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STATE OF ALASKA
THE LEGISLATURE

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May, 1986

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Jeanie Henry

House Judiciary

3/5/86

1:30 pm

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 493 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments to the Alaska
7 Statutes as recommended by the revisor of statutes;
8 and providing for an effective date."

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

10 * Section 1. AS 04.11.070 is amended to read:

11 Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may
12 issue, renew, transfer, relocate, suspend, or revoke a license under
13 this title.

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

15 (c) The holder of a brewery license may permit a person to
16 sample small portions of the brewery's product free of charge unless
17 prohibited by a provision of AS 04.16 [AS 04.16.030].

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

19 (c) The holder of a winery license may permit a person to sample
20 small portions of the wine on the premises free of charge unless
21 prohibited by a provision of AS 04.16 [AS 04.16.030].

22 * Sec. 4. AS 04.11.370(7) is amended to read:

23 (7) use of the licensed premises as a resort for illegal
24 possessors or users of narcotics, prostitutes, or promoters of prosti-
25 tution [PIMPS]; in addition to any other legally competent evidence,
26 the character of the premises may be proved by the general reputation
27 of the premises in the community as a resort for illegal possessors or
28 user, of narcotics, prostitutes, or promoters of prostitution [PIMPS];

29 * Sec. 5. AS 04.11.537 is amended to read:

1 Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining wheth-
2 er issuance, renewal, transfer, relocation, suspension, or revocation
3 of a license is in the best interests of the public, the board need
4 not conform to or distinguish its decision from any action it has
5 taken in the past on applications presenting similar facts, but may
6 instead base its decision only on the particular facts before it.

7 * Sec. 6. AS 04.11.560(b) is amended to read:

8 (b) A decision by the board relating to the issuance, renewal,
9 transfer, relocation, suspension, or revocation of a license under
10 this title may be appealed to the superior court under AS 44.62.560.

11 * Sec. 7. AS 05.05.010(a) is amended to read:

12 (a) There is created an athletic commission within the Depart-
13 ment of Commerce and Economic Development. The commission consists of
14 four members appointed by the governor. One member of the commission
15 must be appointed from each of the four judicial districts [MAJOR
16 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV OF THE STATE CONSTITU-
17 TION]. The commissioners must be appointed for overlapping two-year
18 terms. Members of the commission serve at the pleasure of the gover-
19 nor and must be selected on the basis of their known interest in and
20 knowledge of athletics in the state.

21 * Sec. 8. AS 08.18.081(a) is amended to read:

22 (a) A person having a claim against a contractor for any of the
23 items referred to in AS 08.18.071 may bring suit upon the bond in the
24 district court of the judicial district in which venue lies. A copy of
25 the complaint shall be served by registered or certified mail upon the
26 commissioner at the time suit is filed and the commissioner shall
27 maintain a record, available for public inspection, of all suits
28 commenced. Two additional copies shall be served upon the director of
29 the division of insurance with the payment [OF \$5] to the director of

1 a fee set under AS 21.06.250, taxable as costs in the action. This
2 service upon the director shall constitute service on the surety and
3 the director shall transmit the complaint or a copy of it to the
4 surety within 72 hours after it has been received. The surety upon
5 the bond is not liable in an aggregate amount in excess of that named
6 in the bond, but in case claims pending at any one time exceed the
7 amount of the bond, the claims shall be satisfied from the bond in the
8 following order:

- 9 (1) labor, including employee benefits;
10 (2) taxes and contributions due the state, city and bor-
11 ough, in that order;
12 (3) material and equipment;
13 (4) claims for breach of contract;
14 (5) repair of public facilities.

15 * Sec. 9. AS 08.20.150 is repealed.

16 * Sec. 10. AS 08.20.200 is amended to read:

17 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who
18 practices chiropractic in the state without a license in violation of
19 AS 08.20.100 is guilty of a misdemeanor, and upon conviction is pun-
20 ishable by a fine of not more than \$1,000, or by imprisonment for not
21 more than a year, or by both. [IN PROSECUTIONS UNDER THIS SECTION,
22 EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE DEFENDANT'S CERTIF-
23 ICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE EVIDENCE THAT THE
24 DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

25 * Sec. 11. AS 08.54.142(b) is amended to read:

26 (b) A person may not engage in the activity of transporting by
27 air without an annual [AIR COMMERCE] certificate as required by
28 AS 42.30.225 [AS 02.05.040].

29 * Sec. 12. AS 08.64.280 and 08.64.350 are repealed.

1 * Sec. 13. AS 08.72.120 is amended to read:

2 Sec. 08.72.120. REGISTRATION. It is unlawful for a person to
3 practice, or attempt, or offer to practice, optometry without first
4 obtaining a certificate of registration from the board [, AND WITHOUT
5 FILING THE CERTIFICATE WITH THE CLERK OF THE SUPERIOR COURT IN EACH
6 JUDICIAL DISTRICT IN WHICH THE PERSON PRACTICES].

7 * Sec. 14. AS 08.72.125(b) is amended to read:

8 (b) It is unlawful for a person to practice, or to attempt or
9 offer to practice, optometry in communities on a part-time basis
10 without obtaining a branch office certificate of registration from the
11 board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE
12 SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS
13 A BRANCH OFFICE].

14 * Sec. 15. AS 08.72.130 is repealed.

15 * Sec. 16. AS 08.88.421 is amended to read:

16 Sec. 08.88.421. EXCEPTIONS. This chapter does not apply to

17 (1) a person who is not licensed under this chapter who
18 makes a real estate transaction with respect to real estate the person
19 owns or on the person's own behalf, unless the transaction involves
20 land defined in AS 34.55.044(6) which is not in Alaska;

21 (2) an attorney in fact under a power of attorney authoriz-
22 ing the consummation of a specific real estate transaction; an attor-
23 ney in fact may not act as such for more than two transactions in a
24 calendar year;

25 (3) a lawyer performing duties as a lawyer;

26 (4) a public official in the conduct of official duties;

27 (5) a person acting as receiver, trustee, administrator,
28 executor, or guardian;

29 (6) a person acting under court order;

1 (7) a person acting under the authority of a will or trust
2 instrument;

3 (8) a person dealing in mineral rights transactions;

4 (9) [EACH OF THE FOLLOWING:

5 (A)] a domestic or foreign corporation, [OR] a general
6 or limited partnership, [;] or

7 [(B)] a partner or regular employee of a domestic or
8 foreign corporation or a general or limited partnership, when
9 performing an act described in AS 08.88.161 in the regular
10 course, or as an incident to, the management, sale, or other
11 disposition of real estate owned by the corporation or partner-
12 ship; the exemption provided in this paragraph [SUBPARAGRAPH]
13 does not apply to a person who performs an act described in
14 AS 08.88.161 either as a vocation or for compensation, if the
15 amount of the compensation is dependent upon or directly related
16 to the value of the real estate with respect to which the act is
17 performed; [.]

18 (10) a resident manager of rented real estate if the resi-
19 dent manager's duties are limited to the negotiation of leases and
20 rental agreements and the collection of rent for the use of the real
21 estate and if the resident manager is

22 (A) employed by the owner of the real estate; or

23 (B) employed by, or engaged under contract with, a
24 licensed real estate broker.

25 * Sec. 17. AS 09.55.010 is amended to read:

26 Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A
27 person may bring an action for change of name in the superior court.
28 A [NO] change of name of a person may not be made unless the court
29 finds sufficient reasons for the change and also finds it consistent

1 with the public interest. A change of name upon marriage, dissolu-
2 tion, or divorce meets these requirements.

3 * Sec. 18. AS 10.45.120 is amended to read:

4 Sec. 10.45.120. CORPORATE NAME. The corporate name of a profes-
5 sional corporation shall contain the last name of one or more of its
6 shareholders, unless the regulations of a particular regulating board
7 or the ethics of a profession permit the use of a corporate name which
8 does not include the surname of any present or former shareholder.
9 The corporate name shall be ended by the word "Corporation," [OR] "In-
10 corporated," or "Limited," or by the abbreviation "Corp.," [OR]
11 "Inc.," or "Ltd.," or by the words, "a professional corporation," or
12 by the abbreviation "P.C."

13 * Sec. 19. AS 11.81.250(a) is amended to read:

14 Sec. 11.81.250. CLASSIFICATION OF OFFENSES. (a) For purposes
15 of sentencing under AS 12.55, all offenses defined in this title,
16 except murder in the first and second degree, sexual assault in the
17 first degree, sexual abuse of a minor in the first degree, misconduct
18 involving a controlled substance in the first degree, and kidnapping,
19 are classified on the basis of their seriousness, according to the
20 type of injury characteristically caused or risked by commission of
21 the offense and the culpability of the offender. Except for murder in
22 the first and second degree, sexual assault in the first degree,
23 sexual abuse of a minor in the first degree, misconduct involving a
24 controlled substance in the first degree, and kidnapping, the offenses
25 in this title are cla. fied into the following categories:

26 (1) class A felonies, which characteristically involve
27 conduct resulting in serious physical injury or a substantial risk of
28 serious physical injury to a person;

29 (2) class B felonies, which characteristically involve

1 conduct resulting in less severe violence against a person than class
2 A felonies, aggravated offenses against property interests, or aggra-
3 vated offenses against public administration or order;

4 (3) class C felonies, which characteristically involve
5 conduct serious enough to deserve felony classification but not seri-
6 ous enough to be classified as A or B felonies;

7 (4) class A misdemeanors, which characteristically involve
8 less severe violence against a person, less serious offenses against
9 property interests, less serious offenses against public administra-
10 tion or order, or less serious offenses against public health and
11 decency than felonies;

12 (5) class B misdemeanors, which characteristically involve
13 a minor risk or physical injury to a person, minor offenses against
14 property interests, minor offenses against public administration or
15 order, or minor offenses against public health and decency;

16 (6) violations, which characteristically involve conduct
17 inappropriate to an orderly society but which do not denote criminal-
18 ity in their commission.

19 * Sec. 20. AS 11.81.250(b) is amended to read:

20 (b) The classification of each felony defined in this title,
21 except murder in the first and second degree, sexual assault in the
22 first degree, sexual abuse of a minor in the first degree, misconduct
23 involving a controlled substance in the first degree, and kidnapping,
24 is designated in the section defining it. A felony under Alaska law
25 defined outside this title for which no penalty is specifically pro-
26 vided is a class C felony.

27 * Sec. 21. AS 12.55.155(c)(20) is amended to read:

28 (20) the defendant was on furlough under AS 33.30 or on
29 parole or probation for another felony charge or conviction that would

1 be considered a prior felony conviction under AS 12.55.145(a)(2);

2 * Sec. 22. AS 14.08.081 is amended to read:

3 Sec. 14.08.081. RECALL. The members of a regional school board
4 are subject to recall in accordance with AS 29.26.240 - 29.26.360,
5 except that the director of [THE DIVISION OF] elections shall perform
6 the functions of a municipal clerk, [AND] the lieutenant governor
7 shall perform the functions of the assembly or council under those
8 sections, and the last regular election is the last regularly
9 scheduled election held within the regional educational attendance
10 area.

11 * Sec. 23. AS 14.12.030(b) is amended to read:

12 (b) Each borough and city school district with an average daily
13 membership exceeding 5,000 has a school board of seven, nine or eleven
14 members, as established by ordinance. [SCHOOL BOARD MEMBERS MAY BE
15 ELECTED AT LARGE, OR AS PROVIDED IN AS 29.23.310.]

16 * Sec. 24. AS 14.20.160 is amended to read:

17 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost
18 when the teacher's employment in the district is interrupted or ter-
19 minated [, OR WHEN THE TEACHER REACHES AGE OF 65].

20 * Sec. 25. AS 14.20.220(f) is repealed.

21 * Sec. 26. AS 18.05.040(a)(10) is repealed.

22 * Sec. 27. AS 18.08.040(r) is amended to read:

23 (a) Members of the council shall be appointed for staggered
24 [OVERLAPPING] terms of four years.

25 * Sec. 28. AS 18.08.040(b) is amended to read:

26 (b) Each year the governor shall appoint a consumer to one of
27 the staggered terms on the council that expire during that year [OF
28 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR
29 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS

1 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH
2 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF
3 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

4 * Sec. 29. AS 18.26.030(b) is amended to read:

5 (b) The four public members appointed under (a)(4) of this
6 section serve for staggered four-year terms. Each must be a resident
7 of the state and a qualified voter at the time of appointment and
8 shall comply with the requirements of AS 39.50 (conflict of interest).
9 [THE PUBLIC MEMBERS FIRST APPOINTED SHALL HAVE TERMS OF ONE, TWO,
10 THREE AND FOUR YEARS RESPECTIVELY, TO BE DETERMINED BY LOT.] Each
11 member shall hold office for the term of the [HIS] appointment and
12 until a [HIS] successor has been appointed and qualified. A member is
13 eligible for reappointment. A vacancy on the board of directors
14 occurring other than by expiration of term shall be filled in the same
15 manner as the original appointment but for the unexpired term only.
16 Each member of the board before entering upon the [HIS] duties of
17 office shall take and subscribe to an oath to perform the duties of
18 [HIS] office faithfully, impartially, and justly to the best of the
19 member's [HIS] ability. A record of the oath shall be filed in the
20 Office of the Governor.

21 * Sec. 30. AS 18.50.160(c) is amended to read:

22 (c) When a birth occurs outside an institution, the certificate
23 shall be prepared and filed by one of the following in the indicated
24 order of priority:

25 (1) the physician in attendance at or immediately after the
26 birth; or in the [HIS] absence of a physician

27 (2) a person other than a parent in attendance at or imme-
28 diately after the birth; or [IN HIS ABSENCE]

29 (3) a parent, or, if a parent is unable [THE FATHER,

1 MOTHER, OR, IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE
2 MOTHER], the person in charge of the premises where the birth occurs.

3 * Sec. 31. AS 18.55.375 is amended to read:

4 Sec. 18.55.375. INVESTMENT OF STATE SURPLUS. Notwithstanding
5 other provisions of law, when the commissioner of revenue determines
6 that there is in the state treasury a surplus above an amount suffi-
7 cient to meet current cash expenditure needs, the surplus may be
8 invested, in addition to the investments permitted by AS 37.10.070(a),
9 in mortgages owned by the authority for loans made to cooperatives
10 under AS 18.55.370(2) and secured by real estate in the state. The [
11 WHICH] investments shall be subject to the terms and conditions that
12 the authority and the commissioner of revenue may provide in a [ANY]
13 contract of sale. Investments allowed by this section shall be made
14 as provided for other investments of state money under AS 37.10.070
15 [AS 37.10.070(a), (f), (g) AND (i)]. The terms and conditions of a
16 [ANY] contract of sale authorized to be made under this section may
17 include but are not limited to

18 (1) the investment by the state in a specified or determin-
19 able amount of mortgages;

20 (2) the existence of a prior lien on and pledge of the
21 mortgages invested in by the state;

22 (3) provisions relating to the subordination of the state's
23 interest in and application of annual payments of principal and inter-
24 est or the proceeds of a permitted sale of, or insurance or prepay-
25 ments on, the mortgages; and

26 (4) the right of the authority to repurchase the mortgages
27 at a predetermined price.

28 * Sec. 32. AS 18.55.570(a) is amended to read:

29 (a) The authority may issue bonds and notes from time to time

1 for any of its corporate purposes including the payment of principal
2 and interest upon advances for surveys and plans for redevelopment
3 projects. The authority may issue refunding bonds for the purpose of
4 the payment or retirement or in exchange for bonds previously issued
5 by it. The authority may issue the types of bonds and notes it deter-
6 mines, including bonds and notes on which the principal and interest
7 are payable (1) exclusively from the income, proceeds, and revenues of
8 the redevelopment project financed with the proceeds of the bonds or
9 notes, or (2) exclusively from the income, proceeds, and revenues of
10 any of its redevelopment projects whether or not they are financed in
11 whole or in part with the proceeds of the bonds or notes [, OR (3) IN
12 WHOLE OR IN PART FROM TAXES ALLOCATED TO, AND PAID INTO A SPECIAL FUND
13 BY A CITY, BOROUGH, OR OTHER TAXING AGENCY UNDER THE PROVISIONS OF
14 AS 18.55.695 - 18.55.700]. The bonds or notes may be further secured
15 by a pledge of all or any part of a loan, grant or contribution from
16 the federal government or from another source, or by a mortgage of a
17 redevelopment project of the authority.

