

HOUSE BILL NO. 325

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 5/15/03

Referred: State Affairs, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to receipts of certain state agencies and the accounting for and**
2 **disposition of those receipts; and providing for an effective date."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 PURPOSE. The designation of program receipts for specific purposes, subject to
7 appropriation, is a policy that allows the segregation of unrestricted general fund revenue into
8 special-purpose accounts. It is a purpose of this Act to end that fiscal policy. The practice
9 has certain of the faults sought to be prevented by the dedicated fund prohibition set out in
10 art. IX, sec. 7, of the Alaska Constitution. The practice of designating program receipts
11 effectively limits the discretion of the legislature to expend receipts for any public purpose.
12 The practice creates constituent interests that actively support the continuance of
13 appropriations for specific purposes. The purpose of this Act also is to reduce the number of
14 funding sources for appropriations so that the amount of expenditures of unrestricted state

1 revenue is readily apparent.

2 * **Sec. 2.** AS 12.25.195(c) is amended to read:

3 (c) Disposition of an offense under (a) of this section may not occur unless the
4 person cited for the offense pays the surcharge prescribed in AS 12.55.039 in addition
5 to the scheduled bail or fine amount. The surcharge required to be paid under this
6 subsection shall be deposited into the general fund [AND ACCOUNTED FOR
7 UNDER AS 37.05.142].

8 * **Sec. 3.** AS 12.62.160(d) is amended to read:

9 (d) Notwithstanding AS 40.25, a criminal justice agency may charge fees,
10 established by regulation or municipal ordinance, for processing requests for records
11 under this chapter, unless the request is from a criminal justice agency or is required
12 for purposes of discovery in a criminal case. In addition to fees charged under
13 AS 44.41.025 for processing fingerprints through the Alaska automated fingerprint
14 system, the department may charge fees for other services in connection with the
15 processing of information requests, including fees for contacting other jurisdictions to
16 determine the disposition of an out-of-state arrest or to clarify the nature of an out-of-
17 state conviction. The department may also collect and account for fees charged by the
18 Federal Bureau of Investigation for processing fingerprints forwarded to the bureau by
19 the department. [THE ANNUAL ESTIMATED BALANCE IN THE ACCOUNT
20 MAINTAINED BY THE COMMISSIONER OF ADMINISTRATION UNDER
21 AS 37.05.142 MAY BE USED BY THE LEGISLATURE TO MAKE
22 APPROPRIATIONS TO THE DEPARTMENT TO CARRY OUT THE PURPOSES
23 OF THIS CHAPTER.]

24 * **Sec. 4.** AS 14.40.368 is amended to read:

25 **Sec. 14.40.368. Encumbrances and trespasses.** Except as provided in
26 AS 14.40.365(b), for the land selected by the University of Alaska under
27 AS 14.40.365 that is subject to a lease, license, contract, prospecting site, claim, sale,
28 permit, right-of-way, or easement, or to trespass,

29 (1) if the lease, license, contract, prospecting site, claim, sale, permit,
30 right-of-way, easement, or trespass

31 (A) existed before the selection of the land by the University of

1 Alaska, the state is entitled to receive the income obtained from the lease,
 2 license, contract, prospecting site, claim, sale, permit, right-of-way, easement,
 3 or trespass until the land is conveyed to the University of Alaska by the
 4 issuance of a document of interim conveyance or a patent;

5 (B) did not exist before the selection of the land by the
 6 University of Alaska, the income obtained from the lease, license, contract,
 7 prospecting site, claim, sale, permit, right-of-way, or easement, or from
 8 trespass

9 (i) before the recording of the conveyance to the
 10 University of Alaska by the issuance of a document of interim
 11 conveyance or a patent shall be separately accounted for [UNDER
 12 AS 37.05.142], and the legislature may appropriate the balance of the
 13 account to the University of Alaska; nothing in this sub-subparagraph
 14 creates a dedicated fund;

15 (ii) on the date of and after the recording of the
 16 conveyance to the University of Alaska by the issuance of a document
 17 of interim conveyance or a patent is the property of the University of
 18 Alaska;

19 (2) the responsibility for the management of the land vests with the
 20 University of Alaska on the date of recording of the conveyance of the land to the
 21 university by a document of interim conveyance or patent.

