



LAWS OF ALASKA

1997

Source

CSHB 115(JUD) am

Chapter No.

32

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: May 15, 1997

Actual Effective Date: Section 8 takes effect August 7, 1997; remainder of Act takes effect May 16, 1997; the amendment to AS 13.12.603(a), made by sec. 11, is retroactive to January 1, 1997; the amendments to AS 14.17.025(a) and (b), made by secs. 12 and 13, are retroactive to July 1, 1995; the amendments to AS 14.20.177(a), made by sec. 15, are retroactive to August 16, 1996

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 03.40.090 is amended to read:

5 **Sec. 03.40.090. Publication of record.** The commissioner shall publish, in
6 book form, a list of all brands and marks on record at the time of the publication. The
7 lists may be supplemented from time to time. The publication must contain a
8 facsimile of all recorded brands and marks, together with the owner's name and
9 mailing [POST OFFICE] address. The records shall be arranged in convenient form
10 for reference. The books and supplements may be sold to the general public at an
11 amount not to exceed \$2 a copy.

12 * **Sec. 2.** AS 05.15.112(b) is amended to read:

13 (b) The member in charge is responsible for preparation, maintenance, and
14 transmittal of all records and reports required of the permittee, and, if the permittee has

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1 entered into a contract with an operator under AS 05.15.115, for monitoring the
2 operator's performance under and compliance with that contract. The alternate
3 members in charge are responsible for the duties of the member in charge in the
4 absence of the member in charge. The member in charge and the alternate members
5 in charge shall be members of the qualified organization or the board of directors of
6 the qualified organization or employees of the municipality. In the case of a multiple-
7 beneficiary permit, the member in charge and the alternate members in charge shall
8 be members of one of the qualified organizations or the board of directors of one of
9 the qualified organizations or **employees** [EMPLOYERS] of one of the municipalities.

10 * Sec. 3. AS 05.15.690(36) is amended to read:

11 (36) "qualified organization" means a bona fide civic or service
12 organization or a bona fide religious, charitable, fraternal, veterans, labor, political, or
13 educational organization, police or fire department and company, dog mushers'
14 association, outboard motor association, or fishing derby or nonprofit trade association
15 in the state, that operates without profits to its members and that has been in existence
16 continually for a period of three years immediately before applying for **the license or**
17 **permit** [A LICENSE]; the organization may be a firm, corporation, company,
18 association, or partnership;

19 * Sec. 4. AS 08.01.050(a) is amended to read:

20 (a) The department shall perform the following administrative and budgetary
21 services when appropriate:

- 22 (1) collect and record fees;
- 23 (2) maintain records and files;
- 24 (3) issue and receive application forms;
- 25 (4) notify applicants of acceptance or rejection as determined by the
26 board or , **for occupations or activities listed in AS 08.01.010 that are regulated**
27 **directly by the department**, as determined by the department under **applicable law**
28 [AS 08.06 FOR ACUPUNCTURISTS, UNDER AS 08.11 FOR AUDIOLOGISTS,
29 UNDER AS 08.18 FOR CONTRACTORS, UNDER AS 08.40 FOR ELECTRICAL
30 AND MECHANICAL ADMINISTRATORS, UNDER AS 08.45 FOR
31 NATUROPATHS, UNDER AS 08.54 FOR BIG GAME GUIDES AND

1 TRANSPORTERS, UNDER AS 08.55 FOR HEARING AID DEALERS, OR UNDER
2 AS 08.70 FOR NURSING HOME ADMINISTRATORS];

3 (5) designate dates examinations are to be held and notify applicants;

4 (6) publish notice of examinations and proceedings;

5 (7) arrange space for holding examinations and proceedings;

6 (8) notify applicants of results of examinations;

7 (9) issue licenses or temporary licenses as authorized by the board or,

8 **for occupations or activities listed in AS 08.01.010 that are regulated directly by**
9 **the department**, as authorized by the department under **applicable law** [AS 08.06

10 FOR ACUPUNCTURISTS, UNDER AS 08.11 FOR AUDIOLOGISTS, UNDER
11 AS 08.18 FOR CONTRACTORS, UNDER AS 08.40 FOR ELECTRICAL AND
12 MECHANICAL ADMINISTRATORS, UNDER AS 08.45 FOR NATUROPATHS,
13 UNDER AS 08.54 FOR BIG GAME GUIDES AND TRANSPORTERS, UNDER
14 AS 08.55 FOR HEARING AID DEALERS, OR UNDER AS 08.70 FOR NURSING
15 HOME ADMINISTRATORS];

