

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR 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 08.80.110(3) is amended to read:

7 (3) be a graduate of a college of pharmacy recognized by
8 the American Association of Colleges of Pharmacy [NATIONAL ASSOCIATION
9 OF BOARDS OF PHARMACY];

10 * Sec. 5. AS 08.80.116(b) is amended to read:

11 (b) An applicant for license as a pregraduate pharmacist must
12 meet the requirements of AS 08.80.110(1) and (2) and must be enrolled
13 in a pharmacy school recognized by the American Association of Col-
14 leges of Pharmacy [NATIONAL ASSOCIATION OF BOARDS OF PHARMACY] as a
15 junior. An applicant may be on recognized vacation from the pharmacy
16 school. However, the vacation may not exceed one quarter or one
17 semester. The pregraduate internship pharmacist shall pay the
18 required fee.

19 * Sec. 6. AS 08.80.480(13) is amended to read:

20 (13) "recognized college of pharmacy" means a college,
21 school, or department of pharmacy whose entrance requirements and
22 courses of study are approved by the American Association of Colleges
23 of Pharmacy [NATIONAL ASSOCIATION OF BOARDS OF PHARMACY];

24 * Sec. 7. AS 08.84.030(a) is amended to read:

25 (a) To be eligible for licensure by the board as a physical
26 therapist or physical therapy assistant, an applicant, unless a gradu-
27 ate of a foreign school of physical therapy located outside the United
28 States, shall

29 (1) [REPEALED]

1 (2)] have graduated from a school of physical therapy
2 approved by the Council on Medical Education and Hospitals of the
3 American Medical Association, or the American Physical Therapy Associ-
4 ation;

5 (2) [(3)] pass to the satisfaction of the board an examina-
6 tion prepared by [THE PROFESSIONAL EXAMINATION SERVICE ASSOCIATION OR
7 BY] a national testing service approved by the board to determine the
8 applicant's fitness for practice as a physical therapist or physical
9 therapy assistant, or be entitled to licensure without examination as
10 provided in AS 08.84.060;

11 (3) [(4)] meet qualifications for licensure established in
12 regulations adopted by the board under AS 08.84.010(b)(8).

13 * Sec. 8. AS 09.20.040 is amended to read:

14 Sec. 09.20.040. COMPLIANCE WITH STATUTE. The selection of
15 jurors shall be made in substantial compliance with AS 09.20.040 -
16 09.20.090 [THE FOLLOWING PROVISIONS]. A failure in substantial com-
17 pliance which prejudices the rights of a party is reversible error.

18 * Sec. 9. AS 09.30.170 is amended to read:

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

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

25 (2) "foreign judgment" means a judgment of a foreign state
26 granting or denying recovery of a sum of money other than a judgment
27 for taxes, a fine or other penalty, or a judgment for support in
28 matrimonial or family matters.

29 * Sec. 10. AS 10.06.343 is amended to read:

1 Sec. 10.06.343. STOCK RIGHTS AND OPTIONS. Subject to a pro-
2 vision in its articles, a corporation may create and issue, whether or
3 not in connection with the issuance and sale of any of its shares or
4 other securities, rights, or options entitling the holders of the
5 rights or options [SHARES] to purchase from the corporation shares of
6 any class or classes. These rights or options shall be evidenced in
7 the manner the board approves and, subject to the provisions of the
8 articles, shall set out the terms upon which, the time within which,
9 and the price at which the shares may be purchased from the corpo-
10 ration upon the exercise of the right or option. If the rights or
11 options are to be issued to directors, officers, or employees of the
12 corporation or of a subsidiary of the corporation and not to the
13 shareholders generally, their issuance shall be authorized by the
14 approval of the outstanding shares or shall be consistent with a plan
15 so approved or ratified. In the absence of fraud in the transaction,
16 the judgment of the board as to the adequacy of the consideration
17 received for the rights or options is conclusive.

18 * Sec. 11. AS 10.06.833 is amended to read:

19 Sec. 10.06.833. FEES AND PENALTIES PAYABLE ON WITHDRAWAL OF
20 FOREIGN CORPORATION. A registered foreign corporation may withdraw
21 from this state upon payment of all biennial corporation taxes and
22 penalties due at the time of desired withdrawal and by filing with the
23 department an application for a certificate of withdrawal signed by
24 its proper officers and under its corporate seal. The fee for filing
25 the application [CERTIFICATE] with the commissioner shall be estab-
26 lished by the department by regulation.