22 * **Sec. 5.** AS 18.65.225 is amended to read:

23 **Sec. 18.65.225. Alaska police training fund.** The Alaska police training
 24 fund is created in the general fund. The fund consists of appropriations made by the
 25 legislature to the fund. [THE LEGISLATURE MAY APPROPRIATE TO THE
 26 FUND THE ANNUAL ESTIMATED BALANCE IN THE ACCOUNTS
 27 MAINTAINED UNDER AS 37.05.142 FOR MONEY COLLECTED UNDER
 28 AS 12.25.195(c), AS 12.55.039, AS 28.05.151, AND AS 29.25.074.] The legislature
 29 may make appropriations from the fund to (1) the Department of Public Safety for the
 30 Public Safety Training Academy, including Village Public Safety Officers, (2) the
 31 Alaska Police Standards Council to provide training for the law enforcement and

1 corrections community of the state under AS 18.65.230, and (3) municipalities that
 2 conduct their own police training programs. Nothing in this section creates a
 3 dedicated fund.

4 * **Sec. 6.** AS 28.05.151(c) is amended to read:

5 (c) The supreme court shall require as a condition of the disposition of an
 6 offense without appearance that a person charged with any offense for which a bail
 7 forfeiture amount has been adopted shall pay the surcharge prescribed in
 8 AS 12.55.039 in addition to the bail forfeiture amount established by the supreme
 9 court. The surcharge required to be paid under this subsection shall be deposited into
 10 the general fund [AND ACCOUNTED FOR UNDER AS 37.05.142].

11 * **Sec. 7.** AS 29.25.074(a) is amended to read:

12 (a) A municipality may not enforce a penalty for violation of an ordinance for
 13 which a surcharge is required to be imposed under AS 12.55.039 unless the
 14 municipality authorizes the imposition of and provides for the collection of the
 15 surcharge. The surcharge shall be deposited into the general fund of the state [AND
 16 ACCOUNTED FOR UNDER AS 37.05.142]. Subject to appropriation, the legislature
 17 may reimburse a municipality that collects a surcharge required to be imposed under
 18 AS 12.55.039 for the cost to the municipality in collecting the surcharge and
 19 transmitting the surcharge to the state. The reimbursement may not exceed 10 percent
 20 of the surcharge collected and transmitted to the state.

21 * **Sec. 8.** AS 37.05.146(b) is amended to read:

22 (b) The [PROGRAM] receipts listed in this subsection are accounted for
 23 separately, and appropriations from these [PROGRAM] receipts are not made from
 24 the unrestricted general fund:

25 (1) federal receipts;

26 (2) University of Alaska receipts (AS 14.40.491);

27 (3) trust or custodial receipts [DESIGNATED PROGRAM
 28 RECEIPTS; IN THIS PARAGRAPH, "DESIGNATED PROGRAM RECEIPTS"
 29 MEANS MONEY RECEIVED BY THE STATE FROM A SOURCE OTHER THAN
 30 THE STATE OR FEDERAL GOVERNMENT THAT IS] restricted to a specific use
 31 by the terms of a gift, grant, bequest, or contract;

1 (4) receipts of or from the trust established by AS 37.14.400 -
2 37.14.450, except reimbursements described in AS 37.14.410[;

3 (5) RECEIPTS OF THE ALASKA FIRE STANDARDS COUNCIL
4 FOR WHICH A TAXPAYER IS ALLOWED A CREDIT UNDER AS 21.89.075].

5 * **Sec. 9.** AS 37.05.146(c) is amended to read:

6 (c) The [PROGRAM] receipts of the following are accounted for separately,
7 and appropriations from these [PROGRAM] receipts are not made from the
8 unrestricted general fund:

- 9 (1) highway working capital fund (AS 44.68.210);
10 (2) correctional industries fund (AS 33.32.020);
11 (3) loan funds;
12 (4) international airport revenue fund (AS 37.15.430);
13 (5) corporate receipts earned or managed by a public corporation of the
14 state;
15 (6) fish and game fund (AS 16.05.100);
16 (7) school fund (AS 43.50.140);
17 (8) training and building fund (AS 23.20.130);
18 (9) retirement funds (AS 14.25, AS 22.25, AS 26.05.222, AS 39.35,
19 and former AS 39.37);
20 (10) permanent fund (art. IX, sec. 15, Alaska Constitution);
21 (11) public school trust fund (AS 37.14.110);
22 (12) second injury fund (AS 23.30.040);
23 (13) fishermen's fund (AS 23.35.060);
24 (14) FICA administration fund (AS 39.30.050);
25 (15) receipts of the employee benefits program established under
26 AS 39.30.150 - 39.30.180;
27 (16) receipts of the deferred compensation program established under
28 AS 39.45;
29 (17) clean air protection fund (AS 46.14.260);
30 (18) receipts of the group insurance programs established under
31 AS 39.30.090;