16 (10) issue duplicate licenses upon submission of a written request by
17 the licensee attesting to loss of or the failure to receive the original and payment by
18 the licensee of a fee established by regulation adopted by the department;

19 (11) notify licensees of renewal dates at least 30 days before the
20 expiration date of their licenses;

21 (12) compile and maintain a current register of licensees;

22 (13) answer routine inquiries;

23 (14) maintain files relating to individual licensees;

24 (15) arrange for printing and advertising;

25 (16) purchase supplies;

26 (17) employ additional help when needed;

27 (18) perform other services that may be requested by the board;

28 (19) provide inspection, enforcement, and investigative services to the
29 boards and for the occupations listed in AS 08.01.010 regarding all licenses issued by
30 or through the department;

31 (20) retain and safeguard the official seal of a board and prepare, sign,

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1 and affix a board seal, as appropriate, for licenses approved by a board;

2 (21) issue business licenses under AS 43.70.

3 * Sec. 5. AS 08.02.010(b) is amended to read:

4 (b) A person subject to (a) of this section who fails to comply with the
5 requirements of (a) of this section shall be given notice of noncompliance by that
6 person's appropriate licensing board or, if the person is not regulated by a board,
7 by the department. If, after a reasonable time, with opportunity for a hearing, the
8 person's noncompliance continues, the board or department, as appropriate, may
9 suspend or revoke the person's license or registration, or administer other disciplinary
10 action which in its determination is appropriate.

11 * Sec. 6. AS 08.88.041(a) is amended to read:

12 (a) Five members of the commission must be real estate brokers or associate
13 brokers who have been licensed real estate brokers or licensed associate brokers in
14 Alaska for at least three years before appointment. Two members of the commission
15 [BOARD] must be public members in accordance with AS 08.01.025.

16 * Sec. 7. AS 08.88.281 is amended to read:

17 **Sec. 08.88.281. Real estate surety fund.** Before issuing a license to an
18 applicant under this chapter, the commission [BOARD] shall determine that the
19 applicant has complied with the provisions of AS 08.88.455 and is covered by the real
20 estate surety fund established in AS 08.88.450.

21 *Sec. 8. AS 09.10.053, as added by sec. 4, SCS CSSSHB 58(RLS) am S, Twentieth Alaska
22 State Legislature, is amended to read:

23 **Sec. 09.10.053. Contract actions to be brought in three years.** Unless the
24 action is commenced within three years, a person may not bring an action upon a
25 contract or liability, express or implied, except as provided in AS 09.10.040, [THE
26 PROVISIONS OF THIS SECTION MAY BE WAIVED BY CONTRACT,] or as
27 otherwise provided by law, or except if the provisions of this section are waived by
28 contract.

29 * Sec. 9. AS 09.50.250 is amended to read:

30 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation
31 having a contract, quasi-contract, or tort claim against the state may bring an action

1 against the state in a state court that has jurisdiction over the claim. A person who
 2 may present the claim under AS 44.77 may not bring an action under this section
 3 except as set out in AS 44.77.040(c). A person who may bring an action under
 4 AS 36.30.560 - 36.30.695 may not bring an action under this section except as set out
 5 in AS 36.30.685. However, an action may not be brought under this section if the
 6 claim

7 (1) is an action for tort, and is based upon an act or omission of an
 8 employee of the state, exercising due care, in the execution of a statute or regulation,
 9 whether or not the statute or regulation is valid; or is an action for tort, and based
 10 upon the exercise or performance or the failure to exercise or perform a discretionary
 11 function or duty on the part of a state agency or an employee of the state, whether or
 12 not the discretion involved is abused;

13 (2) is for damages caused by the imposition or establishment of a
 14 quarantine by the state;

15 (3) arises out of assault, battery, false imprisonment, false arrest,
 16 malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or
 17 interference with contract rights; or

18 (4) arises out of the use of an ignition interlock device certified under
 19 AS 33.05.020(c).

