

HOUSE BILL NO. 77

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 1/24/17

Referred:

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 06.55.802 is amended to read:

5 **Sec. 06.55.802. Exclusions.** This chapter does not apply to

6 (1) the United States or a department, an agency, or an instrumentality
7 of the United States;

8 (2) money transmission by the United States Postal Service or by a
9 contractor on behalf of the United States Postal Service;

10 (3) a state, a municipality, a county, or another governmental agency
11 or governmental subdivision of a state;

12 (4) a bank, a bank holding company, an office of an international
13 banking corporation, a branch of a foreign bank, a corporation organized under 12
14 U.S.C. 1861 - 1867 (Bank Service Company Act), or a corporation organized under 12

1 U.S.C. 611 - 633 (Edge Act) under the laws of a state or the United States, if it does
 2 not issue, sell, or provide payment instruments or stored value through an authorized
 3 delegate who is not a bank, a bank holding company, an office of an international
 4 banking corporation, a branch of a foreign bank, a corporation organized under 12
 5 U.S.C. 1861 - 1867 (Bank Service Company Act), or a corporation organized under 12
 6 U.S.C. 611 - 633 (Edge Act) under the laws of a state or the United States;

7 (5) electronic funds transfer of governmental benefits for a federal,
 8 state, or municipal agency or a state political subdivision by a contractor on behalf of

9 (A) the United States or a department, an agency, or an
 10 instrumentality of the United States; or

11 (B) a state, or a department, an agency, or an instrumentality of
 12 a state;

13 (6) a board of trade or a person who, in the ordinary course of
 14 business, provides clearance and settlement services for a board of trade, to the extent
 15 of the operation of the person for a board of trade; in this paragraph, "board of trade"
 16 means a board of trade designated as a contract market under 7 U.S.C. 1 - 27f
 17 (Commodity Exchange Act);

18 (7) a registered futures commission merchant under the federal
 19 commodities laws, to the extent of the merchant's operation as a registered futures
 20 commission merchant under the federal commodities laws;

21 (8) a person who provides clearance or settlement services under a
 22 registration as a clearing agency or an exemption from the registration granted under
 23 the federal securities laws, to the extent of the person's operation as a provider of
 24 clearance or settlement services under a registration as a clearing agency or an
 25 exemption from the registration granted under the federal securities laws;

26 (9) an operator of a payment system to the extent that the operator
 27 provides processing, clearing, or settlement services, between or among persons
 28 excluded by this section, in connection with wire transfers, credit card transactions,
 29 debit card transactions, stored-value transactions, automated clearinghouse
 30 [CLEARING HOUSE] transfers, or similar funds transfers; or

31 (10) a person registered as a securities broker-dealer under federal or

1 state securities laws, to the extent of the person's operation as a securities broker-
2 dealer under federal or state securities laws.

3 * **Sec. 2.** AS 09.10.075 is amended to read:

4 **Sec. 09.10.075. Actions related to claims based on medical assistance**
5 **payment fraud.** Except as provided in AS 09.58.070, a person may not bring an
6 action under **AS 09.58.010 - 09.58.025** [AS 09.58.010 - 09.58.060] unless the action is
7 commenced by (1) six years after the act or omission was committed, or (2) three
8 years after the date when facts material to the action were known, or reasonably
9 should have been known, by the attorney general or the Department of Health and
10 Social Services, whichever is later, but in no event more than 10 years after the date
11 the violation under AS 09.58.010 occurred.

12 * **Sec. 3.** AS 09.58.015(b) is amended to read:

13 (b) The attorney general may bring a civil action in superior court under
14 **AS 09.58.010 - 09.58.025** [AS 09.58.010 - 09.58.060].

15 * **Sec. 4.** AS 09.58.025, as amended by sec. 19, ch. 25, SLA 2016, is amended to read:

16 **Sec. 09.58.025. Subpoenas.** In conducting an investigation under
17 AS 09.58.015, the attorney general may issue subpoenas to compel the production of
18 books, papers, correspondence, memoranda, and other records in connection with an
19 investigation under or the administration of **AS 09.58.010 - 09.58.025** [AS 09.58.010 -
20 09.58.060]. If a medical assistance provider or a medical assistance recipient fails or
21 refuses, without just cause, to obey a subpoena issued under this section, the superior
22 court may, upon application by the attorney general, issue an order requiring the
23 medical assistance provider or medical assistance recipient to appear before the
24 attorney general to produce evidence.

25 * **Sec. 5.** AS 09.58.090(b) is amended to read:

26 (b) No punitive damages may be awarded in an action brought under
27 **AS 09.58.010 - 09.58.025** [AS 09.58.010 - 09.58.060].

28 * **Sec. 6.** AS 13.16.025 is amended to read:

29 **Sec. 13.16.025. Proceedings affecting devolution and administration;**
30 **jurisdiction of subject matter.** Persons interested in decedents' estates may apply to
31 the registrar for determination in the informal proceedings provided in this chapter,

1 and may petition the court for orders in formal proceedings within the court's
 2 jurisdiction [,] including [BUT NOT LIMITED TO] those described in this chapter.
 3 The court has exclusive jurisdiction of formal proceedings to determine how
 4 decedents' estates subject to the laws of this state are to be administered, expended,
 5 and distributed. The court has concurrent jurisdiction of any other action or proceeding
 6 concerning a succession or to which an estate, through a personal representative, may
 7 be a party, including actions to determine title to property alleged to belong to the
 8 estate, and of any action or proceeding in which property distributed by a personal
 9 representative or its value is sought to be subjected to rights of creditors or successors
 10 of the decedent.

11 *** Sec. 7.** AS 14.03.120(f) is amended to read:

12 (f) By January 15 of each year, [BEGINNING IN 2001,] the department shall
 13 provide to the governor and make available to the public and the legislature a report on
 14 the performance of public schools in this state. The report must be entitled "Alaska's
 15 Public Schools: A Report Card to the Public." The report must include

16 (1) comprehensive information on each public school compiled,
 17 collected, and reported under (d) and (e) of this section for the prior school year;

18 (2) a summary of the information described in (1) of this subsection;
 19 the summary must be prepared in a manner that allows school performance to be
 20 measured against established state education standards; and

21 (3) [FOR A REPORT DUE BY OR AFTER JANUARY 15, 2005,] the
 22 most recent performance designation under AS 14.03.123 received by each public
 23 school and by the state public school system.