- 1 (19) mental health trust fund (AS 37.14.031);
- 2 (20) Alaska children's trust (AS 37.14.200);
- 3 (21) [COMMERCIAL FISHERIES TEST FISHING OPERATIONS
- 4 (AS 16.05.050(a)(15));
- 5 (22) REGULATORY COMMISSION OF ALASKA UNDER
- 6 AS 42.05 AND AS 42.06;
- 7 (23) ALASKA OIL AND GAS CONSERVATION COMMISSION
- 8 UNDER AS 31.05;
- 9 (24) RECEIPTS OF THE DEPARTMENT OF COMMUNITY AND
- 10 ECONOMIC DEVELOPMENT UNDER AS 08.01.065 (a), (c), AND (f);
- 11 (25) RECEIPTS FROM THE SEAFOOD MARKETING
- 12 ASSESSMENT UNDER AS 16.51.120 - 16.51.170, THE SALMON MARKETING
- 13 TAX UNDER AS 43.76.110 - 43.76.130, AND OTHER RECEIPTS OF THE
- 14 ALASKA SEAFOOD MARKETING INSTITUTE;
- 15 (26) THE ADMINISTRATIVE COST CHARGE UNDER
- 16 AS 44.33.113 FOR THE STATE'S ROLE IN THE FEDERAL COMMUNITY
- 17 DEVELOPMENT QUOTA PROGRAM;
- 18 (27) DIVE FISHERY MANAGEMENT ASSESSMENT RECEIPTS
- 19 (AS 43.76.150), SALMON FISHERY ASSESSMENT RECEIPTS (AS 43.76.220),
- 20 AND PERMIT BUY-BACK ASSESSMENT RECEIPTS (AS 43.76.300);
- 21 (28) PROCESS SERVICE FEES COLLECTED BY THE
- 22 DEPARTMENT OF PUBLIC SAFETY;
- 23 (29) ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION
- 24 UNDER AS 16.05.490, 16.05.530, and AS 16.43;
- 25 (30) RECEIPTS OF THE ALASKA VOCATIONAL TECHNICAL
- 26 CENTER;
- 27 (31) ALASKA PIONEERS' HOME CARE AND SUPPORT
- 28 RECEIPTS UNDER AS 47.55.030;
- 29 (32)] receipts of the Department of Transportation and Public Facilities
- 30 from tolls charged for use of the Whittier Tunnel;
- 31 [(33) RECEIPTS OF THE DEPARTMENT OF COMMUNITY AND

1 ECONOMIC DEVELOPMENT, DIVISION OF INSURANCE, FROM LICENSE
2 FEES AND FEES FOR SERVICES;

3 (34) RECEIPTS OF THE DIVISION OF THE DEPARTMENT OF
4 COMMUNITY AND ECONOMIC DEVELOPMENT THAT REGULATES
5 BANKING, SECURITIES, AND CORPORATIONS;

6 (35) RECEIPTS OF THE DEPARTMENT OF CORRECTIONS
7 FROM THE ELECTRONIC PRISONER MONITORING PROGRAM UNDER
8 AS 33.30.065(d);

9 (36) RECEIPTS OF THE DEPARTMENT OF CORRECTIONS
10 FROM THE OPERATION OF COMMUNITY RESIDENTIAL CENTERS;

11 (37) RECEIPTS OF THE ALASKA POLICE STANDARDS
12 COUNCIL;

13 (38) RECEIPTS OF THE DEPARTMENT OF PUBLIC SAFETY
14 FROM FEES FOR FIRE AND LIFE SAFETY PLAN CHECKS UNDER
15 AS 18.70.080(b);

16 (39) RECEIPTS OF THE DEPARTMENT OF TRANSPORTATION
17 AND PUBLIC FACILITIES FROM THE MESAUREMENT STANDARDS AND
18 COMMERCIAL VEHICLE ENFORCEMENT PROGRAM;