27 * Sec. 12. AS 10.06.870 is amended to read:

28 Sec. 10.06.870. IDENTIFICATION CODE. The commissioner [OF
29 COMMERCE AND ECONOMIC DEVELOPMENT AND THE COMMISSIONER OF REVENUE]

1 shall [JOINTLY] establish and adopt a coded list of business activi-
2 ties and shall make the list available to the public.

3 * Sec. 13. AS 10.15.255 is amended to read:

4 Sec. 10.15.255. TERMINATION OF RECORDED CONTRACT. When a
5 contract recorded under AS 10.15.230 - 10.15.260 has been terminated
6 in any manner, the cooperative shall upon demand, give a statement of
7 termination to the member party to the contract, who may record the
8 statement in the office of the recorder where the contract was origi-
9 nally recorded. The recorder shall stamp "expired" after the name of
10 the member in the alphabetical record. The fee for the recording and
11 stamping shall be established by the department by regulation [SUBJECT
12 TO AS 10.05.773].

13 * Sec. 14. AS 10.15.260 is amended to read:

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

22 * Sec. 15. AS 10.15.325 is amended to read:

23 Sec. 10.15.325. FORM OF BIENNIAL REPORT; DELINQUENT REPORTS.
24 The biennial report shall be made on forms furnished by the depart-
25 ment. The information contained in the biennial report shall be given
26 as of June 30 of the reporting year. [THE FIRST BIENNIAL REPORT FOR
27 CORPORATIONS REQUIRED TO FILE IN ODD-NUMBERED YEARS MUST BE FILED
28 BEFORE JULY 2, 1981. THE FIRST BIENNIAL REPORT FOR CORPORATIONS
29 REQUIRED TO FILE IN EVEN-NUMBERED YEARS MUST BE FILED BEFORE JULY 2,

1 1982.] The biennial report is delinquent if not filed before August 1
2 of each odd or even year as provided in this section. A corporation
3 that is delinquent is [DELINQUENT RETURNS ARE] subject to involuntary
4 dissolution under [THE PENALTY PRESCRIBED IN] AS 10.15.505.

5 * Sec. 16. AS 10.15.535 is amended to read:

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

11 * Sec. 17. AS 10.15.545 is amended to read:

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

16 * Sec. 18. AS 10.15.555 is amended to read:

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

20 (1) articles of incorporation or articles of consolidation
21 for a new cooperative;

22 (2) articles of amendment, restated articles, or articles
23 of merger, and, if the articles provide for an increase of the amount
24 of authorized capital stock of the cooperative, the filing cooperative
25 shall also pay the proportionate part of the annual license fee for
26 the succeeding fraction of the fiscal year, payable by a cooperative
27 whose authorized shares equal the newly increased authorized shares of
28 the filing cooperative, less the annual license fee already paid for
29 the succeeding fraction of the fiscal year by the filing cooperative;

1 but filing articles decreasing the authorized shares does not reduce
2 the annual license fee of the filing cooperative until the beginning
3 of the fiscal year following that in which the articles were filed;

4 (3) statement of intent to dissolve;

5 (4) statement of revocation of voluntary dissolution pro-
6 ceedings;

7 (5) articles of dissolution;

8 (6) all other statements.

9 (b) The department may by regulation charge each cooperative
10 corporation subject to this chapter a fixed fee in place of charging
11 cooperative corporations the various fees specified in this chapter,
12 with the exception of AS 10.15.535, (a)(1) of this section, and for
13 routine administrative services rendered to the cooperative corpora-
14 tion by the department. [AN INCREASE IN THE AMOUNT OF A FIXED FEE
15 CHARGED UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

16 * Sec. 19. AS 10.20.530 is amended to read:

