



LAWS OF ALASKA

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Chapter No.
126

AN ACT

Relating to certain study, publication, and reporting requirements by and to state agencies; relating to certain fees for reports; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 28, 1994
Actual Effective Date: July 1, 1994

AN ACT

1 Relating to certain study, publication, and reporting requirements by and to state agencies;
2 relating to certain fees for reports; and providing for an effective date.

3

4 * Section 1. AS 10.06.955(a) is amended to read:

5 (a) This chapter applies to a domestic corporation organized under former
6 AS 10.05 (the Alaska Business Corporation Act), and to the extent provided in
7 AS 10.06.010, 10.06.020, [10.06.160,] 10.06.233, 10.06.433(g), 10.06.435,
8 10.06.450(d), and 10.06.705 - 10.06.870 to a foreign corporation authorized to do or
9 doing business in this state.

10 * Sec. 2. AS 14.36.010(b) is amended to read:

11 (b) It is the intent of the legislature that

12 (1) a program of community school grants be established to provide
13 assistance to local communities in the initial development, implementation, and

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1 operation of community school programs;

2 (2) technical assistance, monitoring, training, and coordination of
3 statewide efforts to develop and operate community school programs be provided by
4 the department;

5 (3) the community school program will become fully operational once
6 a plan of operation has been approved by the commissioner; and

7 (4) evaluation of the approved plan of operation for a community
8 school program shall be conducted by the department in cooperation with the school
9 district at least once every four years [; A REPORT OF THE COMMUNITY
10 SCHOOL PROGRAMS EVALUATED IN THE PRECEDING YEAR SHALL BE
11 PRESENTED BY THE COMMISSIONER TO THE LEGISLATURE BEFORE THE
12 15TH DAY OF EACH REGULAR SESSION OF THE LEGISLATURE].

13 * Sec. 3. AS 14.40.190 is amended to read:

14 Sec. 14.40.190. REPORT TO LEGISLATURE. The Board of Regents shall
15 make a written report to the legislature at the beginning of each first [ITS] regular
16 session [SESSIONS] of the condition of the university property, of all receipts and
17 expenditures, including [BUT NOT LIMITED TO] the administration and disposition
18 of appropriated and restricted funds, and of the educational and other work performed
19 during the preceding two fiscal years.

20 * Sec. 4. AS 15.13.040(f) is amended to read:

21 (f) During each year in which an election occurs, all businesses, persons, or
22 groups that [WHICH] furnish any of the following services, facilities, or supplies to
23 a candidate or group shall maintain a record of each transaction: newspapers, radio,
24 television, advertising, advertising agency services, accounting, billboards, printing,
25 secretarial, public opinion polls, or research and professional campaign consultation
26 or management, media production or preparation, or computer services. The records
27 shall be maintained on the forms provided and in the manner required by the
28 commission. Within 30 days after each election, the [THE] supplier shall file with
29 the commission a report of the complete record of each transaction with all candidates
30 or groups to whom the supplier provides services, facilities or supplies in excess of
31 \$250 in the aggregate [IN ACCORDANCE WITH AS 15.13.110]. All records shall

1 be available for public inspection.

2 * Sec. 5. AS 15.13.125 is amended to read:

3 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED
4 REPORTS. A person who fails to file a properly completed and certified report within
5 the time required by AS 15.13.040(f) or 15.13.110(a)(1), (3), or (4)
6 [AS 15.13.110(a)(1), (3), (4) OR 15.13.110(d)] is subject to a civil penalty of not more
7 than \$10 a day for each day the delinquency continues as determined by the
8 commission subject to right of appeal to the superior court. A person who fails to file
9 a properly completed and certified report within the time required by
10 AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50
11 a day for each day the delinquency continues as determined by the commission subject
12 to right of appeal to the superior court. An affidavit stating facts in mitigation may
13 be submitted to the commission by a person against whom a civil penalty is assessed.
14 However, the imposition of the penalties prescribed in this section or in AS 15.13.120
15 does not excuse that person from filing reports required by this chapter.

