

HOUSE BILL NO. 341

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE DOOGAN

Introduced: 1/25/08
Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing certain funds and accounts; relating to receipts of certain state**
2 **agencies and the accounting for and disposition of those receipts; making conforming**
3 **amendments; and providing for an effective date."**

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

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

7 PURPOSE. The practices of designating program receipts for specific purposes,
8 subject to appropriation, and depositing money into specific funds and accounts allow the
9 segregation of unrestricted general fund revenue into special-purpose funds and accounts. It is
10 a purpose of this Act to end those practices. Those practices have certain of the faults sought
11 to be prevented by the dedicated fund prohibition set out in art. IX, sec. 7, Constitution of the
12 State of Alaska. The practices of designating program receipts and depositing money directly
13 into funds and accounts effectively limit the discretion of the legislature to expend receipts for
14 any public purpose. The practices create constituent interests that actively support the

1 continuance of appropriations for specific purposes. The purpose of this Act also is to reduce
 2 the number of funding sources for appropriations so that the amount of expenditures of
 3 unrestricted state revenue is readily apparent.

4 * **Sec. 2.** AS 04.11.590(c) is amended to read:

5 (c) The **legislature may appropriate the** annual estimated balance **derived**
 6 **from the sources described in (a) and (b) of this section** [IN THE ACCOUNT
 7 MAINTAINED BY THE COMMISSIONER OF ADMINISTRATION UNDER
 8 AS 37.05.142 MAY BE USED BY THE LEGISLATURE TO MAKE
 9 APPROPRIATIONS] to the Department of Public Safety to carry out the purposes of
 10 AS 04.06.

11 * **Sec. 3.** AS 05.20.060(c) is amended to read:

12 (c) Fees collected under this section shall be deposited in the **general fund**
 13 [BUILDING SAFETY ACCOUNT CREATED BY AS 44.31.025].

14 * **Sec. 4.** AS 05.25.096(b) is amended to read:

15 (b) The **legislature may appropriate the annual estimated balance of the**
 16 [DEPARTMENT OF ADMINISTRATION SHALL SEPARATELY ACCOUNT
 17 FOR] fees collected under (a) of this section for boat registration that are deposited in
 18 the general fund [. THE ANNUAL ESTIMATED BALANCE IN THAT ACCOUNT
 19 MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS] to the
 20 department and the Department of Administration to carry out the purposes of this
 21 chapter.

22 * **Sec. 5.** AS 08.88.071(b) is amended to read:

23 (b) When an award is **allowed under AS 08.88.455 - 08.88.495** [MADE
 24 FROM THE REAL ESTATE SURETY FUND UNDER THIS CHAPTER], the
 25 commission may suspend the license of the real estate licensee whose actions formed
 26 the basis of the award. A suspension ordered under this subsection shall be lifted if the
 27 licensee reaches an agreement with the commission on terms and conditions for the
 28 repayment [TO THE REAL ESTATE SURETY FUND] of the money awarded to the
 29 claimant and the costs of hearing the claim under AS 08.88.465 and if the licensee
 30 satisfies the requirements of AS 08.88.095. The suspension shall be reimposed if the
 31 licensee violates the terms of a repayment agreement entered into under this

1 subsection.

2 * **Sec. 6.** AS 08.88.173(b) is amended to read:

3 (b) If a loss covered by the fidelity bond required under this section is also
4 reimbursable as a claim under AS 08.88.455 - 08.88.495 [FROM THE REAL
5 ESTATE SURETY FUND], the owners' association that suffered the loss may not
6 recover under the bond until the association has filed a claim for reimbursement under
7 AS 08.88.460 and proceedings relating to the claim are concluded.

8 * **Sec. 7.** AS 08.88.281 is amended to read:

9 **Sec. 08.88.281. Payment of fee [REAL ESTATE SURETY FUND].** Before
10 issuing a license to an applicant under this chapter, the commission shall ensure that
11 the applicant has complied with the provisions of AS 08.88.455 [AND IS COVERED
12 BY THE REAL ESTATE SURETY FUND ESTABLISHED IN AS 08.88.450].

13 * **Sec. 8.** AS 08.88.455 is amended to read:

14 **Sec. 08.88.455. Payments by real estate licensees.** (a) A real estate licensee,
15 when applying for or renewing a real estate license, in lieu of obtaining a corporate
16 surety bond, shall pay to the commission in addition to the license fee, a [SURETY
17 FUND] fee not to exceed \$125. [AFTER EACH TWO-YEAR LICENSING CYCLE,
18 IF THE COMMISSION FINDS THAT THE AVERAGE BALANCE IN THE
19 SURETY FUND DURING THE TWO-YEAR LICENSING CYCLE WAS LESS
20 THAN \$250,000 OR MORE THAN \$500,000, THE COMMISSION SHALL BY
21 REGULATION ADJUST THE SURETY FUND FEES SO THAT THE AVERAGE
22 BALANCE OF THE SURETY FUND DURING THE NEXT TWO-YEAR
23 LICENSING CYCLE IS ANTICIPATED TO BE AN AMOUNT THAT IS NOT
24 LESS THAN \$250,000 OR MORE THAN \$500,000. IN THIS SUBSECTION,
25 "AVERAGE BALANCE" MEANS THE AVERAGE BALANCE AFTER TAKING
26 INTO ACCOUNT ANTICIPATED EXPENDITURES FOR CLAIMS AGAINST
27 THE FUND, FOR HEARING AND LEGAL EXPENSES DIRECTLY RELATED
28 TO FUND OPERATIONS AND CLAIMS, AND FOR REAL ESTATE
29 EDUCATIONAL PURPOSES.]

30 (b) All fees collected under this section shall be deposited [PAID AT LEAST
31 ONCE A MONTH BY THE DEPARTMENT] into the general fund. [THESE

1 PAYMENTS SHALL BE CREDITED TO THE REAL ESTATE SURETY FUND.]

2 * **Sec. 9.** AS 08.88.455 is amended by adding a new subsection to read:

3 (c) The commission shall submit to the legislature a request for appropriation
4 each fiscal year to pay successful claims for reimbursement under AS 08.88.455 -
5 08.88.495.

6 * **Sec. 10.** AS 08.88.460(d) is amended to read:

7 (d) A claimant under this section shall pay a filing fee of \$250 to the
8 commission at the time the claim is filed. The filing fee shall be refunded if the

9 (1) commission makes an award to the claimant [FROM THE REAL
10 ESTATE SURETY FUND];

11 (2) claim is dismissed under (c) of this section; or

12 (3) claim is withdrawn by the claimant before the office of
13 administrative hearings (AS 44.64.010) holds a hearing on the claim.

14 * **Sec. 11.** AS 08.88.465(c) is amended to read:

15 (c) Before the commission finds that payment should be made [FROM THE
16 REAL ESTATE SURETY FUND], each real estate licensee against whom the claim is
17 made shall be afforded an opportunity to file with the commission, within 10 days
18 after receipt of notification of the claim under AS 08.88.460(b), either a written
19 statement in opposition to the claim or an application for the presentation of additional
20 evidence.

21 * **Sec. 12.** AS 08.88.470 is amended to read:

22 **Sec. 08.88.470. Findings and payment.** At the conclusion of the commission's
23 consideration of a claim made under AS 08.88.460, it shall make written findings and
24 conclusions on the evidence. If the commission finds that the claimant has suffered a
25 loss in a real estate transaction as a result of fraud, misrepresentation, deceit, or the
26 conversion of trust funds or the conversion of community association accounts under
27 the control of a community association manager on the part of a real estate licensee,
28 the commission may award a claimant reimbursement [FROM THE REAL ESTATE
29 SURETY FUND] for the claimant's loss up to \$15,000. Not more than \$15,000 may
30 be paid for each transaction regardless of the number of persons injured or the number
31 of parcels of real estate involved in the transaction.

1 * **Sec. 13.** AS 08.88.472(a) is amended to read:

2 (a) The commission may include in its appropriation request under
 3 AS 08.88.455(c) the funds necessary to pay its [CHARGE TO THE REAL ESTATE
 4 SURETY FUND] hearing and legal expenses related to claims presented under
 5 AS 08.88.460 [FUND OPERATIONS] and claims made under AS 08.88.460. The
 6 commission shall deposit into the general [REAL ESTATE SURETY] fund amounts
 7 recovered for these expenses from the licensee under AS 08.88.071(b) or from other
 8 parties under AS 08.88.490.

9 * **Sec. 14.** AS 08.88.472(b) is amended to read:

10 (b) An amount that is part of the commission's appropriation request
 11 [CHARGED TO THE FUND BY THE COMMISSION] for costs under (a) of this
 12 section may not be considered in determining the maximum reimbursement to be
 13 awarded under AS 08.88.470 or in determining the maximum liability [OF THE
 14 REAL ESTATE SURETY FUND] under AS 08.88.475.

15 * **Sec. 15.** AS 08.88.472(c) is amended to read:

16 (c) The commission may contract under AS 36.30 (State Procurement Code)
 17 with a person for the person to perform legal services for the commission with regard
 18 to a claim [AGAINST THE REAL ESTATE SURETY FUND]. The contract may
 19 cover one or more claims.

20 * **Sec. 16.** AS 08.88.474 is amended to read:

21 **Sec. 08.88.474. Payment of small claims judgment.** If a claim originally filed
 22 with the commission is dismissed and is heard as a small claims action under
 23 AS 08.88.460(c) and the claimant prevails in the small claims action against a real
 24 estate licensee, the commission shall make an award [FROM THE FUND] of any
 25 outstanding portion of the small claims judgment on receipt of a copy of the final
 26 judgment and an affidavit from the claimant stating that more than 30 days have
 27 elapsed since the judgment became final and that the judgment has not yet been
 28 satisfied by the licensee determined responsible. After payment of a small claims
 29 judgment, the commission is subrogated to the claimant's rights in the judgment under
 30 AS 08.88.490.

31 * **Sec. 17.** AS 08.88.475 is amended to read:

1 **Sec. 08.88.475. Maximum liability.** (a) The maximum liability **for the**
2 **commission's appropriation request** [OF THE REAL ESTATE SURETY FUND]
3 may not exceed \$50,000 for any one real estate licensee.

