

HB

447

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: March 18, 2004
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1377I, HB 447, incorporating the attached two amendments (23-LS1377I.1 and I.2). The bill was passed out of committee today.

If you have any questions, please call me at 4990.

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

AMENDMENT #2 - PASSED

OFFERED IN THE HOUSE

TO: CSHB 447(STA)

1 Page 12, following line 3:

2 Insert a new bill section to read:

3 ** Sec. 24. AS 39.50.030(g) is amended to read:

4 (g) The requirements in this section for disclosures related to a person's
5 domestic partner [SPOUSAL EQUIVALENT] do not apply to an elected or
6 appointed municipal officer."
7

8 Renumber the following bill sections accordingly.
9

10 Page 18, line 3:

11 Delete "sec. 38"

12 Insert 'sec. 39'
13

14 Page 19, line 3:

15 Delete "sec. 38"

16 Insert "sec. 39"
17

18 Page 19, lines 22, 24, 25, 26, 28, 29, and 31:

19 Delete "sec. 25"

20 Insert "sec. 26"
21

22 Page 20, line 1:

23 Delete "sec. 25"

- 1 Insert "sec. 26"
- 2
- 3 Page 20, line 5:
- 4 Delete "SECTION 25. Section 25"
- 5 Insert "SECTION 26. Section 26"
- 6
- 7 Page 20, line 8:
- 8 Delete "sec. 41"
- 9 Insert "sec. 42"
- 10
- 11 Page 20, line 13:
- 12 Delete "sec. 25"
- 13 Insert "sec. 26"
- 14
- 15 Page 20, line 14:
- 16 Delete "sec. 41"
- 17 Insert "sec. 42"
- 18
- 19 Page 20, line 17:
- 20 Delete "sec. 51"
- 21 Insert "sec. 52"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 11, 2004

SUBJECT: Amendments I.1 and I.2 to CSHB 447(STA), 2004 Revisor's Bill

TO: Representative Lesil McGuire
Chair, House Judiciary Committee
Attn: Vanessa Tondini

FROM: Pam Finley 
Revisor of Statutes

Enclosed are two amendments to CSHB 447(STA), the 2004 revisor's bill, which is scheduled to be heard by the House Judiciary Committee on March 18. I would appreciate it if the Judiciary Committee would adopt these two amendments. Both concern matters that have come to our attention since the bill passed out of the House State Affairs Committee.

Amendment I.1 further amends bill section 11 to conform AS 16.43.160(e) to the Alaska Supreme Court's decision in Carlson v. C.F.E.C., 65 P.3d 851 (Alaska 2003)(Carlson III), as suggested by Assistant Attorney General Stephen White. Mr. White's letter is attached. Since AS 16.43.160(e) was enacted to support the State's position in Carlson, it seems appropriate to conform the statute as requested by the Attorney General's office and in light of the Court's decision.

Amendment I.2 adds a bill section amending AS 39.50.030(g) to substitute "domestic partner" for "spousal equivalent". This change in terminology was made in other subsections of AS 39.50.030 by ch. 108, SLA 2003, but we overlooked AS 39.50.030(g). This amendment corrects that error.

Thank you for your consideration of these amendments.

PF:med
04-286.med

Enclosure

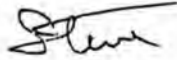
MEMORANDUM

State of Alaska Department of Law

To: Jack Chenoweth
Assistant Revisor of Statutes

DATE: February 13, 2004

FILE NO.: 663-04-0125



TELEPHONE NO.: 465-3600

FROM: Stephen M. White
Assistant Attorney General
Natural Resources Section -
Juneau

SUBJECT: HB 447 (2004 - Revisor's Bill)

Section 11 of the bill makes changes to legislation governing annual fishing permit fees that are assessed by the Commercial Fisheries Entry Commission ("CFEC"). The section of the CFEC statute being revised is a section that was adopted by the legislature in 2002 as a result of court decisions in *Carlson v. CFEC*. I see no problems with the proposed revisor's changes. However, I am wondering whether there should also be changes that reflect a subsequent court decision, one handed down in 2003.

The statutory subsections in section 11 of the bill set out a list of different expenditure categories that CFEC may use when it computes the annual differential between permit fees charged to resident and nonresident fishers. When the legislature adopted this list in 2002, it included every type of category that the state had proposed to the courts. Even at that time, a superior court had rejected several of the categories. The state had appealed to the Alaska Supreme Court, and that appeal was pending when the legislature acted.

