

SENATE CS FOR CS FOR HOUSE BILL NO. 265(RLS) am S(reengrossed)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Amended: 3/3/98

Offered: 2/9/98

Sponsor(s): REPRESENTATIVES MARTIN, Dyson, Ryan, Cowdery, Kott, Davies, James

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to pamphlets, publications, plans, and records of state agencies;
2 and relating to reports to and from state agencies and the governor."**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 08.13.050 is amended to read:

5 Sec. 08.13.050. Records of the board. The Department of Commerce and
**6 Economic Development shall keep a record of the board's proceedings related to the
7 issuance, refusal, suspension, and revocation of each license and permit. The record
8 shall contain the name of the person to whom a license or permit is issued, the
9 person's place of business, the date of issuance for each license and permit, and
10 whether it is currently valid. The record shall be open to inspection by the public at
11 all reasonable times. [THE BOARD SHALL SUBMIT AN ANNUAL REPORT ON
12 ITS OPERATIONS TO THE GOVERNOR.]**

13 * Sec. 2. AS 08.24.240 is amended to read:

14 Sec. 08.24.240. Failure to file statement. If the annual statement of

collection [OR SEMIANNUAL STATEMENT OF EMPLOYEES] is not filed as required under AS 08.24.210 [AND 08.24.220], the failure to file constitutes grounds for the immediate suspension of the collection agency license of the licensee failing to file the statement, and the department shall notify the licensee by registered or certified mail that the license of the licensee will be suspended upon the expiration of 15 days after the date on which the notice was mailed unless the licensee complies with the provisions of AS 08.24.210 [OR 08.24.220]. However, for good cause shown and upon satisfactory proof furnished by the licensee that the failure to file the statement was due to a condition not within the control, or was due to excusable neglect, of the licensee, the department may permit the filing of the statement after the time limited and excuse the failure to file the statement within the time limited. If the statement required by AS 08.24.210 [OR 08.24.220] is not filed as required by this section, the department shall revoke the license.

* **Sec. 3.** AS 08.24.250 is amended to read:

Sec. 08.24.250. Information confidential. Except as otherwise provided in this chapter, information in whatever form required to be filed by the terms of AS 08.24.210 [AND 08.24.220] shall be confidential and may not become a public record, but it may be introduced in evidence in a suit, action, or proceeding in a court or in a proceeding involving the granting or revocation of the license of a licensee.

* **Sec. 4.** AS 14.40.190 is amended to read:

Sec. 14.40.190. Report. The Board of Regents shall prepare a written report at the beginning of each [FIRST] regular session of the legislature of the condition of the university property, of all receipts and expenditures, including the administration and disposition of appropriated and restricted funds **and information required under AS 37.25.010(d)**, and of the educational and other work performed during the preceding [TWO] fiscal **year** [YEARS]. The board shall notify the legislature that the report is available.

* **Sec. 5.** AS 15.13.030 is amended to read:

Sec. 15.13.030. Duties of the commission. The commission shall

(1) develop and provide all forms for the reports and statements required to be made under this chapter, AS 24.45, and AS 39.50;

(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter;

(3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;

(4) compile and maintain a current list of all filed reports and statements;

(5) prepare a summary of each report filed under AS 15.13.110 and make copies of this summary available to interested persons at their actual cost;

(6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter;

(7) [REPORT WITHIN 60 DAYS AFTER THE ELECTION THE NAMES OF ALL PERSONS AND GROUPS WHO HAVE FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CHAPTER TO THE OFFICE OF THE ATTORNEY GENERAL;

(8)] examine, investigate, and compare all reports, statements, and actions required by this chapter, AS 24.45, and AS 39.50 [AND REPORT TO THE ATTORNEY GENERAL THE NAMES OF ALL PERSONS OR GROUPS THAT THE COMMISSION HAS SUBSTANTIAL REASON TO BELIEVE HAVE VIOLATED THIS CHAPTER, AS 24.45 OR AS 39.50];

(8) [(9)] prepare and publish a biennial report concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change; the commission shall notify the legislature that the report is available;

(9) [(10)] adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62 (Administrative Procedure Act).

* **Sec. 6.** AS 15.13.040(d) is amended to read:

(d) Every individual, person, or group making a contribution or expenditure shall make a full report, upon a form prescribed by the commission, of

(1) contributions made to a candidate or group and expenditures made on behalf of a candidate or group

(A) as soon as the total contributions and expenditures to that candidate or group reaches \$500 in a year; and

(B) for all subsequent contributions and expenditures to that candidate or group in a year whenever the total contributions and expenditures to that candidate or group that have not been reported under this paragraph reaches \$500; [THE FOLLOWING CONTRIBUTIONS OR EXPENDITURES:

(1) ANY CONTRIBUTION OF CASH, GOODS, OR SERVICES VALUED AT MORE THAN \$250 A YEAR TO ANY GROUP OR CANDIDATE; OR]

(2) unless exempted from reporting by (h) of this section, any expenditure whatsoever for advertising in newspapers or other periodicals, on radio, or on television; or, for the publication, distribution, or circulation of brochures, flyers, or other campaign material for any candidate or ballot proposition or question.

