HOUSE CS FOR CS FOR SENATE BILL NO. 216(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/6/96
Referred: Today's Calendar

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

A BILL

FOR AN ACT ENTITLED

"An Act relating to fees, assessments, and costs for certain functions of state or municipal government including hearing costs related to the real estate surety fund, fees for authorization to operate a postsecondary educational institution or for an agent's permit to perform services for a postsecondary educational institution, fees of the state Commission on Human Rights, administrative fees for self-insurers in workers' compensation, fees relating to applications for exploration incentive credits, charges to prisoners, marine and harbor facility use fees, business license fees, fees for training relating to management of hazardous substances and emergency management response, fees for regulation of pesticides and broadcast chemicals; and subdivision plans for sewage waste disposal or treatment; relating to a fuel tax exemption; and providing for an effective date."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.88.472(a) is amended to read:

(a) The [WHEN AN AWARD IS MADE FROM THE REAL ESTATE SURETY FUND UNDER AS 08.88.470, THE] commission may charge to the real estate surety fund the costs of a hearing on a claim for reimbursement held under AS 08.88.465. The commission shall deposit into the real estate surety fund amounts [AS 08.88.071 OR 08.88.465. AMOUNTS SUBSEQUENTLY] recovered [BY THE COMMISSION] for these costs from the licensee under AS 08.88.071(b) or from other parties under AS 08.88.490 [SHALL BE DEPOSITED TO THE REAL ESTATE SURETY FUND].

* Sec. 2. AS 14.48.090 is repealed and reenacted to read:

Sec. 14.48.090. FEES. The commission shall adopt regulations that establish the amount and manner of payment of application fees, authorization or permit fees, renewal fees, investigation fees, and all other fees as appropriate for the authorization to operate under AS 14.48.070 and the agent's permit for services under AS 14.48.080.

* Sec. 3. AS 18.80.060(b) is amended to read:

(b) In addition to other powers and duties prescribed by this chapter, the commission may

(1) delegate to the executive director all powers and duties given it by this chapter except the duties and powers given it by AS 18.80.120 and 18.80.130;

(2) call upon the departments and agencies of the state, with the approval of the governor, for cooperation and assistance in carrying out this chapter;

(3) hold hearings under AS 18.80.120;

(4) establish the amount and manner of payment of fees for services, information, and materials that the commission provides to public and private organizations and other persons.

* Sec. 4. AS 23.30.090 is amended by adding a new subsection to read:

(b) An employer authorized as a self-insurer, except the state, a municipality, a municipal school district, or a regional educational attendance area shall pay to the department, for administrative services provided by the department, a $100 fee.

* Sec. 5. AS 27.30 is amended by adding a new section to read:
Sec. 27.30.095. FEES. The commissioner may charge a fee for direct costs incurred by the department in evaluating or auditing an application to certify the credit authorized under AS 27.30.010, including the cost of contractors selected by the commissioner to assist in the evaluation or audit. The fee may not exceed $500 for each application covering one or more years if the amount claimed in the application is $1,000,000 or less. The fee may not exceed $1,000 for each application covering one or more years if the amount claimed in more than $1,000,000.

* Sec. 6. AS 29.35 is amended by adding a new section to read:

Sec. 29.35.085. COSTS OF PRISONERS. A municipality may charge a prisoner prosecuted under a municipal ordinance and held in a municipal facility for room, board, and personal expenses of the prisoner, subject to the ability of the prisoner to pay the charge. A charge imposed under this section may not exceed $70 per day.

* Sec. 7. AS 35.10 is amended by adding a new section to article 2 to read:

Sec. 35.10.121. MARINE AND HARBOR FACILITY FEES. (a) The department may establish fees, by regulation, for the use of state marine or harbor facilities that provide for the reasonable costs of management, operation, maintenance, and replacement of those facilities.