4 (b) If the \$50,000 liability [OF THE FUND] as provided in (a) of this section
5 is insufficient to pay in full the valid claims of all persons who have filed claims
6 against an individual licensee, the \$50,000 shall be distributed among the claimants in
7 the ratio that their individual claims bear to the aggregate of valid claims, or in another
8 manner that the commission considers equitable. Distribution shall be among the
9 persons entitled to share in the recovery without regard to the order in which their
10 claims were filed.

11 * **Sec. 18.** AS 08.88.480 is amended to read:

12 **Sec. 08.88.480. Order of claim payment.** If the money **received in the**
13 **appropriation to the commission** [DEPOSITED IN THE REAL ESTATE SURETY
14 FUND] is insufficient at a given time to satisfy a **legally** [DULY] authorized claim
15 [AGAINST THE FUND], the commission shall, when sufficient money has been
16 [DEPOSITED IN THE FUND AND] appropriated, satisfy unpaid claims in the order
17 that the claims were originally filed, plus accumulated interest at the rate of eight
18 percent a year.

19 * **Sec. 19.** AS 08.88.490 is amended to read:

20 **Sec. 08.88.490. Right to subrogation.** When the commission has paid to a
21 claimant [FROM THE REAL ESTATE SURETY FUND] the sum awarded by the
22 commission, the commission shall be subrogated to all of the rights of the claimant to
23 the amount paid, and the claimant shall assign all right, title, and interest in that
24 portion of the claim to the commission. Money collected by the commission on the
25 claim shall be deposited **into the general** [TO THE REAL ESTATE SURETY] fund.

26 * **Sec. 20.** AS 08.88.495 is amended to read:

27 **Sec. 08.88.495. Disciplinary action against brokers and salesmen.**
28 Repayment in full of all obligations to the **commission** [REAL ESTATE SURETY
29 FUND] does not nullify or modify the effect of disciplinary proceedings brought
30 under the provisions of this chapter.

31 * **Sec. 21.** AS 12.25.195(c) is amended to read:

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

6 * **Sec. 22.** AS 12.55.036(g) is amended to read:

7 (g) Money collected under this section shall be deposited into the general fund
 8 [AND SEPARATELY ACCOUNTED FOR UNDER AS 37.05.142]. The annual
 9 estimated balance **of the amounts of** [IN THE ACCOUNT MAINTAINED UNDER
 10 AS 37.05.142 FOR] day fines collected under this section may be appropriated by the
 11 legislature as follows: (1) 25 percent of the annual estimated balance for grants and
 12 claims paid by the Council on Domestic Violence and Sexual Assault; (2) 25 percent
 13 of the annual estimated balance for grants and claims paid by the Violent Crimes
 14 Compensation Board; and (3) the balance for any lawful purpose. Nothing in this
 15 subsection creates a dedicated fund.

16 * **Sec. 23.** AS 12.55.039(d) is amended to read:

17 (d) Money collected under this section shall be deposited into the general fund
 18 [AND ACCOUNTED FOR UNDER AS 37.05.142].

19 * **Sec. 24.** AS 12.62.160(d) is amended to read:

20 (d) Notwithstanding AS 40.25, a criminal justice agency may charge fees,
 21 established by regulation or municipal ordinance, for processing requests for records
 22 under this chapter, unless the request is from a criminal justice agency or is required
 23 for purposes of discovery in a criminal case. In addition to fees charged under
 24 AS 44.41.025 for processing fingerprints through the Alaska automated fingerprint
 25 system, the department may charge fees for other services in connection with the
 26 processing of information requests, including fees for contacting other jurisdictions to
 27 determine the disposition of an out-of-state arrest or to clarify the nature of an out-of-
 28 state conviction. The department may also collect and account for fees charged by the
 29 Federal Bureau of Investigation for processing fingerprints forwarded to the bureau by
 30 the department. The **legislature may appropriate the** annual estimated balance **of the**
 31 **amounts of the fees described in this subsection** [IN THE ACCOUNT

1 MAINTAINED BY THE COMMISSIONER OF ADMINISTRATION UNDER
 2 AS 37.05.142 MAY BE USED BY THE LEGISLATURE TO MAKE
 3 APPROPRIATIONS] to the department to carry out the purposes of this chapter.

4 * **Sec. 25.** AS 13.26.410(f) is amended to read:

5 (f) The **legislature may appropriate the** annual estimated balance **of the fees**
 6 **collected under this section** [IN THE ACCOUNT MAINTAINED UNDER
 7 AS 37.05.142 MAY BE USED BY THE LEGISLATURE TO MAKE
 8 APPROPRIATIONS] to the Department of Administration to carry out the purposes
 9 of AS 44.21.400 - 44.21.410 (office of public advocacy).

10 * **Sec. 26.** AS 13.50.150(a) is amended to read:

11 (a) An applicant for a motor vehicle or identification document may donate \$1
 12 or more [TO THE FUND] to promote the donation of body parts under AS 13.52
 13 (Health Care Decisions Act). The donation is voluntary and may be declined by the
 14 applicant. The department shall make available to all applicants information on the
 15 importance of making gifts.

16 * **Sec. 27.** AS 14.03.125(a) is amended to read:

17 (a) The **commissioner may** [FUND FOR THE IMPROVEMENT OF
 18 SCHOOL PERFORMANCE IS CREATED AS AN ACCOUNT IN THE GENERAL
 19 FUND. THE FUND SHALL BE USED BY THE COMMISSIONER TO] make grants
 20 to a district located in the state for the purpose of improving school performance **from**
 21 **money appropriated by the legislature** [. THE FUND CONSISTS OF MONEY
 22 APPROPRIATED BY THE LEGISLATURE]. The commissioner shall annually
 23 determine the amount requested for grants under this section and shall include the
 24 amount in the department's budget request.

25 * **Sec. 28.** AS 14.11.008(a) is amended to read:

26 (a) In order to receive a grant under this chapter [OR AN APPROPRIATION
 27 UNDER AS 37.05.560], a district must provide a percentage share of the project cost,
 28 as determined under (b) or (c) of this section. A district shall provide the required
 29 participating share within three years after the date that the appropriation bill funding
 30 the grant is passed by the legislature.

31 * **Sec. 29.** AS 14.11.011(b) is amended to read:

1 (b) For a municipality that is a school district or a regional educational
2 attendance area to be eligible for a grant under this chapter, the district shall submit

3 (1) a six-year capital improvement plan that includes a description of
4 the district's fixed asset inventory system and preventive maintenance program **not**
5 [NO] later than September 1 of the fiscal year before the fiscal year for which the
6 request is made; the six-year plan must contain for each proposed project a detailed
7 scope of work, a project budget, and documentation of conditions justifying the
8 project;

9 (2) evidence that the district [HAS SECURED AND WILL
10 MAINTAIN ADEQUATE PROPERTY LOSS INSURANCE FOR THE
11 REPLACEMENT COST OF ALL FACILITIES FOR WHICH STATE FUNDS ARE
12 AVAILABLE UNDER AS 14.11.005 OR 14.11.007 OR] has a program of insurance
13 acceptable to the department;

14 (3) evidence acceptable to the department that the proposed project
15 should be a capital improvement project and not part of a preventive maintenance
16 program or regular custodial care program; and

17 (4) evidence acceptable to the department that the district

18 (A) has a preventive maintenance plan that

19 (i) includes a computerized maintenance management
20 program, cardex system, or other formal systematic means of tracking
21 the timing and costs associated with planned and completed
22 maintenance activities, including scheduled preventive maintenance;

23 (ii) addresses energy management for buildings owned
24 or operated by the district;

25 (iii) includes a regular custodial care program for
26 buildings owned or operated by the district;

27 (iv) includes preventive maintenance training for
28 facility managers and maintenance employees;

29 (v) includes renewal and replacement schedules for
30 electrical, mechanical, structural, and other components of facilities
31 owned or operated by the district; and

(B) is adequately adhering to the preventive maintenance plan.

* **Sec. 30.** AS 14.11.100(b) is amended to read:

(b) The commissioner shall administer the program of reimbursement authorized under this section and shall provide by regulation for the filing of applications for reimbursement, the form of proof of costs for which application for reimbursement is made, and other regulations necessary to administer the program. An amount due a municipality for reimbursement under this section may not be reduced by the cost to the department to administer the reimbursement program. The commissioner shall exclude from the total school construction cost of the local district all state and federal funds included in these costs except funds provided under this section [AND AS 43.50.140].

* **Sec. 31.** AS 14.17.400(b) is amended to read:

(b) If the amount appropriated by the legislature for public education [TO THE PUBLIC EDUCATION FUND] for purposes of this chapter is insufficient to meet the amounts authorized under (a) of this section for a fiscal year, the department shall reduce pro rata each district's basic need by the necessary percentage as determined by the department. If the basic need of each district is reduced under this subsection, the department shall also reduce state funding for centralized correspondence study and the state boarding school by the same percentage.

* **Sec. 32.** AS 14.17.430 is amended to read:

Sec. 14.17.430. State funding for correspondence study. Except as provided in AS 14.17.400(b) for a reduction in state funding, funding for the state centralized correspondence study program or a district correspondence program, including a district that offers a statewide correspondence study program, includes an allocation from the amount appropriated by the legislature for public education under AS 14.17.400(b) [PUBLIC EDUCATION FUND] in an amount calculated by multiplying the ADM of the correspondence program by 80 percent.

* **Sec. 33.** AS 14.17.440(a) is amended to read:

(a) Except as provided in AS 14.17.400(b) for a reduction in state funding, funding for state boarding schools established under AS 14.16.010 includes an allocation from the amount appropriated by the legislature for public education

1 **under AS 14.17.400(b)** [PUBLIC EDUCATION FUND] in an amount calculated by

2 (1) determining the ADM of state boarding schools by applying the
3 school size factor to the student count as described in AS 14.17.450;

4 (2) multiplying the number obtained under (1) of this subsection by the
5 special needs factor in AS 14.17.420(a)(1) and multiplying that product by the base
6 student allocation; and

7 (3) multiplying the product determined under (2) of this subsection by
8 the district cost factor that is applicable to calculation of the state aid for the adjacent
9 school district under AS 14.17.460.

10 * **Sec. 34.** AS 14.17.610(b) is amended to read:

11 (b) Distribution of state aid under (a) of this section shall be made as required
12 under AS 14.17.410. If a district receives more state aid than it is entitled to receive
13 under this chapter, the district shall immediately remit the amount of overpayment to
14 the commissioner, to be returned to the **general** [PUBLIC EDUCATION] fund. The
15 department may make adjustments to a district's state aid to correct underpayments
16 made in previous fiscal years.

