



LAWS OF ALASKA

1994

Source

CSHB 415(JUD)

Chapter No.

9

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: April 6, 1994

Actual Effective Date: April 7, 1994; section 4 is retroactive to May 16, 1992;
sections 7 - 16 are retroactive to August 11, 1993

AN ACT

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

3

4 * Section 1. AS 09.38.015(a) is amended to read:

- 5 (a) An individual is entitled to exemption of the following property:
6 (1) a burial plot for the individual and the individual's family;
7 (2) health aids reasonably necessary to enable the individual or a
8 dependent to work or to sustain health;
9 (3) benefits paid or payable for medical, surgical, or hospital care to
10 the extent they are or will be used to pay for the care;
11 (4) an award under AS 18.67 (Violent Crimes Compensation Board)
12 or a crime victim's reparations act of another jurisdiction;
13 (5) benefits paid or payable as a longevity bonus under AS 47.45;
14 (6) compensation or benefits paid or payable and exempt under federal

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1 law;

2 (7) liquor licenses granted under AS 04;

3 (8) limited entry permits granted under AS 16.43, except as provided
4 in that chapter;

5 (9) tuition credits under an advance college tuition payment contract
6 authorized under AS 14.40.809(a);

7 (10) [THAT PORTION OF] a permanent fund dividend to the extent
8 allowed under AS 43.23.065 [EXEMPTED UNDER AS 43.23.065(a)].

9 * Sec. 2. AS 11.41.520 is amended by adding a new subsection to read:

10 (c) In this section, "property of another" means property in which a person has
11 an interest that the defendant is not privileged to infringe, whether or not the defendant
12 also has an interest in the property and whether or not the person from whom the
13 property was obtained or withheld also obtained the property unlawfully. "Property
14 of another" does not include property in the possession of the defendant in which
15 another has only a security interest, even if legal title is in the secured party under a
16 conditional sales contract or other security agreement; in the absence of a specific
17 agreement to the contrary, the holder of a security interest in property is not privileged
18 to infringe the debtor's right of possession without the consent of the debtor.

19 * Sec. 3. AS 16.05.340(a)(23) is amended to read:

20 (23) Resident anadromous king salmon tag 10

21 A resident may not engage in sport fishing for anadromous king salmon without
22 having the current year's anadromous king salmon tag in the resident's actual
23 possession, unless that person

24 (A) qualifies for a 25 cent license fee under (1) of this
25 subsection;

26 (B) is under the age of 16;

27 (C) is 60 years of age or older and has been a resident of the
28 state for at least one year;

29 (D) is a disabled veteran eligible for a free license under
30 AS 16.05.341; or

31 (E) qualifies for a \$5 license fee under (6) of this subsection.

1 * Sec. 4. AS 16.05.940(10) is amended to read:

2 (10) "domestic mammals" include musk oxen, bison, [ELK,] and
3 reindeer, if they are lawfully owned;

4 * Sec. 5. AS 41.23.170 is amended to read:

5 Sec. 41.23.170. GOLDSTREAM PUBLIC USE AREA. Subject to valid
6 existing rights, the vacant and unappropriated state-owned land and water and the state
7 land and water acquired in the future that lie within the boundaries described in this
8 section are designated as the Goldstream Public Use Area, are reserved for all uses
9 compatible with their primary function as public use land, and are assigned to the
10 department [COMMISSIONER] for control and management:

11 (1) Township 1 North, Range 1 West, Fairbanks Meridian

12 Section 2: Lots 7 - 8 west of the centerline of
13 Goldstream Road, Lot 11 Lots 9 - 10

14 Section 3: Lots 5 - 13

15 Section 4: Lots 9 - 11

16 Section 5: SW1/4SW1/4

17 Section 7: Lot 4, S1/2NE1/4, NE1/4SE1/4, S1/2SE1/4

18 Section 8: E1/2, NE1/4NW1/4, S1/2NW1/4, SW1/4

19 Section 9: Lots 1 - 2, E1/2NE1/4, SW1/4NE1/4, W1/2NW1/4,
20 SE1/4NW1/4, SW1/4, W1/2NE1/4SE1/4, NW1/4SE1/4

21 Section 10: NW1/4NW1/4

22 Section 11: Lots 1 - 5

23 Section 12: Lots 2 - 3

24 Section 17: NW1/4NW1/4

25 Section 18: N1/2NE1/4, SW1/4NE1/4, W1/2SE1/4NE1/4,

26 NE1/4SE1/4SE1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, SE1/4;

27 (2) Township 1 North, Range 2 West, Fairbanks Meridian

28 Section 13: SE1/4, E1/2E1/2E1/2SW1/4

29 Section 23: NE1/4SW1/4, W1/2SE1/4, W1/2SE1/4SE1/4,
30 SE1/4SE1/4SE1/4, W1/2NE1/4SE1/4SE1/4

31 Section 24: E1/2

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1 Section 26: W1/2W1/2NW1/4NW1/4

