

HB

77

<TARGET><BILL>HB 77</BILL><SUBJECT>HB
77</SUBJECT><COMM>HJUD30</COMM></TARGET>

LEGAL SERVICES

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

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Juneau, Alaska 99801-1182
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MEMORANDUM

January 27, 2017

SUBJECT: 2017 Revisor's Bill (Work Order No.30-LS0010\O; HB77)

TO: Representative Matt Claman
Chair of the House Judiciary Committee
Attn: Lizzie Kubitz

FROM: Lisa Moritz Kirsch 
Assistant Revisor

The following is a sectional summary of the 2017 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 7, 41, and 60 update references.
Section 36, 37, and 38 repeal obsolete provisions.

Sections that correct errors or oversights:

Sections 1, 2, 3, 4, 5, 13, 17, 21, 28, 29, 30, 31, 32, 33, 34, 35, 46, 47, 49, 56, 57, and 58 correct errors.

Sections that improve the form or substance of the law:

Sections 6, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, 27, 39, 40, 42, 43, 44, 45, 48, 50, 51, 52, 53, 54, 55 and 59 improve the form or substance.

Section 1. Changes the two words "clearing house" to the compound word "clearinghouse" as used in other statutes.

Sections 2 - 4. Correct span citations to be consistent with changes made in ch. 25,

SLA 2016 (29th Legislature, SB 74).

Section 5. Corrects a span citation in AS 09.58.025 to be consistent with changes made in ch. 25, SLA 2016 (29th Legislature, SB 74).

Section 6. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).¹

Section 7. Removes two obsolete time references.

Section 8. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 9. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 10. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 11. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 12. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 13. Changes the term "preventative" to the preferred spelling "preventive."

Section 14. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b), and changes "on the basis of" to "based on."

Section 15. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 16. Changes "such" to the preferred term "those," and removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 17. Changes the plural "all employees" to the singular "the employee" in accordance with the Manual of Legislative Drafting.

Section 18. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 19. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 20. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 21. Changes "approved" to "approval" to correct a grammatical error.

Section 22. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 23. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

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. Adds the word "adjustments" to correct an omission, replaces "revenues"

¹ 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."

Representative Matt Claman

January 27, 2017

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with the singular "revenue", and removes the phrase "but not limited to" made redundant by AS 01.10.040(b) in two places.

Section 27. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b) in two places.

Section 28. Replaces "revenue sharing" with "assistance," to be consistent with a recent change in the law. *See*, ch. 44 SLA 2016 (29th Legislature, SB 210).

Section 29. Changes the term "preventative" to the preferred spelling "preventive."

Section 30. Replaces "imposes" with the grammatically correct term "impose."

Section 31. Replaces "provides" with the grammatically correct term "provide."

Section 32. Changes various terms for consistency with the Manual of Legislative Drafting and changes the term "which" to "that" consistent with correct grammatical use.

Section 33. Changes the term "which" to "that" consistent with correct grammatical use.

Section 34. Changes the term "which" to "that" consistent with correct grammatical use.

Section 35. Changes the term "which" to "that" consistent with correct grammatical use.

Section 36. Removes a definition for a term not used in the article.

Section 37. Changes "nor" to the preferred term "or."

Section 38. Changes "unregisterable" to the preferred spelling "unregistrable."

Section 39. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b), and changes the term "which" to "that", and the term "shall" with "must", consistent with correct grammatical use.

Section 40. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b).

Section 41. Replaces "threefold" with "three times" consistent with modern usage.

Section 42. Removes the phrase "but not limited to" made redundant by AS 01.10.040(b), replaces the pronoun "they" with "'trade' and 'commerce'" for clarity.

Section 43. Replaces the phrase "shall include without limitation" with "includes" to be consistent with AS 01.10.040(b).

Section 44. Replaces "shall be permitted to" with the more succinct "may".

Section 45. Replaces "is" with "means" consistent with standard drafting of definitions.

Section 46. Corrects references to Acts named in AS 45.50.561(b) and 45.50.598.

Section 47. Removes an erroneous reference to regulation F in subsection (b) of sec. 3 of the Securities Act of 1933, changes the term "which" to "that" consistent with correct grammatical use, and removes the term "subsection" where it is superfluous.

Section 48. Changes the compound word "goodwill" to the two words "good will" consistent with common usage, changes the term "which" to "that" consistent with correct grammatical use, and removes the term "such" where it is superfluous.

Section 49. Changes the term "which" to "that" consistent with correct grammatical use.

