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# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	5-3-88	1:30p.m.
H. JUD.	4-29-88	1:30p.m.

Date referred: 4/8/88

FURTHER REFERRALS:

DATE: May 3, 1988

The Judiciary Committee has considered CSSB 413 (Jud) am

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

**RECOMMENDS:**

- replace with HCS CSSB 413 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- ~~zero~~ fiscal note  same as previous zero fiscal note published 3/16/88
- zero with analysis

**SIGNING DO PASS:**

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**SIGNING OTHER RECOMMENDATIONS:**

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Chairman's signature

STATE OF ALASKA  
THE LEGISLATURE

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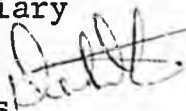
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1988

SUBJECT: HCS CSSB 413(Jud) (5/3/88 draft)

TO: Representative John Sund  
Chair, House Judiciary

FROM: David R. Dierdorff   
Revisor of Statutes

Enclosed is a new draft HCS CSSB 413(Jud) for your consideration. This draft is the product of the May 2 sub-committee meeting and contains some technical and form and style changes on pages 3, 4, and 6, new sections 32 - 36, and 39 on pages 14 - 16, and an addition to the repealer on page 18.

With the permission of John Hartle, I have distributed a copy of this draft to Senators Kerttula, Josephson, Sturgulewski, and Fahrenkamp to expedite Senate concurrence in the House amendments.

When your committee passes out the bill, I will immediately send over a revised sectional analysis for publication in the House Journal.

Thank you for your prompt and thorough attention to the bill. I have appreciated very much your assistance, and the assistance of the members of your committee and staff, in making this annual chore a pleasant experience.

cc: Representative Max Gruenberg  
Representative Ramona Barnes

Enclosure

DRD:bb  
b5/089

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1988

SUBJECT: HCS CSSB 413(Judiciary)

TO: Representative John Sund  
Chair, House Judiciary Committee

FROM: David R. Dierdorff   
Revisor of Statutes

This memo discusses the House Judiciary committee substitute for SB 413, the 1988 revisor's bill. This bill incorporates six new sections (secs. 32 - 36 and 39) and adds AS 41.30 to the repealer. The new sections relating to AS 41 deal with material discovered when I completed my routine review of AS 41; the section dealing with AS 44.27 was brought to our attention by the Department of Law. In addition, minor form and style changes have been made in existing sections of the bill.

SUMMARY OF EFFECT

To assist you in understanding the bill, I have summarized the contents by grouping sections that have similar effects.

Sections that delete or repeal obsolete provisions:

Sections 23, 24, 29, 30, 32, 33, 35, 36, 42 and 43 of the bill delete or repeal provisions that have become obsolete either through the passage of time or other legislative action. Please note that all of the repealers are in sec. 43, a departure from the style of previous revisor's bills, in which we located repealed provisions in numerical order. The change was made to accommodate our automated "statutes affected" program in BASIS. The text of each substantive AS section proposed for repeal is attached to this memorandum as an Appendix.

Sections that update obsolete or archaic provisions:

The following sections of the bill substitute new provisions for provisions that are obsolete, archaic, or otherwise outdated, and make conforming changes in related provisions as necessary: 1-6, 8 (in part), 11, 16, 21, 22, 28, and 31.

Sections that correct errors or oversights:

The following sections of the bill correct errors or oversights in drafting, or make conforming amendments to harmonize laws passed during the same legislative session that could not be harmonized editorially: 7, 8 (in part), 9, 10, 12-15, 17-20, 25-27, 38, 39, 40, and 41.

Sections that improve the form of the statutes:

Section 34 eliminates redundant provisions. Section 37 adds a definition section applicable to all of AS 41. Related repealers in sec. 43 repeal individual definitions in portions of AS 41 that would be unnecessary with the enactment of the new provision.

SECTIONAL ANALYSIS

Sections 1 - 6. These sections change the phrase "wine gallons" to "gallons" in six sections of AS 04. Webster's New World Dictionary, 2nd college ed., defines "wine gallon" as "the old English gallon of 231 cu. in., now the standard gallon in the U.S." Consequently, these sections of the bill delete the archaic usage.

Sec. 7. This section amends AS 06.05.095 to correct an error in the original 1951 enactment. As enacted, the section was internally contradictory and did not say what it meant. If the amendment is enacted, the language of the section will conform to the interpretation that the section has always been given by the financial community.

Sec. 8. This section of the bill amends five paragraphs in AS 06.05.180, setting out the authorized trust powers of banks. Paragraph (2) is amended to substitute "person" for "woman" in conformity with the legislature's policy on gender-neutral laws. Paragraph (3) is amended to substitute "custodian" for "guardian" to conform to current legal usage. Paragraph (4) is amended to update the language used in referring to incapacitated persons. Paragraph (9) is amended to conform to current style.

Paragraph (10), added to AS 06.05.180 by sec. 1, ch. 7, SLA 1988, is amended to correct a misunderstanding of the effect of an amendment adopted last year by the House Labor and Commerce Committee. The error was not discovered until the Department of Law reviewed the bill for the governor last month. By copy of the review letter, the revisor was asked to consider making an editorial correction under AS 01.05.031. Based upon a review of the bill file and the legislative history of the bill, it was determined that the correction needed to be made by the legislature.

As enacted, the provision of AS 06.05.180(10) that allows certain investments "for short-term cash management purposes" modifies both direct investments and investments in the form of certain securities and other interests. The intent was, apparently, to modify only investments in the form of certain securities and other interests. Thus, direct investments could be for purposes other than short-term cash management. The proposed amendment, suggested by the Department of Law, changes the location in the paragraph of the conditioning language in order to carry out the intent of the proponents of the legislation and makes a minor change to clarify the reference to U.S. government obligations.

Secs. 9 and 10. These sections amend two provisions relating to unclaimed property upon voluntary liquidation of a bank to reflect the 1986 enactment of new laws on unclaimed or abandoned property.

Sec. 11. This section proposes an amendment to AS 06.-25.140, relating to the powers of trust companies, to update the language used to refer to incapacitated persons.

Sec. 12. Section 48, ch. 94, SLA 1987 deleted the reference to the Board of Electrical Examiners from the list in AS 08.01.010 that sets out the regulated occupations and professions that are subject to the centralized licensing provisions of AS 08.01. Instead of deleting the reference to the board (which was eliminated through repeal in the same legislation), the provision should have been amended to refer to the regulation of the occupation. This section corrects this oversight.

Sec. 13. The language proposed for deletion became redundant when AS 08.01.010 was amended in 1987 to include

the Real Estate Commission. AS 08.01.110(1) defines "board" to include a commission listed in AS 08.01.010.

Sec. 14. AS 08.01.065(c) was amended by sec. 1, ch. 87, SLA 1987, and repealed and reenacted by sec. 5, ch. 94, SLA 1987. The first amendment, however, had a later effective date than the repeal and reenactment, and because it added a sentence to the subsection, it was determined by the revisor that the ch. 94 amendment did not supersede the ch. 87 amendment. The Department of Law had advised the governor, in its bill review letters on the two Acts, that if the governor signed CSHB 222(Fin) am S (which became ch. 94) after he signed SCS CSHB 70(Jud) am S (which became ch. 87), the former would supersede the latter under the later enactment theory. The proposed amendment in sec. 14 of the bill would delete the language added by sec. 1, ch. 87, which is redundant to the provisions of the subsection as repealed and reenacted by ch. 94, and carry out the apparent legislative intent of the 1987 legislation.

Sec. 15. This section corrects an oversight in drafting ch. 94, SLA 1987, by substituting "department" for a reference to the Board of Electrical Administrators, which was eliminated by repeal in ch. 94.

Sec. 16. This section substitutes the word "unintentional" for the word "casual" in AS 09.45.730. In Matanuska Elec. Ass'n v. Weissler, 723 P.2d 600, the supreme court of Alaska construed the term "casual" to mean "unintentional," but noted that the usage was derived from an 1848 New York code, later used as a model for an early Oregon law and then Alaska's law, and had a 19th century meaning. The amendment is suggested to update the language in conformity with the court's construction. The section is also amended to substitute current Alaska usage for the terms "village, town, or city" and to make other changes to conform to current style.

Sec. 17. This section amends AS 09.63.040(c) to correct an oversight in the original drafting of the subsection, which sets out the statutory form for verifications. As originally enacted, the form does not conform to the requirements of AS 09.63.040(b). That subsection requires the person making a verification to sign it, but the form set out in (c) does not include a signature line for that person. The proposed amendment adds a signature line for

the Real Estate Commission. AS 08.01.110(1) defines "board" to include a commission listed in AS 08.01.010.

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the person making the verification and also removes the personal pronouns in the provision.

Sec. 18. This section amends AS 12.55.035(b) to incorporate a reference to sexual abuse of a minor in the first degree in a listing of unclassified felonies. This corrects an oversight dating back to the 1983 change in the classification of that offense.

Secs. 19 and 20. These sections correct the error in the 1987 amendments to AS 14.03.070 and 14.03.080(d) relating to school age. The 1987 bill was vetoed by the governor because of the error, but the veto was overridden in the special session on the assurance that the error would be corrected before the effective date of ch. 1, FSSLA 1987 (July 1, 1988). In sec. 19, the language "or who will become six years of age" is proposed for deletion because it is redundant. A similar amendment was made in AS 14.03.-080(d) in the 1987 legislation.

Sec. 21. AS 14.17.140(c) was deleted from that section in 1986, making the reference to the subsection in AS 14.11.-115(c)(1) obsolete. The proposed amendment would substitute the substance of former AS 14.17.140(c) for the existing reference in AS 14.11.115(c)(1).

Sec. 22. In 1982, AS 14.25.063(b)(2) was amended, deleting the language of that section that concerned options. The proposed amendment simply inserts "former" before the reference to AS 14.25.063(b)(2) in AS 14.25.110(g).

Sec. 23. In ch. 78, SLA 1987, the penalty for violations of the compulsory attendance law was reduced to a violation. The language proposed for deletion from AS 14.30.030 is no longer appropriate as a result of that amendment. A court would normally issue a summons to a person charged with a violation, and issue a warrant only if the person failed to appear. The subject is adequately covered by other statutes and the Rules of Court.

Sec. 24. This section amends AS 15.13.020(d), relating to the terms of members of the Alaska Public Offices Commission, by deleting obsolete material relating to initial terms of members. The repeal and reenactment method was used to allow the subsection to be reorganized for clarity.

Sec. 25. In 1977, AS 15.25.040(a) was amended to include a reference to paragraphs "(1)-(16)" of AS 15.25.030. At that time, AS 15.25.030 contained only paragraphs (1)-(15). The error was not corrected editorially, however. In 1980, AS 15.25.030 was amended to include a paragraph (16). The amendment proposed by this section corrects the error and formally amends the provision to properly include a reference to paragraph (16) as added in 1980.

Sec. 26. This section corrects an error in the 1980 amendment to AS 23.20.350. This error could be corrected editorially by the revisor under AS 01.05.031(b), as a manifest error in the enactment, but I felt that the legislature should have the opportunity to review the provision and the proposed correction because of its importance to the calculation of unemployment benefits.

Sec. 27. The amendment to AS 24.00.030(c) proposed by this section adds "or" between paragraphs (1) and (2) of the subsection to correct a drafting oversight and clarify legislative intent. Without the conjunction, the rules of statutory construction could require that the provisions of the two paragraphs be read together, which would be contrary to our understanding of the legislative intent.

Sec. 28. The amendment to AS 28.10.441(8) updates a reference by substituting a reference to current provisions for the existing reference to former provisions.

Secs. 29 and 30. Last year the legislature passed ch. 48, SLA 1987, relating to mental health trust land. As a part of that Act, AS 37.14.010 - 37.14.050 were repealed. Those sections had established the mental health fund and provided for its administration. The new provisions included the establishment of the mental health trust income account (AS 37.14.01). The 1987 legislation, however, failed to address references in AS 37.14.160 and 37.14.170 to two of the provisions that were repealed. Secs. 29 and 30 address that oversight, by deleting the references and making related changes in the language to reflect the fact that the provisions of AS 37.14.160 and 37.14.170 will now apply only to the public school fund and the related advisory board.

Sec. 31. The proposed amendment deals with old language that appears to be internally inconsistent. The existing language provides "Except as otherwise provided by law . . . the provisions of this section . . . govern exclusively and

supersede all other provisions of law . . ." (Emphasis added). Logic suggests that if the provisions of AS 39.20.-180 are exclusive and supersede all other provisions, no other provision may provide to the contrary. The proposed amendment deletes some obsolete language and resolves the inconsistency by deleting the "supersedes" language.

Sec. 32. The amendment deletes obsolete language relating to the initial appointments to the Board of Forestry.

Sec. 33. The amendment deletes obsolete language relating to the submission of the initial management plan for the Tanana State Forest to the Fourteenth Legislature. The plan was to be submitted by the 10th day of the second session of that legislature.

Sec. 34. The amendment deletes language that is redundant to the provisions of AS 41.17.231 (requiring management plans and setting out procedures, content, etc.) and clarifies the remaining provision of the amended subsection.

Sec. 35. The amendment deletes obsolete language relating to the deadline for the adoption of a management plan for the Kenai River special management area. The deadline was June 3, 1984.

Sec. 36. Deletes obsolete language relating to the initial appointees to the Historical Sites Advisory Committee.

Sec. 37. This section adds a definition section to AS 41. There are currently definitions of "commissioner" for five chapters in AS 41, and of "department" in three chapters. All definitions are for the commissioner of natural resources or the Department of Natural Resources. The enactment of the definitions for the title, and the related repeal of the eight existing definitions (in sec. 43), is consistent with the preferred approach in the Alaska Statutes in titles that primarily involve one department.

Sec. 38. The division of telecommunications was repealed in 1987 by Executive Order No. 66. A reference to the division in AS 44.21.160(f) was not changed. The amendment proposed by this section corrects that oversight.

Sec. 39. This section amends the provision that describes the general powers of the Alaska State Council on the Arts to include a reference to AS 44.27.060, which was enacted in

1980 at the same time Executive Order No. 44 transferred the council from the Governor's Office to the Department of Education. By its terms, AS 44.27.060 grants almost identical powers to the council with respect to its duties under AS 44.27.060, but the additional reference will clarify the council's powers with respect to AS 44.27.060. This change could probably be made editorially by the revisor under the authority to "delete or change sections or parts of sections if a deletion or change is necessary because of other legislative amendments which did not specifically amend or repeal them" (AS 01.05.031(b)(11)), but I would prefer to have the legislature review this change. The style of the section is also updated.

Secs. 40 and 41. AS 44.81.270(b), added by sec. 7, ch. 49, SLA 1987, conflicts with the existing provisions of AS 44.-81.270. The amendments proposed by secs. 40 and 41 resolve the conflict by incorporating the substance of the last sentence of (b) into (a), and deleting the last sentence of (b).

Sec. 42. As a part of the new municipal code (ch. 74, SLA 1985), AS 44.85.270(i) was amended to substitute a reference to AS 29.14.010 for a reference to AS 29.18.510. However, AS 29.14, which had been proposed in earlier drafts of the municipal code as a reenactment of AS 29.18.510 - 29.18.610, was dropped from the draft before passage. Consequently, there is no AS 29.14.010 in the Alaska Statutes. (AS 29.-18.510 - 29.18.610, enacted in 1978, have never become law, because the terms of the effective date provision have not been met; see sec. 7, ch. 143, SLA 1978.) The amendment proposed by this section deletes the language relating to the nonexistent law.