18 * Sec. 33. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-
19 (e) - (h), 18.55.945, and 18.55.950(19) are repealed.

20 * Sec. 34. AS 18.56.030(c) is amended to read:

21 (c) The board members described in (a)(2) and (a)(3) of this
22 section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT OF
23 ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A ONE-YEAR
24 TERM.]

25 * Sec. 35. AS 18.56.105 is amended to read:

26 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpo-
27 ration shall designate regions within the state which in the aggre-
28 gate, encompass the entire state. In participating in the making or
29 purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) -

1 (3)] or under AS 18.56.100, the corporation shall make its money
2 available through the private financial institutions in the state
3 within each region designated by the corporation under this section.
4 The corporation shall allocate its money among the regions on the
5 basis of recent and future anticipated lending activity as well as the
6 potential need for the loans in each region and may reallocate its
7 money among the regions as it considers appropriate to reflect changes
8 in lending activity or need in the regions.

9 * Sec. 36. AS 18.56.210(9) is repealed.

10 * Sec. 37. AS 18.56.210(13) is amended to read:

11 (13) "bond" or "obligation" means a bond, bond anticipation
12 note, or other note of the corporation authorized to be issued by the
13 corporation under this chapter, or a mortgage participation certifi-
14 cate issued with respect to mortgages of the corporation.

15 * Sec. 38. AS 18.60.057(b) is amended to read:

16 (b) The [TERMS OF] members of the board serve staggered terms of
17 [ARE] four years. A [EXCEPT THAT (1) THE MEMBERS OF THE BOARD FIRST
18 TAKING OFFICE SHALL SERVE, AS DESIGNATED BY THE GOVERNOR AT THE TIME
19 OF APPOINTMENT, ONE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO
20 YEARS, AND ONE FOR A TERM OF FOUR YEARS, AND (2) A] vacancy caused by
21 the death, resignation, or removal of a member before the expiration
22 of the term for which the member [HE] was appointed shall be filled
23 only for the remainder of the unexpired term. A member of the board
24 may be removed by the governor for inefficiency, neglect of duty or
25 malfeasance in office.

26 * Sec. 39. AS 18.60.070 is amended to read:

27 Sec. 18.60.070. CONTROL OF FUNDS. Funds appropriated by the
28 legislature for AS 18.60.010 - 18.60.105, [FUNDS IN THE BOILER FUND
29 RELATED FOR AS 18.60.380,] and contributions shall be spent only for

1 the purposes of AS 18.60.010 - 18.60.105.

2 * Sec. 40. AS 18.67.020(b) is amended to read:

3 (b) Members of the board serve staggered terms of [THE TERM OF
4 OFFICE OF EACH MEMBER OF THE BOARD IS] three years [, EXCEPT THAT OF
5 THE MEMBERS FIRST APPOINTED ONE SHALL BE APPOINTED FOR A TERM OF THREE
6 YEARS, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF ONE YEAR].
7 All vacancies, except through the expiration of term, shall be filled
8 for the unexpired term only.

9 * Sec. 41. AS 24.45.171(12) is amended to read:

10 (12) "public official" or "public officer [OFFICE]" means a
11 public official [OR PUBLIC OFFICE] as defined in AS 39.50.200(a);
12 however, it does not include a judicial officer or an elected or
13 appointed municipal officer.

14 * Sec. 42. AS 25.24.160(5) is amended to read:

15 (5) for the [TO] change of [THE] name of either [ONE] of
16 the parties.

17 * Sec. 43. AS 28.10.411(d) is repealed.

18 * Sec. 44. AS 28.10.502(b) is amended to read:

19 (b) A lien under this section is limited to towing and storage
20 charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH
21 THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A
22 FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE
23 LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME
24 SERVICE OR ROUTE]. Storage charges cease to be part of the lien after
25 60 days unless the registered owner or primary lienholder, if any, has
26 been given actual notice of the possessory lien within that time or
27 unless a certified letter has been mailed within that time to the
28 owner and primary lienholder, if any, at their addresses of record
29 with the Department of Public Safety or the corresponding office in

1 another jurisdiction in which the title to the motor vehicle and the
2 lien on it are recorded.

3 * Sec. 45. AS 29.10.040(a) is amended to read:

4 (a) A candidate for a charter commission of an existing munic-
5 ipality shall have been qualified to vote in that [BE A VOTER OF AN
6 EXISTING] municipality for at least one year [THREE YEARS] immediately
7 preceding the charter commission election.

8 * Sec. 46. AS 29.45.030(a)(4) is amended to read:

9 (4) property of a nonbusiness organization [OR ITS AUXILIA-
10 RY] composed entirely of persons with 90 days or more of active ser-
11 vice in the armed forces of the United States whose conditions of
12 service and separation were other than dishonorable, or the property
13 of an auxiliary of that organization;

14 * Sec. 47. AS 29.60.120(a)(3) is amended to read:

15 (3) to a municipality in which a [LICENSFD] health facility
16 is operated, \$2,000 per bed for each bed actually used for patient
17 care, limited to the number of beds provided for in the construction
18 design of the health facility, or \$8,000 per health facility as the
19 municipality determines.

20 * Sec. 48. AS 29.60.360(a) is amended to read:

21 (a) The base amount to be distributed from the municipal assis-
22 tance fund to each municipality for the fiscal year shall be the
23 amount received by the municipality during fiscal year 1978 under
24 AS 43.70.080 as that section provided before the 1978 amendment. A
25 city incorporated within a borough after June 30, 1977, shall receive
26 as a base amount a share of the amount distributed to the borough in
27 which it is located based on a ratio of population in the city to the
28 total population of the borough. A city incorporated outside a bor-
29 ough after June 30, 1977, shall receive as a base amount the amount

1 received by the city in the state most closely approximating it in
2 population at the time of its incorporation. A borough incorporated
3 after June 30, 1977, shall receive as a base amount the amount re-
4 ceived by the borough in the state most closely approximating it in
5 population at the time of its incorporation. The base amount to be
6 distributed to each municipality organized under federal law shall be
7 the amount received as a base amount by the city most closely approx-
8 imating it in population on June 30, 1977.

9 * Sec. 49. AS 29.60 is amended by adding a new section to read:

10 Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To
11 qualify to receive money under AS 29.60.350 - 29.60.370, a municipal-
12 ity organized under federal law as an Indian reserve that existed
13 before enactment of 43 U.S.C. 1618(a) and is continued in existence
14 under that subsection shall form a community development corporation
15 with authority to determine how money received under AS 29.60.350 -
16 29.60.370 will be used. The charter must require that the governing
17 board of the corporation shall be elected at an annual election open
18 to all residents of the municipality who are registered and qualified
19 to vote in state elections. The department may distribute money for
20 the municipality only to a corporation organized in accordance with
21 this section and only after the corporation has delivered a written
22 waiver of sovereign immunity from legal action by the state to recover
23 all or a portion of the money distributed under AS 29.60.350 - 29.60.-
24 370.

25 * Sec. 50. AS 29.60 is amended by adding a new section to art. 4 to
26 read:

27 Sec. 29.60.375. DEFINITION. In AS 29.60.350 - 29.60.370 "mu-
28 ipality" includes a municipality organized under federal law as an
29 Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and

1 is continued in existence under that subsection.

2 * Sec. 51. RETROACTIVITY OF SECTIONS 45 AND 48 - 50. The amendments to
3 AS 29.10 and AS 29.60 made by secs. 45 and 48 - 50 of this Act are retroac-
4 tive to January 1, 1986.

5 * Sec. 52. AS 32.05.020(4) is amended to read:

6 (4) The receipt by a person of a share of the profits of a
7 business is prima facie evidence that the person [HE] is a partner in
8 the business, but this [NO SUCH] inference may not [SHALL] be drawn if
9 the [SUCH] profits were received in payment

10 (A) as a debt by installments or otherwise;

11 (B) as wages of an employee or rent to a landlord;

12 (C) as an annuity to a surviving spouse [WIDOW] or
13 representative of a deceased partner;

14 (D) as interest on a loan, though the amount of pay-
15 ment varies with the profits of the business;

16 (E) as the consideration for the sale of the goodwill
17 of a business or other property by installments or otherwise.

18 * Sec. 53. AS 32.05.200(b)(5) is amended to read:

19 (5) a partner's right in specific partnership property is
20 not subject to [DOWER, CURTESY, OR] allowances to a surviving spouse
21 [WIDOWS], heirs, or next of kin.

22 * Sec. 54. AS 34.40.100 is amended to read:

23 Sec. 34.40.100. WHEN TITLE OF PURCHASER FOR VALUE NOT AFFECTED.
24 The provisions of AS 34.40.070 and 34.40.070 - 34.40.130 [, AND
25 AS 13.05 WITH THE EXCEPTION OF AS 13.05.070, AS 13.15.070 - 13.15.130,
26 AND AS 13.30.670] may not be construed in any manner to affect or
27 impair the title of a purchaser for a valuable consideration unless it
28 appears that the purchaser had previous notice of the fraudulent
29 intent of the purchaser's immediate grantor, or of the fraud rendering

1 void the title of the grantor.

2 * Sec. 55. AS 37.05.230(6) is repealed.

3 * Sec. 56. AS 39.25.120(c) is amended by adding a new paragraph to
4 read:

5 (19) the deputy director of the division of housing assis-
6 tance in the Department of Community and Regional Affairs.

7 * Sec. 57. AS 41.21.611(b)(1) is amended to read:

8 (1) Township 26 South, Range 55 East, Copper River Meridian

9 Section 12: that portion within USS 3708

10 Section 13: that portion within USS 3708

11 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,

12 S1/2SE1/4

13 Sections 24 and 25

14 Section 26: E1/2

15 Section 33: SE1/4SE1/4SE1/4

16 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,

17 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4

18 Section 35

19 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,

20 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,

21 NW1/4SE1/4SW1/4, NW1/4SE1/4

22 * Sec. 58. AS 41.21.611(b)(2) is amended to read:

23 (2) Township 26 South, Range 56 East, Copper River Meridian.

24 Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4

25 within USS 3708, S1/2

26 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that

27 portion of the S1/2NE1/4 within USS 3708

28 Section 17: W1/2NW1/4

29 Section 18

1 Section 19: W1/2, SW1/4 SE1/4

2 Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,
3 W1/2SW1/4

4 * Sec. 59. AS 41.21.611(b)(4) is amended to read:

5 (4) Township 28 South, Range 55 East, Copper River Meridian

6 Section 1: S1/2SW1/4NW1/4, SW1/4

7 Section 2

8 Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,

9 SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4

10 Section 4: E1/2NE1/4NE1/4

11 Section 10: that portion of Mosquito Lake within the
12 NE1/4

13 Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4,

14 SE1/4SE1/4, except USS 3431

15 Section 12

16 Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4,

17 NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4

18 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]

19 Section 19: Lot 13

20 Section 24: E1/2E1/2, NE1/4NW1/4NE1/4

21 Section 25: except that portion north of the Haines
22 Highway [LOTS 9 - 11 AND 16]

23 Section 26: that portion [OF LOT 5 AND NE1/4NW1/4]

24 south of the Haines Highway, except Lots 2, 3,

25 and the SW1/4SW1/4 [LOTS 1, 12, AND 17]

26 Section 27: that portion south of the Haines Highway

27 except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]

28 Section 28: [,] except S1/2S1/2, the south 660 feet of

29 Lots 5 - 7, and that portion north of the Haines

1 Highway

2 Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4,
3 and Lots 9, 14, 15, and 18

4 Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT
5 6 EXCEPT THE SOUTH 660 FEET.]

6 Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]

7 Section 34: S1/2S1/2S1/2

8 Section 35: except NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2
9 [LOT 1]

10 Section 36: [,] except SW1/4NW1/4, S1/2, and the south
11 660 feet of Lots 3 - 4

12 * Sec. 60. AS 41.21.611(b)(5) is amended to read:

13 (5) Township 28 South, Range 56 East, Copper River Meridian

14 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,

15 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,

16 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4

17 Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4

18 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,

19 SW1/4SE1/4NE1/4, W1/2, SE1/4

20 Section 19

21 Section 20: W1/2W1/2

22 Section 29: except USS 948, USS 991, Lots 1, 2, and

23 4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]

24 Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and
25 the NE1/4SW1/4

26 Section 31

27 Section 32: [,] except USS 991, USS 2455, and Lots 1,
28 2, and 24

29 Section 33: S1/2 except USS 2455 and Lots 18 21

1 Section 34: [LOTS 1, 2, S1/2NE1/4SW1/4,]
2 W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4, SW1/4 except
3 NE1/4SW1/4 and Lots 1 and 2

4 * Sec. 61. AS 41.21.611(b)(8) is amended to read:

5 (8) Township 29 South, Range 56 East, Copper River Meridian
6 Section 1

7 Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,
8 E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4

9 Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
10 SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,
11 W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4

12 Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4,
13 E1/2SE1/4SW1/4

14 Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,
15 S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,
16 NW1/4SE1/4NW1/4

17 Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4

18 Section 9

19 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,
20 S1/2NW1/4, S1/2

21 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,
22 N1/2SE1/4NW1/4, S1/2

23 Sections 12 - 14

24 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,
25 E1/2SW1/4SE1/4

26 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,
27 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,
28 NE1/4SE1/4NW1/4

29 Section 17: N1/2NE1/4NE1/4

1 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4

2 Section 23: that portion of the N1/2NW1/4 lying west of
3 Chilkat Lake

4 * Sec. 62. AS 41.21.611(b)(9) is amended to read:

5 (9) Township 29 South, Range 57 East, Copper River Meridian

6 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,
7 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4

8 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,

9 NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660
10 FEET OF LOT 2]

11 Section 6: except Lots 1 and 9

12 Sections 7 and [6-] 8

13 USS 907

14 Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,

15 SW1/4SE1/4NE1/4, NW1/4, S1/2

16 Section 10: Lots 1 - 4, W1/2NE1/4SW1/4,

17 NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4

18 Section 14: that portion west of the Haines Highway

19 Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -
20 14

21 Sections 16 - 18

22 USS 786

23 Section 19: NE1/4NE1/4NE1/4

24 Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,

25 E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,

26 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

27 Sections 21 and 22

28 Section 23: that portion west of the Haines Highway

29 Section 25: that portion west of the Haines Highway

1 Section 26: that portion west of the Haines Highway
2 Section 27

3 Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
4 N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
5 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

6 Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,
7 NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

8 Section 35

9 Section 36: that portion west of the Haines Highway

10 * Sec. 63. AS 41.21.611(b)(10) is amended to read:

11 (10) Township 29 South, Range 58 East, Copper River

12 Meridian

13 Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,
14 SE1/4SW1/4, S1/2SW1/4SE1/4

15 Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,
16 NW1/4, NE1/4SW1/4, SE1/4

17 Section 9: NE1/4NE1/4

18 Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,
19 NW1/4NW1/4SW1/4, SE1/4

20 Section 31: that portion south of the Haines Highway

21 * Sec. 64. AS 41.21.611(b)(11) is amended to read:

22 (11) Township 30 South, Range 57 East, Copper River

23 Meridian

24 Section 1

25 Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
26 SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
27 N1/2SE1/4, N1/2SE1/4SE1/4

28 Section 3: NE1/4NE1/4NE1/4

29 Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,

1 NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,
2 E1/2E1/2SE1/4, NW1/4SE1/4SE1/4

3 [SECTION 13: NE1/4NE1/4NE1/4]

- 4 * Sec. 65. AS 43.25 is repealed.
5 * Sec. 66. AS 43.26 is repealed.
6 * Sec. 67. AS 45.50.110 is repealed.
7 * Sec. 68. AS 45.55.030(d) is amended to read:

8 (d) Every registrator expires one year from its effective date
9 unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN
10 INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS
11 OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALEN-
12 DAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE
13 REGISTRATION FEE PROPORTIONATELY.]

- 14 * Sec. 69. AS 45.89.500(4)(K) is amended to read:

15 (K) any other energy-saving device approved by the
16 commissioner of commerce and economic development [UNDER AS 44.-
17 33.040(12)].

