

SB

277

COMMITTEE REPORT

(9)

HOUSE

FURTHER:

5/15/80

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on JUDICIARY has had CSSB 277

"An Act making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>its own</sup> CS for SS 277  same title  
 new title
- and recommends No Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

PROCEEDING: To Pass  
Burghardt  
Neil G. Anderson  
Frank...  
Charles...

\_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Charles R.  
 CHAIRMAN

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 22, 1980

SUBJECT: CSSB 277 - "An Act making corrective amendments in the Alaska statutes as recommended by the revisor of statutes."

TO: Alaska Legislative Council

FROM: Donna Spragg Pegues *DS*  
David T. Walker *DW*  
Co-Revisors of Statutes

This committee substitute was prepared by the revisor of statutes 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 . . . deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of . . . the statute law of this state."

It is suggested that this explanatory memorandum accompany the bill through its legislative course.

SECTIONAL ANALYSIS

Section 1 repeals an obsolete section of AS 02.15.180. The underlying federal law (Veterans' Readjustment Assistance Act of 1952) on which this section relies was repealed in 1958.

Section 2 amends AS 05.15.030(a) to delete obsolete language. The "15-day period" referred to in AS 05.-15.030(a) was a suspense period previously set out in AS 05.15.020 which was deleted by sec. 1, Chapter 182, SLA 1976.

Section 3 amends AS 06.30.445(b) to correct a reference in that statute. A 1978 amendment to the section included a reference to "Federal Savings and Loan Insurance Corporation regulations." In fact, the applicable regulations are the responsibility of the Federal Home Loan Bank Board. See also the corrective regulation at 3 AAC 05.150 (adopted April 4, 1979).

Section 4 corrects an incorrect statute reference in AS 06.-30.665. The statute now refers to AS 06.01.660 which was repealed in 1978.

Section 5 repeals a provision of the Alaska Integrated Bar Act relating to disciplinary proceeding and review which was inadvertently left out of the repealer contained in Chapter 181, SLA 1976, involving amendments to the statute act.

Sections 6 and 7 correct an error in the repeals made by Chapter 177, SLA 1978, which is an act relating to malpractice insurance. That act repealed AS 08.80.115 which had nothing to do with malpractice insurance but rather involved the registration of pregraduate and postgraduate intern pharmacists. However, AS 08.80.117 does relate to malpractice insurance and was not repealed in Chapter 177, SLA 1978. It is apparent that a repeal of 08.80.117 was intended and that the repeal of 08.80.115 was inadvertent.

Section 8 corrects an internal citation in AS 08.80.295(a).

Section 9 corrects a mistake in AS 09.55.238(b). The word "visitation" is substituted for "violation" to make the section consistent with the other sections relating to an action for failure to permit visitation with a minor child. See AS 11.51.125(b).

Section 10 removes an archaic provision from the applicability section of the chapter regulating non-profit corporations. (AS 10.20). The class of corporations referred to by the provision being repealed is now regulated under AS 10.40 (religious corporations).

Section 11 inserts a statutory reference in the definition contained in AS 14.12.170 to clarify the coverage of the definition of school districts.

Section 12 eliminates a reference in AS 14.17.140(b) to a section of AS 28.10 which was repealed in 1978. The correct succeeding code section has been substituted.

Section 13 removes an obsolete reference to the state pay plan in the statute relating to the Postsecondary Education Commission.

Section 14 deletes an obsolete reference to "State Operated Schools" in AS 14.36 relating to community schools. A reference to "regional educational attendance areas" is substituted.

Section 15 repeals the tuition grant program which was held unconstitutional in Sheldon Jackson College v. State, 599 P.2d 127 (1979).

Sections 16 and 17 amends the section relating to sport fishing and hunting so as to properly relocate an existing provision relating to big game tags.

Section 18 repeals an obsolete section in Title 17. AS 17.-05.040 would punish violations of AS 17.05.030 which was repealed in 1968.

Section 19 updates the language of AS 18.50.280 (relating to court reporting requirements under the Vital Statistics Act) to include the reports of dissolution of a marriage.

Section 20 corrects an incorrect internal citation. Facility procurement policy development procedures are found at AS 35.10.160 -- not AS 35.10.060.

Section 21 repeals an obsolete section which refers only to a repealed section which was in former AS 07.

Section 22 repeals a section relating to nonconforming highway advertising which expired by its own terms on July 1, 1971.

Section 23 repeals a section relating to the removal of nonconforming junk yards. This effect of this section expired September 14, 1979.

Section 24 corrects two statute references in AS 21.-  
27.420(2).

Section 25 repeals an obsolete reference to the jurisdiction of the district court over proceedings under the defunct Village Incorporation Act.

Section 26 repeals certain sections of the Alaska World War II Veterans' Act (AS 26.15) which have expired. Most of these sections relate to payment of bonuses which have terminated. One of these sections provides for repayment of a loan to the veterans' revolving fund from the general fund. This loan was long ago paid. The title of the Act is also repealed since AS 26.15 now relates to veterans other than veterans of World War II.

Sections 27 and 28 amend the description of an eligible veteran in AS 26.15 to adopt the termination date (plus six months) of the "Viet Nam era" established by Presidential Proclamation No. 4373 (40 Fed. Reg. 20257).

Section 29 corrects obsolete and repealed statute citations in AS 28.35.030(a).

Section 30 corrects obsolete and repealed internal statute citations in AS 28.35.155(a).

Sections 31 and 32 remove obsolete references to "weighted voting" from the Municipal Code. Weighted voting by a borough assembly is no longer allowed under Alaska statutes.

Sections 33 and 34 correct mistaken internal citations in AS 31.05.027 and AS 31.05.110(p).

