

SENATE BILL NO. 80**IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE****Introduced: 2/1/93****Referred: STA, HES, L&C, RES, JUD, FIN****A BILL****FOR AN ACT ENTITLED**

1 "An Act eliminating, consolidating, changing the membership requirements of, and
 2 transferring the duties of various boards, commissions, councils, panels, authorities,
 3 corporations, foundations, and similar entities of state government; and providing
 4 for an effective date."

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

6 * Section 1. AS 03.17.010 is amended to read:

7 Sec. 03.17.010. DUTIES OF THE DIRECTOR. The director shall [(1)]
 8 administer and enforce this chapter [, (2) ENFORCE THIS CHAPTER] and the
 9 provisions of marketing orders issued under this chapter [, AND (3) HAVE AN
 10 ACCOUNTING MADE OF THE FUNDS HELD BY THE BOARD AT LEAST
 11 ANNUALLY].

12 * Sec. 2. AS 03.17.040(a) is amended to read:

13 (a) Subject to AS 03.17.060 and the Administrative Procedure Act (AS 44.62),
 14 [AND WITH THE ADVICE OF THE BOARD,] the director may issue, amend, or

1 repeal marketing orders to regulate the marketing of milk in specified regions of the
2 state. A milk marketing order may be issued to

- 3 (1) establish orderly marketing of milk;
- 4 (2) provide for uniform grading and classification of milk;
- 5 (3) provide for the proper preparation of milk for market;
- 6 (4) ensure [INSURE] an adequate supply of milk;
- 7 (5) eliminate unfair competitive practices;
- 8 (6) assist producers to adjust to changing conditions;
- 9 (7) maintain incentive for the production of high quality milk under the
10 most sanitary conditions;
- 11 (8) conduct research and provide information for the benefit of the
12 producer and the consumer.

13 * Sec. 3. AS 03.17.050(a) is amended to read:

14 (a) A marketing order may direct that

- 15 (1) a determination be made whether a surplus of milk exists and, if
16 so, its extent;
- 17 (2) a surplus be disposed of with a proration of the burden of any loss
18 among the handlers;
- 19 (3) the quantity, class, or grade of milk sold for a certain period be
20 limited;
- 21 (4) the quantity a producer may sell be limited, based upon the quantity
22 available, the quantities previously handled, or both;
- 23 (5) the quantity or grade a handler may handle during specified periods,
24 based upon the quantity a handler has available, or quantities previously handled, or
25 both;
- 26 (6) there be specified periods during which a particular grade of milk
27 may be distributed;
- 28 (7) a surplus pool of milk or a class or grade of milk be formed and
29 the milk sold, and the proceeds of sale be equitably distributed;
- 30 (8) milk be inspected, graded, and classified, or any of these;
- 31 (9) an assessment, not to exceed three percent of value, be levied on

1 the sale of milk to provide a fund for advertising ~~and~~ [,] sales promotion [, AND THE
2 EXPENSES OF THE BOARD];

3 (10) prices at which a grade, class, or quantity will be sold be posted;

4 (11) milk be labeled;

5 (12) stations be established for the receiving and weighing of milk, and
6 the collection of assessments;

7 (13) cooperative investigations or undertakings be entered into with
8 other state or federal agencies.

9 * Sec. 4. AS 09.25.115(g) is amended to read:

10 (g) Each public agency shall establish the fees for the electronic services and
11 products provided under this section. The commissioner of administration
12 [TELECOMMUNICATIONS INFORMATION COUNCIL] may cancel the fees
13 established by a public agency in the executive branch, except the fees of the
14 University of Alaska and the Alaska Railroad Corporation, if the commissioner
15 [COUNCIL] determines that the fees are unreasonably high.

16 * Sec. 5. AS 09.25.123(a) is amended to read:

17 (a) The Department of Administration [TELECOMMUNICATIONS
18 INFORMATION COUNCIL] shall supervise and adopt regulations for the operation
19 and implementation of AS 09.25.110 - 09.25.140 by public agencies in the executive
20 branch, except the Alaska Railroad Corporation.