19 (40) RECEIPTS OF THE DEPARTMENT OF EDUCATION AND
20 EARLY DEVELOPMENT FOR TEACHER CERTIFICATION UNDER
21 AS 14.20.020;

22 (41) RECEIPTS OF THE PROFESSIONAL TEACHING
23 PRACTICES COMMISSION FROM PROFESSIONAL CERTIFICATION FEES;

24 (42) RECEIPTS OF THE DEPARTMENT OF HEALTH AND
25 SOCIAL SERVICES, BUEAU OF VITAL STATISTICS;

26 (43) RECEIPTS OF THE DEPARTMENT OF CORRECTIONS
27 FROM THE INMATE TELEPHONE SYSTEM;

28 (44) RECEIPTS OF THE DEPARTMENT OF PUBLIC SAFETY
29 FROM THE ALASKA AUTOMATED FINGERPRINT SYSTEM UNDER
30 AS 44.41.025(b);

31 (45) RECEIPTS OF THE DEPARTMENT OF ADMINISTRATION

1 FROM THE BOAT REGISTRATION PROGRAM UNDER AS 05.25.096;

2 (46) STATE LAND DISPOSAL PROGRAM (AS 38.04.022);

3 (47) SHORE FISHERIES DEVELOPMENT LEASE PROGRAM
4 ACCOUNT (AS 38.05.082(f));

5 (48) TIMBER RECEIPTS ACCOUNT (AS 38.05.110);

6 (49) WORKERS' SAFETY AND COMPENSATION
7 ADMINISTRATION ACCOUNT (AS 23.05.067);

8 (50) RECEIPTS OF FEES FOR RECORDING AND RELATED
9 SERVICES OF THE DEPARTMENT OF NATURAL RESOURCES
10 (AS 40.17.030(a)(10), 40.17.070; AS 44.37.025(b), 44.37.027(c); AS 45.29.303(b),
11 45.29.525, AND 45.29.619(b));

12 (51) RECEIPTS DESCRIBED IN AS 46.03.482(b)(1) AND (2)
13 RECEIVED UNDER THE COMMERCIAL PASSENGER VESSEL
14 ENVIRONMENTAL COMPLIANCE PROGRAM;

15 (52) RECEIPTS OF THE DEPARTMENT OF COMMUNITY AND
16 ECONOMIC DEVELOPMENT FOR FEES FOR BUSINESS LICENSES AND
17 LICENSE ENDORSEMENTS UNDER AS 43.70;

18 (53) RECEIPTS OF FEES FOR CERTAIN INSPECTIONS
19 DEPOSITED UNDER AS 18.60.360, 18.60.800, AND AS 18.62.030 IN THE
20 BUILDING SAFETY ACCOUNT CREATED UNDER AS 44.31.025;]

21 **(22)** [(54)] passenger facility charges collected at state-owned and
22 operated airports under Federal Aviation Administration guidelines[;

23 (55) MONEY RECEIVED BY THE DEPARTMENT OF
24 ENVIRONMENTAL CONSERVATION FROM THE INSPECTION OF FOOD
25 UNDER AS 17.20;

26 (56) FEES RECEIVED BY THE DEPARTMENT OF NATURAL
27 RESOURCES UNDER AS 41.21.026 FOR THE USE OF STATE PARK SYSTEM
28 FACILITIES;

29 (57) APPLICATION AND RENEWAL FEES RECEIVED BY THE
30 DEPARTMENT OF PUBLIC SAFETY UNDER AS 18.65.400 - 18.65.490 FOR
31 LICENSES FOR SECURITY GUARDS AND SECURITY GUARD AGENCIES;

1 (58) FEES RECEIVED BY THE DEPARTMENT OF PUBLIC
2 SAFETY UNDER AS 18.65.700 - 18.65.790 FOR THE ISSUANCE, RENEWAL,
3 AND REPLACEMENT OF PERMITS TO CARRY CONCEALED HANDGUNS;

4 (59) MONETARY RECOVERIES BY THE DEPARTMENT OF
5 HEALTH AND SOCIAL SERVICES OF MEDICAID EXPENDITURES FROM
6 RECIPIENTS, THIRD PARTIES, AND PROVIDERS UNDER AS 47;

7 (60) THE STATE'S SHARE OF OVERPAYMENTS COLLECTED
8 BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES UNDER
9 AS 47.05.080;

