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**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

BILL NUMBER: SB 86
 ABBREVIATED TITLE: Revisor of Statutes Bill
 SPONSER: Leg Council ORIGINAL RECEIVED: 1-26-91 LB
 WRITTEN REQUEST TO SCHEDULE REC'D: _____ FROM: _____
 SPONSER'S STATEMENT REC'D: _____ FROM: _____
 SECTIONAL ANALYSIS RQST'D: _____ FROM: _____
 SECTIONAL ANALYSIS RECEIVED: _____
 FISCAL NOTE (ORIGINAL)
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 FISCAL NOTE (C.S.)
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 FIVE DAY NOTICE GIVEN: 3/7/91 NOTICE OF HEARINGS GIVEN: _____
 COMMITTEES OF REFERRAL: FIRST: Jud SECOND: _____ THIRD: _____

COMMITTEE ACTION

DATE: 3-14 Hear 3-21 Scheduled - then cancelled.
4-4-91 Next Hearing - Sec 8 Deleted - Balance
Passed on 2nd Rec. - Amended - No Rec.
Roller Do Pass - Frank; Callum; Adams - No Rec.
Withdrawn to Sen Sec. 4-8-91 LB.

PERSONS TO BE NOTIFIED OF HEARING Deaftun Deindoff
2450

1. SPONSOR leg Affairs -
2. AGENCY _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

*P.O. Box Y, Juneau, Alaska 99811
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*Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101*

MEMORANDUM

April 5, 1991

SUBJECT: CSSB 86(Judiciary) (W.O. 7-LS0444\D)

TO: Senator Rick Halford
Chair, Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is CSSB 86(Judiciary). Because the only change was the deletion of sec. 8 from SB 86, I did not prepare a new sectional analysis. You may wish to inform your colleagues that the sectional prepared for SB 86, and published as Senate Journal Supplement No. 2 on January 25, 1991, may still be used with CSSB 86(Judiciary). Simply ignore the discussion of sec. 8, and treat the discussion of bill secs. 9 - 39 as dealing with secs. 8 - 38 of the CS.

DRD:mi
91-067.mai

Enclosure

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MEMORANDUM

February 21, 1991

SUBJECT: Amendment for SB 86 (1991 Revisor's Bill)

TO: Senator Rick Halford
Attn: Doug Baily

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is an amendment for SB 86, the revisor's bill, and a sectional analysis of that amendment. The amendment represents additional material that has come to my attention during the past two months. Although I anticipate the discovery or arrival of even more, I think that it would be prudent to begin the hearings process and start the bill moving. We can always add additional material in the House.

Consequently, I would appreciate it if you would set a time for the first hearing on SB 86, at which time I assume a subcommittee will be appointed. As always, I look forward to working with you and your staff.

If it would be easier for you and the committee, I would be happy to prepare a draft CS that incorporates the amendment.

DRD:gc
91-086.glc

Enclosure

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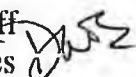
*Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101*

MEMORANDUM

February 21, 1991

SUBJECT: Amendment A.1, SB 86 - Sectional Analysis

TO: Senator Rick Halford
Chair, Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

SECTIONAL ANALYSIS - AMENDMENT A.1, SB 86

Sec. 11. This amendment corrects a long-standing error in the definition of edible meat for the fish and game code. The error was brought to our attention by a staff biologist in the division of wildlife conservation.

Sec. 12. This amendment corrects three erroneous references in one of the provisions of the law regulating outdoor advertising along highways. The errors date back to the 1968 enactment of the provision. The reference should only be to those laws regulating outdoor advertising, not to the entire chapter (AS 19.25), because the chapter includes provisions relating to the use of highway rights-of-way for utilities, and to encroachments, all of which have their own remedy provisions.

Secs. 16 - 18. These sections correct erroneous internal references in AS 21.18.110, the standard valuation law for life insurance. The errors are the result of oversights when converting a model Act for use in the Alaska Statutes. All of the corrections have been reviewed by the division of insurance.

Secs. 20 and 21. These sections delete references to dates that are no longer relevant to a reading of the law.