Sec. 43. This section contains the repeal of obsolete sections. AS 08.40.080 is obsolete as a result of the passage of ch. 94, SLA 1987. AS 15.05.016 is obsolete as a result of the elimination of the voter's certificate by ch. 116, SLA 1972. AS 15.15.213 was deleted from AS editorially after the passage of ch. 100, SLA 1980, which enacted virtually identical provisions (found in AS 15.15.198(a)). AS 19.10.220, and AS 19.25.110 and 19.25.120 are obsolete because of the passage of time. Several sections in AS 41 are proposed for repeal because they contain definitions of "commissioner" and "department" that would be redundant to the definitions that would be enacted in sec. 37 of the bill. AS 41.30 is proposed for repeal because the 1980

Representative John Sund  
Page 9  
May 3, 1988

repeal of the Alaska State Development Corporation made AS 41.30 meaningless. The chapter, which relates to area redevelopment, is also proposed for repeal in HB 185. AS 44.33.020(11) is obsolete as a result of the passage of ch. 94, SLA 1981. AS 44.81.010(c) became obsolete by its own terms after fiscal year 1979.

Sec. 44. This section gives a special effective date to the sections amending the school age law to tie the effective date of the amendments to the effective date of the 1987 amendments.

Sec. 45. Gives the remainder of the bill an immediate effective date.

Enclosure

cc: Senator Jay Kerttula  
Art Peterson, Department of Law

DRD:bb  
b5/092

STATE OF ALASKA  
THE LEGISLATURE

COPY

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JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1988

SUBJECT: House Amendments to Revisor's Bill (SB 413)

TO: Senator Jay Kerttula, Chair  
Senate Judiciary Committee

FROM: David R. Dierdorff  
Revisor of Statutes

Enclosed for your review and consideration is the draft HCS CSSB 413(Jud) delivered today to Representative Sund. The draft reflects amendments requested by the subcommittee appointed to consider the bill (Representatives Barnes, Gruenberg, and Sund).

Because there is not a lot of time remaining in the second session, I was reluctant to make any changes in the bill that would require Senate concurrence. The subcommittee assured me that concurrence should not be a problem but that if it became a problem, the House could recede from their amendments. My primary concern is not with the routine technical amendments made in the bill, but with the important technical amendments made to last year's school age bill, which must become law.

To assist you and your staff, as well as Senators Josephson, Sturgulewski, and Fahrenkamp (as chair of Council), to understand the House amendments, there follows a summary of those amendments.

Summary of House Amendments to SB 413

Page 3, line 10. The words "person" and "person's" were substituted for "woman" and "woman's" to be consistent with the legislative policy of gender-neutral laws.

Page 3, lines 14 and 19; page 6, line 3. The word "custodian" was substituted for "guardian" in three occurrences in order to conform to current legal usage. A guardian is a person appointed to look after a person; a custodian is the

person appointed to manage the estate of a person. Formerly, a custodian was referred to as the "guardian of the estate," a guardian as the "guardian of the person."

Page 4, lines 22 and 23. The language of AS 06.05.180(10) was changed slightly to clarify the paragraph, which is somewhat difficult to read. The phrase "invest in those obligations either" was substituted for "invest in the obligations, either" to better reference the preceding language relating to obligations of the United States government and delete an unnecessary comma. No other change was made.

Pages 14 - 16. New bill sections 32 - 36 and 39 were added. They provide:

Sec. 32. Deletes obsolete language related to the initial appointments to the Board of Forestry.

Sec. 33. Deletes obsolete language relating to the submission of the initial management plan for the Tenana State Forest to the Fourteenth Legislature. The plan was to have been submitted by the 10th day of the second session of that legislature.

Sec. 34. Deletes language that is redundant to the provisions of AS 41.17.231 (requiring management plans and setting out procedures, contents, etc.) and also clarifies the remaining provision of the amended subsection.

Sec. 35. Deletes obsolete language relating to the deadline for adoption of the management plan for the Kenai River Special Management Area. The deadline was June 3, 1984.

Sec. 36. Deletes obsolete language relating to the initial appointees to the Historical Sites Advisory Committee.

Sec. 39. This section amends the provision that describes the general powers of the Alaska State Council on the Arts to include a reference to AS 44.27.060, which was enacted in 1980 at the same time Executive Order No. 44 transferred the council from the Governor's Office to the Department of Education. By its terms, AS 44.27.060 grants almost identical powers to

Senator Jay Kerttula  
Page 3  
May 3, 1988

the council with respect to its duties under AS 44.-27.060, but the additional reference will clarify the council's powers with respect to AS 44.27.060. This change could probably be made editorially by the revisor under the authority to "delete or change sections or parts of sections if a deletion or change is necessary because of other legislative amendments which did not specifically amend or repeal them" (AS 01.05.031(b)(11)), but I would prefer to have the legislature review this change.

Page 18, line 7. AS 41.30 was added to the repealer. This chapter was made obsolete by the 1980 repeal of the Alaska State Development Corporation. The Departments of Law and Revenue agree with the need for repeal and noted that there is also a repeal proposed in HB 185, currently in Senate Finance.

If you, or any of the recipients of this memo, are aware of any reason that the House amendments would make it difficult to obtain Senate concurrence, please let me know at your earliest convenience. It is my hope that House Judiciary will be ready to send the HCS to House Rules in the next two or three days.

My sincere thanks to all of you for your cooperation in helping me keep current on this annual chore.

Enclosure

cc: Senator Joe Josephson  
Senator Arliss Sturgulewski  
Senator Bettye Fahrenkamp

DRD:gc  
WKG3:053

STATE OF ALASKA  
THE LEGISLATURE

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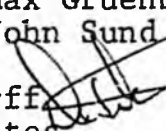
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 2, 1988

SUBJECT: Amendment of AS 41/35/140

TO: Representative Ramona Barnes  
Representative Max Gruenberg  
Representative John Sund

FROM: David R. Dierdorff   
Revisor of Statutes

Attached is a draft amendment I prepared for draft HCS CSSB 413(Jud). The amendment would add a new section 36 to the bill, proposing an amendment to AS 41.35.140 to delete obsolete material relating to the initial appointees to the Historical Sites Advisory Committee.

Attachment

DRD:bb  
b5/084

A M E N D M E N T

Offered in the HOUSE JUDICIARY

TO: HCS CSHB 413(Judiciary)

Page 15, after line 15:

Insert a new bill section to read:

"\* Sec. 36. AS 41.35.140 is amended to read:

Sec. 41.35.140. TERM OF MEMBERSHIP. The term of office for a member of the committee is three years, except for those who are members by virtue of their positions with the state, who [. THEY] serve for as long as they remain in the position by virtue of which they are members of the committee. A member appointed to fill a vacancy serves for the unexpired term of the member succeeded. [OF THOSE MEMBERS LISTED UNDER AS 41.35.120(3) AND (4), UPON INITIAL APPOINTMENT, ONE SHALL SERVE FOR ONE YEAR, TWO FOR TWO YEARS, AND TWO FOR THREE YEARS.]"

Renumber remaining bill sections accordingly.

STATE OF ALASKA  
THE LEGISLATURE

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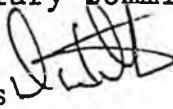
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1988

SUBJECT: HCS CSSB 413(Judiciary)

TO: Representative John Sund  
Chair, House Judiciary Committee

FROM: David R. Dierdorff   
Revisor of Statutes

Enclosed is a draft House Judiciary committee substitute for SB 413, the 1988 revisor's bill. This draft incorporates five new sections (secs. 32 - 35 and 38) and adds AS 41.30 to the repealer. The new sections relating to AS 41 deal with material discovered when I completed my routine review of AS 41; the section dealing with AS 44.27 was brought to our attention by the Department of Law.

SUMMARY OF EFFECT

To assist you in understanding the bill, I have summarized the contents by grouping sections that have similar effects.

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Sections 23, 24, 29, 30, 32, 33, 35, and 42 of the bill delete or repeal provisions that have become obsolete either through the passage of time or other legislative action. Please note that all of the repealers are in sec. 42, a departure from the style of previous revisor's bills, in which we located repealed provisions in numerical order. The change was made to accommodate our automated "statutes affected" program in BASIS. The text of each substantive AS section proposed for repeal is attached to this memorandum as an Appendix.

Sections that update obsolete or archaic provisions:

The following sections of the bill substitute new provisions for provisions that are obsolete, archaic, or otherwise

outdated, and make conforming changes in related provisions as necessary: 1-6, 8 (in part), 11, 16, 21, 22, 30, and 31.

Sections that eliminate conflicts with other laws:

Sections 40 and 41 resolve a conflict between related provisions of the statutes.

Sections that correct errors or oversights:

The following sections of the bill correct errors or oversights in drafting, or make conforming amendments to harmonize laws passed during the same legislative session that could not be harmonized editorially: 7, 8 (in part), 9, 10, 12-15, 17-20, 22, 25-27, 37, 38, and 41.

Sections that improve the form of the statutes:

Section 34 eliminates redundant provisions. Section 36 adds a definition section applicable to all of AS 41. Related repealers in sec. 42 repeal individual definitions in portions of AS 41 that would be unnecessary with the enactment of the new provision.

SECTIONAL ANALYSIS

Sections 1 - 6. These sections change the phrase "wine gallons" to "gallons" in six sections of AS 04. Webster's New World Dictionary, 2nd college ed., defines "wine gallon" as "the old English gallon of 231 cu. in., now the standard gallon in the U.S." Consequently, these sections of the bill delete the archaic usage.

Sec. 7. This section amends AS 06.05.095 to correct an error in the original 1951 enactment. As enacted, the section was internally contradictory and did not say what it meant. If the amendment is enacted, the language of the section will conform to the interpretation that the section has always been given by the financial community.

Sec. 8. This section of the bill amends two paragraphs in AS 06.05.180, setting out the authorized trust powers of banks. Paragraph (4) is amended to update the language used in referring to incapacitated persons. Paragraph (10), added to AS 06.05.180 by sec. 1, ch. 7, SLA 1988, is amended to correct a misunderstanding of the effect of an amendment adopted last year by the House Labor and Commerce Committee.

The error was not discovered until the Department of Law reviewed the bill for the governor last month. By copy of the review letter, the revisor was asked to consider making an editorial correction under AS 01.05.031. Based upon a review of the bill file and the legislative history of the bill, it was determined that the correction needed to be made by the legislature.

As enacted, the provision of AS 06.05.180(10) that allows certain investments "for short-term cash management purposes" modifies both direct investments and investments in the form of certain securities and other interests. The intent was, apparently, to modify only investments in the form of certain securities and other interests. Thus, direct investments could be for purposes other than short-term cash management. The proposed amendment, suggested by the Department of Law, changes the location in the paragraph of the conditioning language in order to carry out the intent of the proponents of the legislation.

Secs. 9 and 10. These sections amend two provisions relating to unclaimed property upon voluntary liquidation of a bank to reflect the 1986 enactment of new laws on unclaimed or abandoned property.

Sec. 11. This section proposes an amendment to AS 06.-25.140, relating to the powers of trust companies, to update the language used to refer to incapacitated persons.

Sec. 12. Section 48, ch. 94, SLA 1987 deleted the reference to the Board of Electrical Examiners from the list in AS 08.01.010 that sets out the regulated occupations and professions that are subject to the centralized licensing provisions of AS 08.01. Instead of deleting the reference to the board (which was eliminated through repeal in the same legislation), the provision should have been amended to refer to the regulation of the occupation. This section corrects this oversight.

Sec. 13. The language proposed for deletion became redundant when AS 08.01.010 was amended in 1987 to include the Real Estate Commission. AS 08.01.110(1) defines "board" to include a commission listed in AS 08.01.010.

Sec. 14. AS 08.01.065(c) was amended by sec. 1, ch. 87, SLA 1987, and repealed and reenacted by sec. 5, ch. 94, SLA 1987. The first amendment, however, had a later effective

date than the repeal and reenactment, and because it added a sentence to the subsection, it was determined by the revisor that the ch. 94 amendment did not supersede the ch. 87 amendment. The Department of Law had advised the governor, in its bill review letters on the two Acts, that if the governor signed CSHB 222(Fin) am S (which became ch. 94) after he signed SCS CSHB 70(Jud) am S (which became ch. 87), the former would supersede the latter under the later enactment theory. The proposed amendment in sec. 14 of the bill would delete the language added by sec. 1, ch. 87, which is redundant to the provisions of the subsection as repealed and reenacted by ch. 94, and carry out the apparent legislative intent of the 1987 legislation.

Sec. 15. This section corrects an oversight in drafting ch. 94, SLA 1987, by substituting "department" for a reference to the Board of Electrical Administrators, which was eliminated by repeal in ch. 94.

Sec. 16. This section substitutes the word "unintentional" for the word "casual" in AS 09.45.730. In Matanuska Elec. Ass'n v. Weissler, 723 P.2d 600, the supreme court of Alaska construed the term "casual" to mean "unintentional," but noted that the usage was derived from an 1848 New York code, later used as a model for an early Oregon law and then Alaska's law, and had a 19th century meaning. The amendment is suggested to update the language in conformity with the court's construction. The section is also amended to substitute current Alaska usage for the terms "village, town, or city" and to make other changes to conform to current style.

Sec. 17. This section amends AS 09.63.040(c) to correct an oversight in the original drafting of the subsection, which sets out the statutory form for verifications. As originally enacted, the form does not conform to the requirements of AS 09.63.040(b). That subsection requires the person making a verification to sign it, but the form set out in (c) does not include a signature line for that person. The proposed amendment adds a signature line for the person making the verification and also removes the personal pronouns in the provision.

Sec. 18. This section amends AS 12.55.035(b) to incorporate a reference to sexual abuse of a minor in the first degree in a listing of unclassified felonies. This corrects an

oversight dating back to the 1983 change in the classification of that offense.

Secs. 19 and 20. These sections correct the error in the 1987 amendments to AS 14.03.070 and 14.03.080(d) relating to school age. The 1987 bill was vetoed by the governor because of the error, but the veto was overridden in the special session on the assurance that the error would be corrected before the effective date of ch. 1, FSSLA 1987 (July 1, 1988). In sec. 19, the language "or who will become six years of age" is proposed for deletion because it is redundant. A similar amendment was made in AS 14.03.-080(d) in the 1987 legislation.

Sec. 21. AS 14.17.140(c) was deleted from that section in 1986, making the reference to the subsection in AS 14.11.-115(c)(1) obsolete. The proposed amendment would substitute the substance of former AS 14.17.140(c) for the existing reference in AS 14.11.115(c)(1).

Sec. 22. In 1982, AS 14.25.063(b)(2) was amended, deleting the language of that section that concerned options. The proposed amendment simply inserts "former" before the reference to AS 14.25.063(b)(2) in AS 14.25.110(g).

Sec. 23. In ch. 78, SLA 1987, the penalty for violations of the compulsory attendance law was reduced to a violation. The language proposed for deletion from AS 14.30.030 is no longer appropriate as a result of that amendment. A court would normally issue a summons to a person charged with a violation, and issue a warrant only if the person failed to appear. The subject is adequately covered by other statutes and the Rules of Court.

Sec. 24. This section amends AS 15.13.020(d), relating to the terms of members of the Alaska Public Offices Commission, by deleting obsolete material relating to initial terms of members. The repeal and reenactment method was used to allow the subsection to be reorganized for clarity.

Sec. 25. In 1977, AS 15.25.040(a) was amended to include a reference to paragraphs "(1)-(16)" of AS 15.25.030. At that time, AS 15.25.030 contained only paragraphs (1)-(15). The error was not corrected editorially, however. In 1980, AS 15.25.030 was amended to include a paragraph (16). The amendment proposed by this section corrects the error and

formally amends the provision to properly include a reference to paragraph (16) as added in 1980.

Sec. 26. This section corrects an error in the 1980 amendment to AS 23.20.350. This error could be corrected editorially by the revisor under AS 01.05.031(b), as a manifest error in the enactment, but I felt that the legislature should have the opportunity to review the provision and the proposed correction because of its importance to the calculation of unemployment benefits.

Sec. 27. The amendment to AS 24.60.030(c) proposed by this section adds "or" between paragraphs (1) and (2) of the subsection to correct a drafting oversight and clarify legislative intent. Without the conjunction, the rules of statutory construction could require that the provisions of the two paragraphs be read together, which would be contrary to our understanding of the legislative intent.

Sec. 28. The amendment to AS 28.10.441(8) updates a reference by substituting a reference to current provisions for the existing reference to former provisions.

