



LAWS OF ALASKA

1990

Source

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Chapter No.

36

AN ACT

Relating to the financial administration of state government; the provision of and charges for state services; and the accounting for and disposition of state receipts; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 12

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 11, 1990
Actual Effective Date: May 12, 1990; section 93 is retroactive to July 1, 1987

AN ACT

Relating to the financial administration of state government; the provision of and charges for state services; and the accounting for and disposition of state receipts; and providing for an effective date.

* Section 1. AS 37.05 is amended by adding new sections to read:

Sec. 37.05.142. ACCOUNTING FOR PROGRAM RECEIPTS. The Department of Administration shall establish and maintain separate accounts by program source for all program receipts that state agencies deposit under AS 37.10.050 or under another statute if the program receipts are exempted by law from the deposit requirements of AS 37.10.050.

Sec. 37.05.144. APPROPRIATIONS BASED UPON PROGRAM RECEIPTS. The annual estimated balance in each account maintained under AS 37.07.142 may be used by the legislature to make appropriations to state agencies to administer the programs generating the program receipts, to implement the laws related to the functions generating the program receipts, or to cover costs associated with the collection of the program receipts.

Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS. In AS 37.05.-142 - 37.05.146 and AS 37.07.080 "program receipts" means fees, charges, income earned on assets, and other state money received by a state agency in connection with the performance of its functions; all program receipts except the following are general fund program

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1 receipts:

- 2 (1) federal receipts;
- 3 (2) University of Alaska receipts (AS 14.40.491);
- 4 (3) individual, foundation, or corporation gifts, grants,
5 or bequests that by their terms are restricted to a specific purpose;
- 6 (4) receipts of the following funds:
- 7 (A) highway working capital fund (AS 44.68.210);
- 8 (B) correctional industries fund (AS 33.32.020);
- 9 (C) loan funds;
- 10 (D) international airport revenue fund (AS 37.15.430);
- 11 (E) funds managed by the Alaska State Housing Author-
12 ity (AS 18.55.020), the Alaska Housing Finance Corporation
13 (AS 18.56.020), the Medical Indemnity Corporation of Alaska
14 (AS 21.88.020), the Alaska Railroad Corporation (AS 42.40.010),
15 the Municipal Bond Bank Authority (AS 44.85.020), or the Alaska
16 Industrial Development and Export Authority (AS 44.88.020);
- 17 (F) fish and game fund (AS 16.05.100);
- 18 (G) school fund (AS 43.50.140);
- 19 (H) training and building fund (AS 23.20.130);
- 20 (I) retirement funds (AS 14.25, AS 22.25, AS 26.-
21 05.222, AS 39.35, and former AS 39.37);
- 22 (J) permanent fund (art. IX, sec. 15, Alaska Constitu-
23 tion);
- 24 (K) public school fund (AS 37.14.110);
- 25 (L) second injury fund (AS 23.30.040);
- 26 (M) fishermen's fund (AS 23.35.060);
- 27 (N) FICA administration fund (AS 39.30.050).

28 * Sec. 2. AS 37.10.050(a) is amended to read:

29 (a) A state agency may not charge for the provision of state
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1 services unless the charge is (1) set or otherwise authorized by
2 statute; and (2) where a regulation is necessary, is set by or pro-
3 vided for in a regulation that meets the standards of AS 44.62.020 and
4 44.62.030. A fee or other charge that is set by regulation may not
5 exceed the estimated actual costs of the state agency in administering
6 the activity or providing the service unless otherwise provided by the
7 statute under which the regulation is adopted; this limitation does
8 not apply to sales of property by a state agency. Unless specifically
9 exempted by statute, a state agency authorized to collect or receive
10 fees, licenses, taxes, or other money belonging to the state shall ac-
11 count for and remit the receipts, less fees to which the collector is
12 entitled by statute or regulation, to the Department of Revenue at
13 least once each month. The commissioner of administration shall
14 separately account under AS 37.05.142 for receipts deposited under
15 this subsection.

16 * Sec. 3. AS 02.15.090(a) is amended to read:

17 (a) In operating an airport or air navigation facility owned or
18 controlled by the state, the department may enter into contracts,
19 leases, and other arrangements covering periods not exceeding 55 years
20 with a person, municipality, or the United States, granting the privi-
21 lege of using or improving an airport or air navigation facility or a
22 portion of it or space in it for commercial, [OR] governmental, or
23 other public purposes, including private plane tie down; or conferring
24 the privilege of supplying goods, commodities, services or facilities
25 at an airport or air navigation facility. The department may estab-
26 lish the terms and conditions and fix the charges, rentals, and fees
27 for the privileges or services [,] that are reasonable and uniform for
28 the same class of privilege or service. The terms, conditions, char-
29 ges, rentals and fees shall be established with due regard to the
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1 property and improvements used and the expense of operation to the
2 state. However, use of state land and buildings by the Alaska Wing,
3 Civil Air Patrol and its squadrons shall be permitted without rental
4 charges. In no case may the public be deprived of its rightful,
5 equal, and uniform use of the airport, air navigation facility, or a
6 portion of them [THEREOF].

7 * Sec. 4. AS 02.15.102 is amended to read:

8 Sec. 02.15.102. USE OF AIRPORTS FOR UTILITIES. A utility
9 facility may be constructed, placed, or maintained across, along,
10 over, under, or within a state airport only in accordance with regula-
11 tions adopted or procedures prescribed by the department and only if
12 authorized by a written permit issued by the department. The depart-
13 ment may charge a fee for a permit issued under this section.

14 * Sec. 5. AS 02.15.106 is amended to read:

15 Sec. 02.15.106. ENCROACHMENT PERMITS. An encroachment may be
16 constructed, placed, changed, or maintained across or within an air-
17 port, but only in accordance with regulations or procedures adopted by
18 the department. An encroachment may not be constructed, placed,
19 maintained, or changed until it is authorized by a written permit
20 issued by the department, unless the department provides otherwise by
21 regulation. The department may charge a fee for a permit issued under
22 this section.

