

BY THE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

1 IN THE HOUSE

2

HOUSE BILL NO. 411

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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Statutes as recommended by the revisor of statutes;

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and providing for an effective date."

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

10 * Section 1. AS 12.55.165 is amended to read:

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Sec. 12.55.165. EXTRAORDINARY CIRCUMSTANCES. If the defendant

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is subject to sentencing under AS 12.55.125(c), (d), (e), or (i)

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[AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), OR (i)] and the

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court finds by clear and convincing evidence that manifest injustice

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would result from failure to consider relevant aggravating or mitigat-

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ing factors not specifically included in AS 12.55.155 or from imposi-

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tion of the presumptive term, whether or not adjusted for aggravating

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or mitigating factors, the court shall enter findings and conclusions

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and cause a record of the proceedings to be transmitted to a three-

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judge panel for sentencing under AS 12.55.175.

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* Sec. 2. AS 14.43.300(d) is amended to read:

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(d) The recipient must at all times continue to be enrolled as a

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full-time student in good standing at an accredited postsecondary

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institution that is appropriate to the memorial scholarship received

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[COLLEGE OR UNIVERSITY].

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* Sec. 3. AS 16.05.400(b) is amended to read:

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(b) A sport fishing, hunting, or trapping license is not re-

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quired of a resident who is 60 years of age or more [AND HAS BEEN A

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RESIDENT FOR ONE YEAR OR MORE]. The commissioner shall issue a

1 permanent identification card without charge to persons who qualify by
2 age and residence and who complete the forms required by the commis-
3 sioner for implementation of this subsection. A person who is issued a
4 permanent identification card under this subsection shall have it in
5 possession while sport fishing, hunting, or trapping.

6 * Sec. 4. AS 23.15.230 is amended to read:

7 Sec. 23.15.230. APPOINTMENT OF COMMITTEE. The governor's com-
8 mittee consists of not more than 12 members appointed by the governor
9 for staggered terms [A TERM] not exceeding three years. The committee
10 shall be composed of state leaders of industry, business, agriculture,
11 labor, veterans, women, religious, educational, civic, fraternal,
12 welfare, scientific, military, medical, and other professions, or as
13 many of these and like categories as may be feasibly represented.
14 [THE INITIAL MEMBERS SHALL BE APPOINTED FOR TERMS OF ONE, TWO, AND
15 THREE YEARS AS DESIGNATED BY THE GOVERNOR.] A member may be reap-
16 pointed and a vacancy shall be filled by the governor.

17 * Sec. 5. AS 28.05.095(a) is amended to read:

18 (a) Except as provided in (b) of this section, a driver may not
19 transport a child under the age of seven in a motor vehicle unless the
20 driver has provided and properly secured each child as described in
21 this subsection. If the child is less than four years of age, the
22 child shall be properly secured in a child safety device meeting the
23 standards of the United States Department of Transportation for a
24 child safety device for infants. If the child is [BETWEEN] four
25 through [AND] six years of age, the child shall be properly secured in
26 a child safety device approved for a child of that age and size by the
27 United States Department of Transportation or in a seatbelt, whichever
28 is appropriate for the particular child.

29 * Sec. 6. AS 28.33.010(d) is amended to read:

1 (d) A policy of insurance, surety bond, or other form of se-
2 curity may not be cancelled on less than 30 days' written notice to
3 the department. This requirement must be clearly stated in the policy
4 or endorsement for an insurance policy submitted as proof of financial
5 responsibility under (b)(1) of this section [AS 42.30.225(a)(1)]. The
6 30-day notice period is measured from the date on which the department
7 receives notice.