24 *** Sec. 8.** AS 14.08.051(a) is amended to read:

25 (a) The commissioner in consultation with the Department of Commerce,
 26 Community, and Economic Development and the local communities may divide a
 27 regional educational attendance area into sections only for the purpose of nominating
 28 and electing regional school board members. If the voters in a regional educational
 29 attendance area favor election of regional school board members by sections under (b)
 30 of this section, the commissioner in consultation with the Department of Commerce,
 31 Community, and Economic Development and the local communities shall divide the

1 regional educational attendance area into sections for the purpose of nominating and
 2 electing regional school board members. If a regional educational attendance area is
 3 divided into sections each school board member shall represent, as nearly as
 4 practicable, an equal number of persons. The basis for the division of a regional
 5 educational attendance area into sections shall be the total population of the area as
 6 reported in the most recent decennial federal census. If the census is five years old or
 7 older, then other reliable population data, including [BUT NOT LIMITED TO]
 8 population estimates based on public school enrollments, public utility connections,
 9 registered voters, or certified employment payrolls, shall be used as the basis for the
 10 division of the area into sections. Each section within a regional educational
 11 attendance area shall consist of compact, contiguous territory and, as far as
 12 practicable, each section shall contain an integrated socio-economic, linguistically and
 13 culturally homogeneous area. In the division of the regional school and attendance
 14 area into sections, consideration shall be given to the transportation and
 15 communication network to facilitate the administration of education and
 16 communication between communities that comprise the area. Whenever possible,
 17 municipalities, other governmental or regional corporate entities, drainage basins, and
 18 other identifiable geographic features shall be used in describing the boundaries of the
 19 sections.

20 * **Sec. 9.** AS 14.08.101 is amended to read:

21 **Sec. 14.08.101. Powers.** A regional school board may

- 22 (1) sue and be sued;
- 23 (2) contract with the department, the Bureau of Indian Affairs, or any
 24 other school district, agency, or regional board for the provision of services, facilities,
 25 supplies, or utilities;
- 26 (3) determine its own fiscal procedures, including [BUT NOT
 27 LIMITED TO] policies and procedures for the purchase of supplies and equipment;
 28 the regional school boards are exempt from AS 37.05 (Fiscal Procedures Act) and
 29 AS 36.30 (State Procurement Code);
- 30 (4) appoint, compensate, and otherwise control all school employees in
 31 accordance with this title; these employees are not subject to AS 39.25 (State

Personnel Act);

(5) adopt regulations governing organization, policies, and procedures for the operation of the schools;

(6) establish, maintain, operate, discontinue, and combine schools subject to the approval of the commissioner;

(7) recommend to the department projects for construction, rehabilitation, and improvement of schools and education-related facilities as specified in AS 14.11.011(b), and plan, design, and construct the project when the responsibility for it is assumed under AS 14.11.020;

(8) by resolution adopted by a majority of all the members of the board and provided to the commissioner of the department, assume ownership of all land and buildings used in relation to the schools in the regional educational attendance area, as provided for in AS 14.08.151(b);

(9) provide housing for rental to teachers, by leasing existing housing from a local agency or individual, by entering into contractual arrangements with a local agency or individual to lease housing that will be constructed by the local agency or individual for that purpose, or, without using for the purpose that portion of public school funding that consists of state aid provided under AS 14.17, by constructing or otherwise acquiring housing that is owned and managed by the regional educational attendance area for rental to teachers;

(10) employ a chief school administrator;

(11) apply for and use the proceeds of a loan from the Alaska energy efficiency revolving loan fund (AS 18.56.855);

(12) exercise those other functions that may be necessary for the proper performance of its responsibilities.

*** Sec. 10.** AS 14.11.100(e) is amended to read:

(e) The commissioner shall annually prepare a report on allocations of state aid made under this section, including [BUT NOT LIMITED TO] the amount of state aid paid on a per capita and per student basis and the resultant effect on the rate of levy of taxes by the municipality for educational purposes. The commissioner shall notify the legislature that the report is available.

1 * **Sec. 11.** AS 14.12.150(a) is amended to read:

2 (a) The districts of the state public school system may join together to
3 establish regional resource centers to provide services, including [BUT NOT
4 LIMITED TO] the following: accounting, payroll, and other fiscal; media;
5 instructional support; bilingual-bicultural educational; in-service and staff
6 development; student; diagnostic; school management; and school board member
7 training.

8 * **Sec. 12.** AS 14.12.160(b) is amended to read:

9 (b) To qualify for a grant under (a) of this section, a regional resource center
10 board shall

11 (1) be organized under the provisions of AS 14.12.150;

12 (2) adopt bylaws for its operation;

13 (3) provide the department with a plan of operation including [BUT
14 NOT LIMITED TO] the following elements:

15 (A) the bylaws adopted for its operation;

16 (B) a list of participating districts, number of students and
17 professional staff to be served;

18 (C) a schedule of funds available from federal, state, local, and
19 private sources;

20 (D) a description of the services and programs to be offered;

21 (E) a description of the method by which these services and
22 programs will be evaluated;

23 (F) other information that may be required by the department
24 by regulation;

25 (4) comply with applicable regulations adopted by the department.

26 * **Sec. 13.** AS 14.14.090, as amended by sec. 14, ch. 54, SLA 2016, is amended to read:

27 **Sec. 14.14.090. Duties of school boards.** In addition to other duties, a school
28 board shall

29 (1) determine and disburse the total amount to be made available for
30 compensation of all school employees and administrative officers;

31 (2) provide for, during the school term of each year, an educational

1 program for each school age child who is enrolled in or a resident of the district;

2 (3) withhold the salary for the last month of service of a teacher or
3 administrator until the teacher or administrator has submitted all summaries, statistics,
4 and reports that the school board may require by bylaws;

5 (4) transmit, when required by the assembly or council but not more
6 often than once a month, a summary report and statement of money expended;

7 (5) keep the minutes of meetings and a record of all proceedings of the
8 school board in a pertinent form;

9 (6) keep the records and files of the school board open to inspection by
10 the public at the principal administrative office of the district during reasonable
11 business hours;

12 (7) establish procedures for the review and selection of all textbooks
13 and instructional materials, including textbooks and curriculum materials for statewide
14 correspondence programs, before they are introduced into the school curriculum; the
15 review includes a review for violations of AS 14.18.060; nothing in this paragraph
16 precludes a correspondence study student, or the parent or guardian of a
17 correspondence study student, from privately obtaining or using textbooks or
18 curriculum material not provided by the school district;

19 (8) provide prospective employees with information relating to the
20 availability and cost of housing in rural areas to which they might be assigned, and,
21 when possible, assist them in locating housing; however, nothing in this paragraph
22 requires a school district to provide teacher housing, whether district owned, leased,
23 rented, or through other means, nor does it require a school board to engage in a
24 subsidy program of any kind regarding teacher housing;

25 (9) train persons required to report under AS 47.17.020, in the
26 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

27 (10) provide for the development and implementation of a **preventive**
28 [PREVENTATIVE] maintenance program for school facilities; in this paragraph,
29 "**preventive** [PREVENTATIVE] maintenance" means scheduled maintenance actions
30 that prevent the premature failure or extend the useful life of a facility, or a facility's
31 systems and components, and that are cost-effective on a life-cycle basis;

(11) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100, AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph must include a training schedule that ensures that not less than 50 percent of the total certificated staff employed by the district receives all of the training not less than every two years and that all of the certificated staff employed by the district receive all of the training not less than every four years.

* **Sec. 14.** AS 14.18.020 is amended to read:

Sec. 14.18.020. Discrimination in employment prohibited. The board, the Board of Regents, and each school board in the state shall

(1) allow no difference in conditions of employment, including [BUT NOT LIMITED TO] hiring practices, credential requirements, leaves of absence, hours of employment, pay, employee benefits, and assignment of instructional and noninstructional duties based on [THE BASIS OF] sex or race; and

(2) provide the same opportunities for advancement to males and females.