Secs. 29 and 30. Last year the legislature passed ch. 48, SLA 1987, relating to mental health trust land. As a part of that Act, AS 37.14.010 - 37.14.050 were repealed. Those sections had established the mental health fund and provided for its administration. The new provisions included the establishment of the mental health trust income account (AS 37.14.011). The 1987 legislation, however, failed to address references in AS 37.14.160 and 37.14.170 to two of the provisions that were repealed. Secs. 29 and 30 address that oversight, by deleting the references and making related changes in the language to reflect the fact that the provisions of AS 37.14.160 and 37.14.170 will now apply only to the public school fund and the related advisory board.

Sec. 31. The proposed amendment deals with old language that appears to be internally inconsistent. The existing language provides "Except as otherwise provided by law . . . the provisions of this section . . . govern exclusively and supersede all other provisions of law . . ." (Emphasis added). Logic suggests that if the provisions of AS 39.20.-180 are exclusive and supersede all other provisions, no other provision may provide to the contrary. The proposed amendment deletes some obsolete language and resolves the inconsistency by deleting the "supersedes" language.

Sec. 32. The amendment deletes obsolete language relating to the initial appointments to the Board of Forestry.

Sec. 33. The amendment deletes obsolete language relating to the submission of the initial management plan for the Tanana State Forest to the Fourteenth Legislature.

Sec. 34. The amendment deletes language that is redundant to the provisions of AS 41.17.230 and clarifies the remaining provision of the amended subsection.

Sec. 35. The amendment deletes obsolete language relating to a deadline for the adoption of a management plan.

Sec. 36. This section adds a definition section to AS 41. There are currently definitions of "commissioner" for five chapters in AS 41, and of "department" in three chapters. All definitions are for the commissioner of natural resources or the Department of Natural Resources. The enactment of the definitions for the title, and the related repeal of the eight existing definitions (in sec. 42), is consistent with the preferred approach in the Alaska Statutes in titles that primarily involve one department.

Sec. 37. The division of telecommunications was repealed in 1987 by Executive Order No. 66. A reference to the division in AS 44.21.160(f) was not changed. The amendment proposed by this section corrects that oversight.

Sec. 38. This section amends the provision that describes the general powers of the Alaska State Council on the Arts to include a reference to AS 44.27.060, which was enacted in 1980 at the same time Executive Order No. 44 transferred the council from the Governor's Office to the Department of Education. By its terms, AS 44.27.060 grants almost identical powers to the council with respect to its duties under AS 44.27.060, but the additional reference will clarify the council's powers with respect to AS 44.27.060. This change could probably be made editorially by the revisor under the authority to "delete or change sections or parts of sections if a deletion or change is necessary because of other legislative amendments which did not specifically amend or repeal them" (AS 01.05.031(b)(11)), but I would prefer to have the legislature review this change.

Secs. 39 and 40. AS 44.81.270(b), added by sec. 7, ch. 49, SLA 1987, conflicts with the existing provisions of AS 44.81.270. The amendments proposed by secs. 39 and 40 resolve the conflict by incorporating the substance of the

last sentence of (b) into (a), and deleting the last sentence of (b).

Sec. 41. As a part of the new municipal code (ch. 74, SLA 1985), AS 44.85.270(i) was amended to substitute a reference to AS 29.14.010 for a reference to AS 29.18.510. However, AS 29.14, which had been proposed in earlier drafts of the municipal code as a reenactment of AS 29.18.510 - 29.18.610, was dropped from the draft before passage. Consequently, there is no AS 29.14.010 in the Alaska Statutes. (AS 29.-18.510 - 29.18.610, enacted in 1978, have never become law, because the terms of the effective date provision have not been met; see sec. 7, ch. 143, SLA 1973.) The amendment proposed by this section deletes the language relating to the nonexistent law.

Sec. 42. This section contains the repeal of obsolete sections. AS 08.40.080 is obsolete as a result of the passage of ch. 94, SLA 1987. AS 15.05.016 is obsolete as a result of the elimination of the voter's certificate by ch. 116, SLA 1972. AS 15.15.213 was deleted from AS editorially after the passage of ch. 100, SLA 1980, which enacted virtually identical provisions (found in AS 15.15.198(a)). AS 19.10.220, and AS 19.25.110 and 19.25.120 are obsolete because of the passage of time. Several sections in AS 41 are proposed for repeal because they contain definitions of "commissioner" and "department" that would be redundant to the definitions that would be enacted in sec. 36 of the bill. AS 41.30 is proposed for repeal because the 1980 repeal of the Alaska State Development Corporation made AS 41.30 meaningless. The chapter, which relates to area redevelopment, is also proposed for repeal in HB 185. AS 44.33.020(11) is obsolete as a result of the passage of ch. 94, SLA 1981. AS 44.81.010(c) became obsolete by its own terms after fiscal year 1979.

Sec. 43. This section gives a special effective date to the sections amending the school age law to tie the effective date of the amendments to the effective date of the 1987 amendments.

Sec. 44. Gives the remainder of the bill an immediate effective date.

Enclosure

cc: Senator Jay Kerttula  
Art Peterson, Department of Law

DRD:bb  
b5/057

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

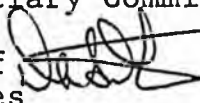
POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

MEMORANDUM

April 8, 1988

SUBJECT: The 1988 Revisor's Bill (CSSB 413(Jud) am)

TO: Representative John Sund  
Chair, House Judiciary Committee

FROM: David R. Dierdorff   
Revisor of Statutes

As you probably know, CSSB 413(Jud) am passed the Senate yesterday. The floor amendment deleted former sec. 24 of the CS. Consequently, in the latest sectional analysis for the CS (published as Senate Journal Supplement #32, March 18, 1988), all references to sec. 24 should be deleted and the material for former secs. 25 - 40 should be read as describing secs. 24 - 39 of the engrossed bill.

For your information, the deleted section related to the default rate on student loans as the rate relates to qualifications for further loans to attend certain institutions. The section became something of a hot potato and it was decided that the necessary technical correction, together with a review of the policy underlying the adoption of the substantive provision last year, should be considered by the HESS committees in separate legislation.

I will be happy to meet with you, other members of your committee. and staff, at their convenience to discuss this year's bill.

DRD:bb  
b4/107

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 413 (Judiciary)  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 FIFTEENTH 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 04.11.120(b) is amended to read:

11 (b) A sale under a bottling works license may be made only to a  
 12 person licensed under this title and only in quantities of more than  
 13 five [WINE] gallons.

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

15 (b) A brewery license authorizes the holder to sell beer in  
 16 quantities of more than five [WINE] gallons to persons licensed to  
 17 sell beer under this title.

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

19 (b) A winery license authorizes the holder to sell wine to  
 20 persons licensed under this title in quantities of more than five  
 21 [WINE] gallons.

22 \* Sec. 4. AS 04.11.160(b) is amended to read:

23 (b) A wholesale malt beverage and wine license authorizes the  
 24 holder to sell malt beverages and wine in the original packages in  
 25 quantities of not less than five [WINE] gallons. The holder of a  
 26 wholesale malt beverage and wine license may not sell to a person not  
 27 licensed under this title except as provided in AS 04.21.040. The  
 28 annual wholesale malt beverage and wine license fee is \$200 for the  
 29 first \$20,000 of business transacted during a year, payable at the

1 time of making an original application or application for renewal. In  
2 addition, the following annual fees shall be paid by a holder of a  
3 wholesale malt beverage and wine license:

4 Business Transacted During Year	Fee
5 over \$20,000 and not over \$50,000 . . . .	\$ 300
6 over \$50,000 and not over \$100,000 . . .	\$ 1,000
7 over \$100,000 and not over \$150,000 . . .	\$ 1,500
8 over \$150,000 and not over \$200,000 . . .	\$ 2,000
9 over \$200,000 and not over \$400,000 . . .	\$ 4,000
10 over \$400,000 and not over \$600,000 . . .	\$ 6,000
11 over \$600,000 and not over \$800,000 . . .	\$ 8,000
12 over \$800,000 . . . . .	\$10,000

13 \* Sec. 5. AS 04.11.200(b) is amended to read:

14 (b) A sale by a holder of a retail stock sale license may only  
15 be in quantities of five [WINE] gallons or more per sale and may only  
16 be to persons licensed under this chapter.

17 \* Sec. 6. AS 04.16.130(b) is amended to read:

18 (b) This section does not apply to stocks of beer carried on a  
19 delivery truck by a licensed wholesaler if carried for the purpose of  
20 sale and delivery to persons licensed under this title in quantities  
21 of not less than 10 [WINE] gallons for each sale.

22 \* Sec. 7. AS 06.05.095 is amended to read:

23 Sec. 06.05.095. PAYMENT OF ITEMS. If the balance in an [ANY]  
24 account subject to withdrawal by or upon the order of a depositor is  
25 insufficient to pay an [EQUALS OR EXCEEDS THE AMOUNT OF ANY] item  
26 presented for payment, a bank may select from the items that [WHICH]  
27 in the aggregate exceed the balance the items to be paid in the [ANY]  
28 order convenient to the bank.

29 \* Sec. 8. AS 06.05.180, as amended by sec. 1, ch. 7, SLA 1988, is  
HCS CSSB 413(Jud)

1 amended to read:

2 Sec. 06.05.180. POWERS AS TRUSTEE AUTHORIZED. Every bank organ-  
3 ized under this chapter, subject to the restrictions and limitations  
4 of laws and the regulations of the department, may

5 (1) act as trustee under any mortgage or bond issued by the  
6 state, or any municipality, body politic, or corporation, foreign or  
7 domestic, and accept and execute any municipal or corporate trust not  
8 prohibited by the laws of this state;

9 (2) accept a trust from, and execute a trust for a married  
10 person [WOMAN] in respect to the married person's [WOMAN'S] separate  
11 property, and act as agent in the management of the property or  
12 transact any business in relation to the property;

13 (3) act under the order or appointment of a court of compe-  
14 tent jurisdiction including any probate court as custodian [GUARDIAN],  
15 receiver, or trustee of the estate of a minor, and as depository of  
16 money paid into court for the benefit of any person, corporation, or  
17 party, and in any other fiduciary capacity;

18 (4) act under the order or appointment of a court of compe-  
19 tent jurisdiction including any probate court as trustee, custodian  
20 [GUARDIAN], receiver or committee of the estate of an incapacitated  
21 person, as defined in AS 13.26.005, or of a [LUNATIC, IDIOT,]  
22 spendthrift, [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or as  
23 receiver or committee of the property or estate of a [ANY] person in  
24 insolvency or bankruptcy proceedings;

25 (5) act as executor or administrator with or without the  
26 will annexed of the estate of a deceased person;

27 (6) accept and execute any legal trust, duty and power in  
28 regard to the holding, management and disposition of any estate, real  
29 or personal, wherever located, and the rents and profits from it, or

1 the sale of it, as may be granted or confided to it by a court of  
2 competent jurisdiction including any probate court or by any person,  
3 corporation, municipality or other authority, and is accountable to  
4 all parties in interest for the faithful discharge of every trust,  
5 duty, or power which it may accept;

6 (7) accept and execute any trust or power conferred upon it  
7 by any person or any body politic or domestic or foreign corporation,  
8 or any other authority, grant, assignment, transfer, devise, bequest  
9 or otherwise, or which may be entrusted or committed or transferred to  
10 it by order of a court of competent jurisdiction including any probate  
11 court;

12 (8) receive, manage, hold and dispose of according to the  
13 terms of any trust or power any property or estate, real or personal,  
14 which may be the subject of any such trust or power;

15 (9) act as the fiscal or transfer agent of the United  
16 States or of any state, territory, municipality, or other body poli-  
17 tic, and in this capacity may receive and disburse money [MONEYS],  
18 transfer, register and countersign certificates of stocks, bonds, or  
19 other evidences of indebtedness;

20 (10) whenever the instrument or power governing the fidu-  
21 ciary relationship directs, requires, authorizes, or permits invest-  
22 ment in obligations of the United States government, invest in those  
23 [THE] obligations [, FOR SHORT-TERM CASH MANAGEMENT PURPOSES,] either  
: directly or, for short-term cash management purposes, in the form of  
3 securities of, or other interests in, a money market mutual fund  
operating as an open-end management type investment company or in-  
vestment trust registered under 15 U.S.C. 80a-1 - 80a-64 (Investment  
Company Act of 1940), if

(A) the portfolio of the investment company or

1 investment trust is limited to obligations of the United States  
2 government and repurchase agreements fully collateralized by the  
3 obligations; and

4 (B) the investment company or investment trust takes  
5 delivery of the collateral directly or through an authorized  
6 custodian.

7 \* Sec. 9. AS 06.05.465(f) is amended to read:

8 (f) The contents of safe deposit boxes which have not been  
9 removed within 30 days after demand shall be opened and the contents  
10 dealt with in the manner provided for boxes upon which the payment of  
11 rental is in default, and the sealed packages containing the contents  
12 and the certificates together with any other unclaimed property held  
13 by the bank as bailee and certified inventories of that property shall  
14 be transferred to the department which shall retain it for five years  
15 unless claimed by the person entitled to it before that time. After  
16 five years the department shall [SELL OR OTHERWISE APPROPRIATELY]  
17 dispose of the property under AS 34.45.110 - 34.45.780. [THE PROCEEDS  
18 OF ANY SALE SHALL BE TRANSFERRED TO THE STATE TREASURY AND SHALL BE  
19 DEPOSITED IN THE GENERAL FUND.]

20 \* Sec. 10. AS 06.05.465(i) is amended to read:

21 (i) Any unclaimed distribution to a stockholder or a depositor  
22 shall be held until 90 days after the final distribution and then  
23 transmitted to the department. Unclaimed funds of a stockholder or a  
24 depositor shall be held by the department for five years and, unless  
25 claimed by the person entitled to them before that date, shall be  
26 disposed of under AS 34.45.110 - 34.45.780 [TRANSFERRED TO THE STATE  
27 TREASURY AND DEPOSITED IN THE GENERAL FUND].

28 \* Sec. 11. AS 06.25.140 is amended to read:

29 Sec. 06.25.140. ESTATES OF INCAPACITATED PERSONS [INCOMPETENTS].

1 A trust company may act under the order or appointment of a court of  
2 competent jurisdiction including any probate court as trustee,  
3 custodian [GUARDIAN], receiver or committee of the estate of an  
4 incapacitated person, as defined in AS 13.26.005, or of a [LUNATIC,  
5 IDIOT,] spendthrift. [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or  
6 as receiver or committee of the property or estate of a [ANY] person  
7 in insolvency or bankruptcy proceedings, and act as executor or  
8 administrator with or without the will annexed of the estate of a  
9 [ANY] deceased person.

10 \* Sec. 12. AS 08.01.010 is amended by adding a new paragraph to read:

11 (28) regulation of electrical administrators under AS 08.40.

12 \* Sec. 13. AS 08.01.035 is amended to read:

13 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members of boards  
14 subject to this chapter [AND MEMBERS OF THE REAL ESTATE COMMISSION  
15 UNDER AS 08.88] are appointed for staggered terms of four years. A  
16 member of a board serves until a successor is appointed. An appoint-  
17 ment to fill a vacancy on a board is for the remainder of the un-  
18 expired term. A member who has served all or part of two successive  
19 terms on a board may not be reappointed to that board unless four  
20 years have elapsed since the person has last served on the board.

21 \* Sec. 14. AS 08.01.065(c) is amended to read:

22 (c) A fee established under this section should reflect, but  
23 should not exceed, the actual costs to the department of the activity  
for which the fee is charged except that the department may establish  
a fee that is less than the cost of the activity for which the fee is  
charged if the department determines that it is not reasonable to  
impose the full cost of the activity on the applicant or licensee.  
[THE ACTUAL OR ANTICIPATED COSTS TO THE DEPARTMENT OF SERVICES PROVID-  
ED TO OR ON BEHALF OF A BOARD MUST REFLECT, TO THE EXTENT POSSIBLE,

1 THE AMOUNT OF FEES THE DEPARTMENT COLLECTS FROM PERSONS IN OCCUPATIONS  
2 REGULATED BY THE BOARD.]

3 \* Sec. 15. AS 08.40.190(c) is amended to read:

4 (c) Work within the exclusionary provisions of this section is  
5 nevertheless subject to the inspection provisions of AS 08.40.070 and  
6 must follow the regulations regarding workmanship adopted by the  
7 department [BOARD].