23 * Sec. 6. AS 03.10.020(a) is amended to read:

24 (a) The department may

25 (1) make a loan to

26 (A) an individual resident farmer, homesteader, or a
27 partnership or corporation composed of farmers and homesteaders
28 for

(i) clearing land for agricultural purposes;

1 (ii) development of farms;

2 (iii) storage and processing of farm produce; or

3 (iv) the purchase of livestock or machinery;

4 (B) an individual state resident, or a partnership or
5 corporation for

6 (i) storage and processing plants for agricul-
7 tural products;

8 (ii) the commercial production or processing of
9 horticultural products in the state;

10 (iii) the commercial production or processing of
11 animal feed in the state; or

12 (iv) the raising or care of animals in the state
13 for the purpose of marketing their fur;

14 (2) designate agents and delegate its powers to them as
15 necessary;

16 (3) adopt [RULES AND] regulations necessary to carry out
17 its functions, including regulations to establish reasonable fees for
18 services provided and charges for collecting the fees;

19 (4) establish amortization plans for repayment of loans,
20 which may include delayed payments of principal and interest for not
21 to exceed five years;

22 (5) enter into agreements with private lending institu-
23 tions, other state agencies or agencies of the federal government, to
24 carry out the purposes of this chapter;

25 (6) collect the fees and collection charges established
26 under this subsection.

27 * Sec. 7. AS 03.10.040 is amended by adding a new subsection to read:

28 (b) Money in the fund may be used by the legislature to make
29 appropriations for costs of administering this chapter.
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* Sec. 8. AS 06.01.010 is amended to read:

Sec. 06.01.010. EXAMINATION FEES AND ASSESSMENTS. (a) The expenses of the department reasonably incurred in the examination or investigation of all financial institutions or applications to establish financial institutions regulated by the department under this title shall be charged to and paid by each financial institution as provided in (b) and (d) of this section.

(b) Except for deposit institutions, the [THE] commissioner shall assess every financial institution [,] and every applicant to establish a financial institution [,] a fee for the actual expenses necessarily incurred by the department in connection with any examination or investigation, whether regular or special. The commissioner shall assess every deposit institution and every applicant to establish a deposit institution a fee for the actual expenses necessarily incurred by the department in connection with any special examination or investigation. A [THE] fee assessed under this subsection must [SHALL] include the proportionate part of the salaries and cost of employee benefits of the examiners while conducting examinations or investigations and while preparing reports of them, and transportation costs and per diem of each examiner while away from the examiner's duty station. The [HOWEVER, THE] cost to the financial institution in connection with an examination may not exceed the actual cost to the department of the [\$7,500 PER] examination. The assessment shall be made by the commissioner as soon as feasible after the examination or investigation has been completed. The assessment must [ALL ASSESSMENTS SHALL] be [PAID TO AND] received by the department [BY EACH INSTITUTION] within 30 days after receipt of notice of the assessment by the institution.

(c) A financial institution that fails to make the payments

1 required by the commissioner under (a), [AND] (b), and (d) of this
2 section within the time specified is subject to a penalty of not more
3 than \$100 each day it is late. The penalty, together with the amount
4 due [UNDER (a) OF THIS SECTION], may be recovered in a civil action
5 brought by the department.

6 * Sec. 9. AS 06.01.010 is amended by adding new subsections to read:

7 (d) The commissioner shall adopt regulations providing for
8 semiannual assessments of deposit institutions. An assessment must be
9 based on the amount of assets of a deposit institution and must cover,
10 but may not exceed, the aggregate cost of periodic examinations of the
11 deposit institution.

12 (e) An exam fee or other charge assessed to a state-chartered
13 financial institution under this section may not exceed a fee or other
14 charge assessed for the same type of exam or service to a similarly
15 situated federally-chartered financial institution.

16 (f) In this section "deposit institution" means an institution
17 chartered under this title that has obtained authority from the de-
18 partment to receive deposits of the type eligible to be insured by an
19 agency of the federal government.

20 * Sec. 10. AS 10.15.530 is amended to read:

21 Sec. 10.15.530. BIENNIAL LICENSE FEE. Each cooperative not or-
22 ganized and operated for nonprofit religious, charitable, cemetery, or
23 educational purposes [,] shall pay to the department a biennial li-
24 cense fee. The fee shall be paid before July 2 of the reporting year.
25 [IN THE CASE OF NEW COOPERATIVES FORMED DURING A BIENNIAL PERIOD, THE
26 FEE SHALL BE PROPORTIONATE TO THE FRACTION OF THE BIENNIAL PERIOD.]

27 * Sec. 11. AS 10.15.545 is amended to read:

28 Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE [WITHOUT CAPITAL
29 STOCK]. The license fee of each cooperative [HAVING NO AUTHORIZED
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1 SHARES OF CAPITAL STOCK] shall be established by the department by
2 regulation.

3 * Sec. 12. AS 10.15.555 is amended to read:

4 Sec. 10.15.555. MISCELLANEOUS FEES AND CHARGES. (a) The de-
5 partment shall establish by regulation and charge and collect from a
6 cooperative fees for filing

7 (1) articles of incorporation or articles of consolidation
8 for a new cooperative;

9 (2) articles of amendment, restated articles, or articles
10 of merger [, AND, IF THE ARTICLES PROVIDE FOR AN INCREASE OF THE
11 AMOUNT OF AUTHORIZED CAPITAL STOCK OF THE COOPERATIVE, THE FILING
12 COOPERATIVE SHALL ALSO PAY THE PROPORTIONATE PART OF THE ANNUAL LI-
13 CENSE FEE FOR THE SUCCEEDING FRACTION OF THE FISCAL YEAR, PAYABLE BY A
14 COOPERATIVE WHOSE AUTHORIZED SHARES EQUAL THE NEWLY INCREASED AUTH-
15 ORIZED SHARES OF THE FILING COOPERATIVE, LESS THE ANNUAL LICENSE FEE
16 ALREADY PAID FOR THE SUCCEEDING FRACTION OF THE FISCAL YEAR BY THE
17 FILING COOPERATIVE; BUT FILING ARTICLES DECREASING THE AUTHORIZED
18 SHARES DO NOT REDUCE THE ANNUAL LICENSE FEE OF THE FILING COOPERATIVE
19 UNTIL THE BEGINNING OF THE FISCAL YEAR FOLLOWING THAT IN WHICH THE
20 ARTICLES WERE FILED];

21 (3) statement of intent to dissolve;

22 (4) statement of revocation of voluntary dissolution pro-
23 ceedings;

24 (5) articles of dissolution;

25 (6) all other statements.