* **Sec. 7.** AS 15.13.040(f) is amended to read:

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. **Records of provision of services, facilities, or supplies** [THE RECORDS SHALL BE MAINTAINED ON THE FORMS PROVIDED AND IN THE MANNER REQUIRED BY THE COMMISSION. WITHIN 30 DAYS AFTER EACH ELECTION, THE SUPPLIER SHALL FILE WITH THE COMMISSION A REPORT OF THE COMPLETE RECORD OF EACH TRANSACTION WITH ALL CANDIDATES OR GROUPS TO WHOM THE SUPPLIER PROVIDES SERVICES, FACILITIES OR

SUPPLIES IN EXCESS OF \$250 IN THE AGGREGATE. ALL RECORDS] shall be available for [PUBLIC] inspection by the commission.

* **Sec. 8.** AS 15.13.080(a) is repealed and reenacted to read:

(a) An individual who contributes \$500, or goods or services with a value of \$500, to a candidate shall file a contributor's statement as required by this section.

* **Sec. 9.** AS 15.13.080(c) is amended to read:

(c) The contributor's statement shall be filed with the commission by the contributor no later than **30** [10] days after the contribution that requires the contributor to report under AS 15.13.040(d) is made.

* **Sec. 10.** AS 24.45.031(b) is amended to read:

(b) The commission may

(1) hold hearings and conduct investigations into compliance with the provisions of this chapter;

(2) in conjunction with (1) of this subsection, issue subpoenas, compel the attendance and testimony of witnesses, administer oaths and affirmations, and require the production of books, papers, records, documents, or other items material to the commission's duties or powers under this chapter;

(3) prepare, publish, and make available to the public, periodic, but at least biannually [QUARTERLY AND ANNUALLY], summaries of the statements and reports received; these summaries shall list separately individual lobbyists and employers of lobbyists.

* **Sec. 11.** AS 35.10.015(b) is amended to read:

(b) The department shall develop and maintain an inventory of all public buildings and facilities with respect to their compliance with the regulations adopted under (a) of this section. [THE DEPARTMENT SHALL MAKE AN ANNUAL REPORT TO THE GOVERNOR DESCRIBING WORK PERFORMED IN THE PRECEDING CALENDAR YEAR TO UPGRADE PUBLIC BUILDINGS AND FACILITIES TO CONFORM WITH THE REGULATIONS.] In addition, the department shall develop cost estimates and recommended priorities for the upgrading of public buildings and facilities that do not conform with the regulations adopted under (a) of this section [AND SHALL INCLUDE THESE ESTIMATES AND THE

1 RECOMMENDED PRIORITIES IN THE ANNUAL REPORT TO THE GOVERNOR.
 2 THE DEPARTMENT SHALL NOTIFY THE LEGISLATURE THAT THE REPORT
 3 IS AVAILABLE].

4 * **Sec. 12.** AS 37.25.010(d) is amended to read:

5 (d) The University of Alaska shall, in the report required under
 6 AS 14.40.190, report the amount of university receipts received in one year and
 7 expended in the succeeding fiscal year [TO THE DEPARTMENT OF
 8 ADMINISTRATION AND THE LEGISLATIVE BUDGET AND AUDIT
 9 COMMITTEE BY SEPTEMBER 30 OF THE SUCCEEDING FISCAL YEAR].

10 * **Sec. 13.** AS 39.25.195(h) is amended to read:

11 (h) [THE DIRECTOR SHALL PREPARE A REPORT ON
 12 NONPERMANENT AND EMERGENCY HIRE PRACTICES IN STATE
 13 GOVERNMENT AND NOTIFY THE LEGISLATURE WITHIN THE FIRST 10
 14 DAYS OF EACH REGULAR LEGISLATIVE SESSION THAT THE REPORT IS
 15 AVAILABLE.] A hiring department or agency shall certify to the director within 15
 16 working days following the appointment its reasons for appointing an emergency
 17 employee. [THE REPORT SHALL INCLUDE INFORMATION ON THE NUMBER
 18 OF NONPERMANENT EMPLOYEES AUTHORIZED UNDER THIS SECTION
 19 AND THE NUMBER OF EMERGENCY EMPLOYEES HIRED IN EACH
 20 DEPARTMENT, A DESCRIPTION OF THE PROCEDURES USED IN
 21 AUTHORIZING THE HIRING OF NONPERMANENT EMPLOYEES, AND ANY
 22 RECOMMENDATIONS FOR LEGISLATION REQUIRED TO IMPLEMENT THE
 23 INTENT OF THIS SECTION.]

