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COMMITTEE REPORT

HOUSE

4/5

5/25/81

FURTHER:

Rules

(7)

Date:

Apr. 5, 82

Mr. Speaker:

The Committee on JUDICIARY has had HB 591

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

under consideration and reports it back as follows:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with CS for HB 591 (Judiciary) [H] same title [ ] new title and recommends \_\_\_\_\_

[ ] AND attaches a "Letter of Intent" [0] ~~New~~ Fiscal Note

[X] reports it back without recommendation

zero

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

{ with from Revisor

Roll E. Reed Do Pass

Denise H. Barnes

MEMBERS HAVING OTHER RECOMMENDATIONS:

No Rec - C. Anderson

T. Buchholdt - No Rec

Patrick M. O'Connell - No Rec

Denise H. Barnes  
CHAIRMAN

AMENDED TITLE:  
AN ACT MAKING CORRECTIVE AMENDMENTS IN THE ALASKA STATUTES  
AS RECOMMENDED BY THE REVISOR OF STATUTES

09:13 4/06/82 PAGE 1 OF 2

PRIME SPONSOR: HOUSE RULES COMMITTEE.  
CO-SPONSORS:  
CURRENT STATUS: 5/25/81 IN (H) JUDICIARY

HB 591 HOUSE ACTION

09:13 4/06/82 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/25/81	01	1649	FIRST READING -- COMMITTEE REPORTS
05/25/81	02	1650	SECTIONAL ANALYSIS JUDICIARY RULES

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

Linda:

the original bill,  
HB 591, makes 64  
sectional corrections  
to the Statutes.

the Judiciary CS  
makes 128 sectional  
corrections to the  
Statutes.

All seem - on the  
surface - to be necessary  
corrections relating  
to defunct, obsolete  
references & sometimes  
to pre-statehood  
provisions.  
Further investigation  
necessary ??

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 5, 1982

SUBJECT: "An Act making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes" (CSHB 591 (Judiciary))

TO: Representative Ramona L. Barnes  
Chairman, House Judiciary Committee

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

This bill 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 the explanatory memorandum accompany the bill through its legislative course.

SECTIONAL ANALYSIS

Section 1 corrects an error which dates back to the bulk formal revision of the Alaska Statutes in 1963. The original act (Chapter 123, SLA 1949) contemplated that municipalities could act jointly and jointly accept airport aid under this section. That provision was changed in the bulk formal revision so as to create an anomaly.

Section 2. See note concerning Sec. 24.

Section 3 Amends the law that establishes the Athletic Commission to make it clear that each commissioner is to

supervise boxing and wrestling events in the Senate district from which the commissioner is appointed.

Section 4 and 5 rearrange the exemption of school events from the regulation of certain boxing and wrestling exhibitions. Under present law, the exemption is buried in a substantive law section.

Section 6 straightens out the syntax in a section establishing penalties for participating in a sham boxing or wrestling contest.

Section 7 clarifies an exemption to the requirement that a snow machine have an exhaust muffler in good working order.

Section 8 repeals a definition in the chapter regulating accountants. The repealed section defines "attest function". That phrase is not used in the chapter for which it is defined. It was used in a companion bill which did not pass in 1980.

Section 9 eliminates a special exemption that allowed certain persons to serve on the legislative legal staff without taking and passing the Alaska bar examination. Under the exemption certain persons serving the legislature as legal counsel to the legislature in September 1976 were allowed to continue in that capacity without admission to the Alaska bar association. The persons who benefited from this exemption are no longer employed on the legislative legal staff and this exemption serves no purpose. The amendment makes it clear that all legislative lawyers must be licensed to practice law after the results of the third Alaska bar examination following employment.

Section 10 corrects a mistaken AS reference in the chapter that regulates the practice of dentistry.

Sections 11 and 12 eliminate technical errors in amendments to the law regulating architects, engineers and land surveyors.

Sections 13 and 14 reinstate sections of the law regulating pharmacists that were amended and then apparently repealed by mistake in Chapter 166, SLA 1980.

Section 15 makes a correction to AS 08.88.475(b). In 1980 the administration of the real estate surety fund was made a responsibility of the real estate commission. Amendment of this section to eliminate responsibility of the court for surety fund administration was apparently an aspect overlooked at that time.

