

SB

173

<TARGET><BILL>SB 173</BILL><SUBJECT>SB
173</SUBJECT><COMM>HJUD27</COMM></TARGET>

LEGAL SERVICES

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

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

MEMORANDUM

February 27, 2012

SUBJECT: 2012 Revisor's Bill (SB 173, Work Order No. 27-LS0888\A)

TO: Representative Carl Gatto
Chair of the House Judiciary Committee
Attn: Melanie Lesh

FROM: Kathryn L. Kurtz *KLK*
Assistant Revisor

Enclosed is a sectional summary of the 2012 revisor's bill, which has been referred to your committee. I hope you will schedule this bill for a hearing in the near future. I would be happy to appear at the hearing and speak to the bill. Please call me if you have any questions. My direct line is 465-6663.

Thank you.

KLK:plm
12-131.plm

Enclosure

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
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February 27, 2012

Representative Carl Gatto, Chair
House Judiciary Committee
Alaska State Legislature
State Capital, Room 118
Juneau, Alaska 99801-1182

Re: Hearing Request for 2012 Revisor's Bill (SB 173)

Dear Representative Gatto:

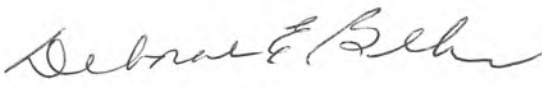
The Department of Law would appreciate scheduling of the above bill for a hearing in your committee, at your earliest convenience. The bill makes technical improvements in Alaska law.

We have reviewed the bill and have found no legal concerns.

If you have any questions, please feel free to contact me.

Sincerely,

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: 

Deborah E. Behr
Chief Assistant Attorney General

DEB:ljm

cc: Heather Brakes, Legislative Director, Office of the Governor
Kathryn Kurtz, Assistant Revisor of Statutes, Legislative Affairs Agency

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MEMORANDUM

February 27, 2012

SUBJECT: Sectional Summary of the 2012 Revisor's Bill
(Work Order No. 27-LS0888\A)

TO: Representative Carl Gatto
Chair of the House Judiciary Committee
Attn: Melanie Lesh

FROM: Kathryn L. Kurtz 
Assistant Revisor

The following is a sectional summary of the 2012 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 1 - 3, 7 - 12, and 14 amend or repeal provisions that have become obsolete.

Sections that correct errors or oversights: Sections 4 - 6 correct errors or oversights.

Sections that improve the form or substance of the law: Section 13 proposes an amendment to improve the form or substance of the statutory law of Alaska.

SECTION 1. Amends AS 18.50.165(a) to remove the phrase "on and after July 1, 1997" in two places. The subsection requires the state registrar of vital statistics to prepare a form for acknowledging paternity under AS 25.20.055. The date is long past, along with any transition period needed to adapt to the requirements specified -- the date reference has become obsolete.

SECTION 2. Amends AS 18.56.110(g) to remove the phrase "beginning after June 30, 1983". This subsection has been in place since 1981. The limitation it expresses

originally applied to periods beginning after June 30, 1982; that was extended by sec. 2, ch. 35, SLA 1982, to apply to periods beginning after June 30, 1983. Given the length of time the provision has now been in place, the date reference has become obsolete.

SECTION 3. Amends AS 26.05.060 to remove references to 48 U.S.C. 473 - 479, part of a larger portion of the federal code that was omitted from the 1970 (and subsequent) editions of the United States Code because it related to Alaska as a territory. Since those sections became obsolete for federal purposes when Alaska achieved statehood, the reference to them here in the Alaska Statutes is also obsolete. The section retains language that makes the Alaska National Guard and the Alaska Naval Militia subject to all applicable federal laws.

SECTION 4. Amends AS 29.60.800 to change the name of the "municipal harbor facility grant fund" to the "harbor facility grant fund", in order to match the changes made in secs. 6 and 7, ch. 7, SLA 2011. Those sections made regional housing authorities eligible to apply for the harbor facility grants, and removed the word "municipal" in reference to those grants in AS 29.60.810 and 29.60.820.

SECTION 5. Amends AS 42.05.711(r) to remove a definition of the term "renewable energy resources" by reference to AS 42.45.045, since that section is the subject of a delayed repeal scheduled to occur in 2013. The text of the definition now found in AS 42.45.045 is added to AS 42.05.711 by the following section of this bill, so that AS 42.05.711 will not be affected by the repeal of AS 42.45.045. Also changes a reference to the effective date of the subsection to August 31, 2010, the actual effective date of the subsection.

SECTION 6. Amends AS 42.05.711 by adding a new subsection. See the analysis for the previous section.

