

**HB**

**292**

<TARGET><BILL>HB 292</BILL><SUBJECT>HB  
292</SUBJECT><COMM>HJUD28</COMM></TARGET>



# 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 3, 2014

**SUBJECT:** 2014 Revisor's Bill HB 292 (Work Order No. 28-LS0904\C)

**TO:** Representative Wes Keller  
Chair of the House Judiciary Committee  
Attn: Jim Pound

**FROM:** Lisa M. Kirsch   
Assistant Revisor

HB 292, the 2014 revisor's bill, has been referred to the House Judiciary Committee. Enclosed is a sectional summary. I hope you will calendar the bill at your earliest convenience. I would be happy to appear and testify on the bill. If you have any questions, please feel free to call me at 465-5412.

LMK:lnd  
14-037.lnd

Enclosure

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## MEMORANDUM

February 3, 2014

**SUBJECT:** Sectional Summary of HB 292 the 2014 Revisor's Bill  
(Work Order No. 28-LS0904\C)

**TO:** Representative Wes Keller  
Chair of the House Judiciary Committee

**FROM:** Lisa M. Kirsch  
Assistant Revisor

The following is a sectional summary of the Revisor's bill. The bill is prepared under AS 01.05.036, which provides in part, that the revisor of statutes:

[S]hall make recommendations to the legislative council concerning deficiencies, conflicts, or obsolete provisions in and the need for reorganization or revision of the statutes, and, at the direction of the legislative council, 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, the following summarizes the contents by listing sections that have similar purposes or effects.

### **Sections that delete, repeal, or update obsolete provisions:**

Sections 5, 6, 7, and 15 delete obsolete language.  
Sections 1, 2, 8, 9, 11, and 19 update references.  
Section 21 repeals obsolete provisions.

### **Sections that correct errors or oversights:**

Sections 3 and 14 correct errors.

### **Sections that improve the form or substance of the law:**

Sections 4, 10, 12, 13, 16, 17, and 18 improve the form or substance.

Section 1. Changes "Bureau of Alcohol, Tobacco, and Firearms" to "Alcohol and Tobacco Tax and Trade Bureau" in AS 04.11.160(e) to reflect changes made in the Homeland Security Act of 2002, Pub L. No. 107-296, 116 Stat. 2274, that created the Alcohol and Tobacco Tax and Trade Bureau, and made it responsible for the

administration and revenue collection functions of the Bureau of Alcohol, Tobacco, and Firearms.

Section 2. Makes a conforming change in the text of the underage drinking warning sign required under AS 04.21.065(b) from \$1000 to \$1500 to match the increase in the fine in AS 04.16.049(e) made by ch. 86, SLA 2010.

Section 3. Corrects the spanned reference to the public records act in AS 14.40.367 to include the short title section (AS 40.25.295).

Section 4. Makes plural terms singular in AS 15.13.400(9) to comply with the *Manual of Legislative Drafting* (p. 67), and changes "adoptive child" to "adopted child" for consistency with other statutes and to reflect common usage.

Section 5. Deletes an obsolete date reference in AS 16.43.140.

Section 6. Deletes an obsolete date restriction in AS 16.43.160(c).

Section 7. Deletes an obsolete date restriction in AS 16.43.160(d).

Section 8. Updates the name of the boiler code of the American Society of Mechanical Engineers in AS 18.60.180.

Section 9. Updates the name of the boiler code of the American Society of Mechanical Engineers in AS 18.60.210(a).

Section 10. In AS 18.80.300(1), changes the reference to "salesperson" for consistency with AS 08.88.161, makes other terms singular to comply with the *Manual of Legislative Drafting* (p. 67) and deletes the superfluous "but not limited to" following "including." Under AS 01.10.040(b), "[w]hen the words 'includes' or 'including' are used in a law, they shall be construed as though followed by the phrase 'but not limited to.'"

Section 11. Corrects a citation to a section of the United States Code that was renumbered in recent federal legislation Patient Protection and Affordable Care Act, Pub.L. No. 111-148, 124 Stat. 119 (2010).

Section 12. Changes "adoptive child" to "adopted child" in 24.60.080(c) for consistency with other statutes and to conform with common usage.

Section 13. Changes "adoptive child" to "adopted child" in 24.60.990(a)(6) for consistency with other statutes and to conform with common usage.

Section 14. Changes the erroneous term "simulation" to "stimulation" in AS 31.05.030(e) to correct a typographical error in SB 109 (ch. 54, SLA 2007).

Section 15. Deletes an obsolete date reference, and substitutes the preferred term "that" for "which" in AS 35.05.060. Deletes superfluous "but not limited to" following "including." AS 01.10.040(b).