Section 16 corrects AS 08.98.040 to make it clear that the board of veterinarians is to hold three meetings each year.

Section 17 corrects a technical error in AS 09.16.010(f) (Alaska Uniform Contribution Among Tortfeasors Act) that was made when the statute was enacted in 1970. The correction brings this subsection into conformity with the uniform act.

Section 18 makes it clear that the definitions in the law relating to the privilege of public officials and reporters apply only to that law and not to all of AS 09.25 (which is a general chapter on evidence).

Section 19 repeals two subsections in the code of civil procedure which expired by their own terms on July 1, 1975.

Sections 20 and 21 clarify a 1981 amendment to child support statutes so as to make it clear who is responsible for the filing and mailing of income assignment orders and related documents.

Section 22 corrects a mistake in a 1980 amendment to AS 10.-05.711(a)(2) (fees for changing capital stock) that resulted in the opposite effect from that intended.

Section 23 corrects an outdated reference to the statute relating to the certification of documents.

Section 24 and Section 2 correct a discrepancy between AS 11.61.140(a)(3) and AS 03.60.005. Under a 1980 enactment, AS 11.61.140(a)(3) provides that it is a class A misdemeanor to kill an animal using a decompression chamber unless the killing conforms to accepted veterinary practice and AS 03.60.005 makes it unlawful for a veterinarian to use a decompression chamber to kill an animal under any circumstances. Under this statute it would never be acceptable veterinary practice to kill an animal by use of a decompression chamber. To resolve this inconsistency the

revisor's bill would repeal AS 03.50.005 (in Sec. 2) and amend AS 11.61.140(b) (in Sec. 11) so that the exceptions to the prohibition of using a decompression chamber to kill an animal are eliminated as a defense to the crime of cruelty to animals.

Section 25 repeals AS 12.25.080. That section relating to the use of force by a police officer was superseded by AS 11.81.370. This was the conclusion of the Alaska Supreme Court in the case of State v. Sundberg, 611 P.2d 44 (1980).

Section 26 corrects AS 12.55.135(c) relating to sentencing in domestic violence cases so that the subsection refers to in the fourth degree rather than assault in the third degree. Assault in the third degree was changed to assault in the fourth degree by Chapter 102, SLA 1980.

Section 27 repeals AS 12.55.150 that established a fine for violations under a heading of "Sentences for Violations". The fine for violation may also be found at AS 12.55.-035(b)(5). The additional material at AS 12.55.140 is not needed and causes some confusion because of its placement and title.

Section 28 corrects a minor error in the list of duties of the Department of Education.

Section 29 amends AS 14.07.050 to eliminate obsolete references to state schools and state operated schools.

Sections 30, 31 and 32 correct technical errors made in Chapter 119, SLA 1981 relating to education. (See also SB 649 to same effect)

Section 33 corrects outdated AS references in a section of the Teachers Retirement System.

Section 34 amends AS 14.40.160(b) to make it clear that references to the "board" in that section are to the Board of Regents of the University of Alaska and not to the Board of Education (see AS 14.60.010(2) which defines "board" for purposes of AS 14).

Section 35 repeals certain statutes which refer to the tuition grant program which was held unconstitutional by the

Alaska State Supreme Court in the case of Sheldon Jackson College v. State, 599 P.2d 127 (1979).

Sections 36 and 39 change references in the election code from "lieutenant governor" to "director" (of elections). This change was made throughout the code in 1980. These sections were missed.

Section 37 changes an incorrect AS reference in the election code.

Sections 38 and 42 eliminate election code references to "canvassing" in state elections. "Canvassing" was eliminated throughout the election code by Chapter 100, SLA 1980. These sections were overlooked. The former canvassing work is now done by a state ballot counting review board. See also HCSCSSE 299.

Sections 40 and 41 reinstate sections in the election code which were extensively amended in 1980 and then repealed by the same act that amended them. The repeals were apparently made in error. See same corrections in HCSCSSB 299.

Sections 43 and 44 amend AS 16.05.407 to make it clear that guides are licensed under the Guide Licensing and Control Board rather than the Department of Fish and Game. In 1973 this responsibility was transferred to the board but amendment to AS 16.05.407 was apparently overlooked.

