

LEGAL SERVICES

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MEMORANDUM

February 24, 2023

SUBJECT: 2023 Revisor's Bill Sectional Summary
(Work Order No. 33-LS0303\S)

TO: Senator Matt Claman
Senate Judiciary Committee Chair
Attn: Lizzie Kubitz

FROM: Kathryn L. Kurtz 
Assistant Revisor

The following is a sectional summary of a draft of the 2023 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.

Sections that delete, repeal, or update obsolete provisions: Sections 3, 5, 6, 9, and 12 – 19 amend or repeal provisions that have become obsolete through time or subsequent legislative action.

Sections that correct errors or oversights: Sections 4, 8, 10, and 11 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 1, 2, 7, 17, and 18 propose amendments to improve the form or substance of the statutory law of Alaska.

Section 1. Amends AS 04.16.047(a), substituting the term "alcoholic beverages" for "alcohol" in two places to conform to the wording of AS 04.16.160.

Section 2. Amends AS 04.16.047(d), substituting the term "alcoholic beverages" for "alcohol" to conform to the wording of AS 04.16.160.

Section 3. Deletes a sentence requiring that lists submitted by the Department of Revenue and the Department of Administration to the Alaska Court System for preparation of jury lists be recorded on magnetic tape compatible with Alaska Court System data processing equipment, as magnetic tape is an obsolete format.

Section 4. Substitutes "kindergarten" for the abbreviation "K" in AS 14.30.420(a) to correct a drafting error.

Section 5. Amends AS 18.09.089(d)(3)(B) to remove an obsolete reference to the State of Alaska Hypothermia and Cold Water Near-Drowning Guidelines. Rewarming techniques are now listed in the Department of Health and Social Service's publication entitled Cold Water Injuries Guidelines. Also, the reference to the division of public health is removed, in accordance with current drafting practice, as that division is not created in statute and could be renamed or reorganized by the executive branch.

Section 6. Replaces a descriptive reference to a department in AS 26.05.170, a pre-statehood statute, with "the department." "Department" is defined for purposes of this chapter as the Department of Military and Veterans' Affairs (AS 26.05.990).

Section 7. Amends AS 26.10.060 to update a reference to 50 U.S.C. App. 459, a federal statute that was transferred to 50 U.S.C. 3808 by the federal Office of the Law Revision Counsel in 2015. The Office of Law Revision Counsel eliminated the Appendix to title 50 of the United States Code in order to improve the organizational structure of the code. When the section was reclassified, references to "this title" in 50 U.S.C. App. 459 were replaced in 50 U.S.C. 3808 with references to "this chapter."

Section 8. In sec. 2, ch. 70, SLA 2018, the legislature added a third license plate design to the default options in AS 28.10.161(a), but did not amend (d) of that section, which still refers to "both of the designs." This section changes "both" to "each" to reflect the addition of the third design.

Section 9. Deletes an obsolete date reference in AS 34.45.430.

Section 10. Amends AS 37.05.146(c)(1) to correct the name of the highways equipment working capital fund on the list of program receipts that are to be accounted for separately, to correspond to the name in AS 44.68.210, the statute establishing the fund.

Section 11. Inserts "of each year" following "December 16" in AS 37.05.210(a)(1), for consistency with AS 37.05.210(a)(3) and (b), added in 1999. AS 37.05.210 provides for the state's annual comprehensive financial report.

Section 12. Deletes the words "and coastal districts" in AS 41.17.090(d). "Coastal districts" appears to be a reference to the coastal resource districts defined in former AS 46.40.210(2), part of the Alaska Coastal Management Program. The Alaska Coastal Management Program (AS 46.40.010 - 46.40.210) was repealed effective July 1, 2011, under sec. 22, ch. 31, SLA 2005. The reference is therefore obsolete.

Section 13. Deletes the words "and affected coastal districts" in AS 41.17.098(a). See explanation at sec. 12.

Section 14. Deletes the words "and, where applicable, coastal districts" in AS 41.17.098(b). See explanation at sec. 12.

Section 15. Amends AS 44.33.846(b)(5) to remove a reference to "coastal resource services areas," which were part of the Alaska Coastal Management Program under former AS 46.40.120, which was repealed effective July 1, 2011. The reference is therefore obsolete.

Section 16. Amends AS 44.64.030(a)(42), the paragraph giving the Office of Administrative Hearings jurisdiction over cases arising under AS 46, to remove an exception to that grant of jurisdiction for cases under AS 46.39 and AS 46.40, relating to coastal management administration and the Alaska Coastal Management Program. Because that program was repealed, these exceptions in AS 44.64.030(a)(42) are obsolete.

Section 17. Amends AS 46.06.041(b) to remove a reference to "coastal resources services area." See explanation at sec. 15.

Section 18. Amends AS 47.14.300(a) to update a reference to 25 U.S.C. 479a, a federal statute that has been renumbered by the federal Office of the Law Revision Counsel as 25 U.S.C. 5131. The text of the federal statute has not changed since it was enacted in 1994.

Section 19. Repeals AS 26.05.260(m), defining the term "wildland fire." That term was formerly used in AS 26.05.260(b). However, the term was not included in the 2018 repeal and reenactment of that subsection (*see* sec. 5, ch. 84, SLA 2018), and is not used elsewhere in AS 26.05.260, so the definition is no longer needed.

Repeals AS 26.10.060(b), a definition of the term "veteran" applicable to the section. Because the language using the term "veteran" was removed from the section in 2005, and is not used in the federal statute referred to in AS 47.10.060(a) or the Alaska Administrative Code, the definition is obsolete.

Repeals AS 41.17.900(b)(2), which requires timber harvest activity on federal forest land to be consistent to the maximum extent practicable with the Alaska Coastal Management Program. Since the Alaska Coastal Management Program was repealed, this requirement is obsolete. Paragraph AS 26.10.060(b)(1) remains unchanged.

Section 20. Provides an effective date of January 1, 2024, for sec. 2 of the bill, amending AS 04.16.047(d), enacted in sec. 98, ch. 8, SLA 2022, effective January 1, 2024, under sec. 177, ch. 8, SLA 2022.

Section 21. Provides an immediate effective date for the remainder of the bill.

Text of Repealed Provision

AS 26.05.260(m)(2):

(2) "wildland fire" includes the uncontrolled burning of grass, brush, timber, and other natural vegetative material.

AS 26.10.060(b):

- (b) In this section, "veteran" means a person
 - (1) subject to the Universal Military Training and Service Act; or
 - (2) who served in the Alaska Territorial Guard.

AS 41.17.900(b)(2):

(2) a timber harvest activity subject to this chapter shall satisfy the requirement to be consistent to the maximum extent practicable with the Alaska coastal zone management program if the federal land management plans, guidelines, and standards applicable to that timber harvest activity provide no less resource protection than the standards that are established in this chapter provide for state land except that:

- (A) AS 41.17.119 establishes the minimum riparian standards; and
- (B) this paragraph does not apply to a timber harvest activity that requires a state or federal authorization under a provision of law other than this chapter.

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