17 * **Sec. 35.** AS 14.17.900(b) is amended to read:

18 (b) Money to carry out the provisions of this chapter may be appropriated
19 annually by the legislature [INTO THE PUBLIC EDUCATION FUND]. If the
20 amount appropriated [TO THE FUND] for the purposes of this chapter is insufficient
21 to meet the allocations authorized under AS 14.17.400 - 14.17.470 for a fiscal year,
22 state aid shall be reduced according to AS 14.17.400(b).

23 * **Sec. 36.** AS 14.20.020(e) is amended to read:

24 (e) The **legislature may use the** annual estimated balance **of the fees for**
25 **teacher certification collected under this section, exclusive of amounts relating to**
26 **the fees collected for criminal justice information and national criminal history**
27 **record checks,** [IN THE ACCOUNT MAINTAINED BY THE COMMISSIONER
28 OF ADMINISTRATION UNDER AS 37.05.142 MAY BE USED BY THE
29 LEGISLATURE] to make appropriations to the department to carry out the purposes
30 of this section and to support the activities of the Professional Teaching Practices
31 Commission under AS 14.20.460, 14.20.470, and 14.20.500.

1 * **Sec. 37.** AS 16.05.480(e) is amended to read:

2 (e) Except as provided under AS 16.05.470 [AND AS 23.35.060], fees
3 collected from the sale of crewmember fishing licenses under this section may be
4 appropriated into the fish and game fund.

5 * **Sec. 38.** AS 18.60.360(c) is amended to read:

6 (c) The Department of Labor and Workforce Development shall give an
7 official receipt for an inspection fee collected under this section and shall transfer the
8 amount of the fee to the Department of Revenue for deposit in the **general fund**
9 [BUILDING SAFETY ACCOUNT CREATED UNDER AS 44.31.025 IN THE
10 STATE TREASURY].

11 * **Sec. 39.** AS 18.60.395(e) is amended to read:

12 (e) A person shall pay a nonrefundable application fee of \$200 when applying
13 for a license as a boiler operator. Fees collected under this section shall be deposited in
14 the **general fund** [BUILDING SAFETY ACCOUNT CREATED UNDER
15 AS 44.31.025].

16 * **Sec. 40.** AS 18.60.800(f) is amended to read:

17 (f) Inspection fees collected under (b) of this section shall be deposited into
18 the **general fund** [BUILDING SAFETY ACCOUNT CREATED UNDER
19 AS 44.31.025].

20 * **Sec. 41.** AS 18.62.030(b) is amended to read:

21 (b) Fees collected under (a) of this section shall be deposited into the **general**
22 **fund** [BUILDING SAFETY ACCOUNT CREATED UNDER AS 44.31.025].

23 * **Sec. 42.** AS 18.74.180 is amended to read:

24 **Sec. 18.74.180. Separate accounting.** The fee received under AS 18.74.080(c)
25 and the civil penalties imposed under AS 18.74.160 shall be deposited into the general
26 fund [AND SEPARATELY ACCOUNTED FOR UNDER AS 37.05.142]. The
27 legislature may appropriate the **annual estimated balance of those fees and civil**
28 **penalties** [MONEY ACCOUNTED FOR UNDER THIS SECTION] to the fire
29 prevention and public safety fund established under AS 18.74.210.

30 * **Sec. 43.** AS 19.10.075(b) is amended to read:

31 (b) The legislature may appropriate 50 percent of the **annual estimated**

1 **balance of the** fines for offenses committed in a traffic safety corridor imposed under
 2 AS 28.90.030 and collected [AND SEPARATELY ACCOUNTED FOR] by the state
 3 [UNDER AS 37.05.142,] to the division of the Department of Transportation and
 4 Public Facilities responsible for highway safety planning, for highway safety
 5 programs.

6 * **Sec. 44.** AS 19.65.070(a) is amended to read:

7 (a) The Alaska marine highway system shall account for and remit to the
 8 Department of Revenue in accordance with AS 37.10.050 all gross revenue generated
 9 from the operation of the Alaska marine highway system during each annual operating
 10 cycle. The money shall then be deposited in the **general** [ALASKA MARINE
 11 HIGHWAY SYSTEM] fund.

12 * **Sec. 45.** AS 19.65.070(c) is amended to read:

13 (c) The Department of Revenue shall prepare a written report, **not** [NO] later
 14 than the 10th legislative day of each regular legislative session, regarding the earnings
 15 on gross revenue of the Alaska marine highway system that was deposited into the
 16 **general** [ALASKA MARINE HIGHWAY SYSTEM] fund during the prior fiscal year
 17 and projected earnings on gross revenue of the Alaska marine highway system that is
 18 projected to be deposited into the **general** [ALASKA MARINE HIGHWAY
 19 SYSTEM] fund for the current fiscal year and the next fiscal year. The Department of
 20 Revenue shall notify the legislature that the report is available.

21 * **Sec. 46.** AS 23.05.067(a) is amended to read:

22 (a) Each insurer providing workers' compensation insurance and each
 23 employer who is self-insured or uninsured for purposes of AS 23.30 in this state shall
 24 pay an annual service fee to the department for the administrative expenses of the state
 25 for workers' safety programs under AS 18.60 and the workers' compensation program
 26 under AS 23.30 as follows:

27 (1) for each employer,

28 (A) except as provided in (b) of this section, the service fee
 29 shall be paid each year to the department at the time that the annual report is
 30 required to be filed under AS 23.30.155(m) or (n); and

31 (B) the service fee is 2.9 percent of all payments reported to the

1 Alaska Workers' Compensation Board under AS 23.30.155(m) or (n) [,
2 EXCEPT SECOND INJURY FUND PAYMENTS]; and

3 (2) for each insurer, the director of the division of insurance shall,
4 under (e) of this section, deposit from funds received from the insurer under
5 AS 21.09.210 a service fee of 1.82 percent of the direct premium income for workers'
6 compensation insurance received by the insurer during the year ending on the
7 preceding December 31, subject to all the deductions specified in AS 21.09.210(b).

8 * **Sec. 47.** AS 23.05.067(e) is amended to read:

9 (e) Annual service fees and civil penalties collected under this section shall be
10 deposited in the **general fund** [WORKERS' SAFETY AND COMPENSATION
11 ADMINISTRATION ACCOUNT IN THE STATE TREASURY. UNDER
12 AS 37.05.146(c), THE SERVICE FEES AND CIVIL PENALTIES SHALL BE
13 ACCOUNTED FOR SEPARATELY, AND APPROPRIATIONS FROM THE
14 ACCOUNT ARE NOT MADE FROM THE UNRESTRICTED GENERAL FUND].
15 The legislature may appropriate [MONEY] from the **general fund the annual**
16 **estimated balance of these service fees and civil penalties** [ACCOUNT] for
17 expenditures by the department for necessary costs incurred by the department in the
18 administration of the workers' safety programs contained in AS 18.60 and of the
19 Alaska Workers' Compensation Act contained in AS 23.30. [NOTHING IN THIS
20 SUBSECTION CREATES A DEDICATED FUND OR DEDICATES THE MONEY
21 IN THE ACCOUNT FOR A SPECIFIC PURPOSE. MONEY DEPOSITED IN THE
22 ACCOUNT DOES NOT LAPSE AT THE END OF A FISCAL YEAR UNLESS
23 OTHERWISE PROVIDED BY AN APPROPRIATION.]

24 * **Sec. 48.** AS 23.15.125(b) is amended to read:

25 (b) Subject to (c) and (d) of this section, the agency may use money
26 **appropriated to it** [IN THE FUND ESTABLISHED UNDER THIS SECTION] to
27 guarantee 90 percent of the principal amount of a loan or to subsidize the interest rate
28 of a loan guaranteed by the agency for appropriate assistive technology that is best
29 suited for enabling a person with a disability to

30 (1) obtain or maintain employment; or

31 (2) live more independently.

1 * **Sec. 49.** AS 23.15.125(d) is amended to read:

2 (d) The director shall establish an assistive technology loan committee within
3 the agency. The committee shall consist of the director, or the director's designee, a
4 representative of a financial institution who is experienced with consumer loans, and
5 at least one but not more than three persons with disabilities. The committee shall

6 (1) establish guidelines for providing loans under this section,
7 including guidelines relating to the maximum amounts and duration of loans and
8 guidelines to ensure that persons with disabilities who live in rural or remote areas of
9 the state have adequate access to loans under this section;

10 (2) annually establish the percentage of money received by
11 appropriation [IN THE FUND] that may be used for subsidizing the interest rates on
12 loans guaranteed under this section; and

13 (3) make reports and recommendations to the legislature on the
14 operation of the loan program.

15 * **Sec. 50.** AS 23.15.136 is amended to read:

16 **Sec. 23.15.136. Group insurance for certain licensees.** The agency shall
17 purchase group insurance coverage under AS 39.30.090 for licensees holding current
18 operating agreements. The employer share of the insurance premium shall be paid
19 from appropriations received under AS 23.15.125(b) [THE VOCATIONAL
20 REHABILITATION SMALL BUSINESS ENTERPRISE REVOLVING FUND].

21 * **Sec. 51.** AS 23.15.630(c) is amended to read:

22 (c) The department shall assess and collect, under AS 23.20.185 - 23.20.275,
23 interest and penalties for delinquent reports and payments due under this section.
24 Interest and penalties collected shall be deposited in the general fund [HANDLED
25 IN ACCORDANCE WITH AS 23.20.130(d).]

26 * **Sec. 52.** AS 23.15.640(c) is amended to read:

27 (c) The department shall require an individual who participated in a program
28 that was funded at least in part by a grant under AS 23.15.651 and that included as a
29 program element the provision of necessary tools, work-related clothing, safety gear,
30 or other necessities to obtain or retain employment under (a)(6) of this section to
31 reimburse the department for the portion of the grant that was spent on an element

1 listed in (a)(6) of this section. Repayment shall begin **not** [NO] later than six months
 2 after the individual completes or leaves the state training and employment program
 3 and may not be less than \$25 each calendar month. The department shall separately
 4 account for receipts under this subsection. The annual estimated receipts may be used
 5 by the legislature to make appropriations to the department [TO THE
 6 EMPLOYMENT ASSISTANCE AND TRAINING PROGRAM ACCOUNT
 7 (AS 23.15.625)] for grants under AS 23.15.651. The department shall institute
 8 collection procedures on outstanding promissory notes for amounts due under this
 9 subsection. Collection procedures must include obtaining a judgment for default on a
 10 promissory note. The department shall seek satisfaction of the judgment from an
 11 individual's permanent fund dividend to the extent possible under AS 43.23.065 until
 12 the judgment has been satisfied. The department shall implement this subsection by
 13 regulation.