21 * Sec. 6. AS 12.62.010(a) is amended to read:

22 (a) The Department of Public Safety may [GOVERNOR'S COMMISSION
23 ON THE ADMINISTRATION OF JUSTICE ESTABLISHED UNDER AS 44.19.110
24 - 44.19.122 IS AUTHORIZED], after appropriate consultation with representatives of
25 state and local law enforcement agencies participating in information systems covered
26 by this chapter, [TO] adopt regulations and procedures considered necessary to
27 facilitate and regulate the exchange of criminal justice information and to ensure the
28 security and privacy of criminal justice information systems. The notice and hearing
29 requirements of the Administrative Procedure Act (AS 44.62), relating to the adoption
30 of regulations, apply to regulations adopted under this chapter.

31 * Sec. 7. AS 12.62.070(1) is repealed and reenacted to read:

- 1 (1) "department" means the Department of Public Safety.
- 2 ■ Sec. 8. AS 14.40.095(b) is amended to read:
- 3 (b) The center may
- 4 (1) provide support for education, training, and research in information
- 5 technologies to students, professionals, and the general public;
- 6 (2) support research on the applications, effects, and management of
- 7 information technologies and provide research results to the general public;
- 8 (3) maintain an inventory of telecommunication research in the state;
- 9 (4) develop and maintain a collection that includes state documents,
- 10 research reports, and other telecommunication applications materials including
- 11 videotapes, software, lesson plans, and scripts;
- 12 (5) support the development and expansion of the geographic
- 13 information system curriculum of the University of Alaska, including the possible
- 14 establishment of undergraduate and masters programs;
- 15 (6) develop and sponsor land record and geographic information system
- 16 training workshops and continuing education seminars in cooperation with the
- 17 appropriate departments of the university;
- 18 (7) support or undertake research projects that apply geographic
- 19 information technology to state issues and problems;
- 20 (8) provide information on the availability of federal, state, municipal,
- 21 and other sources of geographic information, including aerial photography and digital
- 22 data bases related to surveying and land records, natural resource inventories, and
- 23 related data;
- 24 (9) prepare and publish on a regular basis research findings and
- 25 periodicals relating to the center's activities;
- 26 (10) assist state agencies and municipalities in the development of
- 27 policies, procedures, and capabilities for public access to automated geographic
- 28 information;
- 29 (11) recommend, in consultation with [THE
- 30 TELECOMMUNICATIONS INFORMATION COUNCIL AND] affected state and
- 31 local agencies and advisory boards, model standards and strategies relating to the

1 implementation, indexing, documentation, mapping, data exchange, and other aspects
2 of land records management and geographic information system development.

3 * Sec. 9. AS 14.43.310(b) is amended to read:

4 (b) To assist the administering authority in selecting eligible applicants for
5 award of each of the memorial scholarship loans under AS 14.43.250 - 14.43.325 and
6 in reviewing the memorial scholarship loan program, the following advisory
7 committees are established:

8 (1) three Alaska state troopers, each one to be selected from and to
9 represent a state trooper region of the state by the regional commander to serve for
10 three years, for the Michael Murphy memorial scholarship;

11 (2) three employees of the Department of Public Safety [MEMBERS
12 OF THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF
13 JUSTICE] selected annually by the commissioner of public safety [COMMISSION
14 FROM AMONG ITS MEMBERSHIP], for the Carroll L. "Butch" Swartz memorial
15 scholarship;

16 (3) three members of the state Board of Registration for Architects,
17 Engineers and Land Surveyors selected annually by the board from among its engineer
18 members, for the Harvey Golub memorial scholarship; and

19 (4) three members of the state Board of Education, or of the staff of
20 the Department of Education, or any combination of these, selected annually by the
21 board, for the Robert L. Thomas memorial scholarship.

22 * Sec. 10. AS 16.45.030 is amended to read:

23 Sec. 16.45.030. ALASKA REPRESENTATIVES. In furtherance of the
24 compact provisions, there are three members of the commission from the State of
25 Alaska, appointed by the governor and confirmed by the legislature in joint session.
26 One commissioner must be the administrative or other officer of the Alaska
27 Department of Fish and Game charged with the conservation of the state's marine
28 fisheries resource; another commissioner must be a member of the legislature of this
29 state who is a member of the committee on resources; and another member must be
30 a member of the Board of Fisheries under AS 16.05.221 [CITIZEN OF THIS
31 STATE WHO HAS A WIDE KNOWLEDGE OF AND INTEREST IN THE MARINE

1 **FISHERIES PROBLEM].**

2 * **Sec. 11. AS 41.10.100 is amended by adding a new subsection to read:**

3 (c) **The board shall also inform and advise the governor on all matters relating**
4 **to the use and appropriation of water in the state, including**

