

# LEGAL SERVICES

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## MEMORANDUM

March 21, 2011

**SUBJECT:** Sectional Summary of the 2011 Revisor's Bill  
(CSSB 61(STA) - Work Order No. 27-LS0152\I)

**TO:** Representative Carl Gatto  
Chair of the House Judiciary Committee  
Attn: Sarah Munson

**FROM:** Kathryn L. Kurtz   
Assistant Revisor

The following is a sectional summary of the 2011 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

... shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

**Sections that delete, repeal, or update obsolete provisions:** Sections 1, 3 - 4, 10 - 12, 15, 17 -19, 36 - 37, 41, and 45 amend provisions that have become obsolete.

**Sections that correct errors or oversights:** Sections 5, 13, 16, and 20 - 22 correct errors or oversights.

**Sections that improve the form or substance of the law:** Sections 2, 6 - 9, 14, 23 - 35, 38 - 40, and 42 - 44 propose amendments to improve the form or substance of the statutory law of Alaska.

**Section 1.** Changes a reference in AS 03.22.050 from "United States Soil Conservation Service" to "United States Department of Agriculture Natural Resources Conservation Service" to reflect the renaming of the service in 1994.

**Section 2.** Defines "department" for purposes of AS 08.02 as the Department of Commerce, Community, and Economic Development (DCCED). The term "department" is used but not defined in AS 08.02.010 and 08.02.050.

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In AS 08.02.010, the effect of adding the definition will be to clarify that it is DCCED and not some other department that is responsible for enforcing compliance with professional designation requirements outlined in that section if there is a violation by a person who is not regulated by a board. Currently, only three of the affected professional groups are not regulated by boards: acupuncturists (AS 08.06), audiologists and speech pathologists (AS 08.11), and dietitians and nutritionists (AS 08.38). Chapters AS 08.06, AS 08.11, and AS 08.38 each define "department" as DCCED, so the addition of the definition in AS 08.02 is consistent with existing law.

For AS 08.02.050, the legislature's intent was explicit in the title of the Act enacting the section: "Authorizing the *Department of Community and Economic Development* to issue permits to certain agencies. . . ." Ch. 62, SLA 2002 (emphasis added).

Section 3. Changes two references to the "American Standards Association" in AS 08.40.120 to "American National Standards Institute" to reflect the current name of that organization.

Section 4. Amends AS 08.42.060(a) to change a reference to "Conference of Funeral Services Examining Boards" to "International Conference of Funeral Service Examining Boards" to reflect the change in that organization's name.

Section 5. Redesignates the last clause of AS 08.86.180(b)(4) as paragraph (b)(5), to correct an error in ch. 26, SLA 2010 (which showed two paragraphs designated (4), that were then combined into one editorially).

Section 6. Amends AS 09.20.050(a) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 7. Amends AS 09.20.050(c) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 8. Amends AS 09.20.080(b) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 9. Changes "math" to "mathematics" in AS 14.07.020(a)(16)(B) to conform to the usage found elsewhere in the Alaska Statutes.

Section 10. Removes the requirement in AS 14.40.809(b) that the University of Alaska Board of Regents enter into a reciprocal agreement with Sheldon Jackson College. Sheldon Jackson College closed in 2007. Also changes "to annually report" to "to report annually" to remove the split infinitive.

Section 11. Amends AS 14.42.015(a) to remove Sheldon Jackson College from the selection process for the member of the Alaska Commission on Postsecondary Education representing private higher education. Sheldon Jackson College closed in 2007.

Section 12. Amends AS 14.42.015(d) to remove Sheldon Jackson College students from the selection process for the postsecondary student member of the Alaska Commission on Postsecondary Education. Sheldon Jackson College closed in 2007.

Section 13. Corrects a typographical error in Executive Order 114 in a cross-reference in AS 16.20.070. Until Executive Order 114, AS 16.20.070 correctly referred to AS 16.20.050 and 16.20.060, and not to AS 16.05.060.

Section 14. Amends AS 18.56.855(j) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 15. Deletes obsolete date reference in AS 21.09.210(e).

