

HB

292

<TARGET><BILL>HB 292</BILL><SUBJECT>HB
292</SUBJECT><COMM>SJUD28</COMM></TARGET>

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 19, 2014

SUBJECT: Sectional Summary of CSHB 292(JUD); the 2014 Revisor's Bill
(Work Order No. 28-LS0904\O)

TO: Senator John Coghill
Chair of the Senate 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, S.L.A. 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, the 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, S.L.A. 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 "adoptive child" to "adopted child" in 39.52.960(11) for consistency with other statutes and to conform with common usage.

Section 21. 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 22. 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 23. Provides for an immediate effective date.

Text of Repealed Provisions

AS 15.56.019. Definition:

In AS 15.56.012 - 15.56.018, the term "knowingly" has the meaning given in AS 11.81.900(a).

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

Senator John Coghill

February 19, 2014

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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

(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:Ind

14-070.Ind



THE STATE
of ALASKA
GOVERNOR SEAN PARNELL

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau Alaska 99811-0300
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Fax: 907.465.2520

February 19, 2014

Senator John Coghill, Chair
Senate Judiciary Committee
State Capitol Room 119
Juneau, Alaska 99801-1182

Re: 2014 Revisor's Bill (CSHB 292(JUD))

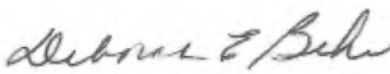
Dear Senator Coghill:

The Department of Law has reviewed the 2014 revisor's bill (CSHB 292(JUD)).

The bill presents no legal issues.

Sincerely,

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: 
Deborah E. Behr
Chief Assistant Attorney General

MCG:DEB:pav

cc: Lisa Kirsch, Assistant Revisor of Statutes, Legislative Affairs Agency
Heather Brakes, Legislative Director, Office of the Governor
Cori Mills, Legislative Liaison, Civil Division

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 292

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.

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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

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 292(JUD)
Fiscal Note Number: 1
(H) Publish Date: 2/12/14

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 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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.

Prepared By: <u>Loretta Withington, Division Operations Manager</u>	Phone: <u>(907)465-5427</u>
Division: <u>Administrative Services Division</u>	Date: <u>02/07/2014 05:22 PM</u>
Approved By: <u>Michael C. Geraghty, Attorney General</u>	Date: <u>02/07/14</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS #1

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. CSHB 292(JUD)

Analysis

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



THE STATE
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GOVERNOR SEAN PARNELL

Department of Law

CIVIL DIVISION

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Senator John Coghill, Chair
Senate Judiciary Committee
State Capitol Room 119
Juneau, Alaska 99801-1182

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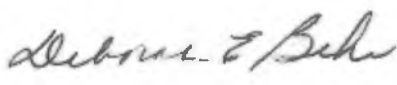
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By: 
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cc: Lisa Kirsch, Assistant Revisor of Statutes, Legislative Affairs Agency
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