5 (1) **the effect and adequacy of state laws and regulations governing the**
6 **establishment of water rights;**

7 (2) **the multi-purpose uses of water;**

8 (3) **the prevention of pollution and the protection of fish and game;**

9 (4) **studies of the state's water supplies and plans for future**
10 **requirements;**

11 (5) **development of water resources;**

12 (6) **participation of local governmental units in the management of**
13 **water resources;**

14 (7) **land that is or may be needed for dams, reservoirs, flood dams,**
15 **flood ways, canals, or ditches for the impoundment, storage, flow, and control of**
16 **water.**

17 * **Sec. 12. AS 41.15.315(a) is amended to read:**

18 (a) **The Haines State Forest Resource Management Area shall be managed**
19 **under the principles of multiple use and sustained yield, under AS 41.17, and under**
20 **a management plan prepared by the department. The plan may not be adopted or**
21 **revised without a prior [REVIEW BY THE BOARD OF FORESTRY OR WITHOUT**
22 **A] public hearing held in Haines and Klukwan.**

23 * **Sec. 13. AS 41.15.320(a) is amended to read:**

24 (a) **A copy of a management plan and any revision to it prepared by the**
25 **department [, REVIEWED BY THE BOARD OF FORESTRY] and adopted by the**
26 **department after public hearings required under AS 41.15.315(a) shall be provided to**
27 **the legislature within 30 days of its adoption or revision or within the first 10 days of**
28 **the first session of the legislature to convene after its adoption or revision.**

29 * **Sec. 14. AS 41.17.020(b) is amended to read:**

30 (b) **The division shall be headed by a director who shall be the state forester,**
31 **appointed to the partially exempt service in accordance with law by the commissioner**

1 [, FROM A LIST OF TWO OR MORE CANDIDATES SUBMITTED BY THE
2 BOARD. THE COMMISSIONER MAY REJECT ALL CANDIDATES, IN WHICH
3 CASE THE BOARD SHALL SUBMIT A NEW LIST]. The state forester shall be a
4 natural resources land manager with generally accepted educational credentials,
5 familiar and experienced with the renewable and nonrenewable resources and the
6 values of forest land and the products, benefits, and services obtained from them.

7 * **Sec. 15.** AS 41.17.055(g) is amended to read:

8 (g) The commissioner may take other actions necessary and proper for the
9 administration of this chapter, including the adoption of regulations under the
10 Administrative Procedure Act (AS 44.62) [AND AS 41.17.047].

11 * **Sec. 16.** AS 41.17.070(b) is amended to read:

12 (b) To maintain a record of division decision making for public and agency
13 review, the commissioner shall compile and index each decision made under this
14 chapter regarding directives, stop work orders, waivers from requirements, decisions
15 of hearing officers, and decisions on appeals. [THE COMMISSIONER SHALL
16 SUBMIT A SUMMARY OF THIS RECORD ANNUALLY TO THE BOARD.]

17 * **Sec. 17.** AS 41.17.230(c) is amended to read:

18 (c) A management plan may not be adopted or revised after the establishment
19 of the state forest without prior review by [THE BOARD OF FORESTRY AND BY]
20 other appropriate state agencies or without prior public hearings held in a community
21 proximately located to the state forest or to a unit of a state forest.

22 * **Sec. 18.** AS 44.21.150 is amended to read:

23 Sec. 44.21.150. **DECLARATION OF PURPOSE.** It is the purpose of
24 AS 44.21.150 - 44.21.170 to designate the Department of Administration as the
25 department responsible for the operation and management of automatic data processing
26 resources and activities of the executive and legislative branches of state government
27 and the judicial branch to the extent requested by that branch [, TO PROVIDE FOR
28 COOPERATION BETWEEN THE DEPARTMENT AND THE
29 TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF THE
30 GOVERNOR.] and to provide for periodic review of state automatic data processing
31 procedures and mechanisms. It is further the purpose of these sections to encourage

1 cooperation between the state government and local governments in the use of
2 automatic data processing systems.

3 * Sec. 19. AS 44.21 is amended by adding a new section to read:

4 Sec. 44.21.155. INFORMATION SYSTEMS PLAN. (a) The department shall

5 (1) establish guidelines and prepare a state short-range and long-range
6 information systems plan to meet state needs;

7 (2) in accordance with the state information systems plan, establish
8 guidelines and direct state agencies to prepare agency information systems plans; and

9 (3) in accordance with statutes governing the availability and
10 confidentiality of information, establish guidelines for the accessing of information by
11 the public.

