

ALASKA LEGISLATIVE COMMITTEE FILES 1903-1900 0072

3359 HJUD HB 485 - HB 493 235

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is peculiarly within the competence of the medical profession, and that the attending physicians should take into account, but need not necessarily follow, the wishes of the patient's family when the death by cardiac arrest of an irreversibly, terminally ill patient is expected imminently. Or the Alaska courts might first make the life-saving/life-sustaining distinction and then hold that the patient's informed consent is required and that a surrogate decisionmaker, whether a guardian or a non-guardian family member, may consent on behalf of the incompetent patient to the withholding of "life-sustaining," as opposed to "life-saving" medical treatment.

There is also the possibility, however, that the Alaska courts will refuse to make the distinction between "life-saving" and "life-sustaining" treatment, and hold that AS 13.26.150(e)(3) prohibits a guardian from consenting on behalf of the ward to the withholding of CPR treatment even in irreversible, terminal cases where death by cardiac arrest is expected imminently. They could further hold, by inference from that section, that no other surrogate decisionmaker may give effective consent for an incompetent patient, making the inference from the words of the statute that the legislature intended that nobody would have the right to withhold medical treatment from an incompetent dying patient. Conceivably, the courts could hold that a guardian has

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a positive duty to not only refrain from consenting to a "No Code" order, but to seek reversal of any such order, even one entered before his or her appointment as guardian.

The uncertainty regarding the potential impact of AS 13.26.150(e)(3) can be reduced in one of two ways. First, your association could seek legislation, either a specific amendment to the guardianship statute clarifying that AS 13.25.150(e)(3) does not preclude a guardian's consent to "No Code" orders in an appropriate case, or more general "Natural Death Act" legislation, providing for advance directives, or "living wills," to be made by patients while still competent, stating their preferences regarding life-sustaining treatment in the event they become irreversibly, terminally ill, and providing for legal effect to be given such directives. Such legislation should also spell out who is to decide, and the standards for their decisionmaking, whether to withhold CPR treatment in the case of irreversibly and terminally ill incompetent patients who have made no advance directives regarding their preferences.

Second, interpretation could be sought in the courts. The medical provider or the guardian could, in a proper case, bring a declaratory judgment action seeking a declaration either that the guardian is not precluded from consenting to an appropriate "No

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Code" order, or that such consent is unnecessary and the decision is to be left to the attending physicians guided by the wishes of the patient's family. Such a declaration is more likely to be granted if the health facility has clearly defined procedures and policies for determining when "No Code" is warranted, and can demonstrate to the court that adequate precautions have been taken to guard against inappropriate orders being entered. Several such health facility policies are included in Appendix I to the enclosed report of the President's Commission.

C. Principles of Liability

1. Potential liability for performing CPR

The potential for civil liability for entering or following a "No Code" order has not been addressed in Alaska. Virtually any type of medical treatment, including CPR, involves a touching of the patient's body. If performed without a valid, informed consent, it has been viewed as an intentional interference with the person--a battery. Note, Informed Consent and the Dying Patient, 83 Yale L.J. 1632 (1974). There is an "implied consent" exception in the case of emergencies, but consent will not be implied even in an emergency if the patient has previously stated that he would not consent. In Re Storar, 420 N.E.2d at 70. Accordingly, where a competent patient makes an informed decision

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to exercise his or her constitutional or common law right to refuse treatment, the physician may be liable for an unpermitted touching of the patient if he applies CPR. The "No Code" order merely implements the patient's decision.

In other jurisdictions, as noted above, court approval of the withholding of treatment has often been framed as approval of a surrogate's exercise of the patient's right to refuse treatment. Since it is not clear in Alaska the extent to which, if any, either a guardian or a family member who has not been appointed as guardian may legally exercise an incompetent patient's right to refuse treatment, it is not clear whether a physician could be held liable for performing CPR when the surrogate has consented to "No Code," or has attempted to exercise the patient's right to refuse treatment.

It is at least possible, however, that an Alaska court would hold a physician liable for refusing to honor the refusal of a patient or a patient's surrogate to consent to CPR treatment, or for refusal to honor an advance directive of an incompetent patient, made while previously competent, and contained in a "living will" or other such document, directing that such treatment should not be administered should the patient's condition become hopeless. In addition to the possibility of liability for an unconsented

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touching, the physician may be liable for negligence if he or she performs CPR, or allows it to be performed, on a patient for whom such treatment is futile, and is contra-indicated under current medical standards.

## 2. Potential Liability for Not Performing CPR

Just as a physician can be liable for negligently performing CPR, he or she can be liable for negligently failing to perform CPR. Whenever a physician in good faith decides that a particular treatment is not called for, there is a risk that in some subsequent litigation the omission will be found to be negligent. If, for example, a physician negligently misdiagnoses a patient's illness as terminal and irreversible, and enters a "No Code" order based on that misdiagnosis, the patient's death due to cardiac arrest might be actionable. A physician who has undertaken to render medical services violates his duty of care if he abandons his patient or fails to take the steps called for by good medical practice. W. Prosser, Torts, Sec. 56 (4th Ed. 1971).