- 18 * Sec. 70. AS 47.45.230 is amended to read:

19 Sec. 47.25.230. PERSONS LIABLE FOR SUPPORT AND BURIAL. Every
20 needy person shall be supported while living and upon dying, shall be
21 given a decent burial by the spouse, children, parents, grandparents
22 [FATHER, MOTHER, GRANDFATHER, GRANDMOTHER], grandchildren, or siblings
23 [BROTHERS OR SISTERS] of the needy person, if they, or any of them,
24 have the ability to do so, in the order named. Every designated
25 person who fails to support the needy person when directed by the
26 department to do so, or fails to give the needy person a decent burial
27 shall reimburse the state or a municipality for the funds expended by
28 either the state or a municipality for the relief or burial of the
29 needy person, and these sums with interest and costs may be recovered

1 by the state or a municipality of the state in a civil action.

2 * Sec. 71. AS 47.37.270(6) is amended to read:

3 (6) "coordinator" means the coordinator of the office of
4 alcoholism and drug abuse;

5 * Sec. 72. Section 55, ch. 37, SLA 1985, is amended to read:

6 Sec. 55. Sections 1 - 3 and 31 of this Act take effect immedi-
7 ately in accordance with AS 01.10.070(c).

8 * Sec. 73. Section 56, ch. 37, SLA ,985, is amended to read:

9 Sec. 56. Except as provided in sec. 55 of this Act, the sections
10 of this Act and the portions of sec. 54 [SECTIONS 4 - 54] of this Act
11 that relate to a particular occupation take effect on the effective
12 date of the regulations adopted under AS 08.01.065, enacted in sec. 2
13 of this Act, that apply to that occupation.

14 * Sec. 74. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Dierdorff
2/8/86

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 493 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments to the Alaska
7 Statutes as recommended by the revisor of statutes;
8 and providing for an effective date."

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

10 * Section 1. AS 04.11.070 is amended to read:

11 Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may
12 issue, renew, transfer, relocate, suspend, or revoke a license under
13 this title.

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

15 (c) The holder of a brewery license may permit a person to
16 sample small portions of the brewery's product free of charge unless
17 prohibited by a provision of AS 04.16 [AS 04.16.030].

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

19 (c) The holder of a winery license may permit a person to sample
20 small portions of the wine on the premises free of charge unless
21 prohibited by a provision of AS 04.16 [AS 04.16.030].

22 * Sec. 4. AS 04.11.370(7) is amended to read:

23 (7) use of the licensed premises as a resort for illegal
24 possessors or users of narcotics, prostitutes, or promoters of prosti-
25 tution [PIMPS]; in addition to any other legally competent evidence,
26 the character of the premises may be proved by the general reputation
27 of the premises in the community as a resort for illegal possessors or
28 users of narcotics, prostitutes, or promoters of prostitution [PIMPS];

29 * Sec. 5. AS 04.11.537 is amended to read:

1 Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining wheth-
2 er issuance, renewal, transfer, relocation, suspension, or revocation
3 of a license is in the best interests of the public, the board need
4 not conform to or distinguish its decision from any action it has
5 taken in the past on applications presenting similar facts, but may
6 instead base its decision only on the particular facts before it.

7 * Sec. 6. AS 04.11.560(b) is amended to read:

8 (b) A decision by the board relating to the issuance, renewal,
9 transfer, relocation, suspension, or revocation of a license under
10 this title may be appealed to the superior court under AS 44.62.560.

11 * Sec. 7. AS 05.05.010(a) is amended to read:

12 (a) There is created an athletic commission within the Depart-
13 ment of Commerce and Economic Development. The commission consists of
14 four members appointed by the governor. One member of the commission
15 must be appointed from each of the four judicial districts [MAJOR
16 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV OF THE STATE CONSTITU-
17 TION]. The commissioners must be appointed for overlapping two-year
18 terms. Members of the commission serve at the pleasure of the gover-
19 nor and must be selected on t'e basis of their known interest in and
20 knowledge of athletics in the state.

21 * Sec. 8. AS 08.18.081(a) is amended to read:

22 (a) A person having a claim against a contractor for any of the
23 items referred to in AS 08.18.071 may bring suit upon the bond in the
24 district court of the judicial district in which venue lies. A copy of
25 the complaint shall be served by registered or certified mail upon the
26 commissioner at the time suit is filed and the commissioner shall
27 maintain a record, available for public inspection, of all suits
28 commenced. Two additional copies shall be served upon the director of
29 the division of insurance with the payment [OF \$5] to the director of of

1 a fee set under AS 21.06.250, taxable as costs in the action. This
2 service upon the director shall constitute service on the surety and
3 the director shall transmit the complaint or a copy of it to the
4 surety within 72 hours after it has been received. The surety upon
5 the bond is not liable in an aggregate amount in excess of that named
6 in the bond, but in case claims pending at any one time exceed the
7 amount of the bond, the claims shall be satisfied from the bond in the
8 following order:

9 (1) labor, including employee benefits;

10 (2) taxes and contributions due the state, city and bor-
11 ough, in that order;

12 (3) material and equipment;

13 (4) claims for breach of contract;

14 (5) repair of public facilities.

15 * Sec. 9. AS 08.20.150 is repealed.

16 * Sec. 10. AS 08.20.200 is amended to read:

17 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who
18 practices chiropractic in the state without a license in violation of
19 AS 08.20.100 is guilty of a misdemeanor, and upon conviction is pun-
20 ishable by a fine of not more than \$1,000, or by imprisonment for not
21 more than a year, or by both. [IN PROSECUTIONS UNDER THIS SECTION,
22 EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE DEFENDANT'S CERTIF-
23 ICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE EVIDENCE THAT THE
24 DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

25 * Sec. 11. AS 08.54.142(b) is amended to read:

26 (b) A person may not engage in the activity of transporting by
27 air without an annual [AIR COMMERCE] certificate as required by
28 AS 42.30.225 [AS 02.05.040].

29 * Sec. 12. AS 08.64.280 and 08.64.350 are repealed.

1 * Sec. 13. AS 08.72.120 is amended to read:

2 Sec. 08.72.120. REGISTRATION. It is unlawful for a person to
3 practice, or attempt, or offer to practice, optometry without first
4 obtaining a certificate of registration from the board [, AND WITHOUT
5 FILING THE CERTIFICATE WITH THE CLERK OF THE SUPERIOR COURT IN EACH
6 JUDICIAL DISTRICT IN WHICH THE PERSON PRACTICES].

7 * Sec. 14. AS 08.72.125(b) is amended to read:

8 (b) It is unlawful for a person to practice, or to attempt or
9 offer to practice, optometry in communities on a part-time basis
10 without obtaining a branch office certificate of registration from the
11 board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE
12 SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS
13 A BRANCH OFFICE].

14 * Sec. 15. AS 08.72.130 is repealed.

15 * Sec. 16. AS 08.88.421 is amended to read:

16 Sec. 08.88.421. EXCEPTIONS. This chapter does not apply to

17 (1) a person who is not licensed under this chapter who
18 makes a real estate transaction with respect to real estate the person
19 owns or on the person's own behalf, unless the transaction involves
20 land defined in AS 34.55.044(6) which is not in Alaska;

21 (2) an attorney in fact under a power of attorney authoriz-
22 ing the consummation of a specific real estate transaction; an attor-
23 ney in fact may not act as such for more than two transactions in a
24 calendar year;

25 (3) a lawyer performing duties as a lawyer;

26 (4) a public official in the conduct of official duties;

27 (5) a person acting as receiver, trustee, administrator,
28 executor, or guardian;

29 (6) a person acting under court order;

1 (7) a person acting under the authority of a will or trust
2 instrument;

3 (8) a person dealing in mineral rights transactions;

4 (9) [EACH OF THE FOLLOWING:

5 (A)] a domestic or foreign corporation, [OR] a general
6 or limited partnership, [;] or

7 [(B)] a partner or regular employee of a domestic or
8 foreign corporation or a general or limited partnership, when
9 performing an act described in AS 08.88.161 in the regular
10 course, or as an incident to, the management, sale, or other
11 disposition of real estate owned by the corporation or partner-
12 ship; the exemption provided in this paragraph [SUBPARAGRAPH]
13 does not apply to a person who performs an act described in
14 AS 08.88.161 either as a vocation or for compensation, if the
15 amount of the compensation is dependent upon or directly related
16 to the value of the real estate with respect to which the act is
17 performed; [.]

18 (10) a resident manager of rented real estate if the resi-
19 dent manager's duties are limited to the negotiation of leases and
20 rental agreements and the collection of rent for the use of the real
21 estate and if the resident manager is

22 (A) employed by the owner of the real estate; or

23 (B) employed by, or engaged under contract with, a
24 licensed real estate broker.

25 * Sec. 17. AS 09.55.010 is amended to read:

26 Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A
27 person may bring an action for change of name in the superior court.
28 A [NO] change of name of a person may not be made unless the court
29 finds sufficient reasons for the change and also finds it consistent

1 with the public interest. A change of name upon marriage, dissolu-
2 tion, or divorce meets these requirements.

3 * Sec. 18. AS 10.45.120 is amended to read:

4 Sec. 10.45.120. CORPORATE NAME. The corporate name of a profes-
5 sional corporation shall contain the last name of one or more of its
6 shareholders, unless the regulations of a particular regulating board
7 or the ethics of a profession permit the use of a corporate name which
8 does not include the surname of any present or former shareholder.
9 The corporate name shall be ended by the word "Corporation," or "In-
10 corporated," or by the abbreviation "Corp." or "Inc.," or by the
11 words, "a professional corporation," or by the abbreviation "P.C."

12 * Sec. 19. AS 11.81.250(a) is amended to read:

13 Sec. 11.81.250. CLASSIFICATION OF OFFENSES. (a) For purposes
14 of sentencing under AS 12.55, all offenses defined in this title,
15 except murder in the first and second degree, sexual assault in the
16 first degree, sexual abuse of a minor in the first degree, misconduct
17 involving a controlled substance in the first degree, and kidnapping,
18 are classified on the basis of their seriousness, according to the
19 type of injury characteristically caused or risked by commission of
20 the offense and the culpability of the offender. Except for murder in
21 the first and second degree, sexual assault in the first degree,
22 sexual abuse of a minor in the first degree, misconduct involving a
23 controlled substance in the first degree, and kidnapping, the offenses
24 in this title are classified into the following categories:

25 (1) class A felonies, which characteristically involve
26 conduct resulting in serious physical injury or a substantial risk of
27 serious physical injury to a person;

28 (2) class B felonies, which characteristically involve
29 conduct resulting in less severe violence against a person than class

1 A felonies, aggravated offenses against property interests, or aggra-
2 vated offenses against public administration or order;

3 (3) class C felonies, which characteristically involve
4 conduct serious enough to deserve felony classification but not seri-
5 ous enough to be classified as A or B felonies;

6 (4) class A misdemeanors, which characteristically involve
7 less severe violence against a person, less serious offenses against
8 property interests, less serious offenses against public administra-
9 tion or order, or less serious offenses against public health and
10 decency than felonies;

11 (5) class B misdemeanors, which characteristically involve
12 a minor risk or physical injury to a person, minor offenses against
13 property interests, minor offenses against public administration or
14 order, or minor offenses against public health and decency;

15 (6) violations, which characteristically involve conduct
16 inappropriate to an orderly society but which do not denote criminal-
17 ity in their commission.

18 * Sec. 20. AS 11.81.250(b) is amended to read:

19 (b) The classification of each felony defined in this title,
20 except murder in the first and second degree, sexual assault in the
21 first degree, sexual abuse of a minor in the first degree, misconduct
22 involving a controlled substance in the first degree, and kidnapping,
23 is designated in the section defining it. A felony under Alaska law
24 defined outside this title for which no penalty is specifically pro-
25 vided is a class C felony.

26 * Sec. 21. AS 12.55.155(c)(20) is amended to read:

27 (20) the defendant was on furlough under AS 33.30 or on
28 parole or probation for another felony charge or conviction that would
29 be considered a prior felony conviction under AS 12.55.145(a)(2);

1 * Sec. 22. AS 14.08.081 is amended to read:

2 Sec. 14.08.081. RECALL. The members of a regional school board
3 are subject to recall in accordance with AS 29.26.240 - 29.26.360,
4 except that the director of [THE DIVISION OF] elections shall perform
5 the functions of a municipal clerk, [AND] the lieutenant governor
6 shall perform the functions of the assembly or council under those
7 sections, and the last regular election is the last regular election
8 held within the regional educational attendance area.

9 * Sec. 23. AS 14.11.105, 14.11.110, 14.11.115, 14.11.120, 14.11.125,
10 14.11.130 and 14.11.135(1) are repealed.

11 * Sec. 24. AS 14.12.030(b) is amended to read:

12 (b) Each borough and city school district with an average daily
13 membership exceeding 5,000 has a school board of seven, nine or eleven
14 members, as established by ordinance. [SCHOOL BOARD MEMBERS MAY BE
15 ELECTED AT LARGE, OR AS PROVIDED IN AS 29.23.310.]

16 * Sec. 25. AS 14.20.160 is amended to read:

17 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost
18 when the teacher's employment in the district is interrupted or ter-
19 minated [, OR WHEN THE TEACHER REACHES THE AGE OF 65].

20 * Sec. 26. AS 14.20.220(f) is repealed.

21 * Sec. 27. AS 18.05.040(a)(10) is repealed.

22 * Sec. 28. AS 18.08.040(a) is amended to read:

23 (a) Members of the council shall be appointed for staggered
24 [OVERLAPPING] terms of four years.

25 * Sec. 29. AS 18.08.040(b) is amended to read:

26 (b) Each year the governor shall appoint a consumer to one of
27 the staggered terms on the council that expire during that year [OF
28 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR
29 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS,

1 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH
2 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF
3 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

4 * Sec. 30. AS 18.26.030(b) is amended to read:

5 (b) The four public members appointed under (a)(4) of this
6 section serve for staggered four-year terms. Each must be a resident
7 of the state and a qualified voter at the time of appointment and
8 shall comply with the requirements of AS 39.50 (conflict of interest).
9 [THE PUBLIC MEMBERS FIRST APPOINTED SHALL HAVE TERMS OF ONE, TWO,
10 THREE AND FOUR YEARS RESPECTIVELY, TO BE DETERMINED BY LOT.] Each
11 member shall hold office for the term of the [HIS] appointment and
12 until a [HIS] successor has been appointed and qualified. A member is
13 eligible for reappointment. A vacancy on the board of directors
14 occurring other than by expiration of term shall be filled in the same
15 manner as the original appointment but for the unexpired term only.
16 Each member of the board before entering upon the [HIS] duties of
17 office shall take and subscribe to an oath to perform the duties of
18 [HIS] office faithfully, impartially, and justly to the best of the
19 member's [HIS] ability. A record of the oath shall be filed in the
20 Office of the Governor.

21 * Sec. 31. AS 18.50.160(c) is amended to read:

22 (c) When a birth occurs outside an institution, the certificate
23 shall be prepared and filed by one of the following in the indicated
24 order of priority:

25 (1) the physician in attendance at or immediately after the
26 birth; or in the [HIS] absence of a physician

27 (2) a person other than a parent in attendance at or imme-
28 diately after the birth; or [IN HIS ABSENCE]

29 (3) a parent, or, if a parent is unable [THE FATHER,

1 MOTHER, OR, IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE
2 MOTHER], the person in charge of the premises where the birth occurs.

3 * Sec. 32. AS 18.55.375 is amended to read:

4 Sec. 18.55.375. INVESTMENT OF STATE SURPLUS. Notwithstanding
5 other provisions of law, when the commissioner of revenue determines
6 that there is in the state treasury a surplus above an amount suffi-
7 cient to meet current cash expenditure needs, the surplus may be
8 invested, in addition to the investments permitted by AS 37.10.070(a),
9 in mortgages owned by the authority for loans made to cooperatives
10 under AS 18.55.370(2) and secured by real estate in the state. The [,
11 WHICH] investments shall be subject to the terms and conditions that
12 the authority and the commissioner of revenue may provide in a [ANY]
13 contract of sale. Investments allowed by this section shall be made
14 as provided for other investments of state money under AS 37.10.070
15 [AS 37.10.070(a), (f), (g) AND (i)]. The terms and conditions of a
16 [ANY] contract of sale authorized to be made under this section may
17 include but are not limited to

18 (1) the investment by the state in a specified or determin-
19 able amount of mortgages;

20 (2) the existence of a prior lien on and pledge of the
21 mortgages invested in by the state;

22 (3) provisions relating to the subordination of the state's
23 interest in and application of annual payments of principal and inter-
24 est or the proceeds of a permitted sale of, or insurance or prepay-
25 ments on, the mortgages; and

26 (4) the right of the authority to repurchase the mortgages
27 at a predetermined price.

