

HOUSE BILL NO. 163

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOHANSEN

Introduced: 2/18/11

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act removing the word 'reasonable' from the phrase 'reasonable regulations' in the
2 Alaska Statutes."

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

4 * **Section 1.** AS 05.20.070 is amended to read:

5 **Sec. 05.20.070. Regulations.** The department may adopt [REASONABLE]
6 regulations and codes relating to public safety in the construction, operation, and
7 maintenance of devices. The regulations and codes must be in accordance with
8 established standards, if any, and may not be discriminatory in their application.

9 * **Sec. 2.** AS 08.60.080 is amended to read:

10 **Sec. 08.60.080. Authorization to impose conditions for establishment,**
11 **operation, and maintenance.** The commissioner of public safety or the cities or
12 organized boroughs shall examine the location or proposed location of a junk yard and
13 adopt [REASONABLE] regulations concerning the establishment, operation, and
14 maintenance of businesses under the standards set out in AS 08.60.070. The

1 regulations may require the erection, location, and size of fences or other structures
 2 surrounding the junk yard. Regulations pertaining to junk yards are subject to the
 3 provisions of AS 44.62 (Administrative Procedure Act).

4 * **Sec. 3.** AS 14.56.020 is amended to read:

5 **Sec. 14.56.020. Powers of the Department of Education and Early**
 6 **Development.** The department shall

7 (1) stimulate and encourage citizens' participation in the development
 8 and improvement of library facilities; and

9 (2) establish policies, plans, and procedures of the department, and
 10 adopt [REASONABLE] regulations and orders, with penalties, as may be required.

11 * **Sec. 4.** AS 19.65.030(d) is amended to read:

12 (d) A person may construct a ferry terminal facility upon obtaining the
 13 approval of the department as to its location. A ferry terminal facility constructed by a
 14 person other than the department is subject to [REASONABLE] regulations governing
 15 its use that the department considers necessary and proper in the public interest.

16 * **Sec. 5.** AS 21.06.090(a) is amended to read:

17 (a) The director may adopt [REASONABLE] regulations to **carry out the**
 18 **provisions of** [EFFECTUATE] this title. A regulation may not extend, modify, or
 19 conflict with any law of this state or the reasonable implications thereof. Except for
 20 regulations adopted under AS 21.06.250, a regulation affecting a person or matter
 21 other than the personnel or the internal affairs of the director's office shall be adopted
 22 or amended only after a hearing, of which notice was given as required by
 23 AS 21.06.200. If reasonably possible, the director shall set out the proposed regulation
 24 or amendment in or with the notice of hearing. A regulation or amendment as to which
 25 a hearing is required is not effective until it has been on file as a public record in the
 26 director's office for at least 10 days.

27 * **Sec. 6.** AS 21.39.130(a) is amended to read:

28 (a) The director shall adopt [REASONABLE] regulations and statistical plans,
 29 reasonably adapted to each of the rating systems filed with the director, that may be
 30 modified and that shall be used by each insurer in the recording and reporting of its
 31 loss and countrywide expense experience, in order that the experience of all insurers

1 may be made available at least annually in the form and detail that may be necessary
 2 to aid in determining whether rating systems comply with the standards set out in
 3 AS 21.39.030. The regulations and plans may also provide for the recording and
 4 reporting of expense experience items that are specially applicable to this state and are
 5 not susceptible of determination by a prorating of countrywide expense experience. In
 6 adopting the regulations and plans, the director shall give due consideration to the
 7 rating systems filed with the director and, in order that the regulations and plans may
 8 be as uniform as is practicable among the several states, to the regulations and to the
 9 form of the plans used for the rating systems in other states. An insurer may not be
 10 required to record or report its loss experience on a classification basis that is
 11 inconsistent with the rating system filed by it. The director may designate one or more
 12 rating organizations or other agencies to assist in gathering the experience and making
 13 compilations. The compilations shall be made available, subject to [REASONABLE]
 14 regulations adopted by the director, to insurers and rating organizations.

15 * **Sec. 7.** AS 21.39.130(b) is amended to read:

16 (b) **Regulations** [REASONABLE REGULATIONS] and plans may be
 17 adopted by the director for the interchange of data necessary for the application of
 18 rating plans.