Even where "No Code" is medically indicated, however, failure to obtain informed consent to that course of treatment may itself be negligence. The usual rule in treatment situations which involve

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a touching of the patient is that failure to obtain informed consent may itself be negligence. Cobbs v. Grant, 502 P.2d 1, 8 (Cal. 1972); Poulin v. Zartman, 542 P.2d 251, 274 (Alaska 1974). There is some dispute within the medical community, as discussed above, whether it is necessary to obtain informed consent to a course of treatment involving omissions (of CPR attempts) rather than actions. Since at least some courts have held that the informed consent doctrine, which requires explanation of the treatment options and associated risks, is applicable even where the option eventually taken is no treatment, Truman v. Thomas, 611 P.2d 902 (Cal. 1980), and since the President's Commission has taken the position that the physician usually has a duty to obtain informed consent to a "No Code" order (at least where the discussion necessary to obtain such consent is not itself likely to unnecessarily harm the patient), the mere fact that "No Code" does not involve a touching may not automatically insulate a physician from liability for failure to obtain informed consent to that course of treatment. Even though it is perhaps possible that a court would find informed consent from the guardian or family to be inadequate, due to lack of authority to give such consent (effectively ruling that "No Code" orders for incompetent patients are impermissible and automatically constitute negligence), the risk of liability is considerably more substantial when no informed consent has been obtained from an incompetent patient's family or guardian.

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ADVISE

To minimize the risk of liability for entering a "No Code" order, a physician would never even enter such an order for an incompetent patient. That course of action, however, risks liability for negligently applying "Code" treatment when such treatment was medically contra-indicated. To minimize the overall risk of liability, a "No Code" order should be entered for an incompetent patient if and only if the physician believes that "Code" is contra-indicated and the guardian or family of the patient, after having been informed of the available treatment alternatives, has consented to the "No Code" course of treatment. The standard for determining civil liability is not affected by whether prior court approval was sought.

"In any subsequent litigation, the standard for determining whether the treatment was called for remains the same after the event as before. Negligence cannot be based solely on failure to obtain prior court approval, if the approval would have been given."

In Re Spring, 405 N.E.2d at 122.

3. Potential liability of health care institutions

ADVISE

If the physician is acting as a hospital or nursing home employee, the institution is liable under the doctrine of respondeat superior for the physician's negligent acts occurring within the scope of employment. Hoover v. University of Chicago

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Hosps., 366 N.E.2d 925 (Ill. App. 1977). Where the physician is acting as an independent contractor, however, unless the patient is led to believe the physician is acting for the health facility, the facility will not usually be held vicariously liable for the physician's negligence. Haven v. Randolph, 342 F.Supp. 358 (D.D.C. 1972); Cooper v. Curry, 589 P.2d 201 (N.M. App. 1978).

Where an independent contractor attending physician gives direct and explicit orders to the health facility staff, the staff members, nurses and others involved in the patient's care are not authorized to determine for themselves what is a proper course of medical treatment. The facility would therefore not incur liability for its nurses carrying out the attending physician's negligent orders in a non-negligent manner.

The health facility may, however, have an independent duty to select, supervise, and review staff physicians, and to take action where an attending physician's order is not in accord with normal medical practice or otherwise inappropriate. Poor Sisters of St. Francis Seraph of the Perpetual Adoration, Inc. v. Catron, 435 N.E.2d 305 (Ind. App. 1982). This is another reason why each institution should have a well-developed pre-established procedure of consultation and review in "No Code" situations, so that all such orders are subject to peer approval and frequent review.

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In most jurisdictions, the "borrowed servant rule" is an exception to the respondeat superior doctrine so that a health facility would not be liable for the negligent acts of a staff employee, e.g., a nurse, acting at the direction of an independent contractor or physician. Instead, the borrowing master (the physician) but not the lending master (the facility) would be liable for the negligent acts of the borrowed servant (the nurse). In Alaska, however, the "borrowed servant" rule has been abolished. Kastner v. Toombs, 611 P.2d 62 (Alaska 1980). Both the borrowing and the lending masters are initially liable under respondeat superior for the negligent acts of the borrowed employee, leaving it to principles of indemnity and contribution to allocate distribution of the loss. Thus, both the health facility and the physician may be held liable, at least initially, if a nurse or a staff physician, for instance, negligently applies CPR when a "No Code" order has been entered, or negligently fails to initiate resuscitation when no such order has been entered.

#### 4. Potential Criminal Liability

There is little precedent regarding the possibility of criminal liability for implementing "No Code" orders, and what little there is suggests that the doctor will be protected if he acts on a good faith judgment that is not grievously unreasonable by

medical standards. In Re Spring, 405 N.E.2d at 121, citing Commonwealth v. Edelin, 359 N.E.2d at 4 (Mass. 1976). It is reported that apparently no prosecutor has proceeded to trial in a case where a physician chose to terminate life-preserving treatment or omit emergency treatment in a hopeless case. Id., citing Collester, Death, Dying and the Law: A Prosecutor's View of the Quinlan Case, 30 Rutgers L.Rev. 304, 310-311 (1977).

## II. Effect of the Appointment of a Guardian Under AS 13.26.

Previously, the appointment of a guardian was discussed with regard to whether the guardian, or some other surrogate decisionmaker, could give effective consent to a "No Code" order on behalf of an incompetent patient. This section deals with the effect of a guardian under AS 13.26 upon the propriety of an existing "No Code" order.