Senator Rick Halford
February 21, 1991
Page 2

Additional Repealers. Finally, several additional provisions are proposed for repeal. AS 02.15.260(14), AS 05.15.210(21), AS 05.35.070(4), AS 21.75.340, and AS 46.03.-900(16) are all definitions of "municipality" that are redundant to the definition at AS 01.10.060 for all Alaska Statutes. AS 14.36.070(1) defines a word that is not used in AS 14.36. AS 14.36.070(2) and 14.36.070(4) define terms that are defined for AS 14 in AS 14.60.010.

If I may be of further assistance, please advise.

DRD:gc
91-087.glc

A M E N D M E N T

OFFERED IN THE SENATE JUDICIARY COMMITTEE

TO: SB 86

Page 4, following line 31:

Insert new bill sections to read:

**** Sec. 11.** AS 16.30.030(3) is amended to read:

(3) "edible meat" means, in the case of big game animals, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of [JUNCTURE OF THE HUMERUS AND] the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and that portion of the animal between the front and hindquarters; in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include

(A) meat of the head;

(B) meat that has been damaged and made inedible by the method of taking;

(C) bones, sinew, and incidental meat reasonably lost as a result of boning or a close trimming of the bones;

(D) viscera;

*** Sec. 12.** AS 19.25.150 is amended to read:

Sec. 19.25.150. UNLAWFUL ADVERTISING. An advertising sign, display, or device which violates the provisions of AS 19.25.080 - 19.25.180 [THIS CHAPTER] is a public nuisance. The department shall give 30 days' notice, by certified mail, to the owner of the land on which the advertising sign, display, or device is located, ordering its removal if it is prohibited by AS 19.25.080 - 19.25.180 [THIS CHAPTER] or ordering the owner to cause it to conform to regulations if it is authorized by AS 19.25.080 - 19.25.180 [THIS CHAPTER]. If the owner of the property fails to comply within 30 days as required in the notice, the department shall remove the outdoor advertising sign, display, or device at the expense of the owner of the land or the person who erected it."

Renumber the following bill sections accordingly.

Page 5, following line 28:

Insert new bill sections to read:

**** Sec. 16.** AS 21.18.110(b)(5) is amended to read:

(5) If in any contract year the gross premium charged by a life insurer on a policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve on the policy or contract but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for that policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for the policy or contract, or the reserve calculated by the method actually used for the policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. In this paragraph, the minimum valuation standards of mortality and rate of interest are those standards referred to in (b) and (c) [(C)] of this section [PARAGRAPH]. Notwithstanding this paragraph, for a life insurance policy issued on or after January 1, 1987 for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for the excess premium and which provides an endowment benefit or a cash surrender value or a combination of these in an amount greater than the excess premium the provisions of this paragraph shall be applied as if the method used in calculating the reserve for such a policy were based on a net one-year term premium for the benefits provided for in the first policy year [THE METHOD DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, IGNORING THE SECOND PARAGRAPH OF PARAGRAPH (2) OF THIS SUBSECTION]. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated under (2)(B) of this subsection [IN ACCORDANCE WITH PARAGRAPH (2), INCLUDING THE SECOND PARAGRAPH OF THAT PARAGRAPH], and the minimum reserve calculated under [IN ACCORDANCE WITH] this paragraph.

*** Sec. 17.** AS 21.18.110(b)(8) is amended to read:

(8) This paragraph [SECTION] applies to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a

partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement annuities under 26 U.S.C. 408 (Internal Revenue Code), as amended. Reserves according to the commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in those contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by those contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable before the end of that respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of those contracts to determine nonforfeiture values.

* **Sec. 18.** AS 21.18.110(e) is amended to read:

(e) Notwithstanding (d) [(2)] of this section [SUBSECTION], if the calendar year statutory valuation interest rate for a life insurance policy differs from the corresponding actual rate for a similar policy issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for the life insurance policy shall be equal to the corresponding actual rate for the immediately preceding calendar year. For the purpose of this paragraph, the calendar year statutory valuation interest rate shall be determined for 1980 using the reference interest rate defined for 1979 and shall be determined for each following calendar year regardless of the operative date under AS 21.45.300(w) [WHEN SUBSECTION (w) OF THE STANDARD NONFORFEITURE LAW FOR LIFE INSURANCE BECOMES OPERATIVE]."

Renumber the following bill sections accordingly.