10 (61) INCOME RECEIVED BY THE DEPARTMENT OF HEALTH
11 AND SOCIAL SERVICES FROM A STATE OR FEDERAL AGENCY FOR
12 CHILDREN IN FOSTER CARE UNDER AS 47.14.100;

13 (62) FEES RECEIVED BY THE DEPARTMENT OF HEALTH AND
14 SOCIAL SERVICES UNDER AS 44.29.022 FOR NURSING AND PLANNING
15 SERVICES PROVIDED AT HEALTH CENTERS;

16 (63) FEES RECEIVED BY THE DEPARTMENT OF HEALTH AND
17 SOCIAL SERVICES UNDER AS 44.29.022 FOR GENETIC SCREENING CLINICS
18 AND SPECIALTY CLINICS;

19 (64) FEES RECEIVED BY THE DEPARTMENT OF HEALTH AND
20 SOCIAL SERVICES UNDER AS 18.08.080 FOR THE CERTIFICATION OF
21 EMERGENCY MEDICAL TECHNICIANS, EMERGENCY MEDICAL
22 DISPATCHERS, AND EMERGENCY MEDICAL TECHNICIAN INSTRUCTORS;

23 (65) FEES COLLECTED BY THE DEPARTMENT OF HEALTH
24 AND SOCIAL SERVICES UNDER AS 44.29.022 FROM THE CERTIFICATION
25 OF X-RAY MACHINES;

26 (66) FEES COLLECTED UNDER AS 44.29.022 BY THE
27 DEPARTMENT OF HEALTH AND SOCIAL SERVICES UNDER THE ALCOHOL
28 SAFETY ACTION PROGRAM;

29 (67) FEES RECEIVED BY THE DEPARTMENT OF HEALTH AND
30 SOCIAL SERVICES UNDER AS 47.33.910 FOR LICENSING ASSISTED LIVING
31 HOMES;

1 (68) CHARGES, RENTALS, AND FEES FOR AIRPORT OR AIR
2 NAVIGATION FACILITY CONTRACTS, LEASES, AND OTHER
3 ARRANGEMENTS UNDER AS 02.15.020 AND 02.15.090;

4 (69) FEES FOR UTILITY FACILITY PERMITS UNDER
5 AS 02.15.102, ENCROACHMENT PERMITS UNDER AS 02.15.106, UTILITY
6 RIGHT-OF-WAY PERMITS UNDER AS 19.25.010, AND UTILITY FACILITY
7 PERMITS UNDER AS 35.10.210;

8 (70) RECOVERIES OF REPAIR COSTS FOR DAMAGE TO
9 HIGHWAY FIXTURES;

10 (71) THE STATE'S SHARE OF CHILD SUPPORT COLLECTIONS
11 FOR REIMBURSEMENT OF THE COST OF THE ALASKA TEMPORARY
12 ASSISTANCE PROGRAM AS PROVIDED UNDER AS 25.27.120, 25.27.130, AND
13 AS 47.27.040;

14 (72) VEHICLE REGISTRATION FEES COLLECTED UNDER
15 AS 28.10.421 AND OTHER FEES AND CHARGES COLLECTED UNDER
16 AS 28.10.441;

17 (73) FEES FOR DRIVERS' LICENSES, DRIVERS' PERMITS,
18 RENEWALS, AND DRIVER SKILLS TESTS COLLECTED UNDER AS 28.15.271;

19 (74) USER FEES AND OTHER FEES COLLECTED BY THE
20 DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT UNDER
21 AS 14.57.010;

22 (75) STUDENT TUITION AND OTHER FEES RELATED TO
23 SCHOOLS THAT ARE OPERATED BY THE STATE AND COLLECTED UNDER
24 AS 14.07.030;

25 (76) RECEIPTS OF FEES FOR REGISTRATION AND RENEWAL
26 OF REGISTRATION FOR THE SALE OF BUSINESS OPPORTUNITIES UNDER
27 AS 45.66.040].