Subsequently, the Supreme Court ruled on the expenditure categories. That decision, found at *Carlson v. CFEC*, 65 P.3d 851 (Alaska 2003), is often called *Carlson III*. I am attaching a copy of the decision. In it, the Court allowed three of the categories, limited one of the categories, and unequivocally rejected two of them.

The three categories that were allowed by the Court should remain as they are in the statute. Those are the state's "direct operating expenditures," its "indirect operating expenditures," and its "hatchery loan fund subsidy." (See pp. 865-867 of the opinion.) Those categories are currently expressed in AS 16.43.160(e)(2)(A), AS 16.43.160(e)(2)(B), and AS 16.43.160(e)(2)(E).

The category that the court limited is expressed in AS 16.43.160(e)(2)(D). The *Carlson III* opinion makes the current statutory language no longer correct. The current

February 13, 2004

Page 2

Re:

language is "capital expenditures to support the commercial fishing industry as measured by annual depreciation of public facilities and infrastructure." A more accurate description, derived from *Carlson III*, would be "capital costs directly supporting the commercial fishing industry."

The two rejected categories are the state's "general governmental expenditures" and its "foregone revenues" (See pp. 866 & 868 of the opinion.) Those categories are expressed in AS 16.43.160(e)(2)(C) and in AS 16.43.160(e)(3). To reflect the *Carlson III* decision, those subsections should be deleted in their entirety.

STATE OF ALASKA

FRANK H. MURKOWSKI,
GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

March 11, 2004

Honorable Lesil McGuire, Chair
House Judiciary Committee
State Capital, Room 118
Juneau, AK 99811

Re: CSHB 447(STA) -- (2004 Revisor's Bill)

Dear Representative McGuire:

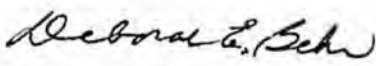
The Department of Law has reviewed CSHB 447(STA) (2004 revisor of statutes bill). The bill makes technical changes to improve Alaska statutes.

We appreciate the revisor's excellent efforts in preparing this necessary legislation.

We find no legal issues with CSHB 447(STA).

Sincerely,

GREGG D. RENKES
ATTORNEY GENERAL

By: 
Deborah E. Behr
Assistant Attorney General

DEB:pvp

cc: Pam Finley
Revisor of Statutes

David Márquez, Chief Assistant Attorney General
Dept. of Law

Mike Tibbles, Legislative Director
Office of the Governor

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 26, 2004

SUBJECT: CSHB 447(STA) (2004 Revisor's Bill)

TO: Representative Lesil McGuire
Chair, House Judiciary Committee

FROM: Pam Finley *VA*
Revisor of Statutes

Enclosed is a sectional analysis for CSHB 447(STA) (the 2004 revisor's bill), which has been referred to your committee. I would appreciate it if you would schedule a hearing on the bill at your earliest convenience. If you have any questions, please do not hesitate to call me. Thank you for your attention.

PF:med
04-228.med

Enclosure

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 25, 2003

SUBJECT: CSHB 447(STA) (2004 Revisor's Bill)

TO: Representative Lesil McGuire
Chair of House Judiciary Committee

FROM: Pam Finley 
Revisor of Statutes

The following is a sectional analysis of HB 447, the 2004 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 sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 6, 7, 11, 46, and 47 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 1 - 5, 8 - 10, 12 - 17, 20, 23, 25 - 45, and 48 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 18, 19, 21, 22, and 24 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1. Chapter 46, SLA 2003 amended the definition of "emission" in AS 46.14.990 to change "air contaminants" to "air pollutants." This amendment arguably triggered the provisions of AS 09.45.230(d). According to the Department of Law and the Department of Environmental Conservation (chapter 46 was a Governor's bill), it was not the Governor's intent to trigger AS 09.45.230(d), and the failure to amend it to conform to the amendment in ch. 46 was an oversight. That oversight is corrected here.

Bill section 2 corrects an error in AS 09.65.235, added by ch. 117, SLA 1998, by substituting a reference to the article governing negotiated regulation making committees for a reference to the chapter governing immunities in general. As currently written, the language makes no sense because there are no official duties of the committee under AS 09.65; the duties are set by AS 44.62.710 - 44.62.800.