26 (b) The department may by regulation charge each cooperative
27 corporation subject to this chapter a fixed fee in place of charging
28 cooperative corporations the various fees specified in this chapter [,
29 WITH THE EXCEPTION OF AS 10.15.535, (a)(1) OF THIS SECTION,] and for
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1 routine administrative services rendered to the cooperative corpora-
2 tion by the department. Fixed fees established under this subsection
3 must be based on the department's actual cost of administering the
4 activity or service for which the fee is charged.

5 * Sec. 13. AS 10.20.635(b) is amended to read:

6 (b) The department may by regulation charge each corporation
7 subject to this chapter a fixed fee in place of the various fees
8 specified in this chapter [, WITH THE EXCEPTION OF (a)(1) OF THIS
9 SECTION,] and for routine administrative services rendered to the
10 corporation by the department.

11 * Sec. 14. AS 10.25.530(b) is amended to read:

12 (b) The department may by regulation charge each cooperative
13 subject to this chapter a fixed fee in place of the various fees
14 specified in this chapter [, WITH THE EXCEPTION OF (a)(1) OF THIS
15 SECTION,] and for the routine administrative services rendered to the
16 corporation by the department.

17 * Sec. 15. AS 14.07.030 is amended to read:

18 Sec. 14.07.030. POWERS OF THE DEPARTMENT. The department may

19 (1) establish, maintain, govern, operate, discontinue, and
20 combine area, regional, and special schools;

21 (2) enter into contractual agreements with the Bureau of
22 Indian Affairs or with a school district to share boarding costs of
23 secondary school students;

24 (3) provide for citizenship night schools when and where
25 expedient;

26 (4) provide for the sale or other disposition of abandoned
27 or obsolete buildings and other state-owned school property;

28 (5) prescribe a classification for items of expense of
29 school districts;

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1 (6) acquire and transfer personal property, acquire real
2 property, and transfer real property to federal agencies, state agen-
3 cies, or to political subdivisions;

4 (7) enter into contractual agreements with school districts
5 to provide more efficient or economical education services; reasonable
6 fees may be charged by the department to cover the costs of providing
7 services under an agreement, including costs for professional ser-
8 vices, reproduction or printing, and mailing and distribution of
9 educational materials;

10 (8) provide for the issuance of elementary and secondary
11 diplomas to persons not in school who have completed the equivalent of
12 an 8th or 12th grade education, respectively, in accordance with
13 standards established by the department;

14 (9) [REPEALED]

15 (10) apply for, accept, and spend endowments, grants, and
16 other private money available to the state for educational purposes in
17 accordance with AS 37.07 (the Executive Budget Act);

18 (11) set student tuition and fees for educational and extra-
19 curricular programs and services provided and schools operated by the
20 department under the provisions of [AS 14.07.020(12) AND] (1) of this
21 section and AS 14.07.020(9), (11), and (12);

22 (12) charge fees to cover the costs of care and handling
23 with respect to the acquisition, warehousing, distribution, or trans-
24 fer of donated foods;

25 (13) establish and collect fees for the rental of school
26 facilities and for other programs and services provided by the
27 schools.

28 * Sec. 16. AS 14.56.030(10) is amended to read:

29 (10) establishing and charging fees for reproduction, [OR]
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1 printing, and handling costs, [AND] for mailing and distributing state
2 publications and research data, and for other services authorized by
3 this chapter;

4 * Sec. 17. AS 14.57.010 is amended by adding a new subsection to read:

5 (c) The department may establish by regulation, and collect,
6 reasonable user fees and other fees for services provided by the
7 department under this chapter.

8 * Sec. 18. AS 15.60 is amended by adding a new section to read:

9 Sec. 15.60.007. SALE OF VOTER REGISTRATION AND ELECTION MANAGE-
10 MENT SOFTWARE. The director may sell voter registration and election
11 management system data processing software.

12 * Sec. 19. AS 16.05.050(16) is amended to read:

13 (16) to establish and charge fees equal to the cost of
14 services provided by the department, including provision of public
15 shooting ranges, broodstock and eggs for private nonprofit hatcheries,
16 department publications, and other direct services, and reasonable
17 fees for the use of state facilities managed by the department; fees
18 established under this paragraph for tours of hatchery facilities,
19 commercial use of sport fishing access sites, and for operation of
20 state hatchery facilities by private aquaculture associations are not
21 subject to the cost limit under AS 37.10.050(a);

22 * Sec. 20. AS 16.05.050 is amended by adding a new paragraph to read:

23 (18) to operate state housing and facilities for employees,
24 contractors, and others in support of the department's responsibil-
25 ities and to charge rent that is consistent with applicable collective
26 bargaining agreements, or, if no collective bargaining agreement is
27 applicable, competitive with market conditions; rent received from
28 tenants shall be deposited in the general fund.

29 * Sec. 21. AS 16.10.310(a)(3) is amended to read:
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(3) adopt regulations necessary to carry out the provisions of AS 16.10.300 - 16.10.370, including regulations to establish reasonable fees for services provided [ITS FUNCTIONS];

* Sec. 22. AS 16.10.310(a) is amended by adding a new paragraph to read:

(9) charge and collect the fees established under this subsection.

* Sec. 23. AS 16.10.320 is amended by adding a new subsection to read:

(j) All principal and interest payments, and any money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under AS 16.10.300 - 16.10.370, shall be paid into the commercial fishing revolving loan fund.