17 Sec. 10.20.530. SERVICE ON COMMISSIONER. When a foreign corpo-
18 ration authorized to transact business in the state, or not authorized
19 to transact business in the state but doing so, fails to appoint or
20 maintain a registered agent in the state, or when a registered agent
21 cannot with reasonable diligence be found at the registered office, or
22 when the certificate of authority of a foreign corporation is sus-
23 pended or revoked, the commissioner is an agent upon whom process,
24 notice, or demand may be served. Service on the commissioner shall be
25 made by delivering to and leaving with the commissioner, or a designee
26 in the corporation division of the department, duplicate copies of the
27 process, notice or demand, accompanied by a fee established by the
28 department by regulation [SUBJECT TO AS 10.05.773]. The commissioner
29 shall immediately have one copy forwarded by registered or certified

1 mail, addressed to the corporation at its principal office in the
2 state or country under whose laws it is incorporated. Service on the
3 commissioner is returnable in not less than 30 days.

4 * Sec. 20. AS 10.20.635 is amended to read:

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

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

10 (2) [FILING] articles of amendment and issuing a certifi-
11 cate of amendment;

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

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

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

18 (6) [FILING] articles of dissolution;

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

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

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

28 (10) [FILING] a copy of articles of merger of a foreign
29 corporation holding a certificate of authority to conduct affairs in

1 this state;

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

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

6 (b) The department may by regulation charge each corporation
7 subject to this chapter a fixed fee in place of the various fees
8 specified in this chapter, with the exception of (a)(1) of this sec-
9 tion, and for routine administrative services rendered to the corpo-
10 ration by the department. [AN INCREASE IN THE FIXED FEE CHARGED UNDER
11 THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

12 * Sec. 21. AS 10.20.640 is amended to read:

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

16 * Sec. 22. AS 10.25.530(a) is amended to read:

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

- 19 (1) filing articles of incorporation;
- 20 (2) filing articles of amendment;
- 21 (3) filing articles of consolidation or merger;
- 22 (4) filing articles of conversion;
- 23 (5) filing certificate of election to dissolve;
- 24 (6) filing articles of dissolution;
- 25 (7) filing certificate of change of principal office and
26 designation or change of registered office and registered agent; and
- 27 (8) acting as agent for service of process.

28 * Sec. 23. AS 10.25.530(b) is amended to read:

29 (b) The department may by regulation charge each cooperative

1 subject to this chapter a fixed fee in place of the various fees
2 specified in this chapter, with the exception of (a)(1) of this sec-
3 tion, and for the routine administrative services rendered to the
4 corporation by the department. [AN INCREASE IN THE FIXED FEE CHARGED
5 UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

6 * Sec. 24. AS 10.35.060 is amended to read:

7 Sec. 10.35.060. FEE FOR AND DURATION OF REGISTERED NAME. The
8 fee for the initial registration of a business name shall be estab-
9 lished by the department by regulation [SUBJECT TO AS 10.05.773]. The
10 year in which the registration becomes effective is considered a full
11 year of registration and the registration is effective until the close
12 of the fifth calendar year beginning with the year of initial regis-
13 tration.

14 * Sec. 25. AS 10.35.070 is amended to read:

15 Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A registered busi-
16 ness name may be renewed every five years if an application for re-
17 newal is filed. An application for renewal must set out the facts
18 required in an original application for registration and be accom-
19 panied by a renewal fee to be established by the department by regu-
20 lation [SUBJECT TO AS 10.05.773]. An application for renewal may be
21 filed between October 1 and December 31 of any year. The renewal of
22 the registration extends the registration for the following five
23 calendar years.

24 * Sec. 26. AS 10.40.140(a) is amended to read:

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

28 * Sec. 27. AS 11.41.432 is amended to read:

29 Sec. 11.41.432. DEFENSES [DEFENSE]. (a) It is a defense to a

1 crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.-
2 420(a)(3), or 11.41.425 that the offender is

3 (1) mentally incapable; or

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

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

10 * Sec. 28. AS 11.41.470(2) is amended to read:

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

15 * Sec. 29. AS 12.36.050(a) is amended to read:

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

20 (1) has a valid interest in the weapon, acquired in good
21 faith;

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

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

26 * Sec. 30. AS 14.03.085 is amended to read:

27 Sec. 14.03.085. PROCUREMENT PREFERENCE FOR RECYCLED ALASKA
28 PRODUCTS. A school district shall comply with AS 29.71.050, except
29 that in AS 29.71.050(b), "AS 29.71.040" is read as "AS 36.15.050,"- an

1 in AS 29.71.050(a) - (c) and (e) [AS 29.71.050(a) - (e) AND (g)],
2 "municipal" and "municipality" are read as "school district." In this
3 section, "school district" does not include regional educational
4 attendance areas.

