

LEGAL SERVICES

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MEMORANDUM

January 21, 2014

SUBJECT: Sectional Summary of 2014 Revisor's Bill
(Work Order No. 28-LS0904U)

TO: Representative Mike Hawker
Chair of Legislative Council

FROM: Lisa M. Kirsch 
Assistant Revisor

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

[S]hall make recommendations to the legislative council concerning deficiencies, conflicts, or obsolete provisions in and the need for reorganization or revision of the statutes, and, at the direction of the legislative council, 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, the following summarizes the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions:

Sections 5, 6, 7, and 15 delete obsolete language.
Sections 1, 2, 8, 9, 11, and 19 update references.
Section 21 repeals obsolete provisions.

Sections that correct errors or oversights:

Sections 3 and 14 correct errors.

Sections that improve the form or substance of the law:

sections 4, 10, 12, 13, 16, 17, and 18 improve the form or substance.

Section 1. Changes "Bureau of Alcohol, Tobacco, and Firearms" to "Alcohol and Tobacco Tax and Trade Bureau" in AS 04.11.160(e) to reflect changes made in the Homeland Security Act of 2002, Pub L. No. 107-296, 116 Stat. 2274, that created the Alcohol and Tobacco Tax and Trade Bureau, and made it responsible for the

administration and revenue collection functions of the Bureau of Alcohol, Tobacco, and Firearms.

Section 2. Makes a conforming change in the text of the underage drinking warning sign required under AS 04.21.065(b) from \$1000 to \$1500 to match the increase in the fine in AS 04.16.049(e) made by ch. 86, SLA 2010.

Section 3. Corrects the spanned reference to the public records act in AS 14.40.367 to include the short title section (AS 40.25.295).

Section 4. Makes plural terms singular in AS 15.13.400(9) to comply with the *Manual of Legislative Drafting* (p. 67), and changes "adoptive child" to "adopted child" for consistency with other statutes and to reflect common usage.

Section 5. Deletes an obsolete date reference in AS 16.43.140.

Section 6. Deletes an obsolete date restriction in AS 16.43.160(c).

Section 7. Deletes an obsolete date restriction in AS 16.43.160(d).

Section 8. Updates the name of the boiler code of the American Society of Mechanical Engineers in AS 18.60.180.

Section 9. Updates the name of the boiler code of the American Society of Mechanical Engineers in AS 18.60.210(a).

Section 10. In AS 18.80.300(1), changes the reference to "salesperson" for consistency with AS 08.88.161, makes other terms singular to comply with the *Manual of Legislative Drafting* (p. 67) and deletes the superfluous "but not limited to" following "including." Under AS 01.10.040(b), "[w]hen the words 'includes' or 'including' are used in a law, they shall be construed as though followed by the phrase 'but not limited to.'"

Section 11. Corrects a citation to a section of the United States Code that was renumbered in recent federal legislation Patient Protection and Affordable Care Act, Pub.L. No. 111-148, 124 Stat. 119 (2010).

Section 12. Changes "adoptive child" to "adopted child" in 24.60.080(c) for consistency with other statutes and to conform with common usage.

Section 13. Changes "adoptive child" to "adopted child" in 24.60.990(a)(6) for consistency with other statutes and to conform with common usage.

Section 14. Changes the erroneous term "simulation" to "stimulation" in AS 31.05.030(e) to correct a typographical error in SB 109 (ch. 54, SLA 2007).

Section 15. Deletes an obsolete date reference, and substitutes the preferred term "that" for "which" in AS 35.05.060.

Section 16. Deletes an obsolete date reference in AS 36.10.080.

Section 17. Changes "adoptive child" to "adopted child" in 38.05.321(f) for consistency with other statutes and to conform with common usage.

Section 18. Changes "adoptive child" to "adopted child" in 39.50.200(a)(2) for consistency with other statutes and to conform with common usage.

Section 19. Changes "adoptive child" to "adopted child" in 39.52.960(6) for consistency with other statutes and to conform with common usage.

Section 20. Changes "Bureau of Alcohol, Tobacco, and Firearms" to "Alcohol and Tobacco Tax and Trade Bureau" in AS 43.60.010(c) to reflect changes made in the Homeland Security Act of 2002, Pub L. No. 107-296, 116 Stat. 2274, that created the Alcohol and Tobacco Tax and Trade Bureau, and made it responsible for the administration and revenue collection functions of the Bureau of Alcohol, Tobacco, and Firearms.

Section 21. Repeals AS 15.56.019, a redundant provision that repeats the definition found in AS 15.56.199. Both sections were enacted in 1996 in separate acts resulting in duplicate definitions (chapters 48 and 87, SLA 1996). Repeals 16.43.228(e), which relates to a dive fishery moratorium that ended July 1, 2000.

