

SB

35

<TARGET><BILL>SB 35</BILL><SUBJECT>SB
35</SUBJECT><COMM>SJUD29</COMM></TARGET>



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Law

CIVIL DIVISION
P.O. Box 110300
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February 9, 2015

Senator Lesil McGuire, Chair
Senate Judiciary Committee
State Capitol, Room 121
Juneau, Alaska 99801-1182

Re: 2015 Revisor's Bill (SB 35)


Dear Senator McGuire:

The Department of Law has reviewed the 2015 Revisor's Bill (SB 35).

The bill presents no legal issues.

Sincerely,

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: 
Susan R. Pollard
Chief Assistant Attorney General

CWR:SRP:pav

cc:

Lisa Kirsch, Assistant Revisor of Statutes, Legislative Affairs Agency
Darwin Peterson, Legislative Director, Office of the Governor
Cori Mills, Legislative Liaison, Civil Division

LEGAL SERVICES

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

COPY

(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

January 30, 2015

SUBJECT: 2015 Revisor's Bill (Work Order No. 29-LS0330\H)

TO: Senator Lesil McGuire
Chair of the Senate Judiciary Committee

FROM: Lisa M. Kirsch
Assistant Revisor

SB 35, the 2015 Revisor's Bill, has been referred to the Senate Judiciary Committee. Enclosed is a sectional summary and a copy of a letter from Susan Pollard, Chief Assistant Attorney General, indicating that the bill has no legal issues.

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:ind
15-064.ind

Enclosures

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	SB 35
Fiscal Note Number:	1
(S) Publish Date:	2/18/2015

Identifier: SB035-LAW-CIV-02-06-15
 Title: 2015 REVISOR'S BILL
 Sponsor: RLS BY REQUEST OF LEGISLATIVE COUNCIL
 Requester: (S) JUDICIARY

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)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
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

Fund Source (Operating Only)

None							
Total	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 (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) 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: Valerie Rose, Budget Analyst	Phone: (907)465-3674
Division: Administrative Services Division	Date: 02/06/2015 08:35 AM
Approved By: Craig W. Richards, Attorney General	Date: 02/06/15
Agency: Department of Law	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

SB 35 makes technical revisions to the Alaska Statutes. SB 35 should have no fiscal impact on the Department of Law.

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MEMORANDUM

January 30, 2015

SUBJECT: Sectional Summary of the 2015 Revisor's Bill
(Work Order No. 29-LS0330\H)

TO: Senator Lesil McGuire
Chair of the Senate Judiciary Committee

FROM: Lisa M. Kirsch 
Assistant Revisor

The following is a sectional summary of the 2015 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 16, 17, 18, 19, 20, 21, 23, 24, 27, 28, 32, 33, 34, 54 and 60 update references.
Section 62 repeals obsolete provisions.

Sections that correct errors or oversights:

Sections 4, 6, 7, 8, 9, 10, 11, 14, 22, 25, 26, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 52, 55, 56, 57, 58, and 59 correct errors.

Sections that improve the form or substance of the law:

Sections 1, 2, 3, 5, 12, 13, 15, 19, 29, 30, 31, 36, 37, 48, 49, 50, 51, and 53 improve the form or substance.

Section 1. Adds the preposition "with" to make the sentence grammatically correct.

Section 2. Changes "and" to "or" to reflect the apparent intent to exclude both a high school or college fraternity, not a college and high school fraternity.¹

Section 3. The language of this subsection has been reordered to make it more readable.

Section 4. Corrects the citation form for the rules used in court.

Section 5. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).²

Section 6. Adds previously omitted "the" to make the language idiomatic.

Section 7. Adds "the right" to make the sentence structure parallel, and removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 8. Corrects the citation form for the rules used in court.

Section 9. Makes the word "attorney" singular, and corrects the citation form for the rules used in court.

Section 10. Deletes a subparagraph which sets out provisions that are optional in articles of incorporation from its placement in the section for mandatory provisions.

Section 11. Relocates the subparagraph which sets out provisions that are optional in articles of incorporation to the section of the statute for optional provisions.

Section 12. Changes "chairman" to "chair."

Section 13. Deletes unnecessary "or" in a list of three alternatives.

Section 14. Corrects two citations to federal law.

Section 15. Corrects cross-reference.

Section 16. Corrects citation to federal law.