24 * **Sec. 14.** AS 43.76.025(c) is amended to read:

25 (c) The salmon enhancement tax collected under AS 43.76.010 - 43.76.028
 26 [AS 43.76.010 - 43.76.030] shall be deposited in the general fund. The legislature may
 27 make appropriations based on this revenue to the Department of Commerce and
 28 Economic Development for the purpose of providing financing for qualified regional
 29 associations. The legislature may base an appropriation for a qualified regional
 30 association operating within a region designated under AS 16.10.375 on the value of
 31 the fisheries resources caught in that region rather than the value of the fisheries

1 resources sold in that region if those values differ.

2 * **Sec. 15.** AS 44.47.092 is amended to read:

3 **Sec. 44.47.092. Land use planning and state facility procurement plan.**

4 The department shall make recommendations to the Department of Transportation and
5 Public Facilities and to appropriate program agencies concerning the effect upon the
6 comprehensive plan or other land use plans or proposals of municipalities and
7 unincorporated communities with respect to the facility procurement plan required to
8 be prepared in accordance with AS 35.10.170 [AND AS 44.42.055].

9 * **Sec. 16.** AS 44.47.150(d) is amended to read:

10 (d) Separate accounts shall be maintained in the name of each village for the
11 land, including the revenues from the land, acquired from each village corporation
12 under this section [, AND EVERY TWO YEARS WITHIN 90 DAYS OF THE
13 CLOSE OF THE SECOND STATE FISCAL YEAR A STATEMENT OF THE
14 ACCOUNT FOR EACH MUNICIPALITY SHALL BE PREPARED BY THE
15 COMMISSIONER AND BE MADE AVAILABLE TO THE VILLAGE AND TO THE
16 PUBLIC UPON REQUEST].

17 * **Sec. 17.** AS 46.08.060(a) is amended to read:

18 (a) The commissioner shall make available a report to the legislature not later
19 than the 10th day following the convening of each **first** regular session of the
20 legislature. The commissioner shall notify the legislature that the report is available.
21 The report may include information considered significant by the commissioner but
22 must include [:]

23 (1) the amount of money expended by the department under
24 AS 46.08.040(a) during the preceding **two** fiscal **years** [YEAR];

25 (2) the amount and source of money received and money recovered by
26 or on behalf of the department during the preceding **two** fiscal **years** [YEAR] under

27 (A) AS 46.08.020; and

28 (B) AS 46.08.025;

29 (3) a summary of municipal participation in the department's responses
30 that were paid for by the fund;

31 (4) a detailed summary of department activities in responses paid for

1 by the fund during the preceding two fiscal years [YEAR], including response
 2 descriptions and statements outlining the nature of the threat; in this paragraph,
 3 "detailed" includes information describing each personal services position and total
 4 compensation for that position, each contract in excess of \$10,000, and each purchase
 5 in excess of \$10,000; and

6 (5) the projected cost to the department for the next two fiscal years
 7 [YEAR] of monitoring, operating, and maintaining sites where response has been
 8 completed or is expected to be continued during the next two fiscal years [YEAR].

9 * **Sec. 18.** AS 46.08.060(c) is amended to read:

10 (c) In addition to the department's report required under (a) of this section, the
 11 governor shall submit a report about use of the fund during the previous two fiscal
 12 years [YEAR] to the legislature not later than the 10th day following the convening
 13 of each first regular session of the legislature. In the report, the governor shall describe
 14 in detail the governor's use of money from the fund, with separate explanations, by
 15 agency, of the activities that were paid for under the authority of AS 46.08.045.

16 * **Sec. 19.** AS 08.04.070(g); AS 08.24.071, 08.24.220; AS 08.36.070(a)(3);
 17 AS 08.48.071(c), 08.48.101(b); AS 08.63.050(8); AS 08.64.101(3); AS 08.65.030(a)(6);
 18 AS 08.68.100(a)(7); AS 08.84.010(b)(6); AS 08.86.070(7); AS 08.95.030(2);
 19 AS 08.98.050(a)(7); AS 14.07.181; AS 14.40.170(a)(9), 14.40.296(b); AS 14.56.182,
 20 14.56.183, 14.56.184, 14.56.185, 14.56.190; AS 18.20.150(b); AS 18.85.160(b); AS 21.39.175;
 21 AS 36.30.540(2), 36.30.540(3), 36.30.540(6); AS 37.05.030; AS 42.45.020(e)(3);
 22 AS 43.76.030; and AS 44.42.055 are repealed.