* Sec. 24. AS 16.10.340 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering AS 16.10.300 - 16.10.370.

* Sec. 25. AS 16.10.505 is amended to read:

Sec. 16.10.505. FISHERIES ENHANCEMENT REVOLVING LOAN FUND. There is created within the Department of Commerce and Economic Development a revolving fund to be known as the fisheries enhancement revolving loan fund. Except as provided in (b) of this section, the [THE] fund shall be used to carry out the purposes of AS 16.10.500 - 16.10.560 and for no other purpose. All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under AS 16.10.500 - 16.10.560, shall be paid into the fisheries enhancement revolving loan fund.

* Sec. 26. AS 16.10.505 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering AS 16.10.500 - 16.10.560.

1 * Sec. 27. AS 16.10.510(4) is amended to read:

2 (4) adopt regulations necessary to carry out the provisions
3 of AS 16.10.500 - 16.10.560, including regulations to establish rea-
4 sonable fees for services provided [COMMISSIONER'S FUNCTIONS];

5 * Sec. 28. AS 16.10.510 is amended by adding a new paragraph to read:

6 (11) charge and collect the fees established under this
7 section.

8 * Sec. 29. AS 17.30.100(c) is amended to read:

9 (c) The Department of Public Safety, [IN COOPERATION WITH OTHER
10 STATE AND FEDERAL AGENCIES, AND] in accordance with AS 37.07 (the
11 Executive Budget Act), may apply for and accept money necessary to
12 exchange information concerning narcotics trafficking between the
13 states, or otherwise related to the enforcement of AS 11.71 or AS 11.-
14 73. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR
15 MONEY RECEIVED UNDER THIS SUBSECTION THAT THE DEPARTMENT OF PUBLIC
16 SAFETY DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE IN
17 THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS TO
18 THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

19 * Sec. 30. AS 18.07 is amended by adding a new section to read:

20 Sec. 18.07.035. APPLICATION AND FEES. Application for a cer-
21 tificate of need shall be made to the department upon a form provided
22 by the department and must contain the information the department
23 requires to reach a decision under AS 18.07.041 - 18.07.111. Each
24 application for a certificate of need must be accompanied by an appli-
25 cation fee established by the department by regulation.

26 * Sec. 31. AS 18.20.030 is amended to read:

27 Sec. 18.20.030. APPLICATION AND FEES. Application for a license
28 shall be made to the department upon a form provided by it, and must
29 [SHALL] contain the information the department requires, which may
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1 include affirmative evidence of ability to comply with the reasonable
2 standards and regulations adopted under AS 18.20.060 - 18.20.080.
3 Each application for a license or a renewal of a license must [SHALL]
4 be accompanied by a license or renewal fee established by the depart-
5 ment by regulation. A fee established under this section must be
6 based on the department's actual cost of administering this section
7 and AS 18.20.040 [OF \$10]. The department shall deposit all fees
8 received in the general fund [STATE TREASURY].

9 * Sec. 32. AS 18.20.040 is amended to read:

10 Sec. 18.20.040. ISSUANCE AND RENEWAL OF LICENSE AND POSTING.
11 Upon receipt of an application for license and the license fee, the
12 department shall issue a license if the applicant meets the require-
13 ments established under AS 18.20.060 - 18.20.080. If the applicant
14 does not meet the requirements established under AS 18.20.060 - 18.-
15 20.080 but makes continued efforts to comply with them, the department
16 may grant a temporary or provisional license for a reasonable period
17 of time. A license, unless suspended or revoked, is renewable annual-
18 ly [WITHOUT CHARGE] upon payment of the renewal fee established under
19 AS 18.20.030 and filing by the licensee [,] and approval by the de-
20 partment of an annual report on the uniform date and containing the
21 information in the form the department prescribes by regulation. Each
22 license issued is for the premises and person or governmental unit
23 named in the application and is not transferable or assignable except
24 with the written approval of the department. Licenses shall be posted
25 in a conspicuous place on the licensed premises.

26 * Sec. 33. AS 18.55.100(a) is amended by adding new paragraphs to read:

27 (16) charge to and collect fees from owners or developers of
28 low-income housing for the application for and allocation of federal
29 low-income housing tax credits;

1 (17) collect and pay reasonable fees and charges in connec-
2 tion with making, purchasing, and servicing its mortgages, loans,
3 notes, bonds, certificates, commitments, and other evidences of in-
4 debtedness.

5 * Sec. 34. AS 18.65.410 is amended to read:

6 Sec. 18.65.410. APPLICATIONS. Application for a license as a
7 security guard must be made on forms provided by the commissioner.
8 The application must require the furnishing of information reasonably
9 required by the commissioner to carry out the provisions of AS 18.65.-
10 400 - 18.65.490, including classifiable fingerprints to enable the
11 search of criminal indices for evidence of a prior criminal record.
12 The application must be accompanied by a nonrefundable application fee
13 of \$50 [\$25] for a security guard and \$200 for a security guard
14 agency.

15 * Sec. 35. AS 18.65.430 is amended to read:

16 Sec. 18.65.430. DURATION OF LICENSE. A security guard license
17 issued under AS 18.65.400 - 18.65.490 is valid for a period of two
18 years and may be renewed for additional two-year terms. A renewal fee
19 of \$50 shall [\$25 MUST] be paid for each renewal.

20 * Sec. 36. AS 19.25.010 is amended to read:

21 Sec. 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility
22 facility may be constructed, placed, or maintained across, along,
23 over, under, or within a state right-of-way only in accordance with
24 regulations adopted by the department and if authorized by a written
25 permit issued by the department. The department may charge a fee for
26 a permit issued under this section.

27 * Sec. 37. AS 19.60.030 is amended to read:

28 Sec. 19.60.030. USE OF FERRY TERMINAL FACILITIES [REGULATIONS].
29 S The department may adopt regulations governing the use of ferry

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1 terminal facilities by the public that it considers necessary and
2 proper in the public interest. The department may charge a fee for
3 the use of ferry terminal facilities, whether the use is under a
4 permit or otherwise, and whether it is by one or more individuals.