5 * Sec. 31. AS 14.25.220(20) is amended to read:

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

11 * Sec. 32. AS 14.30.070(c) is amended to read:

12 (c) Examinations shall be made by a competent physician or,
13 within the scope of chiropractic practice, by a chiropractor, except
14 that if the services of a physician or chiropractor cannot be obtained
15 or if authorized by the commissioner of health and social services
16 examinations may be made by a nurse.

17 * Sec. 33. AS 15.13.040(d) is amended to read:

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

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

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

27 * Sec. 34. AS 15.25.030(a)(6) is amended to read:

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

29 * Sec. 35. AS 16.43.210(a) is amended to read:

1 (a) Pending the establishment of the maximum number of entry
2 permits under AS 16.43.240 and the issuance of entry permits under AS
3 16.43.270, the commission shall issue interim-use permits under regu-
4 lations adopted by the commission for each fishery, to all applicants
5 who can establish their present ability to participate actively in the
6 fishery for which they are making application [, EXCEPT AS PROVIDED
7 UNDER (e) OF THIS SECTION].

8 * Sec. 36. AS 21.84.590 is amended to read:

9 Sec. 21.84.590. OTHER PROVISIONS APPLICABLE. In addition to the
10 provisions contained in this chapter, the following [OTHER CHAPTERS
11 AND] provisions of this title [SHALL] apply to fraternal benefit
12 societies [,] to the extent applicable and not in conflict with the
13 express provisions of this chapter and the reasonable implications of
14 this chapter [THEREOF, AS FOLLOWS]:

- 15 (1) AS 21.03
- 16 (2) AS 21.06
- 17 (3) AS 21.09.050 and 21.09.100
- 18 (4) AS 21.33 [AS 21.33.010]
- 19 (5) AS 21.36
- 20 (6) AS 21.42.290 and 21.42.355
- 21 (7) AS 21.69.370 and 21.69.640
- 22 (8) AS 21.78
- 23 (9) AS 21.89.060.

24 * Sec. 37. AS 22.15.210(b) is amended to read:

25 (b) A magistrate, while holding office, may not hold office in a
26 political party. A magistrate may hold any other office or position
27 of profit under the United States, the state or its political subdivi-
28 sions, or engage in the conduct of any profession or business that
29 [WHICH] does not interfere with the performance of the judicial duties

1 of the magistrate or require that the magistrate is repeatedly dis-
2 qualified, on the magistrate's own motion, [DISQUALIFY HIMSELF OR
3 HERSELF] from judicial service because of a conflict of interest
4 caused thereby.

5 * Sec. 38. AS 22.20.020(c) is amended to read:

6 (c) If a judicial officer is disqualified on the officer's own
7 motion [DISQUALIFIES HIMSELF OR HERSELF] or consents to disqualifica-
8 tion, the presiding judge of the district shall immediately transfer
9 the action to another judge of that district to which the objections
10 of the parties do not apply or are least applicable and if there is no
11 such judge, the chief justice of the supreme court shall assign a
12 judge for the hearing or trial of the action. If a judicial officer
13 denies disqualification the question shall be heard and determined by
14 another judge assigned for the purpose by the presiding judge of the
15 next higher level of courts or, if none, by the other members of the
16 supreme court. The hearing may be ex parte and without notice to the
17 parties or judge.

18 * Sec. 39. AS 24.08.330(a) is amended to read:

19 (a) The Department of Education is responsible for making offi-
20 cial distribution of the Alaska Statutes to state executive branch
21 agencies. The administrative director of the court system is respon-
22 sible for distribution to the court system. Distribution shall be
23 made on the basis of written lists submitted by the department and the
24 court system to the Legislative Affairs Agency within 90 days after
25 the last day of each regular session of the legislature [REQUESTS AND
26 JUSTIFICATIONS SUBMITTED BY THE EXECUTIVE OFFICER OF EACH AGENCY TO
27 THE LEGISLATIVE AFFAIRS AGENCY AND APPROVED BY THE EXECUTIVE DIRECTOR
28 OF THE LEGISLATIVE AFFAIRS AGENCY]. A legislator is entitled to
29 receive one set of the statutes for the member's personal use, and

1 this entitlement is restricted to the one set issued during a member's
2 entire legislative service. The commissioner of education may deposit
3 one set of the statutes in each free public library within the state.
4 The right of sale to persons and organizations remains exclusively
5 with the publisher.