28 * **Sec. 10.** AS 37.07.080(h) is amended to read:

29 (h) The increase of an appropriation item based on additional federal [OR
30 OTHER PROGRAM] receipts not specifically appropriated by the full legislature may
31 be expended in accordance with the following procedures:

1 (1) the governor shall submit a revised program to the Legislative
2 Budget and Audit Committee for review;

3 (2) 45 days shall elapse before commencement of expenditures under
4 the revised program unless the Legislative Budget and Audit Committee earlier
5 recommends that the state take part in the federally [OR OTHERWISE] funded
6 activity;

7 (3) should the Legislative Budget and Audit Committee recommend
8 within the 45-day period that the state not initiate the additional activity, the governor
9 shall again review the revised program and if the governor determines to authorize the
10 expenditure, the governor shall provide the Legislative Budget and Audit Committee
11 with a statement of the governor's reasons before commencement of expenditures
12 under the revised program.

13 * **Sec. 11.** AS 37.10.050(a) is amended to read:

14 (a) A state agency may not charge a fee for the provision of state services
15 unless the fee (1) is set or otherwise authorized by statute; and (2) where a regulation
16 is necessary, is set by or provided for in a regulation that meets the standards of
17 AS 44.62.020 and 44.62.030. Unless specifically exempted by statute, a state agency
18 authorized to collect or receive fees, licenses, taxes, or other money belonging to the
19 state shall account for and remit the receipts, less fees to which the collector is entitled
20 by statute or regulation, to the Department of Revenue at least once each month.
21 [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY
22 ACCOUNT UNDER AS 37.05.142 FOR RECEIPTS DEPOSITED UNDER THIS
23 SUBSECTION.] A fee or other charge that is set by regulation may not exceed the
24 estimated actual costs of the state agency in administering the activity or providing the
25 service unless otherwise provided by the statute under which the regulation is adopted;
26 however, this limitation does not apply to sale or lease of property by a state agency or
27 fees charged by a resource agency for a designated regulatory service as defined in
28 AS 37.10.058.

29 * **Sec. 12.** AS 38.95.260 is amended to read:

30 **Sec. 38.95.260. Disposition of sale proceeds seven years after the**
31 **judgment of escheat.** Seven years after the judgment of escheat, net proceeds from

1 the sale of escheated real property may be transferred from the escheated real property
 2 trust account to the general fund [AND CREDITED TO THE LAND DISPOSAL
 3 INCOME ACCOUNT UNDER AS 38.04.022], unless a person who was the owner or
 4 one of the owners of the property when the property escheated to the state has
 5 outstanding child support obligations, in which case the proportion of the net proceeds
 6 that is attributable to the ownership interest of the person shall be applied to the
 7 satisfaction of the child support obligations and the balance remaining after the
 8 satisfaction shall be credited to the land disposal income account.

9 * **Sec. 13.** AS 43.50.350 is amended to read:

10 **Sec. 43.50.350. Deposit of proceeds.** The tax collected by the department
 11 shall be deposited in the general fund. [THE ANNUAL ESTIMATED BALANCE IN
 12 THE ACCOUNT MAINTAINED BY THE COMMISSIONER OF
 13 ADMINISTRATION UNDER AS 37.05.142 MAY BE USED BY THE
 14 LEGISLATURE TO MAKE APPROPRIATIONS FOR HEALTH CARE, HEALTH
 15 RESEARCH, HEALTH PROMOTION, AND HEALTH EDUCATION
 16 PROGRAMS.]

17 * **Sec. 14.** AS 43.55.211 is amended to read:

18 **Sec. 43.55.211. Use of revenue derived from surcharge.** The legislature
 19 may appropriate from the general fund an amount equal to the [ANNUAL
 20 ESTIMATED BALANCE OF THE ACCOUNT MAINTAINED UNDER
 21 AS 37.05.142 FOR DEPOSITS INTO THE GENERAL FUND OF THE] proceeds of
 22 the surcharge levied under AS 43.55.201 to the response account in the oil and
 23 hazardous substance release prevention and response fund established by
 24 AS 46.08.010.

25 * **Sec. 15.** AS 43.55.221(a) is amended to read:

26 (a) Not later than 30 days after the end of each calendar quarter, the
 27 commissioner of administration shall determine, as of the end of that quarter, the fiscal
 28 year's

29 (1) unreserved and unobligated balance in the response account of the
 30 oil and hazardous substance release prevention and response fund established in
 31 AS 46.08.010; for purposes of this paragraph, the "unreserved and unobligated balance

1 in the response account" means the cash balance of the account less the sum of

2 (A) reserves for outstanding appropriations from the account;

3 (B) encumbrances of money in the account; and

4 (C) other liabilities of the account;

5 (2) [BALANCE OF THE ACCOUNT MAINTAINED UNDER
6 AS 37.05.142 THAT ACCOUNTS FOR THE] proceeds of the surcharge that are
7 deposited in the general fund;

8 (3) the balance of the response mitigation account established by
9 AS 46.08.025(b) that originated from the sources described in AS 46.08.025(a)(3) and
10 that is available for appropriation to the response account of the fund established in
11 AS 46.08.010.

