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DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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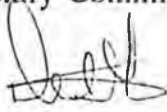
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 19, 1992

SUBJECT: CSSB 399(Judiciary)(1992 Revisor's Bill)

TO: Senator Rick Halford
Chair, Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

This memorandum discusses CSSB 399(Judiciary) (the 1992 revisor's bill, Work Order No. 7-LS1706(D), which was approved by your committee.

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

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

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

Sections that delete, repeal, or update obsolete provisions: Sections 3 - 5, 10, 11, 21 - 23, 29, 33, 37, and 38 delete, repeal, or update provisions that have become obsolete either through other legislative action or the passage of time.

Sections that corrects errors or oversights: Sections 1, 7 - 9, 12, 13, 18 - 20, 24, and 30 - 32 correct errors or oversights that can not be corrected editorially.

Sections that improve the form or substance of the law: Sections 2, 6, 14 - 17, 25 - 28, and 34 - 36 propose amendments to improve the form or substance of the statute law of Alaska.

SECTIONAL ANALYSIS

Section 1. AS 05.15.210(35) defines "veterans organization," but the term is not used in AS 05.15. The Department of Commerce and Economic Development treats veterans organizations as "qualified organizations," which is consistent with apparent legislative intent. The amendment to AS 05.15.210(29) in sec. 1 of the bill adds veterans organizations to the list of organizations that qualify for charitable gaming permits, thus making express that which had been implied.

Secs. 2, 6, 14, and 15. Each of these sections adds facsimile as an authorized means of communication where existing law allows the use of telegraph. The amendments are intended to keep these laws abreast of technological changes.

Secs. 3 - 5. Each of these sections deletes material that is obsolete in that it is redundant to the general provisions of AS 08.01.020, enacted in 1987.

Secs. 7, 20, 31, and 32. Delete references to the Medical Indemnity Corporation of Alaska, which is no longer functioning. Chapter 14, SLA 1991 repealed the authority for the corporation. These remaining references were overlooked when ch. 14 was enacted.

Sec. 8. This amendment corrects an erroneous reference in the laws relating to electric cooperatives. The need for the amendment was brought to our attention by the corporations section of the Department of Commerce and Economic Development.

Sec. 9. A drafting oversight in ch. 64, SLA 1991 had the effect of taking away the authority of peace officers to make warrantless arrests for violation of domestic violence restraining orders that prohibit communication between the parties. The intended effect of replacing AS 11.61.120(a)(6) with new AS 11.56.740 in last year's legislation was to increase the penalty for a violation to a class A misdemeanor. Unfortunately, AS 12.25.030(b) should have been amended to include a reference to the new provision. This section of the bill corrects that oversight, and also incorporates a change in the description of the protected class of victims to parallel other changes made by ch. 64.

Sec. 10. Deletes obsolete language relating to the initial board of the Alaska school activities association.

Sec. 11. AS 14.30.410(b) is amended to delete a reference to the statewide bilingual-bicultural center. The statutory direction for that center was deleted from subsection (a) in 1978 and the reference to it in (b) should have been deleted at the same time.

Sec. 12. The section amends AS 14.48.080(b) to correct an erroneous internal references to "this section." Minimum standards are established by AS 14.48.060, not AS 14.48.080.

Sec. 13. AS 14.48.130(c) is amended to correct an erroneous internal reference. Penalties are set out in AS 14.48.190, whereas AS 14.48.180 simply authorizes a suit for injunctive relief.

Sec. 16. This section merely relocates language in a fish and game provision and divides it into paragraphs to eliminate any ambiguity in the scope of the requirement of possession. The provision could be read to require license possession only with respect to taxidermy, when, of course, it relates to all of the listed activities.

Sec. 17. AS 16.05.420(b) makes false statements in fish and game license applications subject to prosecution for unsworn falsification. The provisions of AS 16.05.408(b) make false statements in affidavits required for applications under that section subject to a perjury prosecution. AS 16.04.420(b) applies to AS 16.05.408 as well. The amendment proposed in this bill section makes it clear that the provisions of AS 16.05.408(b) control as to those false statements.

Sec. 18. This section adds "elk" (when lawfully owned) to the definition of "domestic mammals" for purposes of the fish and game code. This should have been done when elk farming was authorized in 1987.

Sec. 19. In the 1975 revisor's bill, the spanned reference in AS 16.10.030 (a penalty provision) was amended to include AS 16.10.055, which had been enacted in 1974. The amendment was not necessary and not appropriate for a revisor's bill. AS 16.10.055 (prohibiting interference with commercial fishing gear) contains its own penalty provision, which is more stringent (a class A misdemeanor) than the penalty set out in AS 16.10.030 for a violation of AS 16.10.010 - 16.10.050 (a fine of not less than \$100 nor more than \$500). Further, AS 16.10.010 - 16.10.050 deal with conduct that interferes with or is destructive to waters used for spawning or propagation by salmon unless the conduct is allowed under a permit issued by DEC, and bear very little relationship to the conduct covered by AS 16.10.055. The amendment proposed in the bill restores the law to its original state. If this amendment is made, we will set out AS 16.10.055 in its own article when the AS 16 pamphlet is replaced later this year.

Sec. 21. The sentence proposed for deletion from AS 18.35.120 is meaningless because of the repeal of AS 18.35.100(a) in 1982.

Secs. 22 and 23. These provisions simply update the name of the Nuclear Regulatory Commission, formerly the Atomic Energy Commission.

Sec. 24. The Department of Transportation and Public Facilities does not regulate the referenced pressure vessels. They are regulated by the federal Department of Transportation.

Sec. 25. The proposed amendment corrects the description of the action required to initiate a judicial appeal of certain administrative action.

Secs. 26 and 27. Both sections involve changing erroneous references to the entire chapter to references to the relevant article.

Sec. 28. The first part of each of AS 18.67.020(c) and (d) duplicate each other. This amendment eliminates the redundant portion of (d).