8 * Sec. 7. AS 28.35.130 is amended to read:

9 Sec. 28.35.130. FALSE REPORT OR DESTRUCTION OF EVIDENCE. An
10 officer or person who knowingly makes or subscribes a false report
11 concerning an investigation of a vehicle or damage or injury caused by
12 a vehicle, as provided in this chapter, is guilty of unsworn falsi-
13 fication [PERJURY]. A person who destroys, obliterates, conceals or
14 removes, or who aids, abets, or assists in the destruction, oblit-
15 eration, concealment, or removal from a vehicle, of evidence showing
16 or tending to show that the vehicle collided with a person or prop-
17 erty, is punishable by a fine of not more than \$500, or by imprison-
18 ment for not more than six months, or by both.

19 * Sec. 8. AS 28.40.100(a)(1) is amended to read:

20 (1) "cancel" means to annul or terminate, [THE ANNULMENT OR
21 TERMINATION] by formal action of the department, [OF] a certification,
22 registration, license, permit or privilege issued or allowed under
23 this title or regulations adopted under this title, because of an
24 error or defect in the document issued or the application for issuance
25 or because the person holding the document is no longer entitled to
26 it;

27 * Sec. 9. AS 31.05.007(a) is amended to read:

28 (a) The term of office of each member is six years. [THE GOVER-
29 NOR SHALL DESIGNATE WHO AMONG THE INITIAL APPOINTEES SHALL SERVE

1 RESPECTIVELY FOR TERMS OF TWO YEARS, FOUR YEARS AND SIX YEARS.] A
2 commissioner, upon the expiration of a term, shall continue to hold
3 office until a successor is appointed and qualified.

4 * Sec. 10. AS 36.30.015(e) is amended to read:

5 (e) The boards of directors of the Alaska Railroad Corporation
6 and the Alaska State Housing Authority shall adopt procedures to
7 govern the procurement of supplies, services, professional services,
8 and construction [BY THE CORPORATION]. The procedures must be sub-
9 stantially equivalent to the procedures prescribed in this chapter and
10 in regulations adopted under this chapter.

11 * Sec. 11. AS 39.20.190 is amended to read:

12 Sec. 39.20.190. DEFINITIONS. In AS 39.20.110 - 39.20.190
13 [AS 39.20.110 - 39.20.170]

14 (1) "employee" or "state employee" means a person employed
15 by a state agency;

16 (2) "official" or "state official" means the appointive
17 head of a state agency;

18 (3) "official travel" means travel inside or outside the
19 state on official business of the state, for which payment or reim-
20 bursement is expected or authorized;

21 (4) "per diem allowance" means a daily flat rate of payment
22 instead of actual expenses;

23 (5) "state agency," "agency," or "department" means depart-
24 ment, office, institution, board, commission, bureau, division, or
25 other administrative unit forming the state government;

26 (6) "subsistence" means lodging, meals, and other necessary
27 expenses incidental to the personal sustenance or comfort of the
28 traveler;

29 (7) "traveler" means the official or employee engaged in

1 official travel for the state.

2 * Sec. 12. AS 42.05.030(a) is amended to read:

3 (a) The term of office of each member is six years. [THE GOVER-
4 NOR SHALL DESIGNATE WHO AMONG THE INITIAL APPOINTEES SHALL SERVE,
5 RESPECTIVELY, FOR TERMS OF TWO YEARS, FOUR YEARS AND SIX YEARS.] A
6 commissioner, upon the expiration of a term, shall continue to hold
7 office until a successor is appointed and qualified.

8 * Sec. 13. AS 42.05.221(a) is amended to read:

9 (a) A public utility may not operate and receive compensation
10 for providing a commodity or service [AFTER JANUARY 1, 1971] without
11 first having obtained from the commission under this chapter a certifi-
12 cate declaring that public convenience and necessity require or will
13 require the service. Where a public utility provides more than one
14 type of utility service, a separate certificate of convenience and
15 necessity is required for each type. A certificate must describe the
16 nature and extent of the authority granted in it, including, as appro-
17 priate for the services involved, a description of the authorized area
18 and scope of operations of the public utility.