8 \* Sec. 16. AS 09.45.730 is amended to read:

9 Sec. 09.45.730. TRESPASS BY CUTTING OR INJURING TREES OR SHRUBS.  
10 A person who without lawful authority cuts down, girdles, or otherwise  
11 injures or removes [CARRIES OFF] a tree, timber, or a shrub on (1)  
12 the land of another person or on the street or highway in front of a  
13 person's house, or (2) [OF] a village [, TOWN,] or municipal [CITY]  
14 lot, or cultivated grounds, or [ON] the commons or public land  
15 [GROUNDS? of a village [, TOWN,] or municipality [CITY], or (3) [ON]  
16 the street or highway in front of land described in (2) of this sec-  
17 tion [THEM, WITHOUT LAWFUL AUTHORITY], is liable to the owner of that  
18 land, or to the village [, TOWN,] or municipality [CITY] for treble  
19 the amount of damages which may be assessed in a civil action. Howev-  
20 er, if the trespass was unintentional [CASUAL] or involuntary, or the  
21 defendant had probable cause to believe that the land on which the  
22 trespass was committed was the defendant's own or that of the person  
23 in whose service or by whose direction the act was done, or where the  
24 timber was taken from unenclosed woodland for the purpose of repairing  
25 a public highway or bridge on or adjoining [UPON] the land [OR ADJOIN-  
26 ING IT], only actual damages may be recovered.

27 \* Sec. 17. AS 09.63.040(c) is amended to read:

28 (c) A verification made under this section may be in substan-  
29 tially the following form:

1 I \_\_\_\_\_ say [SAYS] on oath or affirm [AFFIRMS] that I have  
2 [HE (OR SHE) HAS] read the foregoing (or attached) document and be-  
3 lieve [BELIEVES] all statements made in the document are true.

4  
5 \_\_\_\_\_  
6 Signature

7  
8 Subscribed and sworn to or affirmed before me at \_\_\_\_\_ on

9 \_\_\_\_\_  
10 (date)

11 \_\_\_\_\_  
12 Signature of Officer

13 \_\_\_\_\_  
14 Title of Officer

15 \* Sec. 18. AS 12.55.035(b) is amended to read:

16 (b) Upon conviction of an offense, a defendant who is not an  
17 organization may be sentenced to pay, unless otherwise specified in  
18 the provision of law defining the offense, a fine of no more than

19 (1) \$75,000 for murder in the first or second degree,  
20 sexual assault in the first degree, sexual abuse of a minor in the  
21 first degree, kidnapping, or misconduct involving a controlled sub-  
22 stance in the first degree;

23 (2) \$50,000 for a class A, B, or C felony;

24 (3) \$5,000 for a class A misdemeanor;

25 (4) \$1,000 for a class B misdemeanor;

26 (5) \$300 for a violation.

27 \* Sec. 19. AS 14.03.070 is amended to read:

28 Sec. 14.03.070. SCHOOL AGE. A child who is six years of age [OR  
29 WHO WILL BECOME SIX YEARS OF AGE] before August 15 following  
HCS CSSB 413(Jud) -8-

1 [PRECEDING] the beginning of the school year, and who is under the age  
2 of 20 and has not completed the 12th grade, is of school age.

3 \* Sec. 20. AS 14.03.080(d) is amended to read:

4 (d) A child who is five years of age before August 15 following  
5 [PRECEDING] the beginning of the school year, and who is under school  
6 age, may enter a public school kindergarten.

7 \* Sec. 21. AS 14.11.115(c)(1) is amended to read:

8 (1) "debt" means the principal amount of the direct and  
9 general obligation indebtedness of the municipality for which all  
10 taxable property is subject to taxation to pay the bond, note or other  
11 evidence of the debt, determined annually by the Department of Commu-  
12 nity and Regional Affairs in consultation with each municipality that  
13 is a school district and reported to the municipality and the commis-  
14 sioner of education; the determination shall be made by October 1 and  
15 report the outstanding debt as of July 1 of that year [IN ACCORDANCE  
16 WITH AS 14.17.140(c)];

17 \* Sec. 22. AS 14.25.110(g) is amended to read:

18 (g) A member who is eligible for a service retirement salary  
19 under this chapter or under the Retirement Act of 1945 is entitled to  
20 a benefit of at least \$25 per month for each year of credited service,  
21 excluding adjustments made under AS 14.25.142 or 14.25.143. If the  
22 member elected option two under former AS 14.25.063(b)(2) for payment  
23 of any indebtedness when the member initially applied for a retirement  
benefit, or if the member elected to receive an early retirement  
benefit under (b) of this section, the resulting benefit reduction  
continues in effect.

\* Sec. 23. AS 14.30.030 is amended to read:

Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief  
administrative officer of a district school or regional educational

1 attendance area shall report all apparent violations of AS 14.30.010  
2 to the governing body of the district. The governing body shall, on  
3 receiving the report or on the complaint of any person, provide for a  
4 full and impartial investigation of all charges of violation. In  
5 private or federal schools, the chief administrative officer shall  
6 make a full and impartial investigation of all apparent violations.  
7 If it reasonably appears upon investigation that a person has violated  
8 AS 14.30.010, the governing body of a district school or regional  
9 educational attendance area, or the chief administrative officer of a  
10 private or federal school, shall make and file with the district court  
11 a complaint against the person, charging the violation. [THE JUDGE OR  
12 MAGISTRATE MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON AND MAY  
13 ACT UPON THE COMPLAINT.]

14 \* Sec. 24. AS 15.13.020(d) is repealed and reenacted to read:

15 (d) Members of the commission serve staggered terms of five  
16 years, or until a successor is appointed and qualifies. The terms of  
17 no two members who are members of the same political party may expire  
18 in consecutive years. A member may not serve more than one term.  
19 However, a person appointed to fill the unexpired term of a predeces-  
20 sor may be appointed to a successive full five-year term.

21 \* Sec. 25. AS 15.25.040(a) is amended to read:

22 (a) The declaration is filed by either

23 (1) the actual physical delivery of the declaration in  
24 person or by mail at or before 5:00 p.m., prevailing time, June 1 of  
25 the year in which a general election is held for the office, or

26 (2) the actual physical delivery by telegram of a copy in  
27 substance of the statements made in paragraphs (1) - (5) of the decla-  
28 ration as required by AS 15.25.030 at or before 5:00 p.m., prevailing  
29 time, June 1 of the year in which a general election is held for the

1 office and also the actual physical delivery of the declaration con-  
2 taining paragraphs (1) - (16) [(1) - (15)] as required by AS 15.25.030  
3 by registered mail which is received not more than 15 days after that  
4 time.

5 \* Sec. 26. AS 23.20.350(e) is amended to read:

6 (e) An individual who is eligible under (d) of this section is  
7 entitled to receive a weekly benefit under this chapter for the number  
8 of weeks set out in column (B) of the table in this subsection oppo-  
9 site the applicable earnings ratio of the individual set out in column  
10 (A):

(A)	(B)
Earnings Ratio	Number of Weeks
less than <u>1.50</u> [1.49]	16
1.50 - 1.99	18
2.00 - 2.49	20
2.50 - 2.99	22
3.00 - 3.49	24
3.50 or more	26

13 \* Sec. 27. AS 24.60.030(c) is amended to read:

14 (c) Conflicts of interest are prohibited but there is not a  
15 conflict of interest if, as to a specific matter, there is no substan-  
16 tial impropriety or appearance of impropriety because

- 17 (1) the person's interest is relatively insignificant; or
- 18 (2) the person's authority is relatively far removed from

19 any official action that could reasonably be affected by the potential  
20 conflict of interest, provided that no attempt has been made to remove  
21 the appearance of impropriety by delegating responsibility for offi-  
22 cial action.

\* Sec. 28. AS 28.10.441(8) is amended to read:

1 (8) special permit for vehicle used for transport of dis-  
2 abled or handicapped person issued under AS 28.10.495 [AS PROVIDED IN  
3 AS 28.10.215] ..... none.

4 \* Sec. 29. AS 37.14.160 is amended to read:

5 Sec. 37.14.160. DUTIES OF COMMISSIONER OF REVENUE. The commis-  
6 sioner of revenue is the treasurer of the fund [FUNDS] created in  
7 AS 37.14.110 [AS 37.14.010 AND 37.14.110] and shall

8 (1) act as official custodian of the cash and securities  
9 belonging to the fund [THOSE FUNDS] and provide adequate safe deposit  
10 facilities for it [EACH OF THEM];

11 (2) receive cash belonging to the fund [THOSE FUNDS];

12 (3) collect the principal on securities acquired for the  
13 [EACH] fund [ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and credit  
14 the [EACH] fund accordingly;

15 (4) collect interest and dividends earned on investments of  
16 the fund [FUNDS ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and  
17 credit the income reserve account of the [EACH] fund accordingly;

18 (5) invest and reinvest the principal of the [EACH] fund in  
19 accordance with AS 37.14.170.

20 \* Sec. 30. AS 37.14.170 is amended to read:

21 Sec. 37.14.170. INVESTMENTS. (a) The commissioner of revenue,  
22 with the approval of the [EACH] advisory board created in AS 37.14.120  
23 [AS 37.14.020 AND 37.14.120], may invest the principal of the fund  
[FUNDS] created in AS 37.14.110 [AS 37.14.010 AND 37.14.110] in the  
same manner as specified for the investment of surplus pension funds  
under AS 39.35.110.

(b) The commissioner of revenue may

(1) invest and reinvest the principal of the fund [FUNDS];

(2) sell, exchange, convey, transfer, or otherwise dispose

1 of investments of the fund [FUNDS] by private contract or at public  
2 auction;

3 (3) vote upon a stock, bond, or other security; give a  
4 general or special proxy or power of attorney with or without power of  
5 substitution; exercise a conversion privilege, subscription right, or  
6 other option and make payments incidental to it; consent to or partic-  
7 ipate in a corporate reorganization or other change affecting corpo-  
8 rate securities, delegate discretionary power, pay an assessment or  
9 charge in connection with the delegation; and generally exercise any  
10 of the powers of an owner with respect to stocks, bonds, securities,  
11 or other investments held in the fund [FUNDS];

12 (4) make, execute, acknowledge, and deliver documents of  
13 transfer and conveyance and instruments necessary or appropriate to  
14 carry out the powers granted;

15 (5) register investments held in the [A] fund in the name  
16 of the public school fund advisory board [HAVING THE POWER TO APPROVE  
17 INVESTMENTS FOR A FUND];

18 (6) do all acts whether or not expressly authorized that  
19 [WHICH] are considered proper for the protection of the investments  
20 held in the fund [FUNDS].

21 \* Sec. 31. AS 39.20.180 is amended to read:

22 Sec. 39.20.180. TRANSPORTATION AND PER DIEM EXPENSES FOR MEMBERS  
23 OF BOARDS, COMMISSIONS, ETC. Except as otherwise provided by law,  
[FROM AND AFTER MARCH 27, 1962,] the provisions in this section re-  
lating to per diem and transportation govern exclusively [AND SUPER-  
SEDE ALL OTHER PROVISIONS OF LAW] with respect to a member of a state  
board, commission, committee, judicial council, or other similar body  
of persons of the state organized or established under the authority  
of law, but excluding any other state employee other than a

1 legislator, who is otherwise entitled by law to receive from the state  
2 payments for expenses of transportation, and for reimbursement or for  
3 per diem in lieu of reimbursement for other expenses incident to  
4 duties as such member:

5 (1) for [FOR] transportation, the member is entitled either  
6 to the use of state transportation requests, or to be reimbursed for  
7 expenses of transportation to the same extent, in the same manner, and  
8 under the same conditions as provided for state officials and employ-  
9 ees by the provisions of AS 39.20.110 - 39.20.170; [.]

10 (2) for [FOR] reimbursement for other expenses, the member  
11 is entitled to a per diem allowance prescribed by the commissioner of  
12 administration under the regulatory authority set out in AS 39.20.160  
13 for each day or portion of a day spent in actual meeting or on au-  
14 thORIZED official business incident to duties as a member.

15 \* Sec. 32. AS 41.17.043 is amended to read:

16 Sec. 41.17.043. TERMS OF OFFICE. The term of office of a member  
17 of the board is three years [; THE GOVERNOR SHALL MAKE THE INITIAL  
18 APPOINTMENTS TO THE BOARD IN SUCH A WAY THAT FOUR NOMINATIONS EXPIRE  
19 DURING 1980, FOUR APPOINTMENTS EXPIRE DURING 1981, AND THREE APPOINT-  
20 MENTS EXPIRE DURING 1982]. The state forester serves an indefinite  
21 term, ex officio.

22 \* Sec. 33. AS 41.17.400(b) is amended to read:

23 (b) The commissioner shall prepare a management plan for the  
24 Tanana Valley State Forest under AS 41.17.230. [THE COMMISSIONER  
25 SHALL SUBMIT THE MANAGEMENT PLAN TO THE LEGISLATURE FOR ITS APPROVAL  
26 WITHIN THE FIRST 10 DAYS OF THE SECOND SESSION OF THE FOURTEENTH STATE  
27 LEGISLATURE. THE MANAGEMENT PLAN FOR THE TANANA VALLEY STATE FOREST  
28 IS APPROVED UNLESS THE LEGISLATURE ADOPTS LEGISLATION DISAPPROVING THE  
29 MANAGEMENT PLAN.]

1 \* Sec. 34. AS 41.17.400(c) is amended to read:

2 (c) In addition to [THE COMMISSIONER SHALL CONSIDER AND PERMIT]  
3 the uses described in AS 41.17.230(e), the [WITHIN THE TANANA VALLEY  
4 STATE FOREST, SUBJECT TO THE PROCEDURES ESTABLISHED IN AS 41.17.-  
5 230(f). THE] commissioner may establish transportation corridors  
6 within the Tanana Valley State Forest.

7 \* Sec. 35. AS 41.21.506(a) is amended to read:

8 (a) The [WITHIN TWO YEARS FROM JUNE 2, 1984 THE] commissioner  
9 shall develop and adopt a comprehensive management plan for the Kenai  
10 River Special Management Area in consultation with the Kenai Peninsula  
11 Borough. The plan may include the land adjacent to the rivers de-  
12 scribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the  
13 state or privately owned and may include other land considered appro-  
14 priate by the commissioner and the Kenai Peninsula Borough. The  
15 commissioner shall periodically review the plan and adopt changes to  
16 the plan in consultation with the Kenai Peninsula Borough.

17 \* Sec. 36. AS 41.35.140 is amended to read:

18 Sec. 41.35.140. TERM OF MEMBERSHIP. The term of office for a  
19 member of the committee is three years, except for those who are  
20 members by virtue of their positions with the state, who [. THEY]  
21 serve for as long as they remain in the position by virtue of which  
22 they are members of the committee. A member appointed to fill a  
23 vacancy serves for the unexpired term of the member succeeded. [OF  
24 THOSE MEMBERS LISTED UNDER AS 41.35.120(3) AND (4), UPON INITIAL  
25 APPOINTMENT, ONE SHALL SERVE FOR ONE YEAR, TWO FOR TWO YEARS, AND TWO  
26 FOR THREE YEARS.]

27 \* Sec. 37. AS 41.99 is amended by adding a new section to read:

28 Sec. 41.99.900. DEFINITIONS. In this title, unless the context  
29 requires otherwise,

1 (1) "commissioner" means the commissioner of natural re-  
2 sources;

3 (2) "department" means the Department of Natural Resources.

4 \* Sec. 38. AS 44.21.160(f) is amended to read:

5 (f) The department [DIVISION OF DATA PROCESSING] shall provide  
6 [COORDINATE WITH THE DIVISION OF TELECOMMUNICATIONS IN PROVIDING] for  
7 the effective transfer of information by telecommunications through  
8 the establishment of compatible systems and common standards.