28 * Sec. 33. AS 18.55.570(a) is amended to read:

29 (a) The authority may issue bonds and notes from time to time

1 for any of its corporate purposes including the payment of principal
2 and interest on advances for surveys and plans for redevelopment
3 projects. The authority may issue refunding bonds for the purpose of
4 the payment or retirement or in exchange for bonds previously issued
5 by it. The authority may issue the types of bonds and notes it deter-
6 mines, including bonds and notes on which the principal and interest
7 are payable (1) exclusively from the income, proceeds, and revenues of
8 the redevelopment project financed with the proceeds of the bonds or
9 notes, or (2) exclusively from the income, proceeds, and revenues of
10 any of its redevelopment projects whether or not they are financed in
11 whole or in part with the proceeds of the bonds or notes [, OR (3) IN
12 WHOLE OR IN PART FROM TAXES ALLOCATED TO, AND PAID INTO A SPECIAL FUND
13 BY A CITY, BOROUGH, OR OTHER TAXING AGENCY UNDER THE PROVISIONS OF
14 AS 18.55.695 - 18.55.700]. The bonds or notes may be further secured
15 by a pledge of all or any part of a loan, grant or contribution from
16 the federal government or from another source, or by a mortgage of a
17 redevelopment project of the authority.

18 * Sec. 34. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-
19 (e) - (h), 18.55.945, and 18.55.950(19) are repealed.

20 * Sec. 35. AS 18.56.030(c) is amended to read:

21 (c) The board members described in (a)(2) and (a)(3) of this
22 section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT OF
23 ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A ONE-YEAR
24 TERM.]

25 * Sec. 36. AS 18.56.105 is amended to read:

26 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpo-
27 ration shall designate regions within the state which in the aggre-
28 gate, encompass the entire state. In participating in the making or
29 purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) -

1 (3)] or under AS 18.56.100, the corporation shall make its money
2 available through the private financial institutions in the state
3 within each region designated by the corporation under this section.
4 The corporation shall allocate its money among the regions on the
5 basis of recent and future anticipated lending activity as well as the
6 potential need for the loans in each region and may reallocate its
7 money among the regions as it considers appropriate to reflect changes
8 in lending activity or need in the regions.

9 * Sec. 37. AS 18.56.210(9) is repealed.

10 * Sec. 38. AS 18.56.210(13) is amended to read:

11 (13) "bond" or "obligation" means a bond, bond anticipation
12 note, or other note of the corporation authorized to be issued by the
13 corporation under this chapter, or a mortgage participation certifi-
14 cate issued with respect to mortgages of the corporation.

15 * Sec. 39. AS 18.60.057(b) is amended to read:

16 (b) The [TERMS OF] members of the board serve staggered terms of
17 [ARE] four years. A [EXCEPT THAT (1) THE MEMBERS OF THE BOARD FIRST
18 TAKING OFFICE SHALL SERVE, AS DESIGNATED BY THE GOVERNOR AT THE TIME
19 OF APPOINTMENT, ONE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO
20 YEARS, AND ONE FOR A TERM OF FOUR YEARS, AND (2) A] vacancy caused by
21 the death, resignation, or removal of a member before the expiration
22 of the term for which the member [HE] was appointed shall be filled
23 only for the remainder of the unexpired term. A member of the board
24 may be removed by the governor for inefficiency, neglect of duty or
25 malfeasance in office.

26 * Sec. 40. AS 18.60.070 is amended to read:

27 Sec. 18.60.070. CONTROL OF FUNDS. Funds appropriated by the
28 legislature for AS 18.60.010 - 18.60.105, [FUNDS IN THE BOILER FUND
29 CREATED FOR AS 18.60.380,] and contributions shall be spent only for

1 the purposes of AS 18.60.010 - 18.60.105.

2 * Sec. 41. AS 18.67.020(b) is amended to read:

3 (b) Members of the board serve staggered terms of [THE TERM OF
4 OFFICE OF EACH MEMBER OF THE BOARD IS] three years [, EXCEPT THAT OF
5 THE MEMBERS FIRST APPOINTED ONE SHALL BE APPOINTED FOR A TERM OF THREE
6 YEARS, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF ONE YEAR].
7 All vacancies, except through the expiration of term, shall be filled
8 for the unexpired term only.

9 * Sec. 42. AS 24.45.171(12) is amended to read:

10 (12) "public official" or "public officer [OFFICE]" means a
11 public official [OR PUBLIC OFFICE] as defined in AS 39.50.200(a);
12 however, it does not include a judicial officer or an elected or
13 appointed municipal officer.

14 * Sec. 43. AS 25.24.160(7) is amended to read:

15 (7) for the [TO] change of [THE] name of either [ONE] of
16 the parties.

17 * Sec. 44. AS 25.24.230(b) is amended to read:

18 (b) If the petition is brought by one spouse under AS 25.24.-
19 200(b), the court may grant the spouses a final decree of dissolution
20 and change the name of the petitioner [RESTORE THE PETITIONER'S PRIOR
21 NAME], when so requested, if the court, upon consideration of affida-
22 vits supplied by the spouse and the testimony of the spouse at the
23 hearing, finds that

24 (1) the spouse present at the hearing understands fully the
25 nature and consequences of the action; and

26 (2) the conditions in AS 25.24.200(b) have been met.

27 * Sec. 45. AS 25.24.230(e) is amended to read:

28 (e) If the petition is brought by both spouses under AS 25.24.-
29 200(a), the court shall change [RESTORE] either spouse's [PRIOR] name,

1 if so requested, and shall fully and specifically set out in the
2 decree the agreements of the spouses relating to child custody, child
3 support, visitation, spousal support, division of property, and the
4 allocation of the obligations of the spouses; and the court shall
5 order the performance of these agreements. The court shall also
6 state, in the decree, whether child support payments are to be made
7 through the child support enforcement agency. If the petition is
8 brought by one spouse under AS 25.24.200(b), the decree shall state
9 that it does not bar future action on the issues not resolved in the
10 decree.

11 * Sec. 46. AS 28.10.411(d) is repealed.

12 * Sec. 47. AS 28.10.502(b) is amended to read:

13 (b) A lien under this section is limited to towing and storage
14 charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH
15 THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A
16 FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE
17 LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME
18 SERVICE OR ROUTE]. Storage charges cease to be part of the lien after
19 60 days unless the registered owner or primary lienholder, if any, has
20 been given actual notice of the possessory lien within that time or
21 unless a certified letter has been mailed within that time to the
22 owner and primary lienholder, if any, at their addresses of record
23 with the Department of Public Safety or the corresponding office in
24 another jurisdiction in which the title to the motor vehicle and the
25 lien on it are recorded.

26 * Sec. 48. AS 29.10.040(a) is amended to read:

27 (a) A candidate for a charter commission of an existing munic-
28 ipality shall have been qualified to vote in that [BE A VOTER OF AN
29 EXISTING] municipality for at least one year [THREE YEARS] immediately

1 preceding the charter commission election.

2 * Sec. 49. AS 29.45.030(a)(4) is amended to read:

3 (4) property of a nonbusiness organization [OR ITS AUXILIA-
4 RY] composed entirely of persons with 90 days or more of active ser-
5 vice in the armed forces of the United States whose conditions of
6 service and separation were other than dishonorable, or the property
7 of an auxiliary of that organization;

8 * Sec. 50. AS 29.60.120(a)(3) is amended to read:

9 (3) to a municipality in which a [LICENSED] health facility
10 is operated, \$2,000 per bed for each bed actually used for patient
11 care, limited to the number of beds provided for in the construction
12 design of the health facility, or \$8,000 per health facility as the
13 municipality determines.

14 * Sec. 51. AS 29.60.360(a) is amended to read:

15 (a) The base amount to be distributed from the municipal assis-
16 tance fund to each municipality for the fiscal year shall be the
17 amount received by the municipality during fiscal year 1978 under
18 AS 43.70.080 as that section provided before the 1978 amendment. A
19 city incorporated within a borough after June 30, 1977, shall receive
20 as a base amount a share of the amount distributed to the borough in
21 which it is located based on a ratio of population in the city to the
22 total population of the borough. A city incorporated outside a bor-
23 ough after June 30, 1977, shall receive as a base amount the amount
24 received by the city in the state most closely approximating it in
25 population at the time of its incorporation. A borough incorporated
26 after June 30, 1977, shall receive as a base amount the amount re-
27 ceived by the borough in the state most closely approximating it in
28 population at the time of its incorporation. The base amount to be
29 distributed to each municipality organized under federal law shall be

1 the amount received as a base amount by the city most closely approx-
2 imating it in population on June 30, 1977.

3 * Sec. 52. AS 29.60 is amended by adding a new section to read:

4 Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To
5 qualify to receive money under AS 29.60.350 - 29.60.370, a municipal-
6 ity organized under federal law as an Indian reserve that existed
7 before enactment of 43 U.S.C. 1618(a) and is continued in existence
8 under that subsection shall form a community development corporation
9 with authority to determine how money received under AS 29.60.350 -
10 29.60.370 will be used. The charter must require that the governing
11 board of the corporation shall be elected at an annual election open
12 to all residents of the municipality who are registered and qualified
13 to vote in state elections. The department may distribute money for
14 the municipality only to a corporation organized in accordance with
15 this section and only after the corporation has delivered a written
16 waiver of sovereign immunity from legal action by the state to recover
17 all or a portion of the money distributed under AS 29.60.350 - 29.60.-
18 370.

19 * Sec. 53. AS 29.60 is amended by adding a new section to art. 4 to
20 read:

21 Sec. 29.60.375. DEFINITION. In AS 29.60.350 - 29.60.370 "munic-
22 ipality" includes a municipality organized under federal law as an
23 Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and
24 is continued in existence under that subsection.

25 * Sec. 54. RETROACTIVITY OF SECTIONS 48 AND 51 - 53. The amendments to
26 AS 29.10 and AS 29.60 made by secs. 48 and 51 - 53 of this Act are retroac-
27 tive to January 1, 1986.

28 * Sec. 55. AS 32.05.020(4) is amended to read:

29 (4) The receipt by a person of a share of the profits of a

1 business is prima facie evidence that the person [HE] is a partner in
2 the business, but this [NO SUCH] inference may not [SHALL] be drawn if
3 the [SUCH] profits were received in payment

4 (A) as a debt by installments or otherwise;

5 (B) as wages of an employee or rent to a landlord;

6 (C) as an annuity to a surviving spouse [WIDOW] or
7 representative of a deceased partner;

8 (D) as interest on a loan, though the amount of pay-
9 ment varies with the profits of the business;

10 (E) as the consideration for the sale of the goodwill
11 of a business or other property by installments or otherwise.

12 * Sec. 56. AS 32.05.200(b)(5) is amended to read:

13 (5) a partner's right in specific partnership property is
14 not subject to [DOWER, CURTESY, OR] allowances to a surviving spouse
15 [WIDOWS], heirs, or next of kin.

16 * Sec. 57. AS 34.40.100 is amended to read:

17 Sec. 34.40.100. WHEN TITLE OF PURCHASER FOR VALUE NOT AFFECTED.
18 The provisions of AS 34.40.010 and 34.40.070 - 34.40.130 [, AND
19 AS 13.05 WITH THE EXCEPTION OF AS 13.05.070, AS 13.15.070 - 13.15.130,
20 AND AS 13.30.670] may not be construed in any manner to affect or
21 impair the title of a purchaser for a valuable consideration unless it
22 appears that the purchaser had previous notice of the fraudulent
23 intent of the purchaser's immediate grantor, or of the fraud rendering
24 void the title of the grantor.

25 * Sec. 58. AS 37.05.230(6) is repealed.

26 * Sec. 59. AS 39.25.120(c) is amended by adding a new paragraph to
27 read:

28 (19) the deputy director of the division of housing assis-
29 tance in the Department of Community and Regional Affairs.

1 * Sec. 60. AS 41.21.611(b)(1) is amended to read:

2 (1) Township 26 South, Range 55 East, Copper River Meridian

3 Section 12: that portion within USS 3708

4 Section 13: that portion within USS 3708

5 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,
6 S1/2SE1/4

7 Sections 24 and 25

8 Section 26: E1/2

9 Section 33: SE1/4SE1/4SE1/4

10 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,
11 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4

12 Section 35

13 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,
14 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,
15 NW1/4SE1/4SW1/4, NW1/4SE1/4

16 * Sec. 61. AS 41.21.611(b)(2) is amended to read:

17 (2) Township 26 South, Range 56 East, Copper River Meridian

18 Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4
19 within USS 3708, S1/2

20 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that
21 portion of the S1/2NE1/4 within USS 3708

22 Section 17: W1/2NW1/4

23 Section 18

24 Section 19: W1/2, SW1/4SE1/4

25 Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,
26 W1/2SW1/4

27 * Sec. 62. AS 41.21.611(b)(4) is amended to read:

28 (4) Township 28 South, Range 55 East, Copper River Meridian

29 Section 1: S1/2SW1/4NW1/4, SW1/4

1 Section 2

2 Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,
3 SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4

4 Section 4: E1/2NE1/4NE1/4

5 Section 10: that portion of Mosquito Lake within the
6 NE1/4

7 Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4,
8 SE1/4SE1/4, except USS 3431

9 Section 12

10 Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4,
11 NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4

12 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]

13 Section 19: Lot 13

14 Section 24: E1/2E1/2, NE1/4NW1/4NE1/4

15 Section 25: except that portion north of the Haines
16 Highway [LOTS 9 - 11 AND 16]

17 Section 26: that portion [OF LOT 5 AND NE1/4NW1/4]
18 south of the Haines Highway, except Lots 2, 3,
19 and the SW1/4SW1/4 [LOTS 1, 12, AND 17]

20 Section 27: that portion south of the Haines Highway
21 except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]

22 Section 28: [,] except S1/2S1/2, the south 660 feet of
23 Lots 5 - 7, and that portion north of the Haines
24 Highway

25 Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4,
26 and Lots 9, 14, 15, and 18

27 Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT
28 6 EXCEPT THE SOUTH 660 FEET.]

29 Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]

1 Section 34: S1/2S1/2S1/2

2 Section 35: except NW1/4NE1/4, S1/2NE1/4, W1/4, S1/2
3 [LOT 1]

4 Section 36: [,] except SW1/4NW1/4, S1/2, and the south
5 660 feet of Lots 3 - 4

6 * Sec. 63. AS 41.21.511(b)(5) is amended to read:

7 (5) Township 28 South, Range 56 East, Copper River Meridian

8 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,

9 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,

10 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4

11 Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4

12 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,

13 SW1/4SE1/4NE1/4, W1/2, SE1/4

14 Section 19

15 Section 20: W1/2W1/2

16 Section 29: except USS 948, USS 991, Lots 1, 2, and
17 4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]

18 Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and
19 the NE1/4SW1/4

20 Section 31

21 Section 32: [,] except USS 991, USS 2455, and Lots 1,
22 2, and 24

23 Section 33: S1/2 except USS 2455 and Lots 18 21

24 Section 34: [LOTS 1, 2, S1/2NE1/4SW1/4,]

25 W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4, SW1/4 except
26 NE1/4SW1/4 and Lots 1 and 2

27 * Sec. 64. AS 41.21.611(b)(8) is amended to read:

28 (8) Township 29 South, Range 56 East, Copper River Meridian

29 Section 1

1 Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,
2 E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4

3 Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
4 SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,
5 W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4

6 Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4,
7 E1/2SE1/4SW1/4

8 Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,
9 S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,
10 NW1/4SE1/4NW1/4

11 Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4

12 Section 9

13 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,
14 S1/2NW1/4, S1/2

15 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,
16 N1/2SE1/4NW1/4, S1/2

17 Sections 12 - 14

18 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,
19 E1/2SW1/4SE1/4

20 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,
21 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,
22 NE1/4SE1/4NW1/4

23 Section 17: N1/2NE1/4NE1/4

24 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4

25 Section 23: that portion of the N1/2NW1/4 lying west of
26 Chilkat Lake

27 * Sec. 65. AS 41.21.611(b)(9) is amended to read:

28 (9) Township 29 South, Range 57 East, Copper River Meridian
29 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,

1 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4

2 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,

3 NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660
4 FEET OF LOT 2]

5 Section 6: except Lots 1 and 9

6 Sections 7 and [6-] 8

7 USS 907

8 Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,

9 SW1/4SE1/4NE1/4, NW1/4, S1/2

10 Section 10: Lots 1 - 4, W1/2NE1/4SW1/4,

11 NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4

12 Section 14: that portion west of the Haines Highway

13 Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -
14 14

15 Sections 16 - 18

16 USS 786

17 Section 19: NE1/4NE1/4NE1/4

18 Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,

19 E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,

20 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

21 Sections 21 and 22

22 Section 23: that portion west of the Haines Highway

23 Section 25: that portion west of the Haines Highway

24 Section 26: that portion west of the Haines Highway

25 Section 27

26 Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,

27 N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,

28 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

29 Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,

1 NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

2 Section 35

3 Section 36: that portion west of the Haines Highway

4 * Sec. 66. AS 41.21.611(b)(10) is amended to read:

5 (10) Township 29 South, Range 58 East, Copper River

6 Meridian

7 Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,

8 SE1/4SW1/4, S1/2SW1/4SE1/4

9 Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,

10 NW1/4, NE1/4SW1/4, SE1/4

11 Section 9: NE1/4NE1/4

12 Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,

13 NW1/4NW1/4SW1/4, SE1/4

14 Section 31: that portion south of the Haines Highway

15 * Sec. 67. AS 41.21.611(b)(11) is amended to read:

16 (11) Township 30 South, Range 57 East, Copper River

17 Meridian

18 Section 1

19 Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,

20 SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,

21 N1/2SE1/4, N1/2SE1/4SE1/4

22 Section 3: NE1/4NE1/4NE1/4

23 Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,

24 NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,

25 E1/2E1/2SE1/4, NW1/4SE1/4SE1/4

26 [SECTION 13: NE1/4NE1/4NE1/4]

27 * Sec. 68. AS 43.25 is repealed.