* **Sec. 15.** AS 14.20.450 is amended to read:

Sec. 14.20.450. Responsibilities of commission. The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including [, BUT NOT LIMITED TO]:

(1) ethical and professional performance;

(2) preparation for and continuance in professional services; and

(3) contractual obligations.

* **Sec. 16.** AS 22.15.100 is amended to read:

Sec. 22.15.100. Functions and powers of district judge and magistrate. Each district judge and magistrate has the power

(1) to issue writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, returnable before a judge of the superior court, and the same proceedings shall be had on the writ as if it had been granted by the superior court judge under the laws of the state in those [SUCH] cases;

(2) of a notary public;

- 1 (3) to solemnize marriages;
- 2 (4) to issue warrants of arrest, summons, and search warrants
- 3 according to manner and procedure prescribed by law and the supreme court;
- 4 (5) to act as an examining judge or magistrate in preliminary
- 5 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
- 6 release of defendants under bail;
- 7 (6) to act as a referee in matters and actions referred to the judge or
- 8 magistrate by the superior court, with all powers conferred upon referees by laws;
- 9 (7) of the superior court in all respects including [BUT NOT
- 10 LIMITED TO] contempts, attendance of witnesses, and bench warrants;
- 11 (8) to order the temporary detention of a minor, or take other action
- 12 authorized by law or rules of procedure, in cases arising under AS 47.10 or AS 47.12,
- 13 when the minor is in a condition or surrounding dangerous or injurious to the welfare
- 14 of the minor or others that requires immediate action; the action may be continued in
- 15 effect until reviewed by the superior court in accordance with rules of procedure
- 16 governing these cases;
- 17 (9) to issue a protective order in cases involving
- 18 (A) domestic violence as provided in AS 18.66.100 -
- 19 18.66.180; or
- 20 (B) stalking or sexual assault as provided in AS 18.65.850 -
- 21 18.65.870;
- 22 (10) to review an administrative revocation of a person's driver's
- 23 license or nonresident privilege to drive, and an administrative refusal to issue an
- 24 original license, when designated as a hearing officer by the commissioner of
- 25 administration and with the consent of the administrative director of the Alaska Court
- 26 System;
- 27 (11) to establish the fact of death or inquire into the death of a person
- 28 in the manner prescribed under AS 09.55.020 - 09.55.069;
- 29 (12) to issue an ex parte testing, examination, or screening order
- 30 according to the manner and procedure prescribed by AS 18.15.375.

31 * **Sec. 17.** AS 23.05.140(a) is amended to read:

(a) An employee and employer may agree in an annual initial contract of employment to monthly pay periods when the employer shall pay the employee [ALL EMPLOYEES] for all labor performed or services rendered. Otherwise, the employer shall establish monthly or semi-monthly pay periods, at the election of the employee.

*** Sec. 18.** AS 23.10.045(a) is amended to read:

(a) If an employer agrees with an employee to make payments to a fund for the benefit of the employees, including [BUT NOT LIMITED TO] a fund for medical, health, hospital, welfare, and pension benefits or any of them, or has entered into a collective bargaining agreement providing for these payments, the employer may not without just cause fail to make the payments required by the terms of the agreement.

*** Sec. 19.** AS 23.20.520(21) is amended to read:

(21) "vocational training or retraining course" means a course of vocational or technical training or retraining in schools or classes, including [, BUT NOT LIMITED TO,] field or laboratory work and related remedial or academic instruction, which is conducted as a program designed to prepare individuals for employment in trades, skills, or crafts; the term "vocational training or retraining course" does not include a program of instruction for an individual, including a transfer credit program of instruction given at a community college, which is intended as credit for a degree from an institution of higher education;

*** Sec. 20.** AS 23.20.530(a) is amended to read:

(a) In this chapter, "wages" means all remuneration for service from whatever source, including [, BUT NOT LIMITED TO,] insured work, noninsured work, or self-employment; commissions, bonuses, back pay, and the cash value of all remuneration in a medium other than cash shall be treated as wages; gratuities customarily received by an individual in the course of service from persons other than the individual's employing unit may be treated as wages received from the employing unit only to the extent the individual reports the gratuities to the employing unit. The reasonable cash value of remuneration in a medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with regulations adopted by the department; notwithstanding AS 23.20.350(a), back pay awards shall be allocated to the weeks or quarters with respect to which the pay was

1 earned. If the remuneration of an individual is not based on [UPON] a fixed period of
 2 time or if the individual's wages are paid in irregular intervals or in a manner that does
 3 not extend regularly over the period of employment, the wages shall be allocated to
 4 weeks or quarters in accordance with regulations adopted by the department. The
 5 regulations must, so far as possible, produce results reasonably similar to those that
 6 would prevail if the individual's wages were paid at regular intervals. When an
 7 employer has filed for bankruptcy, unpaid wages earned for services performed for the
 8 employer are considered wages for the quarter in which they were earned.

9 * **Sec. 21.** AS 23.30.005(l) is amended to read:

10 (l) Regulations adopted by the department under (h) and (i) of this section
 11 become effective only after approval [APPROVED] by a majority of the full board.

12 * **Sec. 22.** AS 23.30.007(n) is amended to read:

13 (n) Each member of the commission, before entering upon the duties of office,
 14 shall take and subscribe to the oath prescribed for principal officers of the state. A
 15 member of the commission, during tenure, may not

16 (1) hold or campaign for elective office;

17 (2) be an officer of a political party, political committee, or group;

18 (3) permit the member's name to be used, or make any contributions
 19 whatsoever, in support of or in opposition to a candidate or proposition or question
 20 that appears on any ballot in the state including [BUT NOT LIMITED TO] that of a
 21 municipality; however, contributions may be made to a candidate for the office of
 22 President of the United States;

23 (4) participate in any way in an election campaign or participate in or
 24 contribute to any political party; or

25 (5) lobby, employ, or assist a lobbyist.

26 * **Sec. 23.** AS 23.40.225 is amended to read:

27 **Sec. 23.40.225. Exemption based on religious convictions.** Notwithstanding
 28 the provisions of AS 23.40.220, a collective bargaining settlement reached, or
 29 agreement entered into, under AS 23.40.210 that incorporates union security
 30 provisions, including [BUT NOT LIMITED TO] a union shop or agency shop
 31 provision or agreement, shall safeguard the rights of nonassociation of employees

1 having bona fide religious convictions based on tenets or teachings of a church or
 2 religious body of which an employee is a member. Upon submission of proper proof
 3 of religious conviction to the labor relations agency, the agency shall declare the
 4 employee exempt from becoming a member of a labor organization or employee
 5 association. The employee shall pay an amount of money equivalent to regular union
 6 or association dues, initiation fees, and assessments to the union or association.
 7 Nonpayment of this money subjects the employee to the same penalty as if it were
 8 nonpayment of dues. The receiving union or association shall contribute an equivalent
 9 amount of money to a charity of its choice not affiliated with a religious, labor, or
 10 employee organization. The union or association shall submit proof of contribution to
 11 the labor relations agency.