Section 22. Provides for an immediate effective date.

Text of Repealed Provision

AS 16.43.228(e):

(e) During the four years that a moratorium established by this section is in effect, the commission shall

(1) issue interim-use permits for each fishery subject to (a) - (d) of this section to applicants who satisfy the appropriate qualifications established under (a) - (d) of this section and who establish the present ability and intent to participate actively in the fishery;

(2) conduct investigations to determine whether a maximum number of entry permits should be established under AS 16.43.240 for each fishery subject to this section by

(A) conducting research into conditions in the fishery;

(B) consulting with the Department of Fish and Game and the Board of Fisheries; and

(C) consulting with participants in the fishery; and

(3) in cooperation with the Department of Fish and Game, conduct

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investigations to determine whether an alternative form of a nontransferable limited entry or other management program is appropriate for a fishery subject to this section.

LMK:lnd
14-012.lnd

Enclosure

cc:Pamela Varni
Executive Director

28-LS0904\U
Kirsch
12/31/13

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

Introduced:
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 04.11.160(e) is amended to read:

5 (e) A person who applies for issuance or renewal of a license under this
6 section shall file, on forms provided by the board, the following information regarding
7 each product line of alcoholic beverages that the person intends to purchase, offer for
8 sale, or sell: (1) the supplier of the product line; (2) the full and correct brand names in
9 the product line; (3) the name of the distiller, brewer, vintner, or importer of the
10 product line; and (4) a certification by the distiller, brewer, vintner, or importer of the
11 product line that the person is the primary source of supply for the product line. In
12 addition to the fees imposed under (a) and (b) of this section, a person filing under this
13 subsection shall pay a biennial filing fee as follows:

14 1 to 25 suppliers \$ 500

26 to 50 suppliers	\$1,000
51 to 75 suppliers	\$1,500
over 75 suppliers	\$2,000

In this subsection, "distiller, brewer, vintner, or importer" includes an exclusive agent of the distiller, brewer, vintner, or importer if the agent's name appears on the label of the brand approved by the Alcohol and Tobacco Tax and Trade Bureau [FEDERAL BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS].

* **Sec. 2.** AS 04.21.065(b) is amended to read:

(b) The warning signs required by (a) of this section must be at least 11 inches by 14 inches and the lettering must be at least one-half inch high and in contrasting colors. The first sign must read, "WARNING: Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits or smoking cigarettes during pregnancy can cause birth defects." The second sign must read, "WARNING: A person who provides alcoholic beverages to a person under 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000." The third sign must read, "WARNING: A person under 21 years of age who enters these premises in violation of law could, under AS 04.16.049(e), be civilly liable for damages of \$1,500 [\$1,000]." The license or permit holder shall display the first and second signs in a manner that would make them conspicuous to a person who will be purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or designated premises and shall conspicuously display the third sign at each door through which customers enter the licensed premises.

* **Sec. 3.** AS 14.40.367 is amended to read:

Sec. 14.40.367. Confidential records relating to university land and interests in land. Notwithstanding AS 40.25.100 - 40.25.295 [AS 40.25.100 - 40.25.220], on a determination that it is in the best interest of the University of Alaska or on the request of the person who has provided the information, the president of the university may keep the following confidential:

- (1) the name of a person applying for the sale, lease, or other disposal of university land or an interest in university land;
- (2) before the issuance of a notice of intent to award a contract relating

1 to a sale, lease or disposal of university land or an interest in university land, the
2 names of the participants and the terms of their offers;

3 (3) all geological, well, geophysical, engineering, architectural, sales,
4 market, cost, appraisal, timber cruise, gross receipts, net receipts, or other financial
5 information relating to university land or an interest in university land and considered
6 for, offered for, or currently subject to disposal or a contract;

7 (4) cost data and financial information submitted by an applicant in
8 support of applications for bonds, leases, or other information in offerings and
9 ongoing operations relating to management of university land;

10 (5) applications for rights-of-way or easements across university land;
11 and

12 (6) requests for information about or applications by public agencies
13 for university land that is being considered for use for a public purpose.

14 * **Sec. 4.** AS 15.13.400(9) is amended to read:

15 (9) "immediate family" means the spouse, parent, child [PARENTS,
16 CHILDREN], including a stepchild and an adopted [ADOPTIVE] child, and sibling
17 [SIBLINGS] of an individual;

18 * **Sec. 5.** AS 16.43.140(a) is amended to read:

19 (a) A [AFTER JANUARY 1, 1974, A] person may not operate gear in the
20 commercial taking of fishery resources without a valid entry permit or a valid interim-
21 use permit issued by the commission.

