

**SENATE JOURNAL
SUPPLEMENT**

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No. 2

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SECTIONAL ANALYSIS

FOR

SENATE BILL NO. 35

2015 REVISOR'S BILL

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Memorandum dated April 30, 2015 from Lisa Moritz Kirsch, Assistant Revisor of Statutes, Division of Legal and Research Services, Legislative Affairs Agency:

The following is a sectional summary of the 2015 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 16, 17, 18, 19, 20, 21, 23, 24, 27, 28, 32, 33, 34, 54 and 60 update references.

Section 62 repeals obsolete provisions.

Sections that correct errors or oversights:

Sections 4, 6, 7, 8, 9, 10, 11, 14, 22, 25, 26, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 52, 55, 56, 57, 58, and 59 correct errors.

Sections that improve the form or substance of the law:

Sections 1, 2, 3, 5, 12, 13, 15, 19, 29, 30, 31, 36, 37, 48, 49, 50, 51, and 53 improve the form or substance.

Section 1. Adds the preposition "with" to make the sentence grammatically correct.

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Section 2. Changes "and" to "or" to reflect the apparent intent to exclude both a high school or college fraternity, not a college and high school fraternity.¹

Section 3. The language of this subsection has been reordered to make it more readable.

Section 4. Corrects the citation form for the rules used in court.

Section 5. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).²

Section 6. Adds previously omitted "the" to make the language idiomatic.

Section 7. Adds "the right" to make the sentence structure parallel, and removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 8. Corrects the citation form for the rules used in court.

Section 9. Makes the word "attorney" singular, and corrects the citation form for the rules used in court.

Section 10. Deletes a subparagraph which sets out provisions that are optional in articles of incorporation from its placement in the section for mandatory provisions.

Section 11. Relocates the subparagraph which sets out provisions that are optional in articles of incorporation to the section of the statute for optional provisions.

Section 12. Changes "chairman" to "chair."

Section 13. Deletes unnecessary "or" in a list of three alternatives.

Section 14. Corrects two citations to federal law.

Section 15. Corrects cross-reference.

Section 16. Corrects citation to federal law.

Section 17. Deletes an obsolete reference to the term "liquidation price" which does not appear in chapter AS 10.06.

¹ The original language of this definition was "except high school and college fraternities." Ch. 27, SLA 1960. The plural "fraternities" was apparently made singular in the bulk revision in 1962 enacted into law by AS 01.05.006 in 1963.

² AS 01.10.040(b) provides:

(b) When 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 18. Deletes an obsolete reference to the term "parent corporation" which does not appear in chapter AS 10.06.

Section 19. Adds language to clarify that only a school district that wishes to establish a residential school must apply to the department and obtain the department's approval.

Section 20. Corrects a citation to the confidentiality provisions of the Public Records Act.³

Section 21. Corrects a citation to the inspection and copying provisions of the Public Records Act.

Section 22. Corrects a reference to the section that addresses claims.

Section 23. Corrects a citation to the inspection and copying provisions of the Public Records Act.

Section 24. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 25. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 26. Removes the phrase "by way of example and not of limitation" made redundant by AS 01.10.040(b).

Section 27. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 28. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 29. Makes the term "justice" plural to be consistent with other terms in the paragraph.

Section 30. Corrects punctuation and capitalization to reflect standard form for paragraphs.

Section 31. Adds the article "an" missing from subparagraph (A).

Section 32. Corrects the name of the officer appointed under federal law.

Section 33. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 34. Corrects a citation to the confidentiality provisions of the Public Records Act.

³ Chapter AS 40.25 contains the public records act as well as sections AS 40.25.300 - 40.25.350. Sections 300 - 350 relate to the rights of persons who are the subject of personal information contained in public records. Sections 21, 22, 24, 28, 29, 34, 35, and 61 of this bill refer instead to the disclosure, confidentiality, and copying under the Alaska Public Records Act (AS 40.25.100 - 40.25.295).

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Section 35. Removes the word "the" from three paragraphs to make the structure of the paragraphs parallel.

Section 36. Removes the unnecessary article "a" preceding "realty."

Section 37. Deletes two unnecessary instances of "and" between paragraphs.

Section 38. Removes the redundant word "specifies."

Section 39. Changes "in Alaska" to "in this state" to reflect standard drafting form.

Section 40. Corrects the citation form for the rules used in court.

Section 41. Corrects the citation form for the rules used in court.

Section 42. Corrects the citation form for the rules used in court.

Section 43. Corrects the citation to the Uniform Arbitration Act.

Section 44. Corrects the citation form for a federal law.

Section 45. Corrects the citation form for a federal law.

Section 46. Corrects the citation form for a federal law.

Section 47. Corrects an erroneous transposition of the citation of a federal law.

Section 48. Removes the unnecessary article "a" preceding "documentary evidence."

Section 49. Inserts the article "the" to precede "principal office."

Section 50. Removes the unnecessary article "a" preceding "documentary material."

Section 51. Changes "limits" to "limit" to comport with the plural "provisions."

Section 52. Corrects the citation form for a federal law.

Section 53. Removes the phrase "by way of example and not of limitation" made redundant by AS 01.10.040(b).

Section 54. Deletes an obsolete reference to the term "sewer system" which does not appear in chapter AS 46.03.

Section 55. Amends definition of "solid waste processing facility."

Section 56. Deletes full title of commissioner because "commissioner" is defined for the chapter.

Section 57. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 58. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 59. Deletes full title of department because "department" is defined for the chapter.

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Section 60. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 61. Repeals unnecessary definitions AS 19.75.980(4); AS 45.25.990(14); and 46.03.900(31).

Section 62. Creates a special effective date for section 35 because the statute section amended (AS 44.62.330) is subject to a delayed effective date. This allows all changes to take effect on the same date.

Section 63. Provides for an immediate effective date for all other sections of the bill.

Text of Repealed Paragraphs

AS 19.75.980(4):

(4) "state bond committee" means the state bond committee created by AS 37.15.110.

AS 45.25.990(14):

(14) "motor vehicle salesperson" means a person who is employed by a motor vehicle dealer as a salesperson or sales representative to solicit, sell, lease, or exchange motor vehicles under the direction of a motor vehicle dealer;

AS 46.03.900(31):

(31) "subdivision" has the meaning given in AS 40.15.900.

Please report corrections to the Senate Secretary's office.