Section 45 amends the law establishing the Alaska Seafood Institute so as to define "value" in terms of "seafood" rather than in terms of "fisheries resource". "Seafood" is the term used throughout the law relating to the Institute. Value predicated on "fisheries resource" makes no sense in light of the rest of the enabling legislation.

Section 46 makes it clear that AS 18.07.071(c) covers only a temporary but not an emergency certificate of need for a health care facility.

Section 47 supplies a needed definition of a certificate of need to the chapter dealing with issuance of these certificates.

Section 48 clarifies the allowable investments of the Alaska Medical Facility Authority. The present law on the subject is garbled.

Section 49 repeals an obsolete requirement of the Health and Safety Code that expired by its own terms in 1976.

Section 50 deletes an obsolete portion of the Health and Safety Code that expired by its own terms in 1976.

Section 51 removes an obsolete provision relating to terms of members of the Alaska State Housing Authority.

Section 52 amends AS 18.65.310(a) to correct a reference to a repealed section which formerly governed issuance of drivers' licenses.

Section 53 repeals and reenacts AS 18.80.060 relating to the Human Rights Commission to create a subsection out of a responsibility of the commission that had been improperly codified as a numbered paragraph.

Section 54 repeals and reenacts for clarity a badly garbled section of the law relating to construction standards for access roads.

Section 55 corrects a definition in the law passed in 1980 concerning the north slope haul road. AS 19.40.100 states that the department shall maintain the highway and keep it open to "industrial or commercial traffic" throughout the year. However, rather than defining "industrial or commercial traffic" the bill defined "industrial or commercial travel".

Section 56 repeals AS 19.65.010 which required that Marine Highway System employees be relieved at duty stations inside the state. This statute was declared unconstitutional by the United States District Court in January, 1981 (District No. 1 v. Ward, 505 F. Supp. 98 (W.D. W 1981)). The case was not appealed.

Sections 57 and 58 eliminate reference to "associate justice" of the Supreme Court. Throughout the statutes the term "justice" is used without the added term "associate".

Section 59 adds to the jurisdiction of the district court in AS 22.15 those actions for taking utility service and for damages to or interference with a utility line. AS 42.-20.030 establishes this jurisdiction. Section 63 adds an appropriate cross reference to the AS section on the jurisdiction of the district court.

Section 60 removes a temporary provision from the statute relating to the commission on judicial qualifications.

Section 61 repeals and reenacts AS 23.10.130 so as to eliminate that portion of AS 23.10.130(b) that was struck down by the Alaska Supreme Court in Nolan v. Sea Airmotive Inc., 627 P.2d 1035 (1981). In that case the court held that most of AS 23.10.130(b) relating to class actions was properly a matter of court rule of procedure.

Section 62 removes obsolete references to the alcoholic beverages title from AS 23.10.355.

Section 63 repeals an obsolete pre-statehood provision that sets a definite term for the director of employment security.

Sections 64 and 65 attempt to straighten out a mistake of the publisher when AS 23.20.195(d) was somehow simply dropped from the statutes although its form and substance was presumed in AS 23.20.195(c). These amendments formalize what is actually the law.

Section 66 amends the veterans loan act to substitute the official date of the end of the hostilities in Viet Nam for a reference to "the present national emergency".

Section 67 corrects an obsolete reference to AS 04.

Section 68 repeals an obsolete reference to repealed (but not replaced) lien foreclosure procedures.

Section 69 supplies the correct year for the "January" found in AS 29.90.010 as amended in 1981.

Section 70 deletes an obsolete reference to the magistrate court.

Section 71 repeals the Alaska Paperwork Reduction and Simplification Act which expired by its own terms on July 1, 1979. Section 2 of Chapter 147, SLA 1977 repealed the act effective on that date.

Section 72 corrects an apparent error in the State Land Act that dates back to the original codification. The bill in which AS 38.05.351 was enacted referred to "this act" rather than "this section". In the context of the section, "this Act" or "this chapter" has meaning where "this section" does not.

Sections 73, 74, 94, 95, and 96 carry out the directive of Chapter 110, SLA 1981 that all references to the Alaska Pipeline Commission be changed to the Alaska Public Utilities Commission.

Section 75 corrects a mistaken AS reference in AS 38.-50.130(a).

Section 76 repeals a reference to the defunct North Commission. See also Sec. 100.