12 * **Sec. 24.** AS 29.03.020 is amended to read:

13 **Sec. 29.03.020. Service areas.** Allowing for maximum local participation, the
 14 legislature may establish, alter, or abolish service areas within the unorganized
 15 borough to provide special services, that may include [BUT ARE NOT LIMITED TO]
 16 schools, utilities, land use regulations, and fire protection. A new service area may not
 17 be established if the new service can be provided by an existing service area, by
 18 incorporation as a city, or by annexation to a city.

19 * **Sec. 25.** AS 29.40.170 is amended to read:

20 **Sec. 29.40.170. Delegations.** The planning commission and the platting
 21 authority may, as authorized by ordinance, delegate powers to hear and decide cases
 22 under this chapter, including [, BUT NOT LIMITED TO,] delegations to

- 23 (1) one or more members of the planning commission or platting
- 24 authority;
- 25 (2) other boards or commissions;
- 26 (3) a hearing officer designated by the planning commission or platting
- 27 authority.

28 * **Sec. 26.** AS 29.45.050(c) is amended to read:

- 29 (c) The provisions of (a) of this section notwithstanding,
- 30 (1) a borough may, by ordinance, adjust its property tax structure in
- 31 whole or in part to the property tax structure of a city in the borough, including

adjustments [BUT NOT LIMITED TO,] excluding personal property from taxation, establishing exemptions, and extending the redemption period;

(2) a home rule or first class city has the same power to grant exemptions or exclude property from borough taxes that it has as to city taxes if

(A) the exemptions or exclusions have been adopted as to city taxes; and

(B) the city appropriates to the borough sufficient money to equal **revenue** [REVENUES] lost by the borough because of the exemptions or exclusions, the amount to be determined annually by the assembly;

(3) a city in a borough may, by ordinance, adjust its property tax structure in whole or in part to the property tax structure of the borough, including [BUT NOT LIMITED TO] exempting or partially exempting property from taxation.

* **Sec. 27.** AS 29.60.450(f)(4) is amended to read:

(4) "fisheries business activity" means activity related to

(A) fishing, including [BUT NOT LIMITED TO] the catching and sale of fisheries resources;

(B) vessel moorage and vessel and gear maintenance;

(C) preparing fisheries resources for transportation; and

(D) processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes [BUT IS NOT LIMITED TO] canneries, cold storages, freezer ships, and processing plants;

* **Sec. 28.** AS 29.60.850(d) is amended to read:

(d) Notwithstanding the guidelines in (b) of this section, the legislature may appropriate any amount to the community **assistance** [REVENUE SHARING] fund. Nothing in this section creates a dedicated fund.

* **Sec. 29.** AS 37.06.020(k) is amended to read:

(k) Before the department may pay a draw under this section to an entity, the department shall have evidence acceptable to the department that the entity

(1) has a preventive maintenance plan that

(A) includes a computerized maintenance management program, cardex system, or other formal systematic means of tracking the

1 timing and costs associated with planned and completed maintenance
2 activities, including scheduled preventive [PREVENTATIVE] maintenance;

3 (B) addresses energy management for public buildings owned
4 or operated by the entity;

5 (C) includes a regular custodial care program for public
6 buildings owned or operated by the entity;

7 (D) includes preventive maintenance training for managers of
8 public facilities owned or operated by the entity and maintenance employees;

9 (E) includes renewal and replacement schedules for electrical,
10 mechanical, structural, and other components of public facilities owned or
11 operated by the entity; and

12 (2) is adequately adhering to the preventive maintenance plan.

13 * **Sec. 30.** AS 45.29.601(g) is amended to read:

14 (g) Except as otherwise provided in AS 45.29.607(c), AS 45.29.601 -
15 45.29.628 impose [45.29.601 - 45.29.628 IMPOSES] no duties on a secured party that
16 is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or
17 promissory notes.

18 * **Sec. 31.** AS 45.29.613 is amended to read:

19 **Sec. 45.29.613. General notification before disposition of collateral.** Except
20 in a consumer goods transaction, the following rules apply:

21 (1) the contents of a notification of disposition are sufficient if the
22 notification

23 (A) describes the debtor and the secured party;

24 (B) describes the collateral that is the subject of the intended
25 disposition;

26 (C) states the method of intended disposition;

27 (D) states that the debtor is entitled to an accounting of the
28 unpaid indebtedness and states the charge, if any, for an accounting; and

29 (E) states the time and place of a public disposition or the time
30 after which any other disposition is to be made;

31 (2) whether the contents of a notification that lacks any of the

information specified in (1) of this section are nevertheless sufficient is a question of fact;

(3) the contents of a notification providing substantially the information specified in (1) of this section are sufficient even if the notification includes

(A) information not specified by that paragraph; or

(B) minor errors that are not seriously misleading;

(4) a particular phrasing of the notification is not required;

(5) the following form of notification and the form appearing in AS 45.29.614(3), when completed, each **provide** [PROVIDES] sufficient information:

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: (Name of debtor, obligor, or other person to which the notification is sent)

From: (Name, address, and telephone number of secured party)

Name of Debtor(s): (Include only if debtor(s) are not an addressee)

(For a public disposition:)

We will sell (or lease or license, as applicable) the (describe collateral) (to the highest qualified bidder) in public as follows:

Day and Date: _____

Time: _____

Place: _____

(For a private disposition:)

We will sell (or lease or license, as applicable) the (describe collateral) privately sometime after (day and date).

You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell (or lease or license, as applicable) (for a charge of \$ _____). You may request an accounting by calling us at (telephone number).

* **Sec. 32.** AS 45.30.011(a) is amended to read:

(a) After August 27, 1980, a new mobile home sold by a mobile home dealer to a buyer is subject to a mobile home warranty. A mobile home warranty shall be set out in a separate written document entitled "Mobile Home Warranty" which shall be delivered to the buyer by the mobile home dealer at the time a contract of sale is signed. The warranty must [SHALL] contain the name, address, and telephone number of the mobile home manufacturer and the mobile home dealer and must [SHALL] include at least the following provisions:

(1) the mobile home is free from any substantial defects in materials and workmanship;

(2) the manufacturer or dealer, or both, shall take appropriate action at the site of the mobile home to correct substantial defects in materials or workmanship that [WHICH] become evident within one year of the date of delivery of the mobile home to the buyer if the buyer, or a transferee of the buyer, gives written notice of the defect by registered or certified mail addressed to the business address of the manufacturer or dealer on a date that [WHICH] is not more than one year and 10 [TEN] days after date of delivery of the mobile home;

(3) the manufacturer and the dealer are jointly and severally liable to the buyer, or a transferee of the buyer, for the fulfillment of the terms of warranty, and the buyer may notify the manufacturer or the dealer, or both, in the event action is required to correct substantial defects in materials or workmanship;

(4) the warranty is applicable to the mobile home structure, its plumbing, heating, and electrical systems, and all appliances and equipment installed or included in the mobile home unit by the manufacturer or dealer; and

(5) notwithstanding separate warranties applicable to appliances contained within a mobile home unit issued by the manufacturers of the appliances, primary responsibility for appropriate corrective action under the warranty rests with the manufacturer and the dealer of the mobile home unit, and written notice of defects must be initially reported to them.

