is amended to read:

9 (5) subject to the provisions of AS 36.30 (State Procure-
10 ment Code) [AS 37.05], enter into joint cooperative ventures with
11 private industry for the establishment and operation of "Free Venture"
12 industries under AS 33.32.017, if the Correctional Industries Commis-
13 sion determines at the time of inception that the "Free Venture"
14 industry will not compete with an existing private industry or labor
15 force in the state.

16 * Sec. 39. AS 37.14.210 is amended to read:

17 Sec. 37.14.210. POWERS AND DUTIES OF THE COMMISSIONER OF REVE-
18 NUE. The commissioner of revenue is the treasurer of the fund and has
19 the power and duty to:

20 (1) act as official custodian of the cash and investments
21 belonging to the fund by securing adequate and safe custodial facil-
22 ities;

23 (2) receive all items of cash and investments belonging to
24 the fund;

25 (3) collect the principal and income from investments owned
26 or acquired by the fund and deposit the amounts in separate principal
27 and income accounts for the fund;

28 (4) invest and reinvest the assets of the fund as provided
29 in this section and as provided for the investment of [SURPLUS

1 PENSION] funds under AS 14.25.180(c) and AS 37.14.170 [FORMER AS 39.-
2 35.110(a), (c), (e), (f), (h) AND (i)];

3 (5) exercise the powers of an owner with respect to the
4 assets of the fund;

5 (6) maintain accounting records of the fund in accordance
6 with investment accounting principles and with distinction between the
7 principal and income accounts of the fund;

8 (7) engage an independent firm of certified public accoun-
9 tants to annually audit the financial condition of the fund's invest-
10 ments and investment transactions;

11 (8) enter into and enforce contracts or agreements
12 considered necessary for the investment purposes of the fund;

13 (9) report to the board the condition and investment perfor-
14 mance of the fund;

15 (10) do all acts, whether or not expressly authorized, that
16 the commissioner of revenue considers necessary or proper in adminis-
17 tering the assets of the fund.

18 * Sec. 40. AS 37.15.300 is amended to read:

19 Sec. 37.15.300. BORROWING IN ANTICIPATION OF SALE OF BONDS
20 PERMITTED. When the state bond committee considers it in the best
21 interests of the state, it may borrow money in anticipation of the
22 sale of general obligation and revenue bonds if money to be derived
23 from the sale of the bonds has been appropriated by the legislature
24 and

25 (1) in the case of revenue bonds, the bonds to be sold have
26 been authorized by law; or

27 (2) in the case of [(1) THE] general obligation bonds, the
28 bonds to be sold have been

29 (A) authorized by law and ratified by a majority vote

1 of the qualified voters of the state who vote on the question; or
2 (B) [(2) THE GENERAL OBLIGATION BONDS TO BE SOLD HAVE
3 BEEN] authorized by law for the purpose of meeting natural disas-
4 ters, repelling invasion, suppressing insurrection, or defending
5 the state in war [; OR

6 (3) THE REVENUE BONDS TO BE SOLD HAVE BEEN AUTHORIZED BY
7 LAW; AND

8 (4) MONEY TO BE DERIVED FROM THE SALE OF GENERAL OBLIGATION
9 AND REVENUE BONDS HAS BEEN APPROPRIATED BY THE LEGISLATURE].

10 * Sec. 41. AS 38.04.910(4) is amended to read:

11 (4) "long-term lease" means a lease for a term of more than
12 10 years [OR MORE];

13 * Sec. 42. AS 38.05.965(21) is amended to read:

14 (21) "tideland" means land that [WHICH] is periodically
15 covered by tidal water between the elevation of mean high water and
16 mean low water [TIDES];

17 * Sec. 43. AS 43.05.120 is amended to read:

18 Sec. 43.05.120. CONCEALING PROPERTY OR EVIDENCE. A person,
19 upon conviction, is punishable by a fine of not more than \$5,000 or by
20 imprisonment for not more than one year, or by both, if, in connection
21 with a compromise under AS 43.05.070 or offer of a compromise or in
22 connection with a closing agreement under AS 43.05.060 [AS 43.05.010 -
23 43.05.130] or offer to enter a closing agreement, the person wilfully

24 (1) conceals from an officer or employee of the state prop-
25 erty belonging to the estate of the taxpayer or other person liable
26 for the tax; or

27 (2) receives, destroys, mutilates, or falsifies a book,
28 document, or record or makes a false statement under oath relating to
29 the estate or the financial condition of the taxpayer or to the person

1 liable for the tax.

2 * Sec. 44. AS 43.55.012(b) is amended to read:

3 (b) The cents-per-barrel amount set out in AS 43.55.011(c) [AS
4 ADJUSTED BY (a) OF THIS SECTION] applies to oil of 27 degrees API
5 gravity. For each degree of API gravity less than 27 degrees the
6 cents-per-barrel amount shall be reduced by \$.005 and for each degree
7 of API gravity greater than 27 degrees the cents-per-barrel amount
8 shall be increased by \$.005 except that oil above 40 degrees API
9 gravity shall be taxed as 40 degree oil. In applying the gravity
10 adjustment under this subsection, fractional degrees of API gravity
11 shall be disregarded.