It should be noted that the process by which a guardian is appointed affords an opportunity for judicial resolution of some important issues. First, if the court is satisfied that because of impaired ability to effectively receive and evaluate information regarding the proceedings or because of impaired ability to communicate regarding the proceedings, the ward or respondent cannot determine his own interests without assistance,

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the court, upon request by the respondent or the respondent's attorney will appoint a guardian ad litem to assist the ward or respondent in determining his or her interests, or, if the person is entirely incapable of determining his interests, to make that determination and advise the court and counsel for all parties accordingly. AS 13.26.112.

The general procedure for the appointment of guardians for incapacitated persons is set forth in AS 13.26.090-.150. Those statutes provide that any person may petition the court for a finding of incapacity and the appointment of a guardian for himself or another person. The respondent, the person alleged to be incapacitated and for whom a guardian is sought, is entitled to be represented by counsel in the proceedings. The court appoints a trained visitor to investigate the respondent's situation and to make an evaluation report. A guardian ad litem may be appointed if the court is satisfied that the respondent, because of impaired ability to receive and evaluate information or to communicate decisions, cannot determine his own interests without assistance. A temporary guardian may be appointed if it appears that the respondent is in need of immediate services.

AS 13.26.150(e)(3) precludes a guardian, once appointed, from consenting on behalf of a ward to the withholding of life-saving

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medical procedures. As discussed above, it is possible there should be a distinction drawn in accord with the Dinnerstein case between "life-saving" or "life-prolonging" procedures and "life-sustaining" procedures, and that AS 13.26.150(c)(3) does not preclude the guardian from consenting to the withholding of "life-sustaining" procedures in hopeless cases. Rather than even risking litigation over the proper scope of a guardian's duties after he or she has acted, it would be preferable to ask the court during the guardianship proceeding to appoint a guardian ad litem to determine whether the Dinnerstein distinction is relevant to the case at hand, and to advocate, if appropriate, giving the guardian the specific authority to consent, under appropriate circumstances, to the withholding of "life-sustaining" treatment if (a) no "life-saving" procedures are available; (b) the attending physician's assessment is that CPR will not benefit the patient's well-being; and (c) if the guardian determines that the patient, if competent, would wish to forego CPR. In that way, the risk to the guardian, and/or the physicians, of acting inappropriately with regard to the scope of the guardian's authority or the necessity of judicial approval of any subsequent "No Code" order can be minimized.

Second, the guardian ad litem could be charged with the "responsibility of presenting to the judge, after as thorough an

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investigation as time will permit, all reasonable arguments in favor of administering treatment to prolong the life of the individual involved." In Re Saikewicz, 370 N.E.2d at 433. In that way, even if all concerned are in agreement that "No Code" is appropriate, the court will be presented with all reasonable contravailing arguments. These steps, taken during the pendency of the guardianship proceedings, could do much to clarify the duties of the various parties.

B. The Guardian's Powers and Duties

The court may appoint a guardian only if a determination of incapacity is made and the court finds that alternative forms of protection are not sufficient to meet the respondent's needs. The respondent has a jury trial right on the issue of incapacity. Even if guardianship is necessary, the law favors partial guardianship over full guardianship. Only if the court finds that the respondent is totally without capacity to care for himself, and that the combination of partial guardianship and alternatives to guardianship are not feasible or adequate to provide for the needs of the respondent, may a full guardian be appointed. It should be remembered, however, that legal incapacity is a distinct concept from decisionmaking incompetence, and that even an incapacitated ward for whom a full

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guardian has been appointed retains decisionmaking autonomy regarding treatment alternatives unless he or she is also incompetent.

Notwithstanding the limits of a temporary guardianship or an order of appointment, any guardian at all times has the right to authorize the provision of emergency life-saving medical services. AS 13.26.141. A full guardian has the same powers respecting his ward that a parent has respecting his unemancipated minor child, except as modified by the order of appointment. AS 13.26.150(c). A parent could certainly object if he or she believed that his or her unemancipated minor child was the subject of an inappropriate "No Code" order. A guardian, therefore, probably has the power (or standing) to object to such an order. A guardian also has a duty to "assure the care, comfort, and maintenance of the ward." AS 13.26.150(2). This duty probably includes the duty to object to an inappropriately entered "No Code" order. Finally, no guardian may consent on behalf of his or her ward to the withholding of life-saving medical procedures. AS 13.26.150(e)(3). This also leads to the conclusion that the guardian has a duty to object when "No Code" is inappropriate, i.e., when "life-saving" measures, as opposed to "life-sustaining" measures, are available, because failure to object might be construed as "consenting" to the withholding of treatment.

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In fact, if the Alaska courts refuse to make the Dinnerstein distinction, a guardian might have the duty to refrain from consenting to a "No Code" order under any circumstances. AS 13.26.150(e)(3) could be interpreted, when taken in conjunction with the duty to assure the care, comfort, and maintenance of the ward, to mean that a guardian has the duty to object to a "No Code" order, regardless of whether or not it was entered in accordance with accepted medical standards.

C. Judicial Clarification of Guardian's Authority.

If the health care provider determines that an incapacitated person for whom a guardian has been appointed is also incompetent with respect to decisionmaking regarding his or her own treatment, the provider should fully inform the guardian, to the same extent it would inform a competent patient, of the various treatment alternatives and the risks attendant to each. Failure to do so might result in liability for negligence, under the doctrine of Cobbs v. Grant, supra. It should also be noted that the hospital or nursing home, or any other person who "provides, or is likely to provide during the guardianship period, substantial services to the incapacitated person in a professional or business capacity," may not be appointed as the guardian for that person. AS 13.26.145.