6 * Sec. 40. AS 25.23.040(a) is amended to read:

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

10 (1) the mother of the minor;

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

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

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

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

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

24 * Sec. 41. AS 33.32.015(b)(5) is amended to read:

25 (5) subject to the provisions of AS 36.30 (State Procure-
26 ment Code) [AS 37.05], enter into joint cooperative ventures with
27 private industry for the establishment and operation of "Free Venture"
28 industries under AS 33.32.017, if the Correctional Industries Commis-
29 sion determines at the time of inception that the "Free Venture"

1 industry will not compete with an existing private industry or labor
2 force in the state.

3 * Sec. 42. AS 37.14.210 is amended to read:

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

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

10 (2) receive all items of cash and investments belonging to
11 the fund;

12 (3) collect the principal and income from investments owned
13 or acquired by the fund and deposit the amounts in separate principal
14 and income accounts for the fund;

15 (4) invest and reinvest the assets of the fund as provided
16 in this section and as provided for the investment of [SURPLUS PEN-
17 SION] funds under AS 14.25.180(c) and AS 37.14.170 [FORMER AS 39.-
18 35.110(a), (c), (e), (f), (h) AND (i)];

19 (5) exercise the powers of an owner with respect to the
20 assets of the fund;

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

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

27 (8) enter into and enforce contracts or agreements con-
28 sidered necessary for the investment purposes of the fund;

29 (9) report to the board the condition and investment

1 performance of the fund;

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

5 * Sec. 43. AS 37.15.300 is amended to read:

6 Sec. 37.15.300. BORROWING IN ANTICIPATION OF SALE OF BONDS
7 PERMITTED. When the state bond committee considers it in the best
8 interests of the state, it may borrow money in anticipation of the
9 sale of general obligation and revenue bonds if money to be derived
10 from the sale of the bonds has been appropriated by the legislature
11 and

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

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

16 (A) authorized by law and ratified by a majority vote
17 of the qualified voters of the state who vote on the question; or

18 (B) [(2) THE GENERAL OBLIGATION BONDS TO BE SOLD HAVE
19 BEEN] authorized by law for the purpose of meeting natural disas-
20 ters, repelling invasion, suppressing insurrection, or defending
21 the state in war [; OR

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

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

26 * Sec. 44. AS 38.04.910(4) is amended to read:

27 (4) "long-term lease" means a lease for a term of more than
28 10 years [OR MORE];

29 * Sec. 45. AS 38.05.965(21) is amended to read:

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

4 * Sec. 46. AS 43.05.120 is amended to read:

5 Sec. 43.05.120. CONCEALING PROPERTY OR EVIDENCE. A person,
6 upon conviction, is punishable by a fine of not more than \$5,000 or by
7 imprisonment for not more than one year, or by both, if, in connection
8 with a compromise under AS 43.05.070 or offer of a compromise or in
9 connection with a closing agreement under AS 43.05.060 [AS 43.05.010 -
10 43.05.130] or offer to enter a closing agreement, the person wilfully

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

14 (2) receives, destroys, mutilates, or falsifies a book,
15 document, or record or makes a false statement under oath relating to
16 the estate or the financial condition of the taxpayer or to the person
17 liable for the tax.

18 * Sec. 47. AS 43.55.012(b) is amended to read:

19 (b) The cents-per-barrel amount set out in AS 43.55.011(c) [AS
20 ADJUSTED BY (a) OF THIS SECTION] applies to oil of 27 degrees API
21 gravity. For each degree of API gravity less than 27 degrees the
22 cents-per-barrel amount shall be reduced by \$.005 and for each degree
23 of API gravity greater than 27 degrees the cents-per-barrel amount
24 shall be increased by \$.005 except that oil above 40 degrees API
25 gravity shall be taxed as 40 degree oil. In applying the gravity
26 adjustment under this subsection, fractional degrees of API gravity
27 shall be disregarded.

