

**SENATE BILL NO. 399**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL**

**Introduced: 2/13/92**  
**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making corrective amendments to the Alaska Statutes as recommended by the**  
2 **revisor of statutes; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1. AS 05.15.210(29) is amended to read:**

5 (29) "qualified organization" means a bona fide civic or service organization or  
6 a bona fide religious, charitable, fraternal, veterans, labor, political, or educational organization,  
7 police or fire department and company, dog mushers' association, outboard motor association,  
8 or fishing derby or nonprofit trade association in the state, that operates without profits to its  
9 members and that has been in existence continually for a period of three years immediately  
10 before applying for a license; the organization may be a firm, corporation, company, association,  
11 or partnership;

12 **\* Sec. 2. AS 08.20.025 is amended to read:**

13 **Sec. 08.20.025. REMOVAL OF BOARD MEMBERS. A member of the board may be**  
14 **removed from office by the governor for cause. [THE BOARD MAY BY REGULATION**

1 PROVIDE THAT UNEXCUSED ABSENCES FROM MEETINGS CONSTITUTE CAUSE FOR  
2 REMOVAL.]

3 \* Sec. 3. AS 08.70.055 is amended to read:

4 Sec. 08.70.055. REMOVAL OF BOARD MEMBERS. A member of the board may be  
5 removed from office by the governor for cause. [THE BOARD MAY BY REGULATION  
6 PROVIDE THAT UNEXCUSED ABSENCES FROM MEETINGS CONSTITUTE CAUSE FOR  
7 REMOVAL.]

8 \* Sec. 4. AS 08.80.105 is amended to read:

9 Sec. 08.80.105. REMOVAL OF BOARD MEMBERS. A member of the board may be  
10 removed from office by the governor for cause. [THE BOARD MAY BY REGULATION  
11 PROVIDE THAT UNEXCUSED ABSENCES FROM MEETINGS CONSTITUTE CAUSE FOR  
12 REMOVAL.]

13 \* Sec. 5. AS 09.55.548(a) is amended to read:

14 (a) Damages shall be awarded in accordance with principles of the common law. The fact  
15 finder in a malpractice action shall render any award for damages by category of loss. The court  
16 may enter a judgement that future damages be paid in whole or in part by periodic payments  
17 rather than by a lump-sum payment; the judgment shall include, if necessary, other provisions  
18 to assure that funds are available as periodic payments become due. Insurance from an authorized  
19 insurer as defined in AS 21.90.900 [OR FROM THE MEDICAL INDEMNITY CORPORATION  
20 OF ALASKA] is sufficient assurance that funds will be available. Any part of the award that  
21 [WHICH] is paid on a periodic basis shall be adjusted annually according to changes in the  
22 consumer price index in the community where the claimant resides. In this subsection, future  
23 damages includes damages for future medical treatment, care or custody, loss of future earnings,  
24 or loss of bodily function of the claimant.

25 \* Sec. 6. AS 10.25.040 is amended to read:

26 Sec. 10.25.040. NAME. The name of a cooperative must include the words "electric"  
27 or "telephone," as appropriate to its purpose, and "cooperative," and the abbreviation "inc." The  
28 name of a cooperative shall be distinct from the name of other cooperatives or corporations  
29 organized under the laws of or authorized to do business in this state. This section does not apply  
30 to a corporation that [WHICH] becomes subject to this chapter by compliance with AS 10.25.290  
31 and 10.25.300 or 10.25.620 [10.25.600] and that [WHICH] elects to retain a corporate name that

1 [WHICH] does not comply with this section.

2 \* Sec. 7. AS 12.25.030(b) is amended to read:

3 (b) In addition to the authority granted under (a) of this section, a peace officer without  
4 a warrant may arrest a person when the peace officer has reasonable cause for believing that the  
5 person has committed a crime under

6 (1) AS 11.56.740; or

7 (2) AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an ordinance with  
8 elements substantially similar to the elements of a crime under AS 11.41, AS 11.46.330, or  
9 AS 11.61.120, when the victim is a spouse or former spouse of the person who committed the  
10 crime; a parent, grandparent, child, or grandchild of the person who committed the crime; a  
11 member of the social unit comprised of those living together in the same dwelling as the person  
12 who committed the crime; or another person who is not a spouse or former spouse of the person  
13 who committed the crime but who previously lived in a spousal relationship with the person who  
14 committed the crime or is in or has been in a dating, courtship, or engagement relationship  
15 with the person who committed the crime.