9 \* Sec. 39. AS 44.27.052 is amended to read:

10 Sec. 44.27.052. POWERS OF COUNCIL. The council may (1) [IS  
11 AUTHORIZED AND EMPOWERED TO] hold public and private hearings; (2) [,  
12 TO] enter into contracts, within the limit of funds available, with  
13 individuals, organizations, and institutions for services furthering  
14 the educational objectives of the council's programs; (3) [TO] enter  
15 into contracts, within the limit of funds available, with local and  
16 regional associations for cooperative endeavors furthering the educa-  
17 tional objectives of the council's programs; (4) [TO] accept gifts,  
18 contributions, and bequests of unrestricted funds from individuals,  
19 foundations, corporations, and other organizations or institutions for  
20 the purpose of furthering the educational objectives of the council's  
21 programs; and (5) [TO] make and sign agreements and to do and perform  
22 any acts necessary to carry out the purposes of AS 44.27.040 - 44.27.-  
23 060 [AS 44.27.040 - 44.27.058]. The council may request and is  
entitled to receive from any department, division, board, bureau,  
commission, or agency of the state the assistance and data that  
[WHICH] will enable it properly to carry out its powers and duties.  
The council is authorized to receive state funds made available for  
its purposes.

\* Sec. 40. AS 44.81.270(a) is amended to read:

1 (a) At the direction of the Legislative Budget and Audit Commit-  
2 tee under AS 24.20.271, the [THE] legislative auditor may conduct an  
3 audit of [CAUSE] the bank [TO BE AUDITED IN THE MANNER AND UNDER THE  
4 CONDITIONS PRESCRIBED BY AS 24.20.271 FOR AUDITS PERFORMED BY THE  
5 LEGISLATIVE AUDIT DIVISION]. The legislative audit division has free  
6 access to all books and papers of the bank that relate to its business  
7 and books and papers kept by a director, officer, or employee relating  
8 to or upon which a record of its business is kept, and may summon  
9 witnesses and administer oaths or affirmations in the examination of  
10 the directors, officers, or employees of the bank or any other person  
11 in relation to its affairs, transactions, and conditions, and may  
12 require and compel the production of records, books, papers, con-  
13 tracts, or other documents by court order if not voluntarily produced.

14 \* Sec. 41. AS 44.81.270(b) is amended to read:

15 (b) The bank shall be audited annually by independent outside  
16 auditors. The legislative auditor may confer with the outside audi-  
17 tors and review the workpapers of the audit. [AT THE DIRECTION OF THE  
18 LEGISLATIVE BUDGET AND AUDIT COMMITTEE UNDER AS 24.20.271, THE LEGIS-  
19 LATIVE AUDITOR MAY CONDUCT AN AUDIT OF THE BANK.]

20 \* Sec. 42. AS 44.85.270(i) is amended to read:

21 (i) All references to the "reserve fund" in this section include  
22 special accounts within the reserve fund which may be created by the  
23 authority to secure the payment of particular bonds [, INCLUDING,  
24 WITHOUT LIMITATION, BONDS ISSUED BY THE CAPITAL CITY ESTABLISHED UNDER  
25 AS 29.14.010]. The commissioner of revenue may lend surplus money in  
26 the general fund to the authority for deposit to any account in the  
27 reserve fund in an amount equal to the required debt service reserve.  
28 The loans shall be made on such terms and conditions as may be agreed  
29 upon by the commissioner of revenue and the authority, including,

1 without limitation, terms and conditions providing that the loans need  
2 not be repaid until the obligations of the corporation secured and to  
3 be secured by the account in the reserve fund are no longer outstand-  
4 ing.

5 \* Sec. 43. AS 08.40.080; AS 15.05.016; AS 15.15.213; AS 19.10.220;  
6 AS 19.25.110, 19.25.120; AS 41.06.060(1); AS 41.15.170(1); AS 41.17.950(3),  
7 41.17.950(4); AS 41.21.990(1), 41.21.990(2); AS 41.30; AS 41.35.230(1),  
8 41.35.230(3); AS 44.33.020(11); and AS 44.81.010(c) are repealed.

9 \* Sec. 44. Sections 19 and 20 of this Act take effect July 1, 1988.

10 \* Sec. 45. Except for secs. 19 and 20, this Act takes effect immediate-  
11 ly under AS 01.10.070(c).

5-1406N  
Dierdorff  
5/3/88

Original sponsor: Rules/Legislative Council

Adopted  
4/3/88

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 413 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH 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 04.11.120(b) is amended to read:

11 (b) A sale under a bottling works license may be made only to a  
12 person licensed under this title and only in quantities of more than  
13 five [WINE] gallons.

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

15 (b) A brewery license authorizes the holder to sell beer in  
16 quantities of more than five [WINE] gallons to persons licensed to  
17 sell beer under this title.

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

19 (b) A winery license authorizes the holder to sell wine to  
20 persons licensed under this title in quantities of more than five  
21 [WINE] gallons.

22 \* Sec. 4. AS 04.11.160(b) is amended to read:

23 (b) A wholesale malt beverage and wine license authorizes the  
24 holder to sell malt beverages and wine in the original packages in  
25 quantities of not less than five [WINE] gallons. The holder of a  
26 wholesale malt beverage and wine license may not sell to a person not  
27 licensed under this title except as provided in AS 04.21.040. The  
28 annual wholesale malt beverage and wine license fee is \$200 for the  
29 first \$20,000 of business transacted during a year, payable at the

1 time of making an original application or application for renewal. In  
 2 addition, the following annual fees shall be paid by a holder of a  
 3 wholesale malt beverage and wine license:

Business Transacted During Year	Fee
over \$20,000 and not over \$50,000 . . . .	\$ 300
over \$50,000 and not over \$100,000 . . .	\$ 1,000
over \$100,000 and not over \$150,000 . . .	\$ 1,500
over \$150,000 and not over \$200,000 . . .	\$ 2,000
over \$200,000 and not over \$400,000 . . .	\$ 4,000
over \$400,000 and not over \$600,000 . . .	\$ 6,000
over \$600,000 and not over \$800,000 . . .	\$ 8,000
over \$800,000 . . . . .	\$10,000

13 \* Sec. 5. AS 04.11.200(b) is amended to read:

14 (b) A sale by a holder of a retail stock sale license may only  
 15 be in quantities of five [WINE] gallons or more per sale and may only  
 16 be to persons licensed under this chapter.

17 \* Sec. 6. AS 04.16.130(b) is amended to read:

18 (b) This section does not apply to stocks of beer carried on a  
 19 delivery truck by a licensed wholesaler if carried for the purpose of  
 20 sale and delivery to persons licensed under this title in quantities  
 21 of not less than 10 [WINE] gallons for each sale.

22 \* Sec. 7. AS 06.05.095 is amended to read:

23 Sec. 06.05.095. PAYMENT OF ITEMS. If the balance in an [ANY]  
 24 account subject to withdrawal by or upon the order of a depositor is  
 25 insufficient to pay an [EQUALS OR EXCEEDS THE AMOUNT OF ANY] item  
 26 presented for payment, a bank may select from the items that [WHICH]  
 27 in the aggregate exceed the balance the items to be paid in the [ANY]  
 28 order convenient to the bank.

29 \* Sec. 8. AS 06.05.180, as amended by sec. 1, ch. 7, SLA 1988, is

1 amended to read:

2 Sec. 06.05.180. POWERS AS TRUSTEE AUTHORIZED. Every bank organ-  
3 ized under this chapter, subject to the restrictions and limitations  
4 of laws and the regulations of the department, may

5 (1) act as trustee under any mortgage or bond issued by the  
6 state, or any municipality, body politic, or corporation, foreign or  
7 domestic, and accept and execute any municipal or corporate trust not  
8 prohibited by the laws of this state;

9 (2) accept a trust from, and execute a trust for a married  
10 person [WOMAN] in respect to the married person's [WOMAN'S] separate  
11 property, and act as agent in the management of the property or  
12 transact any business in relation to the property;

13 (3) act under the order or appointment of a court of compe-  
14 tent jurisdiction including any probate court as custodian [GUARDIAN],  
15 receiver, or trustee of the estate of a minor, and as depository of  
16 money paid into court for the benefit of any person, corporation, or  
17 party, and in any other fiduciary capacity;

18 (4) act under the order or appointment of a court of compe-  
19 tent jurisdiction including any probate court as trustee, custodian  
20 [GUARDIAN], receiver or committee of the estate of an incapacitated  
21 person, as defined in AS 13.26.005, or of a [LUNATIC, IDIOT,]  
22 spendthrift, [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or as  
23 receiver or committee of the property or estate of a [ANY] person in  
24 insolvency or bankruptcy proceedings;

25 (5) act as executor or administrator with or without the  
26 will annexed of the estate of a deceased person;

27 (6) accept and execute any legal trust, duty and power in  
28 regard to the holding, management and disposition of any estate, real  
29 or personal, wherever located, and the rents and profits from it, or

1 the sale of it, as may be granted or confided to it by a court of  
2 competent jurisdiction including any probate court or by any person,  
3 corporation, municipality or other authority, and is accountable to  
4 all parties in interest for the faithful discharge of every trust,  
5 duty, or power which it may accept;

6 (7) accept and execute any trust or power conferred upon it  
7 by any person or any body politic or domestic or foreign corporation,  
8 or any other authority, grant, assignment, transfer, devise, bequest  
9 or otherwise, or which may be entrusted or committed or transferred to  
10 it by order of a court of competent jurisdiction including any probate  
11 court;

12 (8) receive, manage, hold and dispose of according to the  
13 terms of any trust or power any property or estate, real or personal,  
14 which may be the subject of any such trust or power;

15 (9) act as the fiscal or transfer agent of the United  
16 States or of any state, territory, municipality, or other body poli-  
17 tic, and in this capacity may receive and disburse money [MONEYS],  
18 transfer, register and countersign certificates of stocks, bonds, or  
19 other evidences of indebtedness;

20 (10) whenever the instrument or power governing the fidu-  
21 ciary relationship directs, requires, authorizes, or permits invest-  
22 ment in obligations of the United States government, invest in those  
23 [THE] obligations [, FOR SHORT-TERM CASH MANAGEMENT PURPOSES,] either  
24 directly or, for short-term cash management purposes, in the form of  
25 securities of, or other interests in, a money market mutual fund  
26 operating as an open-end management type investment company or in-  
27 vestment trust registered under 15 U.S.C. 80a-1 - 80a-64 (Investment  
28 Company Act of 1940), if

29 (A) the portfolio of the investment company or

1 investment trust is limited to obligations of the United States  
2 government and repurchase agreements fully collateralized by the  
3 obligations; and

4 (B) the investment company or investment trust takes  
5 delivery of the collateral directly or through an authorized  
6 custodian.

7 \* Sec. 9. AS 06.05.465(f) is amended to read:

8 (f) The contents of safe deposit boxes which have not been  
9 removed within 30 days after demand shall be opened and the contents  
10 dealt with in the manner provided for boxes upon which the payment of  
11 rental is in default, and the sealed packages containing the contents  
12 and the certificates together with any other unclaimed property held  
13 by the bank as bailee and certified inventories of that property shall  
14 be transferred to the department which shall retain it for five years  
15 unless claimed by the person entitled to it before that time. After  
16 five years the department shall [SELL OR OTHERWISE APPROPRIATELY]  
17 dispose of the property under AS 34.45.110 - 34.45.780. [THE PROCEEDS  
18 OF ANY SALE SHALL BE TRANSFERRED TO THE STATE TREASURY AND SHALL BE  
19 DEPOSITED IN THE GENERAL FUND.]

20 \* Sec. 10. AS 06.05.465(i) is amended to read:

21 (i) Any unclaimed distribution to a stockholder or a depositor  
22 shall be held until 90 days after the final distribution and then  
23 transmitted to the department. Unclaimed funds of a stockholder or a  
24 depositor shall be held by the department for five years and, unless  
25 claimed by the person entitled to them before that date, shall be  
26 disposed of under AS 34.45.110 - 34.45.780 [TRANSFERRED TO THE STATE  
27 TREASURY AND DEPOSITED IN THE GENERAL FUND].

28 \* Sec. 11. AS 06.25.140 is amended to read:

29 Sec. 06.25.140. ESTATES OF INCAPACITATED PERSONS [INCOMPETENTS].

1 A trust company may act under the order or appointment of a court of  
2 competent jurisdiction including any probate court as trustee,  
3 custodian [GUARDIAN], receiver or committee of the estate of an  
4 incapacitated person, as defined in AS 13.26.005, or of a [LUNATIC,  
5 IDIOT,] spendthrift, [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or  
6 as receiver or committee of the property or estate of a [ANY] person  
7 in insolvency or bankruptcy proceedings, and act as executor or  
8 administrator with or without the will annexed of the estate of a  
9 [ANY] deceased person.

10 \* Sec. 12. AS 08.01.010 is amended by adding a new paragraph to read:

11 (28) regulation of electrical administrators under AS 08.40.

12 \* Sec. 13. AS 08.01.035 is amended to read:

13 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members of boards  
14 subject to this chapter [AND MEMBERS OF THE REAL ESTATE COMMISSION  
15 UNDER AS 08.88] are appointed for staggered terms of four years. A  
16 member of a board serves until a successor is appointed. An appoint-  
17 ment to fill a vacancy on a board is for the remainder of the un-  
18 expired term. A member who has served all or part of two successive  
19 terms on a board may not be reappointed to that board unless four  
20 years have elapsed since the person has last served on the board.

21 \* Sec. 14. AS 08.01.065(c) is amended to read:

22 (c) A fee established under this section should reflect, but  
23 should not exceed, the actual costs to the department of the activity  
24 for which the fee is charged except that the department may establish  
25 a fee that is less than the cost of the activity for which the fee is  
26 charged if the department determines that it is not reasonable to  
27 impose the full cost of the activity on the applicant or licensee.  
28 [THE ACTUAL OR ANTICIPATED COSTS TO THE DEPARTMENT OF SERVICES PROVID-  
29 ED TO OR ON BEHALF OF A BOARD MUST REFLECT, TO THE EXTENT POSSIBLE,

1 THE AMOUNT OF FEES THE DEPARTMENT COLLECTS FROM PERSONS IN OCCUPATIONS  
2 REGULATED BY THE BOARD.]

3 \* Sec. 15. AS 08.40.190(c) is amended to read:

4 (c) Work within the exclusionary provisions of this section is  
5 nevertheless subject to the inspection provisions of AS 08.40.070 and  
6 must follow the regulations regarding workmanship adopted by the  
7 department [BOARD].

8 \* Sec. 16. AS 09.45.730 is amended to read:

9 Sec. 09.45.730. TRESPASS BY CUTTING OR INJURING TREES OR SHRUBS.  
10 A person who without lawful authority cuts down, girdles, or otherwise  
11 injures or removes [CARRIES OFF] a tree, timber, or a shrub on (1)  
12 the land of another person or on the street or highway in front of a  
13 person's house, or (2) [OF] a village [, TOWN,] or municipal [CITY]  
14 lot, or cultivated grounds, or [ON] the commons or public land  
15 [GROUNDS] of a village [, TOWN,] or municipality [CITY], or (3) [ON]  
16 the street or highway in front of land described in (2) of this sec-  
17 tion [THEM, WITHOUT LAWFUL AUTHORITY], is liable to the owner of that  
18 land, or to the village [, TOWN,] or municipality [CITY] for treble  
19 the amount of damages which may be assessed in a civil action. Howev-  
20 er, if the trespass was unintentional [CASUAL] or involuntary, or the  
21 defendant had probable cause to believe that the land on which the  
22 trespass was committed was the defendant's own or that of the person  
23 in whose service or by whose direction the act was done, or where the  
24 timber was taken from unenclosed woodland for the purpose of repairing  
25 a public highway or bridge on or adjoining [UPON] the land [OR ADJOIN-  
26 ING IT], only actual damages may be recovered.