Sec. 29. The proposed amendment updates a reference to the Alaska Rules of Court.

Sec. 30. Corrects a statutory reference in the insurance code.

Sec. 33. Deletes obsolete language relating to a deadline for certain administrative action.

Sec. 34. Rewrites the language used to describe vehicles that may receive dealer plates to correct the context. No vehicles are "specified" in AS 28.10.421(d)(10).

Secs. 35 and 36. The term "material land" is not used in AS 38.05, but the word "material" or "materials" is used frequently, most often in the context of "timber and other materials." The term "timber land" is used once in AS 38.05. These two sections of the bill amend the old definition of "'timber land' and 'material land'" to delete the reference to "material land" and the types of materials, so that the definition is now limited to "timber land," and enact a definition for "material" that incorporates the language deleted in the first amendment.

Sec. 37. The language that is amended out of AS 44.81.250(c) became obsolete in 1987 with the passage of ch. 49, SLA 1987, which removed the participation requirements formerly contained in AS 44.81.210(a)(20).

Sec. 38. Repeals provisions that are obsolete. Those provisions and the reasons for their obsolescence are:

AS 14.11.135(2) and (4) - define terms that are defined for the title in AS 14.60.010;

AS 14.17.250(3) - defines a term that is defined for the title;

AS 14.17.250(8) - defines a term that is not used;

AS 14.30.350(3) - defines a term that is defined for the title;

AS 16.05.050(19) - this provision required that a report be given to the legislature by January 1, 1991 and is now obsolete;

AS 18.31.500(?) - defines a term that is not used;

AS 18.35.230(3) - the term related to a repealed provision (see discussion for sec. 14 of this bill);

AS 18.55.950(5) - defines a term that is not used, except in a different context;

AS 18.55.950(9) - defines a term that is not used;

AS 18.60.775 - obsolete through the passage of time;

AS 26.05.040 - the provisions of federal law that are incorporated by reference in this section have all been repealed (the old federal provisions related to the Territorial Guard and have, in large part, been subsequently enacted as a part of state law in AS 26.05).

The text of all provisions proposed for repeal is set out in the appendix.

Sec. 39. Gives the bill an immediate effective date.

If I may be of further assistance, please advise.

cc: Deborah Behr
Department of Law

APPENDIX - TEXT OF REPEALED PROVISIONS

AS 14.11.135(2) and (4):

- (2) "commissioner" means the commissioner of education;
* * *
(4) "department" means the Department of Education;

AS 14.17.250(3) and (8):

- (3) "commissioner" means the commissioner of the Department of Education;
* * *
(8) "pre-fiscal year" means the year immediately before the fiscal year;

AS 14.30.350(3):

- (3) "department" means the Department of Education;

AS 16.05.050(19):

Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commissioner has, but not by way of limitation, the following powers and duties:

* * *

- (19) to report to the legislature by January 1, 1991, concerning the production and sale of merchandise bearing designs, labels, or words associating the merchandise with the department;

AS 18.31.500(3):

- (3) "asbestos product" means a product that produces airborne asbestos.

AS 18.35.230(3):

- (3) "remodeling" means any substantial modification of the physical structure or redesign and redecoration the value of which exceeds 10 per cent of the fair market value of the structure;

AS 18.55.950(5) and (9):

- (5) "clerk" means the clerk or other official of the municipality who is the custodian of its official records;

* * *

- (9) "mayor" means the mayor of a municipality or the officer having the duties customarily imposed upon the executive head of a municipality;

AS 18.60.775:

Sec. 18.60.775. APPLICABILITY. AS 18.60.750 - 18.60.755 apply only to installations or replacements of safety glazing materials made after January 1, 1975, but do not apply to contracts awarded, under an invitation for bids, before January 1, 1975.

AS 26.05.040:

Sec. 26.05.040. RATIFICATION AND CONFIRMATION OF EXISTING MILITARY FORCES. The provisions of 48 U.S.C. 473 - 479 pertaining to the National Guard apply to the existing units and individuals of the military forces in the state, heretofore organized and known as the Alaska National Guard, and this organization is ratified and confirmed.

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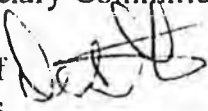
240 Main Street, Suite 500
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MEMORANDUM

March 13, 1992

SUBJECT: CSSB 399(Judiciary)(1992 Revisor's Bill)

TO: Senator Rick Halford
Chair, Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

This memorandum discusses CSSB 399(Judiciary) (the 1992 revisor's bill, Work Order No. 7-LS1706\D), which I prepared for your committee. The sections that were added following the adoption of amendments at the March 12, 1992, hearing are secs. 1, 2, 4, 8, 13 - 17, and 37.

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

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

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

Sections that delete, repeal, or update obsolete provisions: Sections 5 -7, 12, 13, 23 - 25, 31, 35, 40, and 41 delete, repeal, or update provisions that have become obsolete either through other legislative action or the passage of time.

Sections that corrects errors or oversights: Sections 3, 9 - 11, 14, 15, 20 -22, 26, 32 - 34, and 37 correct errors or oversights that can not be corrected editorially.

Sections that improve the form or substance of the law: Sections 1, 2, 4, 8, 16 - 19, 27 - 30, 36, 38, and 39 propose amendments to improve the form or substance of the statute law of Alaska.

SECTIONAL ANALYSIS

Sections 1 and 2. Section 2 amends AS 01.10.055(a), relating to the criteria for establishing residency in Alaska, by substituting the word "permanently" for the word "indefinitely" in describing the intent required to establish residency. The change is recommended to bring Alaska's statutory law into conformity with the general legal principle that a person's residence is not one for a temporary or special purpose, but one that is intended to be permanent for an unlimited or indefinite time. Section 1 simply emphasizes that no substantive change should be inferred from the passage of this amendment.