Sections 77 and 78 revise pre-statehood law concerning the confirmation of board members and state officials. The sections delete provisions that allow either house to confirm an appointment. The Alaska Constitution provides for only joint confirmation action. The sections also clarify that the governor is the appointing authority in the executive branch.

Section 79 repeals an obsolete pre-statehood law which had the attorney general of the United States establishing schedules of mileage and other fees for state officials.

Section 80 repeals an obsolete reference to the state operated schools.

Sections 81 and 83 delete references to the "director of the division of personnel and labor relations". The proper term is "director of the division of personnel". See AS 39.25.030. Section 81 also removes an obsolete reference to July 9, 1978.

Section 82 repeals a section in the 1960 personnel act that related only to the classification, etc. of employees employed on April 19, 1960. Everything that was supposed to happen under this section has happened and the section is obsolete.

Sections 84, 85, 86 and 87 amend the law under which the state originally entered into a contract for federal social security for its employees and for the employees of political subdivisions. Effective in 1980 state employees are no longer part of the social security system. These amendments make that clear.

Section 88 makes a clarifying amendment to the public employees retirement act to make the law consistent as to references to credited service in the amended section.

Section 89 repeals an obsolete provision in the public employee retirement act which sets out what will happen if a retired person receives a pension of less than \$25 a month. Under AS 39.35.485 as of January 1, 1981, the minimum retirement benefit is \$25 a month so 39.35.470 no longer has any purpose.

Section 90 repeals defunct boards from the list of board members subject to financial disclosure.

Sections 91 and 92 substitute references to "Division of Forestry" which replaced "Division of Forest, Land, and Water Management".

Section 93 clarifies an amendment to the public utilities law made in 1980. This amendment makes it clear that the exemption in AS 42.05.711(i) applies to all utilities which have gross annual revenues of \$200,000 or less on and after June 30, 1980. As the law presently reads it could possibly be interpreted to mean that only those utilities which met the qualifications on the precise date of June 30, 1980 qualify for the exemption.

Section 97 eliminates an inconsistency in the fisheries business license tax. Under the 1979 enactment of AS 43.-75.011 a processor must obtain a license under AS 43.75.020 before engaging in a fisheries business. However, under AS 43.75.020(b) (enacted in 1949) an applicant may carry on the business from the date the application is filed.

April 5, 1982

Section 98. Sec. 5 substitutes the word "summons" for the word "subpoenas" in AS 43.80.035(b)(1) to make that paragraph consistent with AS 43.05.040. Under AS 43.05.040 summons rather than subpoenas are sought and issued for the administrative purposes of the Department of Revenue.

Section 99 corrects an error made in the bulk formal revision in 1963. In its original form (sec. 20, Chapter 64, SLA 1959), AS 4.19.028 provided that the governor could establish interim boards, councils, etc. until the adjournment of the next regular or reconvened session of the legislature. In the first revision process this was changed so that the board or commission could exist only until the beginning of the next regular or reconvened session of the legislature. This amendment takes the law back to its original form.

Section 100 repeals the defunct North Commission.

Section 101 clarifies the exempt public facilities for which a contribution for "art in public places" must be made.

Section 102 corrects a reference to "Aid to Dependent Children" to "Aid to Families with Dependent Children". This is the correct designation for the program.

Section 103 repeals the defunct Northwestern Alaska Development Committee which dissolved by its own terms on April 1, 1968.

Section 104 deletes an obsolete reference to the "four major senatorial election districts" in the law governing local boundary commission appointments. A reference to the current four judicial districts described in AS 22.10.010 is substituted.

Section 105 substitutes the Department of Law for the Legislative Council as the agency responsible for the indexing, numbering, and etc. of the Alaska Administrative Code. The basic responsibility for the style and general preparation of regulations to be published in the Administrative Code was given to the Department of Law in 1978 but this particular section was overlooked at that time (See AS 44.62.050 and AS 44.62.060).

Sections 106, 107 and 108 correct obsolete references to the commissioner of public works. The amended sections required the commissioner of public works and the commissioner of highways to cooperate in various ventures. With the creation of the new Department of Transportation and Public Facilities this commissioner is one and the same person.

Section 109 corrects a mistake made in the Uniform Commercial Code when it was adopted in 1962. This change from "instrument" to "indorsement" brings this paragraph into conformity with the official text of the Uniform Commercial Code.

