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1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 301

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act revising existing law prescribing the powers
7 and duties of state agencies, in order to realize
8 reductions in the state budget; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 14.20.030 is amended to read:

12 Sec. 14.20.030. CAUSES FOR REVOCATION AND SUSPENSION. The
13 commissioner [OR THE PROFESSIONAL TEACHING PRACTICES COMMISSION] may
14 revoke or suspend a certificate only for the following reasons:

15 (1) incompetency, which is defined as the inability or the
16 unintentional or intentional failure to perform the teacher's customa-
17 ry teaching duties in a satisfactory manner;

18 (2) immorality, which is defined as the commission of an
19 act which, under the laws of the state, constitutes a crime involving
20 moral turpitude;

21 (3) substantial noncompliance with the school laws of the
22 state or the regulations of the department; or

23 (4) [UPON A DETERMINATION BY THE PROFESSIONAL TEACHING
24 PRACTICES COMMISSION THAT THERE HAS BEEN A] violation of ethical or
25 professional standards or contractual obligations.

26 * Sec. 2. AS 14.20.450 is amended to read:

27 Sec. 14.20.450. RESPONSIBILITIES OF BOARD [COMMISSION]. The
28 Board of Education has [COMMISSION SHALL HAVE] the initial respon-
29 sibility of developing, through the teaching profession, criteria of

1 professional practices in areas including, but not limited to:

- 2 (1) ethical and professional performance;
3 (2) preparation for and continuance in professional ser-
4 vices; and
5 (3) contractual obligations.

6 * Sec. 3. AS 14.20.460 is amended to read:

7 Sec. 14.20.460. DUTIES OF BOARD [COMMISSION]. The Board of
8 Education [COMMISSION] shall

9 (1) establish procedures, and adopt regulations to imple-
10 ment the purposes of AS 14.20.370 -- 14.20.510;

11 (2) conduct investigations and hearings on alleged viola-
12 tions of ethical or professional teaching performance, contractual
13 obligations, and professional teaching misconduct;

14 (3) review the regulations of the department as they relate
15 to teacher certification and recommend necessary changes;

16 (4) review the decisions of the department regarding the
17 issuance or denial of certificates and in its discretion recommend
18 reversal of decisions.

19 * Sec. 4. AS 14.42.120(a) is amended to read:

20 (a) The corporation shall be governed by a board of directors
21 appointed by the governor consisting of one member of the Board of
22 Education, [TWO MEMBERS OF THE ALASKA COMMISSION ON POSTSECONDARY
23 EDUCATION, EACH OF WHOM IS SELECTED FOR THE COMMISSION UNDER AS 14.-
24 42.015(a)(1) - (2), (4) - (6), (8), OR (9) AND] the commissioner of
25 revenue, the commissioner of administration, the commissioner of
26 education, and the commissioner of commerce and economic development.
27 Members of the board serve without compensation but the member [MEM-
28 BERS] who is [ARE] also a member [MEMBERS] of the Board of Education
29 is [ALASKA COMMISSION ON POSTSECONDARY EDUCATION ARE] entitled to per

1 diem and travel expenses authorized by law for boards and commissions
2 under AS 39.20.180.

3 * Sec. 5. AS 14.42.160 is amended to read:

4 Sec. 14.42.160. EXECUTIVE OFFICER. The commissioner of educa-
5 tion or the commissioner's designee [EXECUTIVE OFFICER OF THE COMMIS-
6 SION ON POSTSECONDARY EDUCATION APPOINTED UNDER AS 14.42.040(a)] shall
7 serve as executive officer of the corporation. The board shall pre-
8 scribe the duties of the executive officer.

9 * Sec. 6. AS 14.42.170 is amended to read:

10 Sec. 14.42.170. STAFF. The employees of the Department of
11 Education [ALASKA COMMISSION ON POSTSECONDARY EDUCATION] shall serve
12 as staff for the corporation.

13 * Sec. 7. AS 14.42.210(c) is amended to read:

14 (c) The student loan fund shall be administered by the Depart-
15 ment of Education [ALASKA COMMISSION ON POSTSECONDARY EDUCATION]. The
16 corporation and the department [COMMISSION] may enter into agreements
17 relating to the administration of the fund. The corporation may
18 assign its rights under the agreements for the benefit and security of
19 holders of its bonds.