2 Section 27: N1/2NE1/4NE1/4, SE1/4NE1/4NE1/4,

3 E1/2SW1/4NE1/4NE1/4.

4 * Sec. 6. AS 41.23.620 is amended to read:

5 Sec. 41.23.620. CARIBOU CREEK RECREATIONAL MINING AREA. The
6 vacant and unappropriated state-owned land and water and the state land and water
7 acquired in the future that lie within 100 feet of either ordinary high water or mean
8 high tide of the banks of the creeks or rivers described in this section are designated
9 as the Caribou Creek Recreational Mining Area, are reserved from all uses
10 incompatible with the purposes of AS 41.23.600, and are assigned to the department
11 [COMMISSIONER] for control and management:

12 Township 20 North, Range 10 East, Seward Meridian

13 (1) That portion of Caribou Creek located in

14 Section 28: W1/2

15 Section 29: E1/2

16 (2) That portion of the Matanuska River located in

17 Section 32: SE1/4

18 Section 33: NE1/4, NW1/4, SW1/4.

19 * Sec. 7. AS 42.45.110(c) is amended to read:

20 (c) The amount of power cost equalization provided per kilowatt-hour under
21 (b) of this section may not exceed 95 percent of the power costs, or the average rate
22 per eligible kilowatt-hour sold, whichever is less, as determined by the commission
23 [DEPARTMENT]. However,

24 (1) during the state fiscal year that began July 1, 1993, the power costs
25 for which power cost equalization were paid to an electric utility were limited to
26 minimum power costs of more than 9.5 cents per kilowatt-hour and less than 52.5
27 cents per kilowatt-hour;

28 (2) during each following state fiscal year, the commission
29 [DEPARTMENT] shall adjust the power costs for which power cost equalization may
30 be paid to an electric utility based on the weighted average retail residential rate in
31 Anchorage, Fairbanks, and Juneau; and

1 (3) the power cost equalization per kilowatt-hour may be determined
2 for a utility without historical kilowatt-hour sales data by using kilowatt-hours
3 generated.

4 * Sec. 8. AS 42.45.110(e) is amended to read:

5 (e) The power cost equalization program shall be administered by the
6 department based on a determination by the commission [DEPARTMENT] under (a)
7 and (c) of this section of power cost equalization per kilowatt-hour for each eligible
8 electric utility.

9 * Sec. 9. AS 42.45.110(f) is amended to read:

10 (f) The department may not deny an eligible electric utility power cost
11 equalization because complete cost information is not available. The commission
12 [DEPARTMENT] shall assist an eligible electric utility that is exempt from rate
13 regulation under AS 42.05 to provide the cost information the commission
14 [DEPARTMENT] considers necessary to comply with AS 42.45.100 - 42.45.150.
15 Only power costs that are supportable may be considered in calculating power cost
16 equalization. Each electric utility is responsible for keeping records that provide the
17 information necessary to comply with AS 42.45.100 - 42.45.150 including records of
18 monthly kilowatt-hour sales or generation, monthly fuel balances, fuel purchases, and
19 monthly utility fuel consumption.

20 * Sec. 10. AS 42.45.110(g) is amended to read:

21 (g) The commission [DEPARTMENT] shall determine the cost of fuel for
22 each eligible electric utility using the procedure for approving fuel cost rate
23 adjustments of electric utilities subject to rate regulation under AS 42.05.

24 * Sec. 11. AS 42.45.110(h) is amended to read:

25 (h) Each electric utility receiving power cost equalization approved by the
26 commission [DEPARTMENT] shall

27 (1) report monthly to the department within the time and in the form
28 the department requires; and

29 (2) use operational equipment designed to meter individual utility
30 customer power consumption and to determine and record the utility's overall fuel
31 consumption.

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1 * **Sec. 12.** AS 42.45.130(a) is amended to read:

2 (a) In order to qualify for power cost equalization, each electric utility shall
3 make every reasonable effort to minimize administrative, operating, and overhead
4 costs, including using the best available technology consistent with sound utility
5 management practices. In reviewing applications for power cost equalization, the
6 commission [DEPARTMENT] may require the elimination of unnecessary operating
7 expenses. Each eligible electric utility shall cooperate with appropriate state agencies
8 to implement cost-effective energy conservation measures and to plan for and
9 implement feasible alternatives to diesel generation.

