

**CS FOR HOUSE BILL NO. 326(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 4/30/02**

**Referred: Judiciary**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the security of certain state airports; exempting certain records and**  
2 **information from the category of public records; and providing for an effective date."**

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

4 **\* Section 1.** AS 02.15 is amended by adding a new section to read:

5 **Sec. 02.15.245. Administrative penalties for security violations.** (a) In  
6 addition to applicable criminal and other penalties imposed by the court under  
7 AS 02.15.240, a person or an entity that violates or causes or permits to be violated, or  
8 that is legally or contractually responsible for the conduct of a person who violates or  
9 causes or permits to be violated, a state or federal law or a plan, program, or procedure  
10 established under state or federal law pertaining to security of a state airport  
11 established under AS 02.15.060 is subject to an administrative penalty of not more  
12 than \$1,100 for each incident. The department may assess the penalty by order after  
13 following procedures established in regulations adopted under (b) of this section. A  
14 person or an entity is subject to assessment of a penalty under this section only if the

1 person or entity had, at the time of the violation, actual or constructive knowledge of  
 2 the violated law or program adopted under law.

3 (b) The department shall adopt regulations under AS 44.62 (Administrative  
 4 Procedure Act) to carry out the purposes of this section.

5 \* **Sec. 2.** AS 40.25.120(a) is amended by adding a new paragraph to read:

6 (10) records or information pertaining to a plan, program, or  
 7 procedures for establishing, maintaining, or restoring security in the state, or to a  
 8 detailed description or evaluation of systems, facilities, or infrastructure in the state,  
 9 but only to the extent that the production of the records or information

10 (A) could reasonably be expected to interfere with the  
 11 implementation or enforcement of the security plan, program, or procedures;

12 (B) would disclose confidential guidelines for investigations or  
 13 enforcement and the disclosure could reasonably be expected to risk  
 14 circumvention of the law; or

15 (C) could reasonably be expected to endanger the life or  
 16 physical safety of an individual or to present a real and substantial risk to the  
 17 public health and welfare.

18 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).