20 * Sec. 8. AS 14.43.095(a) is amended to read:

21 (a) The student financial aid committee is composed of the
22 members of the Board of Education [ALASKA COMMISSION ON POSTSECONDARY
23 EDUCATION]. The board [COMMISSION] may delegate its functions under
24 AS 14.43.090 - 14.43.160 to a committee of its members, with augmented
25 membership as the board [COMMISSION] considers appropriate. The
26 commissioner of education [EXECUTIVE OFFICER OF THE COMMISSION] is the
27 executive secretary of the committee. The Board of Education [ALASKA
28 COMMISSION ON POSTSECONDARY EDUCATION] shall administer the program
29 established by AS 14.43.090 - 14.43.160.

1 * Sec. 9. AS 16.05.130(a) is amended to read:

2 (a) Except as provided in (c) of this section, money accruing to
3 the state from sport fishing, hunting, and trapping licenses or permit
4 fees may not be diverted to a purpose other than the protection,
5 propagation, investigation, and restoration of sport fish and game
6 resources and the expenses of administering the licensing program and
7 other functions assigned to the sport fish and game divisions of the
8 department.

9 * Sec. 10. AS 16.05.390(d) is amended to read:

10 (d) Compensation provided by this section shall be paid from
11 appropriations made to the Department of Revenue from the general
12 fund. However, if the agent is entitled to compensation for selling
13 sport fish or game licenses, the compensation provided by this section
14 shall be paid from the fish and game fund (AS 16.05.100).

15 * Sec. 11. AS 23.35.060 is amended by adding a new subsection to read:

16 (b) The Department of Labor shall deposit in the general fund
17 the money derived by the state from commercial fishing licenses which
18 is not deposited in the fund under (a) of this section, less com-
19 missions owed to fee agents. However, the Department of Adminis-
20 tration shall separately account for money covered by this subsection.
21 The annual estimated balance in the account may be used by the legis-
22 lature to make appropriations to the Department of Fish and Game to
23 finance the administration of the crewmember licensing program.

24 * Sec. 12. AS 26.23.230(1) is amended to read:

25 (1) "disaster" means

26 (A) the occurrence or imminent threat of widespread or
27 severe damage, injury, or loss of life or property resulting from
28 any natural or nonmilitary man-made cause including, but not lim-
29 ited to, fire, flood, earthquake, landslide, mudslide, avalanche,

1 wind-driven water, weather condition, tsunami, volcanic activity,
2 epidemic, air contamination, blight, infestation, explosion,
3 riot, equipment failure, or shortage of food, water, fuel, or
4 clothing, or the release of oil or a hazardous substance requir-
5 ing prompt action to avert environmental danger or damage;

6 (B) the occurrence of an event that causes the Depart-
7 ment of Public Safety to undertake search and rescue activities
8 under AS 18.60.120 -- 18.60.175 involving substantial manpower
9 and resources that exceed available appropriations;

10 * Sec. 13. AS 29.10.200 is amended by adding a new paragraph to read:

11 (51) AS 29.35.185 (mandatory law enforcement powers).

12 * Sec. 14. AS 29.35 is amended by adding a new section to Article 2 to
13 read:

14 ARTICLE 2. MANDATORY [AREAWIDE] POWERS.

15 Sec. 29.35.185. MANDATORY LAW ENFORCEMENT POWERS. (a) A home
16 rule or general law borough or unified municipality that assumes the
17 power to provide police protection or law enforcement services on a
18 nonareawide basis shall provide those services in each area of the
19 municipality in which

20 (1) fire protection is provided; and

21 (2) 2,500 or more persons reside.

22 (b) A home rule or general law city with a population of 2,500
23 or more shall provide police protection and law enforcement services
24 within the city.

25 (c) For the purpose of negating the presumption against retro-
26 spective application established in AS 01.10.100(a), the requirement
27 to exercise police protection and law enforcement powers set out in
28 (a) and (b) of this section applies to home rule and general law
29 municipalities incorporated before July 1, 1989.

