

SENATE CS FOR CS FOR HOUSE BILL NO. 265(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 2/9/98

Referred: Today's Calendar

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

1 collection [OR SEMIANNUAL STATEMENT OF EMPLOYEES] is not filed as
 2 required under AS 08.24.210 [AND 08.24.220], the failure to file constitutes grounds
 3 for the immediate suspension of the collection agency license of the licensee failing
 4 to file the statement, and the department shall notify the licensee by registered or
 5 certified mail that the license of the licensee will be suspended upon the expiration of
 6 15 days after the date on which the notice was mailed unless the licensee complies
 7 with the provisions of AS 08.24.210 [OR 08.24.220]. However, for good cause shown
 8 and upon satisfactory proof furnished by the licensee that the failure to file the
 9 statement was due to a condition not within the control, or was due to excusable
 10 neglect, of the licensee, the department may permit the filing of the statement after the
 11 time limited and excuse the failure to file the statement within the time limited. If the
 12 statement required by AS 08.24.210 [OR 08.24.220] is not filed as required by this
 13 section, the department shall revoke the license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (8) [(9)] prepare and publish a biennial report concerning the activities
24 of the commission, the effectiveness of this chapter, its enforcement by the attorney
25 general's office, and recommendations and proposals for change; the commission shall
26 notify the legislature that the report is available;

27 (9) [(10)] adopt regulations necessary to implement and clarify the
28 provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of
29 AS 44.62 (Administrative Procedure Act).

30 * **Sec. 6.** AS 24.45.031(b) is amended to read:

31 (b) The commission may

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

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

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

11 * **Sec. 7.** AS 35.10.015(b) is amended to read:

12 (b) The department shall develop and maintain an inventory of all public
13 buildings and facilities with respect to their compliance with the regulations adopted
14 under (a) of this section. [THE DEPARTMENT SHALL MAKE AN ANNUAL
15 REPORT TO THE GOVERNOR DESCRIBING WORK PERFORMED IN THE
16 PRECEDING CALENDAR YEAR TO UPGRADE PUBLIC BUILDINGS AND
17 FACILITIES TO CONFORM WITH THE REGULATIONS.] In addition, the
18 department shall develop cost estimates and recommended priorities for the upgrading
19 of public buildings and facilities that do not conform with the regulations adopted
20 under (a) of this section [AND SHALL INCLUDE THESE ESTIMATES AND THE
21 RECOMMENDED PRIORITIES IN THE ANNUAL REPORT TO THE GOVERNOR.
22 THE DEPARTMENT SHALL NOTIFY THE LEGISLATURE THAT THE REPORT
23 IS AVAILABLE].

24 * **Sec. 8.** AS 37.25.010(d) is amended to read:

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

30 * **Sec. 9.** AS 39.25.195(h) is amended to read:

31 (h) [THE DIRECTOR SHALL PREPARE A REPORT ON

1 NONPERMANENT AND EMERGENCY HIRE PRACTICES IN STATE
 2 GOVERNMENT AND NOTIFY THE LEGISLATURE WITHIN THE FIRST 10
 3 DAYS OF EACH REGULAR LEGISLATIVE SESSION THAT THE REPORT IS
 4 AVAILABLE.] A hiring department or agency shall certify to the director within 15
 5 working days following the appointment its reasons for appointing an emergency
 6 employee. [THE REPORT SHALL INCLUDE INFORMATION ON THE NUMBER
 7 OF NONPERMANENT EMPLOYEES AUTHORIZED UNDER THIS SECTION
 8 AND THE NUMBER OF EMERGENCY EMPLOYEES HIRED IN EACH
 9 DEPARTMENT, A DESCRIPTION OF THE PROCEDURES USED IN
 10 AUTHORIZING THE HIRING OF NONPERMANENT EMPLOYEES, AND ANY
 11 RECOMMENDATIONS FOR LEGISLATION REQUIRED TO IMPLEMENT THE
 12 INTENT OF THIS SECTION.]

13 * **Sec. 10.** AS 43.76.025(c) is amended to read:

14 (c) The salmon enhancement tax collected under AS 43.76.010 - 43.76.028
 15 [AS 43.76.010 - 43.76.030] shall be deposited in the general fund. The legislature may
 16 make appropriations based on this revenue to the Department of Commerce and
 17 Economic Development for the purpose of providing financing for qualified regional
 18 associations. The legislature may base an appropriation for a qualified regional
 19 association operating within a region designated under AS 16.10.375 on the value of
 20 the fisheries resources caught in that region rather than the value of the fisheries
 21 resources sold in that region if those values differ.

22 * **Sec. 11.** AS 44.47.092 is amended to read:

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

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

29 * **Sec. 12.** AS 44.47.150(d) is amended to read:

30 (d) Separate accounts shall be maintained in the name of each village for the
 31 land, including the revenues from the land, acquired from each village corporation

1 under this section [, AND EVERY TWO YEARS WITHIN 90 DAYS OF THE
 2 CLOSE OF THE SECOND STATE FISCAL YEAR A STATEMENT OF THE
 3 ACCOUNT FOR EACH MUNICIPALITY SHALL BE PREPARED BY THE
 4 COMMISSIONER AND BE MADE AVAILABLE TO THE VILLAGE AND TO THE
 5 PUBLIC UPON REQUEST].

6 * **Sec. 13.** AS 46.08.060(a) is amended to read:

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

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

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

16 (A) AS 46.08.020; and

17 (B) AS 46.08.025;

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

20 (4) a detailed summary of department activities in responses paid for
 21 by the fund during the preceding **two** fiscal **years** [YEAR], including response
 22 descriptions and statements outlining the nature of the threat; in this paragraph,
 23 "detailed" includes information describing each personal services position and total
 24 compensation for that position, each contract in excess of \$10,000, and each purchase
 25 in excess of \$10,000; and

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

29 * **Sec. 14.** AS 46.08.060(c) is amended to read:

30 (c) In addition to the department's report required under (a) of this section, the
 31 governor shall submit a report about use of the fund during the previous **two** fiscal

1 **years** [YEAR] to the legislature not later than the 10th day following the convening
2 of each **first** regular session of the legislature. In the report, the governor shall describe
3 in detail the governor's use of money from the fund, with separate explanations, by
4 agency, of the activities that were paid for under the authority of AS 46.08.045.

5 * **Sec. 15.** AS 08.04.070(g); AS 08.24.071, 08.24.220; AS 08.36.070(a)(3);
6 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);
7 AS 08.68.100(a)(7); AS 08.84.010(b)(6); AS 08.86.070(7); AS 08.95.030(2);
8 AS 08.98.050(a)(7); AS 14.07.181; AS 14.40.170(a)(9), 14.40.296(b); AS 14.56.182,
9 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;
10 AS 36.30.540(2), 36.30.540(3), 36.30.540(6); AS 37.05.030; AS 42.45.020(e)(3);
11 AS 43.76.030; and AS 44.42.055 are repealed.