12 (b) In addition to the duties established under (a) of this section, the
13 department may establish information-related policies and engage in information
14 related activities it considers necessary or appropriate.

15 (c) This section does not grant the department responsibility for broadcast
16 programming content. Program design, production, and use are the responsibility of
17 the program-sponsoring agency or other entity.

18 (d) This section does not prohibit a state agency from developing information
19 systems that are inconsistent with the guidelines established in (a) of this section if the
20 department gives written authorization for the user agency to engage in the
21 independent design, development, management, or operation. The department may
22 authorize independent development only upon a showing of necessity. Written
23 authorization under this subsection is not required for intra-agency use of
24 microcomputers.

25 (e) A state agency, including an agency authorized to develop an independent
26 system under (d) of this section, shall coordinate the design, development,
27 management, and operation of its information systems with the department.

28 * Sec. 20. AS 44.21.160(a) is amended to read:

29 (a) The [EXCEPT AS OTHERWISE PROVIDED IN (g) OF THIS SECTION,
30 THE] department shall comply with the state information systems plan adopted under
31 AS 44.21.155 [BY THE TELECOMMUNICATIONS INFORMATION COUNCIL IN

1 THE OFFICE OF THE GOVERNOR] in providing automatic data processing services
2 responsive to the needs of state government.

3 * Sec. 21. AS 44.21.160(b) is amended to read:

4 (b) To carry out (a) of this section, the department may, consistent with the
5 state information systems plan [ADOPTED BY THE TELECOMMUNICATIONS
6 INFORMATION COUNCIL] and with the departmental information systems plan,

7 (1) maintain a central staff of systems analysts, computer programmers,
8 and other staff members sufficient to provide systems analysis and computer
9 programming support required by the executive and legislative branches of state
10 government;

11 (2) develop and maintain both short-range and long-range data
12 processing plans for state government and provide managerial leadership in the use of
13 automatic data processing;

14 (3) review all budget requests for automatic data processing services
15 and recommend to the [TELECOMMUNICATIONS INFORMATION COUNCIL AND
16 THE] governor approval, modification, or disapproval;

17 (4) recommend implementation priorities of requested data processing
18 systems;

19 (5) determine and satisfy the data processing equipment and supply
20 requirements of the executive and legislative branches, departments, and agencies of
21 state government;

22 (6) provide all facilities, equipment, and staff required to convert data
23 to a form suitable for processing on automatic data processing equipment;

24 (7) develop and publish systems analysis, computer programming, and
25 computer operations standards;

26 (8) review state automatic data processing systems to encourage
27 effectiveness, measure performance, and assure adherence to the standards developed
28 under AS 44.21.150 - 44.21.170;

29 (9) develop and conduct an automatic data processing training program
30 designed to serve the technical and managerial needs of state government;

31 (10) charge a state agency or other governmental agency for the cost

1 of the automatic data processing services provided or procured by the department for
2 the agency.

3 * Sec. 22. AS 44.21.160(d) is amended to read:

4 (d) In accordance with the state information systems plan [ADOPTED BY
5 THE TELECOMMUNICATIONS INFORMATION COUNCIL], the department and
6 the University of Alaska may develop and implement a plan for the integration of
7 automatic data processing facilities of the university with the state facilities.

8 * Sec. 23. AS 44.21.160(e) is amended to read:

9 (e) If the action is not contrary to the state information systems plan
10 [ADOPTED BY THE TELECOMMUNICATIONS INFORMATION COUNCIL], this
11 section does not prohibit

12 (1) the department from obtaining necessary contractual assistance for
13 automatic data processing activities;

14 (2) the legislature from recruiting and employing data processing
15 personnel or from obtaining necessary contractual assistance for automatic data
16 processing activities;

17 (3) the judicial branch from establishing independent data processing
18 policies and implementation procedures; however, the policies and procedures must
19 permit information exchange and implementation procedures compatible with other
20 branches of government whenever practical.