Bill sections 3 and 4 correct an error in Executive Order 108. Executive Order 108 repealed AS 14.37, but failed to delete cross-references to AS 14.37. These bill sections delete those cross-references in AS 11.61.195(a) and 11.61.220(a). The remaining language is adequate because Executive Order 108 moved the child care licensing provisions from AS 14.37 to AS 47.35, and AS 47.35 is already mentioned in AS 11.61.195(a)(2)(B) and AS 11.61.220(a)(4)(A).

Bill section 5 corrects an error in AS 12.55.125(l) by substituting "subsection" for "section." AS 12.55.125(f) and (g) already apply the limitations found in AS 12.55.125(l)(1) - (3) to other applicable subsections. This corrects an error in sec. 7, ch. 7, SLA 1996.

Bill section 6 amends AS 13.26.015(1) by deleting a reference to a minor having attained 18 years of age. Since, under AS 25.20.010, people 18 years of age are not minors, this provision no longer makes sense. At the time AS 13.26.015 was enacted, the age of majority was 19, but it was lowered to 18 in 1977. The legislature may, in another bill where substantive changes are more appropriate, want to consider amending AS 13.26.015(1) and AS 13.26.280(a) (which is amended by the next bill section) to include minors that are emancipated under AS 09.55.590, or to harmonize the references to married minors with AS 25.20.020, or both.

Bill section 7 amends AS 13.26.280(a) to remove another reference to a "minor under the age of 18 years." See explanation for bill section 6.

Bill section 8 corrects an error in Executive Order 108. Executive Order 108 repealed AS 14.37, but failed to delete cross-references to AS 14.37. This bill section deletes a cross-reference in AS 14.43.148(h)(1)(B)(iii). The remaining language is adequate because Executive Order 108 moved the child care licensing provisions from AS 14.37 to AS 47.35, and AS 47.35 is already mentioned in AS 14.43.148(h)(1)(B)(iii).

Bill section 9 amends AS 15.13.040(j) to correct a drafting error in ch. 108, SLA 2003 (SB 119). The Senate State Affairs Committee substitute was supposed to delete, throughout the bill, the requirement of disclosing a contributor's principal occupation and employer unless the aggregate contributions exceeded \$250 per year. This change was made in AS 15.13.040(a) and (b), but not in AS 15.13.040(j). This bill section amends AS 15.13.040(j) to conform to the committee's instructions for what became ch. 108, SLA 2003.

Bill section 10 amends AS 15.13.110(f)(2) by changing "primary election" to "general election." Chapter 103, SLA 2001 amended AS 15.25.140 - 15.25.200 so that nominating petitions are to apply to general elections, not primary elections. This bill section conforms AS 15.13.110(f)(2) to the change made by ch. 103, SLA 2001.

Bill section 11 amends the list of programs that may be considered in setting limited entry permit fees for non-residents as set out in AS 16.43.160(e)(2)(A). AS 16.43.160(e)(2)(A)(iii) and (vi) are amended to reflect the transfer of habitat programs from the Department of Fish and Game to the Department of Natural Resources in Executive Order 107. AS 16.43.160(e)(2)(A)(viii) is amended to reflect the addition of the salmon fishery assessment program and the permit buy-back assessment program in the Department of Revenue; this change should have been made when these programs were added.

Bill sections 12 - 14 amend AS 21.36.360(i), (j), and (k) by substituting "AS 21.89.090" for "AS 21.89.070". Chapter 62, SLA 1995 amended AS 21.36.360 (i), (j), and (k) to refer to a risk retention group or purchasing group "registered under AS 21.89.070". However, it is AS 21.89.090, added by ch. 62, SLA 1995, that requires registration of risk retention groups and purchasing groups. AS 21.89.070 relates to tax credits for gifts to colleges and does not mention registration. To correct this error in ch. 62, SLA 1995, these bill sections, substitute "AS 21.89.090" for "AS 21.89.070".

Bill section 15 deletes the requirement that sets of the Alaska Statutes be recorded as items of property on the records of agencies and the central property records of the state. According to the legislative supply officer, the current minimum value for recording state property is \$1,000. Now that the sets of Alaska Statutes are published in softbound editions, their value is considerably below that.