27 \* Sec. 17. AS 09.63.040(c) is amended to read:

28 (c) A verification made under this section may be in substan-  
29 tially the following form:

1 I \_\_\_\_\_ say [SAYS] on oath or affirm [AFFIRMS] that I have  
 2 [HE (OR SHE) HAS] read the foregoing (or attached) document and be-  
 3 lieve [BELIEVES] all statements made in the document are true.

4  
 5 \_\_\_\_\_  
 6 Signature

7  
 8 Subscribed and sworn to or affirmed before me at \_\_\_\_\_ on

9 \_\_\_\_\_  
 10 (date)

11 \_\_\_\_\_  
 12 Signature of Officer

13 \_\_\_\_\_  
 14 Title of Officer

15 \* Sec. 18. AS 12.55.035(b) is amended to read:

16 (b) Upon conviction of an offense, a defendant who is not an  
 17 organization may be sentenced to pay, unless otherwise specified in  
 18 the provision of law defining the offense, a fine of no more than

19 (1) \$75,000 for murder in the first or second degree,  
 20 sexual assault in the first degree, sexual abuse of a minor in the  
 21 first degree, kidnapping, or misconduct involving a controlled sub-  
 22 stance in the first degree;

23 (2) \$50,000 for a class A, B, or C felony;

24 (3) \$5,000 for a class A misdemeanor;

25 (4) \$1,000 for a class B misdemeanor;

26 (5) \$300 for a violation.

27 \* Sec. 19. AS 14.03.070 is amended to read:

28 Sec. 14.03.070. SCHOOL AGE. A child who is six years of age [OR  
 29 WHO WILL BECOME SIX YEARS OF AGE] before August 15 following

1 [PRECEDING] the beginning of the school year, and who is under the age  
2 of 20 and has not completed the 12th grade, is of school age.

3 \* Sec. 20. AS 14.03.080(d) is amended to read:

4 (d) A child who is five years of age before August 15 following  
5 [PRECEDING] the beginning of the school year, and who is under school  
6 age, may enter a public school kindergarten.

7 \* Sec. 21. AS 14.11.115(c)(1) is amended to read:

8 (1) "debt" means the principal amount of the direct and  
9 general obligation indebtedness of the municipality for which all  
10 taxable property is subject to taxation to pay the bond, note or other  
11 evidence of the debt, determined annually by the Department of Commu-  
12 nity and Regional Affairs in consultation with each municipality that  
13 is a school district and reported to the municipality and the commis-  
14 sioner of education; the determination shall be made by October 1 and  
15 report the outstanding debt as of July 1 of that year [IN ACCORDANCE  
16 WITH AS 14.17.140(c)];

17 \* Sec. 22. AS 14.25.110(g) is amended to read:

18 (g) A member who is eligible for a service retirement salary  
19 under this chapter or under the Retirement Act of 1945 is entitled to  
20 a benefit of at least \$25 per month for each year of credited service,  
21 excluding adjustments made under AS 14.25.142 or 14.25.143. If the  
22 member elected option two under former AS 14.25.063(b)(2) for payment  
23 of any indebtedness when the member initially applied for a retirement  
24 benefit, or if the member elected to receive an early retirement  
25 benefit under (b) of this section, the resulting benefit reduction  
26 continues in effect.

27 \* Sec. 23. AS 14.30.030 is amended to read:

28 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief  
29 administrative officer of a district school or regional educational

1 attendance area shall report all apparent violations of AS 14.30.010  
2 to the governing body of the district. The governing body shall, on  
3 receiving the report or on the complaint of any person, provide for a  
4 full and impartial investigation of all charges of violation. In  
5 private or federal schools, the chief administrative officer shall  
6 make a full and impartial investigation of all apparent violations.  
7 If it reasonably appears upon investigation that a person has violated  
8 AS 14.30.010, the governing body of a district school or regional  
9 educational attendance area, or the chief administrative officer of a  
10 private or federal school, shall make and file with the district court  
11 a complaint against the person, charging the violation. [THE JUDGE OR  
12 MAGISTRATE MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON AND MAY  
13 ACT UPON THE COMPLAINT.]

14 \* Sec. 24. AS 15.13.020(d) is repealed and reenacted to read:

15 (d) Members of the commission serve staggered terms of five  
16 years, or until a successor is appointed and qualifies. The terms of  
17 no two members who are members of the same political party may expire  
18 in consecutive years. A member may not serve more than one term.  
19 However, a person appointed to fill the unexpired term of a predeces-  
20 sor may be appointed to a successive full five-year term.

21 \* Sec. 25. AS 15.25.040(a) is amended to read:

22 (a) The declaration is filed by either

23 (1) the actual physical delivery of the declaration in  
24 person or by mail at or before 5:00 p.m., prevailing time, June 1 of  
25 the year in which a general election is held for the office, or

26 (2) the actual physical delivery by telegram of a copy in  
27 substance of the statements made in paragraphs (1) - (5) of the decla-  
28 ration as required by AS 15.25.030 at or before 5:00 p.m., prevailing  
29 time, June 1 of the year in which a general election is held for the

office and also the actual physical delivery of the declaration containing paragraphs (1) - (16) [(1) - (15)] as required by AS 15.25.030 by registered mail which is received not more than 15 days after that time.

\* Sec. 26. AS 23.20.350(e) is amended to read:

(e) An individual who is eligible under (d) of this section is entitled to receive a weekly benefit under this chapter for the number of weeks set out in column (B) of the table in this subsection opposite the applicable earnings ratio of the individual set out in column (A):

(A)	(B)
Earnings Ratio	Number of Weeks
less than <u>1.50</u> [1.49]	16
1.50 - 1.99	18
2.00 - 2.49	20
2.50 - 2.99	22
3.00 - 3.49	24
3.50 or more	26

\* Sec. 27. AS 24.60.030(c) is amended to read:

(c) Conflicts of interest are prohibited but there is not a conflict of interest if, as to a specific matter, there is no substantial impropriety or appearance of impropriety because

(1) the person's interest is relatively insignificant; or

(2) the person's authority is relatively far removed from any official action that could reasonably be affected by the potential conflict of interest, provided that no attempt has been made to remove the appearance of impropriety by delegating responsibility for official action.

\* Sec. 28. AS 28.10.441(8) is amended to read:

1 (8) special permit for vehicle used for transport of dis-  
 2 abled or handicapped person issued under AS 28.10.495 [AS PROVIDED IN  
 3 AS 28.10.215] ..... none.

4 \* Sec. 29. AS 37.14.160 is amended to read:

5 Sec. 37.14.160. DUTIES OF COMMISSIONER OF REVENUE. The commis-  
 6 sioner of revenue is the treasurer of the fund [FUNDS] created in  
 7 AS 37.14.110 [AS 37.14.010 AND 37.14.110] and shall

8 (1) act as official custodian of the cash and securities  
 9 belonging to the fund [THOSE FUNDS] and provide adequate safe deposit  
 10 facilities for it [EACH OF THEM];

11 (2) receive cash belonging to the fund [THOSE FUNDS];

12 (3) collect the principal on securities acquired for the  
 13 [EACH] fund [ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and credit  
 14 the [EACH] fund accordingly;

15 (4) collect interest and dividends earned on investments of  
 16 the fund [FUNDS ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and  
 17 credit the income reserve account of the [EACH] fund accordingly;

18 (5) invest and reinvest the principal of the [EACH] fund in  
 19 accordance with AS 37.14.170.

20 \* Sec. 30. AS 37.14.170 is amended to read:

21 Sec. 37.14.170. INVESTMENTS. (a) The commissioner of revenue,  
 22 with the approval of the [EACH] advisory board created in AS 37.14.120  
 23 [AS 37.14.020 AND 37.14.120], may invest the principal of the fund  
 24 [FUNDS] created in AS 37.14.110 [AS 37.14.010 AND 37.14.110] in the  
 25 same manner as specified for the investment of surplus pension funds  
 26 under AS 39.35.110.

27 (b) The commissioner of revenue may

28 (1) invest and reinvest the principal of the fund [FUNDS];

29 (2) sell, exchange, convey, transfer, or otherwise dispose

1 of investments of the fund [FUNDS] by private contract or at public  
2 auction;

3 (3) vote upon a stock, bond, or other security; give a  
4 general or special proxy or power of attorney with or without power of  
5 substitution; exercise a conversion privilege, subscription right, or  
6 other option and make payments incidental to it; consent to or partic-  
7 ipate in a corporate reorganization or other change affecting corpo-  
8 rate securities, delegate discretionary power, pay an assessment or  
9 charge in connection with the delegation; and generally exercise any  
10 of the powers of an owner with respect to stocks, bonds, securities,  
11 or other investments held in the fund [FUNDS];

12 (4) make, execute, acknowledge, and deliver documents of  
13 transfer and conveyance and instruments necessary or appropriate to  
14 carry out the powers granted;

15 (5) register investments held in the [A] fund in the name  
16 of the public school fund advisory board [HAVING THE POWER TO APPROVE  
17 INVESTMENTS FOR A FUND];

18 (6) do all acts whether or not expressly authorized that  
19 [WHICH] are considered proper for the protection of the investments  
20 held in the fund [FUNDS].

21 \* Sec. 31. AS 39.20.180 is amended to read:

22 Sec. 39.20.180. TRANSPORTATION AND PER DIEM EXPENSES FOR MEMBERS  
23 OF BOARDS, COMMISSIONS, ETC. Except as otherwise provided by law,  
24 [FROM AND AFTER MARCH 27, 1962,] the provisions in this section re-  
25 lating to per diem and transportation govern exclusively [AND SUPER-  
26 SEDE ALL OTHER PROVISIONS OF LAW] with respect to a member of a state  
27 board, commission, committee, judicial council, or other similar body  
28 of persons of the state organized or established under the authority  
29 of law, but excluding any other state employee other than a

1 legislator, who is otherwise entitled by law to receive from the state  
2 payments for expenses of transportation, and for reimbursement or for  
3 per diem in lieu of reimbursement for other expenses incident to  
4 duties as such member:

5 (1) for [FOR] transportation, the member is entitled either  
6 to the use of state transportation requests, or to be reimbursed for  
7 expenses of transportation to the same extent, in the same manner, and  
8 under the same conditions as provided for state officials and employ-  
9 ees by the provisions of AS 39.20.110 - 39.20.170; [.]

10 (2) for [FOR] reimbursement for other expenses, the member  
11 is entitled to a per diem allowance prescribed by the commissioner of  
12 administration under the regulatory authority set out in AS 39.20.160  
13 for each day or portion of a day spent in actual meeting or on au-  
14 thorized official business incident to duties as a member.

15 \* Sec. 32. AS 41.17.043 is amended to read:

16 Sec. 41.17.043. TERMS OF OFFICE. The term of office of a member  
17 of the board is three years [; THE GOVERNOR SHALL MAKE THE INITIAL  
18 APPOINTMENTS TO THE BOARD IN SUCH A WAY THAT FOUR NOMINATIONS EXPIRE  
19 DURING 1980, FOUR APPOINTMENTS EXPIRE DURING 1981, AND THREE APPOINT-  
20 MENTS EXPIRE DURING 1982]. The state forester serves an indefinite  
21 term, ex officio.

22 \* Sec. 33. AS 41.17.400(b) is amended to read:

23 (b) The commissioner shall prepare a management plan for the  
24 Tanana Valley State Forest under AS 41.17.230. [THE COMMISSIONER  
25 SHALL SUBMIT THE MANAGEMENT PLAN TO THE LEGISLATURE FOR ITS APPROVAL  
26 WITHIN THE FIRST 10 DAYS OF THE SECOND SESSION OF THE FOURTEENTH STATE  
27 LEGISLATURE. THE MANAGEMENT PLAN FOR THE TANANA VALLEY STATE FOREST  
28 IS APPROVED UNLESS THE LEGISLATURE ADOPTS LEGISLATION DISAPPROVING THE  
29 MANAGEMENT PLAN.]

1 \* Sec. 34. AS 41.17.400(c) is amended to read:

2 (c) In addition to [THE COMMISSIONER SHALL CONSIDER AND PERMIT]  
3 the uses described in AS 41.17.230(e), the [WITHIN THE TANANA VALLEY  
4 STATE FOREST, SUBJECT TO THE PROCEDURES ESTABLISHED IN AS 41.17.-  
5 230(f). THE] commissioner may establish transportation corridors  
6 within the Tanana Valley State Forest.

7 \* Sec. 35. AS 41.21.506(a) is amended to read:

8 (a) The [WITHIN TWO YEARS FROM JUNE 2, 1984 THE] commissioner  
9 shall develop and adopt a comprehensive management plan for the Kenai  
10 River Special Management Area in consultation with the Kenai Peninsula  
11 Borough. The plan may include the land adjacent to the rivers de-  
12 scribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the  
13 state or privately owned and may include other land considered appro-  
14 priate by the commissioner and the Kenai Peninsula Borough. The  
15 commissioner shall periodically review the plan and adopt changes to  
16 the plan in consultation with the Kenai Peninsula Borough.

17 \* Sec. 36. AS 41.35.140 is amended to read:

18 Sec. 41.35.140. TERM OF MEMBERSHIP. The term of office for a  
19 member of the committee is three years, except for those who are  
20 members by virtue of their positions with the state, who [. THEY]  
21 serve for as long as they remain in the position by virtue of which  
22 they are members of the committee. A member appointed to fill a  
23 vacancy serves for the unexpired term of the member succeeded. [OF  
24 THOSE MEMBERS LISTED UNDER AS 41.35.120(3) AND (4), UPON INITIAL  
25 APPOINTMENT, ONE SHALL SERVE FOR ONE YEAR, TWO FOR TWO YEARS, AND TWO  
26 FOR THREE YEARS.]

27 \* Sec. 37. AS 41.99 is amended by adding a new section to read:

28 Sec. 41.99.900. DEFINITIONS. In this title, unless the context  
29 requires otherwise,

1 (1) "commissioner" means the commissioner of natural re-  
2 sources;

3 (2) "department" means the Department of Natural Resources.

4 \* Sec. 38. AS 44.21.160(f) is amended to read:

5 (f) The department [DIVISION OF DATA PROCESSING] shall provide  
6 [COORDINATE WITH THE DIVISION OF TELECOMMUNICATIONS IN PROVIDING] for  
7 the effective transfer of information by telecommunications through  
8 the establishment of compatible systems and common standards.

9 \* Sec. 39. AS 44.27.052 is amended to read:

10 Sec. 44.27.052. POWERS OF COUNCIL. The council may (1) [IS  
11 AUTHORIZED AND EMPOWERED TO] hold public and private hearings; (2) [,  
12 TO] enter into contracts, within the limit of funds available, with  
13 individuals, organizations, and institutions for services furthering  
14 the educational objectives of the council's programs; (3) [TO] enter  
15 into contracts, within the limit of funds available, with local and  
16 regional associations for cooperative endeavors furthering the educa-  
17 tional objectives of the council's programs; (4) [TO] accept gifts,  
18 contributions, and bequests of unrestricted funds from individuals,  
19 foundations, corporations, and other organizations or institutions for  
20 the purpose of furthering the educational objectives of the council's  
21 programs; and (5) [TO] make and sign agreements and to do and perform  
22 any acts necessary to carry out the purposes of AS 44.27.040 - 44.27.-  
23 060 [AS 44.27.040 - 44.27.058]. The council may request and is  
24 entitled to receive from any department, division, board, bureau,  
25 commission, or agency of the state the assistance and data that  
26 [WHICH] will enable it properly to carry out its powers and duties.  
27 The council is authorized to receive state funds made available for  
28 its purposes.