12 * **Sec. 16.** AS 43.55.231(b) is amended to read:

13 (b) The amount of money required to be appropriated from the general fund to
14 the response account in the oil and hazardous substance release prevention and
15 response fund by (a) of this section is the amount, determined for the last day of the
16 preceding fiscal year, that is the sum of the actual or estimated balance of

17 (1) [THE ACCOUNT MAINTAINED UNDER AS 37.05.142 TO
18 ACCOUNT FOR] all proceeds of the surcharge that are deposited into the general
19 fund; and

20 (2) the portion of the balance of the response mitigation account
21 established by AS 46.08.025(b) that originated from the recovery of money described
22 in AS 46.08.025(a)(3).

23 * **Sec. 17.** AS 43.55.310 is amended to read:

24 **Sec. 43.55.310. Use of revenue derived from surcharge.** The legislature
25 may appropriate from the general fund an amount equal to [THE ANNUAL
26 ESTIMATED BALANCE OF THE ACCOUNT MAINTAINED UNDER
27 AS 37.05.142 FOR DEPOSITS INTO THE GENERAL FUND OF] the proceeds of
28 the surcharge levied under AS 43.55.300 to the oil and hazardous substance release
29 prevention account in the oil and hazardous substance release prevention and response
30 fund established by AS 46.08.010.

31 * **Sec. 18.** AS 43.76.190(d) is amended to read:

1 (d) The dive fishery management assessment collected under this section shall
 2 be deposited in the state treasury. [UNDER AS 37.05.146(c), ASSESSMENT
 3 RECEIPTS SHALL BE ACCOUNTED FOR SEPARATELY, AND
 4 APPROPRIATIONS FROM THE ACCOUNT ARE NOT MADE FROM THE
 5 UNRESTRICTED GENERAL FUND.]

6 * **Sec. 19.** AS 43.76.310(d) is amended to read:

7 (d) A permit buy-back assessment collected under this section shall be
 8 deposited in the state treasury. [THE DEPARTMENT SHALL SEPARATELY
 9 ACCOUNT FOR THE AMOUNTS COLLECTED AND INTEREST ACCRUED ON
 10 THE AMOUNTS COLLECTED FOR EACH PERMIT BUY-BACK ASSESSMENT
 11 IMPOSED UNDER AS 43.76.300. THE LEGISLATURE MAY APPROPRIATE
 12 REVENUE GENERATED BY A PERMIT BUY-BACK ASSESSMENT AND
 13 INTEREST ACCRUED ON THE ASSESSMENT TO THE BUY-BACK FUND
 14 ESTABLISHED FOR THE FISHERY IN WHICH THE ASSESSMENT WAS
 15 COLLECTED FOR THE PURPOSE OF SUPPORTING THE BUY-BACK
 16 PROGRAM FOR THAT FISHERY UNDER AS 16.43.310 AND 16.43.320.]

17 * **Sec. 20.** AS 44.33.113(c) is amended to read:

18 (c) The aggregate total of administrative cost charges to all CDQ groups for a
 19 fiscal year shall approximately equal, but may not exceed, the appropriations
 20 authorized for that fiscal year for the state's role under AS 44.33.020(11), less

21 [(1) APPROPRIATIONS FROM SOURCES OF PROGRAM
 22 RECEIPTS UNDER AS 37.05.146(b) AND (c) NOT COLLECTED UNDER THIS
 23 SECTION; AND

24 (2)] any reappropriations of charges collected under this section.

