

CS FOR SENATE BILL NO. 358(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/7/94
Referred: I.&C. FIN

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

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 14.57.030(b) is amended to read:

9 (b) The committee shall meet at least once every six months and at the call
10 of its chair [CHAIRMAN], on petition of a majority of its members, or at the call of
11 the commissioner, or the director of the museum, at a mutually convenient time and
12 place both for the members of the committee and for interested members of the public.

13 A meeting of the committee may be held by teleconference.

14 * Sec. 5. AS 14.57.050(b) is amended to read:

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 \$5,000 [\$1,000] or more may not be
18 acquired by purchase, gift, or exchange, or otherwise nor may any item owned by, or
19 in the custody of, the state museum be disposed of by sale, gift, exchange, or
20 otherwise, without the written approval of the committee. In recommending the
21 acquisition or disposal of an item under this subsection for the state museum, the
22 committee shall evaluate the need for the item or collection proposed for acquisition
23 or disposal with reference to the scope of collections of the state museums.

24 * Sec. 6. AS 14.57.060 is amended to read:

25 Sec. 14.57.060. ADVISORY DUTIES. The committee shall act in an advisory
26 capacity to the board as to the general acquisition and disposition policies and
27 programs of the state museum.

28 * Sec. 7. AS 23.30.005(a) is amended to read:

29 (a) The Alaska Workers' Compensation Board consists of a southern panel of
30 three members sitting for the first judicial district, a northern panel of three members
31 sitting for the second and fourth judicial districts, three [TWO] southcentral panels of

1 three members each sitting for the third judicial district, and one panel of three
2 members that may sit in any judicial district. Each panel must include the
3 commissioner of labor or the designated representative of the commissioner, a
4 representative of industry, and a representative of labor. The latter two members of
5 each panel shall be appointed by the governor and are subject to confirmation by a
6 majority of the members of the legislature in joint session.

7 * Sec. 8. AS 33.16.050(c) is amended to read:

8 (c) Except when a member of the board imposes special conditions of
9 mandatory parole for the board under AS 33.16.150, decisions [DECISIONS] and
10 orders of the board require the affirmative votes of a majority of the members present.

11 * Sec. 9. AS 33.16.050 is amended by adding a new subsection to read:

12 (e) A meeting of the board is not required for a decision or order setting
13 special conditions of mandatory parole by a single member of the board under
14 AS 33.16.150(b) and (e). If a prisoner or parolee who is aggrieved by the board
15 member's decision or order applies to the full board under AS 33.16.150(c) and
16 33.16.160 for a change in parole conditions, the board shall meet to act on the
17 application.

18 * Sec. 10. AS 33.16.150(b) is amended to read:

19 (b) The board may require as a condition of discretionary or mandatory parole,
20 or a member of the board acting for the board under (e) of this section may
21 require as a condition of mandatory parole, that a prisoner released on parole

- 22 (1) meet family obligations;
23 (2) pursue employment, education, counseling, or training;
24 (3) remain within stated geographic limits unless written permission to
25 depart from the stated limits is granted the parolee;
26 (4) report upon release to the parole officer assigned to the parolee;
27 (5) report as required to the parole officer assigned to the parolee;
28 (6) reside at a stated place and notify the board of any change in place
29 of residence;
30 (7) not possess or control firearms or other dangerous weapons;
31 (8) refrain from possessing or consuming alcoholic beverages;

1 (9) submit to reasonable searches and seizures by a parole officer, or
2 a peace officer acting under the direction of a parole officer;

3 (10) submit to appropriate medical, mental health, or controlled
4 substance or alcohol examination, treatment, or counseling;

5 (11) submit to periodic examinations designed to detect the use of
6 alcohol or controlled substances;

7 (12) make restitution ordered by the court according to a schedule
8 established by the board;

9 (13) refrain from opening, maintaining, or using a checking account or
10 charge account;

11 (14) refrain from entering into a contract other than a prenuptial
12 contract or a marriage contract;

13 (15) refrain from operating a motor vehicle;

14 (16) refrain from entering an establishment where alcoholic beverages
15 are served, sold, or otherwise dispensed;

16 (17) refrain from participating in any other activity or associating with
17 any other person that the board determines is reasonably likely to diminish the
18 rehabilitative goals of parole, or that may endanger the public.

19 * Sec. 11. AS 33.16.150(c) is amended to read:

20 (c) Except for a condition imposed under (b)(4), (7), (9), (11) or (12) of this
21 section, the board, or a member of the board acting for the board under (e) of this
22 section, may generally delegate imposition of special conditions under (b) of this
23 section to the discretion of the parole officer.

24 * Sec. 12. AS 33.16.150(d) is amended to read:

25 (d) The board, or a member of the board acting for the board under (e) of
26 this section, may require a prisoner released on parole to comply with special
27 conditions imposed under (b) of this section for any period up to the maximum term
28 under which the prisoner is subject to the custody and jurisdiction of the board.

29 * Sec. 13. AS 33.16.150 is amended by adding a new subsection to read:

30 (e) The board may designate a member of the board to act on behalf of the
31 board in imposing conditions of mandatory parole under (a) and (b) of this section, in

1 delegating imposition of conditions of mandatory parole under (c) of this section, and
2 in setting the period of compliance with the conditions of mandatory parole under (d)
3 of this section. The decision of a member of the board under this section is the
4 decision of the board. A prisoner or parolee aggrieved by a decision of a member of
5 the board acting for the board under this subsection may apply to the board under
6 AS 33.16.160 for a change in the conditions of mandatory parole.

7 * Sec. 14. AS 42.40.850(c) is amended to read:

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

16 * Sec. 15. AS 03.17.020, 03.17.030, 03.17.100(I); AS 14.07.058, 14.07.059; AS 38.95.100,
17 38.95.110, 38.95.120, 38.95.130, 38.95.140; AS 39.05.060(a)(4); AS 39.25.110(11)(A);
18 AS 44.19.101, 44.19.102, 44.19.103, 44.19.104, 44.19.105, 44.19.123, 44.19.124, 44.19.125,
19 44.19.126, 44.19.130, 44.19.181, 44.19.182, 44.19.183, 44.19.184, 44.19.185, 44.19.186,
20 44.19.187, 44.19.188; AS 44.46.030, 44.46.040, 44.46.050; AS 44.47.050(a)(15); AS 44.82;
21 and AS 44.99.010 are repealed.

22 * Sec. 16. Notwithstanding AS 33.16.050 and 33.16.150 as they read on the day before the
23 effective date of this Act, from January 1, 1986, through the day before the effective date of
24 this Act, one member of the Board of Parole acting for the board may impose special
25 conditions of mandatory parole under AS 33.16.150(b), delegate imposition of special
26 conditions of mandatory parole under AS 33.16.150(c), and set the period of compliance with
27 the special conditions of mandatory parole under AS 33.16.150(d). The decision of a member
28 of the Board of Parole under this section is the decision of the board under AS 33.16.050 and
29 33.16.150. A prisoner or parolee aggrieved by a decision of a member of the Board of Parole
30 acting for the board under this section may apply to the board under AS 33.16.160 for a
31 change in the special conditions of mandatory parole.

- 1 * Sec. 17. Sections 8 - 13 and 16 of this Act are retroactive to January 1, 1986.
- 2 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).