SECTION 7. Amends AS 43.20.014(f)(1), which defines "school district" by reference to the definition in AS 14.03.126 (repealed by sec. 8, ch. 41, SLA 2006, effective June 30, 2009). This bill section removes the reference to AS 14.03.126, and inserts the text of the definition from that section as it read prior to the repeal.

SECTION 8. In AS 43.55.019(g)(1), substitutes a reference to the definition of "school district" in AS 43.20.014, as amended by sec. 7, for a reference to AS 14.03.126, which has been repealed. See Sec. 7 for further explanation.

SECTION 9. In AS 43.56.018(f)(1), substitutes a reference to the definition of "school district" in AS 43.20.014, as amended by sec. 7, for a reference to AS 14.03.126, which has been repealed. See Sec. 7 for further explanation.

SECTION 10. In AS 43.65.018(f)(1), substitutes a reference to the definition of "school district" in AS 43.20.014, as amended by sec. 7, for a reference to AS 14.03.126, which has been repealed. See Sec. 7 for further explanation.

SECTION 11. In AS 43.75.018(f)(1), substitutes a reference to the definition of "school district" in AS 43.20.014, as amended by sec. 7, for a reference to AS 14.03.126, which has been repealed. See Sec. 7 for further explanation.

SECTION 12. In AS 43.77.045(f)(1), substitutes a reference to the definition of "school district" in AS 43.20.014, as amended by sec. 7, for a reference to AS 14.03.126, which has been repealed. See Sec. 7 for further explanation.

SECTION 13. Amends AS 44.62.190, relating to notice of the proposed adoption, amendment or repeal of a regulation. The paragraph amended, AS 44.62.190(a)(6), provides for electronic notice of these changes to legislators. The amendment deletes the qualifying phrase "if the state agency has the technological capability," because, according to the Regulations Attorney at the Department of Law, all state departments now have this capability. This section also deletes the clause permitting an agency that does not have the technological capability to furnish electronic notification to legislators through an alternative method.

SECTION 14. Repeals AS 21.27.380(f), which provides for the renewal of two year trainee licenses issued to a managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, or surplus lines broker. The provisions permitting issuance of those two year trainee licenses, AS 21.27.600, 21.27.680, 21.27.740, and 21.27.800, were repealed by sec. 53, ch. 96, SLA 2004, making the renewal provision in AS 21.27.380(f) superfluous.

SECTION 15. Provides for an immediate effective date.

TEXT OF REPEALED PROVISION

AS 21.27.380(f):

(f) A two-year trainee license issued to a managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, or surplus lines broker may be renewed only once.

KLK:plm
12-132.plm

Title 21. INSURANCE

Chapter 21.27. PRODUCERS, AGENTS, ADMINISTRATORS, BROKERS, ADJUSTERS,
AND MANAGERS

Sec. 21.27.380. License renewal, lapse, and reinstatement.

(a) Except as provided in this title, the director may renew a license biennially on a date set by the director if the licensee continues to be qualified under this chapter and, on or before the close of business of the renewal date, meets all renewal requirements established by regulation and pays the renewal license fees set under AS 21.06.250 for each license to the director. A licensee is responsible for knowing the date that a license lapses and for renewing a license before expiration. The director shall notify the licensee of the license renewal 30 days before the renewal date.

(b) If a license is not renewed on or before the renewal date set by the director, the license lapses. A licensee may not act as or represent to be an insurance producer, managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, surplus lines broker, or independent adjuster during the time a license has lapsed. The director may reinstate a lapsed license if the person continues to qualify for the license, pays renewal license fees, and a delayed renewal penalty. Reinstatement does not exempt a person from a penalty provided by law for transacting business while unlicensed. A license may not be renewed if it has lapsed for two years or longer.

(c) If a licensee does not wish to renew a license issued under this chapter, the licensee shall surrender the license to the director on or before the close of business of the renewal date in the manner prescribed in AS 21.27.460.

(d) Notice of lapse from the director stating the reason for the lapse shall be mailed to a licensee at the licensee's last address on record with the director. The director shall obtain a certificate of mailing from the United States Postal Service.

(e) A trainee license issued to an independent adjuster shall be for a term not to exceed 12 months and may not be renewed.

(f) A two-year trainee license issued to a managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, or surplus lines broker may be renewed only once.

History -

(Sec. 1 ch 120 SLA 1966; am Sec. 11, 12 ch 26 SLA 1985; am Sec. 23 ch 29 SLA 1987; am Sec. 38 ch 51 SLA 1990; am Sec. 85 ch 67 SLA 1992; am Sec. 43 ch 62 SLA 1995; am Sec. 23 ch 96 SLA 2004; am Sec. 10 ch 1 FSSLA 2005)

Amendment Notes - The 2005 amendment, effective June 25, 2005, rewrote the last sentence in subsection (a).