Page 6, following line 1:

Insert new bill sections to read:

** **Sec. 20.** AS 21.66.370(f) is amended to read:

(f) A [BEGINNING NOVEMBER 12, 1974, A] title insurance company or agent of a title insurance company may not charge a rate for a policy or contract of title insurance except in accordance with filings or rates which are in effect for the title insurance company as provided

in this chapter.

* **Sec. 21.** AS 21.75.300(a) is amended to read:

(a) The [WITHIN SIX MONTHS OF JULY 13, 1978, THE] director shall, by regulation, provide a general plan for the implementation of cooperative insurance coverage limited to the risks defined in AS 21.75.330."

Renumber the following bill sections accordingly.

Page 13, line 11, after "* **Sec. 38.**":

Insert "AS 02.15.260(14); AS 05.15.210(21); AS 05.35.070(4); AS 14.36.070(1), 14.36.070(2), and 14.36.070(4); AS 21.75.340;"

Page 13, line 12, after "AS 46.03.314":

Insert "and 46.03.900(16)"

SENATE BILL NO. 86

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 1/25/91
 Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 01.10.040 is amended by adding a new subsection to read:

5 (b) When the words "includes" or "including" are used in a law, they shall be construed
 6 as though followed by the phrase "but not limited to."

7 * Sec. 2. AS 08.04.120 is amended to read:

8 Sec. 08.04.120. EDUCATIONAL AND EXPERIENCE REQUIREMENTS. An applicant
 9 shall meet the following requirements of education and experience: [.]

10 (1) the [REPEALED

11 (2) AFTER APRIL 26, 1965, THE] educational requirement is (A) satisfactory
 12 completion of two years of study at one or more colleges or universities recognized by the board,
 13 or (B) graduation from a junior or community college in Alaska or otherwise recognized by the
 14 board, or (C) the substantial equivalent of (A) or (B) of this paragraph; the [. THE] experience

1 requirement is four years of accounting experience satisfactory to the board; [.]

2 (2) [(3) AFTER APRIL 26, 1960,] the education and experience requirements may
3 also be satisfied by

4 (A) the satisfactory completion of four years of study with a
5 nonaccounting major at one or more colleges or universities recognized by the board, and
6 three years of accounting experience satisfactory to the board; [.] or

7 (B) the satisfactory completion of four years of study with an accounting
8 major at one or more colleges or universities recognized by the board, and two years of
9 accounting experience satisfactory to the board.

10 * Sec. 3. AS 08.84.065(a) is amended to read:

11 (a) The board may issue a nonrenewable temporary permit to an applicant for licensure
12 by acceptance of credentials or by examination who

13 (1) meets the requirements of

14 (A) AS 08.84.030(a)(1) or (b)(1); or

15 (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (3); [AS 08.84.030(2) ANL
16 08.84.032(2) AND (4)] and

17 (2) pays the required fee.

18 * Sec. 4. AS 08.88.460(a) is amended to read:

19 (a) A person seeking reimbursement for a loss suffered in a transaction as a result of
20 fraud, misrepresentation, deceit, or the conversion of trust funds on the part of a real estate
21 broker, associate real estate broker, or real estate salesman licensed under this chapter shall make
22 a claim to the commission for reimbursement on a form furnished by the commission. The form
23 shall be executed under penalty of unsworn falsification [PERJURY], and must
24 [INFORMATION REQUIRED TO BE SUPPLIED SHALL] include the following:

25 (1) the name and address of the real estate broker, associate real estate broker,
26 or real estate salesman;

27 (2) the amount of the alleged loss;

28 (3) the date or period of time during which the alleged loss occurred;

29 (4) the date upon which the alleged loss was discovered;

30 (5) the name and address of the claimant; and [OR]

31 (6) a [THE] general statement of facts relative to the claim [CLAIMANT].

1 * Sec. 5. AS 09.35.060 is amended to read:

2 Sec. 09.35.060. EXECUTION AFTER DEATH OF JUDGMENT DEBTOR. If the
3 judgment debtor dies after judgment, execution may be issued on the judgment in the manner and
4 with the effect as if the debtor were still living, except as provided in AS 13.16.505 [EXCEPT
5 THAT NO ACTION MAY BE TAKEN WITHIN SIX MONTHS FROM THE GRANTING OF
6 LETTERS TESTAMENTARY OR OF ADMINISTRATION UPON THE ESTATE OF THE
7 DECEASED WITHOUT LEAVE OF THE COURT HAVING JURISDICTION OVER THE
8 PROBATE OF THE ESTATE].