20 * Sec. 10. AS 12.62.900(23) is amended to read:

21 (23) "serious offense" means a conviction for a felony offense, a crime
 22 involving domestic violence, or a violation or attempted violation of any of the
 23 following laws, or of the laws of another jurisdiction with substantially similar
 24 elements:

25 (A) AS 11.41.410 - 11.41.470;

26 (B) AS 11.51.130(a)(1) - (3) [AS 11.51.130(a)(1), (3), OR (5)];

27 (C) AS 11.61.110(a)(7);

28 (D) AS 11.66.100 - 11.66.130; or

29 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
 30 11.40.420, if committed before January 1, 1980;

31 * Sec. 11. AS 13.12.603(a) is amended to read:

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1 (a) If a devisee fails to survive the testator and is a grandparent, a descendant
2 of a grandparent, or a stepchild of either the testator or the donor of a power of
3 appointment exercised by the testator's will, the following apply:

4 (1) except as provided in (4) of this subsection, if the devise is **not** in
5 the form of a class gift and the deceased devisee leaves surviving descendants, a
6 substitute gift is created in the devisee's surviving descendants; the surviving
7 descendants take by representation the property to which the devisee would have been
8 entitled had the devisee survived the testator;

9 (2) except as provided in (4) of this subsection, if the devise is in the
10 form of a class gift, other than a devise to "issue," "descendants," "heirs of the body,"
11 "heirs," "next of kin," "relatives," or "family," or a class described by language of
12 similar import, a substitute gift is created in the surviving descendants of a deceased
13 devisee; the property to which the devisees would have been entitled had all of them
14 survived the testator passes to the surviving devisees and the surviving descendants of
15 the deceased devisees; each surviving devisee takes the share to which the surviving
16 devisee would have been entitled had the deceased devisees survived the testator; each
17 deceased devisee's surviving descendants who are substituted for the deceased devisee
18 take by representation the share to which the deceased devisee would have been
19 entitled had the deceased devisee survived the testator; in this paragraph, "deceased
20 devisee" means a class member who failed to survive the testator and left one or more
21 surviving descendants;

22 (3) for the purposes of AS 13.12.601, words of survivorship, as in a
23 devise to an individual "if the individual survives me," or in a devise to "my surviving
24 children," are not, in the absence of additional evidence, a sufficient indication of an
25 intent contrary to the application of this section;

26 (4) if the will creates an alternative devise with respect to a devise for
27 which a substitute gift is created by (1) or (2) of this subsection, the substitute gift is
28 superseded by the alternative devise only if an expressly designated devisee of the
29 alternative devise is entitled to take under the will;

30 (5) unless the language creating a power of appointment expressly
31 excludes the substitution of the descendants of an appointee for the appointee, a

1 surviving descendant of a deceased appointee of a power of appointment can be
2 substituted for the appointee under this section, whether or not the descendant is an
3 object of the power.

4 * Sec. 12. AS 14.17.025(a) is amended to read:

5 (a) Local contributions to a city or borough school district **must** [SHALL]
6 include at least the lesser of

7 (1) the equivalent of a four mill tax levy on the full and true value of
8 the taxable real and personal property in the district as of January 1 of the second
9 preceding fiscal year, as determined by the Department of Community and Regional
10 Affairs under AS 14.17.140 and AS 29.45.110; or

11 (2) 35 percent of the district's basic need for the preceding fiscal year,
12 as determined under **AS 14.17.021(c)** [AS 14.17.021(b)].

13 * Sec. 13. AS 14.17.025(b) is amended to read:

14 (b) In addition to the local contributions required under (a) of this section,
15 local contributions to a city or borough school district in a fiscal year may include no
16 more than the greater of

17 (1) the equivalent of a two mill tax levy on the full and true value of
18 the taxable real and personal property in the district as of January 1 of the second
19 preceding fiscal year, as determined by the Department of Community and Regional
20 Affairs under AS 14.17.140 and AS 29.45.110; or

21 (2) 23 percent of the district's basic need for the fiscal year under
22 **AS 14.17.021(c)** [AS 14.17.021(b)], as adjusted under AS 14.17.225(b).

23 * Sec. 14. AS 14.20.020(a) is amended to read:

24 (a) Except as provided in (f) of this section, the department shall issue a
25 teacher certificate to every person who meets the requirements in **(b), (c), and (h)** [(b)
26 AND (c)] of this section.

27 * Sec. 15. AS 14.20.177(a) is amended to read:

28 (a) A school district may implement a layoff plan under this section if it is
29 necessary for the district to reduce the number of tenured teachers because

30 (1) school attendance in the district has decreased; or

31 (2) the basic need of the school district determined under

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1 AS 14.17.021(c) [AS 14.17.021(b)] and adjusted under AS 14.17.225(b) decreases by
2 three percent or more from the previous year.

