

**CS FOR HOUSE BILL NO. 416(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/15/96

Referred: Labor and Commerce, Resources, Finance

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

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to fees or assessment of costs for certain services provided  
2 by state government, including hearing costs related to the real estate surety  
3 fund, fees for authorization to operate a postsecondary educational institution or  
4 for an agent's permit to perform services for a postsecondary educational  
5 institution, fees of the State Commission on Human Rights, administrative fees  
6 for self-insurers in workers' compensation, fees for evaluating or auditing  
7 applications for exploration incentive credits, fees for the use of state marine  
8 and harbor facilities, business license fees, fees for activities related to coastal  
9 zone management, fees for training relating to management of hazardous  
10 substances and emergency management response, fees for regulation of pesticides  
11 and broadcast chemicals, and fees for subdivision plans for sewage waste  
12 disposal or treatment; and providing for an effective date."

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

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

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

11 \* **Sec. 2.** AS 14.48.090 is repealed and reenacted to read:

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

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

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

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

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

23 (3) hold hearings under AS 18.80.120;

24 (4) **establish the amount and manner of payment of fees for**  
25 **education and training services and information and materials that the**  
26 **commission provides to public and private organizations and other persons.**

27 \* **Sec. 4.** AS 23.30.090 is amended by adding new subsections to read:

28 (b) An employer authorized as a self-insurer, except the state and political  
29 subdivisions of the state, shall pay to the department, for administrative services  
30 provided by the department, a fee of four percent of the total amount reported in the  
31 report filed by the employer under AS 23.30.155(m) for the preceding calendar year.

1 The board shall adopt regulations establishing the procedures for payment of the fee  
2 under this subsection. The department shall transfer the fees collected under this  
3 subsection to the Department of Revenue for deposit in the state treasury.

4 (c) In this section, “total amount reported” means the total of all temporary  
5 total disability payments, temporary partial disability payments, permanent partial  
6 disability payments, permanent partial impairment payments, permanent total disability  
7 payments, medical benefits, reemployment benefits, death benefits, attorney fees,  
8 litigation costs, penalties, interest, and other payments paid by the employer and  
9 reported in the employer's annual report filed under AS 23.30.155(m).

10 \* **Sec. 5.** AS 27.30 is amended by adding a new section to read:

11 Sec. 27.30.095. FEES. The commissioner may charge a fee for direct costs  
12 incurred by the department in evaluating or auditing an application to certify the credit  
13 authorized under AS 27.30.010, including the cost of contractors selected by the  
14 commissioner to assist in the evaluation or audit. The fee may not exceed \$500 for  
15 each application covering one or more years if the amount claimed in the application  
16 is \$1,000,000 or less. The fee may not exceed \$1,000 for each application covering  
17 one or more years if the amount claimed is more than \$1,000,000.

18 \* **Sec. 6.** AS 35.10 is amended by adding a new section to article 2 to read:

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

23 (b) A municipality that leases a state marine or harbor facility under  
24 AS 35.10.120 shall, by ordinance and in accordance with the lease, establish and  
25 collect reasonable fees for the use of those facilities. At minimum, the fees may not  
26 be less than the fees established by the department for that type of facility under (a)  
27 of this section. The municipality shall establish, by ordinance, a separate account into  
28 which those fees shall be deposited. The municipality shall disburse money from the  
29 account in accordance with the lease and applicable law.

30 \* **Sec. 7.** AS 43.70.030(a) is amended to read:

31 (a) The license fee for each business is **\$75 for a two-year period** [\$25 PER

1 YEAR].

2 \* **Sec. 8.** AS 44.19.145(a)(11) is amended to read:

3 (11) render, on behalf of the state, all federal consistency  
4 determinations and certifications authorized by 16 U.S.C. 1456 (Sec. 307, Coastal Zone  
5 Management Act of 1972), and each conclusive state consistency determination when  
6 a project requires a permit, lease, or authorization from two or more state resource  
7 agencies; **the office may adopt regulations to charge fees for services provided**  
8 **under this paragraph.**

9 \* **Sec. 9.** AS 44.35.040 is amended to read:

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

16 \* **Sec. 10.** AS 44.46.025(a) is amended to read:

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

22 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics  
23 under AS 17.20; and public accommodations and facilities under AS 18.35;

24 (2) certificates of inspection for motor vehicles under AS 46.14.400 or  
25 46.14.510;

26 (3) sewerage system and treatment works and wastewater disposal  
27 systems, and drinking water systems, under AS 46.03.720;

28 (4) [REPEALED

29 (5) REPEALED

30 (6)] water and wastewater operator training under AS 46.30;

31 **(5)** [(7)] control of solid waste facilities under AS 46.03.020(10) and

1 46.03.100;  
2 (6) [(8)] certification of laboratories conducting environmental analyses  
3 of public drinking water systems or of oil or hazardous substances, or conducting other  
4 analyses required by the department;  
5 (7) [(9)] certification of federal permits or authorizations under 33  
6 U.S.C. 1341, sec. 401 (Clean Water Act);  
7 (8) regulation of pesticides and broadcast chemicals under  
8 AS 46.03.320 and 46.03.330;  
9 (9) subdivision plans for sewage waste disposal or treatment  
10 submitted under AS 46.03.090.

11 \* **Sec. 11.** TRANSITIONAL PROVISION: ADOPTION OF REGULATIONS. The state  
12 agencies affected by this Act may proceed to adopt regulations necessary to implement the  
13 changes made by secs. 2 - 10 of this Act, respectively. The regulations take effect under  
14 AS 44.62 (Administrative Procedure Act), but not before the respective effective dates of  
15 secs. 2 - 10 of this Act.

16 \* **Sec. 12.** TRANSITIONAL PROVISION: TEMPORARY FEE SCHEDULE FOR  
17 CERTAIN ACTIVITIES RELATED TO POSTSECONDARY EDUCATIONAL  
18 INSTITUTIONS AND AGENTS. Until a new fee schedule is adopted by regulation to  
19 implement the changes made by sec. 2 of this Act, the Alaska Commission on Postsecondary  
20 Education, or its successor state agency, may charge the fees set out in the following schedule  
21 for an authorization to operate an institution in this state and for an agent's permit related to  
22 activities for postsecondary educational institutions:

23	(1) authorization to operate	\$100;
24	(2) renewal of authorization to	
25	operate	\$100;
26	(3) an agent's permit	\$ 50;
27	(4) renewal of an agent's permit	\$ 50.

28 \* **Sec. 13.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

29 \* **Sec. 14.** Sections 1 - 3, 5, 6, 8 - 10, and 12 of this Act take effect July 1, 1996.

30 \* **Sec. 15.** Sections 4 and 7 of this Act take effect January 1, 1997.