21 * Sec. 24. AS 44.21.200(a) is amended to read:

22 (a) The Older Alaskans Commission is established in the Department of
23 Administration. The members of the commission include

24 (1) the commissioner of administration or the commissioner's designee;

25 (2) the commissioner of community and regional affairs or the
26 commissioner's designee;

27 (3) the commissioner of health and social services or the
28 commissioner's designee; and

29 (4) ~~eight~~ [THE CHAIRMAN OF THE PIONEERS' HOMES
30 ADVISORY BOARD APPOINTED UNDER AS 44.21.120; AND

31 (5) SEVEN] persons selected on the basis of their knowledge and

1 demonstrated interest in the concerns of older Alaskans, appointed by the governor
2 under [IN ACCORDANCE WITH] (b) of this section.

3 * Sec. 25. AS 44.21.230(a) is amended by adding new paragraphs to read:

4 (11) conduct annual inspections of the property and procedures of the
5 Alaska Pioneers' Homes and recommend to the governor changes and improvements;

6 (12) meet at least semi-annually to review admissions and procedures
7 of the Alaska Pioneers' Homes and to consider complaints related to the homes.

8 * Sec. 26. AS 44.21.230(c) is amended to read:

9 (c) The commission may not investigate, review, or undertake any
10 responsibility for the longevity bonus program under AS 47.45 [OR, EXCEPT FOR
11 ACTIVITIES OF THE OFFICE OF THE LONG TERM CARE OMBUDSMAN, THE
12 ALASKA PIONEERS' HOMES UNDER AS 47.55].

13 * Sec. 27. AS 44.21.266 is amended to read:

14 Sec. 44.21.266. DUTIES OF THE COMMISSION. The commission shall

15 (1) apply for federal and private funds for public broadcasting purposes
16 and receive all federal, state, or private funds, property, or assistance that may be
17 appropriated, granted, or otherwise made available to the commission for public
18 broadcasting purposes, and use and disburse funds and property for purposes consistent
19 with the terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations imposed
20 by the grantor;

21 (2) provide consultative services in all aspects of public broadcasting
22 to all public or private agencies in the state that request them;

23 (3) serve as a library and clearinghouse for public broadcasting
24 information;

25 (4) through grants to qualified entities, develop an integrated public
26 broadcasting network for the state;

27 (5) through grants to qualified entities, develop and distribute public
28 broadcasting programming in the state;

29 (6) prepare and submit to the governor and the legislature, in
30 compliance with the state information systems plan adopted under AS 44.21.155 [BY
31 THE TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF

1 THE GOVERNOR], a long-term plan for the development of public broadcasting
2 stations and systems in the state [,] and biennially update the plan; and

3 (7) perform all other functions necessary to ensure the orderly and
4 coordinated development of public broadcasting in the state.

5 * Sec. 28. AS 44.21.310(a) is amended to read:

6 (a) In accordance with the state information systems plan adopted under
7 AS 44.21.155 [BY THE TELECOMMUNICATIONS INFORMATION COUNCIL]
8 and with the departmental information systems plan, the department shall

9 (1) advise the [COUNCIL AND THE] governor on matters of policy
10 and comprehensive state planning for telecommunications services;

11 (2) make an annual report to the governor and to the legislature on the
12 activities of the department;

13 (3) coordinate, manage, and supervise state programs in
14 telecommunications, including the management of those telecommunication services
15 for the state obtained from common carriers and from the communications industry;

16 (4) when requested, provide technical and consulting assistance to the
17 executive, judicial, and legislative branches of state government, to the University of
18 Alaska, and to private noncommercial entities that [WHICH] request that assistance
19 in facility procurement and leasing and in identifying long-range goals and objectives
20 for the state and its political subdivisions in all aspects of telecommunications,
21 including public, educational, and instructional telecommunications;

22 (5) prepare and maintain a state comprehensive telecommunications
23 development plan to further state telecommunications development and to meet state
24 telecommunications needs and prepare and maintain a comprehensive inventory of all
25 state communications facilities;

26 (6) whenever feasible, procure services from private enterprise or
27 certified and franchised utilities and contract for the construction, management,
28 operation, and maintenance of telecommunications systems, and develop a procurement
29 policy consistent with AS 36.30 (State Procurement Code); the procurement policy
30 must seek to achieve the maximum benefit to the public, and methods of procurement,
31 including lease, purchase, rental, or combinations of lease, purchase, and rental, must

1 be selected on the basis of factors such as the ratio of long-range costs versus benefits,
2 life cycle costing, and the costs to the communications industry to the extent that these
3 costs may affect local and long distance basic telephone rates; procurement,
4 contracting, construction, and maintenance under this paragraph is governed by
5 AS 36.30;