28 * Sec. 48. AS 43.55.020(a) is amended to read:

29 (a) The [GROSS] production tax on oil or gas shall be paid

1 monthly. The tax is due on the 20th day of each calendar month on oil
2 or gas produced from each lease or property during the preceding
3 month. If the tax is not paid before the end of the month in which it
4 becomes due, the tax becomes delinquent.

5 * Sec. 49. AS 43.55.020(b) is amended to read:

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

8 * Sec. 50. AS 44.19.257(a) is amended to read:

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

14 (1) one member [IS TO BE APPOINTED] from individuals from
15 the academic institutions in the state with expertise in areas of
16 research relating to the state, including the physical, biological,
17 health, environmental, social, and behavioral sciences;

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

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

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

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

1 (6) one member [IS TO BE APPOINTED] from the general public
2 [;

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

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

7 * Sec. 51. AS 44.21.230(c) is amended to read:

8 (c) The commission may not investigate, review, or undertake any
9 responsibility for the longevity bonus program (AS 47.45.010 - 47.-
10 45.170) or, except for activities of the office of the long term care
11 ombudsman, the Alaska Pioneers' Homes (AS 47.25.010 - 47.25.100).

12 * Sec. 52. AS 45.75.010 is amended to read:

13 Sec. 45.75.010. SYSTEMS OF WEIGHTS AND MEASURES. The system of
14 weights and measures in customary use in the United States and the
15 metric system of weights and measures are jointly recognized, and one
16 or the other of these systems shall be used for all commercial pur-
17 poses in the state. The definitions of basic units of weight and
18 measure, the tables of weight and measure, and weight and measure
19 equivalents, as published by the National Bureau of Standards or its
20 successor organization, the National Institute of Standards and Tech-
21 nology, govern weighing and measuring equipment and transactions in
22 the state.

23 * Sec. 53. AS 45.75.020 is amended to read:

24 Sec. 45.75.020. STATE STANDARDS OF WEIGHT AND MEASURE. The
25 weights and measures obtained by the state in conformity with them and
26 certified by the National Bureau of Standards or its successor orga-
27 nization, the National Institute of Standards and Technology, are the
28 state standards of weight and measure. The state standards shall be
29 kept in a safe and suitable place in the office or laboratory of the

1 state division of weights and measures. They may not be removed from
2 the office or laboratory except for repairs or for certification.
3 [THE STATE STANDARDS SHALL BE SUBMITTED AT LEAST ONCE IN 10 YEARS TO
4 THE NATIONAL BUREAU OF STANDARDS FOR CERTIFICATION.] The state stan-
5 dards shall be used only in verifying the office standards and for
6 scientific purposes.

7 * Sec. 54. AS 45.75.050(d) is amended to read:

8 (d) The specifications, tolerances, and regulations for commer-
9 cial weighing and measuring devices, together with amendments to them,
10 as recommended by the National Bureau of Standards or its successor
11 organization, the National Institute of Standards and Technology, and
12 published in the National Bureau of Standards or its successor orga-
13 nization, the National Institute of Standards and Technology, Handbook
14 44 and supplements to it, or in any publication revising or supersed-
15 ing Handbook 44, are the specifications, tolerances, and regulations
16 for commercial weighing and measuring devices of the state, except as
17 specifically modified, amended, or rejected by a regulation adopted by
18 the director.

19 * Sec. 55. AS 46.03.299(a) is amended to read:

20 (a) The department shall adopt [DEVELOP] regulations under the
21 Administrative Procedure Act (AS 44.62) for the identification and
22 management of hazardous waste as defined by the Environmental Protec-
23 tion Agency and hazardous waste that exhibits the characteristic of
24 toxicity, persistence, or carcinogenicity. [THE DEPARTMENT SHALL
25 ADOPT THESE REGULATIONS NOT LATER THAN JULY 1, 1986, IN ACCORDANCE
26 WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62). THESE REGULATIONS
27 SHALL TAKE EFFECT JULY 1, 1987.]