Section 17. Deletes an obsolete reference to the term "liquidation price" which does not appear in chapter AS 10.06.

Section 18. Deletes an obsolete reference to the term "parent corporation" which does not appear in chapter AS 10.06.

Section 19. Adds language to clarify that only a school district that wishes to establish a residential school must apply to the department and obtain the department's approval.

Section 20. Corrects a citation to the confidentiality provisions of the Public Records Act.³

Section 21. Corrects a citation to the inspection and copying provisions of the Public Records Act.

Section 22. Corrects a reference to the section that addresses claims.

¹ The original language of this definition was "except high school and college fraternities." Ch. 27, SLA 1960. The plural "fraternities" was apparently made singular in the bulk revision in 1962 enacted into law by AS 01.05.006 in 1963.

² AS 01.10.040(b) provides:

(b) When the words "includes" or "including" are used in a law, they shall be construed as though followed by the phrase "but not limited to."

³ Chapter AS 40.25 contains the public records act as well as sections AS 40.25.300 - 40.25.350. Sections 300 - 350 relate to the rights of persons who are the subject of personal information contained in public records. Sections 21, 22, 24, 28, 29, 34, 35, and 61 of this bill refer instead to the disclosure, confidentiality, and copying under the Alaska Public Records Act (AS 40.25.100 - 40.25.295).

Section 23. Corrects a citation to the inspection and copying provisions of the Public Records Act.

Section 24. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 25. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 26. Removes the phrase "by way of example and not of limitation" made redundant by AS 01.10.040(b).

Section 27. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 28. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 29. Makes the term "justice" plural to be consistent with other terms in the paragraph.

Section 30. Corrects punctuation and capitalization to reflect standard form for paragraphs.

Section 31. Adds the article "an" missing from subparagraph (A).

Section 32. Corrects the name of the officer appointed under federal law.

Section 33. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 34. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 35. Removes the word "the" from three paragraphs to make the structure of the paragraphs parallel.

Section 36. Removes the unnecessary article "a" preceding "realty."

Section 37. Deletes two unnecessary instances of "and" between paragraphs.

Section 38. Removes the redundant word "specifies."

Section 39. Changes "in Alaska" to "in this state" to reflect standard drafting form.

Section 40. Corrects the citation form for the rules used in court.

Section 41. Corrects the citation form for the rules used in court.

Section 42. Corrects the citation form for the rules used in court.

Section 43. Corrects the citation to the Uniform Arbitration Act.

Section 44. Corrects the citation form for a federal law.

Section 45. Corrects the citation form for a federal law.

Section 46. Corrects the citation form for a federal law.

Section 47. Corrects an erroneous transposition of the citation of a federal law.

Section 48. Removes the unnecessary article "a" preceding "documentary evidence."

Section 49. Inserts the article "the" to precede "principal office."

Section 50. Removes the unnecessary article "a" preceding "documentary material."

Section 51. Changes "limits" to "limit" to comport with the plural "provisions."

Section 52. Corrects the citation form for a federal law.

Section 53. Removes the phrase "by way of example and not of limitation" made redundant by AS 01.10.040(b).

Section 54. Deletes an obsolete reference to the term "sewer system" which does not appear in chapter AS 46.03.

Section 55. Amends definition of "solid waste processing facility."

Section 56. Deletes full title of commissioner because "commissioner" is defined for the chapter.

Section 57. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 58. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 59. Deletes full title of department because "department" is defined for the chapter.

Section 60. Corrects a citation to the confidentiality provisions of the Public Records Act.

Section 61. Repeals unnecessary definitions AS 19.75.980(4); AS 45.25.990(14); and 46.03.900(31).

Section 62. Creates a special effective date for section 35 because the statute section amended (AS 44.62.330) is subject to a delayed effective date. This allows all changes to take effect on the same date.

Section 63. Provides for an immediate effective date for all other sections of the bill.

Text of Repealed Paragraphs

AS 19.75.980(4):

(4) "state bond committee" means the state bond committee created by AS 37.15.110.

AS 45.25.990(14):

(14) "motor vehicle salesperson" means a person who is employed by a motor vehicle dealer as a salesperson or sales representative to solicit, sell, lease, or exchange motor vehicles under the direction of a motor vehicle dealer;

AS 46.03.900(31):

(31) "subdivision" has the meaning given in AS 40.15.900.