Section 3. AS 05.15.210(35) defines "veterans organization," but the term is not used in AS 05.15. The Department of Commerce and Economic Development treats veterans organizations as "qualified organizations," which is consistent with apparent legislative intent. The amendment to AS 05.15.210(29) in sec. 1 of the bill adds veterans organizations to the list of organizations that qualify for charitable gaming permits, thus making express that which had been implied.

Secs. 4, 8, 16, and 17. Each of these sections adds facsimile as an authorized means of communication where existing law allows the use of telegraph. The amendments are intended to keep these laws abreast of technological changes.

Secs. 5 - 7. Each of these sections deletes material that is obsolete in that it is redundant to the general provisions of AS 08.01.020, enacted in 1987.

Secs. 9, 22, 33, and 34. Delete references to the Medical Indemnity Corporation of Alaska, which is no longer functioning. Chapter 14, SLA 1991 repealed the authority for the corporation. These remaining references were overlooked when ch. 14 was enacted.

Sec. 10. This amendment corrects an erroneous reference in the laws relating to electric cooperatives. The need for the amendment was brought to our attention by the corporations section of the Department of Commerce and Economic Development.

Sec. 11. A drafting oversight in ch. 64, SLA 1991 had the effect of taking away the authority of peace officers to make warrantless arrests for violation of domestic violence restraining orders that prohibit communication between the parties. The intended effect of replacing AS 11.61.120(a)(6) with new AS 11.56.740 in last year's legislation was to increase the penalty for a violation to a class A misdemeanor. Unfortunately, AS 12.25.030(b) should have been amended to include a reference to the new provision. This section of the bill corrects that oversight, and also

incorporates a change in the description of the protected class of victims to parallel other changes made by ch. 64.

Sec. 12. Deletes obsolete language relating to the initial board of the Alaska school activities association.

Sec. 13. AS 14.30.410(b) is amended to delete a reference to the statewide bilingual-bicultural center. The statutory direction for that center was deleted from subsection (a) in 1978 and the reference to it in (b) should have been deleted at the same time.

Sec. 14. The section amends AS 14.48.080(b) to correct an erroneous internal references to "this section." Minimum standards are established by AS 14.48.060, not AS 14.48.080.

Sec. 15. AS 14.48.130(c) is amended to correct an erroneous internal reference. Penalties are set out in AS 14.48.190, whereas AS 14.48.180 simply authorizes a suit for injunctive relief.

Sec. 18. This section merely relocates language in a fish and game provision and divides it into paragraphs to eliminate any ambiguity in the scope of the requirement of possession. The provision could be read to require license possession only with respect to taxidermy, when, of course, it relates to all of the listed activities.

Sec. 19. AS 16.05.420(b) makes false statements in fish and game license applications subject to prosecution for unsworn falsification. The provisions of AS 16.05.408(b) make false statements in affidavits required for applications under that section subject to a perjury prosecution. AS 16.04.420(b) applies to AS 16.05.408 as well. The amendment proposed in this bill section makes it clear that the provisions of AS 16.05.408(b) control as to those false statements.

Sec. 20. This section adds "elk" (when lawfully owned) to the definition of "domestic mammals" for purposes of the fish and game code. This should have been done when elk farming was authorized in 1987.

Sec. 21. In the 1975 revisor's bill, the spanned reference in AS 16.10.030 (a penalty provision) was amended to include AS 16.10.055, which had been enacted in 1974. The amendment was not necessary and not appropriate for a revisor's bill. AS 16.10.055 (prohibiting interference with commercial fishing gear) contains its own penalty provision, which is more stringent (a class A misdemeanor) than the penalty set out in AS 16.10.030 for a violation of AS 16.10.010 - 16.10.050 (a fine of not less than \$100 nor more than \$500). Further, AS 16.10.010 - 16.10.050 deal with conduct that interferes with or is destructive to waters used for spawning or propagation by salmon unless the conduct is allowed under a permit issued by DEC, and bear very little relationship to the conduct covered by AS 16.10.055. The amendment proposed

in the bill restores the law to its original state. If this amendment is made, we will set out AS 16.10.055 in its own article when the AS 16 pamphlet is replaced later this year.

Sec. 23. The sentence proposed for deletion from AS 18.35.120 is meaningless because of the repeal of AS 18.35.100(a) in 1982.

Secs. 24 and 25. These provisions simply update the name of the Nuclear Regulatory Commission, formerly the Atomic Energy Commission.

Sec. 26. The Department of Transportation and Public Facilities does not regulate the referenced pressure vessels. They are regulated by the federal Department of Transportation.

Sec. 27. The proposed amendment corrects the description of the action required to initiate a judicial appeal of certain administrative action.

Secs. 28 and 29. Both sections involve changing erroneous references to the entire chapter to references to the relevant article.

Sec. 30. The first part of each of AS 18.67.020(c) and (d) duplicate each other. This amendment eliminates the redundant portion of (d).

Sec. 31. The proposed amendment updates a reference to the Alaska Rules of Court.

Sec. 32. Corrects a statutory reference in the insurance code.

Sec. 35. Deletes obsolete language relating to a deadline for certain administrative action.

Sec. 36. Rewrites the language used to describe vehicles that may receive dealer plates to correct the context. No vehicles are "specified" in AS 28.10.421(d)(10).

Sec. 37. AS 34.50.020(b) is amended to correct an error made when the codifier rewrote § 1, ch. 98, SLA 1957 when codifying it as AS 34.50.020. The language of the 1957 Act read "* * * [may] not be subject to such liability * * * " (emphasis added), clearly referring to the liability described in that portion of the Act which became AS 34.50.020(a). That liability is the limited liability of parents for property damage caused by their children. It is important to note, however, that the incorrect version of the law has been interpreted by the executive branch for years as being correct and granting an immunity much broader than that intended by the 1957 Act. Because the revisor's bill can only correct the codification error, the legislature is urged to consider separate legislation, perhaps an amendment to AS 47, that would

clarify the liability/immunity of the state and its agents for acts of minors in their care and custody.

