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BILL FILE LOG

BILL # HB 157

3/8 David ~~David~~ Dierdorff notified - will testify
3/15 " " " " " 3/21

Bill passed out 3/21

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

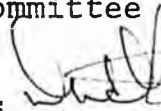
POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

April 30, 1985

SUBJECT: Revisor's Bill

TO: Senator Pat Rodey, Chairman
Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

I want to thank you, the members of your committee, and your staff for the cooperation and assistance that resulted in the passage this session of HB 157 (the revisor's bill). As I said in February, by making this an annual, rather than biennial, event, we can keep the bill shorter and spend more time on revision projects that have been sitting on the back burner for many years. We should also be able to make more timely corrections to the statutes.

Thank you again for your courtesies and cooperation.

KBL:ojb
J4/080

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 26, 1985

SUBJECT: 1985 Revisor's Bill

TO: Senator Patrick M. Rodey
Chairman, Senate Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is a sectional analysis of CSHB 157 (Judiciary) am, the 1985 revisor's bill. I would be pleased to discuss the bill with you or your staff at your convenience.

Your prompt consideration of this technical bill would be greatly appreciated. It is our hope that we can make this an annual bill, rather than a biennial bill. This practice will keep the bills shorter and allow more timely correction of the technical problems we discover in the Alaska Statutes.

Thank you for your cooperation and consideration.

DRD:ojb
J12/018

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

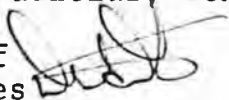
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1985

SUBJECT: CSHB 157 (Judiciary) am
(1985 Revisor's Bill)

TO: Senator Patrick M. Rodey
Chairman, Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor 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.

This memorandum discusses the version of the bill that was passed by the House on February 25, 1985.

Sectional Analysis

Section 1. The section proposed for repeal contains a penalty provision for violations of AS 03.40.160, made obsolete by the repeal of that section by ch. 81, SLA 1984.

Sec. 2. Reflects the organizational changes made by E.O. 58, 1984. A simple substitution of "department" for "division" could not be made, as both departments require access to these records from time to time.

Sec. 3. In the recent case of Valdez v. 18.99 acres, 686 P2d 682 (June 22, 1984), the Alaska supreme court held AS 09.55.440(a) unconstitutional in that it provided a different rate of interest for judgments in condemnation actions using declaration of taking procedures. The amendment proposed by this section cures that problem and

provides for the same interest rate paid on all other judgments, including all other condemnation actions.

Sec. 4. The repeal and reenactment of AS 12.30.020 in 1966 created a problem that has never been addressed. That section no longer relates to arrest, although it does provide for the issuance of an arrest warrant upon violation of a condition of release. The proposed language also eliminates an ambiguity in the use of "therein" with three possible referents, but does not substitute a specific reference for the manner of exoneration, as neither AS 12.30 or the Court Rules expressly provide for exoneration. Exoneration, however, is clearly contemplated under law and the Criminal Forms include a form for a motion for exoneration of bail, citing Cr.R. 41.

Sec. 5. Updates an obsolete departmental reference.

Secs. 6 and 7. Both sections merely correct an incomplete spanned reference.

Sec. 8. Adds reference to correct an omission when AS 44.81.210 was amended by sec. 6, ch. 109, SLA 1981.

Sec. 9. Deletes references to the Alaska Council on science and Technology and the Alaska Renewable Resources Corporation. The former expired in 1983 and the latter is being phased out and will be finally dissolved in 1989.

Sec. 10. This section deletes material that was made obsolete by the approval of Initiative 83-02.

Sec. 11. Repeals an obsolete provision that had no application after July 1, 1977.

Sec. 12. Repeals the definition for a chapter of a term, "director," that is defined for the title in AS 21.90.

Sec. 13. This section repeals two sections in AS 21.33 that should have been repealed as a part of ch. 117, SLA 1984, which made substantial revisions to the insurance code and set up a new chapter (AS 21.34) to cover surplus lines. The matters dealt with in both sections are covered in AS 21.34, so these sections are redundant and confusing.