16 \* Sec. 8. AS 14.07.058(d) is amended to read:

17 (d) The governing body of the association shall be the board of control with at least one  
18 member from each judicial district on the board of control. A member of the board shall be  
19 elected from each regional activities association by the members of that region. The term of  
20 office for each member is two years [, EXCEPT THAT ONE-HALF OF THE MEMBERS  
21 ELECTED TO THE FIRST ELECTED BOARD SHALL BE ELECTED FOR ONE-YEAR  
22 TERMS UNDER REGULATIONS PRESCRIBED BY THE COMMISSIONER OF  
23 EDUCATION].

24 \* Sec. 9. AS 16.05.330(a) is amended to read:

25 (a) Except as otherwise permitted in this chapter, without having the appropriate  
26 license or tag in actual possession a person may not engage in

27 (1) sport fishing, including the taking of razor clams;

28 (2) [IN] hunting, trapping, or fur dealing;

29 (3) [IN] the farming of fish, fur, or game; or

30 (4) [IN] taxidermy [, WITHOUT HAVING THE APPROPRIATE LICENSE OR  
31 TAG IN ACTUAL POSSESSION].

1 \* **Sec. 10.** AS 16.05.420(b) is amended to read:

2 (b) Except as provided in AS 16.05.408(b), a [A] person who knowingly makes a false  
3 statement, or knowingly omits a material fact, in an application for a license, tag, or permit  
4 issued under AS 16.05.330 - 16.05.430 is guilty of unsworn falsification under AS 11.56.210.

5 \* **Sec. 11.** AS 16.05.940(8) is amended to read:

6 (8) "domestic mammals" include musk oxen, bison, elk, and reindeer, if they are  
7 lawfully owned;

8 \* **Sec. 12.** AS 16.10.030 is amended to read:

9 Sec. 16.10.030. PENALTY FOR VIOLATION OF AS 16.10.010 - 16.10.050  
10 [AS 16.10.010 - 16.10.055]. A person who violates AS 16.10.010 - 16.10.050 [AS 16.10.010 -  
11 16.10.055] is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less  
12 than \$100 nor more than \$500.

13 \* **Sec. 13.** AS 18.20.075(a) is amended to read:

14 (a) To be eligible for a license, each hospital shall have in operation an internal risk  
15 management program that shall

16 (1) investigate the frequency and causes of incidents in hospitals that cause injury  
17 to patients;

18 (2) develop and implement measures to minimize the risk of injury to patients;  
19 in developing these measures each hospital shall take into account recommendations of its  
20 medical staff, [THE MEDICAL INDEMNITY CORPORATION OF ALASKA,] private  
21 underwriters, industry standards, experience of other hospitals, and recommendations of licensing  
22 boards of other health care providers; and

23 (3) analyze patient grievances that relate to patient care.

24 \* **Sec. 14.** AS 18.35.120 is amended to read:

25 Sec. 18.35.120. ENFORCEMENT OF AS 18.35.100. The department shall adopt  
26 regulations to implement and enforce AS 18.35.100 by appropriate means. The regulations must  
27 set standards of sanitation and must provide for, but need not be limited to, periodic inspections.  
28 However, the regulations may not require a restaurant or tavern to have more than one toilet  
29 accommodation. [A RESTAURANT OR TAVERN THAT IS REMODELED AFTER  
30 AUGUST 15, 1976 IS CONSIDERED TO BE NEWLY CONSTRUCTED.]

31 \* **Sec. 15.** AS 18.45.020 is amended to read:

1           **Sec. 18.45.020. UNITED STATES LICENSES OR PERMITS REQUIRED.** A person  
2 may not manufacture, construct, produce, transfer, acquire, or possess a special nuclear material,  
3 by-product material, production facility, or utilization facility, or act as an operator of a  
4 production or utilization facility wholly within the state without first obtaining a license or permit  
5 for the activity in which the person proposes to engage from the Nuclear Regulatory [UNITED  
6 STATES ATOMIC ENERGY] Commission if the commission requires a license or permit to be  
7 obtained by persons proposing to engage in the activities.