5 * Sec. 38. AS 24.20.060 is amended by adding a new paragraph to read:

6 (9) to establish reasonable fees for services and materials
7 provided by the Legislative Affairs Agency to entities outside of the
8 legislative branch of state government and charges for collecting the
9 fees; all fees and charges collected under this paragraph shall be
10 deposited into the general fund.

11 * Sec. 39. AS 24.45.041 is amended by adding a new subsection to read:

12 (g) An application for registration as a lobbyist under (a) of
13 this section or for renewal of a registration under (f) of this sec-
14 tion is subject to a fee of \$100. The commission may not accept an
15 application for registration or renew a registration until the fee is
16 paid. This subsection does not apply to a volunteer lobbyist under
17 AS 24.45.161 or a representational lobbyist under regulations of the
18 commission.

19 * Sec. 40. AS 26.15.030(a) is amended to read:

20 (a) The Department of Commerce and Economic Development shall
21 formulate general policies and adopt rules and regulations, including
22 regulations to establish reasonable fees for services provided.

23 * Sec. 41. AS 26.15.030(c) is amended to read:

24 (c) The department shall

25 (1) cooperate with the federal government in matters of
26 mutual concern pertaining to loans to Alaskan veterans;

27 (2) make reports that the federal government may desire;

28 (3) [REPEALED

29 (4)] cooperate with the state and its political
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1 subdivisions and agencies;

2 (4) [(5)] adopt regulations necessary for the conduct of
3 its business and for carrying out the provisions of this chapter, and
4 make necessary regulations to maintain such standards;

5 (5) [(6)] require bonds and undertakings from persons
6 employed by it as shall in its judgment be necessary, and pay the
7 premiums on them;

8 (6) [(7)] establish regional and local offices and advisory
9 groups that are necessary or considered expedient to carry out or
10 assist in carrying out its duties and authorities;

11 (7) charge and collect the fees established under this
12 section.

13 * Sec. 42. AS 26.15.040(d) is amended to read:

14 (d) Money loaned shall be delivered to the borrower in the form
15 of a warrant drawn on the treasury, vouchered in the manner prescribed
16 for state disbursing officers, and charged against the Alaska World
17 War II veterans' revolving fund. Each voucher shall be approved by
18 the commissioner of commerce and economic development or any bonded
19 deputy authorized to act as a certifying officer. Upon repayment of
20 loans by installments, or otherwise, in accordance with the prescribed
21 terms, or upon liquidation by foreclosure or other process, or upon
22 receipt of interest [OR OTHER REVENUE], the money so received shall be
23 turned over to the commissioner of revenue for deposit in the Alaska
24 World War II veterans' revolving fund.

25 * Sec. 43. AS 26.15.090 is amended to read:

26 Sec. 26.15.090. ALASKA WORLD WAR II VETERANS' REVOLVING [CREA-
27 TION OF] FUND. There is created the Alaska World War II veterans'
28 revolving fund to carry out this chapter. Except as provided in (b)
29 and (c) of this section, the [THIS] fund may not be used for any other
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1 purpose.

2 * Sec. 44. AS 26.15.090 is amended by adding new subsections to read:

3 (b) Money in the fund may be used by the legislature to make
4 appropriations for costs of administering this chapter.

5 (c) On June 30 of each fiscal year the unexpended and unobli-
6 gated cash balance of the fund that is attributable to loans owned by
7 the fund lapses into the general fund.

8 * Sec. 45. AS 27.09.010(b) is amended to read:

9 (b) The mining loan fund is a revolving fund consisting of
10 appropriations made to the fund by the legislature, [AND] repayments
11 of principal and interest, and any money chargeable to principal or
12 interest that is collected through liquidation by foreclosure or other
13 process on loans made from the fund. On June 30 of each fiscal year
14 the unexpended and unobligated cash balance of the fund that is attri-
15 butable to loans owned by the fund lapses into the general fund.
16 Money in the fund may be used by the legislature to make appropri-
17 ations for costs of administering the fund [MONEY APPROPRIATED TO OR
18 REPAID INTO THE FUND DOES NOT LAPSE UNDER AS 37.25.010].

19 * Sec. 46. AS 27.09.050 is amended to read:

20 Sec. 27.09.050. REGULATIONS. The department may adopt regula-
21 tions necessary to carry out the provisions of this chapter, including
22 regulations to establish reasonable fees for services provided [IN
23 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62) TO ADMIN-
24 ISTER THIS CHAPTER]. Regulations adopted under this section shall be
25 prepared after consultation with the Department of Natural Resources
26 or after consultation with a person who, in the opinion of the commis-
27 sioner of commerce and economic development or a designee, has broad
28 experience in and is highly qualified in advanced mineral exploration,
29 development, and mining.

1 * Sec. 47. AS 29.25 is amended by adding a new section to read:

2 Sec. 29.25.075. COLLECTION OF PENALTIES. The court may collect
3 for a municipality any monetary penalty or item to be forfeited as a
4 result of the violation of an ordinance. The supreme court may pre-
5 scribe by rule the fees to be charged by all courts to municipalities
6 for providing collection services under this section.

7 * Sec. 48. AS 35.10.015 is amended by adding a new subsection to read:

8 (f) The department may establish by regulation, and collect
9 reasonable fees for services provided in the course of determining
10 compliance with regulations adopted under this section.

11 * Sec. 49. AS 35.10.210 is amended to read:

12 Sec. 35.10.210. USE OF PUBLIC FACILITIES FOR UTILITIES. A
13 utility facility may be constructed, placed, or maintained across,
14 along, over, under, or within a state public facility only in accord-
15 dance with regulations adopted or procedures prescribed by the depart-
16 ment and only if authorized by a written permit issued by the depart-
17 ment. The department may charge a fee for a permit issued under this
18 section.