19 * Sec. 14. AS 42.05.221(e) is amended to read:

20 (e) If the [THE] commission employs [MAY EMPLOY] professional
21 consultants to assist it in administering [THE PROVISIONS OF] this
22 section, it [AND] may apportion the expenses relating to their employ-
23 ment [THIS ADMINISTRATION] among the competing utilities [INVOLVED].

24 * Sec. 15. AS 42.05.351 is amended to read:

25 Sec. 42.05.351. TESTING OF APPLIANCES. The commission shall
26 provide for the examination and testing of appliances used for the
27 measuring of a service of a public utility and may purchase equipment,
28 apparatus, and standards required for this purpose. The commissioner
29 of commerce and economic development may assign the examination and

1 testing function to the section of weights and measures. Upon the
2 payment of a reasonable fee established by the commission, a consumer
3 may have an [THE] appliance that [, WHICH] is used by the consumer [,]
4 tested. The commission shall establish by regulation allowable toler-
5 ances with respect to the functioning or operation of the appliance.
6 If the measuring appliance does not perform within these tolerances,
7 the utility concerned shall pay the costs of the test by reimbursing
8 the person requesting the test for the fee paid by that person. This
9 reimbursement shall be made no later than at the time of the next
10 regular billing following the test.

11 * Sec. 16. AS 42.05.641 is amended to read:

12 Sec. 42.05.641. REGULATION BY MUNICIPALITY. The commission's
13 jurisdiction and authority extend to public utilities operating within
14 a municipality [CITY OR BOROUGH], whether home rule or otherwise. In
15 the event of a conflict between a certificate, order, decision, or
16 regulation of the commission and a charter, permit, franchise, ordi-
17 nance, rule, or regulation of such a local governmental entity, the
18 certificate, order, decision, or regulation of the commission shall
19 prevail.

20 * Sec. 17. AS 42.06.230(b) is amended to read:

21 (b) The commission's jurisdiction and authority extend to an oil
22 or gas pipeline facility operating in a municipality [CITY OR BOR-
23 OUGH], whether home rule or otherwise. If a conflict between a cer-
24 tificate, order, decision, or regulation of the commission and a char-
25 ter, permit, franchise, ordinance, rule, or regulation of such a local
26 governmental entity occurs, the certificate, order, decision, or regu-
27 lation of the commission prevails.

28 * Sec. 18. AS 44.19.104(a) is amended to read:

29 (a) Members serve for overlapping four-year terms. [THE FIRST

1 MEMBERS APPOINTED SERVE FOR ONE, TWO, THREE AND FOUR-YEAR TERMS AS
2 DETERMINED BY THE GOVERNOR.] The chairman serves for a term set by
3 the commission, not to exceed four years.

4 * Sec. 19. AS 44.19.155(b) is amended to read:

5 (b) Each public member appointed by the governor under (a)(1) of
6 this section serves a term of two years and until a successor is
7 appointed and qualified [, EXCEPT THAT THE TERM OF OFFICE OF A PUBLIC
8 MEMBER FIRST APPOINTED UNDER (a)(1)(A), (a)(1)(C), (a)(1)(E) AND
9 (a)(1)(G) OF THIS SECTION SHALL BE ONE YEAR]. A public member may be
10 reappointed.

11 * Sec. 20. AS 44.21.258(b) is amended to read:

12 (b) The members of the commission shall serve staggered terms of
13 five years [, WITH THE INITIAL TERMS DETERMINED BY LOT].

14 * Sec. 21. AS 44.27.043 is amended to read:

15 Sec. 44.27.043. TERMS OF OFFICE. The term of office of each
16 member is three years [; HOWEVER, OF THE MEMBERS FIRST APPOINTED,
17 THREE ARE TO BE APPOINTED FOR TERMS OF ONE YEAR, FOUR FOR TERMS OF TWO
18 YEARS, AND FOUR FOR TERMS OF THREE YEARS]. All vacancies are to be
19 filled for the balance of the unexpired term in the same manner as
20 original appointments.