Secs. 38 and 39. The term "material land" is not used in AS 38.05, but the word "material" or "materials" is used frequently, most often in the context of "timber and other materials." The term "timber land" is used once in AS 38.05. These two sections of the bill amend the old definition of "'timber land' and 'material land'" to delete the reference to "material land" and the types of materials, so that the definition is now limited to "timber land," and enact a definition for "material" that incorporates the language deleted in the first amendment.

Sec. 40. The language that is amended out of AS 44.81.250(c) became obsolete in 1987 with the passage of ch. 49, SLA 1987, which removed the participation requirements formerly contained in AS 44.81.210(a)(20).

Sec. 41. Repeals provisions that are obsolete. Those provisions and the reasons for their obsolescence are:

AS 14.11.135(2) and (4) - define terms that are defined for the title in AS 14.60.010;

AS 14.17.250(3) - defines a term that is defined for the title;

AS 14.17.250(8) - defines a term that is not used;

AS 14.30.350(3) - defines a term that is defined for the title;

AS 16.05.050(19) - this provision required that a report be given to the legislature by January 1, 1991 and is now obsolete;

AS 18.31.500(3) - defines a term that is not used;

AS 18.35.230(3) - the term related to a repealed provision (see discussion for sec. 14 of this bill);

AS 18.55.950(5) - defines a term that is not used, except in a different context;

AS 18.55.950(9) - defines a term that is not used;

AS 18.60.775 - obsolete through the passage of time;

AS 26.05.040 - the provisions of federal law that are incorporated by reference in this section have all been repealed (the old federal provisions related to the Territorial Guard and have, in large part, been subsequently enacted as a part of state law in AS 26.05).

The text of all provisions proposed for repeal is set out in the appendix.

Sec. 42. Gives the bill an immediate effective date.

If I may be of further assistance, please advise.

cc: Deborah Behr
Department of Law

APPENDIX - TEXT OF REPEALED PROVISIONS

AS 14.11.135(2) and (4):

- (2) "commissioner" means the commissioner of education;
* * *
(4) "department" means the Department of Education;

AS 14.17.250(3) and (8):

- (3) "commissioner" means the commissioner of the Department of Education;
* * *
(8) "pre-fiscal year" means the year immediately before the fiscal year;

AS 14.30.350(3):

- (3) "department" means the Department of Education;

AS 16.05.050(19):

Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commissioner has, but not by way of limitation, the following powers and duties:

- * * *
(19) to report to the legislature by January 1, 1991, concerning the production and sale of merchandise bearing designs, labels, or words associating the merchandise with the department;

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- (3) "asbestos product" means a product that produces airborne asbestos.

AS 18.35.230(3):

- (3) "remodeling" means any substantial modification of the physical structure or redesign and redecoration the value of which exceeds 10 per cent of the fair market value of the structure;

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- (5) "clerk" means the clerk or other official of the municipality who is the custodian of its official records;
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AS 26.05.040:

Sec. 26.05.040. RATIFICATION AND CONFIRMATION OF EXISTING MILITARY FORCES. The provisions of 48 U.S.C. 473 - 479 pertaining to the National Guard apply to the existing units and individuals of the military forces in the state, heretofore organized and known as the Alaska National Guard, and this organization is ratified and confirmed.

7
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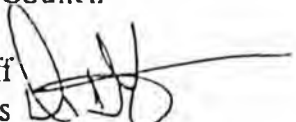
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 7, 1992

SUBJECT: 1992 Revisor's Bill (Work Order No. 7-LS1706A) SB 399
Sen. Supp. #14

TO: Senator Dick Eliason
Chair, Legislative Council

FROM: David R. Dierdorff 
Revisor of Statutes

This memorandum discusses the draft 1992 revisor's bill, Work Order No. 7-LS1706A, which I am presenting to Legislative Council for its consideration for introduction during upcoming session.

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

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

To assist in understanding the draft, I have summarized the contents by listing sections that have similar effects.

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Transmittal Letter

SECTIONAL ANALYSIS

Section 1. AS 05.15.210(35) defines "veterans organization," but the term is not used in AS 05.15. The Department of Commerce and Economic Development treats veterans organizations as "qualified organizations," which is consistent with apparent legislative intent. The amendment to AS 05.15.210(29) in sec. 1 of the bill adds veterans organizations to the list of organizations that qualify for charitable gaming permits, thus making express that which had been implied.

Secs. 2 - 4. Each of these sections deletes material that is obsolete in that it is redundant to the general provisions of AS 08.01.020, enacted in 1987.

Secs. 5, 13, 24, and 25. Delete references to the Medical Indemnity Corporation of Alaska, which is no longer functioning. Chapter 14, SLA 1991 repealed the authority for the corporation. These remaining references were overlooked when ch. 14 was enacted.

Sec. 6. This amendment corrects an erroneous reference in the laws relating to electric cooperatives. The need for the amendment was brought to our attention by the corporations section of the Department of Commerce and Economic Development.

Sec. 7. A drafting oversight in ch. 64, SLA 1991 had the effect of taking away the authority of peace officers to make warrantless arrests for violation of domestic violence restraining orders that prohibit communication between the parties. The intended effect of replacing AS 11.61.120(a)(6) with new AS 11.56.740 in last year's legislation was to increase the penalty for a violation to a class A misdemeanor. Unfortunately, AS 12.25.030(b) should have been amended to include a reference to the new provision. This section of the bill corrects that oversight, and also incorporates a change in the description of the protected class of victims to parallel other changes made by ch. 64.

Sec. 8. Deletes obsolete language relating to the initial board of the Alaska school activities association.

Sec. 9. This section merely relocates language in a fish and game provision and divides it into paragraphs to eliminate any ambiguity in the scope of the requirement of possession. The provision could be read to require license possession only with respect to taxidermy, when, of course, it relates to all of the listed activities.