29 \* Sec. 40. AS 44.81.270(a) is amended to read:

1 (a) At the direction of the Legislative Budget and Audit Commit-  
2 tee under AS 24.20.271, the [THE] legislative auditor may conduct an  
3 audit of [CAUSE] the bank [TO BE AUDITED IN THE MANNER AND UNDER THE  
4 CONDITIONS PRESCRIBED BY AS 24.20.271 FOR AUDITS PERFORMED BY THE  
5 LEGISLATIVE AUDIT DIVISION]. The legislative audit division has free  
6 access to all books and papers of the bank that relate to its business  
7 and books and papers kept by a director, officer, or employee relating  
8 to or upon which a record of its business is kept, and may summon  
9 witnesses and administer oaths or affirmations in the examination of  
10 the directors, officers, or employees of the bank or any other person  
11 in relation to its affairs, transactions, and conditions, and may  
12 require and compel the production of records, books, papers, con-  
13 tracts, or other documents by court order if not voluntarily produced.

14 \* Sec. 41. AS 44.81.270(b) is amended to read:

15 (b) The bank shall be audited annually by independent outside  
16 auditors. The legislative auditor may confer with the outside audi-  
17 tors and review the workpapers of the audit. [AT THE DIRECTION OF THE  
18 LEGISLATIVE BUDGET AND AUDIT COMMITTEE UNDER AS 24.20.271, THE LEGIS-  
19 LATIVE AUDITOR MAY CONDUCT AN AUDIT OF THE BANK.]

20 \* Sec. 42. AS 44.85.270(i) is amended to read:

21 (i) All references to the "reserve fund" in this section include  
22 special accounts within the reserve fund which may be created by the  
23 authority to secure the payment of particular bonds [, INCLUDING,  
24 WITHOUT LIMITATION, BONDS ISSUED BY THE CAPITAL CITY ESTABLISHED UNDER  
25 AS 29.14.010]. The commissioner of revenue may lend surplus money in  
26 the general fund to the authority for deposit to any account in the  
27 reserve fund in an amount equal to the required debt service reserve.  
28 The loans shall be made on such terms and conditions as may be agreed  
29 upon by the commissioner of revenue and the authority, including,

1 without limitation, terms and conditions providing that the loans need  
 2 not be repaid until the obligations of the corporation secured and to  
 3 be secured by the account in the reserve fund are no longer outstand-  
 4 ing.

5 \* Sec. 43. AS 08.40.080; AS 15.05.016; AS 15.15.213; AS 19.10.220;  
 6 AS 19.25.110, 19.25.120; AS 41.06.060(1); AS 41.15.170(1); AS 41.17.950(3),  
 7 41.17.950(4); AS 41.21.990(1), 41.21.990(2); AS 41.30; AS 41.35.230(1),  
 8 41.35.230(3); AS 44.33.020(11); and AS 44.81.010(c) are repealed.

9 \* Sec. 44. Sections 19 and 20 of this Act take effect July 1, 1988.

10 \* Sec. 45. Except for secs. 19 and 20, this Act takes effect immediate-  
 11 ly under AS 01.10.070(c).

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5-1406N  
Dierdorff  
4/27/88

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 413 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH 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 04.11.120(b) is amended to read:

11 (b) A sale under a bottling works license may be made only to a  
12 person licensed under this title and only in quantities of more than  
13 five [WINE] gallons.

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

15 (b) A brewery license authorizes the holder to sell beer in  
16 quantities of more than five [WINE] gallons to persons licensed to  
17 sell beer under this title.

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

19 (b) A winery license authorizes the holder to sell wine to  
20 persons licensed under this title in quantities of more than five  
21 [WINE] gallons.

22 \* Sec. 4. AS 04.11.160(b) is amended to read:

23 (b) A wholesale malt beverage and wine license authorizes the  
24 holder to sell malt beverages and wine in the original packages in  
25 quantities of not less than five [WINE] gallons. The holder of a  
26 wholesale malt beverage and wine license may not sell to a person not  
27 licensed under this title except as provided in AS 04.21.040. The  
28 annual wholesale malt beverage and wine license fee is \$200 for the  
29 first \$20,000 of business transacted during a year, payable at the

1 time of making an original application or application for renewal. In  
2 addition, the following annual fees shall be paid by a holder of a  
3 wholesale malt beverage and wine license:

Business Transacted During Year	Fee
over \$20,000 and not over \$50,000 . . . .	\$ 300
over \$50,000 and not over \$100,000 . . .	\$ 1,000
over \$100,000 and not over \$150,000 . . .	\$ 1,500
over \$150,000 and not over \$200,000 . . .	\$ 2,000
over \$200,000 and not over \$400,000 . . .	\$ 4,000
over \$400,000 and not over \$600,000 . . .	\$ 6,000
over \$600,000 and not over \$800,000 . . .	\$ 8,000
over \$800,000 . . . . .	\$10,000

13 \* Sec. 5. AS 04.11.200(b) is amended to read:

14 (b) A sale by a holder of a retail stock sale license may only  
15 be in quantities of five [WINE] gallons or more per sale and may only  
16 be to persons licensed under this chapter.

17 \* Sec. 6. AS 04.16.130(b) is amended to read:

18 (b) This section does not apply to stocks of beer carried on a  
19 delivery truck by a licensed wholesaler if carried for the purpose of  
20 sale and delivery to persons licensed under this title in quantities  
21 of not less than 10 [WINE] gallons for each sale.

22 \* Sec. 7. AS 06.05.095 is amended to read:

23 Sec. 06.05.095. PAYMENT OF ITEMS. If the balance in an [ANY]  
24 account subject to withdrawal by or upon the order of a depositor is  
25 insufficient to pay an [EQUALS OR EXCEEDS THE AMOUNT OF ANY] item  
26 presented for payment, a bank may select from the items that [WHICH]  
27 in the aggregate exceed the balance the items to be paid in the [ANY]  
28 order convenient to the bank.

29 \* Sec. 8. AS 06.05.180, as amended by sec. 1, ch. 7, SLA 1988, is

1 amended to read:

2           Sec. 06.05.180. POWERS AS TRUSTEE AUTHORIZED. Every bank organ-  
3 ized under this chapter, subject to the restrictions and limitations  
4 of laws and the regulations of the department, may

5           (1) act as trustee under any mortgage or bond issued by the  
6 state, or any municipality, body politic, or corporation, foreign or  
7 domestic, and accept and execute any municipal or corporate trust not  
8 prohibited by the laws of this state;

9           (2) accept a trust from, and execute a trust for a married  
10 woman in respect to the married woman's separate property, and act as  
11 agent in the management of the property or transact any business in  
12 relation to the property;

13           (3) act under the order or appointment of a court of compe-  
14 tent jurisdiction including any probate court as guardian, receiver,  
15 or trustee of the estate of a minor, and as depository of money paid  
16 into court for the benefit of any person, corporation, or party, and  
17 in any other fiduciary capacity;

18           (4) act under the order or appointment of a court of compe-  
19 tent jurisdiction including any probate court as trustee, guardian,  
20 receiver or committee of the estate of an incapacitated person, as  
21 defined in AS 13.26.005, or of a [LUNATIC, IDIOT,] spendthrift, [PER-  
22 SON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or as receiver or committee  
23 of the property or estate of a [ANY] person in insolvency or bankrupt-  
24 cy proceedings;

25           (5) act as executor or administrator with or without the  
26 will annexed of the estate of a deceased person;

27           (6) accept and execute any legal trust, duty and power in  
28 regard to the holding, management and disposition of any estate, real  
29 or personal, wherever located, and the rents and profits from it, or

1 the sale of it, as may be granted or confided to it by a court of  
2 competent jurisdiction including any probate court or by any person,  
3 corporation, municipality or other authority, and is accountable to  
4 all parties in interest for the faithful discharge of every trust,  
5 duty, or power which it may accept;

6 (7) accept and execute any trust or power conferred upon it  
7 by any person or any body politic or domestic or foreign corporation,  
8 or any other authority, grant, assignment, transfer, devise, bequest  
9 or otherwise, or which may be entrusted or committed or transferred to  
10 it by order of a court of competent jurisdiction including any probate  
11 court;

12 (8) receive, manage, hold and dispose of according to the  
13 terms of any trust or power any property or estate, real or personal,  
14 which may be the subject of any such trust or power;

15 (9) act as the fiscal or transfer agent of the United  
16 States or of any state, territory, municipality, or other body poli-  
17 tic, and in this capacity may receive and disburse moneys, transfer,  
18 register and countersign certificates of stocks, bonds, or other  
19 evidences of indebtedness;

20 (10) whenever the instrument or power governing the fidu-  
21 ciary relationship directs, requires, authorizes, or permits invest-  
22 ment in obligations of the United States government, invest in the  
23 obligations, [FOR SHORT-TERM CASH MANAGEMENT PURPOSES,] either direct-  
24 ly or, for short-term cash management purposes, in the form of securi-  
25 ties of, or other interests in, a money market mutual fund operating  
26 as an open-end management type investment company or investment trust  
27 registered under 15 U.S.C. 80a-1 - 80a-64 (Investment Company Act of  
28 1940), if

29 (A) the portfolio of the investment company or

1 investment trust is limited to obligations of the United States  
2 government and repurchase agreements fully collateralized by the  
3 obligations; and

4 (B) the investment company or investment trust takes  
5 delivery of the collateral directly or through an authorized  
6 custodian.

7 \* Sec. 9. AS 06.05.465(f) is amended to read:

8 (f) The contents of safe deposit boxes which have not been  
9 removed within 30 days after demand shall be opened and the contents  
10 dealt with in the manner provided for boxes upon which the payment of  
11 rental is in default, and the sealed packages containing the contents  
12 and the certificates together with any other unclaimed property held  
13 by the bank as bailee and certified inventories of that property shall  
14 be transferred to the department which shall retain it for five years  
15 unless claimed by the person entitled to it before that time. After  
16 five years the department shall [SELL OR OTHERWISE APPROPRIATELY]  
17 dispose of the property under AS 34.45.110 - 34.45.780. [THE PROCEEDS  
18 OF ANY SALE SHALL BE TRANSFERRED TO THE STATE TREASURY AND SHALL BE  
19 DEPOSITED IN THE GENERAL FUND.]

20 \* Sec. 10. AS 06.05.465(i) is amended to read:

21 (i) Any unclaimed distribution to a stockholder or a depositor  
22 shall be held until 90 days after the final distribution and then  
23 transmitted to the department. Unclaimed funds of a stockholder or a  
24 depositor shall be held by the department for five years and, unless  
25 claimed by the person entitled to them before that date, shall be  
26 disposed of under AS 34.45.110 - 34.45.780 [TRANSFERRED TO THE STATE  
27 TREASURY AND DEPOSITED IN THE GENERAL FUND].

28 \* Sec. 11. AS 06.25.140 is amended to read:

29 Sec. 06.25.140. ESTATES OF INCAPACITATED PERSONS [INCOMPETENTS].

1 A trust company may act under the order or appointment of a court of  
2 competent jurisdiction including any probate court as trustee, guard-  
3 ian, receiver or committee of the estate of an incapacitated person,  
4 as defined in AS 13.26.005, or of a [LUNATIC, IDIOT,] spendthrift,  
5 [PERSON OF UNSOUND MIND OR HABITUAL DRUNKARD,] or as receiver or  
6 committee of the property or estate of a [ANY] person in insolvency or  
7 bankruptcy proceedings, and act as executor or administrator with or  
8 without the will annexed of the estate of a [ANY] deceased person.

9 \* Sec. 12. AS 08.01.010 is amended by adding a new paragraph to read:

10 (28) regulation of electrical administrators under AS 08.40.

11 \* Sec. 13. AS 08.01.035 is amended to read:

12 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members of boards  
13 subject to this chapter [AND MEMBERS OF THE REAL ESTATE COMMISSION  
14 UNDER AS 08.88] are appointed for staggered terms of four years. A  
15 member of a board serves until a successor is appointed. An appoint-  
16 ment to fill a vacancy on a board is for the remainder of the un-  
17 expired term. A member who has served all or part of two successive  
18 terms on a board may not be reappointed to that board unless four  
19 years have elapsed since the person has last served on the board.

20 \* Sec. 14. AS 08.01.065(c) is amended to read:

21 (c) A fee established under this section should reflect, but  
22 should not exceed, the actual costs to the department of the activity  
23 for which the fee is charged except that the department may establish  
24 a fee that is less than the cost of the activity for which the fee is  
25 charged if the department determines that it is not reasonable to  
26 impose the full cost of the activity on the applicant or licensee.  
27 [THE ACTUAL OR ANTICIPATED COSTS TO THE DEPARTMENT OF SERVICES PROVID-  
28 ED TO OR ON BEHALF OF A BOARD MUST REFLECT, TO THE EXTENT POSSIBLE,  
29 THE AMOUNT OF FEES THE DEPARTMENT COLLECTS FROM PERSONS IN OCCUPATIONS

1 REGULATED BY THE BOARD.]

2 \* Sec. 15. AS 08.40.190(c) is amended to read:

3 (c) Work within the exclusionary provisions of this section is  
4 nevertheless subject to the inspection provisions of AS 08.40.070 and  
5 must follow the regulations regarding workmanship adopted by the  
6 department [BOARD].

7 \* Sec. 16. AS 09.45.730 is amended to read:

8 Sec. 09.45.730. TRESPASS BY CUTTING OR INJURING TREES OR SHRUBS.  
9 A person who without lawful authority cuts down, girdles, or otherwise  
10 injures or removes [CARRIES OFF] a tree, timber, or a shrub on (1)  
11 the land of another person or on the street or highway in front of a  
12 person's house, or (2) [OF] a village [, TOWN,] or municipal [CITY]  
13 lot, or cultivated grounds, or [ON] the commons or public land  
14 [GROUNDS] of a village [, TOWN,] or municipality [CITY], or (3) [ON]  
15 the street or highway in front of land described in (2) of this sec-  
16 tion [THEM, WITHOUT LAWFUL AUTHORITY], is liable to the owner of that  
17 land, or to the village [, TOWN,] or municipality [CITY] for treble  
18 the amount of damages which may be assessed in a civil action. Howev-  
19 er, if the trespass was unintentional [CASUAL] or involuntary, or the  
20 defendant had probable cause to believe that the land on which the  
21 trespass was committed was the defendant's own or that of the person  
22 in whose service or by whose direction the act was done, or where the  
23 timber was taken from unenclosed woodland for the purpose of repairing  
24 a public highway or bridge on or adjoining [UPON] the land [OR ADJOIN-  
25 ING IT], only actual damages may be recovered.

26 \* Sec. 17. AS 09.63.040(c) is amended to read:

27 (c) A verification made under this section may be in substan-  
28 tially the following form:

29 I \_\_\_\_\_ say [SAYS] on oath or affirm [AFFIRMS] that I have

1 [HE (OR SHE) HAS] read the foregoing (or attached) document and be-  
2 lieve [BELIEVES] all statements made in the document are true.

3  
4 \_\_\_\_\_  
5 Signature

6  
7 Subscribed and sworn to or affirmed before me at \_\_\_\_\_ on

8 \_\_\_\_\_  
9 (date)

10 \_\_\_\_\_  
11 Signature of Officer

12 \_\_\_\_\_  
13 Title of Officer

14 \* Sec. 18. AS 12.55.035(b) is amended to read:

15 (b) Upon conviction of an offense, a defendant who is not an  
16 organization may be sentenced to pay, unless otherwise specified in  
17 the provision of law defining the offense, a fine of no more than

18 (1) \$75,000 for murder in the first or second degree,  
19 sexual assault in the first degree, sexual abuse of a minor in the  
20 first degree, kidnapping, or misconduct involving a controlled sub-  
21 stance in the first degree;

(2) \$50,000 for a class A, B, or C felony;

23 (3) \$5,000 for a class A misdemeanor;

24 (4) \$1,000 for a class B misdemeanor;

25 (5) \$300 for a violation.

26 \* Sec. 19. AS 14.03.070 is amended to read:

27 Sec. 14.03.070. SCHOOL AGE. A child who is six years of age [OR  
28 WHO WILL BECOME SIX YEARS OF AGE] before August 15 following [PRECED-  
29 ING] the beginning of the school year, and who is under the age of 20

1 and has not completed the 12th grade, is of school age

2 \* Sec. 20. AS 14.03.080(d) is amended to read:

3 (d) A child who is five years of age before August 15 following  
4 [PRECEDING] the beginning of the school year, and who is under school  
5 age, may enter a public school kindergarten.

