

CS FOR SENATE BILL NO. 238(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/13/02

Referred: Transportation

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state safety plans, programs, and procedures and to systems,**
2 **facilities, and infrastructure in the state; exempting from public inspection as public**
3 **records certain records and information relating to state safety plans, programs, and**
4 **procedures; and providing for an effective date."**

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

6 * **Section 1.** 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

1 circumvention of the law; or

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

5 * **Sec. 2.** AS 44.17.032 is amended by adding a new section to read:

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

7 (a) Notwithstanding any contrary provision of law, the principal executive officer of
8 each state agency may issue an order to implement its statutory authority relating to
9 the adoption of a plan, program, or procedure for establishing, maintaining, or
10 restoring security within the state. An order issued under this section is not subject to
11 AS 44.62 (Administrative Procedure Act) and takes effect immediately unless a later
12 effective date is specified. An announcement shall be publicly issued concerning an
13 order issued under this section. This section applies only to plans, programs, or
14 procedures for which the principal executive officer certifies in the order that
15 compliance with the regulation adoption provisions of AS 44.62

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

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

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

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

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