

SB

101

SENATE COMMITTEE REPORT

DATE: 3/3/05

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

SENATE BILL NO. 101

SB 101 REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

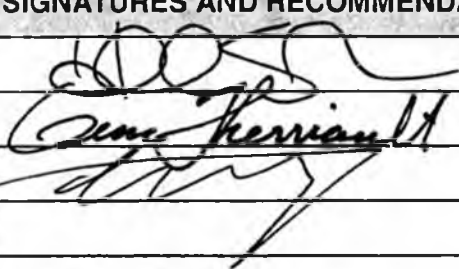
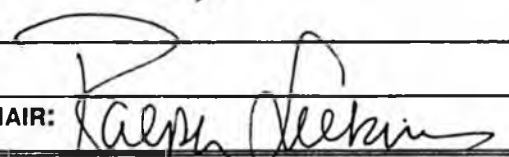
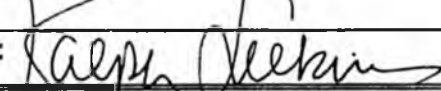
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAIR: 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AMENDMENT #1

OFFERED IN THE SENATE
TO: CSSB 101(STA)

BY SENATOR THERRIAULT

- 1 Page 21, lines 1 - 31:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 29, line 1, through page 31, line 30:
- 7 Delete all material.
- 8
- 9 Renumber the following bill sections accordingly.
- 10
- 11 Page 46, line 19:
- 12 Delete "AS 44.66.020, 44.66.030;"

LEGAL SERVICES

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MEMORANDUM

March 3, 2005

SUBJECT: 2005 Revisor's Bill (Work Order No. 24-LS0195\Y)

TO: Senator Ralph Seekins
Chair, Senate Judiciary Committee

FROM: James P. Crawford 
Assistant Revisor

The following is a sectional analysis of a draft of the 2005 revisor's bill, which has been referred to the Senate Judiciary Committee. 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 25, 26, 28, 29, 30, 32, 33, 34, 35, 41, 42, 43, 47, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 80, and 94 amend or repeal provisions that have become obsolete in whole or in part.

Sections that correct errors or oversights: Sections 2, 20, 21, 36, 38, 39, 48, and 54 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 31, 37, 40, 44, 45, 46, 49, 50, 51, 52, 53, 55, 56, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1 improves the form of AS 04.11.210(c). The term "includes" incorporates the concept of "is not limited to" under AS 01.10.040(b) and is the preferred usage for legal drafting in this situation.

Bill section 2 corrects an error in AS 06.50.020(a)(2)(C). As originally set out in sec. 3, ch. 116, SLA 2004, the term "convictions" modified all the items in sub-subparagraphs (i)-(iii). Following the bill's enactment, the Office of Legal Services, the Department of Law, and the administration personnel who administer this area noted that, strictly speaking, the concept of convictions did not fit correctly with the items in (ii) or (iii). The term is moved to (i), where the concept of corrections is most appropriate.

Bill section 3 improves the form of AS 10.06.960(a) i.e. its reference to the Alaska Native Claims Settlement Act ("ANCSA"). At present, ANCSA proper actually consists of sections 1601 - 1629h, which comprise chapter 33 in title 43 of the U.S. Code. The last section, 1629h, was added in 2000. Like many statutes, AS 10.06.960(a)'s citation of the Act includes a spanned reference. However, every time another section is added to the Act, Alaska statutes that cite to it with a spanned reference become incorrect, necessitating their amendment.

An alternate way of referring to the Act avoids this necessity by citing to the first section, which does not change, followed by "et seq." This is the abbreviation for "*et sequentes*", which means "and the following." This citation form, when used in association with the Act, will automatically incorporate new additions to the Act as they occur and will obviate the need for amending each statute citing the Act after each addition.

Accordingly, all statutes in which the legislative intent appears to have been to refer to the Alaska Native Claims Settlement Act are amended to reflect this automatically inclusive citation form.

Bill sections 4, 5, 6, 7, 8, 9, 10, and 11 improve the form of AS 10.06.960(b), (c), (e), (f), (g), (h), (i), and (k), respectively, by capitalizing the first letter of "Act," which is the abbreviated version of the Alaska Native Claims Settlement Act. This is the preferred usage for legal drafting.