Sec. 14. Corrects obsolete reference to a repealed section by substituting a reference to present similar provisions enacted at the same time the other was repealed.

Sec. 15. Rewrites a sentence to reflect current style and deletes a sentence made meaningless by the enactment of ch. 245, SLA 1970. AS 21.42.080 no longer sets out the rights of minors.

Sec. 16. This corrects an error in the 1982 Act and clarifies the language.

Sec. 17. This section contains a definition of a term for AS 21. The definition is included in new AS 21.90.900, proposed for enactment in sec. 24 of this bill, to place it with the other definitions for AS 21.

Sec. 18. Repeals the definition for a chapter of a term, "director," that is defined for the title in AS 21.90.

Sec. 19. Deletes obsolete material.

Sec. 20. Repeals definition for a chapter of a term, "commissioner," that is defined for the title in AS 21.90.

Sec. 21. Conforms the provision to the current age of majority and makes other changes to conform the language to current style.

Sec. 22. Conforms the provision to the current age of majority.

Sec. 23. Repeals a series of definition sections. The enactment of AS 21.90.900, proposed by sec. 24 of this bill, would reenact them and consolidate all of the definitions for AS 21 in one section.

Sec. 24. Reenacts, with minor style changes, the definitions previously found in the sections repealed by secs. 12, 17, 18 and 23 of this bill.

Sec. 25. The repealed provision imposed a duty on district court judges and magistrates that was related to the former recording duties of the courts. In sec. 64 of this bill, the same duties are placed in the Department of Natural Resources, which now administers recording.

Sec. 26. Simply rewrites the section to remove archaic material and reflect changes in administrative procedures.

Sec. 27. Reflects changes in departmental organization.

Sec. 28. Updates the reference to federal law.

Sec. 29. The paragraphs proposed for repeal defined "commissioner," "contributions" and "department" for AS 23.20. The first and last terms are defined for AS 23 in AS 23.45.010(1) and (2). The term defined in (9) is also defined in AS 23.20.520(10). Thus, the definitions proposed for repeal are redundant. AS 23.20.520(10) is amended in the next section of this bill.

Sec. 30. Rewrites the definition to conform to current style and eliminates unnecessary language.

Sec. 31. Both paragraphs are nothing more than cross-references to the next two sections, which define "employment" and "wages".

Sec. 32. The existing language of the provision is cumbersome and confusing. The section is rewritten for clarity and to conform to present style.

Sec. 33. The proposed amendments to (a) and (b) of this section clean up a problem created by amendments to AS 25.30.020(a)(2). See the editor's notes to AS 25.30.070. The proposed language does not change the legal effect of the section, but it does clarify confusion created by the fact that AS 25.30.020(a)(2) does not set out reasons. It does, however, establish grounds for jurisdiction over a child in need of aid.

Sec. 34. This repeals a section made obsolete by the termination of the Alaska State Mortgage Association in 1975.

Secs. 35 and 36. AS 42.15 was repealed in 1980, and AS 42.10 was repealed by initiative 83-02, approved in 1984. Both sections update other provisions to reflect those repeals.

Sec. 37. The first section proposed for repeal is obsolete. Subsections (a), (d) and (e) of AS 28.10.105 are obsolete, and AS 28.10.105(b) is apparently redundant or obsolete, or

both. The provisions of AS 28.10.105(f)-(h) are incorporated in new AS 28.10.108, proposed for enactment in the following section of the bill. The provisions of AS 28.10.105(i) are redundant to those of AS 28.05.011(4). A small portion of AS 28.10.107 is obsolete. Operative provisions of AS 28.10.107 are included in new AS 28.10.108.

Sec. 38. This new section combines the provisions of AS 28.10.101, 28.10.105 and 28.10.107, eliminating the obsolete material and placing the operative language in current form and style.