3 * Sec. 16. AS 14.30.010(b) is amended to read:

4 (b) This section does not apply if a child

5 (1) is provided an academic education comparable to that offered by
6 the public schools in the area, either by

7 (A) attendance at a private school in which the teachers are
8 certificated according to AS 14.20.020;

9 (B) tutoring by personnel certificated according to
10 AS 14.20.020; or

11 (C) attendance at an educational program operated in
12 compliance with AS 14.45.100 - 14.45.200 by a religious or other private
13 school;

14 (2) attends a school operated by the federal government;

15 (3) has a physical or mental condition that a competent medical
16 authority determines will make attendance impractical;

17 (4) is in the custody of a court or law enforcement authorities;

18 (5) is temporarily ill or injured;

19 (6) has been suspended or expelled under AS 14.03.160 or
20 suspended or denied admittance under [ACCORDING TO] AS 14.30.045;

21 (7) resides more than two miles from either a public school or a route
22 on which transportation is provided by the school authorities, except that this
23 paragraph [SUBSECTION] does not apply if the child resides within two miles of a
24 federal or private school that the child is eligible and able to attend;

25 (8) is excused by action of the school board of the district at a regular
26 meeting or by the district superintendent subject to approval by the school board of the
27 district at the next regular meeting;

28 (9) has completed the 12th grade;

29 (10) is enrolled in

30 (A) the state boarding school established under AS 14.16; or

31 (B) a full-time program of correspondence study approved by

1 the department; in those school districts providing an approved correspondence
2 study program, a student may be enrolled either in the district correspondence
3 program or in the centralized correspondence study program;

4 (11) is equally well-served by an educational experience approved by
5 the school board as serving the child's educational interests despite an absence from
6 school, **and** the request for excuse is made in writing by the child's parents or
7 guardian [,] and approved by the principal or administrator of the school that the child
8 attends.

9 * **Sec. 17.** AS 14.36.030(b) is amended to read:

10 (b) For each fiscal year [BEGINNING AFTER JUNE 30, 1980], a district
11 operating an approved community school program under (a) of this section may
12 receive a further grant from the state equal to the amount allocated by the district to
13 the support of the community school program from sources other than the grant
14 provided under (a) of this section. The additional grant under this subsection may not
15 exceed the amount received under (a) of this section.

16 * **Sec. 18.** AS 14.43.120(b) is amended to read:

17 (b) Scholarship loans may only be used to attend a

18 (1) career education program operating on a sound fiscal basis that has

19 (A) operated for two years before the borrower attends; and

20 (B) submitted an executed program participation agreement as
21 required by the commission; or

22 (2) a college or university that

23 (A) has operated for at least two years before the borrower
24 attends;

25 (B) is accredited by a national or regional accreditation
26 association recognized by the Council on **Recognition of** Postsecondary
27 Accreditation or is approved by the commission;

28 (C) if the loans are federally insured, is approved by the United
29 States Secretary of Education;

30 (D) is a degree granting institution; and

31 (E) has submitted an executed program participation agreement

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1 as required by the commission.

2 * Sec. 19. AS 14.43.140 is amended to read:

3 **Sec. 14.43.140. Enforceability of certain contracts with minors.** A written
4 obligation entered into by a minor at least 16 years of age, evidencing a loan or other
5 assistance received by the minor from any person for the purpose of furthering the
6 minor's education in a career education program or an institution of higher learning,
7 is enforceable against the minor with the same effect as if the minor were, at the time
8 of its execution, 18 [19] years of age, if the person making the loan has before making
9 the loan a certification from the institution that the minor is enrolled in the institution
10 or has been accepted for enrollment.

11 * Sec. 20. AS 14.56.182 is amended to read:

12 **Sec. 14.56.182. Alaska Blue Book.** The division of state libraries, archives,
13 and museums shall compile and issue biennially, beginning in 1973, an official
14 directory of all state officers, state departments, agencies, institutions, boards and
15 commissions, and municipal officials, to be known as the Alaska Blue Book, and
16 include in the book information regarding the functions of these officers and agencies
17 that are considered most valuable to the people of the state, together with other data
18 and information that is usually included in similar publications of other states. The
19 book must also include official reports of state agencies in the form prescribed by the
20 division and a synopsis of all studies undertaken by each of the agencies listed.