Bill section 16 corrects an error in Executive Order 108. Executive Order 108 repealed AS 14.37, but failed to delete cross-references to AS 14.37. This bill section deletes a cross-reference in AS 25.27.244(s)(2)(B)(ii). The remaining language is adequate because Executive Order 108 moved the child care licensing provisions from AS 14.37 to AS 47.35, and AS 47.35 is already mentioned in AS 25.27.244(s)(2)(B)(ii).

Bill section 17 corrects an error in Executive Order 108. Executive Order 108 abolished the division of alcoholism and drug abuse, but did not delete a reference to the division in AS 28.35.032(l). This bill section corrects that error.

Bill sections 18 and 19 substitute "tenancy by the entirety" for "tenancy by the entireties" in AS 32.05.020(2) and AS 32.06.202(c). The former is the correct term.

Bill section 20 corrects an error in Executive Order 108 by substituting "AS 47.25.001 - 47.25.009" for "AS 47.25.007 - 47.25.009" in AS 36.30.850(b)(11), which lists subjects not covered by the Procurement Code. Because executive orders must reorganize executive functions without otherwise changing the law, when Executive Order 108

deleted "AS 14.38.100" it should have inserted a reference to the statute enacted by E.O. 108 that was equivalent to AS 14.38.100. AS 14.38.100 referred to agreements with providers of services under AS 14.38.100 - 14.38.199, which corresponds to AS 47.25.001 - 47.25.009 in E.O. 108. Therefore the appropriate spanned reference to substitute for "AS 14.38.100" was "AS 47.25.001 - 47.25.009," not "AS 47.25.007 - 47.25.009." This bill section corrects the reference. The Department of Law agrees that this amendment is appropriate.

Bill section 21 amends AS 37.05.180 by inserting "former" before "AS 39.37." AS 39.37 was rejected by referendum in 1976.

Bill section 22 corrects the style of AS 37.05.318. Because this section is within AS 37.05, it should refer to "other provisions of this chapter" instead of "AS 37.05." Also, the current style of the Alaska Statutes requires the statutory reference ("AS 44.62" in this case) to precede the description ("Administrative Procedure Act" in this case.)

Bill section 23 amends AS 37.14.270(2) because the term that is actually defined in AS 47.17.290 is "child abuse or neglect."

Bill section 24 adds a short title to AS 41.17, which has come to be known as the Forest Resources and Practices Act. This bill section will make that name official.

Bill section 25. This section corrects an error in Executive Order 108. E.O. 108 repealed AS 44.21.120 and enacted the same language as AS 44.29.520. However, E.O. 108 failed to address contingent amendments to AS 44.21.120 that were made by secs. 1 and 2, ch. 4, SSSLA 2002. The contingency on which sec. 2, ch. 4, SSSLA 2002 depended (the establishment of the Alaska Veterans Advisory Council) has already occurred, but nevertheless, under sec. 13(a), ch. 4, SSSLA 2002, the effective date of sec. 2, ch. 4, SSSLA 2002 has not arrived because the agreement to allow a pilot project, which is described in sec. 10, ch. 4, SSSLA 2002, has not been executed. Under secs. 12(b) and 13(b), that agreement also controls the effective date of sec. 1, ch. 4, SSSLA 2002. In order to integrate secs. 1 and 2, ch. 4, SSSLA into E.O. 108, this bill section amends AS 44.29.520 (enacted by E.O. 108) to include the changes made by secs. 1 and 2, ch. 4, SSSLA 2002. However, this bill section is made contingent on execution of the agreement described in sec. 10, ch. 4, SSSLA 2002, and the effective date of this bill section is the date the agreement described in sec. 10, ch. 4, SSSLA 2002 is signed by all parties.

Bill section 26 corrects an error in Executive Order 108. E.O. 108 repealed AS 44.21.200 and enacted in its stead AS 47.44.200, but failed to amend cross-references to AS 44.21.200. This bill section corrects the cross-reference in AS 44.66.010(a)(10).

Bill sections 27 - 29 correct errors in ch. 46, SLA 2003. Section 15 of that Act (CSHB 160(FIN)) renumbered the paragraphs of AS 46.14.140(a), but failed to conform cross-references. These bill sections correct cross-references in AS 46.14.120(b) and (c) and

46.14.170(a). These amendments are proposed after consultation with the Department of Environmental Conservation because ch. 46, SLA 2003 was a Governor's bill.