1 * Sec. 15. AS 44.33.120(b) is amended to read:

2 (b) The department [ALASKA DIVISION OF TOURISM] shall

3 (1) cooperate with the tourism marketing council and orga-
4 nizations in the private sector for the promotion and development of
5 tourism and conventions into and within the state;

6 (2) coordinate with municipal, state, and federal agencies
7 for the development and promotion of tourism resources and conventions
8 in the state;

9 (3) review and approve the procurement documents and proce-
10 dures of the tourism marketing council to ensure compliance with
11 applicable laws and regulations;

12 (4) promote and develop the Alaska tourist and convention
13 industry by any of the following:

14 (A) publicizing state attractions through such means
15 as display advertising in magazines and newspapers, advertising
16 on radio and television or other advertising media, publishing
17 pamphlets, brochures and other graphic and pictorial materials,
18 or by aiding and assisting representatives of the media, to
19 ensure greater coverage of the visitor attractions in the state;

20 (B) participation in travel shows;

21 (C) increasing the awareness of the citizens of the
22 state at the statewide, regional and community level of the
23 economic importance of the visitor industry;

24 (D) assisting potential investors in creating new
25 visitor facilities;

26 (E) administering programs of the state in which the
27 state provides matching funds for municipalities of the state or
28 nonprofit organizations that undertake the promotion of visitor
29 travel to and the development of visitor amenities in the state;

- 1 (F) administering visitor information centers;
2 (G) conducting research to evaluate the effectiveness
3 of the tourism marketing council's marketing programs;
4 (H) analyzing the effect on the Alaska visitor indus-
5 try of state land and resource development projects;
6 (I) organizing, administering, and evaluating demon-
7 stration projects for the promotion of the Alaska visitor indus-
8 try and the development of new tourism destination markets; and
9 (J) administering grants under AS 44.33.135.

10 * Sec. 16. AS 44.33.120(c) is amended to read:

11 (c) The commissioner of administration shall separately account
12 for money that derives from the sale of advertising space, pamphlets,
13 brochures, and other graphic and marketing materials under this sec-
14 tion and AS 44.33.020(28) and that the department [DIVISION OF TOUR-
15 ISM] deposits in the general fund. The annual estimated balance in
16 the account may be used by the legislature to make appropriations to
17 the Department of Commerce and Economic Development to cover related
18 costs of [THE DIVISION OF] tourism.

19 * Sec. 17. AS 44.33.122(b) is amended to read:

20 (b) The committee is established to advise the department [DIVI-
21 SION OF TOURISM] and to coordinate the activities of state agencies
22 that affect tourism.

23 * Sec. 18. AS 46.03.090 is amended to read:

24 Sec. 46.03.090. PLANS FOR POLLUTION DISPOSAL. The department
25 may require the submission of plans for sewage and industrial waste
26 disposal or treatment or both for a publicly or privately owned or
27 operated industrial establishment [, COMMUNITY, PUBLIC OR PRIVATE
28 PROPERTY SUBDIVISION OR DEVELOPMENT].

29 * Sec. 19. AS 14.20.380, 14.20.390, 14.20.400, 14.20.410, 14.20.420,

1 14.20.430, 14.20.440, 14.20.460(3) and (4), and 14.20.470 are repealed.
2 * Sec. 20. AS 14.42.010, 14.42.015, 14.42.020, 14.42.025, 14.42.-
3 030(a)(1), 14.42.030(b)(1), (2), and (6), 14.42.030(c), 14.42.035,
4 14.42.040, 14.42.045, 14.42.050, and 14.42.055 are repealed.
5 * Sec. 21. AS 14.44.050, 14.44.055, and 14.44.060 are repealed.
6 * Sec. 22. AS 14.57.010(5), (6), (7), (8), and (10) are repealed.
7 * Sec. 23. AS 15.13.120(d) is repealed.
8 * Sec. 24. AS 24.45.131 is repealed.
9 * Sec. 25. AS 41.37.010, 41.37.020, 41.37.030, 41.37.040, 41.37.050,
10 41.37.060, 41.37.065, 41.37.070, 41.37.080, 41.37.090, 41.37.100, 41.37.-
11 110, and 41.37.150 are repealed.
12 * Sec. 26. AS 44.21.320(b) and (c) are repealed.
13 * Sec. 27. AS 44.33.026, 44.33.120(a), 44.33.135, 44.33.700, 44.33.705,
14 44.33.710, 44.33.715, 44.33.720, 44.33.725, 44.33.730, 44.33.735; AS 45.-
15 65.020, 45.65.040, 45.65.050 are repealed.
16 * Sec. 28. Chapter 98, SLA 1986 is repealed.
17 * Sec. 29. AS 36.30.328, 36.30.330, 36.30.332, and 36.30.334 are re-
18 pealed.
19 * Sec. 30. AS 47.24.010, 47.24.020, 47.24.030, 47.24.040, 47.24.050,
20 47.24.060, 47.24.070, 47.24.075, 47.24.100, 47.24.110, and 47.24.120 are
21 repealed.
22 * Sec. 31. This Act takes effect July 1, 1989.