Section 16. Deletes an obsolete date reference in AS 36.10.080.

Section 17. Changes "adoptive child" to "adopted child" in 38.05.321(f) for consistency with other statutes and to conform with common usage.

Section 18. Changes "adoptive child" to "adopted child" in 39.50.200(a)(2) for consistency with other statutes and to conform with common usage.

Section 19. Changes "adoptive child" to "adopted child" in 39.52.960(6) for consistency with other statutes and to conform with common usage.

Section 20. Changes "Bureau of Alcohol, Tobacco, and Firearms" to "Alcohol and Tobacco Tax and Trade Bureau" in AS 43.60.010(c) to reflect changes made in the Homeland Security Act of 2002, Pub L. No. 107-296, 116 Stat. 2274, that created the Alcohol and Tobacco Tax and Trade Bureau, and made it responsible for the administration and revenue collection functions of the Bureau of Alcohol, Tobacco, and Firearms.

Section 21. Repeals AS 15.56.019, a redundant provision that repeats the definition found in AS 15.56.199. Both sections were enacted in 1996 in separate acts resulting in duplicate definitions (chapters 48 and 87, SLA 1996). Repeals 16.43.228(e), which relates to a dive fishery moratorium that ended July 1, 2000.

Section 22. Provides for an immediate effective date.

#### **Text of Repealed Provision**

AS 16.43.228(e):

(e) During the four years that a moratorium established by this section is in effect, the commission shall

(1) issue interim-use permits for each fishery subject to (a) - (d) of this section to applicants who satisfy the appropriate qualifications established under (a) - (d) of this section and who establish the present ability and intent to participate actively in the fishery;

(2) conduct investigations to determine whether a maximum number of entry permits should be established under AS 16.43.240 for each fishery subject to this section by

(A) conducting research into conditions in the fishery;

(B) consulting with the Department of Fish and Game and the Board of Fisheries; and

Representative Wes Keller

January 30, 2014

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(C) consulting with participants in the fishery; and  
(3) in cooperation with the Department of Fish and Game, conduct investigations to determine whether an alternative form of a nontransferable limited entry or other management program is appropriate for a fishery subject to this section.

LMK:lem

14-048.lem

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## MEMORANDUM

February 5, 2014

**SUBJECT:** HB 292 - Revisor's Bill: another instance of "adoptive child"  
(Work Order No. 28-LS0904/C)

**TO:** Representative Wes Keller  
Chair of the House Judiciary Committee  
Attn: Jim Pound

**FROM:** Lisa M. Kirsch   
Assistant Revisor

It has come to my attention that there is yet another instance of the erroneous term "adoptive child" in AS 39.52.960(11). I have enclosed an appropriate amendment to the Revisor's Bill for your consideration. The amendment changes "adoptive" to the appropriate term "adopted."

Please feel free to contact me if you have any questions. As I mentioned in my previous memo, I will be available to testify in your committee regarding the bill.

LMK:Ind  
14-038.Ind

Enclosure

**AMENDMENT**

OFFERED IN THE HOUSE

TO: HB 292

*adopted  
unanimously*

1 Page 10, following line 13:

2 Insert a new bill section to read:

3 **\*\* Sec. 20.** AS 39.52.960(11) is amended to read:

4 (11) "immediate family member" means

5 (A) the spouse of the person;

6 (B) another person cohabiting with the person in a conjugal  
7 relationship that is not a legal marriage;

8 (C) a child, including a stepchild and an adopted  
9 [ADOPTIVE] child, of the person;

10 (D) a parent, sibling, grandparent, aunt, or uncle of the person;

11 and

12 (E) a parent or sibling of the person's spouse;"

13

14 Renumber the following bill sections accordingly.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 292  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB292-LAW-CIV-02-07-14  
Title: 2014 REVISOR'S BILL  
Sponsor: RLS BY REQUEST OF LEGISLATIVE COUNCIL  
Requester: (H) JUD

Department: Department of Law  
Appropriation: Civil Division  
Allocation: Legislation/Regulations  
OMB Component Number: 2209

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version, not applicable.
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Prepared By:	<u>Loretta Withington, Division Operations Manager</u>	Phone:	(907)465-5427
Division:	<u>Administrative Services Division</u>	Date:	02/07/2014 05:22 PM
Approved By:	<u>Michael C. Geraghty, Attorney General</u>	Date:	02/07/14
Agency:	<u>Department of Law</u>		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 292

**Analysis**

HB 292 makes technical improvements to the Alaska Statutes. HB 292 should have no fiscal impact on Department of Law.