Section 50. Adds the full name of the department to conform with the changes made in sections 52 - 54.

Section 51. Replaces "each" with "a", and removes the phrase "but not limited to"

made redundant by AS 01.10.040(b).

Section 52. Replaces "Department of Environmental Conservation" with "department" consistent with the change in section 53 of this bill to AS 46.11.900(2).

Section 53. Replaces "Department of Environmental Conservation" with "department" consistent with the change in section 53 of this bill to AS 46.11.900(2).

Section 54. Replaces "Department of Commerce, Community, and Economic Development" with the "Department of Environmental Conservation" so that in chapter 46.11 "department" means the Department of Environmental Conservation.

Section 55. Changes "TPY" to "tons per year" for clarity.

Section 56. Removes the term "severely emotionally disturbed persons under age 21" from the definition because that term does not appear in the chapter.

Section 57. Removes the reference to the definition for "child abuse and neglect" from a single paragraph to a new subsection so that it may be applied to both paragraphs (b)(1) and (b)(2).

Section 58. Creates a new subsection AS 47.10.394(c) for the definition of "child abuse and neglect".

Section 59. Removes a repetition of the term "senile" and the term "their" to reflect changes to AS 47.30.056(b)(4) in ch. 42, SLA 2013 and to improve the form of subsection AS 47.30.056(g).

Section 60. Repeals two unnecessary definitions. The acronym "TPY" is spelled out in section 54 of this bill, and the term "nurse midwife" is not used in chapter AS 47.07. See repealed text below.

Section 61. Creates a special effective date for sections 2 - 5 of the Revisor's Bill, so that the changes will take effect at the same time as changes made by sec. 19, ch. 25, SLA 2016 (29th Legislature, SB 74). These changes will not take effect until July 1, 2019.

Section 62. Except as provided in section 61, makes the Act effective July 1, 2017.

Text of Repealed Paragraphs:

AS 46.14.990(28)

(28) "TPY" means tons per year.

AS 47.07.900(14)

(14) "nurse midwife" means a registered professional nurse who is certified as an advanced nurse practitioner under AS 08.68.850(1) and authorized to practice as a nurse midwife under regulations adopted in accordance with AS 08.68.850(8);

LMK:dls
17-061.dls

Attachment



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

January 18, 2017

Lisa Kirsch
Assistant Revisor of Statutes
Legislative Affairs Agency
Division of Legal and Research Services
Terry Miller Bldg, Room 329
Juneau, Alaska

Re: 2017 Revisor's Bill (January 4, 2017, draft (30-LS0010V))

Dear Lisa:

Thank you for the opportunity to review the January 4, 2017 draft (30-LS0010V) of the 2017 revisor's bill. As requested, our agency attorneys have reviewed the bill.

We see no issues with the draft bill.

Sincerely,

JAHNA LINDEMUTH
ATTORNEY GENERAL

By: 
Susan R Pollard
Chief Assistant Attorney General

SRP:ads



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Law

CIVIL DIVISION

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February 3, 2017

Representative Claman
House Judiciary Committee
Alaska State Legislature
State Capitol, Room 118
Juneau, Alaska 99801-1182
(hand-delivered)


Re: 2017 Revisor's Bill HB 77 (30-LS0010\O)

Dear Representative Claman

The Department of Law has reviewed HB 77 (30-LS0010\O) making corrective amendments to the Alaska statutes as recommended by the revisor of statutes. The bill presents no legal issues.

Sincerely,

ATTORNEY GENERAL
Jahna Lindemuth

By: 

Susan R. Pollard
Chief Assistant Attorney General

cc (via email):

Lisa Kirsch, Assistant Revisor of Statutes, Legislative Affairs Agency
Darwin Peterson, Legislative Director, Office of the Governor
Cori Mills, Assistant Attorney General, Civil Division
Steve Weaver, Assistant Attorney General, Civil Division
Kaci Schroeder, Assistant Attorney General, Civil Division

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 77
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB077-LAW-CIV-02-02-17
Title: 2017 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)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
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

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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:

Not applicable, initial version.

Prepared By: <u>Valerie Rose, Budget Analyst</u>	Phone: <u>(907)465-3674</u>
Division: <u>Administrative Services</u>	Date: <u>02/02/2017 08:26 AM</u>
Approved By: <u>Jahna Lindemuth, Attorney General</u>	Date: <u>02/02/17</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 77

Analysis

This bill makes corrective amendment to the Alaska statutes as recommended by the revisor of statutes under AS 01.05.036. The bill will have no fiscal impact on the Department of Law.