Section 110 substitutes the commissioner of commerce and economic development for the "secretary of state" as the person who may accept proof of the use of a trademark. Trademark regulation is currently the responsibility of the Department of Commerce and Economic Development.

Section 111 straightens out confusion introduced by a 1981 floor amendment to the Alaska Securities Act.

Section 112 repeals AS 45.95.020(c). This subsection was tied to the existence of AS 45.95.020(b) which was repealed by sec. 4, Chapter 122, SLA 1980.

Section 113 substitutes "low level radioactive material" for "radionuclides" in AS 46.03.290(a) relating to radiation and hazardous waste protection. This change was made throughout the law by Chapter 93, SLA 1981 but this section was apparently missed.

Sections 114, 115, 116, 117, 118 and 123 substitute references to AS 43.04 (Oil Pollution Control) for obsolete references to repealed AS 30.25. AS 30.25 was substantially replaced by AS 46.04. However in Section 114 a reference to an AS 30.25 section is completely eliminated since there is no comparable section in AS 43.04.

Section 119 deletes an obsolete reference to the definition of a "motor vehicle" and supplies the current correct definition.

Section 120 repeals a definition of "radionuclides" from AS 46.03. As noted in reference to Section 113, this term is no longer used in AS 46.03.

Sections 121 and 122 correct references to the Federal Clean Water Act enacted in 1980.

Sections 124, 125 and 126 correct references to "Aid to Dependent Children" to read "Aid to Families with Dependent Children". This is the correct designation for the program.

Sections 127 and 128 correct references to the former Advisory Board on Alcoholism.

DSP:ljb

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1981

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

TO: Alaska Legislative Council

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

HOUSE BILL NO. 591

This bill 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 the explanatory memorandum accompany  
the bill through its legislative course.

SECTIONAL ANALYSIS

Section 1 corrects an error which dates back to the bulk  
formal revision of the Alaska Statutes in 1963. The original  
act (Chapter 123, SLA 1949) contemplated that municipalities  
could act jointly and jointly accept airport aid under this  
section. That provision was changed in the bulk formal  
revision so as to create an anomaly.

Section 2. See note concerning Sec. 11.

Section 3 repeals a definition in the chapter regulating  
accountants. The repealed section defines "attest function".  
That phrase is not used in the chapter for which it is defined.  
It was used in a companion bill which did not pass in 1980.

Sections 4 and 5 eliminate technical errors in amendments to the law regulating architects, engineers and land surveyors.

Sections 6 and 7 reinstate sections of the law regulating pharmacists which were amended and then apparently repealed by mistake in Chapter 166, SLA 1980.

Section 8 makes a correction to AS 08.88.475(b). In 1980 the administration of the real estate surety fund was made a responsibility of the real estate commission. Amendment of this section to eliminate responsibility of the court for surety fund administration was apparently an aspect overlooked at that time.

Section 9 corrects AS 08.98.040 to make it clear that the board of veterinarians is to hold three meetings each year.

Section 10 repeals two subsections in the code of civil procedure which expired by their own terms on July 1, 1975.

Section 11 and Section 2 correct a discrepancy between AS 11.61.140(a)(3) and AS 03.60.005. Under a 1980 enactment, AS 11.61.140(a)(3) provides that it is a class A misdemeanor to kill an animal using a decompression chamber unless the killing conforms to accepted veterinary practice and AS 03.60.005 makes it unlawful for a veterinarian to use a decompression chamber to kill an animal under any circumstances. Under this statute it would never be acceptable veterinary practice to kill an animal by use of a decompression chamber. To resolve this inconsistency the revisor's bill would repeal AS 03.50.005 (in Sec. 2) and amend AS 11.61.140(b) (in Sec. 11) so that the exceptions to the prohibition of using a decompression chamber to kill an animal are eliminated as a defense to the crime of cruelty to animals.

Section 12 repeals AS 12.25.080. That section relating to the use of force by a police officer was superseded by AS 11.81.370. This was the conclusion of the Alaska Supreme Court in the case of State v. Sundberg, 611 P.2d 44 (1980).

Section 13 corrects AS 12.55.135(c) relating to sentencing in domestic violence cases so that the subsection refers to assault in the fourth degree rather than assault in the third degree. Assault in the third degree was changed to assault in the fourth degree by Chapter 102, SLA 1980.

