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MEMORANDUM

February 28, 2019

SUBJECT: 2019 Revisor's Bill: Sectional Summary
(Work Order No. 31-LS0095\A)

TO: Senator John Coghill
Chair, Senate Rules Committee
Attn: Rynnieva Moss

FROM: Jean M. Mischel
Revisor of Statutes



The following is a sectional summary of a draft of the 2019 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 together sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 7, 8, 10, 15, 21, 22, 32, 35 - 38, 44 - 47, 49 - 52, 55, 64, 65, 69, 73, 76, 90, 91, 98 - 100, and 102 amend or repeal provisions that have become obsolete through time or subsequent legislative action.

Sections that correct errors or oversights: Sections 11 - 13, 15 - 18, 20, 28, 29, 31, 34, 56 - 63, 67, 74, 77 - 81, and 101 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 1 - 6, 9, 14, 19, 23 - 27, 30, 39 - 43, 48, 53, 54, 68, 70 - 72, 75, 83 - 89, and 92 - 97 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL SUMMARY

Bill sections 1 - 6 amend certain provisions in AS 6 (Banks and Financial Institutions) for style, grammar, and word usage consistent with the Manual of Legislative Drafting.

Bill section 7 amends AS 06.50.400(c) to update a cross-reference to the federal Fair Debt Collection Practices Act.

Bill section 8 amends AS 06.55.406(a) to remove a cross-reference to a federal regulation that is covered by a cross-reference to the federal statute.

Bill sections 9, 19, 25, 30, 43, 48, 53, 54, 68, 70 - 75, 84, and 88 remove the phrase "but not limited to" following "including", made redundant by AS 01.10.040(b). Make style, grammar, and word usage changes consistent with the Manual of Legislative Drafting.

Bill sections 10, 15, 21, 22, 32, 35 - 38, 44 - 47, 49 - 52, 55, 73, 76, 90, 94, 98 - 100, and 101 repeal references to the words "telegram" and "telegraph" and the offenses relating to telegraphs as obsolete.

Bill sections 11 and 12 add an Oxford comma, also called a serial comma, immediately before the conjunction to a series of three or more terms for clarity.

Bill sections 13 - 18, 20, 33 and 56 - 64 substitute "the state" for "Alaska" and make other style, grammar, and word usage changes, including substituting "may not" for "shall not", consistent with the Manual of Legislative Drafting. Bill section 15 also updates a reference to a section of the American Bar Association; see also comments for the section, above.

Bill sections 19 - 22 make changes as described above for bill secs. 9, 10, and 13.

Bill sections 23 - 27 substitute "the department" for "The Department of Commerce, Community, and Economic Development in AS 08.48, pertaining to licensing of architects, engineers, land surveyors, and landscape architects and adds a definition of "department."

Bill section 28 fixes an omission by adding a definition of "opioid" for statutes relating to optometrist licensing, consistent with changes made in secs. 6, 8, 23, and 35, ch. 2, SSSLA 2017, for other professional licensees.

Bill section 29 fixes a word usage error by substituting the phrase "provides outpatient dispensing" for "dispenses", consistent with the defined terms for the chapter.

Bill section 30 makes changes as described above for bill sec. 9.

Bill section 31 substitutes "may not" for "shall not", consistent with the Manual of Legislative Drafting.

Bills sections 32 and 33 make changes as described above for bill secs. 10 and 13.

Bill section 34 fixes an oversight by adding a definition of "opioid" for statutes relating to veterinarian licensing, consistent with changes made in secs. 6, 8, 23, and 35, ch. 2, SSSLA 2017, for other professional licensees.

Bill sections 35 - 38 make changes removing "telegraph" as described above and substitutes "on" for "upon" in sec. 35.

Bill sections 39 and 40 move a cross-reference for the term "party in interest" and add a definition section to improve readability.

Bill sections 41 and 42 move definitions from AS 13.12.603(a) and (c) to subsection (d) to improve readability, consistent with the Manual for Legislative Drafting. Bill section 103 repeals AS 13.12.603(c).

Bill sections 43 - 54 make changes as described above for bill secs. 9 and 10.