Sec. 10. AS 16.05.420(b) makes false statements in fish and game license applications subject to prosecution for unsworn falsification. The provisions of AS 16.05.408(b) make false statements in affidavits required for applications under that section subject

to a perjury prosecution. AS 16.05.420(b) applies to AS 16.05.408 as well. The amendment proposed in this bill section makes it clear that the provisions of AS 16.05.408(b) control as to those false statements.

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Sec. 12. In the 1975 revisor's bill, the spanned reference in AS 16.10.030 (a penalty provision) was amended to include AS 16.10.055, which had been enacted in 1974. The amendment was not necessary and not appropriate for a revisor's bill. AS 16.10.055 (prohibiting interference with commercial fishing gear) contains its own penalty provision, which is more stringent (a class A misdemeanor) than the penalty set out in AS 16.10.030 for a violation of AS 16.10.010 - 16.10.050 (a fine of not less than \$100 nor more than \$500). Further, AS 16.10.010 - 16.10.050 deal with conduct that interferes with or is destructive to waters used for spawning or propagation by salmon unless the conduct is allowed under a permit issued by DEC, and bear very little relationship to the conduct covered by AS 16.10.055. The amendment proposed in the bill restores the law to its original state. If this amendment is made, we will set out AS 16.10.055 in its own article when the AS 16 pamphlet is replaced later this year.

Sec. 14. The sentence proposed for deletion from AS 18.35.120 is meaningless because of the repeal of AS 18.35.100(a) in 1982.

Secs. 15 and 16. These provisions simply update the name of the Nuclear Regulatory Commission, formerly the Atomic Energy Commission.

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Sec. 18. The proposed amendment corrects the description of the action required to initiate a judicial appeal of certain administrative action.

Secs. 19 and 20. Both sections involve changing erroneous references to the entire chapter to references to the relevant article.

Sec. 21. The first part of each of AS 18.67.020(c) and (d) duplicate each other. This amendment eliminates the redundant portion of (d).

Sec. 22. The proposed amendment updates a reference to the Alaska Rules of Court.

Sec. 23. Corrects a statutory reference in the insurance code.

Sec. 26. Deletes obsolete language relating to a deadline for certain administrative action.

Sec. 27. Rewrites the language used to describe vehicles that may receive dealer plates to correct the context. No vehicles are "specified" in AS 28.10.421(d)(10).

Secs. 28 and 29. The term "material land" is not used in AS 38.05, but the word "material" or "materials" is used frequently, most often in the context of "timber and other materials." The term "timber land" is used once in AS 38.05. These two sections of the bill amend the old definition of "'timber land' and 'material land'" to delete the reference to "material land" and the types of materials, so that the definition is now limited to "timber land," and enact a definition for "material" that incorporates the language deleted in the first amendment.

Sec. 30. The language that is amended out of AS 44.81.250(c) became obsolete in 1987 with the passage of ch. 49, SLA 1987, which removed the participation requirements formerly contained in AS 44.81.210(a)(20).

Sec. 31. Repeals provisions that are obsolete. Those provisions and the reasons for their obsolescence are:

AS 14.11.135(2) and (4) - define terms that are defined for the title in AS 14.60.010;

AS 14.17.250(3) - defines a term that is defined for the title;

AS 14.17.250(8) - defines a term that is not used;

AS 16.05.050(19) - this provision required that a report be given to the legislature by January 1, 1991 and is now obsolete;

AS 18.31.500(3) - defines a term that is not used;

AS 18.35.230(3) - the term related to a repealed provision (see discussion for sec. 14 of this bill);

AS 18.55.950(5) - defines a term that is not used, except in a different context;

AS 18.55.950(9) - defines a term that is not used;

AS 18.60.775 - obsolete through the passage of time.

The text of all provisions proposed for repeal is set out in the appendix.

Sec. 32. Gives the bill an immediate effective date.

If I may be of further assistance, please advise.

APPENDIX - TEXT OF REPEALED PROVISIONS

AS 14.11.135(2) and (4):

- (2) "commissioner" means the commissioner of education;
* * *
(4) "department" means the Department of Education;

AS 14.17.250(3) and (8):

- (3) "commissioner" means the commissioner of the Department of Education;
* * *
(8) "pre-fiscal year" means the year immediately before the fiscal year;

AS 16.05.050(19):

Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commissioner has, but not by way of limitation, the following powers and duties:

- * * *
(19) to report to the legislature by January 1, 1991, concerning the production and sale of merchandise bearing designs, labels, or words associating the merchandise with the department;

AS 18.31.500(3):

- (3) "asbestos product" means a product that produces airborne asbestos.

AS 18.35.230(3):

(3) "remodeling" means any substantial modification of the physical structure or redesign and redecoration the value of which exceeds 10 per cent of the fair market value of the structure;

AS 18.55.950(5) and (9):

- (5) "clerk" means the clerk or other official of the municipality who is the custodian of its official records;
* * *
(9) "mayor" means the mayor of a municipality or the officer having the duties customarily imposed upon the executive head of a municipality;

AS 18.60.775:

Sec. 18.60.775. APPLICABILITY. AS 18.60.750 - 18.60.755 apply only to installations or replacements of safety glazing materials made after January 1, 1975, but do not apply to contracts awarded, under an invitation for bids, before January 1, 1975.

DRD:pl
92-083.plm

A M E N D M E N T

OFFERED IN THE
TO: SB 399

Page 1, after line 3:

Insert new bill sections to read:

**** Section 1. PURPOSE OF SECTION 2.** The amendment to AS 01.10.055(a) in sec. 2 of this Act is technical only and made for uniformity. The words "indefinitely" and "permanently" are intended to have the same legal effect.

*** Sec. 2.** AS 01.10.055(a) is amended to read:

(a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state permanently [INDEFINITELY] and to make a home in the state."