21 * Sec. 21. AS 14.56.190(1) is amended to read:

22 (1) "division" means the division of state libraries, archives, and
23 museums;

24 * Sec. 22. AS 14.56.200 is amended to read:

25 **Sec. 14.56.200. Grants for constructing and equipping libraries.** The
26 division of state libraries, archives, and museums shall administer a program
27 providing for grants to rural communities for constructing and equipping community
28 libraries according to the provisions of AS 14.56.210 - 14.56.240.

29 * Sec. 23. AS 14.56.210 is amended to read:

30 **Sec. 14.56.210. Application for grants.** (a) A rural community desiring to
31 receive the benefits of the grants provided for in AS 14.56.200 shall apply to the

1 division of state libraries, archives, and museums. If the rural community is within
 2 a borough with areawide library powers, the borough may apply on behalf of the
 3 community.

4 (b) To be eligible for a grant under AS 14.56.200 - 14.56.240, the applicant
 5 shall provide not less than 10 percent of the total cost of the project for which the
 6 funds are granted. The remaining percentage shall be provided by the state. The
 7 matching share of the applicant may be in the form of money, land, services, or other
 8 items acceptable to the division of state libraries, archives, and museums.
 9 Satisfactory assurance of the continuation of library services shall be included as part
 10 of the application.

11 * Sec. 24. AS 14.56.230 is amended to read:

12 **Sec. 14.56.230. Regulations.** The division of state libraries, archives, and
 13 museums shall adopt regulations necessary to carry out the purposes of AS 14.56.200
 14 - 14.56.240.

15 * Sec. 25. AS 14.56.350(a) is amended to read:

16 (a) The director of the division of state libraries, archives, and museums shall
 17 administer a program providing for grants to municipalities in the state for the
 18 construction and equipping of libraries. To be eligible for a grant under this section,
 19 a municipality shall provide not less than 40 percent of the total cost of the project for
 20 which funds are granted. The department shall administer the funds under this section
 21 and shall adopt regulations necessary to carry out the purposes of this section.

22 * Sec. 26. AS 21.18.110(h) is amended to read:

23 (h) In this section, "[SUBSECTION] plan type" is defined as follows:

24 (1) plan type A: at any time policyholder may withdraw funds only

25 (A) with an adjustment to reflect a change in interest rates or
 26 asset values since receipt of the funds by the insurer;

27 (B) without such adjustment but in installments over five years
 28 or more;

29 (C) as an immediate life annuity; or

30 (D) no withdrawal permitted;

31 (2) plan type B: before expiration of the interest rate guarantee,

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1 policyholder may withdraw funds only

2 (A) with adjustment to reflect a change in interest rates or asset
3 values since receipt of the funds by the insurer;

4 (B) without adjustment but in installments over five years or
5 more; or

6 (C) no withdrawal permitted; at the end of interest rate
7 guarantee, funds may be withdrawn without adjustment in a single sum or
8 installments over less than five years;

9 (3) plan type C: policyholder may withdraw funds before expiration of
10 an interest rate guarantee in a single sum or installments over less than five years
11 either

12 (A) without adjustment to reflect changes in interest rates or
13 asset values since receipt of the funds by the insurer; or

14 (B) subject only to a fixed surrender charge stipulated in the
15 contract as a percentage of the fund.

16 * Sec. 27. AS 23.30.195(a) is amended to read:

17 (a) Compensation to which any claimant would be entitled under AS 23.30.190
18 [EXCEPTING (a)(20) OF THAT SECTION] shall, notwithstanding death arising from
19 causes other than the injury, be payable to and for the benefit of the persons following:

20 (1) if there be a widow or widower and no child of the deceased, to the
21 widow or widower;

22 (2) if there be a widow or widower and a surviving child of the
23 deceased, one-half to the widow or widower, the other half to the surviving child;

24 (3) if there be a surviving child of the deceased, but no widow or
25 widower, then to the child.

26 * Sec. 28. AS 24.05.135(c) is amended to read:

27 (c) As the tapes, spools, or other recording devices are filled, or as reports are
28 completed, they shall be transferred to the state library for placement in the state
29 archives. Reproductions shall be placed in a centrally located public library in Juneau,
30 Anchorage, and Fairbanks, until one year after adjournment of the legislative session
31 recorded. The division of state libraries, archives, and museums shall supply

reproductions of electronic recordings at cost to any person requesting them.