6 (7) provide information and assistance to state agencies to promote
7 governmental coordination and unity in the preparation of agency plans and programs
8 involving the use of telecommunications;

9 (8) apply for and accept federal and private money, property, or
10 assistance [,] that may be appropriated, granted, or otherwise made available to the
11 department and use and disburse money and property for purposes consistent with
12 AS 44.21.305 - 44.21.330 and AS 44.21.256 - 44.21.290, subject to reasonable
13 limitations imposed by the grantor;

14 (9) participate with other governmental units in planning, and assist
15 local governments and governmental conferences and councils in the state in planning
16 and coordinating their activities relating to telecommunications;

17 (10) provide for the orderly transition to new telecommunications
18 services and systems by state agencies;

19 (11) serve as a clearinghouse for information, data, and other materials
20 that [WHICH] may be necessary or helpful to federal, state, or local governmental
21 agencies in the development of telecommunication systems;

22 (12) coordinate department services and activities with those of other
23 state departments and agencies to the fullest extent possible to avoid unnecessary
24 duplication; and

25 (13) provide that all activities of the department are responsive to state
26 statutes and regulations [,] and to the regulations and rulings of the Federal
27 Communications Commission.

28 * Sec. 29. AS 44.21.315(a) is amended to read:

29 (a) In accordance with the state information systems plan adopted under
30 AS 44.21.155 [BY THE TELECOMMUNICATIONS INFORMATION COUNCIL]
31 and with the departmental information systems plan, the department shall provide

- 1 (1) technical consultation to educational and public telecommunications
2 users;
- 3 (2) coordination and support to telecommunications services for
4 instruction, including technical assistance and assistance in preparation of applications
5 for grants related to program development as may be requested by
 - 6 (A) public school districts and the Department of Education;
 - 7 (B) the University of Alaska; and
 - 8 (C) other state agencies as approved by the commissioner;
- 9 (3) coordination and support for health and safety-related functions,
10 including the administrative and client services provided by state, federal, and private
11 agencies;
- 12 (4) coordination and support to telecommunications services for public
13 participation in state-financed services, including the public hearing process, as may
14 be statutorily required or otherwise appropriate;
- 15 (5) assistance, through design, development, and promotion, to local
16 school districts or other local and regional education agencies for the regionalization
17 of instructional telecommunications services;
- 18 (6) establishment of operational policies for public telecommunications
19 services other than public broadcasting; and
- 20 (7) assistance to the Alaska Public Broadcasting Commission and any
21 commission-designated subcommittees, as necessary to perform assigned department
22 functions; the department shall cooperate with the commission and subcommittees in
23 order to develop policies which are responsive to the user groups which are
24 represented on the commission.

25 * Sec. 30. AS 44.21.320(e) is amended to read:
26 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from
27 developing telecommunications systems within its own agency if the agency is in
28 compliance with the state information systems plan adopted under AS 44.21.155 [BY
29 THE TELECOMMUNICATIONS INFORMATION COUNCIL] and with the agency's
30 own information systems plan and if the commissioner gives written authorization for
31 the agency to engage in its own design, development, management, or operation. The

1 commissioner may authorize independent development only upon a showing of
2 necessity. [A DESCRIPTION OF ALL AUTHORIZATION UNDER THIS
3 SUBSECTION MUST BE INCLUDED IN THE BIENNIAL REPORT REQUIRED
4 UNDER AS 44.21.310(a)(2)].

5 * Sec. 31. AS 47.07.070(a) is amended to read:

6 (a) The department shall set the prospective rate of payment to a health
7 facility under this chapter and AS 47.25.120 - 47.25.300 based on a fair rate for
8 reasonable costs incurred by the facility. The department may not set a rate until after
9 a public hearing [BEFORE THE MEDICAID RATE ADVISORY COMMISSION]
10 except that this hearing requirement is not applicable if a new rate is immediately
11 necessary to afford exceptional relief to a facility as determined under regulations
12 adopted by the department. The department shall by regulation list the factors it
13 considers in making its rate determinations under this section. A rate set under this
14 section does not take effect until it is approved in writing by the commissioner of
15 health and social services or the agency assigned by the commissioner to perform this
16 function. The written determination of a rate set by the department after a hearing must
17 include a statement of the department's findings, a description of the basis of the
18 findings and conclusions, a citation to the regulations supporting the findings and
19 conclusions, and a statement of the decision.