9 * Sec. 6. AS 12.30.030(b) is amended to read:

10 (b) When a court denies a motion under (a) of this section or conditions of release have
11 been imposed by the court having original jurisdiction over the offense, an appeal may be taken
12 to the court having appellate jurisdiction over the court denying the motion or imposing the
13 conditions subject to the applicable court rules [OF THE SUPREME COURT OF ALASKA,
14 AND THE DISTRICT COURT RULES OF CRIMINAL PROCEDURE]. The order of the lower
15 court shall be affirmed unless it is found that the lower court abused its discretion. If it is held
16 that the lower court did abuse its discretion, the appellate court may modify, vacate, set aside,
17 reverse, remand the action for further proceeding, or remand the action directing entry of the
18 appropriate order, which may include ordering the person to be released under AS 12.30.020(a).
19 The appeal shall be determined promptly.

20 * Sec. 7. AS 12.55.155(d)(6) is amended to read:

21 (6) in a conviction for assault under AS 11.41.200 - 11.41.220 [11.41.230], the
22 defendant acted with serious provocation from the victim;

23 * Sec. 8. AS 16.05.221 is amended to read:

24 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes of the
25 conservation and development of the fishery resources of the state, there is created the Board of
26 Fisheries composed of seven members appointed by the governor, subject to confirmation by a
27 majority of the members of the legislature in joint session. The appointed members shall be
28 residents of the state and shall be appointed without regard to political affiliation or geographical
29 location of residence. The commissioner is not a member of the Board of Fisheries, but shall
30 be ex officio secretary. Members serve staggered terms of three years.

31 (b) For purposes of the conservation and development of the game resources of the state,

*If we put this in AS 39, it will
support the claims of several SB 86
of course*

1 there is created a Board of Game composed of seven members appointed by the governor, subject
2 to confirmation by a majority of the members of the legislature in joint session. The appointed
3 members shall be residents of the state, and shall be appointed without regard to political
4 affiliation or geographical location of residence. The commissioner is not a member of the Board
5 of Game, but shall be ex officio secretary. Members serve staggered terms of three years.

6 * Sec. 9. AS 16.05.340(a)(17) is amended to read:

7 (17) Waterfowl conservation tag 5

8 (A) A person may not engage in waterfowl hunting without having the
9 current year's waterfowl tag in the person's actual possession, unless that person

10 (i) qualifies for a \$5 license fee under (6) of this subsection;

11 (ii) is a resident under the age of 16;

12 (iii) is 60 years of age or older and is [HAS BEEN] a resident
13 [FOR AT LEAST ONE YEAR];

14 (iv) is a disabled veteran eligible for a free license under
15 AS 16.05.341.

16 (B) The Board of Game shall by regulation exempt the requirement of a
17 waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit
18 from programs described in AS 16.05.130(b)(2) - (4).

19 * Sec. 10. AS 16.05.450 is amended to read:

20 Sec. 16.05.450. ISSUANCE OF LICENSES. (a) The commissioner or an authorized
21 agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who
22 files a written application at a place in the state designated by the commissioner, containing the
23 reasonable information required by the commissioner together with the required fee. The
24 application shall be simple in form and shall be executed by the applicant under the penalty of
25 unsworn falsification [PERJURY].

26 (b) The Commercial Fisheries Entry Commission shall issue a vessel license under
27 AS 16.05.490 to each qualified vessel for which a written application has been filed, at a place
28 in the state designated by the commission, containing the reasonable information required by the
29 commission together with the required fee. The application shall be simple in form and shall be
30 executed by the applicant under the penalty of unsworn falsification [PERJURY].

31 (c) Repealed

1 * Sec. 11. AS 21.09.070(c) is amended to read:

2 (c) After January 1, 1992 [JUNE 30, 1991], an insurer may not renew and continue its
3 certificate of authority unless the insurer possesses at least the basic capital or basic surplus, and
4 additional surplus required under this section.

5 * Sec. 12. AS 21.09.080(a) is amended to read:

6 (a) In order for a domestic insurer to renew and continue the insurer's certificate of
7 authority after January 1, 1992 [JUNE 30, 1991], the insurer must possess at least the basic
8 capital, basic guarantee surplus, and additional maintained surplus required under
9 AS 21.09.070(a).

