

SENATE BILL NO. 358

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/14/94
Referred: STA. L&C, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the existence and functions of certain multimember state
2 bodies, including boards, councils, commissions, associations, or authorities; and
3 providing for an effective date."

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

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

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

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

12 (a) Subject to AS 03.17.060 and AS 44.62 [THE] (Administrative Procedure
13 Act) [(AS 44.62), AND WITH THE ADVICE OF THE BOARD], the director may
14 issue, amend, or repeal marketing orders to regulate the marketing of milk in specified

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

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

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

1 EXPENSES OF THE BOARD];

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

3 (11) milk be labeled;

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

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

8 * Sec. 4. AS 14.57.050 is amended to read:

9 Sec. 14.57.050. COLLECTIONS MANAGEMENT; ACQUISITIONS AND
10 DISPOSITIONS. (a) The [ON RECOMMENDATION OF THE COMMITTEE, THE]
11 department shall adopt regulations governing the museum's in-house acquisitions
12 committee, and the management and disposition of artifacts, natural history specimens,
13 art objects, collections or other items, materials, or properties that are owned by, in the
14 custody of, or are proposed for acquisition by, the state museum.

15 (b) Artifacts, natural history specimens, art objects, collections, or other items,
16 materials, or properties that relate to the history of Alaska and are appropriate for
17 preservation in the state museum of a value of \$1,000 or more may not be acquired
18 by purchase, gift, or exchange, or otherwise, nor may any item owned by, or in the
19 custody of, the state museum be disposed of by sale, gift, exchange, or otherwise,
20 without the written approval of the commissioner [COMMITTEE]. The department
21 [IN RECOMMENDING THE ACQUISITION OR DISPOSAL OF AN ITEM UNDER
22 THIS SUBSECTION FOR THE STATE MUSEUM, THE COMMITTEE] shall
23 evaluate the need for the item or collection proposed for acquisition or disposal with
24 reference to the scope of collections of the state museums.

25 (c) The department [COMMITTEE] may obtain an independent, professional
26 appraisal of the value of each item to be acquired or disposed of by or for the state
27 museum.

28 * Sec. 5. AS 14.57.120 is amended to read:

29 Sec. 14.57.120. CRITERIA APPLICABLE TO ACQUISITIONS FROM THE
30 FUND. Subject to approval given by the commissioner [MUSEUM COLLECTIONS
31 ADVISORY COMMITTEE] under AS 14.57.050(b), the director may

1 (1) establish by contract the terms and conditions of custody,
2 protection, conservation, and exhibition of an item acquired by the state museum if the
3 item is acquired and custody of it is assigned to another institution;

4 (2) transfer ownership of an item to an institution having custody of an
5 item acquired from the net income account of the fund if the director is satisfied that
6 the institution will provide necessary care and protection of the item; or

7 (3) assign long-term custody of an item to an institution having custody
8 of an item acquired from the net income account of the fund if the director is satisfied
9 that the institution to which custody of the item is transferred will provide necessary
10 care and protection of the item in accordance with a contract entered into under (1) of
11 this section.

12 * Sec. 6. AS 14.57.130 is amended to read:

13 Sec. 14.57.130. DISPOSITION OF ACQUIRED ITEMS. Subject to approval
14 of the commissioner [MUSEUM COLLECTIONS ADVISORY COMMITTEE] under
15 AS 14.57.050(b), the director may establish a deaccession policy under which the
16 director may exchange or otherwise convey title to an item acquired from the net
17 income account of the fund in accordance with generally accepted principles governing
18 the disposal of these items.

19 * Sec. 7. AS 33.16.050(c) is amended to read:

20 (c) Except as provided in (e) of this section, decisions [DECISIONS] and
21 orders of the board require the affirmative votes of a majority of the members present.

22 * Sec. 8. AS 33.16.050 is amended by adding a new subsection to read:

23 (e) A meeting of the board is not required for a decision or order setting
24 special conditions of mandatory parole by a single member of the board under
25 AS 33.16.150(b) and (e). If a prisoner or parolee who is aggrieved by the board
26 member's decision or order applies to the full board under AS 33.16.150(e) and
27 33.16.160 for a change in parole conditions, the board shall meet to act on the
28 application.

29 * Sec. 9. AS 33.16.150 is amended by adding a new subsection to read:

30 (e) The board may delegate its authority under this section to a single member
31 of the board to issue a decision or order on behalf of the board setting special

1 conditions of mandatory parole. A prisoner or parolee aggrieved by a decision or
2 order of a single board member under this section may request a change in mandatory
3 parole conditions by applying to the full board under AS 33.16.160.

4 * Sec. 10. AS 42.40.850(c) is amended to read:

5 (c) If an impasse or deadlock still exists after the issuance of an injunction, the
6 parties shall submit the dispute to binding arbitration. The railroad labor relations
7 agency shall appoint an arbitrator selected by the parties by mutual consent. If
8 the parties are unable to agree on an arbitrator, the railroad labor relations
9 agency shall appoint an arbitrator from a list of arbitrators knowledgeable in
10 railroad labor agreements. The arbitrator shall [BE THE SAME PERSON
11 SELECTED UNDER AS 42.40.840 AND SHALL] fashion the award the arbitrator
12 considers equitable.

13 * Sec. 11. AS 03.17.020, 03.17.030, 03.17.100(1); AS 14.07.058, 14.07.059; AS 14.57.020,
14 14.57.030, 14.57.040, 14.57.060, 14.57.070, 14.57.080; AS 37.14.530(b)(2); AS 38.95.100,
15 38.95.110, 38.95.120, 38.95.130, 38.95.140; AS 39.05.060(a)(4); AS 44.19.101, 44.19.102,
16 44.19.103, 44.19.104, 44.19.105, 44.19.123, 44.19.124, 44.19.125, 44.19.126, 44.19.130,
17 44.19.181, 44.19.182, 44.19.183, 44.19.184, 44.19.185, 44.19.186, 44.19.187, 44.19.188;
18 AS 44.46.030, 44.46.040, 44.46.050; AS 44.47.050(a)(15); AS 44.82; and AS 44.99.010 are
19 repealed.

20 * Sec. 12. Sections 7 - 9 of this Act are retroactive to January 1, 1986.

21 * Sec. 13. This Act takes effect immediately under AS 01.10.070(c).