* Sec. 29. AS 28.10.431(b) is amended to read:

(b) The biennial tax is levied upon motor vehicles subject to the registration [LICENSE] fee under AS 28.10.411 and 28.10.421 and is based upon the age of vehicles as determined by model year in the first year of the biennial period, according to the following schedule:

	Tax According to Age of Vehicle Since Model Year:								
	1st	2nd	3rd	4th	5th	6th	7th	8th	
									or over
Motor Vehicle									
(1) motorcycle	\$ 17	\$ 15	\$ 13	\$ 10	\$ 7	\$ 5	\$ 2	\$ 4	
(2) vehicles specified in AS 28.10.421(b)(1)	121	99	77	55	39	28	19	16	
(3) vehicles specified in AS 28.10.421(b)(3)	121	99	77	55	39	28	19	16	
(4) vehicles specified in AS 28.10.421(c)(1)-(4)									
5,000 pounds or less	121	99	77	55	39	28	19	16	
5,001-12,000 pounds	198	154	121	99	77	55	33	22	
12,001-18,000 pounds	297	242	198	154	110	77	55	44	
18,001 pounds or over	396	19	253	198	154	110	66	44	
(5) vehicles specified in AS 28.10.421(b)(4)	198	154	121	99	77	55	33	22	
(6) vehicles specified									

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1	in AS 28.10.421(b)(6)	17	15	13	10	7	5	4	4
2	(7) vehicles specified								
3	in AS 28.10.421(d)(8)	121	99	77	55	39	28	19	16
4	(8) vehicles specified								
5	in AS 28.10.421(b)(2)	121	99	77	55	39	28	19	16
6	(9) vehicles eligible								
7	for dealer plates under								
8	AS 28.10.421(d)(9)	88.							

9 * Sec. 30. AS 30.30.170(1) is amended to read:

10 (1) "department" means the Department of Transportation and Public
11 Facilities [, DIVISION OF WATERS AND HARBORS];

12 * Sec. 31. AS 37.05.146 is amended to read:

13 **Sec. 37.05.146. Definition of program receipts and non-general fund**
14 **program receipts.** (a) In AS 37.05.142 - 37.05.146 and AS 37.07.080, "program
15 receipts" means fees, charges, income earned on assets, and other state money received
16 by a state agency in connection with the performance of its functions.

17 (b) All [: ALL] program receipts except the following are general fund
18 program receipts:

- 19 (1) federal receipts;
- 20 (2) University of Alaska receipts (AS 14.40.491);
- 21 (3) individual, foundation, or corporation gifts, grants, or bequests that
22 by their terms are restricted to a specific purpose;
- 23 (4) receipts of the following funds:
- 24 (A) highway working capital fund (AS 44.68.210);
- 25 (B) correctional industries fund (AS 33.32.020);
- 26 (C) loan funds;
- 27 (D) international airport revenue fund (AS 37.15.430);
- 28 (E) funds managed by the Alaska Housing Finance Corporation
29 (AS 18.56.020), the Alaska Railroad Corporation (AS 42.40.010), the
30 Municipal Bond Bank Authority (AS 44.85.020), the Alaska Aerospace
31 Development Corporation (AS 14.40.821), or the Alaska Industrial

- 1 Development and Export Authority (AS 44.88.020);
- 2 (F) fish and game fund (AS 16.05.100);
- 3 (G) school fund (AS 43.50.140);
- 4 (H) training and building fund (AS 23.20.130);
- 5 (I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222,
- 6 AS 39.35, and former AS 39.37);
- 7 (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
- 8 (K) public school trust fund (AS 37.14.110);
- 9 (L) second injury fund (AS 23.30.040);
- 10 (M) fishermen's fund (AS 23.35.060);
- 11 (N) FICA administration fund (AS 39.30.050);
- 12 (O) [RECEIPTS OF THE EMPLOYEE BENEFITS PROGRAM
- 13 ESTABLISHED UNDER AS 39.30.150 - 39.30.180;
- 14 (P) RECEIPTS OF THE DEFERRED COMPENSATION
- 15 PROGRAM ESTABLISHED UNDER AS 39.45;
- 16 (Q)] clean air protection fund (AS 46.14.260);
- 17 ~~(P)~~ [(R) RECEIPTS OF THE GROUP INSURANCE
- 18 PROGRAMS ESTABLISHED UNDER AS 39.30.090;
- 19 (S)] mental health trust fund (AS 37.14.031);
- 20 (5) receipts of or from the trust established by AS 37.14.400 -
- 21 37.14.450, except reimbursements described in AS 37.14.410;
- 22 (6) receipts of the employee benefits program established under
- 23 AS 39.30.150 - 39.30.180;
- 24 (7) receipts of the deferred compensation program established
- 25 under AS 39.45;
- 26 (8) receipts of the group insurance programs established under
- 27 AS 39.30.090.