16 * Sec. 6. AS 16.05.130(b) is amended to read:

17 (b) Money accruing to the state from waterfowl conservation tag fees from
18 hunters may not be diverted to a purpose other than (1) the conservation and
19 enhancement of waterfowl; (2) the acquisition, by lease or otherwise, of wetlands that
20 are important for waterfowl and public use of waterfowl in the state; (3) waterfowl
21 related projects approved by the commissioner; (4) the administration of the waterfowl
22 conservation program; and (5) emergencies in the state as determined by the governor.
23 The department shall maintain a state waterfowl tag fee account within the fish and
24 game fund to permit separate accounting records for the receipt and expenditure of
25 money derived from the sale of waterfowl tags. The department shall report before
26 [PRIOR TO] April 15 of each even-numbered year [ANNUALLY] to the public and
27 the legislature on the use of money derived from waterfowl conservation tags and
28 limited edition prints.

29 * Sec. 7. AS 16.05.825(c) is amended to read:

30 (c) The department shall employ a method of tagging game birds released
31 under this section and [,] compile harvest statistics [, AND REPORT ITS RESULTS

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1 AND FINDINGS TO THE LEGISLATURE ANNUALLY].

2 * Sec. 8. AS 18.65.260(a) is amended to read:

3 (a) The council may accept donations of property, both real and personal, and
4 grants of money from a governmental unit or public agency, or from an institution or
5 person. [AN ARRANGEMENT MADE UNDER THIS SECTION SHALL BE
6 DETAILED IN THE ANNUAL REPORT OF THE COUNCIL. THE REPORT MUST
7 INCLUDE THE IDENTITY OF THE DONOR, THE NATURE OF THE
8 TRANSACTION, AND THE CONDITIONS OF THE GRANT, IF ANY.] All money
9 received by the council under this section shall be deposited in the state treasury to the
10 account of the council.

11 * Sec. 9. AS 18.67.170 is amended to read:

12 Sec. 18.67.170. REPORTS. The board shall prepare and transmit to the
13 governor and legislature, in each odd-numbered year, a biennial [ANNUALLY A]
14 report of its activities under this chapter including a brief description of the facts in
15 each case and the amount of compensation awarded during the preceding two-year
16 period.

17 * Sec. 10. AS 21.89.070(b) is amended to read:

18 (b) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT OF
19 COMMERCE AND ECONOMIC DEVELOPMENT SHALL REPORT TO THE
20 LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE CREDITS TAKEN
21 DURING THE PRECEDING STATE FISCAL YEAR UNDER THIS SECTION.]
22 Each public college and university shall include in its annual operating budget request
23 contributions received and how the contributions were used.

24 * Sec. 11. AS 23.30.041(b) is amended to read:

25 (b) The administrator shall

- 26 (1) enforce regulations adopted by the board to implement this section;
27 (2) recommend regulations for adoption by the board that establish
28 performance and reporting criteria for rehabilitation specialists;
29 (3) enforce the quality and effectiveness of reemployment benefits
30 provided for under this section;
31 (4) review on an annual basis the performance of rehabilitation

- specialists to determine continued eligibility for delivery of rehabilitation services;
- (5) submit to the department, on or before May [JANUARY] 1 of each year, a report of reemployment benefits provided under this section for the previous calendar [FISCAL] year; the report must include a general section, sections related to each rehabilitation specialist employed under this section, and a statistical summary of all rehabilitation cases, including
- (A) the estimated and actual cost of each active rehabilitation plan;
- (B) the estimated and actual time of each rehabilitation plan;
- (C) a status report on all individuals completing or terminating a reemployment benefits program including a return to work date;
- (D) the cost of reemployment benefits;
- (6) maintain a list of rehabilitation specialists who meet the qualifications established under this section;
- (7) promote awareness among physicians, adjusters, injured workers, employers, employees, attorneys, training providers, and rehabilitation specialists of the reemployment program established in this subsection.

* Sec. 12. AS 24.45.031(a) is amended to read:

- (a) In addition to its other duties under this chapter, the commission shall
- (1) prescribe the forms for registration, reports, statements, notices, and other documents required by this chapter;
- (2) prepare and publish instructions setting out the methods of accounting, bookkeeping, and preservation of records required to facilitate compliance with and enforcement of this chapter and explaining the duties of persons subject to the provisions of this chapter; the instructions shall be updated periodically;
- (3) provide assistance to persons in complying with the provisions of this chapter;
- (4) prepare and publish a biennial [AN ANNUAL] report of its activities, findings, and recommendations under this chapter, which shall be made available to the governor, legislature, and to the public by February 1 of each odd-numbered calendar year;

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(5) report suspected violations of this chapter to the attorney general.

