

HOUSE BILL NO. 265

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MARTIN, Dyson, Ryan, Cowdery, Kott, Davies

Introduced: 4/28/97

Referred: State Affairs

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 18.28.030(b) is amended to read:

31 (b) Each fiscal year, the department shall determine the amount of money

1 needed to fund all grants under AS 18.28.010 and contracts under AS 18.28.020(3)
2 during the next fiscal year [AND SHALL REPORT THAT AMOUNT TO THE
3 LEGISLATURE]. If the amount appropriated to the account is not sufficient to
4 finance all grants and contracts, the money shall be distributed pro rata among
5 qualified regional and local health organizations.

6 * **Sec. 7.** AS 21.84.350(a) is amended to read:

7 (a) **Each** [AS A PART OF THE ANNUAL STATEMENT REQUIRED
8 UNDER AS 21.84.340, EACH] society shall, before the second day of March, file
9 with the director a valuation of its certificates in force on the preceding December 31,
10 provided, the director may, for cause shown, extend the time for filing the valuation
11 for not more than two calendar months. The report of valuation must include an
12 opinion of a qualified actuary as to whether the reserves and related actuarial items
13 held in support of the certificates in force are computed appropriately, are based on
14 assumptions that satisfy contractual provisions, are consistent with prior reported
15 amounts, and comply with applicable laws of this state. The report of valuation shall
16 show, as reserve liabilities, the difference between the present mid-year value of the
17 promised benefits provided in the certificates of the society in force and the present
18 mid-year value of the future net premiums as the same are in practice actually
19 collected, not including any value for the right to make extra assessments and not
20 including any amount by which the present mid-year value of future net premiums
21 exceeds the present mid-year value of promised benefits on individual certificates. At
22 the option of a society, in lieu of the above, the valuation may show the net tabular
23 value. The net tabular value on certificates issued before July 1, 1967, shall be
24 determined under the law applicable before July 1, 1966, and on certificates issued on
25 or after July 1, 1967, may not be less than the reserves determined according to the
26 Commissioner's Reserve Valuation Method as defined in this section. If the premium
27 charged is less than the tabular net premium according to the basis of valuation used,
28 an additional reserve equal to the present value of the deficiency in the premiums shall
29 be set up and maintained as a liability. The reserve liabilities shall be properly
30 adjusted if the mid-year or tabular values are not appropriate.

31 * **Sec. 8.** AS 24.45.031(b) is amended to read:

1 (b) The commission may

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

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

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

12 * **Sec. 9.** AS 35.10.015(b) is amended to read:

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

25 * **Sec. 10.** AS 37.25.010(d) is amended to read:

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

31 * **Sec. 11.** AS 39.25.195(h) is amended to read:

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

14 * **Sec. 12.** AS 43.76.025(c) is amended to read:

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

23 * **Sec. 13.** AS 44.47.092 is amended to read:

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

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

30 * **Sec. 14.** AS 44.47.150(d) is amended to read:

31 (d) Separate accounts shall be maintained in the name of each village for the

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

7 * **Sec. 15.** AS 46.03.032(k) is amended to read:

8 (k) The department shall prepare reports required by the federal government
 9 in conjunction with federal capitalization grant award conditions. The department shall
 10 also prepare reports and notices, including notices of default, required by the state
 11 bond committee in conjunction with bonds issued under AS 37.15.560 - 37.15.605.
 12 [THE DEPARTMENT SHALL ALSO PREPARE A BIENNIAL REPORT ON THE
 13 ALASKA CLEAN WATER FUND AND NOTIFY THE LEGISLATURE THAT IT
 14 IS AVAILABLE ON OR BEFORE THE FIRST DAY OF EACH FIRST REGULAR
 15 SESSION OF THE LEGISLATURE.]

16 * **Sec. 16.** AS 46.08.050(b) is amended to read:

17 (b) A department that is appropriated or allocated money from the fund, either
 18 directly or through a reimbursable service agreement with the Department of
 19 Environmental Conservation, shall develop procedures governing the expenditure of,
 20 and accounting for, money it expends from the fund. [THE DEPARTMENT OF
 21 ENVIRONMENTAL CONSERVATION MAY NOT REIMBURSE OR PAY MONEY
 22 TO ANOTHER STATE AGENCY FOR THE AGENCY'S ACTIVITIES UNDER
 23 AS 46.08.040 UNLESS THE STATE AGENCY PROVIDES TO THE DEPARTMENT
 24 THE INFORMATION NECESSARY TO COMPLETE THE REPORT REQUIRED
 25 BY AS 46.08.060.]

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

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

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

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

5 (A) AS 46.08.020; and

6 (B) AS 46.08.025;

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

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

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

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

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

25 * **Sec. 19.** AS 47.14.210 is amended to read:

26 **Sec. 47.14.210. Duties of the state panel.** The state panel shall

27 (1) by regulation adopt policies and procedures to carry out its duties
28 and to govern the performance of the duties of the local panels established under
29 AS 47.14.220;

30 (2) ensure that local panel members receive the minimum level of
31 training necessary to effectively carry out their duties;

1 (3) coordinate and review the activities of the local panels and make
2 recommendations to the governor on appointments to the local panels;

3 (4) prepare a **biennial** report [ANNUALLY], by the 10th day of each
4 **first** regular session of the legislature, concerning the activities of the state and local
5 panels during the previous **two** fiscal **years** [YEAR]; the report must include the
6 number of cases reviewed by each local panel, a description of the characteristics of
7 the children whose cases were reviewed by the panels, the number of children reunited
8 with their families, the number of children placed in other permanent homes, and
9 recommendations and justifications for program improvement, including
10 recommendations relating to state agencies and to the panel review system; the report
11 may contain other information on the experience of the local panels; the state panel
12 shall notify the legislature that the report is available.

13 * **Sec. 20.** AS 08.04.070(g); AS 08.24.071, 08.24.220; AS 08.36.070(a)(3);
14 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);
15 AS 08.68.100(a)(7); AS 08.84.010(b)(6); AS 08.86.070(7); AS 08.95.030(2);
16 AS 08.98.050(a)(7); AS 14.07.181; AS 14.40.170(a)(9), 14.40.296(b), 14.40.455(e);
17 AS 14.56.182, 14.56.183, 14.56.184, 14.56.185, 14.56.190; AS 16.51.100(5); AS 18.20.150(b);
18 AS 18.85.160(b); AS 21.39.175; AS 21.84.340(b); AS 36.30.540(2), 36.30.540(3),
19 36.30.540(6); AS 37.05.030(b), 37.05.035; AS 42.45.020(e)(3); AS 43.76.030; and
20 AS 44.42.055 are repealed.