22 * **Sec. 6.** AS 16.43.160(c) is amended to read:

23 (c) The [FOR AN ENTRY PERMIT OR AN INTERIM-USE PERMIT
24 ISSUED OR RENEWED FOR CALENDAR YEAR 2006 AND FOLLOWING
25 YEARS, THE] annual base fee for issuance or renewal of an entry permit or an
26 interim-use permit may not be less than \$30 or more than \$3,000. The annual base fee
27 must reasonably reflect the different rates of economic return for different fisheries. In
28 addition to the annual base fee established by the commission under this subsection, a
29 nonresident shall pay an annual nonresident surcharge for the issuance or renewal of
30 one or more entry permits or interim-use permits. The commission shall establish the
31 annual nonresident surcharge by regulation at an amount that is as close as is

1 practicable to the maximum allowed by law.

2 * **Sec. 7.** AS 16.43.160(d) is amended to read:

3 (d) **The** [FOR AN ENTRY PERMIT OR AN INTERIM-USE PERMIT
4 ISSUED OR RENEWED FOR CALENDAR YEAR 2006 AND FOLLOWING
5 YEARS, THE] holder of a permit whose household income, assets, and financial
6 resources fall within the eligibility standards for the food stamp program under 7
7 U.S.C. 2011 - 2025, as amended, is subject to an annual base fee for the issuance or
8 renewal of an entry permit or an interim-use permit that is equal to 50 percent of the
9 annual base fee that the permit holder would otherwise pay under (c) of this section. In
10 addition to the reduced annual base fee under this subsection, a nonresident who
11 qualifies for a reduced fee under this subsection shall pay the annual nonresident
12 surcharge established under (c) of this section.

13 * **Sec. 8.** AS 18.60.180 is amended to read:

14 **Sec. 18.60.180. Regulations.** The Department of Labor and Workforce
15 Development shall formulate definitions and regulations for the safe and proper
16 construction, installation, repair, use, and operation of boilers and for the safe and
17 proper construction, installation, and repair of unfired pressure vessels. The definitions
18 and regulations must be based upon and shall follow the generally accepted
19 nationwide engineering standards, formulae, and practices established for boiler and
20 unfired pressure vessel construction and safety. The Department of Labor and
21 Workforce Development may adopt the existing published codification of these
22 definitions and regulations, known as the **American Society of Mechanical**
23 **Engineers Boiler and Pressure Vessel Code** [BOILER CONSTRUCTION CODE
24 OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS], and may adopt
25 the amendments and interpretations made and published by that society. The
26 Department of Labor and Workforce Development shall adopt amendments and
27 interpretations to the code immediately upon their adoption by the American Society
28 of Mechanical Engineers so that the definitions and regulations at all times follow
29 generally accepted nationwide engineering standards.

30 * **Sec. 9.** AS 18.60.210(a) is amended to read:

31 (a) AS 18.60.180 - 18.60.390 do not apply to the following:

- (1) boilers and unfired pressure vessels under federal regulation;
- (2) unfired pressure vessels meeting the requirements of the federal Department of Transportation for shipment of liquids or gases under pressure;
- (3) air tanks located on vehicles operating under the regulations of another state authority and used for carrying passengers or freight;
- (4) air tanks installed on the right-of-way of railroads and used directly in the operation of trains;
- (5) unfired pressure vessels having a volume of five cubic feet or less or vessels having an inside diameter not exceeding six inches;
- (6) unfired pressure vessels designed for a pressure not exceeding 15 pounds per square inch when not located in a place of public assembly;
- (7) manually fired miniature boilers for model locomotive, boat, tractor, or stationary engines constructed or maintained as a hobby for exhibition use, having a volume less than five cubic feet and grate area less than two square feet and equipped with an American Society of Mechanical Engineers coded safety valve of adequate capacity and size, a water level indicator, and pressure gauge;
- (8) except as provided in (c) of this section, antique manually fired boilers of locomotive, boat, tractor, or stationary engines constructed or maintained as a hobby and equipped with an American Society of Mechanical Engineers coded safety valve of adequate capacity and size;
- (9) automatic utility hot water heaters that are used for space heating using the potable system, if the hot water heater
 - (A) is equipped with a safety relief valve and operational controls required by the latest American Society of Mechanical Engineers Boiler and Pressure Vessel Code [BOILER CONSTRUCTION CODE] published by the American Society of Mechanical Engineers that has been adopted by the Department of Labor and Workforce Development under AS 18.60.180;
 - (B) contains only water;
 - (C) does not exceed 120 gallons in capacity, a water temperature of 210 degrees Fahrenheit, a pressure of 150 pounds of square

1 inch gauge pressure, or a heat input of more than 200,000 BTU an hour; and

2 (D) contains a tempering valve that will regulate the outlet
3 domestic water temperature at not more than 140 degrees Fahrenheit.

