

SENATE BILL NO. 238

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/16/02
Referred: State Affairs, Transportation

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state plans and programs for the safety and security of facilities and**
2 **systems in the state; 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, any state or federal law or any plan, program, or
10 procedure established under state or federal law, pertaining to security of a state
11 airport established under AS 02.15.060 is subject to an administrative penalty of not
12 more than \$1,100 per 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 is amended by adding a new paragraph to read:

6 (10) records or information pertaining to any plan, program, or
7 procedures for establishing, maintaining, or restoring security in the state, or to any
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.** AS 44.17.032 is amended by adding a new section to read:

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

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

30 (1) could reasonably be expected to interfere with the implementation
31 or enforcement of the security plan, program, or procedures;

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

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

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

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