Secs. 39 and 40. The changes are to reflect the repeal of AS 42.15 in 1980 and AS 42.10 in 1984.

Sec. 41. Changes the internal reference to reflect changes made by secs. 37 and 38 of this bill.

Sec. 42. Substitutes a reference to present provisions for a reference to provisions repealed in 1978.

Sec. 43. AS 28.15.220 was repealed in 1978. The present provisions for discretionary court limitation of a license are found in AS 28.15.201, and it is not necessary that this section refer to those powers in order to give the court the right to limit a license after a conviction for negligent driving.

Sec. 44. The section proposed for repeal is obsolete, as it applied only in 1972-1974.

Sec. 45. To reflect the repeal of AS 29.33.090(d) (zoning of state land for homesite entry) in 1979.

Sec. 46. The word "former" is inserted to indicate that AS 43.18.010 has been repealed (in 1980) and avoid confusion. The section also includes a minor style change.

Sec. 47. AS 29.23.100 was repealed in 1972. It had provided for reapportionment by the assembly. The provisions were repealed upon adoption of an amendment to Article X, sec. 4 of the Alaska Constitution, and the contemporaneous enactment of new statutory procedures relating to apportionment. The proposed amendment merely updates the section.

Secs. 48 and 49. AS 43.58.170 provided that the tax imposed by AS 43.58 terminated December 31, 1977. AS 43.58 was

repealed in 1984. The deleted material, therefore, has no meaning and is obsolete.

Secs. 50 and 51. Conforms the language of the sections to the 1980 changes in the election code.

Sec. 52. Deletes references to provisions repealed when the new probate code was enacted in 1972. New references are not substituted, as there are provisions in AS 13 relating to title, and conveyances by will are not covered by this chapter. See AS 34.40.130.

Sec. 53. Reflects repeal of AS 38.05.058 in 1983.

Sec. 54. Clarifies reference to the division of agriculture.

Sec. 55. This makes the provisions of AS 39.05.060(c), repealed by sec. 56 of this bill, applicable to all multi-member bodies filled by gubernatorial appointment. The section adds provisions dealing with four and nine member bodies, which had not been covered in AS 39.05.060(c).

Sec. 56. This provision, which sets out the staggered terms for the initial appointees to the boards, councils and commissions listed in AS 39.05.060(a), is obsolete and is also superceded by a general provision proposed for enactment in sec. 55 of this bill. The new provision would apply to all executive branch multi-member agencies and avoid the necessity of enacting a temporary law provision every time a new group is formed.

Sec. 57. Deletes material that is obsolete.

Sec. 58. Corrects an oversight. AS 47.07.190 places the executive director in the exempt service, but the position was not added to the list in AS 39.25.110.

Sec. 59. Deletes a reference to the expired Alaska Council on Science and Technology.

Sec. 60. All sections proposed for repeal are obsolete.

Sec. 61. Updates a provision to reflect organizational changes.

Sec. 62. The repealed section was made obsolete by the 1982 enactment requiring all vending machine contracts to be entered into through the Department of Education. See AS 23.15.132.

Sec. 63. Repeals statutes related to the Alaska Council on Science and Technology, which expired June 30, 1983 under AS 44.66.010(a)(6).

Sec. 64. Adds to the Department of Natural Resources' duties the duty previously assigned to district judges and magistrates under AS 22.15.110(4), repealed by sec. 25 of this bill.

Sec. 65. Incorporates the only operative provision of obsolete AS 44.81.030, which is repealed in the next section of the bill.

Sec. 66. The section is obsolete, except for the provision amended into an "active" section by the preceding section of the bill.

Sec. 67. The section referred to in the last clause was repealed in 1980.

Sec. 68. Repeals a provision made obsolete by the repeal of AS 42.15 and AS 42.25 in 1980 and of AS 02.05 and AS 42.10 in 1984.

Sec. 69. The section proposed for repeal was made obsolete by the termination of the Alaska State Mortgage Association in 1975.

Sec. 70. Effective date provision.