Section 14 amends AS 14.07.050 to eliminate obsolete references to state schools and state operated schools.

Section 15 amends AS 14.40.160(b) to make it clear that references to the "board" in that section are to the Board of Regents of the University of Alaska and not to the Board of Education (see AS 14.60.010(2) which defines "board" for purposes of AS 14).

Section 16 repeals certain statutes which refer to the tuition grant program which was held unconstitutional by the Alaska State Supreme Court in the case of Sheldon Jackson College v. State, 599 P.2d 127 (1979).

Section 17 eliminates an election code reference to "canvassing" in state elections. "Canvassing" was eliminated throughout the election code by Chapter 100, SLA 1980. This section was overlooked. The former canvassing work is now done by a state ballot counting review board.

Sections 18 and 19 reinstate sections in the election code which were extensively amended in 1980 and then repealed by the same act that amended them. The repeals were apparently made in error.

Sections 20 and 21 amend AS 16.05.470 to make it clear that guides are licensed under the Guide Licensing and Control Board rather than the Department of Fish and Game. In 1973 this responsibility was transferred to the board but amendment to AS 16.05.470 was apparently overlooked.

Section 22 amends AS 18.65.310(a) to correct a reference to a repealed section which formerly governed issuance of drivers' licenses.

Section 23 corrects a definition in the law passed last year concerning the north slope haul road. AS 19.40.100 states that the department shall maintain the highway and keep it open to "industrial or commercial traffic" throughout the year. However, rather than defining "industrial or commercial traffic" last year's bill defined "industrial or commercial travel".

Section 24 repeals AS 19.65.010 which required that Marine Highway System employees be relieved at duty stations inside the state. This statute was declared unconstitutional by the United States District Court in January, 1981 (District No. 1, Pacific Coast District, M.E.B.A., and Gary A. Cramer, et al. v. Robert W. Ward, Commissioner of the Department of Transportation and Public Facilities, et al.) (Nos. C78-607 SR and C78-617SR). The case was not appealed.

Section 25 removes a temporary provision from the statute relating to the commission on judicial qualifications.

Section 26 corrects a reference to a nonexistent National Law Institute in the statute relating to the Code Revision Commission. The proper name is the American Law Institute.

Section 27 amends the veterans loan act to substitute the official date of the end of the hostilities in Viet Nam for a reference to "the present national emergency".

Section 28. For information on this section see the note to Sec. 52.

Section 29 deletes an obsolete reference to the magistrate court.

Section 30 repeals the Alaska Paperwork Reduction and Simplification Act which expired by its own terms on July 1, 1979. Section 2 of Chapter 147, SLA 1977 repealed the act effective on that date.

Section 31 repeals a reference to the defunct North Commission. See also Sec. 47.

Sections 32 and 33 revise pre-statehood law concerning the confirmation of board members and state officials. The sections delete provisions that allow either house to confirm an appointment. The Alaska Constitution provides for only joint confirmation action. The sections also clarify that the governor is the appointing authority in the executive branch.

Section 34 repeals an obsolete pre-statehood law which had the attorney general of the United States establishing schedules of mileage and other fees for state officials.

Section 35 repeals an obsolete reference to the state operated schools.

Section 36 repeals a section in the 1960 personnel act that related only to the classification, etc. of employees employed on April 19, 1960. Everything that was supposed to happen under this section has happened and the section is obsolete.

Section 37 deletes a reference to the "director of the division of personnel and labor relations". The proper term is "director of the division of personnel". See AS 39.25.030.

Sections 38, 39 and 40 amend the law under which the state originally entered into a contract for federal social security for its employees and for the employees of political subdivisions. Effective in 1980 state employees are no longer part of the social security system. These amendments make that clear.

Section 41 makes a clarifying amendment to the public employees retirement act to make the law consistent as to references to credited service in the amended section.

Section 42 repeals an obsolete provision in the public employee retirement act which sets out what will happen if a retired person receives a pension of less than \$25 a month. Under AS 39.35.485 as of January 1, 1981, the minimum retirement benefit is \$25 a month so 39.35.470 no longer has any purpose...

Section 43 clarifies an amendment to the public utilities law made in 1980. This amendment makes it clear that the exemption in AS 42.05.711(i) applies to all utilities which have gross annual revenues of \$200,000 or less on and after June 30, 1980. As the law presently reads it could possibly be interpreted to mean that only those utilities which met the qualifications on the precise date of June 30, 1980 qualify for the exemption.