28 * Sec. 69. AS 43.26 is repealed.

29 * Sec. 70. AS 45.50.110 is repealed.

1 * Sec. 71. AS 45.55.030(d) is amended to read:

2 (d) Every registration expires one year from its effective date
3 unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN
4 INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS
5 OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALEN-
6 DAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE
7 REGISTRATION FEE PROPORTIONATELY.]

8 * Sec. 72. AS 45.89.500(4)(K) is amended to read:

9 (K) any other energy-saving device approved by the
10 commissioner of commerce and economic development [UNDER AS 44.-
11 33.040(12)].

12 * Sec. 73. AS 47.45.230 is amended to read:

13 Sec. 47.25.230. PERSONS LIABLE FOR SUPPORT AND BURIAL. Every
14 needy person shall be supported while living and upon dying, shall be
15 given a decent burial by the spouse, children, parents, grandparents
16 [FATHER, MOTHER, GRANDFATHER, GRANDMOTHER], grandchildren, or siblings
17 [BROTHERS OR SISTERS] of the needy person, if they, or any of them,
18 have the ability to do so, in the order named. Every designated
19 person who fails to support the needy person when directed by the
20 department to do so, or fails to give the needy person a decent burial
21 shall reimburse the state or a municipality for the funds expended by
22 either the state or a municipality for the relief or burial of the
23 needy person, and these sums with interest and costs may be recovered
24 by the state or a municipality of the state in a civil action.

25 * Sec. 74. AS 47.37.270(6) is amended to read:

26 (6) "coordinator" means the coordinator of the office of
27 alcoholism and drug abuse;

28 * Sec. 75. Section 55, ch. 37, SLA 1985, is amended to read:

29 Sec. 55. Sections 1 - 3 and 31 of this Act take effect

1 immediately in accordance with AS 01.10.070(c).

2 * Sec. 76. Section 56, ch. 37, SLA 1985, is amended to read:

3 Sec. 56. Except as provided in sec. 55 of this Act, the sections
4 of this Act and the portions of sec. 54 [SECTIONS 4 - 54] of this Act
5 that relate to a particular occupation take effect on the effective
6 date of the regulations adopted under AS 08.01.065, enacted in sec. 2
7 of this Act, that apply to that occupation.

8 * Sec. 77. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

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STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 493
 Title: Corrective amendments to Alaska statutes (revisor's bill)
 Sponsor: Rules by req. of L.C.
 Requestor: _____
 Date of Request: 3/5/86

FISCAL DETAIL

Agency affected: _____
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Hayden Kaden, Committee Counsel Phone: 465-4990
 Division: House Judiciary Date: 3/5/86

Approved by Commissioner: *[Signature]* Date: 3/5/86
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 1/22/86

REQUEST

Bill/Resolution No. : HB 493
 Title : Corrective amendments by revisor of statutes
 Sponsor : Rules by request
 Requestor : Legislative Council
 Date of Request : 1/22/86

FISCAL DETAIL

Agency Affected : Community & Regional Affairs
 BRU : Local Government Assistance and Municipal Revenue Sharing
 Components : State Assessor/State Revenue Sharing/Municipal Assistance

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The fiscal note applies to Sections 24, 26, 27, 28, 29, and 30 of the bill
 The Department supports the changes in these sections.

Prepared by : Doug Griffin, Deputy Director *D Griffin* Phone : 465-4750
 Division : Municipal & Regional Assistance Date : 1/22/86
 Approved by Commissioner : *[Signature]* Date : 1/24/86
 Agency : Community & Regional Affairs

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 493
 Title : An Act making corrective amendments to Alaska Statutes...
 Sponsor : Rules by Request
 Requestor : _____
 Date of Request : 3/4/86

FISCAL DETAIL

Agency Affected : Community & Regional Affairs
 BRU : Local Government Assistance
 Components : Training & Development

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director
 Division : Municipal & Regional Assistance

Phone : 465-4750
 Date : 3/4/86

Approved by Commissioner : _____
 Agency : Community & Regional Affairs

Date : 3/4/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

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March 4, 1986

POSITION PAPER

RE: House Bill 493

SPONSOR: Rules by Request

Program Effects of Bill

Those amendments of the revisor's bill which affect Departmental programs (Sections 24 and 26 through 31) are clean-up matters and will not affect Departmental programs.

Comments

These amendments are at the request of the Department and the Department supports their passage.



Emil Høgti, Commissioner

STATE OF ALASKA
THE LEGISLATURE

HOUSE OF REPRESENTATIVES
JUNEAU ALASKA 99801
907 465 1800

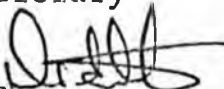
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 5, 1986

SUBJECT: CSHB 493(Judiciary)

TO: Representative M. Mike Miller
Chairman, House Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

This bill was prepared by the revisor of statutes under AS 01.05.036, which provides, in part, that the revisor of statutes shall

. . . prepare for submission to the legislature legislation for the correction or removal of . . . deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of . . . the statute law of this state.

This memorandum discusses the committee substitute passed out of committee March 5, 1986.

Sections 1, 5 and 6. These sections amend AS 04.11.070, 04.11.537 and 04.11.560(b) to conform the sections to the 1985 amendments to AS 04.11 made by ch. 93, SIA 1985. The 1985 amendments changed the concept of "transfer of location" to "relocation" of a liquor license. The Department of Law requested that we conform the language in 13 sections in AS 04.11, but we believe that the three sections included in the amendment are the only ones that really need to be changed. All of the others speak to "transfer to a new location," "transfer between holders or locations," or other similar phrases that describe "relocation."

Sec. 2 and 3. Under current law, the holders of brewery and winery licenses are allowed to give a person small samples of their products on their premises, unless the recipient is intoxicated. They are permitted to give samples to minors, to any person on an election day, or at any hour of the day or night. Our analysis of the two provisions proposed for amendment in secs. 2 and 3 of the bill suggests that this

was an oversight. The Department of Law and the executive director of the Alcoholic Beverage Control Board concur in our analysis and have asked that the statutes be amended to make breweries and wineries subject to the same prohibitions that other licensees are subject to.

Sec. 4 This section proposes an amendment to AS 04.11.370, which sets out the grounds for the suspension or revocation of a liquor license. The 1978 revision of the criminal laws substituted "promotion of prostitution" for "pimping" in the provisions relating to crimes connected with prostitution. The amendment proposed by this section updates the language of AS 04.11.370(7) to reflect this fact. The amendment was suggested by the Alaska Women's Commission. See the commission's "Review of the Alaska Statutes for Sex Discrimination", May 1985, at page 43.

Sec. 7. This section deletes an obsolete reference to senate districts and replaces it with a reference to the judicial districts of the state. The amendment was suggested by the Department of Law.

Sec. 8. This section conforms AS 08.18.081 to the changes made in AS 21 by ch. 26, SLA 1985. That law authorized the director of the insurance division to establish by regulation fees for the various services provided by the division. The intent of that legislation was to provide flexibility in the fee structure to allow the state to recover through fees the cost of the services provided. The proposed amendment substitutes a fee set under AS 21.06.250" for the old fee of \$5.00 charged when the director acts as an agent of the surety on a contractor's bond for service of process. The amendment was requested by the insurance division.

Sec. 9. AS 08.20.150, proposed for repeal by this section, requires licensed chiropractors to record their licenses with the clerk of the superior court. Since 1966, the state has had centralized licensing and the division of occupational licensing maintains all of the records. The chief counsel of the court system and the regulations attorney in the Department of Law have requested that this archaic provision be repealed to eliminate an unnecessary burden on the court system and a source of confusion among licensees.

Sec. 10. The sentence proposed for deletion by this section refers to filing certificate "with the board" (of

chiropractic examiners), which, as the revisor's note to this section has pointed out, is a nonexistent requirement. The intent may have been to refer to filing with the court, which has been required under AS 08.20.150, proposed for repeal by the preceding section of the bill. This amendment was suggested by the regulations attorney in the Department of Law.

Sec. 11. The amendment proposed by this section updates AS 08.54.142(b) to reflect changes in the regulation of air carriers made by the 1983 initiative and related action by the first session of the 14th Legislature.

Secs. 12-15. In these sections of the bill, AS 08.64.280 and 08.64.350, relating to physicians' licenses, are proposed for repeal; AS 08.64.350, AS 08.72.120 and AS 08.72.125(b) are amended; and AS 08.72.130, relating to optometrists' licenses, is proposed for repeal. The reasons for these proposals are the same as those set out above in the discussion of sec. 9 of the bill.

Sec. 16. The section proposed for amendment, AS 08.88.421, lists the persons and entities who are exempted from the laws regulating real estate brokers and salesmen. Paragraph (9) describes certain corporations, partnerships, and individuals as exempt, but those provisions conflict with AS 08.88.161, which sets out the requirement that certain corporations, partnerships, and individuals must be licensed under the laws. The source of the conflict is that the exceptions set out in AS 08.88.421(9)(B) relate only to that subparagraph, when they should probably relate to AS 08.88.421(9)(A) as well. The Department of Law suggested that AS 08.88.421(9) be amended as proposed in sec. 16 of the bill in order to eliminate the conflict and conform the provision to apparent legislative intent.

Sec. 17. This section and sec. 42 of the bill reflect recommendations of the Alaska Women's Commission (see pages 15 - 17 of their "Review of the Alaska Statutes for Sex Discrimination") relating to change of name in domestic relations actions. The amendment to AS 09.55.010 proposed in sec. 17 simply updates the basic statute relating to jurisdiction in an action to change a person's name, by adding a reference to "dissolution" in the last sentence. This provision was adopted before dissolutions were established in Alaska and was not amended when dissolutions were provided for.

Sec. 18. This section authorizes a professional corporation to use the abbreviation "P.C." in its name. That abbreviation is in fact frequently used by professional corporations in Alaska and throughout the country. The fact that the abbreviation is not authorized has apparently been overlooked in the past. The amendment to authorize its use would eliminate a potential problem between the Department of Commerce and Economic Development, professional licensing boards, and professionals. This amendment was requested by the Department of Law. The amendment also authorizes the use of "Limited" or "Ltd." to conform this section to AS 10.05.021, dealing with names of for-profit corporations generally.

Secs. 19 and 20. These sections update provisions relating to the classification of offenses to reflect legislative changes to the underlying provisions in 1982 and 1983.

Sec. 21. Section 21 responds to a problem that was addressed in Kuvaas v. State, 696 P.2d 684, discussed at page 48 of the November 1985 "oversight" report examining court decisions construing Alaska statutes. The court construed AS 12.55.55(c)(20), listing one of the many aggravating factors a court may consider in imposing sentence, as relating only to prior convictions of crimes that were felonies under Alaska law, or in the case of convictions in another state, convictions of crimes that would have been considered felonies if committed in Alaska. The amendment places in the statutes the court's interpretation of the statutes, and the legislature's apparent intent.

Sec. 22. Recall elections in REAA's are conducted under the municipal recall provisions of AS 29.26. Although the statutory references within AS 14.08.081 were changed as a part of the municipal code revision (ch. 74, SLA 85), there is a minor problem remaining that is addressed in sec. 22 of the bill. The new municipal code requires the director of elections to use the last regular election in the municipality to determine the number of signatures required on the recall petition. The municipal code, however, excludes REAA's from the definition of a municipality. The suggested amendment makes it clear that the election to be used as the basis for signature requirements is "the last regularly scheduled election held within the regional educational attendance area."

Sec. 23. This proposed amendment is made to conform a section to the provisions of the new municipal code (ch. 74, SLA 1985). Under new AS 29.20.300, members of a school board "are elected at large unless a different method of election has been approved by the voters in a regular election." The last sentence of AS 14.12.030(b) is inconsistent with that provision and is proposed for deletion.

Sec. 24. The language in AS 14.20.160 proposed for deletion is contrary to both federal and state law relating to age discrimination. The amendment was requested by the Department of Education to avoid misunderstanding and confusion.

Sec. 25. The provision proposed for repeal is obsolete and should have been repealed in 1984 when other provisions made obsolete by changes in the relationship between the state and public schools were repealed. AS 14.20.220(f) established the minimum salary for substitute teachers as a percentage of the "base salary" for the appropriate area of the state. The state no longer establishes base salaries for teachers. The Department of Education requested the repeal of this obsolete provision.

Sec. 26. The paragraph proposed for repeal required the commissioner of health and social services to adopt regulations covering "the notification of engagement or release of a physician assistant under AS 08.64.170(b)." In 1974, AS 08.64.170(b) was repealed, rendering the paragraph proposed for repeal obsolete.

Secs. 27 - 29. These sections propose amendments that will delete obsolete material related to initial appointments.

Sec. 30. This section amends the statute governing the registration of live births by eliminating a statutory preference given to fathers. This amendment was requested by the Alaska Women's Commission. See page 32 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 31. The 1980 rewrite of AS 37.10.070 made obsolete the reference to subsections (a), (f), (g) and (i) of that section in the next to last sentence of the section proposed for amendment.

Secs. 32 and 33. These sections propose an amendment to AS 18.55.570(a) and the repeal of AS 18.55.695 - 18.55.698, 18.55.700(e)-(h), 18.55.945 and 18.55.950(19). All of the

provisions proposed for repeal relate to the 1964 earthquake and are no longer needed. The amendment to AS 18.55.570(a) is required if the other sections are repealed. The action proposed by secs. 32 and 33 was requested by counsel for the Alaska State Housing Authority. The amendment to AS 18.55.570(a) is also supported by the state assessor's office.

Sec. 34. Deletes obsolete material related to initial appointments.

Sec. 35. AS 18.56.090(1), referenced in the second sentence of the section proposed for amendment, was repealed in 1981. The reference is amended to reflect that.

Sec. 36 and 37. There are two definitions of "obligation" in AS 18.56.210. Section 36 of the bill would repeal the first definition of the term, and sec. 37 amends the second definition to incorporate material that was in the repealed definition.

Sec. 38. The amendment deletes obsolete material related to initial appointments.

Sec. 39. The "boiler fund" and AS 18.60.380, referred to in AS 18.60.370, were repealed in 1968. The proposed amendments deletes the obsolete references.

Sec. 40. The amendment deletes obsolete material related to initial appointments.

Sec. 41. The term "public office", defined by AS 24.45.171(12), does not appear in AS 24.45 and is not defined in AS 39.50.200(a) as suggested by the existing language of AS 24.45.171(12). The amendment substitutes "public officer" for "public office". The term "public officer" is used in AS 24.45, so the substitution of that term for "public office" is appropriate.