* **Sec. 33.** AS 45.30.011(b) is amended to read:

(b) The warranty provided under (a) of this section is in addition to, and not in derogation of, all other rights and remedies that [WHICH] a buyer may have under

any other law or instrument.

* **Sec. 34.** AS 45.30.011(e) is amended to read:

(e) The manufacturer shall compensate a mobile home dealer who incurs expenses as a result of warranty obligations for which the manufacturer is legally responsible or for obligations that [WHICH] the manufacturer imposes upon the dealer. A provision of contract which is contrary to this subsection is void as against public policy.

* **Sec. 35.** AS 45.45.200(b) is amended to read:

(b) A shop may not collect or attempt to collect for

(1) repairs not authorized either orally or in writing by the customer;

(2) repairs that [WHICH] the shop knew or reasonably ought to have known to be unnecessary; or

(3) repairs that have not been made.

* **Sec. 36.** AS 45.45.240(3) is amended to read:

(3) ["MOTOR VEHICLE REPAIR SHOP" OR] "shop" means an individual, corporation, partnership, or other form of business organization engaged in the motor vehicle repair business and includes owners, officers, directors, agents, employees, and representatives but excludes the following:

(A) a shop engaged solely in the business of repairing the motor vehicles of a single commercial, industrial, or governmental establishment, or of two or more of these establishments that are related by common ownership or corporation affiliation;

(B) a person repairing the person's own or a family member's motor vehicle;

* **Sec. 37.** AS 45.48.200(a) is amended to read:

(a) A consumer who suffers damages as a result of a person's violation of AS 45.48.100 - 45.48.290 may bring an action in court against the person and recover, in the case of a violation where the person acted

(1) negligently, actual economic damages, court costs allowed by the rules of court, and full reasonable attorney fees;

(2) knowingly,

(A) damages as described in (1) of this subsection;

(B) punitive damages that are not less than \$100 or [NOR] more than \$5,000 for each violation as the court determines to be appropriate; and

(C) other relief that the court determines to be appropriate.

* **Sec. 38.** AS 45.50.025(b) is amended to read:

(b) As a condition of registration, the commissioner may require the applicant to disclaim an unregistrable [UNREGISTERABLE] component of a mark, or an applicant may voluntarily disclaim a component of a mark originally sought to be registered. A disclaimer under this subsection does not prejudice or affect the rights of an applicant or registrant

(1) in the disclaimed matter that exist at the time of the disclaimer or that arise later; or

(2) to register the disclaimed matter in another application if the disclaimed matter is or becomes distinctive of the applicant's or registrant's goods or services.

* **Sec. 39.** AS 45.50.471(b) is amended to read:

(b) The terms "unfair methods of competition" and "unfair or deceptive acts or practices" include [, BUT ARE NOT LIMITED TO,] the following acts:

(1) fraudulently conveying or transferring goods or services by representing them to be those of another;

(2) falsely representing or designating the geographic origin of goods or services;

(3) causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval, or another person's affiliation, connection, or association with or certification of goods or services;

(4) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;

(5) representing that goods are original or new if they are deteriorated,

1 altered, reconditioned, reclaimed, used, secondhand, or seconds;

2 (6) representing that goods or services are of a particular standard,
3 quality, or grade, or that goods are of a particular style or model, if they are of another;

4 (7) disparaging the goods, services, or business of another by false or
5 misleading representation of fact;

6 (8) advertising goods or services with intent not to sell them as
7 advertised;

8 (9) advertising goods or services with intent not to supply reasonable
9 expectable public demand, unless the advertisement prominently discloses a limitation
10 of quantity;

11 (10) making false or misleading statements of fact concerning the
12 reasons for, existence of, or amounts of price reductions;

13 (11) engaging in any other conduct creating a likelihood of confusion
14 or of misunderstanding and that [WHICH] misleads, deceives, or damages a buyer or
15 a competitor in connection with the sale or advertisement of goods or services;

16 (12) using or employing deception, fraud, false pretense, false promise,
17 misrepresentation, or knowingly concealing, suppressing, or omitting a material fact
18 with intent that others rely upon the concealment, suppression, or omission in
19 connection with the sale or advertisement of goods or services whether or not a person
20 has in fact been misled, deceived or damaged;

21 (13) failing to deliver to the customer at the time of an installment sale
22 of goods or services, a written order, contract, or receipt setting out the name and
23 address of the seller and the name and address of the organization that the seller
24 represents, and all of the terms and conditions of the sale, including a description of
25 the goods or services, which must [SHALL] be stated in readable, clear, and
26 unambiguous language;

27 (14) representing that an agreement confers or involves rights,
28 remedies, or obligations that [WHICH] it does not confer or involve, or that
29 [WHICH] are prohibited by law;

30 (15) knowingly making false or misleading statements concerning the
31 need for parts, replacement, or repair service;

1 (16) misrepresenting the authority of a salesman, representative, or
2 agent to negotiate the final terms of a consumer transaction;

3 (17) basing a charge for repair in whole or in part on a guaranty or
4 warranty rather than on the actual value of the actual repairs made or work to be
5 performed on the item without stating separately the charges for the work and the
6 charge for the guaranty or warranty, if any;

7 (18) disconnecting, turning back, or resetting the odometer of a vehicle
8 to reduce the number of miles indicated;

9 (19) using a chain referral sales plan by inducing or attempting to
10 induce a consumer to enter into a contract by offering a rebate, discount, commission,
11 or other consideration, contingent upon the happening of a future event, on the
12 condition that the consumer either sells, or gives information or assistance for the
13 purpose of leading to a sale by the seller of the same or related goods;

14 (20) selling or offering to sell a right of participation in a chain
15 distributor scheme;

16 (21) selling, falsely representing, or advertising meat, fish, or poultry
17 that [WHICH] has been frozen as fresh food;

18 (22) failing to comply with AS 45.02.350;

19 (23) failing to comply with AS 45.45.130 - 45.45.240;

20 (24) counseling, consulting, or arranging for future services relating to
21 the disposition of a body upon death whereby certain personal property, not including
22 cemetery lots and markers, will be furnished or the professional services of a funeral
23 director or embalmer will be furnished, unless the person receiving money or property
24 deposits the money or property, and money or property is received, within five days of
25 its receipt, in a trust in a financial institution whose deposits are insured by an
26 instrumentality of the federal government designating the institution as the trustee as a
27 separate trust in the name only of the person on whose behalf the arrangements are
28 made with a provision that the money or property may only be applied to the purchase
29 of designated merchandise or services and should the money or property deposited and
30 any accrued interest not be used for the purposes intended on the death of the person
31 on whose behalf the arrangements are made, all money or property in the trust shall

1 become part of that person's estate; upon demand by the person on whose behalf the
 2 arrangements are made, all money or property in the trust, including accrued interest,
 3 shall be paid to that person; this paragraph does not prohibit the charging of a separate
 4 fee for consultation, counseling, or arrangement services if the fee is disclosed to the
 5 person making the arrangement; any arrangement under this paragraph that [WHICH]
 6 would constitute a contract of insurance under AS 21 is subject to the provisions of
 7 AS 21;

8 (25) failing to comply with the terms of AS 45.50.800 - 45.50.850
 9 (Alaska Gasoline Products Leasing Act);