10 * Sec. 13. AS 21.12.020(c) is amended to read:

11 (c) A reduction from liability, for reinsurance ceded to an assuming insurer not meeting
12 the requirements of (a) of this section, shall be allowed in an amount not exceeding the liabilities
13 carried by the ceding insurer. The reduction shall be equal to the amount of money held by or
14 on behalf of the ceding insurer, including money held in trust for the ceding insurer, under a
15 reinsurance contract with the assuming insurer as security for the payment of obligations under
16 it, if [. IF] the security is held in the United States subject to withdrawal solely by, and under
17 the exclusive control of, the ceding insurer, or in the case of a trust, held in a qualified United
18 States financial institution. The [, THE] security must be in the form of

19 (1) cash;

20 (2) securities listed by the Securities Valuation Office of the National Association
21 of Insurance Commissioners that qualify as admitted assets under AS 21.21;

22 (3) clean, irrevocable, unconditional letters of credit issued or confirmed by a
23 qualified United States financial institution; letters of credit meeting applicable standards of issuer
24 acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing
25 or confirming institution's subsequent failure to meet applicable standards of issuer acceptability,
26 continue to be acceptable as security until their expiration, extension, renewal, modification, or
27 amendment, whichever occurs first; or

28 (4) other security acceptable to and approved in advance by the director.

29 * Sec. 14. AS 21.33.021(e) is amended to read:

30 (e) A plaintiff or complainant is not entitled to a judgment by default in an action, suit
31 or proceeding in which the process is served under this section unless there is compliance with

1 the Rules of Civil Procedure governing default judgments.

2 * Sec. 15. AS 28.10.161(a) is amended to read:

3 (a) The [EXCEPT AS PROVIDED IN AS 28.10.181(I), THE] department, upon
4 registering a vehicle, shall issue the owner one fully reflectorized registration plate for a trailer
5 or a motorcycle and two fully reflectorized registration plates for every other vehicle. Except
6 as specifically provided in AS 28.10.181, the plate or plates must remain with the vehicle as long
7 as the vehicle is subject to registration under this chapter.

8 * Sec. 16. AS 28.35.035(c) is amended to read:

9 (c) If a chemical test is administered to a person under (a) or (b) of this section, that
10 person is not subject to the penalties for refusal to submit to a chemical test provided by
11 AS 28.35.032 [AND 28.35.034].

12 * Sec. 17. AS 29.20.170 is amended to read:

13 Sec. 29.20.170. VACANCIES. The governing body may provide by ordinance the
14 manner in which a vacancy occurs in any elected office except the office of mayor or school
15 board member. Unless otherwise provided by ordinance, the governing body shall declare an
16 elective office, other than the office of mayor or school board member, vacant when the person
17 elected

18 (1) fails to qualify or take office within 30 days after election or appointment;

19 (2) is physically absent from the municipality for 90 consecutive days unless
20 excused by the governing body;

21 (3) resigns and the resignation is accepted;

22 (4) is physically or mentally unable to perform the duties of office as determined
23 by two-thirds vote of the governing body;

24 (5) is convicted of a felony or of an offense involving a violation of the oath of
25 office;

26 (6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds
27 of the members of the governing body concur in expelling the person elected;

28 (7) is convicted of a violation of AS 15.13;

29 (8) no longer physically resides in the municipality and the governing body by
30 two-thirds vote declares the seat vacant; this paragraph does not apply to a member of the
31 governing body who forfeits office under AS 29.20.140(a); or

1 (9) if a member of the governing body, misses three consecutive regular meetings
2 and is not excused.

3 * Sec. 18. AS 29.35.050(a) is amended to read:

4 (a) Notwithstanding AS 29.35.200 - 29.35.220, a [A] municipality may by ordinance

5 (1) provide for the establishment, maintenance, and operation of a system of
6 garbage and solid waste collection and disposal for the entire municipality, or for districts or
7 portions of it;

8 (2) require all persons in the municipality or district to use the system and to
9 dispose of their garbage and solid waste as provided in the ordinance;

10 (3) award contracts for collection and disposal, or provide for the collection and
11 disposal of garbage and solid waste by municipal officials and employees;

12 (4) pay for garbage and solid waste collection and disposal from available money;

13 (5) require property owners or occupants of premises to use the garbage and solid
14 waste collection and disposal system provided by the municipality;

15 (6) fix charges against the property owners or occupants of premises for the
16 collection and disposal; and

17 (7) provide penalties for violations of the ordinances.

