

SENATE CS FOR CS FOR HOUSE BILL NO. 144(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/30/98
Referred: Finance

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 03.05.025 is amended by adding a new subsection to read:

5 (c) Notwithstanding AS 44.46.025, the fee for a seafood processing permit and
6 routine inspections for a direct-market fishing vessel may not exceed \$100. In this
7 subsection, "direct-market fishing vessel" means a fishing vessel that has an overall
8 length of less than 65 feet and processes the vessel operator's own catch of seafood
9 products on board the vessel for direct retail sale to consumers.

10 * **Sec. 2.** AS 44.46.025(a) is amended to read:

11 (a) **Subject to other provisions of this section, the** [THE] Department of
12 Environmental Conservation may adopt regulations that prescribe reasonable **fixed** fees
13 **to be paid by the person receiving the department's services,** and establish
14 procedures for the collection of the fees, to cover the **actual** [APPLICABLE] direct

1 costs [, NOT INCLUDING TRAVEL,] of **certifications**, inspections, **training**, permit
 2 preparation and administration, **and** plan review and approval [, AND OTHER
 3 SERVICES PROVIDED BY THE DEPARTMENT] relating to

4 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics
 5 under AS 17.20; and public accommodations and facilities under AS 18.35; **in**
 6 **addition to fees otherwise allowed under this subsection, the department may also**
 7 **prescribe reasonable fixed fees, and establish procedures for collection of the fees,**
 8 **to cover the actual direct costs of other services provided by the department**
 9 **relating to matters described in this paragraph;**

10 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
 11 46.14.510;

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

18 (4) [REPEALED

19 (5) REPEALED

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

21 **(5)** [(7)] control of solid waste facilities under AS 46.03.020(10) and
 22 46.03.100;

23 **(6)** [(8)] certification of laboratories conducting environmental analyses
 24 of public drinking water systems or of oil or hazardous substances, or conducting other
 25 analyses required by the department;

26 **(7)** [(9)] certification of federal permits or authorizations under 33
 27 U.S.C. 1341 (sec. 401, Clean Water Act).

28 * **Sec. 3.** AS 44.46.025 is amended by adding new subsections to read:

29 (e) Notwithstanding (a), (g), and (j) of this section, the department shall, at the
 30 request of an applicant or permittee, negotiate a fee for services provided under (a)(1) -
 31 (7) of this section that is based on the average hourly rate of compensation of each

1 departmental employee required to perform the service and a maximum number of
2 hours for which the fee will be charged, and the fee may cover associated travel costs
3 and costs described in (g) of this section.

4 (f) The department shall charge and collect a fee of \$40 for registration of a
5 restricted-use pesticide, as defined in AS 46.03.900. The department shall charge and
6 collect a fee of \$30 for registration of an agricultural pesticide. The department shall
7 charge and collect a fee of \$15 for registration of a consumer protection and health
8 benefit product. In this subsection, "consumer protection and health benefit product"
9 means a

10 (1) disinfectant, sanitizer, germicide, biocide, or other pesticide labeled
11 for use directly on humans or pets, including dogs, cats, horses, and other companion
12 animals; or

13 (2) pesticide for use directly in areas in or around household premises.

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

20 (h) Notwithstanding (a) of this section, the department may prescribe an hourly
21 fee for the actual direct costs of services provided under (a)(5) of this section, rather
22 than a fixed fee, if the fee otherwise complies with this section.

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

25 (1) work performed on an application that is withdrawn before
26 completion; or

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

1 (j) In this section,

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

6 (A) overhead expenses;

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

9 (C) travel expenses;

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

13 * **Sec. 4. APPLICABILITY.** This Act applies to agreements entered into, fees for
14 registrations applied for, and fees for services performed on or after the effective date of this
15 Act.

16 * **Sec. 5.** This Act takes effect July 1, 1998.