Bill section 12 improves the form of AS 10.06.960(n) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 13 improves the form of AS 10.06.960(o) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 14 improves the form of AS 10.06.960(p) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3. It also improves the form of AS 10.06.960(p) by changing the abbreviated reference to that Act to the preferred usage for legal drafting for the reason described in the explanation of bill secs. 4-11.

Bill section 15 improves the form of AS 10.06.961(a) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 16 improves the form of AS 10.20.007 in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 17 improves the form of AS 13.12.102(b) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 18 improves the form of AS 13.16.705(a) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 19 improves the form of AS 13.16.705(g) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 20 corrects an error in AS 13.26.210, which was repealed and reenacted by sec. 21, ch. 84, SLA 2004. The court system pointed out that the language "incapacitated person" in subsection (g) was not the correct term for use with conservators, that "protected person" was the correct term, and that a substitution should be made. The court system's observation is supported by usage in AS 13.26. Specifically, AS 13.26.090 - 13.26.155, entitled "Article 3. Guardians of Incapacitated Persons," links guardians to "incapacitated persons," as the title of the article suggests. Additionally, AS 13.26.165 - 13.26.320, entitled "Article 4. Protection of the Property of Persons under Disability and Minors," links conservators with "protected persons."

Moreover, the phrasing of this section's other subsections, specifically (d) and (f), which were repealed and reenacted in the same bill as subsection (g), suggest that the "incapacitated person" language was used mistakenly and also support the change from "incapacitated person" to "protected person."

Bill section 21 corrects two oversights in AS 13.26.332, the statutory form power of attorney. As currently written, one part of the section provides that the agent that is being granted a power of attorney may exercise the powers that the principal has "checked below," and a list of specific powers follows. This is not correct. In actuality, the remainder of the section operates in such a way that to give the enumerated powers to the agent in question, the principal does nothing. The powers are conferred automatically. On the other hand, to keep a given power from the agent, the principal must line out the power and initial next to it. In any event, nothing is ever "checked." Accordingly, the first change, substituting "as indicated" for "as I have checked," reflects the way that the section actually operates.

The second change to this section removes the language "and the power to make your health care decisions" in the form's preamble, which generally describes what powers the form may grant to the agent who holds the power of attorney.

Last year, statutory provisions relating to health care decision were consolidated and moved to AS 13.52 by HB 25, enacted as Chapter 83, SLA 2004. As part of this consolidation, HB 25 repealed the specific paragraph in this form relating to the power to

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make decisions regarding "health care services" and transplanted it to the new chapter. See AS 13.52.010 and 13.52.300. However, the bill neglected to address the corresponding reference to the repealed paragraph in the introductory material. That oversight is corrected here.

Bill section 22 improves the form of AS 13.26.344(c) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 23 improves the form of AS 13.46.085(a) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 24 improves the form of AS 13.46.085(f) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 25 deletes an obsolete reference to the Bureau of Indian Affairs in AS 14.07.030(2). The Office of Legal Services confirmed with the Department of Law that the reference in paragraph (2) is outdated and should be removed because, as a general matter, the Bureau of Indian Affairs no longer operates or administers schools in Alaska.

Bill section 26 deletes an obsolete reference to the Bureau of Indian Affairs in AS 14.08.101(2) for the reasons set out in the explanation of bill sec. 25.

Bill section 27 improves the form of AS 14.57.210(a) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 28 deletes obsolete language relating to the Bureau of Indian Affairs in AS 14.60.010(6) for the reasons set out in bill sec. 25.

Bill section 29 updates AS 16.05.835(b)'s reference to hair crab. The Department of Law requested this change because the scientific classifying group I.T.I.S., which is the entity used by federal agencies, including the Department of Agriculture, has dropped "Korean" from the species name. This amendment makes the same change.

Bill section 30 deletes obsolete language in AS 16.10.520(e) relating to outdated date references.