10 (26) failing to comply with AS 45.30 relating to mobile home
 11 warranties and mobile home parks;

12 (27) failing to comply with AS 14.48.060(b)(13);

13 (28) dealing in hearing aids and failing to comply with AS 08.55;

14 (29) violating AS 45.45.910(a), (b), or (c);

15 (30) failing to comply with AS 45.50.473;

16 (31) violating the provisions of AS 45.45.400;

17 (32) knowingly selling a reproduction of a piece of art or handicraft
 18 that was made by a resident of the state unless the reproduction is clearly labeled as a
 19 reproduction; in this paragraph, "reproduction" means a copy of an original if the copy
 20 is

21 (A) substantially the same as the original; and

22 (B) not made by the person who made the original;

23 (33) violating AS 08.66 (motor vehicle dealers);

24 (34) violating AS 08.66.260 - 08.66.350 (motor vehicle buyers'
 25 agents);

26 (35) violating AS 45.63 (solicitations by telephonic means);

27 (36) violating AS 45.68 (charitable solicitations);

28 (37) violating AS 45.50.474 (on board promotions);

29 (38) referring a person to a dentist or a dental practice that has paid or
 30 will pay a fee for the referral unless the person making the referral discloses at the
 31 time the referral is made that the dentist or dental practice has paid or will pay a fee

1 based on the referral;

2 (39) advertising that a person can receive a referral to a dentist or a
3 dental practice without disclosing in the advertising that the dentist or dental practice
4 to which the person is referred has paid or will pay a fee based on the referral if, in
5 fact, the dentist or dental practice to which the person is referred has paid or will pay a
6 fee based on the referral;

7 (40) violating AS 45.50.477(a) - (c);

8 (41) failing to comply with AS 45.50.475;

9 (42) violating AS 45.35 (lease-purchase agreements);

10 (43) violating AS 45.25.400 - 45.25.590 (motor vehicle dealer
11 practices);

12 (44) violating AS 45.66 (sale of business opportunities);

13 (45) violating AS 08.18.023(b) or 08.18.152;

14 (46) violating AS 45.50.479 (limitations on electronic mail);

15 (47) violating AS 17.06.010 (sale of, or offering to sell, organic food);

16 (48) violating a labeling or advertising provision of AS 17.20 (Alaska
17 Food, Drug, and Cosmetic Act);

18 (49) violating AS 45.45.920 (free trial period);

19 (50) violating AS 45.45.930 (opt-out marketing plans);

20 (51) violating AS 45.45.792 (deceptive acts or practices relating to
21 spyware);

22 (52) violating AS 06.60.340 (mortgage lending regulation);

23 (53) offering a check, through the mail or by other means, to promote
24 goods or services, if the cashing or deposit of the check obligates the endorser or
25 payee identified on the check to pay for goods or services; in this paragraph,
26 "services" does not include the extension of credit or the lending of money;

27 (54) violating AS 45.65.055 (authentic Alaska Native art identification
28 seals);

29 (55) an information collector, other than a governmental agency,
30 violating AS 45.48.010 - 45.48.090 (breach of security involving personal
31 information); in this paragraph,

(A) "governmental agency" has the meaning given in AS 45.48.090;

(B) "information collector" has the meaning given in AS 45.48.090;

(56) violating AS 45.27 (marine products and motorized recreational products);

(57) violating AS 45.45.450 - 45.45.459 (rental car fees).

*** Sec. 40.** AS 45.50.561(3) is amended to read:

(3) "chain distributor scheme" means a sales device whereby a person, upon condition that the person make an investment, is granted a license or right to solicit or recruit for profit one or more additional persons who are also granted a license or right upon condition of making an investment and may further perpetuate the chain of persons who are granted a license or right upon the condition of investment; a limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the license or right to solicit or recruit or the receipt of profit from these does not change the identity of the scheme as a chain distributor scheme; as used in this paragraph, "investment" means acquisition, for a consideration other than personal services, of tangible or intangible property, and includes [BUT IS NOT LIMITED TO] franchises, business opportunities and services; "investment" does not include sales demonstration equipment and materials furnished at cost for use in making sales and not for resale;

*** Sec. 41.** AS 45.50.576(a) is amended to read:

(a) A person who is injured in business or property by a violation of AS 45.50.562 - 45.50.570, or a person so injured because the person refuses to accede to a proposal for an arrangement that, if consummated, would be a violation of AS 45.50.562 - 45.50.570, may bring a civil action

(1) for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be awarded three times [THREEFOLD] the amount of damages sustained by the person, plus the costs of the suit, including reasonable attorney fees; and

(2) to enjoin the unlawful practice, and, if the judgment is for the

1 plaintiff, the plaintiff may be awarded costs of the suit, including reasonable attorney
2 fees.

3 * **Sec. 42.** AS 45.50.596(3) is amended to read:

4 (3) "trade" and "commerce" include [BUT ARE NOT LIMITED TO,]
5 trade in goods, merchandise, natural resources, whether or not severed, extracted,
6 harvested, or produced, agricultural products, produce, choses in action, commodities,
7 and any other article of commerce; **"trade" and "commerce"** [THEY] include trade
8 or business in service trades, transportation, banking, lending, advertising, bonding,
9 and any other business whether or not that business furnishes a personal service.

10 * **Sec. 43.** AS 45.50.810(c) is amended to read:

11 (c) Except as provided in (d) of this section, a refiner or distributor may not
12 terminate, cancel, or fail to renew a dealer lease without good cause. Good cause
13 **includes** [SHALL INCLUDE WITHOUT LIMITATION:]

14 (1) the failure of a dealer to comply with the lawful material provisions
15 of a lease between the distributor or refiner and the dealer and to cure each default
16 after being given written notice and a reasonable opportunity to cure the default;

17 (2) an adjudication that the dealer is a bankrupt or insolvent or if the
18 dealer makes an assignment for the benefit of creditors or a similar disposition of
19 assets of franchise business or voluntarily abandons the business or is convicted of or
20 pleads guilty or no contest to a charge of violating any law relating to any business;

21 (3) the good faith business decision of the lessor that the lessor no
22 longer requires a retail outlet at that location for the marketing of gasoline; and

23 (4) the dealer's failure to sign the new agreement if at the time of
24 renewal of the lease the distributor or refiner and the dealer cannot agree upon new
25 terms and the terms offered by the refiner or distributor do not violate any other laws
26 of the state or of the United States and the terms are essentially the same as those
27 offered to other dealers in similar retail outlets and do not discriminate against the
28 subject dealer.

29 * **Sec. 44.** AS 45.50.810(d) is amended to read:

30 (d) A refiner or distributor **may** [SHALL BE PERMITTED TO] provide in the
31 lease for its termination without cause during a reasonable trial period, not to exceed

one year, if the dealer involved has not already been a dealer of a refiner or distributor for that period of time.

* **Sec. 45.** AS 45.50.840(5) is amended to read:

(5) "refiner" **means** [IS] a company, corporation, or individual who owns or controls, or controls through a substantially owned subsidiary, partnership, or joint venture, a refinery used for the production of gasoline, diesel, or other motor vehicle fuels.