28 * Sec. 32. AS 37.05.530(g) is amended to read:

29 (g) Amounts received by the state under 42 U.S.C. 6508 and not appropriated ,

30 for grants to municipalities under (d) of this section lapse at the end of each fiscal year

31 as follows:

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- 1 (1) 50 percent to the principal of the Alaska permanent fund;
2 (2) .5 percent to the public school trust fund (AS 37.14.110); and
3 (3) the remainder to the general fund for use by the state for the
4 following facilities and services:
5 (A) planning;
6 (B) construction, maintenance, and operation of essential public
7 facilities; and
8 (C) other necessary public services.

9 * Sec. 33. AS 37.10.071(f) is amended to read:

10 (f) In this section, "fiduciary of a state fund" or "fiduciary" means

- 11 (1) the commissioner of revenue for investments under AS 37.10.070;
12 (2) with respect to the Alaska State Pension Investment Board, for

13 investments under or subject to AS 14.25.180,

- 14 (A) each trustee who serves on the board of trustees; and
15 (B) any other person who exercises control or authority with
16 respect to management or disposition of assets for which the board is
17 responsible or who gives investment advice to the board; or

18 (3) the person or body provided by law to manage the investments for
19 investments not subject to AS 14.25.180 or AS 37.10.070.

20 * Sec. 34. AS 42.06.245 is amended to read:

21 **Sec. 42.06.245. Federally regulated carriers.** The requirements of this
22 chapter pertaining to permits and certificates of public convenience and necessity do
23 not apply to the construction of a pipeline facility exclusively subject to federal
24 jurisdiction or to the interstate portion of the business of a pipeline or pipeline carrier
25 exclusively subject to federal jurisdiction. However [; HOWEVER], the requirements
26 of this chapter for permits and certificates of public convenience and necessity do
27 apply to all the intrastate portion of the business of a pipeline or pipeline carrier
28 subject to federal jurisdiction whenever it engages [THEY ENGAGE] in intrastate
29 commerce. However [; HOWEVER], nothing limits the powers of the commission
30 set out in this chapter except to the extent they are preempted by federal law.

31 * Sec. 35. AS 42.06.250 is amended to read:

1 **Sec. 42.06.250. Application.** Application for a certificate shall be made in
2 writing to the commission, verified under oath. **The commission, by regulation, shall**
3 **establish the requirements for** [, AND SHALL BE IN] the form of **the application,**
4 and [CONTAIN] the information **to be contained in it. Notice** [, AND NOTICE] of
5 the application shall be served upon the interested parties in the manner that the
6 commission by regulation requires.

7 * **Sec. 36.** AS 43.55.017(a) is amended to read:

8 (a) Except as provided in this chapter [AND IN AS 43.58], the taxes imposed
9 by this chapter are in place of all taxes now imposed by the state or any of its
10 municipalities, and neither the state nor a municipality may impose a tax upon

- 11 (1) producing oil or gas leases;
- 12 (2) oil or gas produced or extracted in the state;
- 13 (3) the value of intangible drilling and exploration expenses.

14 * **Sec. 37.** AS 44.27.060(d) is amended to read:

15 (d) In (c) of this section, "building" or "facility" means

- 16 (1) a building or facility of the state, as defined by **AS 35.27.030**
17 [AS 35.27.030(2)], that is designed for and that is subject to substantial public use; and
- 18 (2) a building or facility that is leased by the state and subject to
19 substantial public use.