* Sec. 13. AS 26.10.010 is amended to read:

Sec. 26.10.010. REGULATIONS [AND REPORTS]. The Department of Military and Veterans' Affairs shall adopt regulations necessary to carry out the purposes of this chapter. [THE DEPARTMENT SHALL SUBMIT A REPORT OF ITS ACTIVITIES RELATING TO VETERANS SERVICES FOR THE PRECEDING YEAR TO THE GOVERNOR BEFORE JANUARY 15 OF EACH YEAR.]

* Sec. 14. AS 37.05.210 is amended to read:

Sec. 37.05.210. FISCAL REPORTING AND STATISTICS. The Department of Administration shall

(1) [REPEALED

(2)] file with the governor and with the legislative auditor before December [OCTOBER] 16 a report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that year, prepared in accordance with generally accepted accounting principles and audited by the legislative auditor in accordance with generally accepted audit standards, with comments and supplementary data that the Department of Administration [IT] considers necessary; this report shall be printed for the information of the legislature and the public;

(2) [(3)] compile statistics necessary for the budget and other statistics required by the governor.

* Sec. 15. AS 37.17.090(j) is amended to read:

(j) The board of directors shall provide a written report of its activities and finances for the previous state fiscal year to the governor and the legislature no later than December 16 [JANUARY 30] each year.

* Sec. 16. AS 41.15.240 is amended to read:

Sec. 41.15.240. RECORDS OF FIRE SUPPRESSION FUND. The department shall maintain accounting records showing the income and expenses of the fire suppression fund. [THE DEPARTMENT SHALL SUBMIT A REPORT ON THE OPERATION OF THE FUND TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN THE 10TH DAY OF EACH REGULAR SESSION OF THE

1 LEGISLATURE.]

2 * Sec. 17. AS 43.20.014(c) is amended to read:

3 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL
4 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
5 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
6 shall include in its annual operating budget request contributions received and how the
7 contributions were used.

8 * Sec. 18. AS 43.55.019(c) is amended to read:

9 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT OF
10 REVENUE SHALL REPORT TO THE LEGISLATIVE BUDGET AND AUDIT
11 COMMITTEE ON THE CREDITS TAKEN UNDER THIS SECTION.] Each public
12 college and university shall include in its annual operating budget request contributions
13 received and how the contributions were used.

14 * Sec. 19. AS 43.56.018(c) is amended to read:

15 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL
16 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
17 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
18 shall include in its annual operating budget request contributions received and how the
19 contributions were used.

20 * Sec. 20. AS 43.65.018(c) is amended to read:

21 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL
22 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
23 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
24 shall include in its annual operating budget request contributions received and how the
25 contributions were used.

26 * Sec. 21. AS 43.75.018(c) is amended to read:

27 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL
28 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
29 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
30 shall include in its annual operating budget request contributions received and how the
31 contributions were used.

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1 * **Sec. 22.** AS 44.19.035 is amended to read:

2 Sec. 44.19.035. JONES ACT REPEAL. The governor shall use best efforts
3 and all appropriate means to persuade the United States Congress to repeal 46 U.S.C.
4 861, et seq., known as the Jones Act. [UNTIL THAT ACT IS REPEALED, THE
5 GOVERNOR SHALL PUBLISH AN ANNUAL REPORT DOCUMENTING THE
6 HARMFUL EFFECTS OF THE ACT ON ALASKA COMMERCE, AND PROGRESS
7 MADE TOWARDS ITS REPEAL. THE REPORT SHALL BE SUBMITTED TO
8 THE LEGISLATURE NO LATER THAN ITS CONVENING EACH YEAR.]

9 * **Sec. 23.** AS 44.19.185 is amended to read:

10 Sec. 44.19.185. ADMINISTRATION. The chairman shall call meetings of the
11 commission and formulate rules of procedure for the meetings. The chairman may
12 request the governor to delegate to administrative departments of the state the duties
13 and functions necessary or desirable in the gathering and compilation of information
14 for the commission, for the implementation of resolutions adopted by the commission,
15 and for the other purposes consistent with the intent of AS 44.19.181 - 44.19.187
16 [AS 44.19.181 - 44.19.188].