14 * **Sec. 53.** AS 23.15.645(e) is amended to read:

15 (e) In making a grant under this section, the board shall require that the
 16 qualified entity and grantees of the qualified entity limit the amount of the grant
 17 proceeds spent on administration so that the total spent on administration from the
 18 **grant** [PROCEEDS OF THE EMPLOYMENT ASSISTANCE AND TRAINING
 19 PROGRAM ACCOUNT], including amounts spent by the board itself, does not
 20 exceed 20 percent of program expenses in the prior fiscal year.

21 * **Sec. 54.** AS 23.15.835(c) is amended to read:

22 (c) The Department of Labor and Workforce Development shall assess and
 23 collect, under AS 23.20.185 - 23.20.275, interest and penalties for delinquent reports
 24 and payments due under this section. Interest and penalties collected shall be
 25 **deposited in the general fund** [HANDLED IN ACCORDANCE WITH
 26 AS 23.20.130(d)].

27 * **Sec. 55.** AS 23.20.130(a) is amended to read:

28 (a) There shall be maintained as special funds separate and apart from all
 29 public funds of this state, an unemployment compensation fund **that** [WHICH] shall
 30 be administered by the department exclusively for the purposes of this chapter [, AND
 31 A TRAINING AND BUILDING FUND].

1 * **Sec. 56.** AS 23.20.135(b) is amended to read:

2 (b) The department, or a designee of the department, shall immediately
3 deposit, upon receipt, all money payable to the fund in the clearing account. Refunds
4 of contributions erroneously collected and payable under AS 23.20.225 and
5 23.20.526(a)(11) may be paid from the clearing account in the same manner [, OR
6 FROM THE TRAINING AND BUILDING FUND]. Interest and penalty payments
7 may not be refunded from the unemployment compensation fund. After clearance, all
8 money in the clearing account, except for that portion of employee contributions under
9 AS 23.20.290(d) used to pay interest on advances received under AS 23.20.140, shall
10 be immediately deposited with the United States Secretary of the Treasury to the credit
11 of the account of this state in the unemployment trust fund established and maintained
12 under 42 U.S.C. 1104 (Sec. 904, Social Security Act), as amended.

13 * **Sec. 57.** AS 23.20.185(d) is amended to read:

14 (d) Interest collected under this section shall **be deposited in the general**
15 [PERIODICALLY BE TRANSFERRED FROM THE CLEARING ACCOUNT TO
16 THE TRAINING AND BUILDING] fund.

17 * **Sec. 58.** AS 23.20.190(c) is amended to read:

18 (c) Penalties collected under this section shall **be deposited in the general**
19 [PERIODICALLY BE TRANSFERRED FROM THE CLEARING ACCOUNT TO
20 THE TRAINING AND BUILDING] fund.

21 * **Sec. 59.** AS 23.20.195(c) is amended to read:

22 (c) Penalties collected under this section shall **be deposited in the general**
23 [PERIODICALLY BE TRANSFERRED FROM THE CLEARING ACCOUNT TO
24 THE TRAINING AND BUILDING] fund.

25 * **Sec. 60.** AS 23.30.015(c) is amended to read:

26 (c) Payment of **second-injury** compensation into the **general** [SECOND-
27 INJURY] fund as a result of death operates as an assignment to the employer of all
28 rights of the representative of the deceased to recover damages from the third person.

29 * **Sec. 61.** AS 23.30.015(e) is amended to read:

30 (e) An amount recovered by the employer under an assignment, whether by
31 action or compromise, shall be distributed as follows:

1 (1) the employer shall retain an amount equal to

2 (A) the expenses incurred by the employer with respect to the
3 action or compromise, including a reasonable attorney fee determined by the
4 board;

5 (B) the cost of all benefits actually furnished by the employer
6 under this chapter;

7 (C) all amounts paid as compensation and second-injury
8 [FUND] payments to the general fund, and, if the employer is self-insured or
9 uninsured, all service fees paid under AS 23.05.067;

10 (D) the present value of all amounts payable later as
11 compensation, computed from a schedule prepared by the board, and the
12 present value of the cost of all benefits to be furnished later under
13 AS 23.30.095 as estimated by the board; the amounts so computed and
14 estimated shall be retained by the employer as a trust fund to pay compensation
15 and the cost of benefits as they become due and to pay any finally remaining
16 excess sum to the person entitled to compensation or to the representative; and

17 (2) the employer shall pay any excess to the person entitled to
18 compensation or to the representative of that person.

19 * **Sec. 62.** AS 23.30.040(b) is amended to read:

20 (b) If an employee suffers a compensable injury that results in temporary total
21 disability, temporary partial disability, permanent partial disability, or permanent total
22 disability, the employer or insurance carrier shall contribute a [TO THE] second injury
23 payment to the general fund. The contribution shall be made annually at the time of
24 the report filing required by AS 23.30.155(m). The amount of the contribution is the
25 product of the compensation to which the employee is entitled for temporary total
26 disability, temporary partial disability, permanent partial disability, or permanent total
27 disability and the applicable contribution rate set out in column A of this subsection. A
28 second injury payment [PAYMENT] need not be made [TO THE SECOND
29 INJURY FUND] if the total contribution under this subsection is less than \$20. By
30 December 15 of each year, the commissioner shall determine and make available to
31 the public the applicable contribution rate for the following calendar year according to

1 the reserve rate of the **estimated total of** second injury **payments to the general** fund
 2 in column B of this subsection:

3	Column A		Column B
4	Second Injury <u>Payment</u>		Reserve Rate
5	[FUND] Contribution Rate		
6		At Least	But Less Than
7	(Percent)	(Percent)	(Percent)
8	6	0	50
9	5	50	75
10	4	75	100
11	3	100	125
12	2	125	150
13	1	150	175
14	0	175	

15 * **Sec. 63.** AS 23.30.040(c) is amended to read:

16 (c) If an employee suffers a compensable injury that results in death and the
 17 employee is not survived by a widow, widower, child, or dependent relative eligible to
 18 receive death benefits under AS 23.30.215, the employer or insurance carrier shall pay
 19 **a \$10,000 second injury payment to the general fund** [TO THE SECOND INJURY
 20 FUND].

21 * **Sec. 64.** AS 23.30.040(d) is amended to read:

22 (d) The board may **request an appropriation by the legislature in an**
 23 **amount needed to** refund a **second injury** payment made **by an employer or**
 24 **insurance carrier** [INTO THE SECOND INJURY FUND] if the employer or
 25 insurance carrier shows that it made the payment by mistake or inadvertence, or if it
 26 shows there existed at the time of the death of the employee a beneficiary entitled to
 27 benefits under AS 23.30.215.

28 * **Sec. 65.** AS 23.30.040(f) is amended to read:

29 (f) All amounts collected as civil penalties under AS 23.30.155(c) shall be
 30 paid **as second injury payments** into the **general** [SECOND INJURY] fund.

31 * **Sec. 66.** AS 23.30.040(g) is amended to read:

1 (g) The attorney general may investigate claims and hire expert witnesses
2 necessary to prevent fraudulent or excessive claims **involving second-injury**
3 **payments** [FOR MONEY IN THE SECOND INJURY FUND].

4 * **Sec. 67.** AS 23.30.040(h) is amended to read:

5 (h) Administration expenses of the state under this section and AS 23.30.205
6 must be paid **by legislative appropriations from the general fund** [FROM THE
7 SECOND INJURY FUND].

8 * **Sec. 68.** AS 23.30.040(i) is amended to read:

9 (i) The amount of a **second injury** payment to the **general** [SECOND
10 INJURY] fund and the conditions under which a payment is required of an employer
11 or insurance carrier must be in accordance with the version of (b) of this section in
12 effect on the date that the injury to the employee occurred.

13 * **Sec. 69.** AS 23.30.205(a) is amended to read:

14 (a) If an employee who has a permanent physical impairment from any cause
15 or origin incurs a subsequent disability by injury arising out of and in the course of the
16 employment resulting in compensation liability for disability that is substantially
17 greater by reason of the combined effects of the preexisting impairment and
18 subsequent injury or by reason of the aggravation of the preexisting impairment than
19 that which would have resulted from the subsequent injury alone, the employer or the
20 insurance carrier shall in the first instance pay all awards of compensation provided by
21 this chapter, but the employer or the insurance carrier **may** [SHALL] be reimbursed
22 **by legislative appropriation** from the **general** [SECOND INJURY] fund for all
23 compensation payments subsequent to those payable for the first 104 weeks of
24 disability.

25 * **Sec. 70.** AS 23.30.205(b) is amended to read:

26 (b) If the subsequent injury of the employee results in the death of the
27 employee and it is determined that the death would not have occurred except for the
28 preexisting permanent physical impairment, the employer or the insurance carrier shall
29 in the first instance pay the compensation prescribed by this chapter, but the employer
30 or the insurance carrier **may** [SHALL] be reimbursed **by legislative appropriation**
31 from the **general** [SECOND INJURY] fund for all compensation payable in excess of

1 104 weeks.

2 * **Sec. 71.** AS 23.30.205(c) is amended to read:

3 (c) In order to qualify under this section for reimbursement [FROM THE
4 SECOND INJURY FUND], the employer must establish by written records that the
5 employer had knowledge of the permanent physical impairment before the subsequent
6 injury and that the employee was retained in employment after the employer acquired
7 that knowledge.

8 * **Sec. 72.** AS 23.30.205(e) is amended to read:

9 (e) **Appropriations made for** [THE] second injury **payments** [FUND] may
10 not be bound as to any question of law or fact by reason of an award or an
11 adjudication [TO WHICH IT WAS NOT A PARTY OR] in relation to which the
12 director was not notified at least three weeks before the award or adjudication that the
13 fund might be subject to liability for the injury or death.