Bill section 55 removes an obsolete date reference and substitutes "after" for "of" for clarity.

Bill sections 56 - 67 make changes to the marijuana control law, ch. 53, SLA 2016, consistent with the Manual of Legislative Drafting as described above for bill sec 13.

Bill sections 68, and 70 - 75 make changes as described above for bill secs. 9 and 10.

Bill section 69 updates a cross-reference to federal law.

Bill section 76 removes references to "telegraph" and makes word usage changes as described above for sec. 10.

Bill sections 77 - 83 make style, grammar, and word usage changes. Sec. 78 adds a comma in AS 25.25.611(a)(2) to clarify that individual parties must consent to the jurisdiction of a state court to modify a foreign child support order when the child is a state resident. This change was requested by the Department of Law and the Alaska Court System. Sec. 79, changes the term "fair appraised market value" to "appraised fair market value" in the State Lands Act.

Bill sections 84 - 89 make style, grammar, and word usage changes including removal of "but not limited to" as described for bill sec. 9.

Bill sections 90 and 91 remove references to "telegraph" as obsolete and clarify in AS 42.20.390 that definitions are provided for terms "unless the context otherwise requires" a specific definition.

Bill section 92 adds an Oxford comma, also called a serial comma, immediately before the conjunction to a series of three or more terms for clarity.

Bill section 93 corrects a reference to the Rural Electrification Act by providing a federal cite to the Act.

Bill sections 94 - 97 improve the references to specified state entities by using consistent terminology and a definition for each.

Bill section 98 corrects a reference to AS 43.20.043, previously repealed, as "former" law.

Bill sections 99 and 100 remove obsolete references to "telegram" and "telegraph."

Bill section 101 corrects an oversight in a 2025 sunset to include definitions of terms used in a temporary program in AS 14.07.180(o) by ch. 73, SLA 2018.

Bill section 102 repeals obsolete provisions and definitions for unused terms or for placement in another section.

TEXT OF REPEALED PROVISIONS

AS 08.62.900(4).

"knowingly" has the meaning given in AS 11.81.900(a);

AS 08.80.480(35)[renumbered as (35) in 2018].

"prospective drug use review" means a review of the patient's drug therapy and prescription drug order, as defined in the regulations of the board, before dispensing the drug as part of a drug regimen review;

AS 08.86.230(3).

"private agency" means a clinic or private practice, or custodial, rehabilitative, or health care organization whose mental health services are under the direction of a licensed psychologist or psychiatrist;

AS 09.55.240(a)(9).

telegraph lines;

AS 11.61.145(c)

In this section, "animal" means a vertebrate living creature not a human being, but does not include fish.

AS 13.12.603(c)

In (b) of this section,

(1) "primary devise" means the devise that would have taken effect had all the deceased devisees of the alternative devises who left surviving descendants survived the testator;

(2) "primary substitute gift" means the substitute gift created with respect to a primary devise;

(3) "younger-generation devise" means a devise that

(A) is to a descendant of a devisee of a primary devise;

(B) is an alternative devise with respect to the primary devise;

(C) is a devise for which a substitute gift is created; and

(D) would have taken effect had all the deceased devisees who left surviving descendants survived the testator except the deceased devisee or devisees of the primary devise;

(4) "younger-generation substitute gift" means a substitute gift created with respect to a younger-generation devise.

AS 17.20.370(2)

"antiseptic", in the labeling or advertisement of a drug, is a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use involving prolonged contact with the body;

AS 17.38.210(g)

(g) If the board does not adopt regulations required by AS 17.38.190, an applicant may submit an application directly to a local regulatory authority after one year after February 24, 2015, and the local regulatory authority may issue an annual registration to the applicant.

AS 17.38.210(k)

(k) A subsequent or renewed registration may be issued under (g) of this section on an annual basis if the board has not adopted regulations required by AS 17.38.190 at least 90 days prior to the date upon which such subsequent or renewed registration would be effective or if the board has adopted regulations pursuant to AS 17.38.190 but has not, at least 90 days after the adoption of such regulations, issued registrations pursuant to AS 17.38.200.

AS 42.05.381(k)(2)

"liquefied natural gas storage facility" has the meaning given in AS 42.05.990.