21 * Sec. 22. AS 44.33.310(3) is amended to read:

22 (3) "economic disaster" means that the annual income to
23 workers in the designated area dropped below the average annual income
24 for the base period for workers in the designated area and the drop in
25 income is of such magnitude that the average family income of all
26 residents of the designated area as determined by the department is
27 below the poverty guidelines issued by the federal Department of
28 Health and Human Services [FEDERAL SOCIAL SECURITY ADMINISTRATION
29 POVERTY GUIDELINE], adjusted by the department to reflect subsistence

1 economic patterns and appropriate cost-of- living differentials; the
2 availability of alternate employment shall be considered in determin-
3 ing whether an economic disaster has occurred under this paragraph.

4 * Sec. 23. AS 44.46.030(c) is amended to read:

5 (c) [OF THE MEMBERS OF THE BOARD FIRST APPOINTED BY THE GOVER-
6 NOR, THREE SHALL BE APPOINTED FOR A TERM OF ONE YEAR; THREE FOR A TERM
7 OF TWO YEARS; AND TWO FOR A TERM OF THREE YEARS. THE INITIAL TERMS
8 BEGIN ON JULY 1, 1971. THEREAFTER, ALL APPOINTMENTS SHALL BE MADE FOR
9 TERMS OF THREE YEARS BEGINNING ON JULY 1 OF THE YEAR IN WHICH THE
10 APPOINTMENT IS MADE.] Members of the board serve at the pleasure of
11 the governor for staggered terms of three years. In the case of a
12 vacancy other than one arising by expiration of term, an appointment
13 to fill the vacancy shall be made for the remainder of the unexpired
14 term.

15 * Sec. 24. AS 44.85.030 is amended to read:

16 Sec. 44.85.030. MEMBERSHIP AND VACANCIES. The bond bank author-
17 ity consists of the following five directors: the commissioner of
18 revenue, the commissioner of community and regional affairs, who shall
19 each be a director ex officio with voting privileges, and three direc-
20 tors appointed by the governor. The appointment of each director other
21 than the commissioner of revenue and the commissioner of community and
22 regional affairs is subject to confirmation by the legislature. The
23 three directors appointed by the governor serve at the governor's
24 pleasure for four-year terms. They must be residents of the state and
25 qualified voters at the time of appointment and shall comply with the
26 requirements of AS 39.50 (conflict of interest). [THE DIRECTORS FIRST
27 APPOINTED SHALL HAVE TERMS OF TWO, THREE AND FOUR YEARS RESPECTIVELY.]
28 Each director shall hold office for the term of appointment and until
29 a successor has been appointed and qualified. A director is eligible

1 for reappointment. A vacancy in a directorship occurring other than
2 by expiration of term shall be filled in the same manner as the origi-
3 nal appointment but for the unexpired term only. Each director before
4 entering upon the duties of office shall take and subscribe to an oath
5 to perform the duties faithfully, impartially, and justly to the best
6 of the director's ability. A record of the oath shall be filed in the
7 office of the governor.

8 * Sec. 25. AS 44.88.030(c) is amended to read:

9 (c) Members of the authority described in (a)(2) and (a)(3) of
10 this section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT
11 OF ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A
12 ONE-YEAR TERM.]

13 * Sec. 26. AS 47.80.050(a) is amended to read:

14 (a) Council members serve staggered terms of [MEMBERS' TERMS
15 ARE] three years. [OF THE INITIAL APPOINTEES, ONE-THIRD SHALL BE
16 APPOINTED FOR ONE-YEAR TERMS, ONE-THIRD FOR TWO-YEAR TERMS, AND ONE-
17 THIRD FOR THREE-YEAR TERMS.]

18 * Sec. 27. AS 42.40.920(a) and AS 44.47.310(5) are repealed.

19 * Sec. 28. This Act takes effect immediately under AS 01.10.070(c).