10 * **Sec. 13.** AS 42.45.160(b) is amended to read:

11 (b) An electric utility that is eligible to receive power cost equalization under
12 this section and that receives power cost equalization per kilowatt-hour approved by
13 the commission [DEPARTMENT] shall report monthly to the department within the
14 time and in the form the department requires. An electric utility shall report

15 (1) the power cost equalization per kilowatt-hour approved by the
16 commission [DEPARTMENT];

17 (2) the total kilowatt-hours sold to each class of customer during the
18 preceding month;

19 (3) the total kilowatt-hours eligible for power cost equalization under
20 this section sold to each class of customer during the preceding month;

21 (4) the total kilowatt-hours generated during the preceding month, if
22 available;

23 (5) any commission [DEPARTMENT] approved amendments to the
24 schedule of rates in effect during the preceding month; and

25 (6) an increase or decrease in the current unit price of fuel from the
26 base price used by the commission [DEPARTMENT] in determining power costs if
27 the change is expected to result in a subsequent power cost equalization adjustment.

28 * **Sec. 14.** AS 42.45.170(a) is amended to read:

29 (a) An electric utility that is not subject to rate regulation by the Alaska Public
30 Utilities Commission under AS 42.05 may receive power cost equalization if the utility
31 is otherwise eligible for equalization assistance under AS 42.45.100 - 42.45.150 and

1 if the utility

2 (1) files with the commission [DEPARTMENT] financial data
3 necessary to determine the power cost equalization per kilowatt-hour as prescribed by
4 the commission [DEPARTMENT] and that is in compliance with AS 42.45.100 -
5 42.45.150;

6 (2) reports monthly to the department, within the time and in the form
7 required, the information required in (b) of this section;

8 (3) sets rates

9 (A) that consider the power cost equalization provided under
10 AS 42.45.100 - 42.45.150 by subtracting from its revenue requirements for
11 electric services the power cost equalization per kilowatt-hour that it is eligible
12 to receive; and

13 (B) under which the power cost equalization provided in
14 AS 42.45.060 - 42.45.110 is applied as a credit only against the cost of
15 kilowatt-hours eligible for equalization assistance under AS 42.45.100 -
16 42.45.150 that are consumed by each customer in any month;

17 (4) allows audits that the commission [DEPARTMENT] determines are
18 necessary to ensure compliance with this section; and

19 (5) furnishes its electric service customers eligible under this program
20 a notice as specified in AS 42.45.120.

21 * Sec. 15. AS 42.45.170(b) is amended to read:

22 (b) An electric utility that is eligible to receive power cost equalization under
23 this section shall report in accordance with (a)(2) of this section

24 (1) the power cost equalization per kilowatt-hour approved by the
25 commission [DEPARTMENT];

26 (2) the total kilowatt-hours sold to each class of customer during the
27 preceding month;

28 (3) the total kilowatt-hours eligible for power cost equalization under
29 this section sold to each class of customer during the preceding month;

30 (4) the total kilowatt-hours generated during the preceding month, if
31 available;

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1 (5) any amendments to the schedule of rates in effect during the
2 preceding month; and

3 (6) an increase or decrease in the current unit price of fuel from the
4 base price used by the commission [DEPARTMENT] in determining power costs if
5 the change is expected to result in a subsequent equalization assistance level
6 adjustment.

7 * Sec. 16. AS 42.45.170(c) is amended to read:

8 (c) An electric utility that is eligible to receive power cost equalization under
9 this section may have its power cost equalization per kilowatt-hour determination
10 changed by the commission [DEPARTMENT] if the [DEPARTMENT]

11 (1) commission has verified an increase or decrease in the electric
12 utility's cost of fuel;

13 (2) commission has verified an increase in rates based on an increase
14 in costs;

15 (3) department has discovered, in reviewing the monthly data
16 submitted by the electric utility, discrepancies that require adjustment of the power cost
17 equalization; or

18 (4) department determines that appropriations are insufficient to
19 finance full payments to eligible electric utilities.

20 * Sec. 17. AS 47.10.060(d) is amended to read:

21 (d) A minor is unamenable to treatment under this chapter if the minor
22 probably cannot be rehabilitated by treatment under this chapter before reaching 20
23 years of age. In determining whether a minor is unamenable to treatment, the court
24 may consider the seriousness of the offense the minor is alleged to have committed,
25 the minor's history of delinquency, the probable cause of the minor's delinquent
26 behavior, and the facilities available to the department [DIVISION OF YOUTH AND
27 ADULT AUTHORITY] for treating the minor.

28 * Sec. 18. AS 08.80.030(5); AS 37.05.140(b), 37.05.140(c); and AS 46.03.825(g)(3) are
29 repealed.

30 * Sec. 19. Section 4 of this Act is retroactive to May 16, 1992.

31 * Sec. 20. Sections 7 - 16 of this Act are retroactive to August 11, 1993.

1 * **Sec. 21.** This Act takes effect immediately under AS 01.10.070(c).