6 \* Sec. 21. AS 14.11.115(c)(1) is amended to read:

7 (1) "debt" means the principal amount of the direct and  
8 general obligation indebtedness of the municipality for which all  
9 taxable property is subject to taxation to pay the bond, note or other  
10 evidence of the debt, determined annually by the Department of Commu-  
11 nity and Regional Affairs in consultation with each municipality that  
12 is a school district and reported to the municipality and the commis-  
13 sioner of education; the determination shall be made by October 1 and  
14 report the outstanding debt as of July 1 of that year [IN ACCORDANCE  
15 WITH AS 14.17.140(c)];

16 \* Sec. 22. AS 14.25.110(g) is amended to read:

17 (g) A member who is eligible for a service retirement salary  
18 under this chapter or under the Retirement Act of 1945 is entitled to  
19 a benefit of at least \$25 per month for each year of credited service,  
20 excluding adjustments made under AS 14.25.142 or 14.25.143. If the  
21 member elected option two under former AS 14.25.063(b)(2) for payment  
22 of any indebtedness when the member initially applied for a retirement  
23 benefit, or if the member elected to receive an early retirement  
24 benefit under (b) of this section, the resulting benefit reduction  
25 continues in effect.

26 \* Sec. 23. AS 14.30.030 is amended to read:

27 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief  
28 administrative officer of a district school or regional educational  
29 attendance area shall report all apparent violations of AS 14.30.010

1 to the governing body of the district. The governing body shall, on  
2 receiving the report or on the complaint of any person, provide for a  
3 full and impartial investigation of all charges of violation. In  
4 private or federal schools, the chief administrative officer shall  
5 make a full and impartial investigation of all apparent violations.  
6 If it reasonably appears upon investigation that a person has violated  
7 AS 14.30.010, the governing body of a district school or regional  
8 educational attendance area, or the chief administrative officer of a  
9 private or federal school, shall make and file with the district court  
10 a complaint against the person, charging the violation. [THE JUDGE OR  
11 MAGISTRATE MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON AND MAY  
12 ACT UPON THE COMPLAINT.]

13 \* Sec. 24. AS 15.13.020(d) is repealed and reenacted to read:

14 (d) Members of the commission serve staggered terms of five  
15 years, or until a successor is appointed and qualifies. The terms of  
16 no two members who are members of the same political party may expire  
17 in consecutive years. A member may not serve more than one term.  
18 However, a person appointed to fill the unexpired term of a predeces-  
19 sor may be appointed to a successive full five-year term.

20 \* Sec. 25. AS 15.25.040(a) is amended to read:

21 (a) The declaration is filed by either

22 (1) the actual physical delivery of the declaration in  
23 person or by mail at or before 5:00 p. m., prevailing time, June 1 of  
24 the year in which a general election is held for the office, or

25 (2) the actual physical delivery by telegram of a copy in  
26 substance of the statements made in paragraphs (1) - (5) of the decla-  
27 ration as required by AS 15.25.030 at or before 5:00 p.m., prevailing  
28 time, June 1 of the year in which a general election is held for the  
29 office and also the actual physical delivery of the declaration

1 containing paragraphs (1) - (16) [(1) - (15)] as required by AS 15.-  
 2 25.030 by registered mail which is received not more than 15 days  
 3 after that time.

4 \* Sec. 26. AS 23.20.350(e) is amended to read:

5 (e) An individual who is eligible under (d) of this section is  
 6 entitled to receive a weekly benefit under this chapter for the number  
 7 of weeks set out in column (B) of the table in this subsection oppo-  
 8 site the applicable earnings ratio of the individual set out in column  
 9 (A):

(A)	(B)
Earnings Ratio	Number of Weeks
less than <u>1.50</u> [1.49]	16
1.50 - 1.99	18
2.00 - 2.49	20
2.50 - 2.99	22
3.00 - 3.49	24
3.50 or more	26

18 \* Sec. 27. AS 24.60.030(c) is amended to read:

19 (c) Conflicts of interest are prohibited but there is not a  
 20 conflict of interest if, as to a specific matter, there is no substan-  
 21 tial impropriety or appearance of impropriety because

22 MWC (1) the person's interest is relatively insignificant; or  
 23 to Pat's bill (2) the person's authority is relatively far removed from  
 24 any official action that could reasonably be affected by the potential  
 25 conflict of interest, provided that no attempt has been made to remove  
 26 the appearance of impropriety by delegating responsibility for offi-  
 27 cial action.

28 \* Sec. 28. AS 28.10.441(8) is amended to read:

29 (8) special permit for vehicle used for transport of

disabled or handicapped person issued under AS 28.10.495 [AS PROVIDED IN AS 28.10.215] ..... none.

\* Sec. 29. AS 37.14.160 is amended to read:

Sec. 37.14.160. DUTIES OF COMMISSIONER OF REVENUE. The commissioner of revenue is the treasurer of the fund [FUNDS] created in AS 37.14.110 [AS 37.14.010 AND 37.14.110] and shall

(1) act as official custodian of the cash and securities belonging to the fund [THOSE FUNDS] and provide adequate safe deposit facilities for it [EACH OF THEM];

(2) receive cash belonging to the fund [THOSE FUNDS];

(3) collect the principal on securities acquired for the [EACH] fund [ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and credit the [EACH] fund accordingly;

(4) collect interest and dividends earned on investments of the fund [FUNDS ESTABLISHED UNDER AS 37.14.010 AND 37.14.110] and credit the income reserve account of the [EACH] fund accordingly;

(5) invest and reinvest the principal of the [EACH] fund in accordance with AS 37.14.170.

\* Sec. 30. AS 37.14.170 is amended to read:

Sec. 37.14.170. INVESTMENTS. (a) The commissioner of revenue, with the approval of the [EACH] advisory board created in AS 37.14.120 [AS 37.14.020 AND 37.14.120], may invest the principal of the fund [FUNDS] created in AS 37.14.110 [AS 37.14.010 AND 37.14.110] in the same manner as specified for the investment of surplus pension funds under AS 39.35.110.

(b) The commissioner of revenue may

(1) invest and reinvest the principal of the fund [FUNDS];

(2) sell, exchange, convey, transfer, or otherwise dispose of investments of the fund [FUNDS] by private contract or at public

1 auction;

2 (3) vote upon a stock, bond, or other security; give a  
3 general or special proxy or power of attorney with or without power of  
4 substitution; exercise a conversion privilege, subscription right, or  
5 other option and make payments incidental to it; consent to or partic-  
6 ipate in a corporate reorganization or other change affecting corpo-  
7 rate securities, delegate discretionary power, pay an assessment or  
8 charge in connection with the delegation; and generally exercise any  
9 of the powers of an owner with respect to stocks, bonds, securities,  
10 or other investments held in the fund [FUNDS];

11 (4) make, execute, acknowledge, and deliver documents of  
12 transfer and conveyance and instruments necessary or appropriate to  
13 carry out the powers granted;

14 (5) register investments held in the [A] fund in the name  
15 of the public school fund advisory board [HAVING THE POWER TO APPROVE  
16 INVESTMENTS FOR A FUND];

17 (6) do all acts whether or not expressly authorized that  
18 [WHICH] are considered proper for the protection of the investments  
19 held in the fund [FUNDS].

20 \* Sec. 31. AS 39.20.180 is amended to read:

21 Sec. 39.20.180. TRANSPORTATION AND PER DIEM EXPENSES FOR MEMBERS  
22 OF BOARDS, COMMISSIONS, ETC. Except as otherwise provided by law,  
23 [FROM AND AFTER MARCH 27, 1962,] the provisions in this section re-  
24 lating to per diem and transportation govern exclusively [AND SUPER-  
25 SEDE ALL OTHER PROVISIONS OF LAW] with respect to a member of a state  
26 board, commission, committee, judicial council, or other similar body  
27 of persons of the state organized or established under the authority  
28 of law, but excluding any other state employee other than a legis-  
29 lator, who is otherwise entitled by law to receive from the state

1 payments for expenses of transportation, and for reimbursement or for  
2 per diem in lieu of reimbursement for other expenses incident to  
3 duties as such member:

4 (1) for [FOR] transportation, the member is entitled either  
5 to the use of state transportation requests, or to be reimbursed for  
6 expenses of transportation to the same extent, in the same manner, and  
7 under the same conditions as provided for state officials and employ-  
8 ees by the provisions of AS 39.20.110 - 39.20.170; [.]

9 (2) for [FOR] reimbursement for other expenses, the member  
10 is entitled to a per diem allowance prescribed by the commissioner of  
11 administration under the regulatory authority set out in AS 39.20.160  
12 for each day or portion of a day spent in actual meeting or on au-  
13 thorized official business incident to duties as a member.

14 \* Sec. 32. AS 41.17.043 is amended to read:

15 Sec. 41.17.043. TERMS OF OFFICE. The term of office of a member  
16 of the board is three years [; THE GOVERNOR SHALL MAKE THE INITIAL  
17 APPOINTMENTS TO THE BOARD IN SUCH A WAY THAT FOUR NOMINATIONS EXPIRE  
18 DURING 1980, FOUR APPOINTMENTS EXPIRE DURING 1981, AND THREE APPOINT-  
19 MENTS EXPIRE DURING 1982]. The state forester serves an indefinite  
20 term, ex officio.

21 \* Sec. 33. AS 41.17.400(b) is amended to read:

22 (b) The commissioner shall prepare a management plan for the  
23 Tanana Valley State Forest under AS 41.17.230. [THE COMMISSIONER  
24 SHALL SUBMIT THE MANAGEMENT PLAN TO THE LEGISLATURE FOR ITS APPROVAL  
25 WITHIN THE FIRST 10 DAYS OF THE SECOND SESSION OF THE FOURTEENTH STATE  
26 LEGISLATURE. THE MANAGEMENT PLAN FOR THE TANANA VALLEY STATE FOREST  
27 IS APPROVED UNLESS THE LEGISLATURE ADOPTS LEGISLATION DISAPPROVING THE  
28 MANAGEMENT PLAN.]

29 \* Sec. 34. AS 41.17.400(c) is amended to read:

1 (c) In addition to [THE COMMISSIONER SHALL CONSIDER AND PERMIT]  
2 the uses described in AS 41.17.230(e), the [WITHIN THE TANANA VALLEY  
3 STATE FOREST, SUBJECT TO THE PROCEDURES ESTABLISHED IN AS 41.17.-  
4 230(f). THE] commissioner may establish transportation corridors  
5 within the Tanana Valley State Forest.

6 \* Sec. 35. AS 41.21.506(a) is amended to read:

7 (a) The [WITHIN TWO YEARS FROM JUNE 2, 1984 THE] commissioner  
8 shall develop and adopt a comprehensive management plan for the Kenai  
9 River Special Management Area in consultation with the Kenai Peninsula  
10 Borough. The plan may include the land adjacent to the rivers de-  
11 scribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the  
12 state or privately owned and may include other land considered appro-  
13 priate by the commissioner and the Kenai Peninsula Borough. The  
14 commissioner shall periodically review the plan and adopt changes to  
15 the plan in consultation with the Kenai Peninsula Borough.

16 \* Sec. 36. AS 41.99 is amended by adding a new section to read:

17 Sec. 41.99.900. DEFINITIONS. In this title, unless the context  
18 requires otherwise,

19 (1) "commissioner" means the commissioner of natural re-  
20 sources;

21 (2) "department" means the Department of Natural Resources.

22 \* Sec. 37. AS 44.21.160(f) is amended to read:

23 (f) The department [DIVISION OF DATA PROCESSING] shall provide  
24 [COORDINATE WITH THE DIVISION OF TELECOMMUNICATIONS IN PROVIDING] for  
25 the effective transfer of information by telecommunications through  
26 the establishment of compatible systems and common standards.

27 \* Sec. 38. AS 44.27.052 is amended to read:

28 Sec. 44.27.052. POWERS OF COUNCIL. The council may (1) [IS  
29 AUTHORIZED AND EMPOWERED TO] hold public and private hearings; (2) [,

1 TO] enter into contracts, within the limit of funds available, with  
2 individuals, organizations, and institutions for services furthering  
3 the educational objectives of the council's programs; (3) [TO] enter  
4 into contracts, within the limit of funds available, with local and  
5 regional associations for cooperative endeavors furthering the educa-  
6 tional objectives of the council's programs; (4) [TO] accept gifts,  
7 contributions, and bequests of unrestricted funds from individuals,  
8 foundations, corporations, and other organizations or institutions for  
9 the purpose of furthering the educational objectives of the council's  
10 programs; and (5) [TO] make and sign agreements and to do and perform  
11 any acts necessary to carry out the purposes of AS 44.27.040 - 44.27.-  
12 060 [AS 44.27.040 - 44.27.058]. The council may request and is  
13 entitled to receive from any department, division, board, bureau,  
14 commission, or agency of the state the assistance and data that  
15 [WHICH] will enable it properly to carry out its powers and duties.  
16 The council is authorized to receive state funds made available for  
17 its purposes.

18 \* Sec. 39. AS 44.81.270(a) is amended to read:

19 (a) At the direction of the Legislative Budget and Audit Commit-  
20 tee under AS 24.20.271, the [THE] legislative auditor may conduct an  
21 audit of [CAUSE] the bank [TO BE AUDITED IN THE MANNER AND UNDER THE  
22 CONDITIONS PRESCRIBED BY AS 24.20.271 FOR AUDITS PERFORMED BY THE  
23 LEGISLATIVE AUDIT DIVISION]. The legislative audit division has free  
24 access to all books and papers of the bank that relate to its business  
25 and books and papers kept by a director, officer, or employee relating  
26 to or upon which a record of its business is kept, and may summon  
27 witnesses and administer oaths or affirmations in the examination of  
28 the directors, officers, or employees of the bank or any other person  
29 in relation to its affairs, transactions, and conditions, and may

1 require and compel the production of records, books, papers, con-  
2 tracts, or other documents by court order if not voluntarily produced.

3 \* Sec. 40. AS 44 81.270(b) is amended to read:

4 (b) The bank shall be audited annually by independent outside  
5 auditors. The legislative auditor may confer with the outside audi-  
6 tors and review the workpapers of the audit. [AT THE DIRECTION OF THE  
7 LEGISLATIVE BUDGET AND AUDIT COMMITTEE UNDER AS 24.20.271, THE LEGIS-  
8 LATIVE AUDITOR MAY CONDUCT AN AUDIT OF THE BANK.]

9 \* Sec. 41. AS 44.85.270(i) is amended to read:

10 (i) All references to the "reserve fund" in this section include  
11 special accounts within the reserve fund which may be created by the  
12 authority to secure the payment of particular bonds [, INCLUDING,  
13 WITHOUT LIMITATION, BONDS ISSUED BY THE CAPITAL CITY ESTABLISHED UNDER  
14 AS 29.14.010]. The commissioner of revenue may lend surplus money in  
15 the general fund to the authority for deposit to any account in the  
16 reserve fund in an amount equal to the required debt service reserve.  
17 The loans shall be made on such terms and conditions as may be agreed  
18 upon by the commissioner of revenue and the authority, including,  
19 without limitation, terms and conditions providing that the loans need  
20 not be repaid until the obligations of the corporation secured and to  
21 be secured by the account in the reserve fund are no longer outstand-  
22 ing.

23 \* Sec. 42. AS 08.40.080; AS 15.05.016; AS 15.15.213; AS 19.10.220;  
24 AS 19.25.110, 19.25.120; AS 41.06.060(1); AS 41.15.170(1); AS 41.17.950(3),  
25 41.17.950(4); AS 41.21.990(1), 41.21.990(2); AS 41.30; AS 41.35.230(1),  
26 41.35.230(3); AS 44.33.020(11); and AS 44.81.010(c) are repealed.

27 \* Sec. 43. Sections 19 and 20 of this Act take effect July 1, 1988.

28 \* Sec. 44. Except for secs. 19 and 20, this Act takes effect immediate-  
29 ly under AS 01.10.070(c).