17 * **Sec. 24.** AS 44.19.187 is amended to read:

18 Sec. 44.19.187. EXPENDITURES. The commission may expend appropriated
19 funds for any purpose not inconsistent with the intent of AS 44.19.181 - 44.19.187
20 [AS 44.19.181 - 44.19.188], including [, BUT NOT LIMITED TO,] expenditures for
21 feasibility studies by private firms.

22 * **Sec. 25.** AS 44.21.315(c) is amended to read:

23 (c) The department shall study, plan, and develop integrated instructional
24 telecommunications services for all residents of the state [, AND SHALL ANNUALLY
25 REPORT ON INSTRUCTIONAL TELECOMMUNICATIONS ACTIVITIES FOR
26 THE CURRENT AND PREVIOUS FISCAL YEAR] and, after public hearings, submit
27 to the governor and the legislature an annually updated long-term development plan
28 prepared in consultation with the Department of Education, the University of Alaska,
29 local school districts, and other local and regional education areas.

30 * **Sec. 26.** AS 44.21.320(e) is amended to read:

31 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from

1 developing telecommunications systems within its own agency if the agency is in
2 compliance with the state information systems plan adopted by the
3 Telecommunications Information Council and with the agency's own information
4 systems plan and if the commissioner gives written authorization for the agency to
5 engage in its own design, development, management, or operation. The commissioner
6 may authorize independent development only upon a showing of necessity. [A
7 DESCRIPTION OF ALL AUTHORIZATION UNDER THIS SUBSECTION MUST
8 BE INCLUDED IN THE BIENNIAL REPORT REQUIRED UNDER
9 AS 44.21.310(a)(2).]

10 * Sec. 27. AS 44.42.065(a) is amended to read:

11 (a) The department shall, as soon as practicable after July 1, 1980, and at least
12 once every seven years thereafter, perform an energy audit of each public building.
13 [A REPORT OF THE RESULTS OF THE ENERGY AUDITS PERFORMED
14 DURING THE PRECEDING YEAR SHALL BE SUBMITTED TO THE
15 LEGISLATURE NOT LATER THAN FEBRUARY 1 OF EACH YEAR.]

16 * Sec. 28. AS 44.42.065(b) is amended to read:

17 (b) The department shall include in **each energy audit** [THE REPORT]
18 required **by** [IN] (a) of this section recommendations for corrective measures to
19 improve the energy efficiency and to minimize the life-cycle cost of the public
20 **building** [BUILDINGS] surveyed. These measures may include (1) energy
21 conservation measures, (2) measures involving solar technology and other alternative
22 energy systems, (3) energy management, and (4) maintenance and operating procedures
23 and energy-related modifications. In recommending the corrective measures, the
24 department shall give priority to changes in maintenance and operating procedures over
25 measures requiring substantial structural modification or installation of equipment.

26 * Sec. 29. AS 44.68.240 is amended to read:

27 Sec. 44.68.240. RECORDS OF FUND. The Department of Transportation and
28 Public Facilities shall maintain cost accounting records showing the income and
29 expenses of the highways equipment working capital fund. [THE DEPARTMENT
30 SHALL SUBMIT A REPORT ON THE OPERATION OF THE FUND TO THE
31 GOVERNOR AND THE LEGISLATURE AT THE TIME OF SUBMISSION OF THE

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1 DEPARTMENTAL BUDGET.]

2 * **Sec. 30.** AS 46.03.020(11) is amended to read:

3 (11) after consultation with other state agencies and local government
4 officials, identify and propose for addition or deletion, by regulation, other licenses,
5 permits, or authorizations for which the provisions of AS 46.35 are applicable [, AND
6 REPORT ANNUALLY TO THE LEGISLATURE THE PERMITS THAT HAVE
7 BEEN INCLUDED OR DELETED];

8 * **Sec. 31.** AS 46.03.032(k) is amended to read:

9 (k) The department shall prepare reports required by the federal government
10 in conjunction with federal capitalization grant award conditions. The department shall
11 also provide the Alaska legislature with a biennial [AN ANNUAL] report on the
12 Alaska clean water fund on or before the first day of each first regular
13 [LEGISLATIVE] session of the legislature.