19 * Sec. 50. AS 35.10.230 is amended to read:

20 Sec. 35.10.230. ENCROACHMENT PERMITS. An encroachment may be
21 constructed, placed, changed, or maintained across or within a public
22 facility, but only in accordance with regulations or procedures adopt-
23 ed by the department. An encroachment may not be constructed, placed,
24 maintained, or changed until it is authorized by a written permit
25 issued by the department, unless the department provides otherwise by
26 regulation. The department may charge a fee for a permit issued under
27 this section.

28 * Sec. 51. AS 38.35.140(b) is amended to read:

29 (b) The lessee shall reimburse the state for all reasonable
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1 costs incurred in processing an application filed under AS 38.35.050
2 and in monitoring the construction of the pipeline on the right-of-
3 way. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR
4 MONEY RECEIVED UNDER THIS SUBSECTION THAT THE DEPARTMENT OF NATURAL
5 RESOURCES DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE
6 IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS
7 TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

8 * Sec. 52. AS 38.95.250 is amended by adding a new subsection to read:

9 (b) All money collected under (a) of this section not required
10 to be kept in the escheated real property trust account shall be
11 deposited in the general fund.

12 * Sec. 53. AS 39.25.050 is amended by adding a new subsection to read:

13 (b) The director of personnel may contract with municipalities,
14 private organizations, and other persons to provide personnel research
15 or personnel training services for them and charge a fee for doing so.

16 * Sec. 54. AS 44.23 is amended by adding a new section to read:

17 Sec. 44.23.025. DEPARTMENT HOUSING. The Department of Law may
18 operate state housing in support of its statutory responsibilities and
19 charge rent consistent with applicable collective bargaining agree-
20 ments, or, if no collective bargaining agreement is applicable, com-
21 petitive with market conditions.

22 * Sec. 55. AS 44.33.240 is amended to read:

23 Sec. 44.33.240. CHILD CARE FACILITY REVOLVING LOAN FUND. There
24 is in the Department of Commerce and Economic Development the child
25 care facility revolving loan fund to carry out the purposes of AS 44.-
26 33.240 - 44.33.275. Except as provided in (b) and (c) of this sec-
27 tion, the [THE] fund may not be used for any other purpose.

28 * Sec. 56. AS 44.33.240 is amended by adding new subsections to read:

29 (b) The department may use money in the fund for costs of
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1 administering AS 44.33.240 - 44.33.275.

2 (c) On June 30 of each fiscal year the unexpended and unobli-
3 gated cash balance of the fund that is attributable to loans owned by
4 the fund lapses into the general fund.

5 * Sec. 57. AS 44.33.245(a) is amended to read:

6 (a) The department may

7 (1) make loans for the construction, renovation, and equip-
8 ping of child care facilities, including private nonprofit child care
9 facilities;

10 (2) adopt regulations necessary to carry out the provisions
11 of AS 44.33.240 - 44.33.275, including regulations to establish rea-
12 sonable fees for services provided and charges for collecting the fee;
13 and

14 (3) collect the fees and charges established under this
15 subsection.

16 * Sec. 58. AS 44.33.255(d) is amended to read:

17 (d) All principal and interest payments, and any money charge-
18 able to principal or interest that is collected through liquidation by
19 foreclosure or other process on loans made under AS 44.33.240 -
20 44.33.275, shall be paid into the child care facility revolving loan
21 fund.

22 * Sec. 59. AS 44.35 is amended by adding a new section to read:

23 Sec. 44.35.040. FEES FOR CERTAIN TRAINING. The Department of
24 Military and Veterans' Affairs may adopt regulations establishing
25 reasonable fees for training provided by the department to persons
26 relating to the transportation, storage, or other management of haz-
27 arduous substances, and establishing procedures for the collection of
28 the fees.

29 * Sec. 60. AS 44.41.020 is amended by adding a new subsection to read:
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(d) The Department of Public Safety may operate state housing in support of the department's statutory responsibilities and charge rent consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions.

* Sec. 61. AS 44.41 is amended by adding a new section to read:

Sec. 44.41.040. CRIMINAL HISTORY FEE. The commissioner of public safety may establish by regulation and the Department of Public Safety may charge a reasonable fee to be paid by a person requesting a criminal history record check or a copy of the person's criminal history record from confidential files maintained by the department.

* Sec. 62. AS 44.42.020(b) is amended to read:

(b) The department may

(1) engage in experimental projects relating to available or future modes of transportation and any means of improving existing transportation facilities and service;

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55;

(3) publish plans, schedules, directories, guides, and manuals for distribution, with or without charge, to private or public entities or persons;

(4) operate state housing in support of the department's statutory responsibilities and charge rent that is consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions;

(5) charge reasonable fees to cover the costs of issuing easements, licenses, and permits and to cover the costs of reproduction, printing, mailing, and distribution of contract and bid

1 documents and design and construction standards manuals;

2 (6) charge and collect fees for training services and
3 technical assistance provided by department personnel.

4 * Sec. 63. AS 44.46 is amended by adding a new section to article 1 to
5 read:

6 Sec. 44.46.025. FEES FOR SERVICES. (a) The Department of
7 Environmental Conservation may adopt regulations that prescribe rea-
8 sonable fees, and establish procedures for the collection of the fees,
9 to cover the direct costs of the following services provided by the
10 department:

11 (1) inspections, permit administration, plan review and
12 approval, and other related services provided under AS 03.05, AS 17.-
13 20, and AS 18.35;

14 (2) air quality permits under AS 46.03.140 and 46.03.160;

15 (3) hazardous waste permits under AS 46.03.299 and 46.03.-
16 302;

17 (4) plan approvals and permits for sewerage system and
18 treatment works and wastewater disposal systems, and plan approvals
19 for drinking water systems, under AS 46.03.720;

20 (5) oil discharge financial responsibility approvals under
21 AS 46.04.040;

22 (6) oil discharge contingency plan approvals under AS 46.-
23 04.030;

24 (7) water and wastewater operator training under AS 46.30.