* **Sec. 46.** AS 45.50.930(c) is amended to read:

(c) AS 45.50.910 - 45.50.945 do not apply to investigations or actions by the attorney general under AS 45.50.471 - 45.50.561 **(Alaska Unfair Trade Practices and Consumer Protection Act)** [(UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION)] or under AS 45.50.562 - 45.50.596 **(Alaska Restraint of Trade Act)** [(RESTRAINT OF TRADE)].

* **Sec. 47.** AS 45.55.090 is amended to read:

Sec. 45.55.090. Registration by coordination. (a) A security for which a registration statement has been filed under the Securities Act of 1933 or any security for which filing has been made under Regulations A **and E under** [, E, AND F PURSUANT TO] subsection (b) of sec. 3 of the Securities Act of 1933 in connection with the same offering may be registered by coordination.

(b) A registration statement under this section must contain the following information and be accompanied by the following documents in addition to the information specified in AS 45.55.110(c) and the consent to service of process required by AS 45.55.980(g):

(1) one copy of the latest form of prospectus filed under 15 U.S.C. 77a - 77b (Securities Act of 1933);

(2) if the administrator requires, copies of the articles of incorporation and bylaws, or their substantial equivalent, currently in effect; a copy of an agreement with or among underwriters; a copy of an indenture or other instrument governing the issuance of the security to be registered; and a specimen or copy of the security;

(3) if the administrator requests, any other information, or copies of any other documents, filed under 15 U.S.C. 77a - 77b (Securities Act of 1933); and

(4) an undertaking to forward all future amendments to the federal prospectus, other than an amendment that [WHICH] merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the United States Securities and Exchange Commission, whichever first occurs.

(c) A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied:

(1) no stop order is in effect and no proceeding is pending under AS 45.55.120;

(2) the registration statement has been on file with the administrator for at least 10 days; and

(3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two full business days or a shorter period that [WHICH] the administrator permits and the offering is made within those limitations.

(d) The registrant shall promptly notify the administrator by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment that [WHICH] includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the administrator may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this subsection and [SUBSECTION] (c) of this section if the administrator promptly notifies the registrant by telephone or telegram, and promptly confirms by letter or telegram when the administrator notifies by telephone, of the issuance of the order. If the registrant proves compliance with the requirements of this subsection and [SUBSECTION] (c)

of this section as to notice and post-effective amendment, the stop order is void as of the time of its entry. The administrator may by regulation or otherwise waive either or both of the conditions specified in (c)(2) and (3) of this section. If the federal registration statement becomes effective before all the conditions in this subsection and [SUBSECTION] (c) of this section are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the administrator of the date when the federal registration statement is expected to become effective, the administrator shall promptly advise the registrant by telephone or telegram at the registrant's expense [,] whether all the conditions are satisfied and whether the administrator then contemplates the institution of a proceeding under AS 45.55.120; but this advice by the administrator does not preclude the institution of the proceeding at any time.

* **Sec. 48.** AS 45.55.100(b) is amended to read:

(b) A registration statement under this section must contain the following information and be accompanied by the following documents in addition to the information specified in AS 45.55.110(c) and the consent to service of process required by AS 45.55.980(g):

(1) with respect to the issuer and any significant subsidiary: its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; a description of its physical properties and equipment; and a statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(2) with respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: the person's name, address, and principal occupation for the past five years; the amount of securities of the issuer held by the person as of a specified date within 30 days of the filing of the registration statement; the amount of the securities covered by the registration statement to which the person has indicated an intent to subscribe; and a description of a material interest in a material transaction with the issuer or a significant subsidiary effected within the past three years or proposed to be effected;

(3) with respect to persons covered by (2) of this subsection: the

1 remuneration paid during the past 12 months and estimated to be paid during the next
 2 12 months, directly or indirectly, by the issuer, together with all predecessors, parents,
 3 subsidiaries, and affiliates, to all those persons in the aggregate;

4 (4) with respect to a person owning of record, or beneficiary if known,
 5 10 percent or more of the outstanding shares of any class of equity security of the
 6 issuer: the information specified in (2) of this subsection other than the person's
 7 occupation;

8 (5) with respect to every promoter if the issuer was organized within
 9 the past three years: the information specified in (2) of this subsection, an amount paid
 10 to the promoter within that period or intended to be paid to the promoter, and the
 11 consideration for the payment;

12 (6) with respect to a person on whose behalf a part of the offering is to
 13 be made in a nonissuer distribution: the person's name and address; the amount of
 14 securities of the issuer held by the person as of the date of the filing of the registration
 15 statement; a description of a material interest in a material transaction with the issuer
 16 or a significant subsidiary effected within the past three years or proposed to be
 17 effected; and a statement of the reasons for making the offering;

18 (7) the capitalization and long-term debt, on both a current and a pro
 19 forma basis, of the issuer and a significant subsidiary, including a description of each
 20 security outstanding or being registered or otherwise offered, and a statement of the
 21 amount and kind of consideration, whether in the form of cash, physical assets,
 22 services, patents, **good will** [GOODWILL], or anything else, for which the issuer or a
 23 subsidiary has issued any of its securities within the past two years or is obligated to
 24 issue any of its securities;

25 (8) the kind and amount of securities to be offered; the proposed
 26 offering price or the method by which it is to be computed; any variation from this at
 27 which a proportion of the offering is to be made to a person or class of persons other
 28 than the underwriters, with a specification of that person or class; the basis upon which
 29 the offering is to be made if otherwise than for cash; the estimated aggregate
 30 underwriting and selling discounts or commissions and finders' fees, including
 31 separately cash, securities, contracts, or anything else of value to accrue to the

1 underwriters or finders in connection with the offering, or, if the selling discounts or
2 commissions are variable, the basis of determining them and their maximum and
3 minimum amounts; the estimated amounts of other selling expenses, including legal,
4 engineering, and accounting charges; the name and address of every underwriter and
5 every recipient of a finder's fee; a copy of any underwriting or selling-group
6 agreement under which the distribution is to be made, or the proposed form of the
7 agreement whose terms have not yet been determined; and a description of the plan of
8 distribution of any securities which are to be offered other than through an
9 underwriter;

10 (9) the estimated cash proceeds to be received by the issuer from the
11 offering; the purposes for which the proceeds are to be used by the issuer; the amount
12 to be used for each purpose; the order or priority in which the proceeds will be used
13 for the purposes stated; the amounts of any funds to be raised from other sources to
14 achieve the purposes stated; the sources of the funds; and, if a part of the proceeds is
15 to be used to acquire property, including goodwill, other than in the ordinary course of
16 business, the names and addresses of the vendors, the purchase price, the names of
17 persons who have received commissions in connection with the acquisition, and the
18 amounts of the commissions and any other expense in connection with the acquisition,
19 including the cost of borrowing money to finance the acquisition;

20 (10) a description of a stock option or other security options
21 outstanding, or to be created in connection with the offering, together with the amount
22 of the options held or to be held by every person required to be named in (2), (4), (5),
23 (6), or (8) of this subsection and by a person who holds or will hold 10 percent or
24 more in the aggregate of the options;