Sec. 42. This section proposes a technical amendment to AS 25.24.160 relating to the change of a party's name by the court in connection with a divorce. The change was requested by the Alaska Women's Commission (see the discussion for sec. 17 of this bill).

Sec. 43. The provision proposed for repeal directed the state to reimburse local governments for revenue lost

through the operation of the senior citizens' exemption for certain motor vehicle taxes. AS 29.45.030(j), enacted in the new municipal code, now covers the subject and makes AS 28.10.411(d) redundant. The repeal of this provision was requested by the state assessor's office.

Sec. 44. The amendment to AS 28.10.502(b), proposed in this section, deletes language that was made obsolete by the passage of the initiative deregulating transportation.

Sec. 45. Chapter 92, SLA 1985, amended AS 29.13.010(b), effective June 6, 1985. Chapter 74, SLA 1985, repealed AS 29.13, effective January 1, 1986, and did not incorporate the changes made by ch. 92 in the equivalent provisions in AS 29.10.040 enacted as a part of the municipal code revision. The amendment to AS 29.10.040(a) proposed by sec. 45 incorporates the substantive amendment of ch. 92 and makes a minor style change to clarify the language of the subsection. The amendment proposed by sec. 45 is made retroactive to January 1, 1986, by sec. 51 of the bill.

Sec. 46. The proposed amendment to newly enacted AS 29.45.030(a)(4) clarifies that it is the organization of certain veterans that must be composed entirely of those veterans, not the auxiliary of such organization. The sentence construction proposed is identical to that found in former AS 29.53.020(a)(4), which was repealed when the new municipal code was enacted. The amendment was requested by the state assessor's office.

Sec. 47. AS 29.60.120(f) defines a "health facility" as one that is "licensed or certified by the state or approved under regulations adopted by" the Department of Community and Regional Affairs. The term "licensed health facility" is, however, used in AS 29.60.120(a)(3). The Department of Community and Regional Affairs believes that this was an oversight in the new municipal code and has requested a correction that deletes "licensed" from AS 29.60.120(a)(3).

Secs. 48 - 51. The legislature last session enacted ch. 90, providing for state aid to certain municipalities organized under federal law. The law was effective July 1, 1985. However, the legislature also enacted ch. 74, the new municipal code, effective January 1, 1986, and, ch. 74 included the repeal of the old state aid to municipalities provision (AS 43.20.016) and the enactment of new provisions in AS 29 that continued the old program without substantive

change. The new provisions, however, did not take into account the changes in AS 43.20.016 made by ch. 90. Sections 48 - 51 would reenact the substantive provisions of ch. 90 as part of AS 29 and make the enactment retroactive to January 1, 1986, the date that AS 43.20.016 was repealed. In sec. 48, an additional amendment to the first sentence of AS 29.60.360(a) is made to clarify a reference to AS 43.70.080. That minor clarification was requested by the Department of Law. With respect to the amendments made in secs. 48 - 50, the Department of Law is of the opinion that the result can be achieved through interpretation of the two enactments of the 1985 legislature and has issued a memorandum to that effect. However, we do not share their opinion and believe that the amendments should be adopted to ensure that both ch. 90 and ch. 74 are given effect.

Sec. 52. The amendment to AS 32.05.020 proposed by this section substitutes "surviving spouse" for "widow" to ensure that the determination of a partnership is not dependent upon the sex of the recipient of an annuity. This amendment was requested by the Alaska Women's Commission.

Sec. 53. This amendment would delete references to dower and curtesy, legal doctrines that have been abolished in Alaska, and substitute the term "a surviving spouse" for "widows". It does not change the nature of a partner's interest in specific partnership property. The amendment was requested by the Alaska Women's Commission. For a discussion of their recommendation, and the recommendation behind sec. 52 of the bill, see pages 50 - 51 of "Review of the Alaska Statutes for Sex Discrimination."

Sec. 54. This section proposes an amendment to delete references, in the chapter dealing with fraudulent transfers, to provisions that were repealed in 1972 when the new probate code was enacted. It is not believed necessary to substitute references to the new code.

Sec. 55. This section proposes for repeal a paragraph in the competitive bid law that was rendered obsolete by the passage of the initiative deregulating air carriers.

Sec. 56. This section would add a reference in the law describing the partially exempt service to a position placed in the partially exempt service by AS 44.47.365. The amendment was requested by the division of personnel in the Department of Administration.

Secs. 57 - 64. Following the passage of ch. 95, SLA 1982, several discrepancies were discovered in the legal descriptions of the land to be included in the Chilkat Bald Eagle Preserve. The commissioner of natural resources has requested that these descriptions be corrected in the revisor's bill. In the memorandum to the revisor that transmitted the corrections, the commissioner stated:

The Eagle Preserve legislation was written according to a reference map. When the legal description was written, correct land description notations were not utilized in defining the river, portions of previously surveyed land, and one mapped section of land was inadvertently left out of the description.

At the January, 1983 Eagle Preserve Advisory Council meeting, an explanation and presentation was made to request changes to correct the legal description. The Eagle Preserve Advisory Council and Department of Natural Resources review has concluded that these changes are valid and in keeping with the legislative intent and documentation.

Therefore, I request that these corrections be incorporated into your 1986 revisor's bill.

The backup material for the revisor's bill includes maps of the areas involved and a description of the source of the error where that was ascertainable, and will be made available to the committee or any member upon request.

Secs. 65 and 66. These sections would repeal two programs, the Alaska Industrial Incentive Act and the Industrial Incentive Tax Credit Act, which have been fully executed. By the terms of AS 43.25.110, the former program was closed to new participants on June 30, 1968. AS 43.26.070 closed the latter program on June 30, 1971. The repeal was suggested by the regulations attorney in the Department of Law.

Secs. 67 and 68. These sections deal with obsolete provisions in AS 45. The section proposed for repeal, AS 45.50.110, had no application after July 1, 1966. It dealt with the expiration of trademark registrations filed before July 1, 1961. The amendment to AS 45.55.030(d) deletes transitional provisions from the subsection. The provisions have been obsolete since May 1960.

Sec. 69. In 1983, the legislature repealed AS 44.33.040. However, the reference to that section in the definitions for AS 45.89 (the Residential Energy Conservation Fund) was not amended to reflect that. This section proposes the deletion of the reference in the same manner that similar references were deleted in the 1983 Act (ch. 79, SLA 1983).

Sec. 70. The amendment would make the liability for burial expenses dependent upon relationship to the deceased rather than upon a combination of relationship and sex. This amendment was requested by the Alaska Women's Commission and was discussed on page 59 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 71. This section corrects a reference to the office of alcoholism and drug abuse.

Secs. 72 and 73. Chapter 37, SLA 1985 replaced statutory license and other fees connected with occupational licensing with fees established by regulation. The authority to adopt the fees was made effective immediately, but all of the amendments relating to specific occupations were made effective upon the adoption of regulations. At the time the bill was enacted, it was assumed that the department would adopt the regulations for all occupations at the same time. However, the regulations are in fact being adopted on an occupation by occupation basis. For example, the first regulations to be adopted, relating to guides and to nurses, will be effective March 6, 1986, and the balance of the regulations will be adopted and become effective at various times during 1986.

This may be an orderly way to adopt the regulations, but it plays havoc with the effective date provisions of ch. 37. The problem is further complicated by the fact that the fee for one occupation covered by ch. 37, explosives handlers, is not set by regulations of the Department of Commerce and Economic Development under AS 08.01.065, referred to in the effective date provisions, but by the Department of Labor. The amendment proposed by sec. 72 of CSHB 493 makes the amendment relating to explosives handlers effective immediately (it would be effective at the same time CSHB 493 is effective).

The amendment proposed by sec. 73 would tie the effective date of ch. 37's amendments and repealers to the adoption of regulations for the specific occupation governed by the

Representative M. Mike Miller
Page 11
March 5, 1986

affected statutory provisions. The problem and the proposed solutions have been discussed with the Department of Law and it is agreed that secs. 72 and 73 present the most practical solution.

Sec. 74. This would make the Act effective immediately.

DRD:mkr
M3:004

Enclosure

cc: Art Peterson
Department of Law

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99801
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 10, 1986

SUBJECT: CSHB 493(Judiciary)

TO: Representative M. Mike Miller
Chairman, House Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

This bill was prepared by the revisor of statutes under AS 01.05.036, which provides, in part, that the revisor of statutes shall

. . . , prepare for submission to the legislature legislation for the correction or removal of . . . deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of . . . the statute law of this state.

This memorandum discusses the draft committee substitute.

Sections 1, 5 and 6. These sections amend AS 04.11.070, 04.11.537 and 04.11.560(b) to conform the sections to the 1985 amendments to AS 04.11 made by ch. 93, SLA 1985. The 1985 amendments changed the concept of "transfer of location" to "relocation" of a liquor license. The Department of Law requested that we conform the language in 13 sections in AS 04.11, but we believe that the three sections included in the amendment are the only ones that really need to be changed. All of the others speak to "transfer to a new location," "transfer between holders or locations," or other similar phrases that describe "relocation."

Sec. 2 and 3. Under current law, the holders of brewery and winery licenses are allowed to give a person small samples of their products on their premises, unless the recipient is intoxicated. They are permitted to give samples to minors, to any person on an election day, or at any hour of the day or night. Our analysis of the two provisions proposed for amendment in secs. 2 and 3 of the bill suggests that this was an oversight. The Department of Law and the executive

director of the Alcoholic Beverage Control Board concur in our analysis and have asked that the statutes be amended to make breweries and wineries subject to the same prohibitions that other licensees are subject to.

Sec. 4 This section proposes an amendment to AS 04.11.370, which sets out the grounds for the suspension or revocation of a liquor license. The 1978 revision of the criminal laws substituted "promotion of prostitution" for "pimping" in the provisions relating to crimes connected with prostitution. The amendment proposed by this section updates the language of AS 04.11.370(7) to reflect this fact. The amendment was suggested by the Alaska Women's Commission. See the commission's "Review of the Alaska Statutes for Sex Discrimination", May 1985, at page 43.

Sec. 7. This section deletes an obsolete reference to senate districts and replaces it with a reference to the judicial districts of the state. The amendment was suggested by the Department of Law.

Sec. 8. This section conforms AS 08.18.081 to the changes made in AS 21 by ch. 26, SLA 1985. That law authorized the director of the insurance division to establish by regulation fees for the various services provided by the division. The intent of that legislation was to provide flexibility in the fee structure to allow the state to recover through fees the cost of the services provided. The proposed amendment substitutes "a fee set under AS 21.06.250" for the old fee of \$5.00 charged when the director acts as an agent of the surety on a contractor's bond for service of process. The amendment was requested by the insurance division.

Sec. 9. AS 08.20.150, proposed for repeal by this section, requires licensed chiropractors to record their licenses with the clerk of the superior court. Since 1966, the state has had centralized licensing and the division of occupational licensing maintains all of the records. The chief counsel of the court system and the regulations attorney in the Department of Law have requested that this archaic provision be repealed to eliminate an unnecessary burden on the court system and a source of confusion among licensees.

Sec. 10. The sentence proposed for deletion by this section refers to filing certificate "with the board" (of chiropractic examiners), which, as the revisor's note to

this section has pointed out, is a nonexistent requirement. The intent may have been to refer to filing with the court, which has been required under AS 08.20.150, proposed for repeal by the preceding section of the bill. This amendment was suggested by the regulations attorney in the Department of Law.

Sec. 11. The amendment proposed by this section updates AS 08.54.142(b) to reflect changes in the regulation of air carriers made by the 1983 initiative and related action by the first session of the 14th Legislature.

Secs. 12-15. In these sections of the bill, AS 08.64.280 and 08.64.350, relating to physicians' licenses, are proposed for repeal; AS 08.64.350, AS 08.72.120 and AS 08.72.125(b) are amended; and AS 08.72.130, relating to optometrists' licenses, is proposed for repeal. The reasons for these proposals are the same as those set out above in the discussion of sec. 9 of the bill.

Sec. 16. The section proposed for amendment, AS 08.88.421, lists the persons and entities who are exempted from the laws regulating real estate brokers and salesmen. Paragraph (9) describes certain corporations, partnerships, and individuals as exempt, but those provisions conflict with AS 08.88.161, which sets out the requirement that certain corporations, partnerships, and individuals must be licensed under the laws. The source of the conflict is that the exceptions set out in AS 08.88.421(9)(B) relate only to that subparagraph, when they should probably relate to AS 08.88.421(9)(A) as well. The Department of Law suggested that AS 08.88.421(9) be amended as proposed in sec. 16 of the bill in order to eliminate the conflict and conform the provision to apparent legislative intent.

Sec. 17. This section and secs. 43 - 45 of the bill reflect recommendations of the Alaska Women's Commission (see pages 15 - 17 of their "Review of the Alaska Statutes for Sex Discrimination") relating to change of name in domestic relations actions. The amendment to AS 09.55.010 proposed in sec. 17 simply updates the basic statute relating to jurisdiction in an action to change a person's name, by adding a reference to "dissolution" in the last sentence. This provision was adopted before dissolutions were established in Alaska and was not amended when dissolutions were provided for.

Sec. 18. This section authorizes a professional corporation to use the abbreviation "P.C." in its name. That abbreviation is in fact frequently used by professional corporations in Alaska and throughout the country. The fact that the abbreviation is not authorized has apparently been overlooked in the past. The amendment to authorize its use would eliminate a potential problem between the Department of Commerce and Economic Development, professional licensing boards, and professionals. The amendment was requested by the Department of Law.

Secs. 19 and 20. These sections update provisions relating to the classification of offenses to reflect legislative changes to the underlying provisions in 1982 and 1983.

Sec. 21. Section 21 responds to a problem that was addressed in Kuvaas v. State, 696 P.2d 684, discussed at page 48 of the November 1985 "oversight" report examining court decisions construing Alaska statutes. The court construed AS 12.55.155(c)(20), listing one of the many aggravating factors a court may consider in imposing sentence, as relating only to prior convictions of crimes that were felonies under Alaska law, or in the case of convictions in another state, convictions of crimes that would have been considered felonies if committed in Alaska. The amendment places in the statutes the court's interpretation of the statutes, and the legislature's apparent intent.

Sec. 22. Recall elections in REAA's are conducted under the municipal recall provisions of AS 29.26. Although the statutory references within AS 14.08.081 were changed as a part of the municipal code revision (ch. 74, SLA 85), there is a minor problem remaining that is addressed in sec. 22 of the bill. The new municipal code requires the director of elections to use the last regular election in the municipality to determine the number of signatures required on the recall petition. The municipal code, however, excludes REAA's from the definition of a municipality. The suggested amendment makes it clear that the election to be used as the basis for signature requirements is "the last regular election held within the regional educational attendance area."

Sec. 23. The sections proposed for repeal relate to the "public school facilities construction advance account." AS 14.11.115(a) sets out the basic requirement for payments under these sections. The Department of Education has

suggested the repeal of these provisions because no school district has qualified for the payments during the seven years the law has been in force, nor is it likely that any district will qualify in the future. The presence of these unused provisions has created some confusion in connection with both legislative consideration of other, viable provisions in AS 14.11, and with the administration of those provisions.

Sec. 24. This proposed amendment is made to conform a section to the provisions of the new municipal code (ch. 74, SLA 1985). Under new AS 29.20.300, members of a school board "are elected at large unless a different method of election has been approved by the voters in a regular election." The last sentence of AS 14.12.030(b) is inconsistent with that provision and is proposed for deletion.

Sec. 25. The language in AS 14.20.160 proposed for deletion is contrary to both federal and state law relating to age discrimination. The amendment was requested by the Department of Education to avoid misunderstanding and confusion.

Sec. 26. The provision proposed for repeal is obsolete and should have been repealed in 1984 when other provisions made obsolete by changes in the relationship between the state and public schools were repealed. AS 14.20.220(f) established the minimum salary for substitute teachers as a percentage of the "base salary" for the appropriate area of the state. The state no longer establishes base salaries for teachers. The Department of Education requested the repeal of this obsolete provision.

Sec. 27. The paragraph proposed for repeal required the commissioner of health and social services to adopt regulations covering "the notification of engagement or release of a physician assistant under AS 08.64.170(b)." In 1974, AS 08.64.170(b) was repealed, rendering the paragraph proposed for repeal obsolete.

Secs. 28 - 30. These sections propose amendments that will delete obsolete material related to initial appointments.