20 * **Sec. 38.** AS 45.50.477(a) is amended to read:

21 (a) A person may not use the title "industrial hygienist," the initials "I.H.,"
22 another term that includes the phrase "industrial hygiene" or similar words, or
23 represent to the public that the person is an industrial hygienist, unless the person has
24 a baccalaureate or graduate degree in industrial hygiene, biology, chemistry,
25 engineering, physics, or a closely related physical or biological science from a college
26 or university accredited by a national or regional accreditation association recognized
27 by the Council on **Recognition of** Postsecondary Accreditation, or a degree based on
28 equivalent academic training, and has acquired competence in industrial hygiene
29 through special studies or work experience sufficient to provide the person with the
30 ability and competence to

- 31 (1) anticipate and recognize the environmental factors and stresses

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1 associated with work and work operations and to understand their effects on people
2 and their well-being;

3 (2) evaluate, on the basis of training and demonstrated work experience
4 and with the aid of quantitative measurement techniques, the magnitude of the factors
5 and stresses identified under (1) of this subsection in terms of their ability to impair
6 human health and well-being; and

7 (3) prescribe methods to prevent, eliminate, control, or reduce the
8 factors and stresses identified under (a) of this subsection when necessary to alleviate
9 their effects.

10 * Sec. 39. AS 47.27.015(a) is amended to read:

11 (a) A family is not eligible for assistance under the Alaska temporary
12 assistance program if the family includes an adult who

13 (1) has received benefits under the Alaska temporary assistance
14 program, or a program of another state operated under a federal assistance grant
15 program for needy families, for a total of 60 months as the caretaker or spouse of a
16 caretaker of a dependent child or as a pregnant woman, unless the caretaker or
17 pregnant woman is

18 (A) a person who the department has reasonable cause to
19 believe is or recently has been the victim of domestic violence, as defined in
20 AS 18.66.900, and the physical, mental, or emotional well-being of the victim
21 would be endangered by a strict application of the time limit otherwise
22 applicable under this subsection;

23 (B) determined, under regulations of the department to be
24 physically or mentally unable to perform gainful activity;

25 (C) a parent who is providing care for a child who is
26 experiencing a disability; or

27 (D) a family determined by the department to be exempt from
28 this paragraph by reason of hardship; [THE NUMBER OF FAMILIES FOR
29 WHICH AN EXEMPTION IS IN EFFECT UNDER THIS PARAGRAPH
30 MAY NOT EXCEED 10 PERCENT OR THE MAXIMUM PERCENTAGE OF
31 FAMILIES ALLOWED AN EXEMPTION UNDER FEDERAL LAW,

1 WHICHEVER IS GREATER;] or

2 (2) is determined to be fleeing to avoid prosecution, custody, or
3 confinement after conviction, in this or another jurisdiction, for a crime that is
4 classified as a felony or a class A misdemeanor under AS 11 or the criminal laws of
5 the jurisdiction where the criminal activity was committed.

6 * Sec. 40. AS 47.27.015 is amended by adding a new subsection to read:

7 (f) The number of families for which an exemption is in effect under (a)(1)
8 of this section may not exceed 10 percent or the maximum percentage of families
9 allowed an exemption under federal law, whichever is greater.

10 * Sec. 41. AS 30.15.070(2) is repealed.

11 * Sec. 42. The amendment to AS 13.12.603(a), made by sec. 11 of this Act, is retroactive
12 to January 1, 1997, to the extent constitutionally permissible.

13 * Sec. 43. The amendments to AS 14.17.025(a) and (b), made by secs. 12 and 13 of this
14 Act, are retroactive to July 1, 1995, to the extent constitutionally permissible.

15 * Sec. 44. The amendments to AS 14.20.177(a), made by sec. 15 of this Act, are
16 retroactive to August 16, 1996, to the extent constitutionally permissible.

17 * Sec. 45. (a) The amendment to AS 09.10.053, made by sec. 8 of this Act, takes effect
18 only if SCS CSSSHB 58(RLS) am S, Twentieth Alaska State Legislature, becomes law.

19 (b) If the amendment to AS 09.10.053, made by sec. 8 of this Act, takes effect under
20 (a) of this section, the applicability and severability provisions of secs. 55 and 56 of
21 SCS CSSSHB 58(RLS) am S apply to AS 09.10.053, as amended by sec. 8 of this Act.

22 * Sec. 46. If sec. 8 of this Act takes effect under sec. 45(a) of this Act, it takes effect on
23 the effective date of SCS CSSSHB 58(RLS) am S, Twentieth Alaska State Legislature.

24 * Sec. 47. Except as provided in sec. 46 of this Act, this Act takes effect immediately
25 under AS 01.10.070(c).