Bill section 30 corrects an error in ch. 99, SLA 1998, which renumbered paragraphs in AS 47.10.093(b), but failed to conform a cross-reference in AS 47.10.093(g). This bill section corrects that error.

Bill sections 31 and 32 correct errors in Executive Order 108. E.O. 108 repealed AS 44.21.200 and enacted in its stead AS 47.44.200, but failed to amend cross-references to AS 44.21.200. These bill sections correct the cross-reference in AS 47.24.070 and AS 47.30.016(b)(2)(D).

Bill section 33 corrects an error in Executive Order 108. E.O. 108 repealed AS 44.21.230 and enacted in its stead AS 47.44.230, but failed to amend cross-references to AS 44.21.230. This bill section corrects the cross-reference in AS 47.30.036(3).

Bill section 34 corrects errors in Executive Order 108. Executive orders may not change substantive legal requirements. However, when E.O. 108 repealed AS 14.37.020 and amended AS 47.35.010 to include provisions from former AS 14.37.020, it failed to include references to "certification" that had been in AS 14.37.020. It also, by applying AS 47.35.010(a)(5) to child care facilities, added provisions that did not exist in AS 14.37.020. Accordingly, "certification" is added to AS 47.35.010(a)(2) and (3), and child care facilities are excepted from AS 47.35.010(a)(5). The Department of Law agreed that these changes are appropriate.

Bill section 35 involves an error in ch. 58, SLA 1999, which was carried forward in Executive Order 108. Chapter 58, SLA 1999 transferred the child care facility licensing to the Department of Education and Early Development, but was not intended to change the substantive requirements for licensing those facilities. Before 1999, the facilities were licensed under AS 47.35 and applicants were required to submit fingerprints for background checks. When the requirement was moved to AS 14.37, the fingerprint requirement was inadvertently omitted (although the background check requirement was moved to AS 14.37). Because the Department of Education and Early Development had broad regulation-making authority, it required fingerprints by regulation. However, when E.O. 108 moved the licensing of child care facilities back to AS 47.35, it excepted child care facilities from the fingerprint provision unless regulations were adopted that required them. While this may have been the proper procedure for an executive order, the effect was to continue the error in ch. 58, SLA 1999. This bill section takes the language back to what it was before ch. 58, SLA 1999, so that fingerprints will be required, even absent regulations.

Bill section 36 corrects an error in Executive Order 108. AS 47.35.021 allows discretionary denial of initial licenses. AS 14.37, repealed by E.O. 108, did not contain similar provisions. Because AS 47.35.021 was enacted in 2002, after child care licensing had been moved to AS 14.37, it appears that the omission of a similar provision for child

care licensing was deliberate. So, when E.O. 108 moved regulation of child care facilities from AS 14.37 to AS 47.35, it should have excepted those facilities from AS 47.35.021, but did not do so. This bill section corrects that error.

Bill section 37 corrects an error in Executive Order 108. AS 47.35.140 allows certain persons licensed under AS 47.35 to continue operating under certain circumstances even if an employee has committed certain offenses. AS 14.37, repealed by E.O. 108, did not contain a similar provision. Because AS 47.35.140 was enacted in 2002, after child care licensing had been moved to AS 14.37, it appears that the omission of a similar provision for child care licensing was deliberate. So, when E.O. 108 moved regulation of child care facilities from AS 14.37 to AS 47.35, it should have excepted those facilities from AS 47.35.140, but did not do so. This bill section corrects that error.

Bill sections 38 - 45 and 48 amend ch. 4, SSSLA 2002 to conform to the changes made by Executive Order 108. Sections 38, 39, 41, 42, and 44 amend secs. 5, 8, 10, 12(b), and 13(b), respectively, of ch. 4, SSSLA 2002 to substitute "health and social services" for "administration" because E.O. 108 moved the responsibility for these provisions from the Department of Administration to the Department of Health and Social Services. Bill section 40 amends sec. 9, ch. 4, SSSLA 2002 to reflect the fact that AS 47.55.010(e) is being amended by bill section 38. Bill sections 42 and 44 also remove sec. 1, ch. 4, SSSLA 2002 from the condition and delayed effective date of secs. 12(b) and 13(b), ch. 4, SSSLA 2002; the amendments of sec. 1, ch. 4, SSSLA 2002 are incorporated in bill section 25 and provisions similar to secs. 12(b) and 13(b), ch. 4, SSSLA 2002 are found in bill sections 50 and 51. Because the provisions of secs. 1 and 2, ch. 4, SSSLA 2002 are also incorporated into bill section 25, both secs. 1 and 2, ch. 4, SSSLA 2002 and the conditional and effective dates for sec. 2 that are found in secs. 12(a) and 13(a), ch. 4, SSSLA 2002 are also repealed by bill section 48.