28 * Sec. 56. AS 47.10.090(a) is amended to read:

29 (a) The court shall make and keep records of all cases brought

1 before it. The court's official records may be inspected only with
2 the court's permission and only by persons having a legitimate inter-
3 est in them. All information and social records pertaining to a minor
4 and prepared by an employee of the court or by a federal, state or
5 city agency in the discharge of the employee's or agency's official
6 duty, including [TRAFFIC OFFENSES AND] driver's license action under
7 AS 28.15.185, are privileged and may not be disclosed directly or
8 indirectly to anyone without the court's permission. However, a state
9 or city law-enforcement agency shall disclose information regarding a
10 case which is needed by the person or agency charged with making a
11 preliminary investigation for the information of the court. The court
12 shall forward a record of adjudication of a violation of an offense
13 listed in AS 28.15.185(a) to the Department of Public Safety, if the
14 court imposes a license revocation under AS 28.15.185. Within 30 days
15 of the date of a minor's 18th birthday or, if the court retains juris-
16 diction of a minor past the minor's 18th birthday, within 30 days of
17 the date on which the court relinquishes jurisdiction over the minor,
18 the court shall order sealed all the court's official records, infor-
19 mation and social records pertaining to that minor, as well as records
20 of all driver's license proceedings under AS 28.15.185, criminal
21 proceedings against the minor and punishments assessed against the
22 minor except for traffic offenses. A person may not use these sealed
23 records for any purpose except that the court may order their use for
24 good cause shown or may order their use by an officer of the court in
25 making a presentencing report for the court.

26 * Sec. 57. Section 10, ch. 166, SLA 1988 is amended by adding a new
27 subsection to read:

28 (c) Notwithstanding (a) of this section, an amendment to the
29 articles of incorporation of a corporation organized under 43 U.S.C.

1 1601 - 1628 (Alaska Native Claims Settlement Act) and incorporated
2 under former AS 10.05.005 to add a provision eliminating or limiting
3 the personal liability of a director to the corporation or its stock-
4 holders for monetary damages under AS 10.06.210(1)(N) may be adopted
5 by the affirmative vote of a majority of the shares represented at the
6 regular or special meeting at which a quorum is present in person or
7 by proxy.

8 * Sec. 58. Section 11, ch. 166, SLA 1988 is amended to read:

9 Sec. 11. INDEMNIFICATION BY A CORPORATION. AS 10.06.490, as
10 enacted by sec. 1 of this Act, governs a proposed indemnification by a
11 corporation after the effective date of this Act, whether the events
12 upon which the indemnification is based occurred before or after the
13 effective date of this Act. A statement relating to indemnification
14 contained in the articles or bylaws of a corporation on the effective
15 date of this Act may limit the indemnification permitted by AS 10.06.-
16 490 if [UNLESS] the statement expressly states that indemnification is
17 limited.

18 * Sec. 59. The revisor of statutes shall substitute "police officer" or
19 "police officers" for "policeman" or "policemen" in AS 23.10.037, AS 23.-
20 30.092, 23.30.220, 23.30.265, and AS 28.35.070.

21 * Sec. 60. The revisor of statutes shall substitute "fire fighter" or
22 "fire fighters" for "fireman" or "firemen" in AS 18.60.395, AS 23.30.092,
23 23.30.220, 23.30.243, 23.30.265, AS 28.35.180, AS 39.35.160, 39.35.360,
24 39.35.370, 39.35.527, and 39.35.680.

25 * Sec. 61. AS 10.40.130(c); AS 11.41.443; AS 14.07.030(9); AS 16.05.-
26 632(d); AS 19.45.001(7); AS 38.05.184(c), 38.05.184(d), 38.05.184(e),
27 38.05.184(f), 38.05.184(g); AS 44.47.560(1), 44.47.560(2); AS 44.83.425(1),
28 44.83.425(4); and AS 46.03.299(e) are repealed.

29 * Sec. 62. Sections 10 - 14, 16 - 26, 57, and 58 of this Act take

- 1 effect on the effective date of ch. 166, SLA 1988.
- 2 * Sec. 63. Except for secs. 10 - 14, 16 - 26, 37, and 38, this Act
- 3 takes effect immediately under AS 01.10.030(c).