DRD:ojb
J11/114

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

<p><u>REQUEST</u> Bill/Resolution No.: <u>CS HB 157</u> (Jud) Title: <u>Corrective amendments to AK Statutes (Revisor's Bill)</u> Sponsor: <u>Rules by request of Leg. Council</u> Requestor: <u>Judiciary Committee</u> Date of Request: <u>2-18-85</u></p>	<p><u>FISCAL DETAIL</u> Agency Affected: _____ Program Category Affected: _____ Program or Subprogram(s) Affected: _____</p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

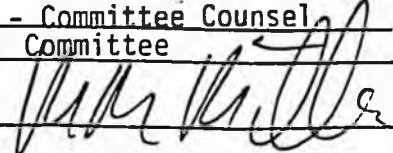
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact.

Prepared By: Hayden Kaden - Committee Counsel Phone: 465-4990
 Division: House Judiciary Committee Date: 2-18-85
 Approved by Commissioner:  Date: 2-18-85
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BILLS PASSED IN THE HOUSE (cont'd)

CSHB 157 (JUD)(AM), (cont'd)

Sec. 63. Repeals statutes related to the Alaska Council on Science and Technology, which expired June 30, 1983 under AS 44.66.010(a)(6).

Sec. 64. Adds to the Department of Natural Resources' duties the duty previously assigned to district judges and magistrates under AS 22.15.110(4), repealed by sec. 25 of this bill.

Sec. 65. Incorporates the only operative provision of obsolete AS 44.81.030, which is repealed in the next section of the bill.

The section is obsolete, except for the provision amended to an "active" section by the preceding section of the bill.

Sec. 67. The section referred to in the last clause was repealed in 1980.

Sec. 68. Repeals a provision made obsolete by the repeal of AS 42.15 and AS 42.25 in 1980 and of AS 02.05 and AS 42.10 in 1984.

Sec. 69. The section proposed for repeal was made obsolete by the termination of the Alaska State Mortgage Association in 1975.

Sec. 70. Effective date provision.

On February 20 the Judiciary substitute was adopted. Amendment 1 by Marrou was adopted. The Marrou amendment deletes a section of the bill that repeals AS 19.40.100(b)(3) (James Dalton Highway. Use of the Highway by Industrial or Commercial Traffic. "(b) 'Industrial or commercial traffic' means (3) motor carriers engaged in commerce which are common carriers or contract carriers regulated by the Alaska Transportation Commission."), and replaces with a rewrite of that section with subsection (3) now reading: "motor carriers engaged in commerce." (reflects repeal of the Alaska Transportation Commission by initiative last November).

The bill then passed the House, 38-1-1. Nay: Furnace. Excused: Martin. The effective date clause was adopted. Rep. M. M. Miller gave notice of reconsideration, and on 2/22 reconsideration was held until 2/25.

Library
Records
(confidential)

CS FOR HOUSE BILL NO. 180 (JUD), (see page 233). Reported back to the House February 20 by Judiciary recommending it be replaced with a substitute and that it do pass. Concurring: M. M. Miller (Chair), Gruenberg, Clocksin, Pettyjohn and Taylor.

The Judiciary substitute provides the names, addresses, or other personal identifying information of people who have used library materials be kept confidential, except on court order (underlined language added).

On February 20 the Judiciary substitute was adopted and the bill passed, 38-1-1. Nay: Furnace. Excused: Martin. Rep. Furnace gave notice of reconsideration. Furnace brought up reconsideration on February 22 and offered an amendment that would have inserted a section allowing records of elementary or secondary school libraries identifying a minor child to be available on request to a parent or guardian. The amendment failed, 16-19-5. The bill then passed the House, 31-4-5. Nays: Boucher, Furnace, Hanley, Pignalberi. Excused: Binkley, Collins, Jenkins, Martin,

CSHB 3(Jud)am

Representative Hanley moved and asked unanimous consent that Amendment No. 2 be withdrawn. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that CSHB 3(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 3(Jud)am was read the third time.

