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FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 238
(S) Publish Date: 1/16/02

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
Title An act relating to plans and programs BRU _____
for the safety and security of facilities... Component _____
Sponsor Rules by Request of Governor Component No. _____
Requester _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows the department to issue civil fines to airport tenants who violate FAA security policies. These funds will be passed through to the FAA to cover airport fines.

Prepared by: Dennis R. Poshard, Assistant to Commissioner Phone 465-3904
Division: Commissioner's Office Date/Time 1/11/02 10:07 AM
Approved by: Joseph L. Perkins, Commissioner Date 01/ 1/2002
Agency: AK DOT&PF

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES OFFICE OF THE COMMISSIONER

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April 1, 2002

The Honorable John Cowdery
Alaska State Legislature
State Capitol, Room 101
Juneau, AK 99801

Dear Senator ~~Cowdery~~ *John*:

I respectfully request that you schedule Senate Bill 238, an act relating to state plans and programs for the safety and security of facilities and systems in the state, for a hearing in the Senate Transportation Committee. This bill allows the state to keep confidential certain information pertaining to the security of state facilities and infrastructure, and exempts the adoption of security plans from the administrative procedures act.

The original version of the bill also allowed the department to issue fines for security violations at state airports. The department supports this version of the bill and would welcome the opportunity to explain our position to the committee.

If you have any questions or need additional information, please contact my special assistant, Dennis Poshard.

Thank you in advance for your favorable consideration.

Sincerely,



Joseph L. Perkins, P.E.
Commissioner

cc: Governor's Legislative Office

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January 14, 2002

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Halford:

This bill I transmit today contains recommendations of the Administration's Terrorism Disaster Policy Cabinet convened in response to the attacks of September 11th. It is one of six bills I am forwarding for the Legislature's consideration to ensure Alaska is fully prepared in terrorism prevention and emergency response. This bill relates to plans and programs for the security of state facilities and systems.

This bill would assist the Department of Transportation and Public Facilities (DOT&PF) and its Alaska International Airports System and rural airport network in responding to the need for increased security since the tragic events of September 11. It would also enable all state agencies, including the DOT&PF, to maintain the confidentiality of their sensitive security plans.

Specifically, the bill would allow the DOT&PF to impose civil administrative penalties of up to \$1,100 per incident for violations of an airport security program. Currently, the Federal Aviation Administration (FAA) may assess a civil penalty of up to \$1,100 against the DOT&PF for violating any of the department's FAA-approved airport security programs. Although the FAA considers the DOT&PF to be the violator for federal regulatory purposes, nearly all violations are the result of conduct of employees of airport tenants and contractors. Usually, the DOT&PF passes these fines on to its tenants and contractors. This situation, however, is an unsatisfactory way to get airport tenants and contractors to correct security problems because it requires the DOT&PF to invite the FAA to punish that department in order to charge the penalty to the violator.

The Honorable Rick Halford

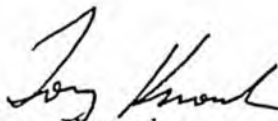
Page 2

The DOT&PF should be able to directly assess civil penalties against its contractors, lessees, and licensees, and their agents and employees, for violating a security program. This will make those responsible for security more vigilant and responsive to the increased needs. It is anticipated the DOT&PF would adopt regulations that would set out the procedures for the assessment of penalties and would establish an appeals process to meet the constitutional requirements of due process.

The bill also would add an exclusion to the list of state records that are available for public inspection and copying to allow for confidentiality of certain security and safety documents and information. Similarly, the bill allows a new exemption from the public notice provisions and procedures for adopting regulations so that regulations regarding certain security plans, programs and procedures may be protected information. Specific exemptions from these requirements of the Administrative Procedure Act already exist, such as prison security plans for the Department of Corrections.

Thank you for your prompt consideration of this bill.

Sincerely,


Tony Knowles
Governor