Bill section 31 improves the form of AS 16.20.032(b) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 32 deletes obsolete language in AS 16.20.310(c) relating to the Agricultural Development Authority. This section was enacted in 1979, and the act did not create, define, or even otherwise refer to an "Agricultural Development Authority." It does not now exist or ever appear to have existed in statute. The reference to it is removed.

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Bill section 33 updates AS 16.43.450(a)'s reference to hair crab. The scientific classifying group I.T.I.S., which is the entity used by federal agencies, including the Department of Agriculture, has dropped "Korean" from the species name. This amendment makes the same change at the Department of Law's request.

Bill section 34 updates AS 16.43.450(b)'s reference to hair crab for the reason set out in the explanation of bill sec. 33.

Bill section 35 updates AS 16.43.460(b) to reflect the repeal of AS 16.43.901 in 1996 and of AS 16.43.906 in 1997.

Bill section 36 corrects an apparent oversight in AS 17.20.330. This section relates to certain entities that disseminate an advertisement of another entity's product that is false.

In particular, the section provides that the disseminating entity is not liable for the dissemination of the false advertising unless the disseminating entity refuses to provide certain identification information about the other entity to the commissioner of health and social services. At the time this section was enacted, the commissioner of health and social services was responsible for the enforcement of the prohibition on the dissemination of false advertising, set out in AS 17.20.290(a)(5).

However, responsibility for enforcing the prohibition on dissemination of false advertising was split last year between two commissioners. See secs. 2 and 3, ch. 151, SLA 2004. The commissioner of health and social services remains responsible for the enforcement of false advertising relating to "drugs or devices" under AS 17.20.290(c). However, the commissioner of commerce, community, and economic development is now responsible for the enforcement of false advertising relating to "food or cosmetics" under AS 17.20.290(b).

Because the commissioner of commerce, community, and economic development now has been given enforcement responsibility, a corresponding reference to the commissioner should have been added as a part of the 2004 amendments to this chapter. It was not. This change corrects that omission.

Bill section 37 improves the form of AS 18.56.097 in its reference to one section of the Alaska Native Claims Settlement Act, which is changed to reflect the codified section number. It also improves the form of the section's reference to the Act generally for the reasons set out in the explanation of bill sec. 3.

Bill section 38 corrects an error in AS 21.34.170(a). This subsection relates to reporting requirements concerning, among other things, allocations of aggregate tax in the surplus lines insurance context. The Department of Law brought to our attention that AS 21.34.150, which is referenced in subsection (a), relates to the different issues of originating or accepting surplus lines insurance. The Department of Law recommended AS 21.34.180, which does relate to surplus lines tax, as the correct cite. We agree.

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Bill section 39 corrects an error in AS 21.34.180(a) in its description of a tax that is imposed under AS 21.09.210. Subsection (a) refers to the tax imposed by AS 21.09.210 as a "premium receipts tax." In fact, AS 21.09.210 describes the tax imposed under its terms simply as a "premium tax." Accordingly, subsection (a)'s reference to this tax is corrected to reflect that.

In other sections, the use of "premium receipts tax" appears correct. "Premium receipts tax" is the description given to the tax imposed under AS 21.33.055(a) and under AS 21.33.061(c). These descriptions of the tax have been unchanged since the sections were enacted 1968. Accordingly, these occurrences of the "premium receipts tax" terminology are left unchanged.

Bill section 40 improves the form of AS 22.10.025(a) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 41 deletes obsolete provisions in AS 24.20.271 to reflect the repeal of AS 44.66.020 and 44.66.030 in this bill's repeal section.

Bill section 42 deletes an obsolete reference to AS 26.05.260(c) in AS 26.05.330 to reflect the 1981 repeal of AS 26.05.260(c).

Bill section 43 updates AS 26.10.060(a) to reflect the repeal of federal law cited in the subsection. Specifically, subsections (b)-(h) of 50 U.S.C. App. 459, cited in the section, have been repealed by Act of Dec. 3, 1974, as shown in the notes relating to the 1974 amendments in the "History; Ancill. y Laws and Directives" section following the text of section 459 in the U.S.C.S. volumes. These repealed subsections contained the re-employment provisions mentioned in the material being deleted. The Department of Law recommends that the section be amended as shown, in light of the federal repeal.