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The guardian must then decide whether to oppose the "No Code" order, either on the ground that the ward would, if competent, oppose the particular order, or on the ground that the guardianship statutes, as he or she interprets them, require the guardian to oppose any "No Code" order. If the guardian requests that the "No Code" order be withdrawn, or even refuses to consent to the order, the provider must decide whether to honor the guardian's request. If, upon review and reconsideration, the provider still believes CPR would be medically inappropriate, it should seek judicial resolution of the issue rather than risk negligence liability for proceeding with an unconsented course of treatment.

Even if the guardian "consents" to the "No Code" order, the provider risks negligence liability for an unconsented course of treatment in that a court might subsequently hold that the guardian cannot give effective consent under the terms of AS 13.2.150(e)(3). A cautious approach, which we recommend, would be to seek judicial approval of the "No Code" order, and of the guardian's power to consent to it, at that point. Other courts have held that practical limits on the capacity of the judiciary indicate that judicial involvement is not warranted where there is no disagreement among the family and physicians (and presumably the guardian) on the propriety of a "No Code"

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order. In Re Dinnerstein, 380 N.E.2d at 137 n.5. Nevertheless, since Alaska courts have not ruled on that issue, and since any participant in the decision may petition the court for intervention, In Re Colyer, 660 P.2d at 750, it would not be inappropriate for a physician or health facility to seek judicial approval of a "No Code" order even though there is no disagreement as to its propriety, but only doubt as to the authority of a guardian, as a surrogate decisionmaker, to consent to such an order. Once Alaska law is established, it is not likely that decisions will normally require judicial resolution in cases where the physicians, the family, and the guardian all agree that "No Code" is appropriate.

### III. Recommendations.

#### A. Natural Death Act Legislation Should Be Enacted.

To clarify the extent to which physicians are bound to follow the wishes of a competent patient, or an incompetent patient who while previously competent made his or her wishes known regarding continued treatment in the event the patient's condition should become terminal and irreversible, the Alaska State Hospital Association could seek enactment of Natural Death Act legislation, such as 1983 Alaska House Bill 107. Such legislation would

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provide an avenue for a patient to clearly delineate his or her preference, and would provide that health care providers are not only immune from liability for following those wishes, but are bound to either follow those wishes or transfer the patient's care to a provider who will follow them.

1983 HB 107 should be amended, as indicated on the enclosed marked copy, to indicate the circumstances under which a "No Code" order may be entered for an incompetent patient in the absence of a written declaration as outlined in that proposed legislation.

We also recommend that AS 13.26.150(e)(3) be amended by adding a clause similar to the following: "This section does not preclude the guardian from consenting in the case of an irreversible, terminal illness, to the withholding of medical procedures which, in the opinion of the attending physician(s), have no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated, but which serve only to prolong the dying process."

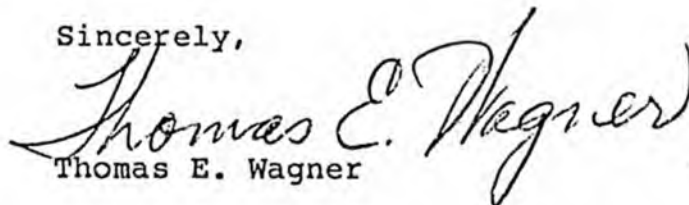
### III. Conclusion.

We hope you will find our discussion and recommendations helpful

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in developing a policy for your members. We are enclosing a copy of the report by the President's Commission, which contains a more detailed discussion of some of the issues discussed herein, and which contains in the appendices (particularly Appendix I) several policy statements of professional societies, health care institutions, federal agencies and the State of California. Please call me if you have further questions regarding this matter.

Sincerely,

  
Thomas E. Wagner

Letters of support from:

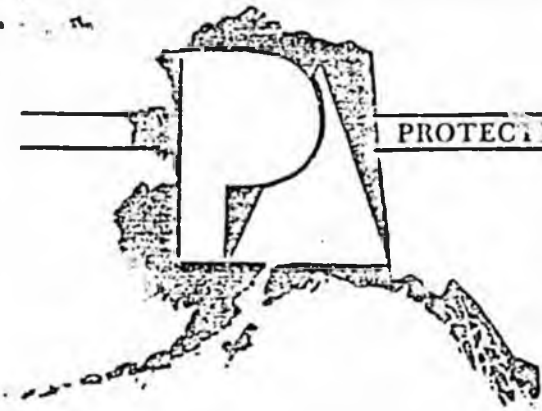
P.A.D.D. (Protection and Advocacy for the Developmentally  
Disabled)

The Older Alaskans Commission

Providence Hospital

Our Lady of Compassion Care Center

Maxine Robertson- member of Ketchikan General Hospital board



**PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED**

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December 23, 1985

Ms. Dot Truran  
Governor's Council for the Handicapped & Gifted  
600 University Ave., Suite C  
Fairbanks, Alaska 99701

Re: No Code Bill

Dear Dot:

The legislative committee of the council has asked P.A.D.D. to address two proposed amendments to the guardianship statute. These proposed amendments concern AS 13.26.150(c)(5) which prohibits a guardian from consenting on behalf of the ward to the withholding of life-saving medical procedures. Copies of these proposed amendments are attached and marked Proposed Amendment A and Proposed Amendment B.