18 * Sec. 19. AS 29.35.210(a) is amended to read:

19 (a) A second class borough may by ordinance exercise the following powers on a
20 nonareawide basis:

21 (1) provide transportation systems;

22 (2) regulate the offering for sale, exposure for sale, sale, use, or explosion of
23 fireworks;

24 (3) license, impound, and dispose of animals;

25 (4) subject to AS 29.35.050, provide garbage, solid waste, and septic waste
26 collection and disposal;

27 (5) provide air pollution control in accordance with AS 46.03.140 - 46.03.230;

28 (6) provide water pollution control;

29 (7) participate in federal or state loan programs for housing rehabilitation and
30 improvement for energy conservation;

31 (8) provide for economic development;

1 (9) provide for the acquisition and construction of local service roads and trails
2 under AS 19.30.111 - 19.30.251;

3 (10) establish an emergency services communication center under AS 29.35.130;

4 (11) subject to AS 28.01.010, regulate the licensing and operation of motor
5 vehicles and operators;

6 (12) engage in activities authorized under AS 29.47.460.

7 * Sec. 20. AS 34.40.120 is amended to read:

8 Sec. 34.40.120. "LAND" AND "ESTATE AND INTEREST IN LAND" DEFINED. The
9 term "land" as used in this chapter [AS 34.40.010 AND 34.40.070 - 34.40.130,] shall be
10 construed as coextensive in meaning with "lands, tenements, and hereditaments," and the term
11 "estate and interest in land" shall be construed to embrace every interest, freehold, and chattel,
12 legal and equitable, present and future, vested and contingent in land as defined in this section.

13 * Sec. 21. AS 34.40.130 is amended to read:

14 Sec. 34.40.130. "CONVEYANCE" DEFINED. The term "conveyance," as used in this
15 chapter [AS 34.40.010 AND 34.40.070 - 34.40.130], shall be construed to embrace every
16 instrument in writing except a last will and testament, of whatever form and by whatever name
17 it may be known in law, by which an estate or interest in land [LANDS] is created, aliened,
18 assigned, or surrendered.

19 * Sec. 22. AS 34.60.150(2) is amended to read:

20 (2) "displaced person" means any person who [, ON OR AFTER JANUARY 2,
21 1971] moves from real property, or moves personal property from real property, as a result of
22 the acquisition of the real property, in whole or in part, or as a result of the written order of the
23 state agency to vacate real property, for a program or project undertaken by the state agency, and
24 solely for the purpose of AS 34.60.040(a) and 34.60.090, as a result of the acquisition of, or as
25 a result of the written order of a state agency to vacate other real property on which the person
26 conducts a business or farm operation for the program or project;

27 * Sec. 23. AS 43.20.014(a) is amended to read:

28 (a) A taxpayer is allowed as a credit against the tax due under this chapter 50 percent
29 of cash contributions accepted for direct instruction, research, and educational support purposes,
30 including library and museum acquisitions, by an accredited, nonprofit, public or private, Alaska,
31 two- or four-year, college, [OR] university, or university foundation. The credit may not

1 exceed the lesser of 10 percent of the amount of tax due under this chapter or \$100,000. A
2 contribution claimed as a credit under this section may not be claimed as a credit under another
3 provision of this title. A deduction is not allowed under 26 U.S.C. 170, if the credit provided by
4 this section is claimed.

5 * Sec. 24. AS 43.23.005(a) is amended to read:

6 (a) An individual is eligible to receive one permanent fund dividend each year in an
7 amount to be determined under AS 43.23.025 if the individual applies to the department, and if

8 (1) on the date of application the individual is a state resident;

9 (2) the individual was a state resident for a period of at least 12 [24] consecutive
10 months immediately preceding April 1 of the current dividend year; and

11 (3) the individual has been physically present in the state at some time during the
12 period beginning July 1 two years before the date of application and ending on the date of
13 application.