19 * **Sec. 8.** AS 21.39.130(d) is amended to read:

20 (d) The director may adopt [REASONABLE] regulations necessary to carry
 21 out the purposes of this chapter.

22 * **Sec. 9.** AS 21.55.040(a) is amended to read:

23 (a) The association shall submit to the director a plan of operation and
 24 amendments necessary or suitable to assure the fair, reasonable, and equitable
 25 administration of the association. The plan of operation and amendments become
 26 effective upon approval in writing by the director. If the association fails to submit a
 27 suitable plan of operation by December 22, 1992, or, ~~if,~~ at a subsequent time, ~~the~~
 28 association fails to submit suitable amendments to the plan, the director may, after
 29 notice and hearing, adopt [REASONABLE] regulations necessary or advisable to
 30 **carry out** [EFFECTUATE] the provisions of this chapter. These regulations shall
 31 continue in force until modified by the director or superseded by a plan submitted by

1 the association and approved by the director.

2 * **Sec. 10.** AS 21.60.020 is amended to read:

3 **Sec. 21.60.020. Replacement insurance.** By a contract of insurance of
4 property or of any insurable interest in the property, the insurer may, in connection
5 with a special provision or endorsement made a part of the policy, insure the cost of
6 repair or replacement of the property, if damaged or destroyed by a hazard insured
7 against, and without deduction of depreciation, subject to [REASONABLE]
8 regulations that may be adopted by the director.

9 * **Sec. 11.** AS 21.80.070(a) is amended to read:

10 (a) The association shall submit to the director a plan of operation and any
11 amendments necessary or suitable to assure the fair, reasonable, and equitable
12 administration of the association. The plan of operation and amendments become
13 effective upon approval in writing by the director. If the association fails to submit
14 suitable amendments to the plan, the director shall, after notice and hearing, adopt
15 [REASONABLE] regulations necessary or advisable to **carry out** [EFFECTUATE]
16 the provisions of this chapter. These regulations shall continue in force until modified
17 by the director or superseded by a plan submitted by the association and approved by
18 the director.

19 * **Sec. 12.** AS 26.05.320(a) is amended to read:

20 (a) A general court-martial of the Alaska National Guard or the Alaska Naval
21 Militia shall be convened only by order of the governor. A general court-martial may
22 try any person subject to the military code of Alaska for a crime made punishable by
23 the military laws of the United States and the state, and may impose fines not
24 exceeding \$200, sentence forfeiture of pay and allowances, reprimand, give bad
25 conduct discharges, dismiss or dishonorably discharge from the service, reduce
26 noncommissioned officers in rank, and confine in a jail or guardhouse for a period not
27 exceeding 60 days. Any two or more punishments may be combined in the sentence
28 imposed by the court. The procedure by which a general court-martial shall function in
29 view of the state's lack of manpower, and shortage of places of confinement and
30 finances, shall be in compliance with [REASONABLE] regulations [,] adjusted to the
31 peculiar characteristics of the state. The regulations shall be formulated by the adjutant

1 general, drafted by the staff judge advocate, and approved by the governor.

2 * **Sec. 13.** AS 38.05.020(b) is amended to read:

3 (b) The commissioner may

4 (1) establish reasonable procedures and adopt [REASONABLE]
5 regulations necessary to carry out this chapter and, whenever necessary, issue
6 directives or orders to the director to carry out specific functions and duties;
7 regulations adopted by the commissioner shall be adopted under AS 44.62
8 (Administrative Procedure Act); orders by the commissioner classifying land, issued
9 after January 3, 1959, are not required to be adopted under AS 44.62 (Administrative
10 Procedure Act);

11 (2) enter into agreements considered necessary to carry out the
12 purposes of this chapter, including agreements with federal and state agencies;

13 (3) review any order or action of the director;

14 (4) exercise the powers and do the acts necessary to carry out the
15 provisions and objectives of this chapter;

16 (5) notwithstanding the provisions of any other section of this chapter,
17 grant an extension of the time within which payments due on any exploration license,
18 lease, or sale of state land, minerals, or materials may be made, including payment of
19 rental and royalties, on a finding that compliance with the requirements is or was
20 prevented by reason of war, riots, or acts of God;

21 (6) classify tracts for agricultural uses;

22 (7) after consulting with the Board of Agriculture and Conservation
23 (AS 03.09.010), waive, postpone, or otherwise modify the development requirements
24 of a contract for the sale of agricultural land if