25 (b) The department may not charge a fee for a service that is
26 provided by a municipality under a delegation by the department to the
27 municipality.

28 * Sec. 64. AS 44.47.055 is amended to read:

29 S Sec. 44.47.055. FEES FOR PUBLICATIONS, [AND] RESEARCH DATA, AND

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1 OTHER SERVICES. The commissioner may establish by regulation and the
2 department may charge reasonable fees for department publications,
3 [AND] research data, and other centralized administrative services to
4 cover the cost of reproduction, printing, mailing, [AND] distribution,
5 and other centralized administrative services. [THE COMMISSIONER OF
6 ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR FEES COLLECTED UNDER THIS
7 SECTION THAT THE DEPARTMENT DEPOSITS IN THE GENERAL FUND. THE ANNUAL
8 ESTIMATED BALANCE IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO
9 MAKE APPROPRIATIONS TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF
10 THIS SECTION.]

11 * Sec. 65. AS 44.47.380 is amended by adding a new subsection to read:

12 (b) Money in the fund may be used by the legislature to make
13 appropriations for costs of administering the housing assistance
14 program.

15 * Sec. 66. AS 44.50.040 is amended to read:

16 Sec. 44.50.040. FEES. A fee of \$40 [\$20] shall be paid to the
17 lieutenant governor for each commission issued to a person other than
18 [TO] a state employee.

19 * Sec. 67. AS 44.83.170 is amended by adding a new subsection to read:

20 (i) Money in the power project fund may be used by the legisla-
21 ture to make appropriations for costs of administering the fund.

22 * Sec. 68. AS 44.83.361 is amended by adding new subsections to read:

23 (g) Money in the rural electrification revolving loan fund may
24 be used by the legislature to make appropriations for costs of ad-
25 ministering the fund.

26 (h) On June 30 of each fiscal year the unexpended and unobli-
27 gated cash balance of the fund that is attributable to loans owned by
28 the fund lapses into the general fund.

29 * Sec. 69. AS 44.83.600 is amended by adding a new subsection to read:
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1 (b) Money in the fund may be used by the legislature to make
2 appropriations for costs of administering this chapter.

3 * Sec. 70. AS 44.83.610(c) is amended to read:

4 (c) Repayments of the principal, the interest, and the money
5 chargeable to principal or interest that is collected through liquida-
6 tion by foreclosure or other process on a loan made under AS 44.83.-
7 600 - 44.83.650 [FROM THE BULK FUEL REVOLVING LOAN FUND] shall be paid
8 [BY THE AUTHORITY] into the bulk fuel revolving loan fund.

9 * Sec. 71. AS 44.83.625 is amended to read:

10 Sec. 44.83.625. REGULATIONS. The authority may [SHALL] adopt
11 regulations necessary to carry out the provisions of [TO IMPLEMENT]
12 AS 44.83.600 - 44.83.650, including regulations to establish reason-
13 able fees for services provided and charges for collecting the fees.

14 * Sec. 72. AS 44.83 is amended by adding a new section to read:

15 Sec. 44.83.630. FEES. The authority may collect the fees and
16 collection charges established under AS 44.83.625 and shall deposit
17 the money in the general fund.

18 * Sec. 73. AS 45.75.050 is amended by adding a new subsection to read:

19 (f) The director shall adopt regulations establishing reasonable
20 fees for testing, inspection, and other services provided under this
21 chapter, and procedures for collecting the fees.

22 * Sec. 74. AS 45.88.010 is amended by adding new subsections to read:

23 (b) Money in the fund may be used by the legislature to make
24 appropriations for costs of administering this chapter.

25 (c) On June 30 of each fiscal year the unexpended and unobli-
26 gated cash balance of the fund that is attributable to loans owned by
27 the fund lapses into the general fund.

28 * Sec. 75. AS 45.88.020(a) is amended to read:

29 (a) The department may
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(1) make loans for the purchase, construction, and installation of alternative energy systems;

(2) adopt regulations necessary to carry out the provisions of this chapter, including regulations to establish reasonable fees for services provided and charges for collecting the fees;

(3) collect the fees and collection charges established under this subsection.

* Sec. 76. AS 45.88.030(d) is amended to read:

(d) All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under this chapter, shall be paid into the alternative energy revolving loan fund.

* Sec. 77. AS 45.89.010 is amended to read:

Sec. 45.89.010. FUND ESTABLISHED. There is established in the Department of Commerce and Economic Development the residential energy conservation fund to carry out the purposes of this chapter. Loans and grants made under this chapter may be used to purchase, construct, and install an energy conservation improvement in residential buildings. [THE FUND MAY NOT BE USED FOR ANY OTHER PURPOSE.]

* Sec. 78. AS 45.89.010 is amended by adding new subsections to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 79. AS 45.89.030(h) is amended to read:

(h) All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process [AMOUNTS REPAID] on a loan made under this

1 chapter, [SECTION] shall be paid into [DEPOSITED TO] the residential
2 energy conservation fund.

3 * Sec. 80. AS 45.89.070 is amended to read:

4 Sec. 45.89.070. REGULATIONS. The department shall adopt regu-
5 lations necessary to carry out the provisions of [IMPLEMENT] this
6 chapter, including regulations to establish reasonable fees for ser-
7 vices provided and charges for collecting the fees.

8 * Sec. 81. AS 45.89.070 is amended by adding a new subsection to read:

9 (b) The department may collect the fees and collection charges
10 established under (a) of this section.

11 * Sec. 82. AS 45.90.010 is amended to read:

12 Sec. 45.90.010. CREATION OF A TOURISM REVOLVING FUND. There is
13 created in the Department of Commerce and Economic Development a
14 tourism revolving fund. All principal and interest payments, and
15 money chargeable to principal or interest that is collected through
16 liquidation by foreclosure or other process on loans made under this
17 chapter, shall be paid into the tourism revolving fund.