Section 16. Corrects an erroneous paragraph reference in AS 21.22.065(j)(2). This should have been changed in 1992 when paragraphs were added to AS 21.22.220 by ch. 67, SLA 1992.

Section 17. Deletes reference in AS 21.34.900(6) to AS 21.34.210, which has been repealed. This corrects an error in ch. 67, SLA 1992 (which repealed and reenacted AS 21.34.900(6) and repealed AS 21.34.210).

Section 18. Deletes obsolete date reference in AS 21.39.040(k)(2).

Section 19. Deletes obsolete date reference in AS 21.40.010.

Section 20. Changes a reference in AS 21.45.300(k) from "(1) of this section" to "(l) of this section" to correct an error in ch. 28, SLA 1984. Subsections in the Alaska Statutes are lettered, not numbered.

Section 21. Changes a reference in AS 21.45.300(m) from "(3) of this paragraph" to "(3) of this subsection" to correct an error in ch. 28, SLA 1984. In the Alaska Statutes, paragraphs are numbered subparts of lettered subsections. Also changes "shall not" to "may not" to conform to the drafting manual's style for imposing a prohibition.

Section 22. Deletes a reference in AS 21.96.070(f) to AS 14.03.126, which has been repealed, and inserts instead the text of the definition from former AS 14.03.126.

Section 23. Amends AS 22.15.100(10) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 24. Amends AS 22.15.250 in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 25. Amends AS 22.20.037(a) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 26. Amends AS 22.20.037(c) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 27. Amends AS 22.20.037(d) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 28. Amends AS 22.20.300 in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 29. Amends AS 22.20.310 in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 30. Amends AS 22.20.320 in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 31. Amends AS 22.20.430 in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 32. Amends AS 22.25.090(f) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 33. Amends AS 24.08.330(a) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 34. Amends AS 33.05.030(b) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 35. Amends AS 36.30.030 in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 36. Changes a reference in AS 38.07.010 from "United States Soil Conservation Service" to "United States Department of Agriculture Natural Resources Conservation Service" to reflect the renaming of the service in 1994.

Section 37. Changes a reference in AS 38.07.050 from "United States Soil Conservation Service" to "United States Department of Agriculture Natural Resources Conservation Service" to reflect the renaming of the service in 1994.

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Section 38. Changes "cropped" to "crop" in AS 38.07.060, a definitions section, to match the usage in AS 38.07.020(b). The word "cropped" is not used in the chapter to which the definitions apply.

Section 39. Amends AS 39.35.680(22) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 40. Amends AS 40.25.123(c) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 41. Deletes obsolete date reference in AS 42.04.080(b).

Section 42. Changes a reference in AS 42.06.430(7)(A) from "49 U.S.C. 1-1240 (Interstate Commerce Act)" to "Interstate Commerce Act." The enacting law, sec. 5, ch. 6, FSSLA 1973, simply referred to "pipelines subject to the Interstate Commerce Act or the Natural Gas Act", without offering specific numbered citations to federal statutes. The specific U.S.C. references were apparently added editorially. Since then, the U.S.C. sections that comprised the Interstate Commerce Act have been revised, renumbered, and in some cases, repealed, so the spanned reference to the previous location of those sections is no longer useful.

Section 43. Amends AS 43.55.023(a)(2) to insert the word "and" between subparagraphs (A) and (B). This change is suggested at the request of the Department of Law. Although "and" can be inferred from the structure and content of the paragraph, and "or" would not make sense in this context, adding the word "and" is consistent with usage elsewhere in the section (for example, in subsection (1)(2)) and is intended to facilitate ease of use.

Section 44. Amends AS 44.37.025(c) in an effort to create uniformity among statutory references to the administrative director of the Alaska Court System.

Section 45. Amends a reference to federal law in AS 45.68.120(a). The cite to 26 U.S.C. 6033(a)(2)(A) was correct when enacted. However, that paragraph was renumbered in 2006 as 26 U.S.C. 6033(a)(3)(A). The text of the provision did not change.

Section 46. Provides an immediate effective date.

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