12 * Sec. 45. AS 43.55.020(a) is amended to read:

13 (a) The [GROSS] production tax on oil or gas shall be paid
14 monthly. The tax is due on the 20th day of each calendar month on oil
15 or gas produced from each lease or property during the preceding
16 month. If the tax is not paid before the end of the month in which it
17 becomes due, the tax becomes delinquent.

18 * Sec. 46. AS 43.55.020(b) is amended to read:

19 (b) The [GROSS] production tax on oil or gas shall be paid by or
20 on behalf of the producer.

21 * Sec. 47. AS 44.19.257(a) is amended to read:

22 (a) The commission is composed of the senior science advisor in
23 the governor's office who serves as chairperson and director of the
24 commission, the executive director of the Alaska Science and Tech-
25 nology Foundation established under AS 37.17, and six [EIGHT] members
26 appointed by the governor as follows:

27 (1) one member [IS TO BE APPOINTED] from individuals from
28 the academic institutions in the state with expertise in areas of
29 research relating to the state, including the physical, biological,

1 health, environmental, social, and behavioral sciences;

2 (2) one member [IS TO BE APPOINTED] from individuals who
3 are engaged in activities furthering the welfare of the human and
4 physical environment and who have expertise in areas of research
5 relating to the state, including the physical, biological, health,
6 environmental, social, and behavioral sciences;

7 (3) one member [IS TO BE APPOINTED] from state departments
8 with research needs;

9 (4) one member [IS TO BE APPOINTED] from individuals famil-
10 iar with the state and representative of the needs and interests of
11 private industry;

12 (5) one member [IS TO BE APPOINTED] from individuals with
13 experience in national and international research programs; and

14 (6) one member [IS TO BE APPOINTED] from the general public
15 [;

16 (7) THE EXECUTIVE DIRECTOR OF THE ALASKA SCIENCE AND TECH-
17 NOLOGY FOUNDATION ESTABLISHED UNDER AS 37.17; AND

18 (8) THE SENIOR SCIENCE ADVISOR IN THE GOVERNOR'S OFFICE,
19 WHO SERVES AS CHAIRPERSON AND DIRECTOR OF THE COMMISSION].

20 * Sec. 48. AS 44.21.230(c) is amended to read:

21 (c) The commission may not investigate, review, or undertake any
22 responsibility for the longevity bonus program (AS 47.45.010 - 47.-
23 45.170) or, except for activities of the office of the long term care
24 ombudsman, the Alaska Pioneers' Homes (AS 47.25.010 - 47.25.100).

25 * Sec. 49. AS 45.75.010 is amended to read:

26 Sec. 45.75.010. SYSTEMS OF WEIGHTS AND MEASURES. The system of
27 weights and measures in customary use in the United States and the
28 metric system of weights and measures are jointly recognized, and one
29 or the other of these systems shall be used for all commercial

1 purposes in the state. The definitions of basic units of weight and
2 measure, the tables of weight and measure, and weight and measure
3 equivalents, as published by the National Bureau of Standards or its
4 successor organization, the National Institute of Standards and Tech-
5 nology, govern weighing and measuring equipment and transactions in
6 the state.

7 * Sec. 50. AS 45.75.020 is amended to read:

8 Sec. 45.75.020. STATE STANDARDS OF WEIGHT AND MEASURE. The
9 weights and measures obtained by the state in conformity with them and
10 certified by the National Bureau of Standards or its successor orga-
11 nization, the National Institute of Standards and Technology, are the
12 state standards of weight and measure. The state standards shall be
13 kept in a safe and suitable place in the office or laboratory of the
14 state division of weights and measures. They may not be removed from
15 the office or laboratory except for repairs or for certification.
16 [THE STATE STANDARDS SHALL BE SUBMITTED AT LEAST ONCE IN 10 YEARS TO
17 THE NATIONAL BUREAU OF STANDARDS FOR CERTIFICATION.] The state stan-
18 dards shall be used only in verifying the office standards and for
19 scientific purposes.

20 * Sec. 51. AS 45.75.050(d) is amended to read:

21 (d) The specifications, tolerances, and regulations for commer-
22 cial weighing and measuring devices, together with amendments to them,
23 as recommended by the National Bureau of Standards or its successor
24 organization, the National Institute of Standards and Technology, and
25 published in the National Bureau of Standards or its successor orga-
26 nization, the National Institute of Standards and Technology, Handbook
27 44 and supplements to it, or in any publication revising or supersed-
28 ing Handbook 44, are the specifications, tolerances, and regulations
29 for commercial weighing and measuring devices of the state, except as

1 specifically modified, amended, or rejected by a regulation adopted by
2 the director.