Proposed Amendment A continues the prohibition against consenting, but clarifies that a guardian need not oppose the cessation or withholding of life-saving medical procedures when they would only prolong dying and offer no reasonable expectation of cure or relief. Proposed Amendment B prohibits the withholding of comfort, care, or substantially beneficial medical treatment, but allows the guardian to consent to the withholding of medical procedures which offer no reasonable expectation of cure or relief.

The current law was fashioned to prevent situations where guardians, who may benefit from the death of a ward (i.e., as beneficiary of a will) are deciding whether or not the ward should die. The idea was to prevent the guardian from having such power. Unfortunately, there have been unforeseen consequences. Life-saving medical procedures, once begun, cannot be stopped without court order. This may result in prolonged useless medical treatment. It may also result in guardians not attempting life-saving medical treatments for the fear that once begun they cannot be discontinued.

The two proposed amendments take very different approaches to the same problem. Proposed Amendment A allows the guardian to defer to the physician's conclusions that life-saving procedures would be useless. It relieves the guardian of the obligation to interfere with and prevent a

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doctor from acting pursuant to the doctor's reasonable medical judgment. Yet, if the guardian disagrees with the doctor, the guardian may still oppose and seek to prevent the doctor from carrying out the disputed cessation of treatment.

Proposed Amendment B would change the law in two ways. First, it changes "life-saving medical procedures" to "comfort, care, or ... substantially beneficial medical treatment." Second, it requires the guardian's consent before medical procedures can be terminated.

"Comfort" and "care" have been interpreted to include feeding and hydration and therefore go beyond "medical treatments" such as respirators.

Of the two amendments, Proposed Amendment A is preferable. The distinction between not having to oppose and having to consent is substantial. The former places the responsibility where it belongs, with the physician. While the guardian may interfere, he need not act if he does agree. Proposed Amendment B's obligation to consent is much different. This places responsibility on the guardian to approve a procedure he will likely know little about. The guardian may not merely defer to the physician. The guardian must make the decision himself. Under Proposed Amendment A the decision remains with the physician and the guardian need only act if he opposes that decision.

Change in the guardianship statute is a good idea which should be acted upon promptly. Proposed Amendment A is the preferable method and the Governor's Council should support it.

Thank you for this opportunity to comment. Please feel free to contact me if you have any questions or comments.

Sincerely,

Jonathon A. Katcher  
Supervising Attorney

JAK:jim

cc: Cindy Farrens, Public Guardian, Office of Public Advocacy  
Dennis L. Dewitt, President, Alaska State Hospital Association

Encl.

PROPOSED AMENDMENT A

IN THE HOUSE

BY

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to powers and duties of guardians."

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

\* Section 1. AS 13.26.150(e) is amended to read:

(e) A guardian may not

(1) place the ward in a facility or institution for the mentally ill other than through a formal commitment proceeding under AS 47.30.350 - 47.30.915 in which the ward has a separate guardian ad litem;

(2) consent on behalf of the ward to an abortion, sterilization, psychosurgery, or removal of bodily organs except when necessary to preserve the life or prevent serious impairment of the physical health of the ward;

(3) consent on behalf of the ward to the withholding of life-saving medical procedures; however, the guardian is not required to oppose the cessation or withholding of life-saving medical procedures when those procedures will serve only to prolong the dying process and offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated;

(4) consent on behalf of the ward to the performance of an experimental medical procedure or to participation in a medical experiment not intended to preserve the life or prevent serious impairment of the physical health of the ward;

(5) consent on behalf of the ward to termination of the

1  
2 ward's parental rights;

3 (6) prohibit the ward from registering to vote or from  
4 casting a ballot at public election;

5 (7) prohibit the ward from applying for and obtaining a  
6 driver's license;

7 (8) prohibit the marriage or divorce of the ward.  
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PROPOSED AMENDMENT B

POSSIBLE PROPOSAL FOR AN AMENDMENT

SENATE BILL NO. XXX

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "Protection of Persons Under Disability and Their Property."

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

\* Section 1. AS 13.26.150(j)(3) is amended to read:

— Sect. 13.26.150(e)(3). (e) A guardian may not

(3) consent on behalf of the ward to the withholding either of comfort care or of substantially beneficial medical treatment [OF LIFE-SAVING MEDICAL PROCEDURES]; although consent may be granted to the withholding of medical procedures which offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated.

\*\* Section 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

Amendment VIII--Ethical Issues Forum  
Cf. Rev. Ted Zembal, Providence Hospital  
February 5, 1984

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

### OLDER ALASKANS COMMISSION

BILL SHEFFIELD, GOVERNOR

POUCH C, M.S. 0209  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3250

June 4, 1985

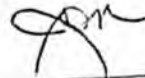
Dennis Dewitt  
Alaska State Hospital Association  
319 Seward Street  
Juneau, Alaska 99801

Dear Dennis:

I want to express my appreciation to you and the Association for your participation at our "Aging Together in Alaska Conference". Your participation and that of other Association members was very beneficial to the success of our meeting.

Peggy Burgin and I have reviewed your draft amendment to the guardianship laws (AS 13.21.150(c)). We agree that it is important to clarify or limit the role of guardians in making a living will declaration on behalf of their client. Let me know if we can be of assistance.