The question being: "Shall CSHB 3(Jud)am pass the House?"
The roll was taken with the following result:

CSHB 3(JUD)AM

Yeas:	33	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hurley, Jenkins, Koponen, Larson, Miller, M.M., Miller, M.W., Navarre, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Sund, Szymanski, Taylor, Thompson, Uehling
Nays:	6	Hanley, Herrmann, Marrou, Pearce, Shu, Wallis
Excused:	1	Marrou
Absent:	0	

And so, CSHB 3(Jud)am passed the House.

Representative Davis gave notice of reconsideration of his vote on CSHB 3(Jud)am.

HB 157

HOUSE BILL NO. 157 (making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; effective date) was read the second time with the Judiciary Committee report (page 391).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 157 (Judiciary) (same title) be adopted in lieu of the original bill.

HB 157

Representative Goll objected and withdrew his objection.

Representative Phillips objected and withdrew his objection.

There being no further objection, it was so ordered.

CSHB 157(Jud)

Amendment No. 1 by Marrou:

Page 3, line 22:

Delete all material and insert:

"Sec. 10. AS 19.40.100(b)(3) is repealed and reenacted to read:

(3) motor carriers engaged in commerce."

Representative Marrou moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative M.M. Miller objected and withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

CSHB 157(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 157(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 157(Jud)am was read the third time.

The question being: "Shall CSHB 157(Jud)am pass the House?" The roll was taken with the following result:

CSHB 157(Jud)am

CSHB 157(JUD)AM

Yeas: 38 Adams, Binkley, Boucher, Cato,
Clocksin, Collins, Cotten, Davis,
Duncan, Frank, Fuller, Goll,
Gruenberg, Grussendorf, Hanley,
Herrmann, Hurley, Jenkins,
Koponen, Larson, Marrou,
Miller, M.M., Miller, M.W., Navarre,
Pearce, Pettyjohn, Phillips,
Pignalberi, Pourchot, Rieger,
Ringstad, Shultz, Sund, Szymanski,
Taylor, Thompson, Uehling, Wallis

Nays: 1 Furnace

Excused: 1 Martin

Absent: 0

And so, CSHB 157(Jud)am passed the House.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative M.M. Miller gave notice of reconsideration of his vote on CSHB 157(Jud)am.

reconsideration not taken up.

HB 180

HOUSE BILL NO. 180 (relating to the confidentiality of certain library records) was read the second time with the Judiciary Committee report (page 391).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 180 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 180(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 180(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 180(Jud)

CSHB 180((Jud) was read the third time.

The question being: "Shall CSHB 180(Jud) pass the House?"
The roll was taken with the following result:

CSHB 180(JUD)

Yeas: 38 Adams, Binkley, Boucher, Cato,
Clocksin, Collins, Cotten, Davis,
Duncan, Frank, Fuller, Goll,
Gruenberg, Grussendorf, Hanley,
Herrmann, Hurley, Jenkins,
Koponen, Larson, Marrou,
Miller, M.M., Miller, M.W., Navarre,
Pearce, Pettyjohn, Phillips,
Pignalberi, Pourchot, Rieger,
Ringstad, Shultz, Sund, Szymanski,
Taylor, Thompson, Uehling, Wallis

Nays: 1 Furnace

Excused: 1 Martin

Absent: 0

And so, CSHB 180(Jud) passed the House.

Representative Furnace gave notice of reconsideration of his vote on CSHB 180(Jud).

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House:

Representative Hurley -- from 4:30 p.m.,
February 22 through plane time, February 26,
1985 (an extension from February 25, 1985)

Representative Jenkins -- from 5:00 p.m.,
February 21 through plane time, February 25,
1985

Representative Binkley -- February 21 through
plane time, February 25, 1985

Representative Pearce -- February 23 through
plane time, February 26, 1985

There being no objection, it was so ordered.

Reporting Service

Pages : 200; 327; 355; 383