3 * Sec. 52. AS 46.03.299(a) is amended to read:

4 (a) The department shall adopt [DEVELOP] regulations under the
5 Administrative Procedure Act (AS 44.62) for the identification and
6 management of hazardous waste as defined by the Environmental Protec-
7 tion Agency and hazardous waste that exhibits the characteristic of
8 toxicity, persistence, or carcinogenicity. [THE DEPARTMENT SHALL
9 ADOPT THESE REGULATIONS NOT LATER THAN JULY 1, 1986, IN ACCORDANCE
10 WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62). THESE REGULATIONS
11 SHALL TAKE EFFECT JULY 1, 1987.]

12 * Sec. 53. AS 47.10.090(a) is amended to read:

13 (a) The court shall make and keep records of all cases brought
14 before it. The court's official records may be inspected only with
15 the court's permission and only by persons having a legitimate inter-
16 est in them. All information and social records pertaining to a minor
17 and prepared by an employee of the court or by a federal, state or
18 city agency in the discharge of the employee's or agency's official
19 duty, including [TRAFFIC OFFENSES AND] driver's license action under
20 AS 28.15.185, are privileged and may not be disclosed directly or
21 indirectly to anyone without the court's permission. However, a state
22 or city law-enforcement agency shall disclose information regarding a
23 case which is needed by the person or agency charged with making a
24 preliminary investigation for the information of the court. The court
25 shall forward a record of adjudication of a violation of an offense
26 listed in AS 28.15.185(a) to the Department of Public Safety, if the
27 court imposes a license revocation under AS 28.15.185. Within 30 days
28 of the date of a minor's 18th birthday or, if the court retains juris-
29 diction of a minor past the minor's 18th birthday, within 30 days of

1 the date on which the court relinquishes jurisdiction over the minor,
2 the court shall order sealed all the court's official records, infor-
3 mation and social records pertaining to that minor, as well as records
4 of all driver's license proceedings under AS 28.15.185, criminal
5 proceedings against the minor and punishments assessed against the
6 minor except for traffic offenses. A person may not use these sealed
7 records for any purpose except that the court may order their use for
8 good cause shown or may order their use by an officer of the court in
9 making a presentencing report for the court.

10 * Sec. 54. Section 10, ch. 166, SLA 1988 is amended by adding a new
11 subsection to read:

12 (c) Notwithstanding (a) of this section, an amendment to the
13 articles of incorporation of a corporation organized under 43 U.S.C.
14 1601 - 1628 (Alaska Native Claims Settlement Act) and incorporated
15 under former AS 10.05.005 to add a provision eliminating or limiting
16 the personal liability of a director to the corporation or its stock-
17 holders for monetary damages under AS 10.06.210(1)(N) may be adopted
18 by the affirmative vote of a majority of the shares represented at the
19 regular or special meeting at which a quorum is present in person or
20 by proxy.

21 * Sec. 55. Section 11, ch. 166, SLA 1988 is amended to read:

22 Sec. 11. INDEMNIFICATION BY A CORPORATION. AS 10.06.490, as
23 enacted by sec. 1 of this Act, governs a proposed indemnification by a
24 corporation after the effective date of this Act, whether the events
25 upon which the indemnification is based occurred before or after the
26 effective date of this Act. A statement relating to indemnification
27 contained in the articles or bylaws of a corporation on the effective
28 date of this Act may limit the indemnification permitted by AS 10.06.-
29 490 if [UNLESS] the statement expressly states that indemnification is

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* Sec. 56. The revisor of statutes shall substitute "police officer" or "police officers" for "policeman" or "policemen" in AS 23.10.037, AS 23.-30.092, 23.30.220, 23.30.265, and AS 28.35.070.

* Sec. 57. The revisor of statutes shall substitute "fire fighter" or "fire fighters" for "fireman" or "firemen" in AS 18.60.395, AS 23.30.092, 23.30.220, 23.30.243, 23.30.265, AS 28.35.180, AS 39.35.160, 39.35.360, 39.35.370, 39.35.527, and 39.35.680.

* Sec. 58. AS 09.10.055; AS 10.40.130(c); AS 11.41.443; AS 14.07.-030(9); AS 16.05.632(d); AS 19.45.001(7); AS 38.05.184(c), 38.05.184(d), 38.05.184(e), 38.05.184(f), 38.05.184(g); AS 44.47.560(1), 44.47.560(2); AS 44.83.425(1), 44.83.425(4); and AS 46.03.299(e) are repealed.

* Sec. 59. Sections 8 - 12, 14 - 24, 54, and 55 of this Act take effect July 1, 1989.

* Sec. 60. Except for secs. 8 - 12, 14 - 24, 54, and 55, this Act takes effect immediately under AS 01.10.070(c).