4 * **Sec. 10.** AS 18.80.300(1) is amended to read:

5 (1) "blockbusting" means an unlawful discriminatory practice by a real
6 estate **broker** [BROKERS], real estate **salesperson** [SALESMEN], or **employee or**
7 **agent** [EMPLOYEES OR AGENTS] of a broker or another individual, corporation,
8 partnership, or organization for the purpose of inducing a real estate transaction from
9 which any such person or its stockholders or members may benefit financially, to
10 represent directly or indirectly that a change has occurred or will or may occur from a
11 composition with respect to race, religion, color, or national origin of the owners or
12 occupants of the block, neighborhood, or area in which the real property is located,
13 and to represent directly or indirectly that this change may or will result in undesirable
14 consequences in the block, neighborhood, or area in which the real property is located,
15 including [BUT NOT LIMITED TO] the lowering of property values, an increase in
16 criminal or antisocial behavior, or decline in the quality of the schools or other
17 facilities;

18 * **Sec. 11.** AS 21.54.151 is amended to read:

19 **Sec. 21.54.151. Mental health or substance use disorder benefits.** A health
20 care insurer that offers a health care insurance plan in the group market shall comply
21 with the mental health or substance use disorder benefit requirements established
22 under **42 U.S.C. 300gg-26** [42 U.S.C. 300gg-5].

23 * **Sec. 12.** AS 24.60.080(c) is amended to read:

24 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
25 for a person who is a legislator or legislative employee to accept

26 (1) hospitality, other than hospitality described in (4) of this
27 subsection,

28 (A) with incidental transportation at the residence of a person;
29 however, a vacation home located outside the state is not considered a
30 residence for the purposes of this subparagraph; or

31 (B) at a social event or meal;

- 1 (2) discounts that are available
- 2 (A) generally to the public or to a large class of persons to
- 3 which the person belongs; or
- 4 (B) when on official state business, but only if receipt of the
- 5 discount benefits the state;
- 6 (3) food or foodstuffs indigenous to the state that are shared generally
- 7 as a cultural or social norm;
- 8 (4) travel and hospitality primarily for the purpose of obtaining
- 9 information on matters of legislative concern;
- 10 (5) gifts from the immediate family of the person; in this paragraph,
- 11 "immediate family" means
- 12 (A) the spouse of the person;
- 13 (B) the person's domestic partner;
- 14 (C) a child, including a stepchild and an adopted
- 15 [ADOPTIVE] child, of the person or of the person's domestic partner;
- 16 (D) a parent, sibling, grandparent, aunt, or uncle of the person;
- 17 (E) a parent, sibling, grandparent, aunt, or uncle of the person's
- 18 spouse or the person's domestic partner; and
- 19 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-
- 20 aunt, or step-uncle of the person, the person's spouse, or the person's domestic
- 21 partner;
- 22 (6) gifts that are not connected with the recipient's legislative status;
- 23 (7) a discount for all or part of a legislative session, including time
- 24 immediately preceding or following the session, or other gift to welcome a legislator
- 25 or legislative employee who is employed on the personal staff of a legislator or by a
- 26 standing or special committee to the capital city or in recognition of the beginning of a
- 27 legislative session if the gift or discount is available generally to all legislators and the
- 28 personal staff of legislators and staff of standing and special committees; this
- 29 paragraph does not apply to legislative employees who are employed by the
- 30 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
- 31 secretary, the legislative budget and audit committee, the office of victims' rights, or

1 the office of the ombudsman;

2 (8) a gift of legal services in a matter of legislative concern and a gift
3 of other services related to the provision of legal services in a matter of legislative
4 concern;

5 (9) a gift of transportation from a legislator or a legislative employee to
6 a legislator or a legislative employee if the transportation takes place in the state on or
7 in an aircraft, boat, motor vehicle, or other means of transport owned or under the
8 control of the donor; this paragraph does not apply to travel described in (4) of this
9 subsection or travel for political campaign purposes; or

10 (10) a contribution to a charity event, a ticket to a charity event, or a
11 gift in connection with a charity event; in this paragraph, "charity event" has the
12 meaning given in (a)(2)(B) of this section.

