

CS FOR HOUSE BILL NO. 144(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/30/98

Referred: Rules

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the authority of the Department of Environmental
2 Conservation to charge fees; and providing for an effective date."

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

4 * Section 1. AS 44.46.025(a) is amended to read:

5 (a) Subject to other provisions of this section, the [THE] Department of
6 Environmental Conservation may adopt regulations that prescribe reasonable fixed fees
7 to be paid by the person receiving the department's services, and establish
8 procedures for the collection of the fees, to cover the actual [APPLICABLE] direct
9 costs [, NOT INCLUDING TRAVEL,] of certifications, inspections, training, permit
10 preparation and administration, and plan review and approval [, AND OTHER
11 SERVICES PROVIDED BY THE DEPARTMENT] relating to
12 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics
13 under AS 17.20; and public accommodations and facilities under AS 18.35; in
14 addition to fees otherwise allowed under this subsection, the department may also

1 **prescribe reasonable fixed fees, and establish procedures for collection of the fees,**
 2 **to cover the actual direct costs of other services provided by the department**
 3 **relating to matters described in this paragraph;**

4 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
 5 46.14.510;

6 (3) sewerage system and treatment works and wastewater disposal
 7 systems, and drinking water systems, under AS 46.03.720; **in addition to fees**
 8 **otherwise allowed under this subsection, the department may also prescribe**
 9 **reasonable fixed fees, and establish procedures for the collection of the fees, for**
 10 **the actual direct costs of sanitary surveys, determinations, classifications, and**
 11 **monitoring waivers relating to matters described in this paragraph;**

12 (4) [REPEALED

13 (5) REPEALED

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

15 ~~(7)~~ [(7)] control of solid waste facilities under AS 46.03.020(10) and
 16 46.03.100;

17 ~~(8)~~ [(8)] certification of laboratories conducting environmental analyses
 18 of public drinking water systems or of oil or hazardous substances, or conducting other
 19 analyses required by the department;

20 ~~(9)~~ [(9)] certification of federal permits or authorizations under 33
 21 U.S.C. 1341 (sec. 401, Clean Water Act).

22 * **Sec. 2.** AS 44.46.025 is amended by adding new subsections to read:

23 (e) Notwithstanding (a), (g), and (j) of this section, the department shall, at the
 24 request of an applicant or permittee, negotiate a fee for services provided under (a)(1) -
 25 (7) of this section that is based on the average hourly rate of compensation of each
 26 departmental employee required to perform the service and a maximum number of
 27 hours for which the fee will be charged, and the fee may cover associated travel costs
 28 and costs described in (g) of this section.

29 (f) The department shall charge and collect a fee for the registration of
 30 pesticides under AS 46.03.320. The fee shall be \$30 for registration of a restricted-use
 31 pesticide, as defined in AS 46.03.900, and \$20 for registration of other pesticides.

1 (g) Except for fees under (c) of this section, the department may not charge
 2 a fee for the costs to the department for conferring with or providing information to
 3 a third party about an application or a permit unless the third party is acting as a legal
 4 representative or as an agent of the applicant or permittee. However, the department
 5 may require an applicant to pay for the costs of providing public notice of a permit
 6 application when the notice is otherwise required by law.

7 (h) Notwithstanding (a) of this section, the department may prescribe an hourly
 8 fee for services provided under (a)(5) of this section, rather than a fixed fee, if the fee
 9 otherwise complies with this section.

10 (i) Notwithstanding (a) of this section, the department may prescribe an hourly
 11 fee to cover the actual direct costs to the department for

12 (1) work performed on an application that is withdrawn before
 13 completion; or

14 (2) an inspection that is conducted at the request of an applicant or
 15 permittee when the department would not otherwise conduct an inspection or for an
 16 inspection that is conducted outside of the department's normal working hours after a
 17 request by an applicant or permittee for an after-hours inspection; fees charged under
 18 this paragraph may include travel costs incurred in providing the inspection.

19 (j) In this section,

20 (1) "actual direct costs" means the average hourly rate of compensation
 21 of each departmental employee, including clerical staff, required to perform the service
 22 under normal circumstances, multiplied by the number of hours usually required to
 23 perform the service being provided; "actual direct costs" does not include

24 (A) overhead expenses;

25 (B) the costs of administrative support or supervisory personnel
 26 who are not directly engaged in providing the service; or

27 (C) travel expenses;

28 (2) "training" means educational services provided by the department
 29 for the purpose of carrying out services provided under (a)(1) - (7) of this section,
 30 except that "training" does not include training of employees of the department.

31 * **Sec. 3. APPLICABILITY.** This Act applies to agreements entered into, fees for

- 1 registrations applied for, and fees for services performed on or after the effective date of this
- 2 Act.
- 3 * **Sec. 4.** This Act takes effect July 1, 1998.