14 * Sec. 25. AS 43.23.015(b) is amended to read:

15 (b) The department shall prescribe and furnish an application form for claiming a
16 permanent fund dividend. The application must contain a statement of eligibility and a
17 certification of residency in substantially the following form:

18 I certify that

19 () I am a state resident on the date of this application, I have been a state resident for
20 at least 12 [24] months immediately preceding April 1 of the current dividend year, and I have
21 been physically present in the State of Alaska at some time during the period beginning July 1
22 two years before the date of application and ending on the date of this application; or

23 () (name), the individual on whose behalf I am applying, is a state resident on the date
24 of this application, has been a state resident for at least 12 [24] months immediately preceding
25 April 1 of the current dividend year, and has been physically present in the State of Alaska at
26 some time during the period beginning July 1 two years before the date of application and ending
27 on the date of this application. I understand that a false claim of eligibility to obtain a permanent
28 fund dividend for myself or for another is a criminal offense, that if convicted I will forfeit future
29 dividends, and that I must repay all dividends that have been paid to me. I understand that if I
30 wilfully misrepresent, exercise gross negligence, or recklessly disregard a material fact regarding
31 my eligibility for a permanent fund dividend I will forfeit the dividend, be subject to a civil fine

1 of up to \$5,000, and lose my eligibility for the next five dividends. I understand that these
2 penalties are in addition to any criminal penalties imposed.

3
4 _____
5 (signature of individual, parent,
6 guardian, or other authorized
7 representative)

8 * Sec. 26. AS 43.50.080(a) is amended to read:

9 (a) On or before the last day of each calendar month a licensee shall file with the
10 department a return, under penalty of unsworn falsification [PERJURY], for each place of
11 business. The return shall state the number of cigarettes manufactured, imported, or acquired by
12 the licensee during the preceding calendar month, and other information which the department
13 requires. If a licensee ceases to import or acquire cigarettes, the licensee shall immediately file
14 with the department a return for the period ending with the cessation.

15 * Sec. 27. AS 43.55.019(a) is amended to read:

16 (a) A producer of oil or gas is allowed as a credit against the tax due under
17 AS 43.55.011 - 43.55.150 50 percent of cash contributions accepted for direct instruction,
18 research, and educational support purposes, including library and museum acquisitions, by an
19 accredited, nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or
20 university foundation. The credit may only be applied against the tax liability accruing during
21 the month the contribution is made. The credit may not exceed the lesser of 10 percent of the
22 amount of tax due under AS 43.55.011 - 43.55.150 or \$10,000. A contribution claimed as a credit
23 under this section may not be claimed as a credit under another provision of this title.

24 * Sec. 28. AS 43.56.018(a) is amended to read:

25 (a) The owner of property taxable under this chapter is allowed as a credit against the
26 tax due under this chapter 50 percent of cash contributions accepted for direct instruction,
27 research, and educational support purposes, including library and museum acquisitions, by an
28 accredited, nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or
29 university foundation. The credit may only be applied against the tax liability accruing during
30 the month the contribution is made. The credit may not exceed the lesser of 10 percent of the
31 amount of tax due under this chapter or \$10,000. A contribution claimed as a credit under this
section may not be claimed as a credit under another provision of this title.

1 * Sec. 29. AS 43.65.018(a) is amended to read:

2 (a) A person engaged in the business of mining in the state is allowed as a credit against
3 the tax due under this chapter 50 percent of cash contributions accepted for direct instruction,
4 research, and educational support purposes, including library and museum acquisitions, by an
5 accredited, nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or
6 university foundation. The credit may not exceed the lesser of 10 percent of the amount of tax
7 due under this chapter or \$100,000. A contribution claimed as a credit under this section may not
8 be claimed as a credit under another provision of this title.

9 * Sec. 30. AS 43.65.020(a) is amended to read:

10 (a) A person subject to tax under this chapter shall make a return stating specifically the
11 items of gross income from the property, including royalty received and the deductions and
12 credits allowed by this chapter, and other information for carrying out this chapter that the
13 department prescribes. The return must show the mining license number and must be signed by
14 the taxpayer or an authorized agent of the taxpayer, under penalty of unsworn falsification
15 [PERJURY]. If receivers, trustees, or assigns are operating the property or business, they shall
16 make returns for the person engaged in mining, or the recipient of royalty in connection with
17 mining property. The tax due on the basis of the returns shall be collected in the same manner
18 as if collected from the person of whose business they have custody and control.