Sincerely,



Jon B. Wolfe  
Executive Director

PROVIDENCE HOSPITAL  
3200 PROVIDENCE DRIVE—POUCH 6604  
ANCHORAGE, ALASKA 99502-0604  
PHONE: (907) 562-2211

*File  
with  
Guardianship  
Legis/Action*



SISTERS OF  
PROVIDENCE

SERVING IN THE WEST SINCE 1856

July 26, 1985

Joyce Munson  
Director of Division of Pioneer Benefits  
Pouch CL  
Juneau, Alaska 99811

RE: Amendment to Guardianship Law

Dear Ms. Munson:

We were happy that you were able to attend our recent Bioethics Symposium on the Incompetent Patient. The problem with the present wording of the Guardianship Law arose several times during the day. After the final session you asked about the present status of the possible amendment.

Enclosed with this letter is a copy of a possible amendment. This possible amendment was itself amended because the public guardianship office felt an earlier version might offer too much latitude to the guardian. The present wording has the advantage of mentioning both the guardian and physician, thus implying a dialogue process of informed consent.

I am also enclosing a second possible amendment worked out by the Alaska State Hospital Association. This amendment also addresses the need for an amendment and proposes such an amendment. Those with whom I spoke found this amendment as very satisfactory but favored the first enclosed copy in its wording.

I do hope you will be able to further the passage of either of the proposed amendments or another which may better solve the uncomfortable problem created by the wording of the present law.

It was my pleasure to meet and speak to you. If I may of any assistance to you in the future, I would be happy if you called upon me.

Sincerely,

*Ted Zembal, S.J.*  
(Rev) Ted Zembal, S.J.

Coordinator, Human & Ethical Values

cc: Dennis DeWitt, ASHA  
Brant McGee, Public Advocacy  
Al M. Camosso, Providence Hospital  
Tom Boling, OLCCC  
Doug Smith, M.D.  
Mark Agnew, M.D.  
Donna Stephens, Pioneer Home

Enclosures (2)

July 26, 1985

A LETTER OF INTENT AND INTERPRETATION

Accompanying House Bill No.  
Amending an Act entitled: "Protection of Persons Under Disability and Their Property."

PRESENT STATUTE:

AS 13.26.150(e)(3) presently reads: (e) A guardian may not... (3) consent on behalf of the ward to the withholding of life-saving medical procedures.

PROBLEM AREAS:

(1) A literal reading of the statute would mean that life-saving medical procedures cannot be stopped once they are started. Hence the possibility may arise that non-beneficial and even harmful procedures could not be withdrawn. A further result is that a different standard of care would be used for wards than for others. Those with guardians might be either overtreated since the treatment could not be stopped once started or undertreated because the treatment would not be begun lest it could not be withdrawn.

(2) The meaning of "life-saving medical procedures" is not clear nor is it defined. An attempt to define the phrase defies enumeration. Basically, this is so because the existing statute focuses on "procedures" etc., instead of the "relationship" of the procedure to the ward in terms of the benefits received, e.g., chemotherapy or a respirator is life-saving if it is helpful in the restoration of health of the ward but it would be counterindicated if it simply prolonged the dying process.

(3) To attempt to solve these problems by having the health care provider act independently of the guardian would defeat the purpose of guardianship. Also such activity on the part of the health care provider would undermine the informed consent process.

(4) In summary, this part of the statute can create difficulties in the decision-making process for the guardian, ward, physician, health care institution and its personnel, and other health care providers. Carrying out the existing law would sometimes lead to conflict with the practice of good medicine and ethics.

PROPOSED AMENDMENT:

AS 13.26.150(e)(3): (e) A guardian may not... (3) consent on behalf of the ward to the withholding either of comfort care or of substantially beneficial medical treatment, although the guardian may consent to the physician's recommendation to withhold/withdraw medical procedures which offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated.

POSSIBLE PROPOSAL FOR AN AMENDMENT

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "Protection of Persons Under Disability and Their Property."

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

\* Section 1. AS 13.26.150(e). (e) A guardian may not (3) consent on behalf of the ward to the withholding either of comfort care or of substantially beneficial medical treatment [OF LIFE-SAVING MEDICAL PROCEDURES]; however, the guardian may consent to concur with the physician's recommendation to withhold/withdraw medical procedures which offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated.

\* Section 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

GENERAL INTENT OF THE AMENDMENT:

(1) By clearer delineation of the different types of medical/nursing care involved, the amendment would allow the guardian more adequately to carry out his/her responsibilities toward the ward.

(2) By distinguishing among the three general categories, the amendment allows for one category where "life-saving medical procedures" may be withheld, viz., those which are clearly ineffective and not beneficial to the ward from the perspective of the ward.

(3) The amendment would facilitate and keep open communication, dialogue and the informed consent process among the guardian and health care providers at all times.

INTERPRETATION AND AMPLIFICATION ON THE MEANING OF THE TERMS USED IN THE AMENDMENT.

(1) "Comfort care" is meant to cover that type of supportive care that common decency grants to all people by virtue of their being human. It entails respect for all stages and conditions of human life. Comfort care has two basic aspects. (1) Basic "nursing-like" care aims at maintaining the ward physically comfortable and emotionally at ease. It includes such items as food, water, air, positioning, bathing, mouth care, suction, etc. in so far as these are consistent with supportive comfort care. (2) The second type of comfort care has a medical component but is not associated with aggressive medical treatment but rather aims at providing comfort or the easing of pain.