13 * **Sec. 13.** AS 24.60.990(a)(6) is amended to read:

14 (6) "immediate family" means

15 (A) the spouse or domestic partner of the person; or

16 (B) a parent, child, including a stepchild and an adopted
17 [ADOPTIVE] child, and sibling of a person if the parent, child, or sibling
18 resides with the person, is financially dependent on the person, or shares a
19 substantial financial interest with the person;

20 * **Sec. 14.** AS 31.05.030(e) is amended to read:

21 (e) The commission may regulate

22 (1) for conservation purposes and, to the extent not in conflict with
23 regulation by the Department of Labor and Workforce Development or the
24 Department of Environmental Conservation, for public health and safety purposes,

25 (A) the drilling, producing, and plugging of wells;

26 (B) the perforating, fracture stimulation [SIMULATION], and
27 chemical treatment of wells;

28 (C) the spacing of wells;

29 (D) the disposal of salt water, nonpotable water, and oil field
30 wastes;

31 (E) the contamination or waste of underground water;

(F) the quantity and rate of the production of oil and gas from a well or property; this authority shall also apply to a well or property in a voluntary cooperative or unit plan of development or operation entered into in accordance with AS 38.05.180(p);

(G) the underground injection of gas for purposes of storage;

(2) the disposal of drilling mud, cuttings, and nonhazardous drilling operation wastes in the annular space of a well for which a permit to drill has been issued by the commission; in this paragraph, a "nonhazardous drilling operation waste" means a waste, other than a hazardous waste identified by the Environmental Protection Agency in 40 C.F.R., Part 261, its regulation identifying and listing hazardous wastes, associated with the act of drilling a well for exploratory or production purposes.

* **Sec. 15.** AS 35.05.060 is amended to read:

Sec. 35.05.060. State assumption of nonfederal flood control project costs.

To the extent that funds are made available by the legislature, the state shall assume 90 percent of the nonfederal costs of planning, land acquisition, construction, and maintenance of flood control projects authorized within the state by the United States [BEFORE OR AFTER JUNE 6, 1971], except that the state shall assume the full share of nonfederally funded costs with respect to those facilities that [WHICH] are primarily state responsibilities, including but not limited to highways and roads, parks and recreation, and fish and game facilities. The state shall participate in federal flood control projects under this section only as to those projects authorized and approved by the department.

* **Sec. 16.** AS 36.10.080 is amended to read:

Sec. 36.10.080. Chapter incorporated in contracts. The provisions of this chapter are considered to be a part of every public works contract [LET AFTER APRIL 24, 1960].

* **Sec. 17.** AS 38.05.321(f) is amended to read:

(f) Notwithstanding (e) of this section, the landowner is not required to pay an amount due under (e) of this section until the subdivided parcel is conveyed by the owner to a person not a member of the person's immediate family. The department has

1 a lien on the parcel as security for payment of the amount due. For purposes of this
2 subsection, "immediate family" means

3 (1) the spouse of the person; or

4 (2) a parent, child, including a stepchild and an adopted [ADOPTIVE]
5 child, or sibling of the person if the parent, child, or sibling resides with the person, is
6 financially dependent on the person, or shares a substantial financial interest with the
7 person.

8 * **Sec. 18.** AS 39.50.200(a)(2) is amended to read:

9 (2) "child" includes a biological child, an adopted [ADOPTIVE]
10 child, and a stepchild;

11 * **Sec. 19.** AS 39.52.960(6) is amended to read:

12 (6) "child" includes a biological child, an adopted [ADOPTIVE]
13 child, and a stepchild;

14 * **Sec. 20.** AS 43.60.010(c) is amended to read:

15 (c) A brewer shall pay a tax at the rate of 35 cents a gallon on sales of the first
16 60,000 barrels of beer sold in the state each fiscal year beginning July 1, 2001, for beer
17 produced in the United States if the producing brewery meets the qualifications of 26
18 U.S.C. 5051(a)(2). To qualify for the tax rate under this subsection, the brewer must
19 file with the department a copy of an Alcohol and Tobacco Tax and Trade Bureau
20 [A BUREAU OF ALCOHOL, TOBACCO AND FIREARMS] acknowledged copy of
21 the brewer's notice of intent to pay reduced rate of tax required under 27 C.F.R.
22 25.167 for the calendar year in which the fiscal year begins for which the partial
23 exemption is sought. If proof of eligibility is not received by the department before
24 June 1, the tax rate under this subsection does not apply until the first day of the
25 second month after the month the notice is received by the department. For purposes
26 of applying this subsection, a barrel of beer may contain not [NO] more than 31
27 gallons.

28 * **Sec. 21.** AS 15.56.019 and AS 16.43.228(e) are repealed.

29 * **Sec. 22.** This Act takes effect immediately under AS 01.10.070(c).