Bill section 44 improves the form of AS 29.45.050(m) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 45 improves the form of AS 34.15.075(b) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 46 improves the form of AS 34.45.760(10) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 47 updates AS 36.30.170(b)(4) to reflect the repeal of the old Uniform Partnership Act, AS 32.05, by sec. 3, ch. 115, SLA 2000 and its replacement in sec. 6 of the same act by AS 32.06, the new Partnership Act.

Bill section 48 corrects an oversight in AS 37.14.410(a) relating to the prohibition on crediting certain funds to oil and hazardous substance ("OHS") release mitigation accounts. Currently, subsection (a) restricts certain money from being credited to "the

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oil and hazardous substance release mitigation account under AS 46.04.010 or to an account established in AS 46.08.020 or 46.08.025." (Emphasis added).

Problematically, AS 46.04.010 does not encompass one such account; it encompasses two. One is the OHS **release prevention** mitigation account, which is established in AS 46.08.020. The other is the OHS **release response** mitigation account, which is established in AS 46.08.025. It appears that the restriction was intended to apply to both OHS release mitigation accounts encompassed by 46.04.010, and this amendment, changing "the" to "an," makes that clear.

As originally enacted by sec. 1, ch. 1, FSSLA 1992, this subsection directed the crediting prohibition to "the oil and hazardous substance **release** mitigation account under AS 46.04.010 or AS 46.08.020." At that time there was only one such account. The account was described in AS 37.14.410(a) and in AS 46.04.010 as the "OHS **release** mitigation account," but it was referenced as OHS **release prevention** mitigation account in AS 46.08.020. In any event, because there was only one OHS release mitigation account in existence at the time, the "the" in AS 37.14.410(a) was correct.

However, in 1994 another OHS **release** mitigation account was established. Section 26, ch. 128, SLA 1994 enacted AS 46.08.025, which established the OHS **release response** mitigation account. In the same bill, sec. 19 changed the reference to "OHS **release** mitigation account" in AS 46.04.010 by adding "prevention" so that the reference read the "OHS **release prevention** mitigation account." This change conformed the existing reference in AS 46.04.010 to the reference in AS 46.08.020.

In addition to this change to AS 46.04.010, sec. 19 also inserted a new reference in the section to the "OHS **release response** mitigation account" that elsewhere had been established in AS 46.08.025. Thus, after these changes, AS 46.04.010 encompassed not one but two OHS **release** mitigation accounts. The "the" in 37.14.410(a) became incorrect.

Chapter 128's addition of the new OHS **release** mitigation account was only partially reflected in AS 37.14.410(a). Section 12 added to subsection (a)'s crediting prohibition the reference to accounts in AS 46.08.025 that exists today. This addition shows an intent that the account established there -- the OHS **release response** mitigation account -- was intended to be included in subsection (a)'s crediting restriction along with the OHS **release prevention** mitigation account in AS 46.08.020. Unfortunately, the corollary change -- turning the "the" preceding the reference to AS 46.04.010 to an "an" to reflect that that section now referenced both such accounts, was not made. That oversight is corrected here.

Bill section 49 improves the form of AS 38.05.073(c) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 50 improves the form of AS 38.95.050 in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 51 improves the form of AS 41. 7.041(b) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 52 improves the form of AS 41.17.900(f) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 53 improves the form of AS 41.21.025(b) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3. It also improves the form of the subsection by capitalizing references to "Native," which is the preferred usage for legal drafting.

Bill section 54 corrects an error in AS 43.50.460(d)(1). This paragraph refers to AS 43.50.530 in the context of a requirement that certain tobacco product manufacturers appoint registered agents.

However, this referenced section, AS 43.50.530, does not relate in any way to providing notice of the appointment of registered agents. It instead relates to sales of cigarette tax stamps by the Department of Revenue. The correct reference is to AS 43.50.475, which does relate to notice of appointments, and paragraph (d)(1) is amended to reflect this.

Bill section 55 improves the form of AS 43.98.015(a) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3. It also improves the form of the subsection by capitalizing a reference to "Native," which is the preferred usage for legal drafting.

