

CS FOR HOUSE BILL NO. 326(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 4/18/02

Referred: State Affairs, 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 and to state security plans,**
2 **programs, and procedures; exempting certain records and information from the**
3 **category of public records; and providing for an effective date."**

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

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

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

1 person or an entity is subject to assessment of a penalty under this section only if the
 2 person or entity had, at the time of the violation, actual or constructive knowledge of
 3 the violated law or program adopted under law.

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

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

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

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

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

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

19 * **Sec. 3.** AS 44.17.032 is amended by adding a new section to read:

20 **Sec. 44.17.032. Orders for state security plans, programs, and procedures.**

21 (a) Notwithstanding any contrary provision of law, the principal executive officer of a
 22 state agency may issue an order to implement its statutory authority relating to the
 23 adoption of a plan, program, or procedure for establishing, maintaining, or restoring
 24 security for a facility, system, or operation within the state. An order issued under this
 25 section is not subject to AS 44.62 (Administrative Procedure Act) and takes effect
 26 immediately unless a later effective date is specified. An announcement shall be
 27 publicly issued concerning an order issued under this section. This section applies
 28 only to plans, programs, or procedures for which the principal executive officer
 29 certifies in the order that compliance with the regulation adoption provisions of
 30 AS 44.62

31 (1) could reasonably be expected to interfere with the implementation

1 or enforcement of the security plan, program, or procedures;

2 (2) would disclose confidential guidelines for investigations or
3 enforcement and the disclosure could reasonably be expected to risk circumvention of
4 the law; or

5 (3) could reasonably be expected to endanger the life or physical safety
6 of an individual.

7 (b) An order issued under this section is enforceable in the same manner as a
8 regulation adopted under the issuing officer's statutory authority relating to the plan,
9 program, or procedure that is the subject of the order.

10 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).