14 * **Sec. 32.** AS 47.07.040 is amended to read:

15 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL
16 ASSISTANCE. The department shall prepare a state plan in accordance with the
17 provisions of 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act, Medical
18 Assistance) and submit it for approval to the United States Department of Health and
19 Human Services. The plan shall designate that the Department of Health and Social
20 Services is the single state agency to administer this plan. The department shall act
21 for the state in any negotiations relative to the submission and approval of the plan.
22 The department may make those arrangements or regulatory changes, not inconsistent
23 with law, as may be required under federal law to obtain and retain approval of the
24 United States Department of Health and Human Services to secure for the state the
25 optimum federal payment under the provisions of 42 U.S.C. 1396 - 1396p (Title XIX,
26 Social Security Act, Medical Assistance). [IN ADDITION, THE DEPARTMENT
27 SHALL PROVIDE A REPORT TO THE LEGISLATURE NO LATER THAN
28 MARCH 15 OF EACH YEAR CONCERNING THE STATUS OF THIS PROGRAM
29 AND RECOMMENDATIONS, WITH SUPPORTING FISCAL DATA, AS TO ANY
30 CHANGES IN THE COVERAGE OF ELIGIBLE PERSONS OR SERVICES TO BE
31 PROVIDED.]

1 * Sec. 33. AS 47.37.130(d) is amended to read:

2 (d) The division shall maintain, supervise, and control all facilities operated
3 by it subject to the regulations of the department. [THE ADMINISTRATOR OF
4 EACH FACILITY SHALL MAKE AN ANNUAL REPORT OF ITS ACTIVITIES TO
5 THE DIRECTOR IN THE FORM AND MANNER THE DIRECTOR SPECIFIES.]

6 * Sec. 34. AS 47.55.010(c) is amended to read:

7 (c) The Department of Administration shall

8 (1) cooperate with the federal government in matters pertaining to the
9 welfare of Alaskan pioneers, make the reports in the form and containing the
10 information the federal government from time to time desires, and accept funds allotted
11 by the federal government, its agencies or instrumentalities, in establishing, extending
12 and strengthening services for pioneers of Alaska;

13 (2) adopt regulations necessary for the conduct of the business of the
14 Pioneers' Home and for carrying out the provisions of this chapter, require bonds and
15 undertakings from persons employed by it as in its judgment are necessary, and pay
16 the premiums on them, and establish regional and local offices and the advisory groups
17 that are necessary or considered expedient to carry out or assist in carrying out a duty
18 or authority assigned to it;

19 (3) perform all executive or administrative duties necessary and
20 advisable to carry out the purpose of this chapter, including the power to make
21 contracts and to make disbursements on vouchers against funds for the purpose of this
22 chapter, within the limit of funds available;

23 (4) study the needs of Alaska's pioneers and submit recommendations
24 for new regulations and proposed legislation; and

25 (5) prepare a biennial [AN ANNUAL] report to be delivered in even-
26 numbered years to the legislature.

27 * Sec. 35. AS 05.05.030(a); AS 10.06.160; AS 12.62.017; AS 14.42.030(a)(5);
28 AS 15.13.110(d); AS 18.20.100; AS 19.30.233; AS 24.20.206(5); AS 26.05.190(b);
29 AS 29.60.420(a); AS 37.07.020(d); AS 37.10.050(c); AS 38.05.300(b); AS 39.30.070;
30 AS 39.50.050(d); AS 41.35.360; AS 43.05.010(5); AS 43.40.010(i); AS 43.50.360;
31 AS 44.09.017(c); AS 44.19.144(a)(3), 44.19.145(d)(2), 44.19.161(4), 44.19.188,

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1 44.19.504(a)(4); AS 44.21.310(a)(2); AS 44.41.030; AS 44.82.190; AS 47.07.072;
2 AS 47.10.300(4); AS 47.25.540; AS 47.37.130(f); and AS 47.45.100(4) are repealed.

3 * Sec. 36. TRANSITION. (a) Notwithstanding the changes made by this Act, in the first
4 biennial report that a state agency is required to prepare, provide, or publish under a statute
5 amended by this Act, the agency may include only that data or information for years or parts
6 of years that has not previously been included in a report required under that statute. For
7 subsequent such biennial reports, the state agency shall comply with applicable statutory
8 requirements regarding information that must be included.

9 (b) The legislative audit requirement of AS 37.05.210(1), as amended by sec. 14 of
10 this Act, applies to reports relating to state fiscal year 1995 and thereafter.

11 * Sec. 37. This Act takes effect July 1, 1994.