25 (A) the land is inaccessible by road; or

26 (B) transportation, marketing, and development costs render
27 the required development uneconomic;

28 (8) reconvey or relinquish land or an interest in land to the federal
29 government if

30 (A) the land is described in an amended application for an
31 allotment under 43 U.S.C. 1617; and

1 (B) the reconveyance or relinquishment is

2 (i) for the purposes provided in 43 U.S.C. 1617; and

3 (ii) in the best interests of the state;

4 (9) lead and coordinate all matters relating to the state's review and
5 authorization of resource development projects;

6 (10) exercise the powers and do the acts necessary to carry out the
7 provisions and objectives of AS 43.90 that relate to this chapter.

8 * **Sec. 14.** AS 38.05.820(b)(6) is amended to read:

9 (6) Each home rule city and city of the first class receiving
10 conveyances shall by ordinance provide for [REASONABLE] regulations governing
11 the filing and processing of applications, publication of notices, and [THE]
12 adjudication of disputes between claimants by the governing body of the home rule
13 cities and cities of the first class. A party aggrieved by its determination may appeal to
14 the superior court.

15 * **Sec. 15.** AS 38.10.050 is amended to read:

16 **Sec. 38.10.050. Regulations and procedures.** The commissioner of natural
17 resources, upon recommendation of the director, may establish reasonable procedures
18 and adopt [REASONABLE] regulations necessary to carry out this chapter.

19 * **Sec. 16.** AS 39.25.080(b) is amended to read:

20 (b) The following information is available for public inspection, subject to
21 [REASONABLE] regulations on the time and manner of inspection:

22 (1) the names and position titles of all state employees;

23 (2) the position held by a state employee;

24 (3) prior positions held by a state employee;

25 (4) whether a state employee is in the classified, partially exempt, or
26 exempt service;

27 (5) the dates of appointment and separation of a state employee;

28 (6) the compensation authorized for a state employee; and

29 (7) whether a state employee has been dismissed or disciplined for a
30 violation of AS 39.25.160(l) (interference or failure to cooperate with the Legislative
31 Budget and Audit Committee).

1 * **Sec. 17.** AS 41.21.302(h) is amended to read:

2 (h) Nothing in AS 41.21.300 - 41.21.306 precludes the use of or access to land
3 proximately located to a marine park unit of the Alaska state park system or to mineral
4 claims and leases. The commissioner shall permit adequate and feasible access across
5 state land within a marine park unit of the Alaska state park system to and from
6 private and public land within or outside a unit. In the granting of that [SUCH] access,
7 the commissioner may adopt [REASONABLE] regulations to protect the natural and
8 other values of the marine park unit land and water.

9 * **Sec. 18.** AS 41.21.616 is amended to read:

10 **Sec. 41.21.616. Regulations.** The department shall consult with the
11 Department of Fish and Game, the United States Fish and Wildlife Service, a local
12 governing body of a municipality, any local fish and game advisory committees, and
13 the Alaska Chilkat Bald Eagle Preserve Advisory Council established by
14 AS 41.21.625 before adopting [ADOPTION OF REASONABLE] regulations
15 governing public use and protection of the Alaska Chilkat Bald Eagle Preserve. The
16 Department of Fish and Game shall consult with the department and the Alaska
17 Chilkat Bald Eagle Preserve Advisory Council in proposing regulations governing fish
18 and game management in the Alaska Chilkat Bald Eagle Preserve for adoption by the
19 Board of Fisheries or the Board of Game. The Department of Fish and Game and the
20 department shall cooperate with the United States Fish and Wildlife Service in its
21 administration of federal law governing the conservation of bald eagles.

22 * **Sec. 19.** AS 42.05.291(c) is amended to read:

23 (c) The commission may, upon its own motion or upon complaint, after
24 providing reasonable notice and opportunity for hearing, adopt as to service and
25 facilities, including the crossing of facilities, just and reasonable standards,
26 classifications, regulations, and practices to be furnished, imposed, observed, and
27 followed by public utilities; adopt adequate and reasonable standards for the
28 measurement of quantity, quality, pressure, initial voltage, or other conditions
29 pertaining to the supply of the service of public utilities; adopt [REASONABLE]
30 regulations for the examination and testing of the service, and for the measurement of
31 it; adopt or approve [REASONABLE] regulations, specifications, and standards to

1 secure the accuracy of meters and appliances for measurement; and provide for the
2 examination and testing of appliances used for the measurement of a service of a
3 public utility. In doing so, the commission shall conform to the standard practices of
4 the industry.