25 * **Sec. 21.** AS 44.33.113(g) is amended to read:

26 (g) The department shall collect and enforce the administrative cost charge
 27 assessed under this section. The receipts from the charge assessed under this section
 28 shall be deposited in [THE COMMUNITY DEVELOPMENT QUOTA PROGRAM
 29 ACCOUNT IN] the state treasury. [UNDER AS 37.05.146(c), RECEIPTS FROM
 30 CHARGES COLLECTED UNDER THIS SECTION SHALL BE ACCOUNTED
 31 FOR SEPARATELY, AND APPROPRIATIONS FROM THE ACCOUNT ARE

1 NOT MADE FROM THE UNRESTRICTED GENERAL FUND. THE
 2 LEGISLATURE MAY APPROPRIATE MONEY FROM THE COMMUNITY
 3 DEVELOPMENT QUOTA PROGRAM ACCOUNT FOR EXPENDITURES BY
 4 THE DEPARTMENT FOR NECESSARY COSTS INCURRED BY THE
 5 DEPARTMENT IN IMPLEMENTING ANY ASSIGNED ROLE UNDER
 6 AS 44.33.020(11) OR FOR ANY OTHER PUBLIC PURPOSE.]

7 * **Sec. 22.** AS 46.08.020(a) is amended to read:

8 (a) The legislature may appropriate from the following sources to the
 9 prevention account in the fund:

10 (1) **from the general fund an amount equal to** [THE ANNUAL
 11 ESTIMATED BALANCE OF THE ACCOUNT MAINTAINED UNDER
 12 AS 37.05.142 FOR DEPOSITS INTO THE GENERAL FUND OF] the proceeds of
 13 the oil conservation surcharge levied by AS 43.55.300;

14 (2) money received from other state sources, from federal or other
 15 sources, or from a private donor;

16 (3) money recovered or otherwise received from parties responsible for
 17 the containment and cleanup of oil or a hazardous substance at a specific site, but
 18 excluding money

19 (A) from performance bonds and other forms of financial
 20 responsibility held in escrow pending satisfactory performance of a privately
 21 financed response action; and

22 (B) described in AS 46.08.025(a)(3); **and**

23 (4) fines, penalties, or damages recovered under AS 46.08.005 -
 24 46.08.080 or other law for costs incurred by the state as a result of the release or
 25 threatened release of oil or a hazardous substance[; AND

26 (5) THE INTEREST EARNED ON THE BALANCE OF THE
 27 ACCOUNTS MAINTAINED UNDER AS 37.05.142 FOR DEPOSITS INTO THE
 28 GENERAL FUND FROM THE PROCEEDS OF THE SURCHARGES LEVIED
 29 UNDER AS 43.55.201 AND 43.55.300].

30 * **Sec. 23.** AS 46.08.025(a) is amended to read:

31 (a) The legislature may appropriate from the following sources to the oil and

1 hazardous substance release response account in the fund:

2 (1) from the general fund, an amount equal to [THE ANNUAL
3 ESTIMATED BALANCE OF THE ACCOUNT MAINTAINED UNDER
4 AS 37.05.142 FOR DEPOSIT INTO THE GENERAL FUND OF] the proceeds of the
5 oil conservation surcharge levied by AS 43.55.201;

6 (2) money received from other state sources, from federal or other
7 sources, or from a private donor; and

8 (3) money recovered or otherwise received from parties responsible for
9 the containment and cleanup of oil or a hazardous substance at a specific site for
10 which the state expended money from the former oil and hazardous substance release
11 response fund before October 2, 1994 or for which the state expended money from the
12 response account, but excluding

13 (A) money from performance bonds and other forms of
14 financial responsibility held in escrow pending satisfactory performance of a
15 privately financed response action;

16 (B) fines, penalties, and damages described in
17 AS 46.08.020(a)(4).

18 * **Sec. 24.** AS 04.11.590(c); AS 05.25.096(b); AS 12.55.036(g), 12.55.039(d);
19 AS 13.26.410(f); AS 14.20.020(e); AS 18.50.225(d), 18.50.272(e); AS 18.60.360(c),
20 18.60.800(f), 18.60.810(f); AS 18.62.030(b); AS 23.05.067(e); AS 25.27.125(b);
21 AS 37.05.142, 37.05.144, 37.05.146(a); AS 37.10.420(a)(1)(B); AS 38.04.022;
22 AS 38.05.082(f), 38.05.110(b); AS 40.17.075; AS 41.23.470(e); AS 44.31.025;
23 AS 44.33.113(c)(1), 44.33.113(g); AS 44.37.025(f), 44.37.027(f); AS 45.29.530;
24 AS 45.66.040(b); AS 46.03.482, and 46.03.490(5) are repealed.

25 * **Sec. 25.** This Act takes effect July 1, 2004.