

CS FOR SENATE BILL NO. 80(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/10/93

Referred: HES, L&C, RES, JUD, FIN

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**

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 12.62.010(a) is amended to read:

10 (a) The Department of Public Safety may [GOVERNOR'S COMMISSION
11 ON THE ADMINISTRATION OF JUSTICE ESTABLISHED UNDER AS 44.19.110
12 - 44.19.122 IS AUTHORIZED], after appropriate consultation with representatives of
13 state and local law enforcement agencies participating in information systems covered
14 by this chapter, [TO] adopt regulations and procedures considered necessary to
15 facilitate and regulate the exchange of criminal justice information and to ensure the
16 security and privacy of criminal justice information systems. The notice and hearing
17 requirements of the Administrative Procedure Act (AS 44.62), relating to the adoption
18 of regulations, apply to regulations adopted under this chapter.

19 * Sec. 5. AS 12.62.070(1) is repealed and reenacted to read:

20 (1) "department" means the Department of Public Safety.

21 * Sec. 6. AS 14.43.310(b) is amended to read:

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

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

29 (2) three employees of the Department of Public Safety [MEMBERS
30 OF THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF
31 JUSTICE] selected annually by the commissioner of public safety [COMMISSION

1 FROM AMONG ITS MEMBERSHIP], for the Carroll L. "Butch" Swartz memorial
2 scholarship;

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

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

9 * Sec. 7. AS 16.45.030 is amended to read:

10 Sec. 16.45.030. ALASKA REPRESENTATIVES. In furtherance of the
11 compact provisions, there are three members of the commission from the State of
12 Alaska, appointed by the governor and confirmed by the legislature in joint session.
13 One commissioner must be the administrative or other officer of the Alaska
14 Department of Fish and Game charged with the conservation of the state's marine
15 fisheries resource; another commissioner must be a member of the legislature of this
16 state who is a member of the committee on resources; and another member must be
17 a member of the Board of Fisheries under AS 16.05.221 [CITIZEN OF THIS
18 STATE WHO HAS A WIDE KNOWLEDGE OF AND INTEREST IN THE MARINE
19 FISHERIES PROBLEM].

20 * Sec. 8. AS 41.10.100 is amended by adding a new subsection to read:

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

23 (1) the effect and adequacy of state laws and regulations governing the
24 establishment of water rights;

25 (2) the multi-purpose uses of water;

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

27 (4) studies of the state's water supplies and plans for future
28 requirements;

29 (5) development of water resources;

30 (6) participation of local governmental units in the management of
31 water resources;

1 (7) land that is or may be needed for dams, reservoirs, flood dams,
2 flood ways, canals, or ditches for the impoundment, storage, flow, and control of
3 water.

4 * Sec. 9. AS 41.15.315(a) is amended to read:

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

10 * Sec. 10. AS 41.15.320(a) is amended to read:

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

16 * Sec. 11. AS 41.17.020(b) is amended to read:

17 (b) The division shall be headed by a director who shall be the state forester,
18 appointed to the partially exempt service in accordance with law by the commissioner
19 [, FROM A LIST OF TWO OR MORE CANDIDATES SUBMITTED BY THE
20 BOARD. THE COMMISSIONER MAY REJECT ALL CANDIDATES, IN WHICH
21 CASE THE BOARD SHALL SUBMIT A NEW LIST]. The state forester shall be a
22 natural resources land manager with generally accepted educational credentials,
23 familiar and experienced with the renewable and nonrenewable resources and the
24 values of forest land and the products, benefits, and services obtained from them.

25 * Sec. 12. AS 41.17.055(g) is amended to read:

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

29 * Sec. 13. AS 41.17.070(b) is amended to read:

30 (b) To maintain a record of division decision making for public and agency
31 review, the commissioner shall compile and index each decision made under this

1 chapter regarding directives, stop work orders, waivers from requirements, decisions
2 of hearing officers, and decisions on appeals. [THE COMMISSIONER SHALL
3 SUBMIT A SUMMARY OF THIS RECORD ANNUALLY TO THE BOARD.]

4 * Sec. 14. AS 41.17.230(c) is amended to read:

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

9 * Sec. 15. AS 47.07.070(a) is amended to read:

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

24 * Sec. 16. AS 47.07.074 is amended to read:

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

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

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

31 * Sec. 17. AS 47.10.080(m) is amended to read:

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

4 * Sec. 18. AS 47.10.080(n) is amended to read:

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

9 * Sec. 19. AS 47.10.142(g) is amended to read:

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

13 * Sec. 20. AS 03.17.020, 03.17.030, 03.17.100(1); AS 05.40; AS 08.01.010(12);
14 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,
15 08.40.070, 08.40.090, 08.40.110, 08.40.120, 08.40.130, 08.40.135, 08.40.140, 08.40.150,
16 08.40.170, 08.40.175, 08.40.178, 08.40.180, 08.40.190, 08.40.195, 08.40.200; AS 18.65.250(a);
17 AS 37.12; AS 38.95.100, 38.95.110, 38.95.120, 38.95.130, 38.95.140; AS 39.05.060(a)(4);
18 AS 39.25.110(11)(A), 39.25.110(23), 39.25.120(c)(20); AS 39.50.200(b)(17); AS 41.17.041,
19 41.17.043, 41.17.045, 41.17.047, 41.17.950(2); AS 44.19.101, 44.19.102, 44.19.103, 44.19.104,
20 44.19.105, 44.19.110, 44.19.112, 44.19.114, 44.19.116, 44.19.118, 44.19.120, 44.19.122,
21 44.19.123, 44.19.124, 44.19.125, 44.19.126, 44.19.130, 44.19.181, 44.19.182, 44.19.183,
22 44.19.184, 44.19.185, 44.19.186, 44.19.187, 44.19.188; AS 44.41.100, 44.41.110, 44.41.120,
23 44.41.130; AS 44.46.030, 44.46.040, 44.46.050; AS 44.47.050(a)(15); AS 44.66.010(a)(17);
24 AS 44.82; AS 44.99.010; AS 46.15.190, 46.15.200, 46.15.210, 46.15.220, 46.15.230,
25 46.15.240; AS 47.07.073(b)(6), 47.07.110, 47.07.120, 47.07.130, 47.07.140, 47.07.150,
26 47.07.160, 47.07.170, 47.07.180, 47.07.190, 47.07.900(6); AS 47.10.400, 47.10.410, 47.10.420,
27 47.10.430, 47.10.440, 47.10.450, 47.10.460, 47.10.470, 47.10.480, and 47.10.490 are repealed.

28 * Sec. 21. REVISOR'S INSTRUCTION. Wherever in AS 12.62 and the Alaska
29 Administrative Code the term "commission" or "Governor's Commission on the
30 Administration of Justice" is used, it shall be read as referring to the Department of Public
31 Safety when to do so would be consistent with the changes made in secs. 4 and 5 of this Act.

1 Under AS 01.05.031, the revisor of statutes shall implement this section in the statutes and,
2 under AS 44.62.125(b)(6), the regulations attorney shall implement this section in the
3 administrative code.

4 * Sec. 22. This Act takes effect July 1, 1993.