5 * **Sec. 20.** AS 42.05.331 is amended to read:

6 **Sec. 42.05.331. Standards for measurement.** The commission shall establish
7 by regulation adequate, fair, and realistic standards for the measurement of quality,
8 pressure, voltage, or other conditions of utility services and shall prescribe
9 [REASONABLE] regulations for examination and testing of the service and the
10 accuracy of the devices used to measure it.

11 * **Sec. 21.** AS 43.50.010(b) is amended to read:

12 (b) The department, upon application and payment of the fee, shall issue a
13 license to each manufacturer, distributor, direct-buying retailer, vending machine
14 operator, or buyer. The department shall adopt [REASONABLE] regulations that it
15 considers necessary in respect to the application for and the issuance of licenses.

16 * **Sec. 22.** AS 43.50.035(c) is amended to read:

17 (c) The department shall adopt [REASONABLE] regulations necessary for the
18 collection of cigarette taxes on cigarette sales or distributions made by a wholesaler-
19 distributor licensee into this state and standards for

20 (1) application and issuance of the license; and

21 (2) refusal to issue the license.

22 * **Sec. 23.** AS 43.50.040 is amended to read:

23 **Sec. 43.50.040. Expiration of licenses.** A license issued under AS 43.50.010
24 or 43.50.035 expires on June 30 following the date of issue. If a license is revoked, or
25 the business for which the license is issued changes ownership or the licensee changes
26 the place of business from the premises covered by the license, the licensee shall
27 immediately return the license to the department. If the licensee moves the business to
28 another location in the state, the license shall, upon the payment of a fee of 50 cents,
29 be reissued for the new location for the balance of the unexpired term. Before a license
30 issued under AS 43.50.010 or 43.50.035 expires, the licensee may apply to renew the
31 license for one year from the expiration date of the license. The renewal fee required

1 by AS 43.50.030 must accompany the application. The department shall adopt
 2 [REASONABLE] regulations that it considers necessary regarding the renewal of
 3 licenses.

4 * **Sec. 24.** AS 43.50.370 is amended to read:

5 **Sec. 43.50.370. Regulations.** The department shall adopt under AS 44.62 (
 6 [THE] Administrative Procedure Act) [(AS 44.62) REASONABLE] regulations that it
 7 considers necessary to carry out the provisions of AS 43.50.300 - 43.50.390.

8 * **Sec. 25.** AS 43.50.490(c) is amended to read:

9 (c) The department shall adopt under AS 44.62 (Administrative Procedure
 10 Act) [REASONABLE] regulations that it considers necessary to carry out the
 11 provisions of AS 43.50.460 - 43.50.495.

12 * **Sec. 26.** AS 45.75.190(c) is amended to read:

13 (c) The director may adopt [REASONABLE] regulations necessary to assure
 14 that amounts of commodity sold are determined in accordance with good commercial
 15 practice and are so determined and represented as to be accurate and informative.

16 * **Sec. 27.** AS 47.05.020(a) is amended to read:

17 (a) The power of the department to adopt regulations includes the power to
 18 adopt and enforce [REASONABLE] regulations governing the custody, use, and
 19 preservation of the records, papers, files, and communications of the department. The
 20 regulations must provide that financial information concerning an eligibility
 21 determination of a person applying for or receiving cash assistance, a diversion
 22 payment, or self-sufficiency services under the Alaska temporary assistance program
 23 shall be disclosed to a legislator on request of the legislator in connection with official
 24 purposes within the scope of the legislator's legislative functions and related to the
 25 administration of the program consistent with federal law. When, under the law,
 26 names and addresses of recipients of public assistance are furnished to or held by
 27 another agency or department of government, the agency or department of government
 28 shall adopt regulations necessary to prevent the publication of the lists or their use for
 29 purposes not directly connected with the administration of public assistance and
 30 legislative functions. A legislator to whom information relating to the Alaska
 31 temporary assistance program is disclosed under this section may not further disclose

1 the information except to another legislator and then only in connection with official
2 purposes within each legislator's legislative functions and related to the administration
3 of the program consistent with federal law.