Bill section 56 improves the form of AS 43.98.015(b) in the subsection's reference to a particular subsection of the Alaska Native Claims Settlement Act ("ANCSA"), which is changed to reflect the codified version.

Bill section 57 deletes obsolete language in AS 44.27.056 relating to an outdated date reference.

Bill section 58 updates AS 44.29.210(a) to reflect the repeal of federal provisions cited in the subsection and to incorporate the federal provisions that replace the repealed provisions. Subsequent to this section's enactment, the Act of July 10, 1992 repealed 42 U.S.C. sec. 300x-4a and 42 U.S.C. sec. 300x-2. That same act enacted 42 U.S.C. 300x-25, which allows the secretary of the Department of Health and Human Services to make grants to the state if the state sets up a certain type of revolving loan fund relating to alcohol or drug abuse. This is similar to the subject matter of AS 44.29.210 and of repealed 42 U.S.C. 300x-4a, and 42 U.S.C. 300x-25 appears to have been intended as the replacement for repealed sec. 300x-4a.

Although 42 U.S.C. 300x-2 has been repealed by the same act that repealed 300x-4, there is still a 300x-2 in the federal code because, unlike Alaska, the federal code re-uses section numbers. However, the current 300x-2 relates to "children with serious emotional disturbances" and thus does not appear to have been intended as a replacement for repealed 300x-2. On the other hand, sec. 300x-25 itself cites 42 U.S.C. 300x-21, which was also enacted by the same federal act that repealed 300x-2 and 300x-4 and enacted 300x-25. 42 U.S.C. 300x-21 relates to federal grants for substance abuse and thus appears to have been intended to have been the replacement for repealed 300x-2. These substitutions are made in this section.

Bill section 59 updates AS 44.29.210(c) to reflect the repeal of a federal provision for the reason set out in the explanation of bill sec. 58.

Bill section 60 deletes obsolete language in AS 44.42.065(a) relating to an outdated date reference.

Bill section 61 deletes obsolete language in AS 44.62.350(c) relating to an outdated date reference.

Bill section 62 deletes obsolete language in AS 44.66.050 to reflect the repeal of AS 44.66.020 and 44.66.030 in this bill's repeal section. Note that the term "program" is left in place in certain parts of the section because of its generic use in AS 44.66.050(d)(2) encompassing boards and commissions, which are also left in place.

Bill section 63 updates AS 44.66.060 to reflect the repeal of AS 44.66.020 and 44.66.030 in this bill's repeal section.

Bill section 64 updates AS 44.83.425 to reflect the repeal of AS 44.83.380 in 1993.

Bill section 65 updates AS 44.88.085(c) to reflect the repeal of (h) of this section in 1998.

Bill section 66 improves the form of AS 45.55.138 in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 67 updates AS 45.57.090 to reflect the 1988 repeal of AS 10.05.597 - 10.05.696, which was the former article on foreign corporations, and the replacement of those sections by AS 10.06.705 - 10.06.788, which is the new article on foreign corporations.

Bill section 68 improves the form of AS 46.03.822(c) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 69 improves the form of AS 46.14.010(b) by conforming a state air quality control term relating to emissions to the term's federal counterpart as required by federal law. In 2003, sec. 59 of HB 160, which was sponsored by the House Rules Committee at

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the request of the governor, added the definition of "emission unit" to AS 46.14.990. AS 46.14.990 provides the definitions for AS 46.14, which deals with air quality control, and the "emission unit" definition in AS 46.14.990 adopted the federal regulations definition by reference.

As it turns out, the federal definition is in fact "emissions unit" -- with an "s" -- and federal regulations require exact conformity with federal definitions in this area. Furthermore, the Environmental Protection Agency has recently contacted the Department of Law to remind the department of this requirement. At the request of the department, this change is made in this subsection and throughout AS 46.14.

Bill section 70 improves the form of AS 46.14.010(c) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 71 improves the form of AS 46.14.010(d) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 72 improves the form of AS 46.14.010(e) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 73 improves the form of AS 46.14.010(f) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 74 improves the form of AS 46.14.020 by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 75 improves the form of AS 46.14.130(b) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 76 improves the form of AS 46.14.180 by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 77 improves the form of AS 46.14.190(a) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 78 improves the form of AS 46.14.210 by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation to bill sec. 70.