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Section 45. Sec. 5 substitutes the word "summons" for the word "subpoenas" in AS 43.80.035(b)(1) to make that paragraph consistent with AS 43.05.040. Under AS 43.05.040 summons rather than subpoenas are sought and issued for the administrative purposes of the Department of Revenue.

Section 46 corrects an error made in the bulk formal revision in 1963. In its original form (sec. 20, Chapter 64, SLA 1959), AS 44.19.028 provided that the governor could establish interim boards, councils, etc. until the adjournment of the next regular or reconvened session of the legislature. In the first revision process this was changed so that the board or commission could exist only until the beginning of the next regular or reconvened session of the legislature. This amendment takes the law back to its original form.

Section 47 repeals the defunct North Commission.

Section 48 repeals the defunct Northwestern Alaska Development Committee which dissolved by its own terms on April 1, 1968.

Section 49 corrects a reference to "Aid to Dependent Children" to "Aid to Families with Dependent Children". This is the correct designation for the program.

Section 50 deletes an obsolete reference to the "four major senatorial election districts" in the law governing local boundary commission appointments. A reference to the current four judicial districts described in AS 22.10.010 is substituted.

Section 51 substitutes the Department of Law for the Legislative Council as the agency responsible for the indexing, numbering, and etc. of the Alaska Administrative Code. The basic responsibility for the style and general preparation of regulations to be published in the Administrative Code was given to the Department of Law in 1978 but this particular section was overlooked at that time (See AS 44.62.050 and AS 44.62.060).

Section 52 repeals AS 44.62.320(a). This section was declared unconstitutional by the Alaska Supreme Court in State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (1980).

Sections 53, 54 and 55 correct obsolete references to the commissioner of public works. The amended sections required the commissioner of public works and the commissioner of highways were to cooperate in various ventures. With the creation of the new Department of Transportation and Public Facilities this commissioner is one and the same person.

Section 56 substitutes the commissioner of commerce and economic development for the "secretary of state" as the person who may accept proof of the use of a trademark. Trademark regulation is currently the responsibility of the Department of Commerce and Economic Development.

Section 57 repeals AS 45.95.020(c). This subsection was tied to the existence of AS 45.95.020(b) which was repealed by sec. 4, Chapter 122, SLA 1980.

Sections 58 and 59 correct references to the Federal Clean Water Act enacted in 1980.

Sections 60, 61, and 62 correct references to "Aid to Dependent Children" to read "Aid to Families with Dependent Children". This is the correct designation for the program.

Sections 63 and 64 correct references to the former Advisory Board on Alcoholism.

DSP:ljb

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSHB 591 (Judiciary)  
 Title Revisor's Bill -- corrective amendments in Alaska Statutes  
 Requested by House Judiciary Committee Date April 2, 1982

II. FISCAL DETAIL  
 Agency Affected Legislative Affairs Agency  
 Program Category Affected General Government  
 BRU, Program, Or Subprogram(s) Affected Division of Legal Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The revisor's bill corrects or removes deficiencies, conflicts or obsolete provisions in the Alaska Statutes. Preparation of the bill is one of the statutory responsibilities of the revisor. The bill has no fiscal impact.

IV. DATE April 2, 1982 PREPARED BY David T. Walker  
 AGENCY Legislative Affairs Agency  
 Original: Legislative Finance PHONE 465-2450  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)



# Alaska State Legislature

## House of Representatives

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

MEMORANDUM

May 22, 1981

TO: Honorable Sally Smith, Chairman  
House Rules Committee

FROM: Representative Hugh Malone, Chairman  
Senator Bill Ray, Vice Chairman  
Legislative Council


RE: Revisor's Bill HB 591

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Attached is a bill making corrective amendments to the Alaska Statutes submitted by the Co-Revisors of Statutes as required by law.

We would appreciate it if this bill could be introduced in the House by the Rules Committee by Request of Legislative Council. In addition, we would request that if you do introduce the bill, that the memorandum attached to the bill by the Co-Revisors accompany the bill through the committee process.

Thank you for your consideration of this.

  
Representative Hugh Malone

Enclosure

  
Senator Bill Ray