8 \* **Sec. 16.** AS 18.45.900(7) is amended to read:

9           (7) "special nuclear material" means plutonium, uranium 233, and uranium  
10 enriched in the isotope 233 or in the isotope 235, and any other material that the governor  
11 declares by order to be special nuclear material after the Nuclear Regulatory Commission  
12 [UNITED STATES ATOMIC ENERGY COMMISSIONER] has determined the material to be  
13 special nuclear material; or material artificially enriched by any of the foregoing material;

14 \* **Sec. 17.** AS 18.60.210(a)(2) is amended to read:

15           (2) unfired pressure vessels meeting the requirements of the federal Department  
16 of Transportation [AND PUBLIC FACILITIES] for shipment of liquids or gases under pressure;

17 \* **Sec. 18.** AS 18.60.370 is amended to read:

18           **Sec. 18.60.370. APPEALS.** A person aggrieved by an order or act of a deputy inspector  
19 may, within 15 days after notice of the order or act, appeal to the Department of Labor. The  
20 Department of Labor shall hold a hearing within 30 days of the appeal but shall give at least 10  
21 days' written notice of the hearing to all interested parties. Within 30 days after the hearing, the  
22 Department of Labor shall issue an order approving or disapproving the order or act and shall  
23 give a copy of the order to all interested parties. Within 30 days after the order of the  
24 Department of Labor, a person aggrieved may file an appeal [A PETITION] in the superior court  
25 for review. The court shall summarily hear the appeal [PETITION] and may make an  
26 appropriate order or decree.

27 \* **Sec. 19.** AS 18.60.590(b) is amended to read:

28           (b) AS 18.60.580 - 18.60.660 do [THIS CHAPTER DOES] not affect the authority of  
29 any municipality or rural electrification association to prescribe by ordinance, rule, or order  
30 standards for their respective areas of jurisdiction not less stringent than the standards prescribed  
31 by the department or those established under AS 18.60.580.

1 \* Sec. 20. AS 18.60.735 is amended to read:

2 Sec. 18.60.735. BOROUGH OR CITY REGULATION. AS 18.60.705 - 18.60.740 do  
3 not affect the authority of any municipality to prescribe by ordinance, rule, or order, standards  
4 for their respective areas of jurisdiction no less stringent than those established under  
5 AS 18.60.705. AS 18.60.705 - 18.60.740 are [THIS CHAPTER IS] not intended to duplicate  
6 or preempt code administration or enforcement by municipalities. Any organized municipality  
7 or unorganized village having less than 2,500 population is exempt from the provisions of  
8 AS 18.60.705 - 18.60.740.

9 \* Sec. 21. AS 18.67.020(d) is amended to read:

10 (d) A [EACH MEMBER OF THE BOARD IS ELIGIBLE FOR REAPPOINTMENT  
11 AND ANY] member of the board may be removed by the governor for inefficiency, neglect of  
12 duty, or malfeasance in office after due notice and hearing.

13 \* Sec. 22. AS 18.85.100(a) is amended to read:

14 (a) An indigent person who is being detained by a law enforcement officer in connection  
15 with a serious crime, or is under formal charge of having committed, or is being detained under  
16 a conviction of a serious crime, or is on probation or parole, or is entitled to representation under  
17 the Supreme Court Delinquency or Child in Need of Aid Rules [OF CHILDREN'S  
18 PROCEDURE], or against whom commitment proceedings for mental illness have been initiated,  
19 is entitled

20 (1) to be represented by an attorney to the same extent as a person retaining an  
21 attorney is entitled; and

22 (2) to be provided with the necessary services and facilities of this representation,  
23 including investigation and other preparation.