Sec. 31. This section amends the statute governing the registration of live births by eliminating a statutory preference given to fathers. This amendment was requested by the Alaska Women's Commission. See page 32 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 32. The 1980 rewrite of AS 37.10.070 made obsolete the reference to subsections (a), (f), (g) and (i) of that section in the next to last sentence of the section proposed for amendment.

Secs. 33 and 34. These sections propose an amendment to AS 18.55.570(a) and the repeal of AS 18.55.695 - 18.55.698, 18.55.700(e)-(h), 18.55.945 and 18.55.950(19). All of the provisions proposed for repeal relate to the 1964 earthquake and are no longer needed. The amendment to AS 18.55.570(a) is required if the other sections are repealed. The action proposed by secs. 33 and 34 was requested by counsel for the Alaska State Housing Authority. The amendment to AS 18.55.570(a) is also supported by the state assessor's office.

Sec. 35. Deletes obsolete material related to initial appointments.

Sec. 36. AS 18.56.090(1), referenced in the second sentence of the section proposed for amendment, was repealed in 1981. The reference is amended to reflect that.

Sec. 37 and 38. There are two definitions of "obligation" in AS 18.56.210. Section 37 of the bill would repeal the first definition of the term, and sec. 38 amends the second definition to incorporate material that was in the repealed definition.

Sec. 39. The amendment deletes obsolete material related to initial appointments.

Sec. 40. The "boiler fund" and AS 18.60.380, referred to in AS 18.60.070, were repealed in 1968. The proposed amendments deletes the obsolete references.

Sec. 41. The amendment deletes obsolete material related to initial appointments.

Sec. 42. The term "public office", defined by AS 24.45.171(12), does not appear in AS 24.45 and is not defined in AS 39.50.200(a) as suggested by the existing language of AS 24.45.171(12). The amendment substitutes "public officer" for "public office". The term "public officer" is used in AS 24.45, so the substitution of that term for "public office" is appropriate.

Secs. 43 - 45. These sections propose amendments to AS 25.24.160 and 25.24.230 to make uniform the provisions in the divorce and dissolution laws relating to the change of a party's name by the court in connection with a divorce or dissolution. These changes were requested by the Alaska Women's Commission (see the discussion for sec. 17 of the bill).

Sec. 46. The provision proposed for repeal directed the state to reimburse local governments for revenue lost through the operation of the senior citizens' exemption for certain motor vehicle taxes. AS 29.45.030(j), enacted in the new municipal code, now covers the subject and makes AS 28.10.411(d) redundant. The repeal of this provision was requested by the state assessor's office.

Sec. 47. The amendment to AS 28.10.502(b), proposed in this section, deletes language that was made obsolete by the passage of the initiative deregulating transportation.

Sec. 48. Chapter 92, SLA 1985, amended AS 29.13.010(b), effective June 6, 1985. Chapter 74, SLA 1985, repealed AS 29.13, effective January 1, 1986, and did not incorporate the changes made by ch. 92 in the equivalent provisions in AS 29.10.040 enacted as a part of the municipal code revision. The amendment to AS 29.10.040(a) proposed by sec. 48 incorporates the substantive amendment of ch. 92 and makes a minor style change to clarify the language of the subsection. The amendment proposed by sec. 48 is made retroactive to January 1, 1986, by sec. 54 of the bill.

Sec. 49. The proposed amendment to newly enacted AS 29.45.030(a)(4) clarifies that it is the organization of certain veterans that must be composed entirely of those veterans, not the auxiliary of such organization. The sentence construction proposed is identical to that found in former AS 29.53.020(a)(4), which was repealed when the new municipal code was enacted. The amendment was requested by the state assessor's office.

Sec. 50. AS 29.60.120(f) defines a "health facility" as one that is "licensed or certified by the state or approved under regulations adopted by" the Department of Community and Regional Affairs. The term "licensed health facility" is, however, used in AS 29.60.120(a)(3). The Department of Community and Regional Affairs believes that this was an

oversight in the new municipal code and has requested a correction that deletes "licensed" from AS 29.60.120(a)(3).

Secs. 51 - 54. The legislature last session enacted ch. 90, providing for state aid to certain municipalities organized under federal law. The law was effective July 1, 1985. However, the legislature also enacted ch. 74, the new municipal code, effective January 1, 1986, and, ch. 74 included the repeal of the old state aid to municipalities provision (AS 43.20.016) and the enactment of new provisions in AS 29 that continued the old program without substantive change. The new provisions, however, did not take into account the changes in AS 43.20.016 made by ch. 90. Sections 51 - 54 would reenact the substantive provisions of ch. 90 as part of AS 29 and make the enactment retroactive to January 1, 1986, the date that AS 43.20.016 was repealed. In sec. 51, an additional amendment to the first sentence of AS 29.60.360(a) is made to clarify a reference to AS 43.70.080. That minor clarification was requested by the Department of Law. With respect to the amendments made in secs. 51 - 53, the Department of Law is of the opinion that the result can be achieved through interpretation of the two enactments of the 1985 legislature and has issued a memorandum to that effect. However, we do not share their opinion and believe that the amendments should be adopted to ensure that both ch. 90 and ch. 74 are given effect.

Sec. 55. The amendment to AS 32.05.020 proposed by this section substitutes "surviving spouse" for "widow" to ensure that the determination of a partnership is not dependent upon the sex of the recipient of an annuity. This amendment was requested by the Alaska Women's Commission.

Sec. 56. This amendment would delete references to dower and curtesy, legal doctrines that have been abolished in Alaska, and substitute the term "a surviving spouse" for "widows". It does not change the nature of a partner's interest in specific partnership property. The amendment was requested by the Alaska Women's Commission. For a discussion of their recommendation, and the recommendation behind sec. 55 of the bill, see pages 50 - 51 of "Review of the Alaska Statutes for Sex Discrimination."

Sec. 57. This section proposes an amendment to delete references, in the chapter dealing with fraudulent transfers, to provisions that were repealed in 1972 when the new

probate code was enacted. It is not believed necessary to substitute references to the new code.

Sec. 58. This section proposes for repeal a paragraph in the competitive bid law that was rendered obsolete by the passage of the initiative deregulating air carriers.

Sec. 59. This section would add a reference in the law describing the partially exempt service to a position placed in the partially exempt service by AS 44.47.365. The amendment was requested by the division of personnel in the Department of Administration.

Secs. 60 - 67. Following the passage of ch. 95, SLA 1982, several discrepancies were discovered in the legal descriptions of the land to be included in the Chilkat Bald Eagle Preserve. The commissioner of natural resources has requested that these descriptions be corrected in the revisor's bill. In the memorandum to the revisor that transmitted the corrections, the commissioner stated:

The Eagle Preserve legislation was written according to a reference map. When the legal description was written, correct land description notations were not utilized in defining the river, portions of previously surveyed land, and one mapped section of land was inadvertently left out of the description.

At the January, 1983 Eagle Preserve Advisory Council meeting, an explanation and presentation was made to request changes to correct the legal description. The Eagle Preserve Advisory Council and Department of Natural Resources review has concluded that these changes are valid and in keeping with the legislative intent and documentation.

Therefore, I request that these corrections be incorporated into your 1986 revisor's bill.

The backup material for the revisor's bill includes maps of the area involved and a description of the source of the error where that was ascertainable, and will be made available to the committee or any member upon request.

Secs. 68 and 69. These sections would repeal two programs, the Alaska Industrial Incentive Act and the Industrial Incentive Tax Credit Act, which have been fully executed.

By the terms of AS 43.25.110, the former program was closed to new participants on June 30, 1968. AS 43.26.070 closed the latter program on June 30, 1971. The repeal was suggested by the regulations attorney in the Department of Law.

Secs. 70 and 71. These sections deal with obsolete provisions in AS 45. The section proposed for repeal, AS 45.50.110, had no application after July 1, 1966. It dealt with the expiration of trademark registrations filed before July 1, 1961. The amendment to AS 45.55.030(d) deletes transitional provisions from the subsection. The provisions have been obsolete since May 1960.

Sec. 72. In 1983, the legislature repealed AS 44.33.040. However, the reference to that section in the definitions for AS 45.89 (the Residential Energy Conservation Fund) was not amended to reflect that. This section proposes the deletion of the reference in the same manner that similar references were deleted in the 1983 Act (ch. 79, SLA 1983).

Sec. 73. The amendment would make the liability for burial expenses dependent upon relationship to the deceased rather than upon a combination of relationship and sex. This amendment was requested by the Alaska Women's Commission and was discussed on page 59 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 74. This section corrects a reference to the office of alcoholism and drug abuse.

Secs. 75 and 76. Chapter 37, SLA 1985 replaced statutory license and other fees connected with occupational licensing with fees established by regulation. The authority to adopt the fees was made effective immediately, but all of the amendments relating to specific occupations were made effective upon the adoption of regulations. At the time the bill was enacted, it was assumed that the department would adopt the regulations for all occupations at the same time. However, the regulations are in fact being adopted on an occupation by occupation basis. For example, the first regulations to be adopted, relating to guides and to nurses, will be effective March 6, 1986, and the balance of the regulations will be adopted and become effective at various times during 1986.

This may be an orderly way to adopt the regulations, but it plays havoc with the effective date provisions of ch. 37.

Representative M. Mike Miller

Page 11

February 10, 1986

The problem is further complicated by the fact that the fee for one occupation covered by ch. 37, explosives handlers, is not set by regulations of the Department of Commerce and Economic Development under AS 08.01.065, referred to in the effective date provisions, but by the Department of Labor. The amendment proposed by sec. 75 of CSHB 493 makes the amendment relating to explosives handlers effective immediately (it would be effective at the same time CSHB 493 is effective).

The amendment proposed by sec. 76 would tie the effective date of ch. 37's amendments and repealers to the adoption of regulations for the specific occupation governed by the affected statutory provisions. The problem and the proposed solutions have been discussed with the Department of Law and it is agreed that secs. 75 and 76 present the most practical solution.

Sec. 77. This would make the Act effective immediately.

DRD:mkr
M3:004

Enclosure

cc; Art Peterson

STATE OF ALASKA
THE LEGISLATURE

POUCH V STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 10, 1986

SUBJECT: CSHB 493

TO: Hayden Kayden
Counsel, House Judiciary

FROM: David R. Dierdorff *Lawe*
Revisor of Statutes

Enclosed is the draft CS for HB 493 (the revisor's bill) and an updated sectional analysis. For your ease in reviewing the CS, please note that the following sections are new: 1, 5, 6, 8, 18, 21, 47, 70, 71, 74, 75, and 76.

DRD:csh
c5/065

cc: Art Peterson

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3000

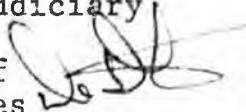
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 27, 1986

SUBJECT: Proposed Amendments to HB 493

TO: Representative Mike Miller
Chairman, House Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed with this memorandum is a proposed amendment to HB 493, the 1986 revisor's bill. The amendment would add 10 new sections to the bill.

The new sections represent problems that were brought to our attention after the introduction copy of the bill had been prepared. This memorandum explains each new section.

AS 04.11.070, 04.11.537 and 04.11.560(b) are amended to conform the sections to the 1985 amendments to AS 04.11 made by ch. 93, SLA 1985. The 1985 amendments changed the concept of "transfer of location" to "relocation" of a liquor license. The Department of Law requested that we conform the language in 13 sections in AS 04.11, but we believe that the three sections included in the amendment are the only ones that really need to be changed. All of the others speak to "transfer to a new location," "transfer between holders or locations," or other similar phrases that describe "relocation."

The fourth new section conforms AS 08.18.081 to the changes made in AS 21 by ch. 26, SLA 1985. That law authorized the director of the insurance division to establish by regulation fees for the various services provided by the division. The intent of that legislation was to provide flexibility in the fee structure to allow the state to recover through fees the cost of the services provided. The proposed amendment substitutes "a fee set under AS 21.06.250" for the old fee of \$5.00 charged when the director acts as an agent of the surety on a contractor's bond for service of process. The amendment was requested by the insurance division.

Representative M. Mike Miller

Page 2

January 27, 1986

The fifth new section authorizes a professional corporation to use the abbreviation "P.C." in its name. That abbreviation is in fact frequently used by professional corporations in Alaska and throughout the country. The fact that the abbreviation is not authorized has apparently been overlooked in the past. The amendment to authorize its use would eliminate a potential problem between the Department of Commerce and Economic Development, professional licensing boards, and professionals. The amendment was requested by the Department of Law.

The sixth new section responds to a problem that was addressed in Kuvaas v. State, 696 P.2d 684, discussed at page 48 of the November 1985 "oversight" report examining court decisions construing Alaska statutes. The court construed AS 12.55.155(c)(20), listing one of the many aggravating factors a court may consider in imposing sentence, as relating only to prior convictions of crimes that were felonies under Alaska law, or in the case of convictions in another state, convictions of crimes that would have been considered felonies if committed in Alaska. The amendment places in the statutes the court's interpretation of the statutes, and the legislature's apparent intent.

The amendment to AS 28.10.502(b), proposed in the seventh new bill section, deletes language that was made obsolete by the passage of the initiative deregulating transportation.

The next two sections deal with obsolete provisions in AS 45. The section proposed for repeal, AS 45.50.110, had no application after July 1, 1966. It dealt with the expiration of trademark registrations filed before July 1, 1961. The amendment to AS 45.55.030(d) deletes transitional provisions from the subsection. The provisions have been obsolete since May 1960.

The last new section proposed for the bill corrects a reference to the office of alcoholism and drug abuse.

DRD:mkr

M2:091

Enclosure

A M E N D M E N T

Offered in the House Judiciary Committee

TO: HB 493

Page 1, after line 9, insert a new bill section to read:

"* Section 1. AS 04.11.070 is amended to read:

Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may issue, renew, transfer, relocate, suspend, or revoke a license under this title."

Page 1, line 10, delete "* Section 1." and insert "* Sec. 2."

Renumber succeeding bill sections accordingly.

Page 1, after line 24, insert new bill sections to read:

"* Sec. 5. AS 04.11.537 is amended to read:

Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining whether issuance, renewal, transfer, relocation, suspension, or revocation of a license is in the best interests of the public, the board need not conform to or distinguish its decision from any action it has taken in the past on applications presenting similar facts, but may instead base its decision only on the particular facts before it.

* Sec. 6. AS 04.11.560(b) is amended to read:

(b) A decision by the board relating to the issuance, renewal, transfer, relocation, suspension, or revocation of a license under this title may be appealed to the superior court under AS 44.62.560."

Renumber succeeding bill section accordingly.

Page 2, after line 5, insert a new bill section to read:

"* Sec. 8. AS 08.18.081(a) is amended to read:

(a) A person having a claim against a contractor for any of the items referred to in AS 08.18.071 may bring suit upon the bond in the district court of the judicial district in which venue lies. A copy of the complaint shall be served by registered or certified mail upon the commissioner at the time suit is filed and the commissioner shall maintain a record, available for public inspection, of all suits commenced. Two additional copies shall be served upon the director of the division of insurance with the payment [OF \$5] to the director of a fee set under AS 21.06.250, taxable as costs in the action. This service upon the director shall constitute service on the surety and the director shall transmit the complaint or a copy of it to the surety within 72 hours after it has been received. The surety upon the bond is not liable in an aggregate amount in excess of that named in the bond, but in case claims pending at any one time exceed the amount of the bond, the claims shall be satisfied from the bond in the following order:

- (1) labor, including employee benefits;
- (2) taxes and contributions due the state, city and

borough, in that order;

- (3) material and equipment;
- (4) claims for breach of contract;
- (5) repair of public facilities."

Renumber succeeding bill sections accordingly.

Page 4, after line 22, insert a new bill section to read:

"* Sec. 18. AS 10.45.120 is amended to read:

Sec. 10.45.120. CORPORATE NAME. The corporate name of a professional corporation shall contain the last name of one or more of its shareholders, unless the regulations of a particular regulating board or the ethics of a profession permit the use of a corporate name which does not include the surname of any present or former shareholder. The corporate name shall be ended by the word 'Corporation,' or 'Incorporated,' or by the abbreviation 'Corp.' or 'Inc.,' or by the words, 'a professional corporation,' or by the abbreviation 'P.C.' "

Renumber succeeding bill sections accordingly.