Bill sections 43 and 45 correct an error in ch. 4, SSSLA 2002. Under sec. 15, ch. 4, SSSLA 2002, secs. 8 and 9 of that Act take effect July 1, 2005. However, there is no need for secs. 8 and 9, ch. 4, SSSLA 2002 unless sec. 5 (which adds the subsection sec. 9 repeals) and sec. 11 (which changes the name of the Home and thereby requires the amendment made by sec. 8) of that Act take effect. Therefore, bill section 43 adds that condition and bill section 45 amends the effective date in sec. 15, ch. 4, SSSLA 2002 to take the condition into account.

Bill section 46 repeals AS 39.25.110(21) which places in the exempt service employees of the Citizens' Advisory Commission on Federal Areas in Alaska. However, there are no longer employees of that Commission because AS 41.37, which created the Citizens' Advisory Commission on Federal Areas in Alaska, was repealed June 30, 2003, under sec. 3, ch. 81, SLA 1981, as amended by sec. 1, ch. 25, SLA 1988 and sec. 1, ch. 71, SLA 1998.

Representative Lesil McGuire
February 25, 2004
Page 7

Bill section 47 repeals sec. 71(1), ch. 106, SLA 1980, an uncodified law section that reads as follows:

After July 1, 1981,

(1) no further loans may be made under AS 16.10.310 and AS 16.10.320(a) except for loans authorized under AS 16.10.333 [for purchase of limited entry permits] pursuant to AS 16.10.310 and 16.10.320(a)....

However, since 1981, the legislature has authorized loans under AS 16.10.310 for things other than entry permits, e.g., for the upgrade of existing vessels and gear and to pay past due federal tax obligations (sec. 1, ch. 62, SLA 1994 and sec. 1, ch. 127, SLA 2000) and for quota shares (sec. 2, ch. 73, SLA 1994). Clearly sec. 71(1), ch. 106, SLA 1980 has been repealed by implication. This bill section makes the repeal explicit.

Bill section 48. See explanation for bill sections 38 - 45.

Bill section 49 provides transitional provisions for the appointments to the Alaska Pioneers' Homes Advisory Board authorized by AS 44.29.520, as amended by bill section 25. Bill section 25 is derived from secs. 1 and 2, ch. 4, SSSLA 2002. Although ch. 4, SSSLA 2002 had no transitional provisions, sec. 2 of that Act (which added the member who is chair of the Alaska Veterans Advisory Council) was to take effect after sec. 1 of that Act (which added the member described in AS 44.29.520(a)(2), as amended by bill section 25). See sec. 13(a), ch. 4, SSSLA 2002. Accordingly, in the transitional provision, the person described in AS 44.29.520(a)(2) is to be appointed before the person described in AS 44.29.520(a)(4) becomes a member.

Bill section 50 makes bill section 25 conditional on the agreement described in sec. 10, ch. 4, SSSLA 2002, as amended by bill section 41. This bill section replaces the references to secs. 1 and 2, ch. 4, SSSLA 2002 in secs. 12 and 13, ch. 4, SSSLA 2002.

Bill section 51 gives bill section 25 the effective date that the equivalent provisions had under sec. 13(b), ch. 4, SSSLA 2002.

Bill section 52 gives the remainder of this bill an immediate effective date.

Please give me a call if you have any questions about the above.

PF:med
04-229.med

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 447(STA)
(H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
Title "An Act making corrective amendments to BRU Legislative Council
the Alaska Statutes as recommended by the revisor..." Component: Council and Subcommittees
Sponsor House Rules by Request of Leg Council
Requestor House State Affairs Component No. 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Division: Administrative Services
Approved by: Pamela Varni, Executive Director
Agency: Legislative Affairs Agency

Phone 465-6626
Date/Time 2/23/04 10:08 AM
Date 2/23/2004