18 * Sec. 83. AS 45.90.010 is amended by adding a new subsection to read:

19 (b) Money in the fund may be used by the legislature to make
20 appropriations for costs of administering this chapter.

21 * Sec. 84. AS 45.90.020(a) is amended to read:

22 (a) The department may
23 (1) make loans to a business directly involved in the
24 tourist industry;
25 (2) designate agents and delegate powers to them as is
26 necessary;
27 (3) adopt rules and regulations necessary to carry out its
28 functions, including regulations to establish reasonable fees for
29 services provided and charges for collecting the fees;
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1 (4) establish amortization plans for the repayment of loans
2 not to exceed 20 years;

3 (5) collect the fees and collection charges established
4 under this subsection.

5 * Sec. 85. AS 45.95.010(a) is amended to read:

6 (a) The Department of Commerce and Economic Development shall
7 formulate general policies and adopt regulations necessary to carry
8 out the provisions of this chapter, including regulations to establish
9 fees for services provided and charges for collecting the fees. The
10 department may collect the fees and collection charges established.

11 * Sec. 86. AS 45.95.020(d) is amended to read:

12 (d) Money loaned shall be delivered to the borrower in the form
13 of a warrant drawn on the treasury, vouchered in the manner prescribed
14 for state disbursing officers, and charged against the small business
15 revolving loan fund. Each voucher shall be approved by the commis-
16 sioner or a [ANY] bonded deputy authorized to act as a certifying
17 officer. Upon repayment of loans by installments, or otherwise, in
18 accordance with the prescribed terms, or upon liquidation by foreclo-
19 sure or other process, or upon receipt of interest [OR OTHER REVENUE],
20 the money so received shall be turned over to the commissioner of
21 revenue for deposit in the small business revolving loan fund.

22 * Sec. 87. AS 45.95.060 is amended by adding a new subsection to read:

23 (b) Money in the fund may be used by the legislature to make
24 appropriations for costs of administering this chapter.

25 * Sec. 88. AS 45.98.010 is amended to read:

26 Sec. 45.98.010. CREATION OF HISTORICAL DISTRICT REVOLVING LOAN
27 FUND. There is created in the Department of Commerce and Economic
28 Development a historical district revolving loan fund. All principal
29 and interest payments, and money chargeable to principal or interest
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1 that is collected through liquidation by foreclosure or other process
2 on loans made under this chapter, shall be paid into the historical
3 district revolving loan fund.

4 * Sec. 89. AS 45.98.010 is amended by adding new subsections to read:

5 (b) Money in the fund may be used by the legislature to make
6 appropriations for costs of administering this chapter.

7 (c) On June 30 of each fiscal year the unexpended and unobli-
8 gated cash balance of the fund that is attributable to loans owned by
9 the fund lapses into the general fund.

10 * Sec. 90. AS 45.98.030 is amended to read:

11 Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For
12 purposes of administering this chapter, the Department of Commerce and
13 Economic Development may

14 (1) prescribe the form and procedure for submitting loan
15 applications under this chapter;

16 (2) designate agents and delegate powers to them as is
17 necessary;

18 (3) in consultation with the Historic Sites Advisory Com-
19 mittee, adopt regulations necessary to carry out its functions, in-
20 cluding regulations for the process of plan approval by the committee
21 and regulations to establish reasonable fees for services provided and
22 charges for collecting the fees;

23 (4) establish amortization plans for the repayment of loans
24 not to exceed 30 years;

25 (5) collect the fees and collection charges established
26 under this section.

27 * Sec. 91. AS 47.05 is amended by adding a new section to read:

28 Sec. 47.05.080. RETENTION OF OVERPAYMENTS COLLECTED. Benefit
29 overpayments collected by the department in administering programs
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1 under AS 47.25.120 - 47.25.300 (general relief), AS 47.25.310 - 47.-
2 25.420 (aid to families with dependent children), AS 47.25.430 -
3 47.25.615 (adult public assistance), and AS 47.25.975 - 47.25.990
4 (food stamps) shall be remitted to the Department of Revenue under
5 AS 37.10.050(a).

6 * Sec. 92. AS 10.15.535, 10.15.540; AS 14.56.035; AS 14.57.015; AS 16.-
7 05.053; AS 37.05.500(a)(1), 37.05.500(a)(4), 37.05.500(a)(6); AS 44.42.025;
8 AS 44.83.195(c); and AS 46.03.020(12) and 46.03.025 are repealed.

9 * Sec. 93. Notwithstanding AS 37.10.050(a), as amended by sec. 1, ch.
10 138, SLA 1986, a fee charged by an agency under a regulation that was
11 adopted before July 1, 1987, under authority of a statute that does not
12 expressly authorize a charge for a service, is valid if it would have been
13 valid before the 1986 amendment of AS 37.10.050(a). The regulation and fee
14 remain in effect, and the agency may charge for the service, until the
15 regulation is repealed or amended by the agency. To amend the regulation
16 to change the fee, the agency shall meet the standard of AS 37.10.050(a) as
17 amended by sec. 2 of this Act.

18 * Sec. 94. Notwithstanding AS 37.10.050(a), as amended by sec. 2 of
19 this Act, a fee charged under a regulation that was adopted before the
20 effective date of this Act that establishes a fee or other charge that
21 exceeds the estimated actual cost to a state agency in administering the
22 activity or providing the service for which the fee or charge is imposed is
23 valid if it would have been valid before the effective date of this Act.
24 The regulation and fee or charge remain in effect, and the agency may
25 collect the fee or charge for the activity or service, until (1) the regu-
26 lation is repealed or amended, or (2) two years after the effective date of
27 this Act, whichever is sooner. If the regulation is amended to change the
28 fee or charge, AS 37.10.050(a), as amended by sec. 2 of this Act, applies
29 to the fee or charge.
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1 * Sec. 95. Section 93 of this Act, dealing with fees charged under a
2 regulation adopted before July 1, 1987, is retroactive to July 1, 1987.

3 * Sec. 96. This Act takes effect immediately under AS 01.10.070(c).
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