20 * Sec. 32. AS 47.07.074 is amended to read:

21 Sec. 47.07.074. AUDITS AND INSPECTIONS. As a condition of obtaining
22 payment under AS 47.07.070, a health facility shall allow

23 (1) the department [AND THE COMMISSION] reasonable access to
24 the financial records of medical assistance beneficiaries; and

25 (2) inspection of financial records by state and federal agencies to the
26 extent required by federal law.

27 * Sec. 33. AS 47.10.080(m) is amended to read:

28 (m) Within 60 days after the date a child is removed from the child's home
29 by the department, the department shall notify the appropriate local citizen out-of-home
30 care review panel [ESTABLISHED UNDER AS 47.10.420].

31 * Sec. 34. AS 47.10.080(n) is amended to read:

1 (n) Within 60 days after a court orders a child committed to the department
2 under (c) of this section and at a review under (f) or (l) of this section, the department
3 shall inform the parties about the availability of a local citizen out-of-home care
4 review panel [ESTABLISHED UNDER AS 47.10.420].

5 * Sec. 35. AS 47.10.142(g) is amended to read:

6 (g) Within 60 days after a court orders a child committed to the department
7 under this section, the department shall inform the parties about the availability of a
8 local citizen out-of-home care review panel [ESTABLISHED UNDER AS 47.10.420].

9 * Sec. 36. AS 03.17.020, 03.17.030, 03.17.100(1); AS 05.40; AS 08.01.010(12);
10 AS 08.18.026(a), 08.18.026(c); AS 08.40.005, 08.40.011, 08.40.045, 08.40.050, 08.40.060,
11 08.40.070, 08.40.090, 08.40.110, 08.40.120, 08.40.130, 08.40.135, 08.40.140, 08.40.150,
12 08.40.170, 08.40.175, 08.40.178, 08.40.180, 08.40.190, 08.40.195, 08.40.200; AS 09.25.220(8);
13 AS 18.65.250(a); AS 37.12; AS 38.95.100, 38.95.110, 38.95.120, 38.95.130, 38.95.140;
14 AS 39.05.060(a)(4); AS 39.25.110(11)(A), 39.25.110(23), 39.25.120(c)(20);
15 AS 39.50.200(b)(17); AS 41.17.041, 41.17.043, 41.17.045, 41.17.047, 41.17.950(2);
16 AS 44.19.101, 44.19.102, 44.19.103, 44.19.104, 44.19.105, 44.19.110, 44.19.112, 44.19.114,
17 44.19.116, 44.19.118, 44.19.120, 44.19.122, 44.19.123, 44.19.124, 44.19.125, 44.19.126,
18 44.19.130, 44.19.181, 44.19.182, 44.19.183, 44.19.184, 44.19.185, 44.19.186, 44.19.187,
19 44.19.188, 44.19.502, 44.19.504, 44.19.506, 44.19.519; AS 44.21.045(c)(1), 44.21.045(f),
20 44.21.100, 44.21.110, 44.21.120, 44.21.130; AS 44.41.100, 44.41.110, 44.41.120, 44.41.130;
21 AS 44.46.030, 44.46.040, 44.46.050; AS 44.47.050(a)(15); AS 44.66.010(a)(17); AS 44.82;
22 AS 44.99.010; AS 46.15.190, 46.15.200, 46.15.210, 46.15.220, 46.15.230, 46.15.240;
23 AS 47.07.073(b)(6), 47.07.110, 47.07.120, 47.07.130, 47.07.140, 47.07.150, 47.07.160,
24 47.07.170, 47.07.180, 47.07.190, 47.07.900(6); AS 47.10.400, 47.10.410, 47.10.420, 47.10.430,
25 47.10.440, 47.10.450, 47.10.460, 47.10.470, 47.10.480, and 47.10.490 are repealed.

26 * Sec. 37. REVISOR'S INSTRUCTION. Wherever in AS 12.62 and the Alaska
27 Administrative Code the term "Governor's Commission on the Administration of Justice" is
28 used, it shall be read as referring to the Department of Public Safety when to do so would be
29 consistent with the changes made in secs. 8 and 9 of this Act. Under AS 01.05.031, the
30 revisor of statutes shall implement this section in the statutes and, under AS 44.62.125(b)(6),
31 the regulations attorney shall implement this section in the administrative code.

1 * Sec. 38. This Act takes effect July 1, 1993.