(b) A municipality that leases a state marine or harbor facility under AS 35.10.120 may, by ordinance and in accordance with the lease, establish and collect reasonable fees for the use of those facilities. The municipality shall establish, by ordinance, a separate account into which those fees shall be deposited. The municipality shall disburse money from the account in accordance with the lease and applicable law.

* Sec. 8. AS 43.40.015(d) is amended to read:

(d) A certificate of use is not required

(1) for fuel exempted under AS 43.40.100(2)(C), (F), or (K); and

(2) for fuel exempted under AS 43.40.100(2)(J) other than fuel sold or transferred under this exemption to a person who is engaged in construction or mining activity.

* Sec. 9. AS 43.70.030(a) is amended to read:
(a) The license fee for each business is **$75 for a two-year period** [$25 PER YEAR].

**Sec. 10.** AS 44.35.040 is amended to read:

Sec. 44.35.040. FEES FOR CERTAIN TRAINING. The Department of Military and Veterans' Affairs may adopt regulations establishing reasonable fees for training provided by the department to persons relating to emergency management response. Regulations adopted under this section must establish [THE TRANSPORTATION, STORAGE, OR OTHER MANAGEMENT OF HAZARDOUS SUBSTANCES, AND ESTABLISHING] procedures for the collection of the fees.

**Sec. 11.** AS 44.46.025(a) is amended to read:

(a) The Department of Environmental Conservation may adopt regulations that prescribe reasonable fees, and establish procedures for the collection of the fees, to cover the applicable direct costs, not including travel, of inspections, permit preparation and administration, plan review and approval, and other services provided by the department relating to

1. agriculture and animals under AS 03.05; food, drugs, and cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;
2. certificates of inspection for motor vehicles under AS 46.14.400 or 46.14.510;
3. sewerage system and treatment works and wastewater disposal systems, and drinking water systems, under AS 46.03.720;
4. [REPEALED]
5. [REPEALED]
6. water and wastewater operator training under AS 46.30;
7. [REPEALED]

(5) [(7)] control of solid waste facilities under AS 46.03.020(10) and 46.03.100;
8. [(6)] certification of laboratories conducting environmental analyses of public drinking water systems or of oil or hazardous substances, or conducting other analyses required by the department;
9. [(7)] certification of federal permits or authorizations under 33 U.S.C. 1341, sec. 401 (Clean Water Act);
(8) regulation of pesticides and broadcast chemicals under AS 46.03.320 and 46.03.330;

(9) subdivision plans for sewage waste disposal or treatment submitted under AS 46.03.090; the fees authorized by this subsection may not be levied for review of subdivisions being divided into four lots or less where each lot is at least one acre in size.

* Sec. 12. AS 43.40.100(2)(F) is repealed.

* Sec. 13. TRANSITIONAL PROVISION: ADOPTION OF REGULATIONS. The state agencies affected by this Act may proceed to adopt regulations necessary to implement the changes made by secs. 2 - 5, 7, and 9 - 11 of this Act, respectively. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the respective effective dates of secs. 2 - 5, 7, and 9 - 11 of this Act.

* Sec. 14. TRANSITIONAL PROVISION: TEMPORARY FEE SCHEDULE FOR CERTAIN ACTIVITIES RELATED TO POSTSECONDARY EDUCATIONAL INSTITUTIONS AND AGENTS. Until a new fee schedule is adopted by regulation to implement the changes made by sec. 2 of this Act, the Alaska Commission on Postsecondary Education, or its successor state agency, may charge the fees set out in the following schedule for an authorization to operate an institution in this state and for an agent's permit related to activities for postsecondary educational institutions:

(1) authorization to operate $100;

(2) renewal of authorization to operate $100;

(3) an agent's permit $ 50;

(4) renewal of an agent's permit $ 50.

* Sec. 15. Section 13 of this Act takes effect immediately under AS 01.10.070(c).

* Sec. 16. Sections 1 - 3, 5 - 8, 10 - 12, and 14 of this Act take effect July 1, 1996.

* Sec. 17. Sections 4 and 9 of this Act take effect January 1, 1997.