24 \* Sec. 23. AS 21.36.360(j) is amended to read:

25 (j) A criminal insurance act is committed by a person in this state who acts as an  
26 insurance agent, broker, solicitor, or adjuster without being licensed by the director. A criminal  
27 insurance act is committed by an agent, broker, or solicitor who solicits or takes application for,  
28 procures, or places for others any insurance for which the person is not licensed or for which the  
29 license of the person has been suspended or revoked. This subsection does not apply to a person  
30 described in AS 21.90.910 [AS 21.27.520] or to a person securing and forwarding information  
31 required for the purpose of a group insurance covering the unpaid balance or remaining payments

1 proposed to be made in connection with the purchase of merchandise or services if no  
2 commission or other compensation is payable on account of the insurance to the person.

3 \* Sec. 24. AS 21.78.100(b) is amended to read:

4 (b) The director may apply for and secure an order dissolving the corporate existence of  
5 a domestic insurer [, EXCEPT THE MEDICAL INDEMNITY CORPORATION OF ALASKA,]  
6 upon the director's application for an order of liquidation of the insurer or at any time after the  
7 order has been granted.

8 \* Sec. 25. AS 21.80.180(5) is amended to read:

9 (5) "member insurer" means a person, except an assessable reciprocal insurer  
10 formed by and insuring only municipalities or nonprofit public utilities, a reciprocal insurer  
11 formed under AS 21.75 to provide marine insurance, and a joint insurance arrangement formed  
12 under AS 21.76, [AND THE MEDICAL INDEMNITY CORPORATION OF ALASKA,] who

13 (A) writes insurance to which this chapter applies under AS 21.80.020  
14 including the exchange of reciprocal or interinsurance contracts; [,] and

15 (B) is licensed to transact insurance in the state;

16 \* Sec. 26. AS 27.21.210 is amended to read:

17 Sec. 27.21.210. PERFORMANCE STANDARDS. The [WITHIN 120 DAYS AFTER  
18 MAY 2, 1983, THE] commissioner shall adopt [PROPOSE] regulations consistent with the  
19 environmental performance standards of the Surface Mining Control and Reclamation Act of  
20 1977 and the regulations promulgated under that Act for both surface coal mining and  
21 reclamation operations and surface effects of underground mining with appropriate adjustments  
22 to the special physical, hydrological, biological, and climatic conditions in the state [ALASKA].  
23 All permits issued under this chapter shall require that surface coal mining and reclamation  
24 operations and coal exploration activities must comply with those environmental performance  
25 standards.

26 \* Sec. 27. AS 28.10.431(b)(9) is amended to read:

27 (9) vehicles 40

28 eligible for

29 dealer plates under

30 [SPECIFIED IN]

31 AS 28.10.421(d)(10).

1 \* **Sec. 28.** AS 38.05.965(22) is amended to read:

2 (22) "timber land" means [AND "MATERIAL LAND" MEAN] state land chiefly  
3 valuable for [MATERIALS, INCLUDING, BUT NOT LIMITED TO, SAND, STONE, GRAVEL,  
4 PUMICE, COMMON CLAY, OR] timber and other forest products;

5 \* **Sec. 29.** AS 38.05.965 is amended by adding a new paragraph to read:

6 (24) "material" includes sand, stone, gravel, pumice, and common clay.

7 \* **Sec. 30.** AS 44.81.250(c) is amended to read:

8 (c) If the debtor is unable to nominate a qualified person to assume the note under (b)  
9 of this section, the permit must be made available to a qualified person, chosen as provided in  
10 this section, who shall assume the note subject to all rights and liabilities of the original debtor.  
11 The commission shall provide the bank with a list of persons chosen by lottery who qualify as  
12 transferees of entry permits under AS 16.43 and regulations adopted by the commission and who  
13 have met the residency [AND COMMERCIAL FISHING PARTICIPATION] requirements of  
14 AS 44.81.210(a)(20). The bank shall then determine, in order of presentation, any remaining  
15 qualifications. The bank shall allow the first applicant meeting all qualifications to assume the  
16 note.

17 \* **Sec. 31.** AS 14.11.135(2), 14.11.135(4); AS 14.17.250(3), 14.17.250(8); AS 16.05.050(19);  
18 AS 18.31.500(3); AS 18.35.230(3); AS 18.55.950(5), 18.55.950(9); and AS 18.60.775 are repealed.

19 \* **Sec. 32.** This Act takes effect immediately under AS 01.10.070(c).