Page 6, after line 7, insert a new bill section to read:

"* Sec. 21. AS 12.55.155(c)(20) is amended to read:

(20) the defendant was on furlough under AS 33.30 or on parole or probation for another felony charge or conviction that would be considered a prior felony conviction under AS 12.55.145(a)(2);"

Renumber succeeding bill sections accordingly.

Page 12, after line 18, insert a new bill section to read:

"* Sec. 47. AS 28.10.502(b) is amended to read:

(b) A lien under this section is limited to towing and storage charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME SERVICE OR ROUTE]. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and primary lienholder, if any, at their addresses of record with the Department of Public Safety or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded."

Renumber succeeding bill sections accordingly.

Page 14, line 18, delete "41 AND 44 - 46" and insert "48 AND 51 - 53"

Page 14, line 19, delete "41 and 44 - 46" and insert "48 and 51 - 53"

Page 21, after line 21, insert new bill sections to read:

"* Sec. 70. AS 45.50.110 is repealed.

* Sec. 71. AS 45.55.030(d) is amended to read:

(d) Every registration expires one year from its effective date unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALENDAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE REGISTRATION FEE PROPORTIONATELY.]"

Renumber succeeding bill sections accordingly.

Page 22, after line 9, insert a new bill section to read:

** Sec. 74. AS 47.37.270(6) is amended to read:

(6) "coordinator" means the coordinator of the office of alcoholism and drug abuse;"

Renumber succeeding bill section accordingly.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1986

SUBJECT: AS 08.18.081

TO: Jeff Bush
Assistant Attorney General
Department of Law

FROM: David R. Dierdorff 
Revisor of Statutes

I have prepared an amendment to HB 493 that includes an amendment to AS 08.18.081(a). I intend to submit the amendment to the House Judiciary committee at their first hearing on the bill.

Art Peterson has received a copy of the amendment and of my memo to Representative Miller explaining the contents of the amendment.

DRD:mkr
M2:117

cc: Representative M. Mike Miller
Art Peterson

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

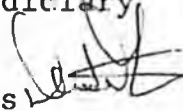
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 23, 1986

SUBJECT: 1986 Revisor's Bill
HB 493

TO: Representative M. Mike Miller
Chairman, House Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

This bill was prepared by the revisor of statutes under AS 01.05.036, which provides, in part, that the revisor of statutes shall

. . . prepare for submission to the legislature legislation for the correction or removal of . . . deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of . . . the statute law of this state.

This memorandum discusses the bill as introduced.

Sections 1 and 2. Under current law, the holders of brewery and winery licenses are allowed to give a person small samples of their products on their premises, unless the recipient is intoxicated. They are permitted to give samples to minors, to any person on an election day, or at any hour of the day or night. Our analysis of the two provisions proposed for amendment in secs. 1 and 2 of the bill suggests that this was an oversight. The Department of Law and the executive director of the Alcoholic Beverage Control Board concur in our analysis and have asked that the statutes be amended to make breweries and wineries subject to the same prohibitions that other licensees are subject to.

Sec. 3 This section proposes an amendment to AS 04.11.370, which sets out the grounds for the suspension or revocation of a liquor license. The 1978 revision of the criminal laws substituted "promotion of prostitution" for "pimping" in the provisions relating to crimes connected with prostitution.

The amendment proposed by this section updates the language of AS 04.11.370(7) to reflect this fact. The amendment was suggested by the Alaska Women's Commission. See the commission's "Review of the Alaska Statutes for Sex Discrimination", May 1985, at page 43.

Sec. 4. This section deletes an obsolete reference to senate districts and replaces it with a reference to the judicial districts of the state. The amendment was suggested by the Department of Law.

Sec. 5. AS 08.20.150, proposed for repeal by this section, requires licensed chiropractors to record their licenses with the clerk of the superior court. Since 1966, the state has had centralized licensing and the division of occupational licensing maintains all of the records. The chief counsel of the court system and the regulations attorney in the Department of Law have requested that this archaic provision be repealed to eliminate an unnecessary burden on the court system and a source of confusion among licensees.

Sec. 6. The sentence proposed for deletion by this section refers to filing certificate "with the board" (of chiropractic examiners), which, as the revisor's note to this section has pointed out, is a nonexistent requirement. The intent may have been to refer to filing with the court, which has been required under AS 08.20.150, proposed for repeal by the preceding section of the bill. This amendment was suggested by the regulations attorney in the Department of Law.

Sec. 7. The amendment proposed by this section updates AS 08.54.142(b) to reflect changes in the regulation of air carriers made by the 1983 initiative and related action by the first session of the 14th Legislature.

Secs. 8-11. In these sections of the bill, AS 08.64.280 and 08.64.350, relating to physicians' licenses, are proposed for repeal; AS 08.64.350, AS 08.72.120 and AS 08.72.125(b) are amended; and AS 08.72.130, relating to optometrists' licenses, is proposed for repeal. The reasons for these proposals are the same as those set out above in the discussion of sec. 5 of the bill.

Sec. 12. The section proposed for amendment, AS 08.88.421, lists the persons and entities who are exempted from the laws regulating real estate brokers and salesmen. Paragraph

(9) describes certain corporations, partnerships, and individuals as exempt, but those provisions conflict with AS 08.88.161, which sets out the requirement that certain corporations, partnerships, and individuals must be licensed under the laws. The source of the conflict is that the exceptions set out in AS 08.88.421(9)(B) relate only to that subparagraph, when they should probably relate to AS 08.88.421(9)(A) as well. The Department of Law suggested that AS 08.88.421(9) be amended as proposed in sec. 12 of the bill in order to eliminate the conflict and conform the provision to apparent legislative intent.

Sec. 13. This section and secs. 37 - 39 of the bill reflect recommendations of the Alaska Women's Commission (see pages 15 - 17 of their "Review of the Alaska Statutes for Sex Discrimination") relating to change of name in domestic relations actions. The amendment to AS 09.55.010 proposed in sec. 13 simply updates the basic statute relating to jurisdiction in an action to change a person's name, by adding a reference to "dissolution" in the last sentence. This provision was adopted before dissolutions were established in Alaska and was not amended when dissolutions were provided for.

Secs. 14 and 15. These sections update provisions relating to the classification of offenses to reflect legislative changes to the underlying provisions in 1982 and 1983.

Sec. 16. Recall elections in REAA's are conducted under the municipal recall provisions of AS 29.26. Although the statutory references within AS 14.08.081 were changed as a part of the municipal code revision (ch. 74, SLA 85), there is a minor problem remaining that is addressed in sec. 16 of the bill. The new municipal code requires the director of elections to use the last regular election in the municipality to determine the number of signatures required on the recall petition. The municipal code, however, excludes REAA's from the definition of a municipality. The suggested amendment makes it clear that the election to be used as the basis for signature requirements is "the last regular election held within the regional educational attendance area."

Sec. 17. The sections proposed for repeal relate to the "public school facilities construction advance account." AS 14.11.115(a) sets out the basic requirement for payments under these sections. The Department of Education has

suggested the repeal of these provisions because no school district has qualified for the payments during the seven years the law has been in force, nor is it likely that any district will qualify in the future. The presence of these unused provisions has created some confusion in connection with both legislative consideration of other, viable provisions in AS 14.11, and with the administration of those provisions.

Sec. 18. This proposed amendment is made to conform a section to the provisions of the new municipal code (ch. 74, SLA 1985). Under new AS 29.20.300, members of a school board "are elected at large unless a different method of election has been approved by the voters in a regular election." The last sentence of AS 14.12.030(b) is inconsistent with that provision and is proposed for deletion.

Sec. 19. The language in AS 14.20.160 proposed for deletion is contrary to both federal and state law relating to age discrimination. The amendment was requested by the Department of Education to avoid misunderstanding and confusion.

Sec. 20. The provision proposed for repeal is obsolete and should have been repealed in 1984 when other provisions made obsolete by changes in the relationship between the state and public schools were repealed. AS 14.20.220(f) established the minimum salary for substitute teachers as a per centage of the "base salary" for the appropriate area of the state. The state no longer establishes base salaries for teachers. The Department of Education requested the repeal of this obsolete provision.

Sec. 21. The paragraph proposed for repeal required the commissioner of health and social services to adopt regulations covering "the notification of engagement or release of a physician assistant under AS 08.64.170(b)." In 1974, AS 08.64.170(b) was repealed, rendering the paragraph proposed for repeal obsolete.

Secs. 22 - 24. These sections propose amendments that will delete obsolete material related to initial appointments.

Sec. 25. This section amends the statute governing the registration of live births by eliminating a statutory preference given to fathers. This amendment was requested by the Alaska Women's Commission. See page 32 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 26. The 1980 rewrite of AS 37.10.070 made obsolete the reference to subsections (a), (f), (g) and (i) of that section in the next to last sentence of the section proposed for amendment.

Secs. 27 and 28. These sections propose an amendment to AS 18.55.570(a) and the repeal of AS 18.55.695 - 18.55.698, 18.55.700(e)-(h), 18.55.945 and 18.55.950(19). All of the provisions proposed for repeal relate to the 1964 earthquake and are no longer needed. The amendment to AS 18.55.570(a) is required if the other sections are repealed. The action proposed by secs. 27 and 28 was requested by counsel for the Alaska State Housing Authority. The amendment to AS 18.55.570(a) is also supported by the state assessor's office.

Sec. 29. Deletes obsolete material related to initial appointments.

Sec. 30. AS 18.56.090(1), referenced in the second sentence of the section proposed for amendment, was repealed in 1981. The reference is amended to reflect that.

Sec. 31 and 32. There are two definitions of "obligation" in AS 18.56.210. Section 31 of the bill would repeal the first definition of the term, and sec. 32 amends the second definition to incorporate material that was in the repealed definition.

Sec. 33. The amendment deletes obsolete material related to initial appointments.

Sec. 34. The "boiler fund" and AS 18.60.380, referred to in AS 18.60.070, were repealed in 1968. The proposed amendments deletes the obsolete references.

Sec. 35. The amendment deletes obsolete material related to initial appointments.

Sec. 36. The term "public office", defined by AS 24.45.171(12), does not appear in AS 24.45 and is not defined in AS 39.50.200(a) as suggested by the existing language of AS 24.45.171(12). The amendment substitutes "public officer" for "public office". The term "public officer" is used in AS 24.45, so the substitution of that term for "public office" is appropriate.

Secs. 37 - 39. These sections propose amendments to AS 25.24.160 and 25.24.230 to make uniform the provisions in the divorce and dissolution laws relating to the change of a party's name by the court in connection with a divorce or dissolution. These changes were requested by the Alaska Women's Commission (see the discussion for sec. 13 of the bill).

Sec. 40. The provision proposed for repeal directed the state to reimburse local governments for revenue lost through the operation of the senior citizens' exemption for certain motor vehicle taxes. AS 29.45.030(j), enacted in the new municipal code, now covers the subject and makes AS 28.10.411(d) redundant. The repeal of this provision was requested by the state assessor's office.

Sec. 41. Chapter 92, SLA 1985, amended AS 29.13.010(b), effective June 6, 1985. Chapter 74, SLA 1985, repealed AS 29.13, effective January 1, 1986, and did not incorporate the changes made by ch. 92 in the equivalent provisions in AS 29.10.040 enacted as a part of the municipal code revision. The amendment to AS 29.10.040(a) proposed by sec. 41 incorporates the substantive amendment of ch. 92 and makes a minor style change to clarify the language of the subsection. The amendment proposed by sec. 41 is made retroactive to January 1, 1986, by sec. 47 of the bill.

Sec. 42. The proposed amendment to newly enacted AS 29.45.030(a)(4) clarifies that it is the organization of certain veterans that must be composed entirely of those veterans, not the auxiliary of such organization. The sentence construction proposed is identical to that found in former AS 29.53.020(a)(4), which was repealed when the new municipal code was enacted. The amendment was requested by the state assessor's office.

Sec. 43. AS 29.60.120(f) defines a "health facility" as one that is "licensed or certified by the state or approved under regulations adopted by" the Department of Community and Regional Affairs. The term "licensed health facility" is, however, used in AS 29.60.120(a)(3). The Department of Community and Regional Affairs believes that this was an oversight in the new municipal code and has requested a correction that deletes "licensed" from AS 29.60.120(a)(3).

Secs. 44 - 47. The legislature last session enacted ch. 90, providing for state aid to certain municipalities organized

under federal law. The law was effective July 1, 1985. However, the legislature also enacted ch. 74, the new municipal code, effective January 1, 1986, and, ch. 74 included the repeal of the old state aid to municipalities provision (AS 43.20.016) and the enactment of new provisions in AS 29 that continued the old program without substantive change. The new provisions, however, did not take into account the changes in AS 43.20.016 made by ch. 90. Sections 44 - 47 would reenact the substantive provisions of ch. 90 as part of AS 29 and make the enactment retroactive to January 1, 1986, the date that AS 43.20.016 was repealed. In sec. 44, an additional amendment to the first sentence of AS 29.60.360(a) is made to clarify a reference to AS 43.70.080. That minor clarification was requested by the Department of Law. With respect to the amendments made in secs. 44 - 46, the Department of Law is of the opinion that the result can be achieved through interpretation of the two enactments of the 1985 legislature and has issued a memorandum to that effect. However, we do not share their opinion and believe that the amendments should be adopted to ensure that both ch. 90 and ch. 74 are given effect.

Sec. 48. The amendment to AS 32.05.020 proposed by this section substitutes "surviving spouse" for "widow" to ensure that the determination of a partnership is not dependent upon the sex of the recipient of an annuity. This amendment was requested by the Alaska Women's Commission.

Sec. 49. This amendment would delete references to dower and curtesy, legal doctrines that have been abolished in Alaska, and substitute the term "a surviving spouse" for "widows". It does not change the nature of a partner's interest in specific partnership property. The amendment was requested by the Alaska Women's Commission. For a discussion of their recommendation, and the recommendation behind sec. 48 of the bill, see pages 50 - 51 of "Review of the Alaska Statutes for Sex Discrimination."

Sec. 50. This section proposes an amendment to delete references, in the chapter dealing with fraudulent transfers, to provisions that were repealed in 1972 when the new probate code was enacted. It is not believed necessary to substitute references to the new code.

Sec. 51. This section proposes for repeal a paragraph in the competitive bid law that was rendered obsolete by the passage of the initiative deregulating air carriers.

Sec. 52. This section would add a reference in the law describing the partially exempt service to a position placed in the partially exempt service by AS 44.47.365. The amendment was requested by the division of personnel in the Department of Administration.

Secs. 53 - 60. Following the passage of ch. 95, SLA 1982, several discrepancies were discovered in the legal descriptions of the land to be included in the Chilkat Bald Eagle Preserve. The commissioner of natural resources has requested that these descriptions be corrected in the revisor's bill. In the memorandum to the revisor that transmitted the corrections, the commissioner stated:

The Eagle Preserve legislation was written according to a reference map. When the legal description was written, correct land description notations were not utilized in defining the river, portions of previously surveyed land, and one mapped section of land was inadvertently left out of the description.

At the January, 1983 Eagle Preserve Advisory Council meeting, an explanation and presentation was made to request changes to correct the legal description. The Eagle Preserve Advisory Council and Department of Natural Resources review has concluded that these changes are valid and in keeping with the legislative intent and documentation.

Therefore, I request that these corrections be incorporated into your 1986 revisor's bill.

The backup material for the revisor's bill includes maps of the areas involved and a description of the source of the error where that was ascertainable, and will be made available to the committee or any member upon request.

Secs. 61 and 62. These sections would repeal two programs, the Alaska Industrial Incentive Act and the Industrial Incentive Tax Credit Act, which have been fully executed. By the terms of AS 43.25.110, the former program was closed to new participants on June 30, 1968. AS 43.26.070 closed the latter program on June 30, 1971. The repeal was suggested by the regulations attorney in the Department of Law.

Sec. 63. In 1983, the legislature repealed AS 44.33.040. However, the reference to that section in the definitions

Representative M. Mike Miller
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for AS 45.89 (the Residential Energy Conservation Fund) was not amended to reflect that. This section proposes the deletion of the reference in the same manner that similar references were deleted in the 1983 Act (ch. 79, SLA 1983).

Sec. 64. The amendment would make the liability for burial expenses dependent upon relationship to the deceased rather than upon a combination of relationship and sex. This amendment was requested by the Alaska Women's Commission and was discussed on page 59 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 65. This would make the Act effective immediately.

DRD:mkr
M2:058

Enclosure