14 * **Sec. 73.** AS 23.30.205(f) is amended to read:

15 (f) An employer or the employer's carrier shall notify the commissioner of
16 labor and workforce development of any possible **second injury** claim [AGAINST
17 THE SECOND INJURY FUND] as soon as practicable, but in no event later than 100
18 weeks after the employer or the employer's carrier have knowledge of the injury or
19 death.

20 * **Sec. 74.** AS 23.30.247(c) is amended to read:

21 (c) This section may not be construed to prohibit an employer from requiring a
22 prospective employee to fill out a preemployment questionnaire or application
23 regarding the person's prior health or disability history as long as it is meant to either
24 document written notice for [SECOND INJURY FUND] reimbursement under
25 AS 23.30.205(c) or determine whether the employee has the physical or mental
26 capacity to meet the documented physical or mental demands of the work.

27 * **Sec. 75.** AS 23.30.395(34) is amended to read:

28 (34) "reserve rate" means the **estimated total of** [UNENCUMBERED]
29 second injury **payments to the general** fund [BALANCE] on October 31 of each year
30 as a percentage of **appropriation amounts for second injury payments**
31 [DISBURSEMENTS FROM THE SECOND INJURY FUND] during the 12-month

1 period ending on June 30 of the same calendar year;

2 * **Sec. 76.** AS 23.35.010 is amended to read:

3 **Sec. 23.35.010. Creation of Fishermen's Claims [FUND] Advisory and**
 4 **Appeals Council.** There is within the Department of Labor and Workforce
 5 Development a Fishermen's Claims [FUND] Advisory and Appeals Council.

6 * **Sec. 77.** AS 23.35.050 is amended to read:

7 **Sec. 23.35.050. Regulations.** The department may adopt regulations to carry
 8 out the purposes of this chapter [, INCLUDING THOSE THAT ARE NECESSARY
 9 OR ADVISABLE TO PROTECT THE FUND BY LIMITING OR SUSPENDING
 10 PAYMENTS FROM THE FUND]. The regulations must be uniform in application.

11 * **Sec. 78.** AS 23.35.090 is amended to read:

12 **Sec. 23.35.090. Assistance after discharge.** A fisherman is also entitled to
 13 such assistance after discharge from the hospital during period of convalescence as the
 14 department allows [IN CONSIDERATION OF THE CONDITION OF THE FUND].

15 * **Sec. 79.** AS 23.35.100 is amended to read:

16 **Sec. 23.35.100. Transportation, hospital, nursing, medical, and surgical**
 17 **expenses.** The department may request an appropriation to pay [OUT OF THE
 18 FUND] all reasonable transportation charges incurred under AS 23.35.080 and
 19 23.35.090, including cost of returning the fisherman to the boat or home of the
 20 fisherman or to another place that reasonably meets with the fisherman's convenience,
 21 and the reasonable hospital, nursing, medical, and surgical expense incurred in the
 22 examination, treatment, and care of the fisherman.

23 * **Sec. 80.** AS 23.35.150(2) is amended to read:

24 (2) "council" means the Fishermen's Claims [FUND] Advisory and
 25 Appeals Council;

26 * **Sec. 81.** AS 25.27.125 is amended to read:

27 **Sec. 25.27.125. Disposition [ACCOUNTING AND DISPOSITION] of**
 28 **federal receipts and agency collections.** (a) Federal incentive payments received by
 29 the state under 42 U.S.C. 658 shall be deposited in the general fund [AND THE
 30 COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT
 31 FOR THE PAYMENTS]. The legislature may appropriate a portion or all of the

1 annual estimated balance **of the amounts received as described in this subsection**
 2 [IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE] to make
 3 appropriations to the Department of Revenue to carry out the purposes of
 4 AS 25.27.020.

5 (b) The **legislature may also appropriate a portion or all of the** annual
 6 estimated balance **of the amounts received as described in (a) of this section** [IN
 7 THE ACCOUNT MAINTAINED BY THE COMMISSIONER OF
 8 ADMINISTRATION UNDER AS 37.05.142 MAY BE USED BY THE
 9 LEGISLATURE TO MAKE APPROPRIATIONS] to the Department of Health and
 10 Social Services to carry out the purposes of AS 47.14.100 - 47.14.130 and AS 47.27.

11 * **Sec. 82.** AS 26.23.020(i) is amended to read:

12 (i) If the governor declares a condition of disaster emergency, the governor
 13 may expend during a fiscal year not more than \$1,000,000 of state funds **for each**
 14 [PER] disaster declaration [, INCLUDING THE ASSETS OF THE DISASTER
 15 RELIEF FUND,] to

16 (1) save lives, protect property and public health and safety, or lessen
 17 or avert the threat of the disaster that poses a direct and imminent threat of sufficient
 18 severity and magnitude to justify state action;

19 (2) implement provisions of law relating to disaster relief to cope with
 20 the disaster;

21 (3) alleviate the effects of the disaster by making grants or loans to
 22 persons or political subdivisions on terms the governor considers appropriate or by
 23 other means the governor considers appropriate.

24 * **Sec. 83.** AS 26.23.050(b) is amended to read:

25 (b) Whenever [,] and to the extent that [,] money is needed to cope with a
 26 disaster, the first recourse shall be to money regularly appropriated to state and local
 27 agencies. **For oil or hazardous substances discharges, the** [THE] second recourse
 28 shall be to money available in [THE DISASTER RELIEF FUND OR, FOR OIL OR
 29 HAZARDOUS SUBSTANCES DISCHARGES,] the oil and hazardous substance
 30 release prevention and response fund [, AS THE GOVERNOR DETERMINES
 31 APPROPRIATE]. If money available from these sources is insufficient, and if the

1 governor finds that other sources of money to cope with the disaster are not available
 2 or are insufficient, the governor may, notwithstanding the limitations imposed by
 3 AS 37.07.080(e),

4 (1) transfer and spend money appropriated for other purposes; or

5 (2) borrow money for a term not to exceed two years.

6 * **Sec. 84.** AS 28.05.151(c) is amended to read:

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

13 * **Sec. 85.** AS 28.90.030(c) is amended to read:

14 (c) The [NOTWITHSTANDING THE REQUIREMENTS OF (b) OF THIS
 15 SECTION AND AS 37.05.142, THE] Alaska Court System shall deposit fines
 16 collected under this section for offenses committed in a traffic safety corridor in the
 17 general fund [IF THE FINE IS COLLECTED AT A COURT LOCATION WHERE
 18 SEPARATE ACCOUNTING FOR TRAFFIC SAFETY CORRIDOR FINES IS NOT
 19 ACHIEVABLE].

20 * **Sec. 86.** AS 29.25.074(a) is amended to read:

21 (a) A municipality may not enforce a penalty for violation of an ordinance for
 22 which a surcharge is required to be imposed under AS 12.55.039 unless the
 23 municipality authorizes the imposition of and provides for the collection of the
 24 surcharge. The surcharge shall be deposited into the general fund of the state [AND
 25 ACCOUNTED FOR UNDER AS 37.05.142]. Subject to appropriation, the legislature
 26 may reimburse a municipality that collects a surcharge required to be imposed under
 27 AS 12.55.039 for the cost to the municipality in collecting the surcharge and
 28 transmitting the surcharge to the state. The reimbursement may not exceed 10 percent
 29 of the surcharge collected and transmitted to the state.

30 * **Sec. 87.** AS 36.10.180(a) is amended to read:

31 (a) The preferences established in AS 36.10.150 - 36.10.175 apply to work

1 performed

2 (1) under a contract for construction, repair, preliminary surveys,
3 engineering studies, consulting, maintenance work, or any other retention of services
4 necessary to complete a given project that is let by the state or an agency of the state, a
5 department, office, state board, commission, public corporation, or other
6 organizational unit of or created under the executive, legislative, or judicial branch of
7 state government, including the University of Alaska and the Alaska Railroad
8 Corporation, or by a political subdivision of the state including a regional school board
9 with respect to an educational facility under AS 14.11.020;

10 (2) on a public works project under a grant to a municipality under
11 AS 37.05.315 [OR AS 37.06.010];

12 (3) on a public works project under a grant to a named recipient under
13 AS 37.05.316;

14 (4) on a public works project under a grant to an unincorporated
15 community under AS 37.05.317 or AS 37.06.020; and

16 (5) on any other public works project or construction project that is
17 funded in whole or in part by state money.

18 * **Sec. 88.** AS 37.05.146(b) is amended to read:

19 (b) The [PROGRAM] receipts listed in this subsection are accounted for
20 separately [, AND APPROPRIATIONS FROM THESE PROGRAM RECEIPTS ARE
21 NOT MADE FROM THE UNRESTRICTED GENERAL FUND]:

22 (1) federal receipts;

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

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

29 (4) receipts of or from the trust established by AS 37.14.400 -
30 37.14.450, except reimbursements described in AS 37.14.410;

31 (5) receipts of the Alaska Fire Standards Council for which a taxpayer

1 is allowed a credit under AS 21.89.075.

2 * **Sec. 89.** AS 37.05.146(c) is amended to read:

3 (c) The [PROGRAM] receipts of the following are accounted for separately [,
4 AND APPROPRIATIONS FROM THESE PROGRAM RECEIPTS ARE NOT
5 MADE FROM THE UNRESTRICTED GENERAL FUND]:

6 (1) [HIGHWAY WORKING CAPITAL FUND (AS 44.68.210);

7 (2) REPEALED

8 (3)] loan funds;

9 (2) [(4)] international airport revenue fund (AS 37.15.430);

10 (3) [(5)] corporate receipts earned or managed by a public corporation
11 of the state;

12 (4) [(6)] fish and game fund (AS 16.05.100);

13 (5) [(7)] SCHOOL FUND (AS 43.50.140);

14 (8) TRAINING AND BUILDING FUND (AS 23.20.130);

15 (9)] retirement funds (AS 14.25, AS 22.25, AS 26.05.222, AS 39.35,
16 and former AS 39.37);

17 (6) [(10)] permanent fund (art. IX, sec. 15, Alaska Constitution);

18 (7) [(11)] public school trust fund (AS 37.14.110);

19 (8) [(12)] SECOND INJURY FUND (AS 23.30.040);

20 (13) FISHERMEN'S FUND (AS 23.35.060);

21 (14) FICA ADMINISTRATION FUND (AS 39.30.050);

22 (15)] receipts of the employee benefits program established under
23 AS 39.30.150 - 39.30.180;

24 (9) [(16)] receipts of the deferred compensation program established
25 under AS 39.45;