25 (11) the dates of, parties to, and general effect concisely stated of,
26 every management or other material contract made or to be made otherwise than in the
27 ordinary course of business if it is to be performed in whole or in part at or after the
28 filing of the registration statement or was made within the past two years, together
29 with a copy of every [SUCH] contract; and a description of any pending litigation or
30 proceeding to which the issuer is a party and that [WHICH] materially affects its
31 business or assets, including the litigation or proceeding known to be contemplated by

1 governmental authorities;

2 (12) a copy of a prospectus, pamphlet, circular, form letter,
3 advertisement, or other sales literature intended, as of the effective date, to be used in
4 connection with the offering;

5 (13) a specimen or copy of the security being registered; a copy of the
6 issuer's articles of incorporation and bylaws, or their substantial equivalents, as
7 currently in effect; and a copy of any indenture or other instrument covering the
8 security to be registered;

9 (14) a signed or conformed copy of an opinion of counsel as to the
10 legality of the security being registered, with an English translation if it is in a foreign
11 language, that states whether the security when sold will be legally issued, fully paid,
12 and nonassessable, and, if a debt security, a binding obligation of the issuer;

13 (15) the written consent of an accountant, engineer, appraiser, or other
14 person whose profession gives authority to a statement made by the person, if the
15 person is named as having prepared or certified a report or valuation, other than a
16 public and official document or statement, that is used in connection with the
17 registration statement;

18 (16) a balance sheet of the issuer as of a date within four months
19 before the filing of the registration statement; a profit and loss statement and analysis
20 or surplus for each of the three fiscal years preceding the date of the balance sheet and
21 for any period between the close of the last fiscal year and the date of the balance
22 sheet, or for the period of the issuer's and a predecessor's existence if less than three
23 years; and, if any part of the proceeds of the offering is to be applied to the purchase of
24 a business, the same financial statements that [WHICH] would be required if that
25 business were the registrant; and

26 (17) the additional information that the administrator requires by
27 regulation or order.

28 * **Sec. 49.** AS 45.55.139 is amended to read:

29 **Sec. 45.55.139. Reports of corporations.** A copy of all annual reports,
30 proxies, consents or authorizations, proxy statements, and other materials relating to
31 proxy solicitations distributed, published, or made available by any person to at least

30 Alaska resident shareholders of a corporation that has total assets exceeding \$1,000,000 and a class of equity security held of record by 500 or more persons and that [WHICH] is exempted from the registration requirements of AS 45.55.070 by AS 45.55.138, shall be filed with the administrator concurrently with its distribution to shareholders.

* **Sec. 50.** AS 46.11.020 is amended to read:

Sec. 46.11.020. Training of public building maintenance personnel. Persons responsible for the maintenance of public buildings designed with energy conservation or production features shall be trained by the Department of Commerce, Community, and Economic Development [DEPARTMENT] in the use and operation of those features.

* **Sec. 51.** AS 46.11.060(a) is amended to read:

(a) A [EACH] state agency shall to the greatest extent practicable recycle reusable materials, including [BUT NOT LIMITED TO,] paper, glass, and cans.

* **Sec. 52.** AS 46.11.060(b) is amended to read:

(b) The department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] shall encourage, through cooperative means, the adoption of all available and practicable methods throughout federal, state, and local governments that recycle, reuse, and conserve materials.

* **Sec. 53.** AS 46.11.070 is amended to read:

Sec. 46.11.070. Waste reduction and recycling awards for schools. (a) In consultation with the Department of Education and Early Development, the department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] shall establish a waste reduction and recycling awards program under which the department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] may annually, subject to available funding, award grants of up to \$2,000 each to public schools in recognition of their efforts and the efforts of their students to reduce and recycle waste generated in the administrative offices, classrooms, laboratories, cafeterias, and maintenance operations of the schools.

(b) The department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] shall, on request, provide technical assistance to schools

1 concerning their opportunities to reduce and recycle wastes.

2 (c) The **department** [DEPARTMENT OF ENVIRONMENTAL
3 CONSERVATION] shall adopt regulations to implement the awards program. For
4 purposes of evaluating school waste reduction and recycling programs, the department
5 may group schools according to geographical location, student population, distance to
6 recycling markets, or other criteria considered appropriate by the department.

7 (d) The **department** [DEPARTMENT OF ENVIRONMENTAL
8 CONSERVATION] may accept and use restricted grants of money or other assistance
9 from private persons or groups to fund the awards made under (a) of this section.

10 (e) The **department** [DEPARTMENT OF ENVIRONMENTAL
11 CONSERVATION] may not use state money to fund awards made under (a) of this
12 section unless an appropriation is made specifically for the purposes of (a) of this
13 section.

14 * **Sec. 54.** AS 46.11.900(2) is amended to read:

15 (2) "department" means the Department of **Environmental**
16 **Conservation** [COMMERCE, COMMUNITY, AND ECONOMIC
17 DEVELOPMENT];

18 * **Sec. 55.** AS 46.14.990(24) is amended to read:

19 (24) "small business facility" means a stationary source that

20 (A) is owned or operated by a person who employs 100 or
21 fewer individuals;

22 (B) is a small business concern as defined in 15 U.S.C. 632;
23 and

24 (C) emits less than 100 **tons per year** [TPY] of regulated air
25 pollutants;

26 * **Sec. 56.** AS 47.07.900(9) is amended to read:

27 (9) "emotionally disturbed or chronically mentally ill adults" **includes**
28 [AND "SEVERELY EMOTIONALLY DISTURBED PERSONS UNDER AGE 21"
29 INCLUDE] only persons who receive mental health services from an entity that has a
30 contract to provide community mental health services under AS 47.30.520 -
31 47.30.620;

1 * **Sec. 57.** AS 47.10.394(b) is amended to read:

2 (b) The provider of a shelter for runaways shall promptly, but within one state
3 working day, inform the department of a runaway minor in the shelter

4 (1) who claims to be the victim of child abuse or neglect [, AS
5 DEFINED IN AS 47.17.290];

6 (2) whom the provider has reasonable cause to suspect has been a
7 victim of child abuse or neglect; or

8 (3) whom the provider has reason to believe is evading the supervision
9 of the department, the person to whom the department has entrusted supervision, or
10 the minor's legal guardian.

11 * **Sec. 58.** AS 47.10.394 is amended by adding a new subsection to read:

12 (c) In this section, "child abuse or neglect" has the meaning given in
13 AS 47.17.290.

14 * **Sec. 59.** AS 47.30.056(g) is amended to read:

15 (g) In (b)(4) of this section, "persons [SENILE PEOPLE] who, as a result of
16 [THEIR] senility, suffer major mental illness" includes persons with the following
17 mental disorders:

18 (1) primary degenerative dementia of the Alzheimer type;

19 (2) multi-infarct dementia;

20 (3) senile dementia;

21 (4) presenile dementia;

22 (5) other severe and persistent mental disorders manifested by
23 behaviors and symptoms similar to those manifested by persons with disorders listed
24 in this subsection.

25 * **Sec. 60.** AS 46.14.990(28) and AS 47.07.900(14) are repealed.

26 * **Sec. 61.** Sections 2 - 5 of this Act take effect on the effective date of sec. 19, ch. 25, SLA
27 2016.

28 * **Sec. 62.** Except as provided in sec. 61 of this Act, this Act takes effect July 1, 2017.