(2) "Substantially beneficial medical treatment" covers a broader range than "life-saving medical procedures", e.g., it would include the treatment and repair of a broken limb. The treatment decisions would be evaluated in relation to the benefits for the ward from the perspective of the ward, e.g., to restore the ward permanently or temporarily to a cognitive, sapient state would be considered "substantially beneficial medical treatment." Choices giving substantial benefits for the ward would of necessity be sought for by the guardian.

(3) The exception clause, "medical procedures which offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated," is itself a definition of "ineffective, futile medical procedures which offer no benefit for the ward from his/her perspective." Rather than the vague phrase "ineffective futile medical procedure, the exception clause attempts to define its meaning.

(4) "Illness or condition being treated" is meant to prevent the holding back of medical treatment on the basis of another condition which is not treatable. For example, being mentally retarded is not a medically treatable condition and hence it cannot be used as a basis for withholding other medical procedures which are substantially beneficial for the ward.

(5) The terms "terminal", "dying", and the like were not used (1) because they defy definition and (2) because, although they may fit most situations, they do not fit all, e.g., is a person in a stable coma dying or not.

1  
2 IN THE HOUSE

BY

3 HOUSE BILL NO.

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to powers and duties of guardians."

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

9 \* Section 1. AS 13.26.150(e) is amended to read:

10 (e) A guardian may not

11 (1) place the ward in a facility or institution for the  
12 mentally ill other than through a formal commitment proceeding under  
13 AS 47.30.350 - 47.30.915 in which the ward has a separate guardian ad  
14 litem;

15 (2) consent on behalf of the ward to an abortion, sterili-  
16 zation, psychosurgery, or removal of bodily organs except when neces-  
17 sary to preserve the life or prevent serious impairment of the phys-  
18 ical health of the ward;

19 (3) consent on behalf of the ward to the withholding of  
20 life-saving medical procedures; however, the guardian is not required  
21 to oppose the cessation or withholding of life-saving medical  
22 procedures when those procedures will serve only to prolong the dying  
23 process and offer no reasonable expectation of effecting a temporary  
24 or permanent cure of or relief from the illness or condition being  
25 treated;

26 (4) consent on behalf of the ward to the performance of an  
27 experimental medical procedure or to participation in a medical exper-  
28 iment not intended to preserve the life or prevent serious impairment  
29 of the physical health of the ward;

(5) consent on behalf of the ward to termination of the

OUR LADY  
OF COMPASSION  
CARE CENTER

4505 CORDOVA STREET · POUCH 66 ""  
ANCHORAGE, ALASKA 99502  
PHONE: (907) 502-2251



SERVING IN THE WEST SINCE 1850

December 5, 1983

Kathleen Harrington, Atty.  
Probate Master  
303 K. Street  
Anchorage, Alaska 99501

Dear Ms. Harrington:

I represent a local Long Term Care Facility, Our Lady of Compassion Care Center. Our Social Services staff have been very involved with your offices and the appointment of Guardians for our incompetent residents. An issue that is becoming more of a discussion point is that of the relationship of No Code orders and the Guardian.

It is my understanding that since your appointment as Probate Master you have been addressing the issue of No Code in the following manner. On a case by case basis you evaluate the need, and if appropriate, include in the language of the order acknowledgement that a Guardian can not withhold life saving actions. However, it is mentioned that other family members and the physician can make such a decision in regards to No Code. It has been explained to me that if it is not mentioned in the order, the above may not be assumed.

Our Facility Administrator has recently received a legal opinion through Dennis DeWitt, President of the Alaska State Hospital Association. I have enclosed a copy for your reference. It seems the conclusion is that a test case needs to be found to bring issue of No Code Orders and the Guardianship role to a conclusion.

Our facility staff are often involved with physicians and families in encouraging their participation in choosing their own plan of care. This includes decisions about life saving actions. Sometimes a decision has been made prior to Guardianship hearings, other times it has not. I feel clarification of the Guardians role is needed to provide structure to all parties in the midst of these decisions. Sometimes advocating for patients best care does not include advocating for a specific life saving action. This option is not always allowed under the present system.

OUR LADY  
OF COMPASSION  
CARE CENTER

4895 CORDOVA STREET · POUCH 66 00  
ANCHORAGE, ALASKA 99502  
PHONE: (907) 512-2251



SERVING IN THE WEST SINCE 1856

I am most interested in your input and reactions to the enclosed opinion. I am also looking at what possible steps we could take together to discuss this issue and find a reasonable solution. I realize the difficulty this issue raises for all parties and the complications legally and morally.

I look forward to hearing from you.

Sincerely,

OUR LADY OF COMPASSION CARE CENTER

Julia Thorsness, BSW  
Director of Support Services

cc: John Nugent, Administrator  
✓ Dennis DeWitt, ASHA  
D. Charlene Doris, Coroner

JT/jar 12/5/83

Mrs. Maxine V. Robertson  
Route 1, Box 0  
Ketchikan, Alaska 99901

January 30, 1956

Representative John Lund  
Alaska State Legislature  
P.O. Box 2, Juneau, Alaska 99801

Re: House Bill # 185

Dear John -

This letter is to express my support  
for House Bill # 185 which you  
cosponsor.

Those of us concerned with the  
care in Alaska feel it important that  
the amendment to Section A.D. 15.26.152(a)3  
be enacted in order to clarify the  
responsibilities of guardians. We protect  
both guardians and ward by being specific  
as to matters concerning "life saving  
medical procedures".