Bill section 79 improves the form of AS 46.14.250(c) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 80 deletes obsolete language in AS 46.14.250(f) to reflect the repeal of AS 46.14.250(e) in this bill's repeal section.

Bill section 81 improves the form of AS 46.14.400(c) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 82 improves the form of AS 46.14.400(f) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 83 improves the form of AS 46.14.410(e) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 84 improves the form of AS 46.14.515(a) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 85 improves the form of AS 46.14.540(a) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 86 improves the form of AS 46.14.560 by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 87 improves the form of AS 46.14.990(11) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 88 improves the form of AS 46.14.990(20) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

Bill section 89 improves the form of AS 46.14.990(21) by conforming a state air quality control term to the term's federal counterpart as required by federal law for the reason set out in the explanation of bill sec. 70.

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Bill section 90 improves the form of AS 46.15.165(c) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 91 improves the form of AS 47.07.020(b) by removing initial capital letters in a reference to the aid to families with dependent children program to conform the reference to other references to the identical program in the same section and by conforming age references to the preferred usage for legal drafting.

Bill section 92 improves the form of AS 47.08.060(c) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 93 improves the form of AS 47.55.020(d) in its reference to the Alaska Native Claims Settlement Act for the reasons set out in the explanation of bill sec. 3.

Bill section 94 is the repeal section.

The repeal of AS 14.08.031(d) removes obsolete material relating to the Bureau of Indian Affairs. Subsection (d) provided that "U.S. Bureau of Indian Affairs schools shall be included in a regional educational attendance area boundary," and this provision is obsolete for the reasons set out in the explanation of bill sec. 25.

The repeal of AS 18.50.950(4) removes obsolete language from the statutes. Specifically, paragraph (4) is the definition for the term "child adoption agency" for AS 18.50, the Vital Statistics Act. It is being repealed on the recommendation of the Department of Law, which correctly points out that the term "child adoption agency" is not used in the chapter anywhere and thus is extraneous.

The repeal of AS 44.66.020 removes an obsolete section for the statutes. This section, enacted in 1977, is an artifact of program budgeting, which is no longer used in this state. A glance at any recent operating budget or review of AS 37.07, the Executive Budget Act, reveals the obvious: budgeting is now done by agency, which is the governmental subunit that administers the program, and not by the program itself. See, e.g. AS 37.07.010(1) and (2); 37.07.020(a).

The repeal of AS 44.66.030 removes an obsolete section from the statutes. This section, enacted in 1977, is an artifact of program budgeting, which is no longer used in this state.

The repeal of AS 46.14.250(e) removes obsolete material from AS 46.14.250. Subsection (e) relates to the Department of Environmental Conservation's duty to set an "initial fee rate" for emission fees established in AS 46.14.250 for "the first two years following approval of the permit program" under AS 46.14 by the relevant federal administrator (chapter 46.14 is entitled "Air Quality Control").

The effective date of the approval in question was December 5, 1996, as set out in the Federal Register, Vol. 61, No. 235, Thursday, December 5, 1996, pp. 64463-64475.

Scnator Ralph Seekins
March 3, 2005
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Obviously, more than two years have passed since the effective date of approval, and this subsection has thus become obsolete.

Bill section 95 provides an immediate effective date for the bill.

JPC:jad
05-137.jad

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 101(STA)
 (S) Publish Date: 3/3/05

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title An Act making corrective amendments RDU _____
to the Alaska Statutes Component _____
 Sponsor Senate Rules Committee Component No. _____
 Requester Senate State Affairs Committee _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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 (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Revisor's bill does not change substantive law and has no fiscal impact on any state agency.

Prepared by: Jack Kreinheder, Senior Analyst Phone 465-4676
 Division: Office of Management and Budget Date/Time 2/23/05 8:46 AM
 Approved by: Cheryl Frasca, Director Date 2/23/2005
 Agency: Office of Management and Budget