26 (10) [(17)] CLEAN AIR PROTECTION FUND (AS 46.14.260);

27 (18)] receipts of the group insurance programs established under
28 AS 39.30.090;

29 (11) [(19)] mental health trust fund (AS 37.14.031);

30 (12) [(20)] ALASKA CHILDREN'S TRUST (AS 37.14.200);

31 (21) COMMERCIAL FISHERIES TEST FISHING OPERATIONS

1 (AS 16.05.050(a)(14));

2 (22) REGULATORY COMMISSION OF ALASKA UNDER
3 AS 42.05 AND AS 42.06;

4 (23) ALASKA OIL AND GAS CONSERVATION COMMISSION
5 UNDER AS 31.05;

6 (24) RECEIPTS OF THE DEPARTMENT OF COMMERCE,
7 COMMUNITY, AND ECONOMIC DEVELOPMENT UNDER AS 08.01.065 AND
8 FROM FINES AND PENALTIES COLLECTED IN LICENSING AND
9 DISCIPLINARY ACTIONS FOR OCCUPATIONS UNDER AS 08.01.010;

10 (25) RECEIPTS FROM THE SEAFOOD MARKETING
11 ASSESSMENT UNDER AS 16.51.120 - 16.51.170, AND RECEIPTS OF THE
12 ALASKA SEAFOOD MARKETING INSTITUTE;

13 (26) THE ADMINISTRATIVE COST CHARGE UNDER
14 AS 44.33.113 FOR THE STATE'S ROLE IN THE FEDERAL COMMUNITY
15 DEVELOPMENT QUOTA PROGRAM;

16 (27) DIVE FISHERY MANAGEMENT ASSESSMENT RECEIPTS
17 (AS 43.76.150), SALMON FISHERY ASSESSMENT RECEIPTS (AS 43.76.220),
18 AND PERMIT BUY-BACK ASSESSMENT RECEIPTS (AS 43.76.300);

19 (28) PROCESS SERVICE FEES COLLECTED BY THE
20 DEPARTMENT OF PUBLIC SAFETY;

21 (29) ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION
22 UNDER AS 16.05.490, 16.05.530, AND AS 16.43;

23 (30) RECEIPTS OF THE ALASKA VOCATIONAL TECHNICAL
24 CENTER;

25 (31) ALASKA PIONEERS' HOME AND ALASKA VETERANS'
26 HOME CARE AND SUPPORT RECEIPTS UNDER AS 47.55.030;

27 (32) RECEIPTS OF THE DEPARTMENT OF TRANSPORTATION
28 AND PUBLIC FACILITIES FROM TOLLS CHARGED FOR USE OF THE
29 WHITTIER TUNNEL;

30 (33) RECEIPTS OF THE DEPARTMENT OF COMMERCE,
31 COMMUNITY, AND ECONOMIC DEVELOPMENT, DIVISION OF

1 INSURANCE, FROM LICENSE FEES AND FEES FOR SERVICES;

2 (34) RECEIPTS OF THE DEPARTMENT OF COMMERCE,
3 COMMUNITY, AND ECONOMIC DEVELOPMENT FROM ITS FUNCTIONS
4 RELATING TO BANKING, SECURITIES, AND CORPORATIONS;

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

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

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

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

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

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

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

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

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

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

30 (45) RECEIPTS OF THE DEPARTMENT OF ADMINISTRATION
31 FROM THE BOAT REGISTRATION PROGRAM UNDER AS 05.25.096;

- 1 (46) STATE LAND DISPOSAL PROGRAM (AS 38.04.022);
- 2 (47) SHORE FISHERIES DEVELOPMENT LEASE PROGRAM
- 3 ACCOUNT (AS 38.05.082(f));
- 4 (48) TIMBER RECEIPTS ACCOUNT (AS 38.05.110);
- 5 (49) WORKERS' SAFETY AND COMPENSATION
- 6 ADMINISTRATION ACCOUNT (AS 23.05.067);
- 7 (50) RECEIPTS OF FEES FOR RECORDING AND RELATED
- 8 SERVICES OF THE DEPARTMENT OF NATURAL RESOURCES
- 9 (AS 40.17.030(a)(10), 40.17.070; AS 44.37.025(b), 44.37.027(c); AS 45.29.303(b),
- 10 45.29.525, AND 45.29.619(b));
- 11 (51) RECEIPTS DESCRIBED IN AS 46.03.482(b)(1) AND (2)
- 12 RECEIVED UNDER THE COMMERCIAL PASSENGER VESSEL
- 13 ENVIRONMENTAL COMPLIANCE PROGRAM;
- 14 (52) RECEIPTS OF THE DEPARTMENT OF COMMERCE,
- 15 COMMUNITY, AND ECONOMIC DEVELOPMENT FOR FEES FOR BUSINESS
- 16 LICENSES AND LICENSE ENDORSEMENTS UNDER AS 43.70;
- 17 (53) RECEIPTS OF FEES FOR CERTAIN INSPECTIONS
- 18 DEPOSITED UNDER AS 05.20.060, AS 18.60.360, 18.60.395, 18.60.800, AND
- 19 AS 18.62.030 IN THE BUILDING SAFETY ACCOUNT CREATED UNDER
- 20 AS 44.31.025;
- 21 (54)] passenger facility charges collected at state-owned and operated
- 22 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 47.32;

31 (68) CHARGES, RENTALS, AND FEES FOR AIRPORT OR AIR

1 NAVIGATION FACILITY CONTRACTS, LEASES, AND OTHER
2 ARRANGEMENTS UNDER AS 02.15.020 AND 02.15.090;

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

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

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

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

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

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

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

24 (76) RECEIPTS OF FEES FOR REGISTRATION AND RENEWAL
25 OF REGISTRATION FOR THE SALE OF BUSINESS OPPORTUNITIES UNDER
26 AS 45.66.040;

27 (77) EMISSION CONTROL PERMIT RECEIPTS ACCOUNT
28 (AS 46.14.265);

29 (78) WORKERS' COMPENSATION BENEFITS GUARANTY
30 FUND (AS 23.30.082);

31 (79) RECEIPTS OF THE DEPARTMENT OF ENVIRONMENTAL

1 CONSERVATION FROM THE REGISTRATION OF PESTICIDES AND
 2 BROADCAST CHEMICALS AND THE LICENSING OF PESTICIDE
 3 APPLICATORS UNDER AS 44.46.025;

4 (80) PROCEEDS FROM PRISON EMPLOYMENT, INCLUDING
 5 DEDUCTIONS FROM PRISONER WAGES FOR THE COST OF CONFINEMENT
 6 UNDER AS 33.30.201(b) AND FORFEITED WAGES UNDER AS 33.30.201(e);

7 (81) FEES COLLECTED UNDER AS 18.74.080;

8 (82) CIVIL LEGAL SERVICES FUND UNDER AS 37.05.590].

9 * **Sec. 90.** AS 37.05.287(b) is amended to read:

10 (b) The Department of Administration shall annually review the state
 11 insurance program to ensure that, to the extent reasonable, adequate insurance
 12 coverage or reserves are maintained to satisfy all reasonably foreseeable claims or
 13 judgments for which payment may be due under the state insurance program during
 14 the next fiscal year. The department shall annually obtain an independent actuarial
 15 assessment of the state insurance program. **Not** [NO] later than February 1 of each
 16 calendar year, the department shall submit to the presiding officers of each house of
 17 the legislature a review of the state insurance program, **and** an independent actuarial
 18 assessment [, AND A CERTIFIED AUDIT OF THE STATE INSURANCE
 19 CATASTROPHE RESERVE ACCOUNT].

20 * **Sec. 91.** AS 37.07.080(h) is amended to read:

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

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

26 (2) 45 days shall elapse before commencement of expenditures under
 27 the revised program unless the Legislative Budget and Audit Committee earlier
 28 recommends that the state take part in the federally [OR OTHERWISE] funded
 29 activity;

30 (3) should the Legislative Budget and Audit Committee recommend
 31 within the 45-day period that the state not initiate the additional activity, the governor

1 shall again review the revised program and if the governor determines to authorize the
 2 expenditure, the governor shall provide the Legislative Budget and Audit Committee
 3 with a statement of the governor's reasons before commencement of expenditures
 4 under the revised program.

5 * **Sec. 92.** AS 37.10.050(a) is amended to read:

6 (a) A state agency may not charge a fee for the provision of state services
 7 unless the fee (1) is set or otherwise authorized by statute; and (2) where a regulation
 8 is necessary, is set by or provided for in a regulation that meets the standards of
 9 AS 44.62.020 and 44.62.030. Unless specifically exempted by statute, a state agency
 10 authorized to collect or receive fees, licenses, taxes, or other money belonging to the
 11 state shall account for and remit the receipts, less fees to which the collector is entitled
 12 by statute or regulation, to the Department of Revenue at least once each month. [THE
 13 COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT
 14 UNDER AS 37.05.142 FOR RECEIPTS DEPOSITED UNDER THIS
 15 SUBSECTION.] A fee or other charge that is set by regulation may not exceed the
 16 estimated actual costs of the state agency in administering the activity or providing the
 17 service unless otherwise provided by the statute under which the regulation is adopted;
 18 however, this limitation does not apply to sale or lease of property by a state agency,
 19 fees charged by a resource agency for a designated regulatory service as defined in
 20 AS 37.10.058, or fees adopted by the Department of Natural Resources under
 21 AS 44.37.025 or 44.37.027.

22 * **Sec. 93.** AS 37.10.420(a) is amended to read:

23 (a) For purposes of applying art. IX, sec. 17(b), Constitution of the State of
 24 Alaska,

25 (1) "the amount available for appropriation" or "funds available for
 26 appropriation" means

27 (A) the unrestricted revenue accruing to the general fund
 28 during the fiscal year; **and**

29 (B) [GENERAL FUND PROGRAM RECEIPTS AS
 30 DEFINED IN AS 37.05.146;

31 (C)] the unreserved [, UNDESIGNATED] general fund balance

1 carried forward from the preceding fiscal year that is not subject to the
 2 repayment obligation imposed by art. IX, sec. 17(d), Constitution of the State
 3 of Alaska; [AND

4 (D) THE BALANCE IN THE STATUTORY BUDGET
 5 RESERVE FUND ESTABLISHED IN AS 37.05.540;]

6 (2) "the amount appropriated for the previous fiscal year" means the
 7 amount appropriated from the

8 (A) constitutional budget reserve fund under the authority
 9 granted in art. IX, sec. 17, Constitution of the State of Alaska; and

10 (B) same revenue sources used to calculate the money available
 11 for appropriation for the current fiscal year; and

12 (3) "the amount of appropriations made in the previous calendar year
 13 for the previous fiscal year" means appropriations made from sources identified in (2)
 14 of this subsection for a fiscal year that were enacted during the calendar year that ends
 15 on December 31 of that same fiscal year.