Page 1, line 4:

Delete **** Section 1.**"

Insert **** Sec. 3.**"

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE

TO: 7-LS1706A (Draft 2/7/92)

Page 1, after line 11:

Insert a new bill section to read:

"* Sec. 2. AS 08.01.087(b) is amended to read:

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone, [OR] telegraph, or facsimile to all board members, if a board regulates the act or practice involved, unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or the commissioner's designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or with a provision of this title or regulation adopted under this title dealing with business licenses or an occupation or board listed in AS 08.01.010;

(3) examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose

occupation is listed in AS 08.01.010; the commissioner may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents."

Renumber the following bill sections accordingly.

Page 2, after line 12:

Insert a new bill section to read:

"* Sec. 6. AS 08.88.037(b) is amended to read:

(b) If it appears to the department that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it and that action is warranted in the public interest, the department shall notify all commission members by telephone, [OR] telegraph, or facsimile of a proposed order or action, and, if a majority of the members of the commission approve, the department may

(1) after reasonable notice of and an opportunity for a hearing is given to the person, issue an order directing the person to stop the act or practice; the department may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days have elapsed after the person receives the notice and has not requested a hearing; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; if a hearing is requested, a hearing shall be conducted by a hearing officer within 30 days; the commission shall issue a final order within 10 days after the hearing;

(2) bring an action in superior court to enjoin the act or practice and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it;

(3) examine or have examined the books and records of a person whose business activities require licensure under this chapter and the department may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents."

Renumber the following bill sections accordingly.

Page 3, after line 23:

Insert new bill sections to read:

"* Sec. 11. AS 15.20.470 is amended to read:

Sec. 15.20.470. REQUIREMENT OF NOTICE. The director shall give the candidate or designated chairman signing the application, the two or more persons appointed to represent the applicant during the recount, and other directly interested parties, notice of the time and place of the recount by certified mail, [BY] telegraph, [OR BY] telephone, or facsimile.

* Sec. 12. AS 15.25.130 is amended to read:

Sec. 15.25.130. SELECTION OF NOMINEES FOR PARTY PETITION. The nominees of political parties by party petition may be selected for statewide offices by the party central committee or in any other manner prescribed by the party bylaws, and the petition for statewide offices shall be signed by the chairman of the central committee, or in the absence of the chairman, by any two members of the committee. The nominees of political parties by party petition may be selected for district-wide offices by the respective party district committee or in any other manner prescribed by the party bylaws, and the petition for district-wide offices shall be signed by the chairman of the party district committee, or in the absence of the chairman, by any two members of the party committee, or in any other manner prescribed by the party bylaws. The petition may be delivered in person, or by mail, [OR BY] telegraph, or facsimile."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE JUDICIARY COMMITTEE

TO: SB 399

Page 3, after line 23:

Insert new bill sections to read:

"* Sec. 9. AS 14.30.410(b) is amended to read:

(b) The department shall adopt regulations for the determination of entitlement and the distribution of bilingual-bicultural funds to city and borough school districts and regional educational attendance areas [AND THE STATEWIDE CENTER].

* Sec. 10. AS 14.48.080(b) is amended to read:

(b) An applicant for an agent's permit shall be an individual of good reputation and character and shall represent only a postsecondary educational institution or institutions that [WHICH] meet the minimum standards established in AS 14.48.060 [THIS SECTION] and the criteria established under AS 14.48.050(1).

* Sec. 11. AS 14.48.130(c) is amended to read:

(c) If, upon the evidence at a hearing, the commission finds that a postsecondary educational institution or its agent, or both, has engaged in or is engaging in, an act or practice which violates this chapter or the regulations adopted under this chapter the commission shall serve upon the institution or agent or both, an order requiring the institution or agent or both to cease and desist from the act or practice. If the commission finds that the complainant, or class of complainants, has suffered loss or damage as a result of the act or practice, the commission may also award the complainant, or class of complainants, full or partial restitution for the damage or loss and may impose the penalties provided for in AS 14.48.190 [AS 14.48.180]. The commission may also, based on its own investigation and the evidence adduced at the hearing, begin an action to revoke an institution's authorization to operate or an agent's permit."

Renumber the following bill sections accordingly.

Page 7, after line 31:

Insert a new bill section to read:

** Sec. 31. AS 34.50.020(b) is amended to read:

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable under (a) of this section for the acts of unemancipated minors in its charge or custody."

Renumber the following bill sections accordingly.

Page 8, line 17, after "14.17.250(8);":

Insert "AS 14.30.350(3);"

Page 8, line 18:

Delete "and"

After "AS 18.60.775":

Insert "; and AS 26.05.040"

*Parents. liability
for children
\$2000 limit*

*This amendment would
bring back immunity to property
damage or wear in 1959*

Exec interpretation

7-LS1706D

Dierdorff

3/13/92

Sen. Halford
memo
copy to D. Behr
draft memo

CS FOR SENATE BILL NO. 399 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. PURPOSE OF SECTION 2. The amendment to AS 01.10.055(a) in sec. 2 of this Act
 5 is technical only and made for uniformity. The words "indefinitely" and "permanently" are intended to
 6 have the same legal effect.

7 * Sec. 2. AS 01.10.055(a) is amended to read:

8 (a) A person establishes residency in the state by being physically present in the state
 9 with the intent to remain in the state permanently [INDEFINITELY] and to make a home in the
 10 state.