19 * Sec. 31. AS 43.75.018(a) is amended to read:

20 (a) A person engaged in a fisheries business is allowed as a credit against the tax due
21 under this chapter 50 percent of cash contributions accepted for direct instruction, research, and
22 educational support purposes, including library and museum acquisitions, by an accredited,
23 nonprofit, public or private, Alaska, two- or four-year, college, [OR] university, or university
24 foundation. The credit may not exceed the lesser of 10 percent of the amount of tax due under
25 this chapter or \$100,000. A contribution claimed as a credit under this section may not be
26 claimed as a credit under another provision of this title.

27 * Sec. 32. AS 43.75.030(a) is amended to read:

28 (a) A person subject to the tax shall file a return stating the value of fisheries resources
29 processed during the license year, computed as required by this chapter, and such other
30 information as the department prescribes by regulation. The return must show the license number
31 and must be signed by the taxpayer or an authorized agent, under penalty of unsworn

1 falsification [PERJURY]. If a receiver, trustee, or assign is operating the property or business,
2 that person shall file the return for the person. A tax due on the basis of such a return shall be
3 collected in the same manner as if collected from the person of whose business the receiver,
4 trustee, or assign has custody and control.

5 * Sec. 33. AS 43.75.110 is amended to read:

6 Sec. 43.75.110. DUTY OF TAXPAYER AND PAYMENT OF TAX. A person subject
7 to taxes under AS 43.75.100 shall make a return stating the value of fisheries resources taken,
8 purchased, or otherwise acquired during the license year for sale to fisheries businesses outside
9 of the taxing jurisdiction of the state computed as required by AS 43.75.100, and other
10 information to carry out the provisions of AS 43.75.100 as may be prescribed by the department.
11 The return must contain the license number and must be signed by the taxpayer or an authorized
12 agent, under penalty of unsworn falsification [PERJURY]. If a receiver, trustee, or assign is
13 operating the property or business, that person shall make the return for the person. A tax due
14 on the basis of such return shall be collected in the same manner as if collected from the person
15 of whose business the receiver, trustee, or assign has custody and control. The requirements for
16 time and place of payment of tax, and the obligation to keep records and make the records
17 available to the commissioner are the same as those prescribed in AS 43.75.011 - 43.75.050.

18 * Sec. 34. AS 44.33.270(a) is amended to read:

19 (a) The commissioner of commerce and economic development may sell or transfer at
20 par value or at a premium to a bank or other private purchaser for cash or other consideration
21 the mortgages and notes held by the department as security for loans made under AS 44.33.240 -
22 44.33.275 [THIS CHAPTER].

23 * Sec. 35. AS 46.03.313(b) is amended to read:

24 (b) The [BY JULY 1, 1986, THE] department shall adopt regulations that
25 (1) interpret and clarify the factors listed in (a) of this section; and
26 (2) establish procedures for processing, reviewing, and approving or disapproving
27 applications for the siting and operation of privately owned hazardous waste management
28 facilities.

29 * Sec. 36. AS 46.03.313(d) is amended to read:

30 (d) The department shall hold public hearings in each election district in which a
31 hazardous waste management facility site is proposed to be located. The department shall give

1 reasonable public notice of the time, date, and place of each public hearing at least 30 days
2 before the hearing. The public shall be afforded an opportunity at each hearing to submit written
3 and oral testimony concerning a potential site. [THE DEPARTMENT SHALL CONSIDER THE
4 TESTIMONY SUBMITTED AT PUBLIC HEARINGS WHEN IT PREPARES REPORTS
5 UNDER AS 46.03.314.]

6 * Sec. 37. AS 47.45.010(a) is amended to read:

7 (a) A person who is 65 years of age or over, who resides in the state for at least one
8 year [TWO YEARS] immediately preceding application for a longevity bonus under this chapter,
9 may apply to the commissioner of administration for qualification to receive a monthly bonus of
10 \$250.

11 * Sec. 38. AS 34.03.360(9); AS 34.65.100(1); AS 43.20.310 and 43.20.320; AS 43.23.005(e);
12 AS 46.03.314; and AS 47.45.010(d) are repealed.

13 * Sec. 39. This Act takes effect immediately under AS 01.10.070(c).

No more reports due

Hafford - Sec 8 - Terms of Board of Fish -

can delete sections - But can not add. Const Provision
one single subject "except revision bill."

any motion "must be" to delete entire section.