16 * **Sec. 94.** AS 37.10.420(b) is amended to read:

17 (b) If the amount appropriated from the budget reserve fund has not been
 18 repaid under art. IX, sec. 17(d), Constitution of the State of Alaska, the Department of
 19 Administration shall transfer to the budget reserve fund the amount of money
 20 comprising the unreserved [, UNDESIGNATED] general fund balance to be carried
 21 forward as of June 30 of the fiscal year, or as much of it as is necessary to complete
 22 the repayment. The transfer shall be made on or before December 16 of the following
 23 fiscal year.

24 * **Sec. 95.** AS 37.10.420(c) is amended to read:

25 (c) In this section, "unrestricted revenue accruing to the general fund" or
 26 "unreserved [, UNDESIGNATED] general fund balance carried forward" is money
 27 not restricted by law to a specific use that accrues to the general fund according to
 28 accepted principles of governmental or fund accounting adopted for the state
 29 accounting system established under AS 37.05.150 in effect on July 1, 1990.

30 * **Sec. 96.** AS 37.13.145(d) is amended to read:

31 (d) Notwithstanding (b) of this section, income earned on money awarded in

1 or received as a result of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior
 2 Court, First Judicial District), including settlement, summary judgment, or adjustment
 3 to a royalty-in-kind contract that is tied to the outcome of this case, or interest earned
 4 on the money, or on the earnings of the money shall be treated in the same manner as
 5 other income of the Alaska permanent fund, except that it is not available for
 6 distribution to the dividend fund or for transfers to the principal under (c) of this
 7 section, and shall be annually deposited into the **general fund** [ALASKA CAPITAL
 8 INCOME FUND (AS 37.05.565)].

9 * **Sec. 97.** AS 37.14.410(a) is amended to read:

10 (a) Amounts received by the state as reimbursement for expenses related to the
 11 Exxon Valdez oil spill incurred by the state on or before December 31, 1992, shall be
 12 deposited in the general fund [AND, EXCEPT AS REQUIRED UNDER (b) OF THIS
 13 SECTION, MAY NOT BE CREDITED TO AN OIL AND HAZARDOUS
 14 SUBSTANCE RELEASE MITIGATION ACCOUNT UNDER AS 46.04.010 OR TO
 15 AN ACCOUNT ESTABLISHED IN AS 46.08.020 OR 46.08.025].

16 * **Sec. 98.** AS 37.15.012 is amended to read:

17 **Sec. 37.15.012. Continuing debt service appropriation.** The amounts
 18 required annually to pay the principal, interest, and redemption premium on all issued
 19 and outstanding general obligation bonds of the state are appropriated each fiscal year
 20 from the **general** [ALASKA DEBT RETIREMENT] fund to the state bond committee
 21 to make all required payments of principal, interest, and redemption premium. [IF
 22 THE BALANCE OF THE ALASKA DEBT RETIREMENT FUND IS
 23 INSUFFICIENT TO FULLY PAY THESE AMOUNTS, THE NECESSARY
 24 ADDITIONAL AMOUNTS ARE APPROPRIATED FROM THE GENERAL FUND
 25 TO THE STATE BOND COMMITTEE TO MAKE ALL REQUIRED PAYMENTS
 26 OF PRINCIPAL, INTEREST, AND REDEMPTION PREMIUM.]

27 * **Sec. 99.** AS 37.15.015(a) is amended to read:

28 (a) Before a general or special election in which a bond issue is offered for
 29 ratification, the state bond committee shall publish a notice of existing state bonded
 30 indebtedness at least once a week for three consecutive weeks in a newspaper of
 31 general circulation in each of the four judicial districts of the state. The first notice

1 shall be published at least 20 days before the date of the election. A notice must
2 contain

3 (1) the current total bonded indebtedness of the state;

4 (2) the cost of the debt service on the current indebtedness;

5 (3) the projected amount of state general obligation debt principal that
6 could be issued and paid for from the **general** [ALASKA DEBT RETIREMENT]
7 fund;

8 (4) the estimated debt service requirements for the bond issue offered
9 for ratification; and

10 (5) whether the bond issue offered for ratification will be repaid with
11 amounts from the **general** [ALASKA DEBT RETIREMENT] fund.

12 * **Sec. 100.** AS 37.15.170(c) is amended to read:

13 (c) Before December 1 of each year, the state bond committee shall report to
14 the governor the current fund balance **available to meet the obligation to pay the**
15 **principal, interest, and redemption premium on all issued and outstanding**
16 **general obligation bonds of the state during the current and following state fiscal**
17 **years** [IN THE ALASKA DEBT RETIREMENT FUND]. The report must contain an
18 estimate of the amount of state general obligation debt principal that could be issued
19 and paid for from the fund. The state bond committee shall notify the legislature that
20 the report is available.

21 * **Sec. 101.** AS 38.05.082(f) is amended to read:

22 (f) [THE SHORE FISHERIES DEVELOPMENT LEASE PROGRAM
23 ACCOUNT IS ESTABLISHED IN THE STATE TREASURY.] The **legislature may**
24 **appropriate the annual estimated balance of the** rents, fees, and other proceeds
25 received by the department in connection with the issuance of shore fisheries
26 development leases under this section [SHALL BE DEPOSITED INTO THE
27 ACCOUNT. THE LEGISLATURE MAY APPROPRIATE MONEY DEPOSITED
28 INTO THE ACCOUNT] for the operation of the shore fisheries development lease
29 program by the department or for any other public purpose.

30 * **Sec. 102.** AS 38.05.110(b) is amended to read:

31 (b) [THE TIMBER RECEIPTS ACCOUNT IS ESTABLISHED IN THE

1 STATE TREASURY.] The legislature may appropriate the annual estimated
 2 balance of the revenue from the sale of timber from state lands [SHALL BE
 3 DEPOSITED IN THE TIMBER RECEIPTS ACCOUNT. THE LEGISLATURE
 4 MAY APPROPRIATE MONEY DEPOSITED INTO THE TIMBER RECEIPTS
 5 ACCOUNT] for implementation of the state timber disposal program by the
 6 department or for any other public purpose.

7 * **Sec. 103.** AS 38.95.260 is amended to read:

8 **Sec. 38.95.260. Disposition of sale proceeds seven years after the judgment**
 9 **of escheat.** Seven years after the judgment of escheat, net proceeds from the sale of
 10 escheated real property may be transferred from the escheated real property trust
 11 account to the general fund [AND CREDITED TO THE LAND DISPOSAL
 12 INCOME ACCOUNT UNDER AS 38.04.022], unless a person who was the owner or
 13 one of the owners of the property when the property escheated to the state has
 14 outstanding child support obligations, in which case the proportion of the net proceeds
 15 that is attributable to the ownership interest of the person shall be applied to the
 16 satisfaction of the child support obligations and the balance remaining after the
 17 satisfaction shall be credited to the land disposal income account.

18 * **Sec. 104.** AS 39.50.200(b)(11) is amended to read:

19 (11) Fishermen's Claims [FUND] Advisory and Appeals Council
 20 (AS 23.35.010);

21 * **Sec. 105.** AS 41.23.470(e) is amended to read:

22 (e) The legislature may appropriate the annual estimated balance of the
 23 revenue collected based on the activities authorized or directed by this section [IN
 24 THE ACCOUNT MAINTAINED BY THE COMMISSIONER OF
 25 ADMINISTRATION UNDER AS 37.05.142 MAY BE APPROPRIATED BY THE
 26 LEGISLATURE] to the department to carry out the purposes of AS 41.23.400 -
 27 41.23.510.

28 * **Sec. 106.** AS 43.50.350 is amended to read:

29 **Sec. 43.50.350. Disposition of proceeds.** The tax collected by the department
 30 shall be deposited in the general fund. The legislature may appropriate the annual
 31 estimated balance of the tax proceeds [IN THE ACCOUNT MAINTAINED BY THE

1 COMMISSIONER OF ADMINISTRATION UNDER AS 37.05.142 MAY BE USED
 2 BY THE LEGISLATURE TO MAKE APPROPRIATIONS] for health care, health
 3 research, health promotion, and health education programs.

4 * **Sec. 107.** AS 43.55.211 is amended to read:

5 **Sec. 43.55.211. Use of revenue derived from surcharge.** The legislature may
 6 appropriate from the general fund an amount equal to the annual estimated balance
 7 [OF THE ACCOUNT MAINTAINED UNDER AS 37.05.142 FOR DEPOSITS INTO
 8 THE GENERAL FUND] of the proceeds of the surcharge levied under AS 43.55.201
 9 to the response account in the oil and hazardous substance release prevention and
 10 response fund established by AS 46.08.010.

11 * **Sec. 108.** AS 43.55.231(b) is amended to read:

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

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

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

22 * **Sec. 109.** AS 43.76.190(d) is amended to read:

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

28 * **Sec. 110.** AS 43.76.310(d) is amended to read:

29 (d) A permit buy-back assessment collected under this section shall be
 30 deposited in the state treasury. [THE DEPARTMENT SHALL SEPARATELY
 31 ACCOUNT FOR THE AMOUNTS COLLECTED AND INTEREST ACCRUED ON

1 THE AMOUNTS COLLECTED FOR EACH PERMIT BUY-BACK ASSESSMENT
 2 IMPOSED UNDER AS 43.76.300.] The legislature may appropriate **an amount**
 3 **equal to the estimated annual** revenue generated by a permit buy-back assessment
 4 and interest accrued on the assessment [TO THE BUY-BACK FUND
 5 ESTABLISHED FOR THE FISHERY IN WHICH THE ASSESSMENT WAS
 6 COLLECTED] for the purpose of supporting the buy-back program for that fishery
 7 under as 16.43.310 and 16.43.320.