AS 42.20.050

Altering message; punishment. (a) A person is guilty of a misdemeanor and is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both if the person willfully alters a message by adding to it or omitting from it a word or figure so as to materially change the sense, purport, or meaning of the message, to the injury of the person sending or desiring to send it, or to whom it was directed.

(b) When numerals or words of number occur in a message the operator or clerk sending or receiving may express them in words or figures, or in both words and figures, and this may not be considered an alteration of the message or to affect its genuineness, force, or validity.

AS 42.20.060

Sending or delivering false or forged message; punishment. A person is guilty of a misdemeanor and is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both if the person

- (1) knowingly and willfully sends by telegraph a false or forged message;
- (2) willfully delivers, or has delivered, a false or forged message, falsely purporting to have been received by telegraph; or
- (3) furnishes or conspires to furnish, or have furnished, to an agent, operator, or employee in a telegraph office, to be sent by telegraph, or to be delivered, a false or forged message, knowing that it is false or forged, with the intention to deceive, injure, or defraud any person.

AS 42.20.070

Punishment and civil liability for use by employee of information derived from message. An agent, operator, or employee in a telegraph office who uses or appropriates information derived by that person from a private message passing through the person's hands and addressed to another, or information acquired by reason of the person's trust as agent, operator, or employee, or who trades or speculates upon this information, or who turns or attempts to turn it to personal account, profit, or advantage is guilty of a misdemeanor and is punishable by a fine of not more than \$1000, or by imprisonment for not more than one year, or by both, and is liable in treble damages to the party aggrieved for loss or injury sustained.

AS 42.20.080

Delaying or refusing to send or deliver message; punishment. (a) An agent, operator, or employee in a telegraph office who unreasonably and willfully refuses or neglects to send a message received at the office for transmission, or who unreasonably or willfully postpones the message out of its order, or unreasonably and willfully refuses or neglects to deliver a message received by telegraph is guilty of a misdemeanor and is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both.

(b) This section does not require a person to receive, transmit, or deliver a message unless the charges are paid, or to require the sending, receiving, or delivery of a message counseling, aiding, abetting, or encouraging treason against the government of the United States, or other resistance to the lawful authority, or a message calculated to further a fraudulent plan or purpose, or to instigate or encourage the perpetration of an unlawful act, or to facilitate the escape of a criminal or person accused of crime.

AS 42.20.085

Priority of official communications; penalty for refusal, delay, or alteration of transmission. On application of an officer of the state in case of war, insurrection, riot, civil commotion, or resistance of public authority, for the prevention and punishment of crime, or for the arrest of persons suspected or charged with crime, a telegraph company shall give immediate dispatch to the communication of the officer at the price

of ordinary communications of the same length. An officer, agent, operator, or employee of the company who refuses or willfully omits to transmit the communication, or designedly alters it or falsifies it is, upon conviction, punishable by a fine of not more than \$1000, or by imprisonment in jail for not more than one year, or by both.

AS 42.20.090

Punishment and civil liability for opening or obtaining message addressed to another. A person not connected with a telegraph office who, without the authority or consent of the person to whom the message is directed, willfully opens a sealed envelope enclosing a telegraph message, and addressed to another, with the purpose of learning the contents of the message, or who fraudulently represents another person, and thereby procures to receive a telegraph message addressed to another, with the intent to use, destroy, or detain it from the person entitled to receive the message, is guilty of a misdemeanor and is punishable by a fine of not more than \$1000, or by imprisonment for not more than one year, or by both and is liable in damages to the party injured for all loss and damage sustained by reason of the wrongful act.

AS 42.20.110

Bribing operator or employee to disclose private message; punishment. A person who, by the payment or promise of a bribe, inducement, or reward, procures or attempts to procure a telegraph agent, operator, or employee to disclose a private message, or the contents, purport, substance, or meaning of a private message, or who offers to an agent, operator, or employee a bribe, compensation, or reward for the disclosure of private information received by reason of the position of trust as agent, operator, or employee, or who uses or attempts to use the information so obtained, is guilty of a misdemeanor and is punishable by a fine of not more than \$1000, or by imprisonment for not more than one year, or by both.

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