We appreciate your interest in  
this matter. Sincerely,  
Maxine



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

7/25/89  
Date

H B

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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

3/5/86

1:30 pm

HOUSE  
COMMITTEE REPORT

3/7

*Revised*

(7)  
Date referred: 1/22/86

FURTHER REFERRALS:

DATE: 3-5-86

The JUDICIARY Committee has considered HB 493

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

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSHB 493 (JUD)  same title
- new title

and recommends do pass

further referral to the \_\_\_\_\_ Committee

*Sectional Analysis - Sup 95*

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS: FIRST

SIGNING OTHER RECOMMENDATIONS:

*Wm L. O'Connell*

*John L. ...*

*Miss ...*

*Adrian L. Taylor*

*...*

*ROBERT ...*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Wm L. O'Connell*  
Chairman

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 493 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 \* Sec. 9. AS 08.20.150 is repealed.

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

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

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

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

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

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

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

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

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

14 \* Sec. 15. AS 08.72.130 is repealed.

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

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

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

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

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

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

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

29       (6) a person acting under court order;

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

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

4 (9) [EACH OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) class B felonies, which characteristically involve

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the purposes of AS 18.60.010 - 18.60.105.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 is continued in existence under that subsection.

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

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

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

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

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

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

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

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

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

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

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

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

1 void the title of the grantor.

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

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

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

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

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

9 Section 12: that portion within USS 3708

10 Section 13: that portion within USS 3708

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

12 S1/2SE1/4

13 Sections 24 and 25

14 Section 26: E1/2

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

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

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

18 Section 35

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

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

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

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

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

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

25 within USS 3708, S1/2

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

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

28 Section 17: W1/2NW1/4

29 Section 18

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

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

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

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

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

7 Section 2

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

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

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

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

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

14 SE1/4SE1/4, except USS 3431

15 Section 12

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

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

18 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]

19 Section 19: Lot 13

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

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

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

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

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

26 Section 27: that portion south of the Haines Highway

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

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

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

1 Highway

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

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

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

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

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

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

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

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

14 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,  
15 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,  
16 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4

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

18 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,  
19 SW1/4SE1/4NE1/4, W1/2, SE1/4

20 Section 19

21 Section 20: W1/2W1/2

22 Section 29: except USS 948, USS 991, Lots 1, 2, and  
23 4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]

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

26 Section 31

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

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

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

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

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

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

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

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

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

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

18 Section 9

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

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

23 Sections 12 - 14

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

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

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

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

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

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

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

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

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

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

11 Section 6: except Lots 1 and 9

12 Sections 7 and [6-] 8

13 USS 907

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

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

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

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

18 Section 14: that portion west of the Haines Highway

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

21 Sections 16 - 18

22 USS 786

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

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

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

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

27 Sections 21 and 22

28 Section 23: that portion west of the Haines Highway

29 Section 25: that portion west of the Haines Highway

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

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

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

8 Section 35

9 Section 36: that portion west of the Haines Highway

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

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

12 Meridian

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

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

17 Section 9: NE1/4NE1/4

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

20 Section 31: that portion south of the Haines Highway

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

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

23 Meridian

24 Section 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dierdorff  
2/8/86

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 493 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) labor, including employee benefits;

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

12 (3) material and equipment;

13 (4) claims for breach of contract;

14 (5) repair of public facilities.

15 \* Sec. 9. AS 08.20.150 is repealed.

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

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

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

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

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

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

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

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

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

14 \* Sec. 15. AS 08.72.130 is repealed.

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

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

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

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

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

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

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

29       (6) a person acting under court order;

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

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

4 (9) [EACH OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the purposes of AS 18.60.010 - 18.60.105.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 preceding the charter commission election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Section 12: that portion within USS 3708

4 Section 13: that portion within USS 3708

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

7 Sections 24 and 25

8 Section 26: E1/2

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

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

12 Section 35

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

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

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

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

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

22 Section 17: W1/2NW1/4

23 Section 18

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

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

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

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

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

1 Section 2

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

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

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

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

9 Section 12

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

12 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]

13 Section 19: Lot 13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Section 19

15 Section 20: W1/2W1/2

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

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

20 Section 31

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

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

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

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

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

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

29 Section 1

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

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

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

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

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

12 Section 9

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

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

17 Sections 12 - 14

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

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

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

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

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

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

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

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

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

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

5 Section 6: except Lots 1 and 9

6 Sections 7 and [6-] 8

7 USS 907

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

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

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

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

12 Section 14: that portion west of the Haines Highway

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

15 Sections 16 - 18

16 USS 786

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

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

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

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

21 Sections 21 and 22

22 Section 23: that portion west of the Haines Highway

23 Section 25: that portion west of the Haines Highway

24 Section 26: that portion west of the Haines Highway

25 Section 27

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

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

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

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

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

2 Section 35

3 Section 36: that portion west of the Haines Highway

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

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

6 Meridian

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

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

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

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

11 Section 9: NE1/4NE1/4

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

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

14 Section 31: that portion south of the Haines Highway

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

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

17 Meridian

18 Section 1

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

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

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

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

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

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

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

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

27 \* Sec. 68. AS 43.25 is repealed.

28 \* Sec. 69. AS 43.26 is repealed.

29 \* Sec. 70. AS 45.50.110 is repealed.

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

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

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

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

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

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

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

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

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

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