Section 35 repeals AS 38.05.066 (preference to uplands land for persons for fishery purposes), as the application period for a preference right under that section expired in July 1973.

Section 36 amends the definition of "veteran" in AS 38.-05.067 (veterans' preference in state land transactions) to adopt the termination date (plus 6-months) of the "Viet Nam era" established by Presidential Proclamation No. 4373 (40 Fed. Reg. 20257).

Section 37 repeals the laws requiring local hire under state leases. These statutes were held unconstitutional by the United States Supreme Court in Hicklin v. Orbeck, 437 U.S. 518 (1978).

Section 38 amends AS 39.05.020 relating to the confirmation of gubernatorial appointments. The amendment conforms this statute to the holding of the Alaska Supreme Court in Bradner v. Hammond, 553 P.2d 1 (1976).

Section 39 amends the section which allows for veterans' preference in state employment to adopt the termination date of (plus 6 months) of the "Viet Nam era" established in Presidential Proclamation 4373 (40 Fed. Reg. 20257).

Sections 40 through 44 correct the list of boards and commissions which are included under the conflict of interest provisions of state law. The defunct Board of Fish and Game is eliminated and the Board of Fisheries and Board of Game are added. The following repealed or obsolete boards are eliminated from the list:

- (1) State Section of Joint Federal-State Land Use Planning Commission (no longer in existence);
- (2) Board of Directors, State-Operated Schools (repealed in 1975);
- (3) Alaska Salary Commission (repealed 1980).

Section 45 repeals the statutes which establish the Joint Federal-State Land Use Planning Commission for Alaska. The Commission expired on June 30, 1979.

Section 46 amends the law relating to the Public Utilities Commission to conform AS 42.05.171 to the quorum requirement in 42.05.071. In Chapter 213, SLA 1973, the commission was increased from three to five members and the requirement for a quorum was increased to three members. However, the section establishing the number of commissioners which may conduct a formal hearing was apparently overlooked. The amendment also conforms to present commission practice.

Section 47 corrects an incorrect definition in the amendment made to the fisheries taxes in 1979. For purposes of the

taxing statutes, (43.75) year was defined as "fiscal year". This definition was related to an earlier version of the fisheries tax bill and when the bill was rewritten all other references to "fiscal year" were deleted. Retaining the definition was a drafting oversight.

Section 48 clarifies the application of limitations in AS 44.47.140. As that section now reads, the limitations could be read as applying to all programs of the Department of Community and Regional Affairs. However, a close reading of the statutes and investigation of the legislative history makes it clear that the limitations were only intended to apply to programs of the department in rural areas.

Section 49 corrects the terminology describing the coverage of the definition of "municipality" contained in AS 44.74.-150(g).

Section 50 deletes the reference to the requirement of United States Citizenship as a qualification of appointment as a notary public. This requirement was deleted from AS 44.-50.020 in the 1976 amendment of that section (section 1, Chapter 160, SLA 1976).

Sections 51 and 52 delete references to nonexistent Alaska permanent fund "guarantees" from the Alaska Power Authority statutes. The sections of AS 37.13 referred to in AS 44.46 were not enacted.

Section 53 removes the Department of Natural Resources functions relating to oil and gas conservation from the list of officers and boards which must comply with hearing procedures of the Administrative Procedures Act. Chapter 158, SLA 1978 transferred these functions to the Oil and Gas Conservation Commission. Chapter 160, SLA 1978, established specific provisions for hearings, etc. by the Oil and Gas Conservation Commission. (See AS 31.05.060(b) added by Ch. 160, SLA 1978.)

Section 54 amends AS 45.55.140(b)(viii) to correct an internal inconsistency which apparently resulted from a technical oversight in 1977 legislation. (See also AS 45.-55.140(b)(A)(v))

Sections 55, 56, 57, and 58 amend the Uniform Gifts to Minors Act to define a minor under that Act as a person under 18 years of age. This conforms with AS 25.20.010 which sets the age of majority in this state as 18 years of age. (See Chapter 63, SLA 1977)

Section 59 corrects a reference to the wrong rules of court.

Sections 60 and 61 clarify the age of the child who comes under the child protection laws. One reference is to a "child under 18" and the other is to a "person under 16". The revisor's bill would change the second reference to a "person under 18."

Section 62 changes references to "inmate of the Alaska Pioneers' Home" to "resident of Alaska Pioneers' Home" to conform with policy embodied in Chapter 11, SLA 1979.

Section 63 relates to the advisory board on alcoholism and repeals obsolete and incorrect provisions relating to the terms of board members.

DSP:DTW:ljb

Enclosure

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 23, 1980

SUBJECT: The Revisors Bill  
(CSSB 277)

TO: Representative Charles H. Parr  
Chairman, House Judiciary Committee

FROM: David T. Walker  
Co-Revisor of Statutes

I believe the Revisors bill will soon be scheduled for hearing. I know your schedule is hectic now, but I have attached a copy of the bill and its accompanying sectional analysis for you to look over if you have time.

Donna Pegues (Co-Revisor of Statutes) and I are anxious for the bill to pass this session and stand ready to help. Please do not hesitate to call, or have your staff call, if you have questions.

Donna's telephone number is 465-3825; my telephone number is 465-3896.

DTW:ljb

Enclosures

cc: Margaret Berck  
Sandra Stringer

*This is the package delivered  
to the Committee members.*  
*DTW*

A M E N D M E N T

TO: CSSB 277

Page 17, line 14:

Add the following:

\* Sec. 64. All references in the Alaska Statutes to "workmen's compensation" and "workman's compensation" are amended to read "workers' compensation". The revisor of statutes is directed to implement this amendment so that as statutes are amended or scheduled for reprinting the change to "workers' compensation" will be accomplished.

MEMORANDUM

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