11 * Sec. 3. AS 05.15.210(29) is amended to read:

12 (29) "qualified organization" means a bona fide civic or service organization or
 13 a bona fide religious, charitable, fraternal, veterans, labor, political, or educational organization,
 14 police or fire department and company, dog mushers' association, outboard motor association,

1 or fishing derby or nonprofit trade association in the state, that operates without profits to its
2 members and that has been in existence continually for a period of three years immediately
3 before applying for a license; the organization may be a firm, corporation, company, association,
4 or partnership,

5 * Sec. 4. AS 08.01.087(b) is amended to read:

6 (b) If it appears to the commissioner that a person has engaged in or is about to engage
7 in an act or practice in violation of a provision of this chapter or a regulation adopted under it,
8 or a provision of AS 43.70, or a provision of this title or regulation adopted under this title
9 dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the
10 commissioner considers it in the public interest, and after notification of a proposed order or
11 action by telephone, [OR] telegraph, or facsimile to all board members, if a board regulates the
12 act or practice involved, unless a majority of the members of the board object within 10 days,

13 (1) issue an order directing the person to stop the act or practice; however,
14 reasonable notice of and an opportunity for a hearing must first be given to the person, except
15 that the commissioner may issue a temporary order before a hearing is held; a temporary order
16 remains in effect until a final order affirming, modifying, or reversing the temporary order is
17 issued or until 15 days after the person receives the notice and has not requested a hearing by
18 that time; a temporary order becomes final if the person to whom the notice is addressed does
19 not request a hearing within 15 days after receiving the notice; the commissioner or the
20 commissioner's designee shall be the hearing officer at the hearing and shall issue a final order
21 within 10 days after the hearing;

22 (2) bring an action in the superior court to enjoin the acts or practices and to
23 enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or
24 with a provision of this title or regulation adopted under this title dealing with business licenses
25 or an occupation or board listed in AS 08.01.010;

26 (3) examine or have examined the books and records of a person whose business
27 activities require a business license or licensure by a board listed in AS 08.01.010, or whose
28 occupation is listed in AS 08.01.010; the commissioner may require the person to pay the
29 reasonable costs of the examination; and

30 (4) issue subpoenas for the attendance of witnesses, and the production of books,
31 records, and other documents.

1 * Sec. 5. AS 08.20.025 is amended to read:

2 Sec. 08.20.025. REMOVAL OF BOARD MEMBERS. A member of the board may be
3 removed from office by the governor for cause. [THE BOARD MAY BY REGULATION
4 PROVIDE THAT UNEXCUSED ABSENCES FROM MEETINGS CONSTITUTE CAUSE FOR
5 REMOVAL.]

6 * Sec. 6. AS 08.70.055 is amended to read:

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

11 * Sec. 7. AS 08.80.105 is amended to read:

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

16 * Sec. 8. AS 08.88.037(b) is amended to read:

17 (b) If it appears to the department that a person has engaged in or is about to engage in
18 an act or practice in violation of a provision of this chapter or a regulation adopted under it and
19 that action is warranted in the public interest, the department shall notify all commission
20 members by telephone, [OR] telegraph, or facsimile of a proposed order or action, and, if a
21 majority of the members of the commission approve, the department may

22 (1) after reasonable notice of and an opportunity for a hearing is given to the
23 person, issue an order directing the person to stop the act or practice; the department may issue
24 a temporary order before a hearing is held; a temporary order remains in effect until a final order
25 affirming, modifying, or reversing the temporary order is issued or until 15 days have elapsed
26 after the person receives the notice and has not requested a hearing; a temporary order becomes
27 final if the person to whom the notice is addressed does not request a hearing within 15 days
28 after receiving the notice; if a hearing is requested, a hearing shall be conducted by a hearing
29 officer within 30 days; the commission shall issue a final order within 10 days after the hearing;

30 (2) bring an action in superior court to enjoin the act or practice and to enforce
31 compliance with this chapter, a regulation adopted under it, or an order issued under it;

1 (3) examine or have examined the books and records of a person whose business
2 activities require licensure under this chapter and the department may require the person to pay
3 the reasonable costs of the examination; and

4 (4) issue subpoenas for the attendance of witnesses, and the production of books,
5 records, and other documents.

6 * Sec. 9. AS 09.55.548(a) is amended to read:

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

18 * Sec. 10. AS 10.25.040 is amended to read:

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

26 * Sec. 11. AS 12.25.030(b) is amended to read:

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

30 (1) AS 11.56.740; or

31 (2) AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an ordinance with

1 elements substantially similar to the elements of a crime under AS 11.41, AS 11.46.330, or
2 AS 11.61.120, when the victim is a spouse or former spouse of the person who committed the
3 crime; a parent, grandparent, child, or grandchild of the person who committed the crime; a
4 member of the social unit comprised of those living together in the same dwelling as the person
5 who committed the crime; or another person who is not a spouse or former spouse of the person
6 who committed the crime but who previously lived in a spousal relationship with the person who
7 committed the crime or is in or has been in a dating, courtship, or engagement relationship
8 with the person who committed the crime.

9 * Sec. 12. AS 14.07.058(d) is amended to read:

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

17 * Sec. 13. AS 14.30.410(b) is amended to read:

18 (b) The department shall adopt regulations for the determination of entitlement and the
19 distribution of bilingual-bicultural funds to city and borough school districts and regional
20 educational attendance areas [AND THE STATEWIDE CENTER].

21 * Sec. 14. AS 14.48.080(b) is amended to read:

22 (b) An applicant for an agent's permit shall be an individual of good reputation and
23 character and shall represent only a postsecondary educational institution or institutions that
24 [WHICH] meet the minimum standards established in AS 14.48.060 [THIS SECTION] and the
25 criteria established under AS 14.48.050(1).

26 * Sec. 15. AS 14.48.130(c) is amended to read:

27 (c) If, upon the evidence at a hearing, the commission finds that a postsecondary
28 educational institution or its agent, or both, has engaged in or is engaging in, an act or practice
29 which violates this chapter or the regulations adopted under this chapter the commission shall
30 serve upon the institution or agent or both, an order requiring the institution or agent or both to
31 cease and desist from the act or practice. If the commission finds that the complainant, or class

1 of complainants, has suffered loss or damage as a result of the act or practice, the commission
2 may also award the complainant, or class of complainants, full or partial restitution for the
3 damage or loss and may impose the penalties provided for in AS 14.48.190 [AS 14.48.180]. The
4 commission may also, based on its own investigation and the evidence adduced at the hearing,
5 begin an action to revoke an institution's authorization to operate or an agent's permit.