8 * **Sec. 111.** AS 44.27.052(a) is amended to read:

9 (a) The council may

10 (1) hold public and private hearings;

11 (2) enter into contracts, within the limit of funds available, with
 12 individuals, organizations, and institutions for services furthering the educational
 13 objectives of the council's programs;

14 (3) enter into contracts, within the limit of funds available, with local
 15 and regional associations for cooperative endeavors furthering the educational
 16 objectives of the council's programs;

17 (4) accept gifts, contributions, and bequests of unrestricted funds from
 18 individuals, foundations, corporations, and other organizations or institutions for the
 19 purpose of furthering the educational objectives of the council's programs; and

20 (5) make and sign agreements and do and perform any acts necessary
 21 to carry out the purposes of **AS 44.27.040 - 44.27.058** [AS 44.27.040 - 44.27.060].

22 * **Sec. 112.** AS 44.33.113(c) is amended to read:

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

26 [(1) APPROPRIATIONS FROM SOURCES OF PROGRAM
 27 RECEIPTS UNDER AS 37.05.146(b) AND (c) NOT COLLECTED UNDER THIS
 28 SECTION; AND

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

30 * **Sec. 113.** AS 44.33.113(g) is amended to read:

31 (g) The department shall collect and enforce the administrative cost charge

1 assessed under this section. The receipts from the charge assessed under this section
 2 shall be deposited in [THE COMMUNITY DEVELOPMENT QUOTA PROGRAM
 3 ACCOUNT IN] the state treasury. [UNDER AS 37.05.146(c), RECEIPTS FROM
 4 CHARGES COLLECTED UNDER THIS SECTION SHALL BE ACCOUNTED
 5 FOR SEPARATELY, AND APPROPRIATIONS FROM THE ACCOUNT ARE
 6 NOT MADE FROM THE UNRESTRICTED GENERAL FUND.] The legislature
 7 may appropriate **an amount equal to the annual estimated revenue derived**
 8 [MONEY] from the community development quota program account for expenditures
 9 by the department for necessary costs incurred by the department in implementing any
 10 assigned role under AS 44.33.020(a)(11) or for any other public purpose.

11 * **Sec. 114.** AS 46.14.270 is amended to read:

12 **Sec. 46.14.270. Penalties and fees [SPECIAL ACCOUNT].** Civil or criminal
 13 penalties, fines, assessments, or damages, and interest, attorney fees, and costs
 14 collected as a result of a violation relating to this chapter and interest collected under
 15 AS 46.14.255 shall be deposited in the general fund. [AND CREDITED TO A
 16 SPECIAL ACCOUNT CALLED THE "CLEAN AIR PROTECTION ACCOUNT."]

17 * **Sec. 115.** AS 46.14.400(d) is amended to read:

18 (d) A municipality or a local air quality district seeking department approval
 19 for a local air quality control program shall enter into a cooperative agreement with
 20 the department that is designed to avoid unnecessary duplication of responsibilities.
 21 The cooperative agreement must include provisions specifying

22 (1) the respective duties and authority of the department and the
 23 municipality or local air quality district in the administration of the local air quality
 24 control program;

25 (2) the authority of the municipality or the local air quality district to
 26 employ staff to administer the local air quality control program;

27 (3) duties of staff employed under (2) of this subsection;

28 (4) the procedures that must be followed by the municipality or local
 29 air quality district when requesting **that the department request a legislative**
 30 **appropriation** [MONEY FROM THE CLEAN AIR PROTECTION FUND] to cover
 31 the costs of implementing the municipality's or district's air quality program;

1 (5) the procedures that will be used by the department in approving a
2 request under (4) of this subsection and submitting it to the legislature for funding;

3 (6) respective enforcement responsibilities of the department and the
4 municipality or the local air quality district;

5 (7) that, if the municipality or local air quality control district seeks
6 authority to take action under (f) of this section, the municipality or local air quality
7 control district will use procedures that are substantially equivalent to those required
8 under AS 46.14.010 and 46.14.015.

9 * **Sec. 116.** AS 47.05.200(c) is amended to read:

10 (c) Each fiscal year, the state's share of recovered overpayments obtained
11 because of the required contract audits under this section shall be deposited with the
12 commissioner of revenue under AS 37.10.050 [AND SEPARATELY ACCOUNTED
13 FOR BY THE COMMISSIONER OF ADMINISTRATION UNDER AS 37.05.142].
14 The legislature may appropriate a portion of the estimated balance **of these recovered**
15 **overpayments** [IN THE ACCOUNT] to the department to pay for the annual audits
16 described in this section.

17 * **Sec. 117.** The following funds and accounts are repealed:

- 18 (1) AS 08.88.450 (real estate surety fund);
19 (2) AS 13.50.160 (anatomical gift awareness fund);
20 (3) AS 14.11.005 (school construction grant fund);
21 (4) AS 14.11.007 (major maintenance grant fund);
22 (5) AS 14.17.300 (public education fund);
23 (6) AS 18.65.225 (Alaska police training fund);
24 (7) AS 19.65.060 (Alaska marine highway system fund);
25 (8) AS 23.15.125(a) (assistive technology loan guarantee fund);
26 (9) AS 23.15.130 (vocational rehabilitation small business enterprise
27 revolving fund);
28 (10) AS 23.15.625 (employment assistance and training program account);
29 (11) AS 23.15.830 (Alaska technical and vocational education program
30 account);
31 (12) AS 23.20.130(d) (training and building fund);

- 1 (13) AS 23.30.040(a) (second injury fund);
- 2 (14) AS 23.35.060 (fishermen's fund);
- 3 (15) AS 23.30.082 (workers' compensation benefits guaranty fund);
- 4 (16) AS 26.23.300 (disaster relief fund);
- 5 (17) AS 26.23.400 (fuel emergency fund);
- 6 (18) AS 37.05.289 (state insurance catastrophe reserve account);
- 7 (19) AS 37.05.520 (Railbelt energy fund);
- 8 (20) AS 37.05.540 (budget reserve fund);
- 9 (21) AS 37.05.550 (Alaska marine highway system vessel replacement fund);
- 10 (22) AS 37.05.560 (educational facilities maintenance and construction fund);
- 11 (23) AS 37.05.565 (Alaska capital income fund);
- 12 (24) AS 37.05.580 (tobacco use education and cessation fund);
- 13 (25) AS 37.05.590 (civil legal services fund);
- 14 (26) AS 37.06.010 (municipal capital project matching grant fund);
- 15 (27) AS 37.06.020 (unincorporated community capital project matching grant
- 16 fund);
- 17 (28) AS 37.14.200 (Alaska children's trust);
- 18 (29) AS 37.14.700 (Alaska veterans' memorial endowment);
- 19 (30) AS 37.15.011 (Alaska debt retirement fund);
- 20 (31) AS 38.04.022 (state land disposal income fund);
- 21 (32) AS 39.30.050 (FICA administration fund);
- 22 (33) AS 41.17.300 (state land reforestation fund);
- 23 (34) AS 41.35.380 (Alaska historical commission receipts account);
- 24 (35) AS 43.50.140 (school fund);
- 25 (36) AS 43.60.050 (alcohol and other drug abuse treatment and prevention
- 26 fund);
- 27 (37) AS 44.27.060 (art in public places fund);
- 28 (38) AS 44.31.025 (building safety account);
- 29 (39) AS 44.33.115 (Exxon Valdez oil spill unincorporated rural community
- 30 grant fund);
- 31 (40) AS 44.68.130(c) (special revolving fund - surplus property);

- 1 (41) AS 44.68.210 (highways equipment working capital fund);
 2 (42) AS 46.03.482 (commercial passenger vessel environmental compliance
 3 fund);
 4 (43) AS 46.14.260 (clean air protection fund).

5 * **Sec. 118.** The following are repealed:

- 6 (1) AS 08.88.472(d);
 7 (2) AS 13.50.150(b), 13.50.190(4);
 8 (3) AS 19.65.080;
 9 (4) AS 23.35.150(4);
 10 (5) AS 28.10.181(t) and 28.10.421(d)(14);
 11 (6) AS 37.05.500;
 12 (7) AS 37.06.030, 37.06.040, 37.06.080, and 37.06.090;
 13 (8) AS 37.14.210, 37.14.220, 37.14.225, 37.14.230, 37.14.240, 37.14.250,
 14 37.14.260, and 37.14.270;
 15 (9) AS 37.14.720, 37.14.730, and 37.14.740;
 16 (10) AS 41.17.310 and 41.17.320;
 17 (11) AS 43.50.190(d);
 18 (12) AS 44.27.050(5);
 19 (13) AS 44.68.220, 44.68.230, 44.68.240, and 44.68.250;
 20 (14) AS 46.03.490(5).

21 * **Sec. 119.** (a) AS 37.05.142 and 37.05.144 are repealed.

22 (b) The following are repealed:

- 23 (1) AS 18.50.225(d) and 18.50.272(e);
 24 (2) AS 28.90.030(b) and 28.90.030(d).

25 * **Sec. 120.** (a) AS 37.05.146(a) is repealed.

26 (b) The following are repealed:

- 27 (1) AS 40.17.075;
 28 (2) AS 44.37.025(f) and 44.37.027(f);
 29 (3) AS 45.29.530;
 30 (4) AS 45.66.040(b);
 31 (5) AS 46.14.265.

1 * **Sec. 121.** The uncodified law of the State of Alaska is amended by adding a new section
2 to read:

3 **REPEAL OF TEMPORARY LAW.** (a) The following subfunds or accounts
4 established in the general fund under authority or direction of federal law are repealed:

- 5 (1) Adak Airport Operations Fund;
6 (2) Alaska Transportation Infrastructure Bank;
7 (3) Donated Commodity Fee Fund;
8 (4) Election Fund, established under the "Help America Vote Act";
9 (5) Federal Highway Administration - Airspace Leases Fund;
10 (6) Fisheries Disaster Fund; and
11 (7) Trans-Alaska Pipeline Rebate Fund.

12 (b) The School Trust Land Sales Fund, a subfund established in the general fund
13 under authority of other state law, is repealed.

14 * **Sec. 122.** The uncodified law of the State of Alaska is amended by adding a new section
15 to read:

16 **TRANSITIONAL PROVISIONS.** The unencumbered balances in the funds and
17 accounts repealed in secs. 117 and 121 of this Act shall be deposited into the general fund.
18 This Act does not affect already encumbered funds in the funds and accounts listed in secs.
19 117 and 121 of this Act.

20 * **Sec. 123.** This Act takes effect July 1, 2008.