6 * Sec. 16. AS 15.20.470 is amended to read:

7 Sec. 15.20.470. REQUIREMENT OF NOTICE. The director shall give the candidate or
8 designated chairman signing the application, the two or more persons appointed to represent the
9 applicant during the recount, and other directly interested parties, notice of the time and place
10 of the recount by certified mail, [BY] telegraph, [OR BY] telephone, or facsimile.

11 * Sec. 17. AS 15.25.130 is amended to read:

12 Sec. 15.25.130. SELECTION OF NOMINEES FOR PARTY PETITION. The nominees
13 of political parties by party petition may be selected for statewide offices by the party central
14 committee or in any other manner prescribed by the party bylaws, and the petition for statewide
15 offices shall be signed by the chairman of the central committee, or in the absence of the
16 chairman, by any two members of the committee. The nominees of political parties by party
17 petition may be selected for district-wide offices by the respective party district committee or in
18 any other manner prescribed by the party bylaws, and the petition for district-wide offices shall
19 be signed by the chairman of the party district committee, or in the absence of the chairman, by
20 any two members of the party committee, or in any other manner prescribed by the party bylaws.
21 The petition may be delivered in person, or by mail, [OR BY] telegraph, or facsimile.

22 * Sec. 18. AS 16.05.330(a) is amended to read:

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

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

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

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

28 (4) [IN] taxidermy [, WITHOUT HAVING THE APPROPRIATE LICENSE OR

29 TAG IN ACTUAL POSSESSION].

30 * Sec. 19. AS 16.05.420(b) is amended to read:

31 (b) Except as provided in AS 16.05.408(b), a [A] person who knowingly makes a false

1 statement, or knowingly omits a material fact, in an application for a license, tag, or permit
2 issued under AS 16.05.330 - 16.05.430 is guilty of unsworn falsification under AS 11.56.210.

3 * Sec. 20. AS 16.05.940(8) is amended to read:

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

6 * Sec. 21. AS 16.10.030 is amended to read:

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

11 * Sec. 22. AS 18.20.075(a) is amended to read:

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

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

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

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

22 * Sec. 23. AS 18.35.120 is amended to read:

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

29 * Sec. 24. AS 18.45.020 is amended to read:

30 Sec. 18.45.020. UNITED STATES LICENSES OR PERMITS REQUIRED. A person
31 may not manufacture, construct, produce, transfer, acquire, or possess a special nuclear material,

1 by-product material, production facility, or utilization facility, or act as an operator of a
2 production or utilization facility wholly within the state without first obtaining a license or permit
3 for the activity in which the person proposes to engage from the Nuclear Regulatory [UNITED
4 STATES ATOMIC ENERGY] Commission if the commission requires a license or permit to be
5 obtained by persons proposing to engage in the activities.

6 * Sec. 25. AS 18.45.900(7) is amended to read:

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

12 * Sec. 26. AS 18.60.210(a)(2) is amended to read:

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

15 * Sec. 27. AS 18.60.370 is amended to read:

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

25 * Sec. 28. AS 18.60.590(b) is amended to read:

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

30 * Sec. 29. AS 18.60.735 is amended to read:

31 Sec. 18.60.735. BOROUGH OR CITY REGULATION. AS 18.60.705 - 18.60.740 do

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

7 * Sec. 30. AS 18.67.020(d) is amended to read:

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

11 * Sec. 31. AS 18.85.100(a) is amended to read:

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

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

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

22 * Sec. 32. AS 21.36.360(j) is amended to read:

23 (j) A criminal insurance act is committed by a person in this state who acts as an
24 insurance agent, broker, solicitor, or adjuster without being licensed by the director. A criminal
25 insurance act is committed by an agent, broker, or solicitor who solicits or takes application for,
26 procures, or places for others any insurance for which the person is not licensed or for which the
27 license of the person has been suspended or revoked. This subsection does not apply to a person
28 described in AS 21.90.910 [AS 21.27.520] or to a person securing and forwarding information
29 required for the purpose of a group insurance covering the unpaid balance or remaining payments
30 proposed to be made in connection with the purchase of merchandise or services if no
31 commission or other compensation is payable on account of the insurance to the person.

1 * Sec. 33. AS 21.78.100(b) is amended to read:

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

6 * Sec. 34. AS 21.80.180(5) is amended to read:

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

11 (A) writes insurance to which this chapter applies under AS 21.80.020

12 including the exchange of reciprocal or interinsurance contracts; [,] and

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

14 * Sec. 35. AS 27.21.210 is amended to read:

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

24 * Sec. 36. AS 28.10.431(b)(9) is amended to read:

25 (9) vehicles 40

26 eligible for

27 dealer plates under

28 [SPECIFIED IN]

29 AS 28.10.421(d)(10).

30 * Sec. 37. AS 34.50.020(b) is amended to read:

31 (b) A state agency or its agents, including a person working in or responsible for the

1 operation of a foster, receiving, or detention home, or children's institution, is not liable under
2 (a) of this section for the acts of unemancipated minors in its charge or custody.

3 * Sec. 38. AS 38.05.965(22) is amended to read:

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

7 * Sec. 39. AS 38.05.965 is amended by adding a new paragraph to read:

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

9 * Sec. 40. AS 44.81.250(c) is amended to read:

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

19 * Sec. 41. AS 14.11.135(2), 14.11.135(4); AS 14.17.250(3), 14.17.250(8); AS 14.30.350³(~~8~~);
20 AS 16.05.050(19); AS 18.31.500(3); AS 18.35.230(3); AS 18.55.950(5), 18.55.950(9); AS 18.60.775;
21 and AS 26.05.040 are repealed.

22 * Sec. 42. This Act takes effect immediately under AS 01.10.070(c).