

HOUSE BILL NO. 362

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

BY REPRESENTATIVES PRUITT, Tilton, Vazquez

Introduced: 2/24/16

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act transferring duties among departments in the executive branch of state**
2 **government; relating to the duties of the Department of Commerce, Community, and**
3 **Economic Development; relating to the duties of the Department of Revenue; and**
4 **providing for an effective date."**

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

6 *** Section 1.** AS 06.01.050(1) is amended to read:

7 (1) "commissioner" means the commissioner of **revenue**
8 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] or a designee
9 of the commissioner;

10 *** Sec. 2.** AS 06.01.050(2) is amended to read:

11 (2) "department" means the Department of **Revenue** [COMMERCE,
12 COMMUNITY, AND ECONOMIC DEVELOPMENT];

13 *** Sec. 3.** AS 06.05.473(c) is amended to read:

14 (c) A safe deposit box whose contents have not been removed within 30 days

1 after demand shall be opened. The department shall retain the contents of the box and
 2 the other unclaimed property held by the bank as bailee until the conclusion of the
 3 liquidation proceedings. At the conclusion of the liquidation proceedings, the property
 4 held by the department under this subsection is considered abandoned, and the
 5 department shall **handle** [TURN] the property [OVER TO THE DEPARTMENT OF
 6 REVENUE FOR HANDLING] under AS 34.45.110 - 34.45.780.

7 * **Sec. 4.** AS 06.05.990(7) is amended to read:

8 (7) "commissioner" means the commissioner of **revenue**
 9 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] or a designee
 10 of the commissioner;

11 * **Sec. 5.** AS 06.05.990(9) is amended to read:

12 (9) "department" means the Department of **Revenue** [COMMERCE,
 13 COMMUNITY, AND ECONOMIC DEVELOPMENT];

14 * **Sec. 6.** AS 06.10.030 is amended to read:

15 **Sec. 06.10.030. Filing statement.** Before engaging in this state in any of the
 16 activities specified in AS 06.10.020, a foreign bank shall execute and file with the
 17 commissioner of **revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
 18 DEVELOPMENT] a statement. The statement shall list its name, state of
 19 incorporation or organization and principal place of business and shall appoint
 20 irrevocably the commissioner of **revenue** [COMMERCE, COMMUNITY, AND
 21 ECONOMIC DEVELOPMENT] and the commissioner's successors its agents **on**
 22 [UPON] whom may be served process against it in any proceeding or cause of action
 23 arising out of its engaging in this state in any of the activities referred to in
 24 AS 06.10.020. Until the statement is filed the immunities provided by this chapter do
 25 not become operative, but failure to file the statement has no other effect.

26 * **Sec. 7.** AS 06.15.010 is amended to read:

27 **Sec. 06.15.010. Declaration of policy.** In providing authority for the
 28 establishment of mutual savings banks it is the intent of the legislature to make
 29 available the benefits of mutual savings banking, thereby encouraging the practice of
 30 thrift and promoting the accumulation of funds for investment to develop the
 31 economy. For the accomplishment of these purposes, the legislature intends by this

1 chapter to vest in mutual banks those powers generally possessed by state-chartered
 2 mutual savings banks and to grant authority to the Department of **Revenue**
 3 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] to define
 4 powers and to adopt regulations designed to enable mutual savings banks to perform
 5 their functions and to carry out the above purposes, subject to the provisions of
 6 AS 06.05 (Alaska Banking Code) that are not inconsistent with this chapter.

7 * **Sec. 8.** AS 06.15.370(2) is amended to read:

8 (2) "department" means the Department of **Revenue** [COMMERCE,
 9 COMMUNITY, AND ECONOMIC DEVELOPMENT];

10 * **Sec. 9.** AS 06.20.900(1) is amended to read:

11 (1) "commissioner" means the commissioner of **revenue**
 12 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] or a designee
 13 of the commissioner;

14 * **Sec. 10.** AS 06.20.900(2) is amended to read:

15 (2) "department" means the Department of **Revenue** [COMMERCE,
 16 COMMUNITY, AND ECONOMIC DEVELOPMENT];

17 * **Sec. 11.** AS 06.26.790(c) is amended to read:

18 (c) A safe deposit box whose contents have not been removed within 30 days
 19 after demand shall be opened. The department shall retain the contents of the box and
 20 the other unclaimed property held by the trust company as bailee until the conclusion
 21 of the liquidation proceedings. At the conclusion of the liquidation proceedings under
 22 this section, the property held by the department under this subsection is considered
 23 abandoned, and the department shall **handle** [DELIVER] the property [TO THE
 24 DEPARTMENT OF REVENUE] under AS 34.45.110 - 34.45.780.

25 * **Sec. 12.** AS 06.26.790(j) is amended to read:

26 (j) Unclaimed property remaining after the completion of the liquidation
 27 proceedings under this section is presumed abandoned, and the **department shall**
 28 **handle the** property [SHALL BE DELIVERED TO THE DEPARTMENT OF
 29 REVENUE FOR HANDLING] under AS 34.45.110 - 34.45.780.

30 * **Sec. 13.** AS 06.26.990(5) is amended to read:

31 (5) "commissioner" means the commissioner of **revenue**

1 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];

2 * **Sec. 14.** AS 06.26.990(7) is amended to read:

3 (7) "department" means the Department of **Revenue** [COMMERCE,
4 COMMUNITY, AND ECONOMIC DEVELOPMENT];

5 * **Sec. 15.** AS 06.35.010(d) is amended to read:

6 (d) The Department of **Revenue** [COMMERCE, COMMUNITY, AND
7 ECONOMIC DEVELOPMENT] may adopt regulations under AS 44.62
8 (Administrative Procedure Act) to implement this section.

9 * **Sec. 16.** AS 06.40.190(1) is amended to read:

10 (1) "commissioner" means the commissioner of **revenue**
11 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] or a designee
12 of the commissioner;

13 * **Sec. 17.** AS 06.40.190(2) is amended to read:

14 (2) "department" means the Department of **Revenue** [COMMERCE,
15 COMMUNITY, AND ECONOMIC DEVELOPMENT];

16 * **Sec. 18.** AS 06.45.400(1) is amended to read:

17 (1) "commissioner" means the commissioner of **revenue**
18 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];

19 * **Sec. 19.** AS 06.50.900(5) is amended to read:

20 (5) "department" means the Department of **Revenue** [COMMERCE,
21 COMMUNITY, AND ECONOMIC DEVELOPMENT];

22 * **Sec. 20.** AS 06.55.990(7) is amended to read:

23 (7) "department" means the Department of **Revenue** [COMMERCE,
24 COMMUNITY, AND ECONOMIC DEVELOPMENT];

25 * **Sec. 21.** AS 06.60.990(5) is amended to read:

26 (5) "department" means the Department of **Revenue** [COMMERCE,
27 COMMUNITY, AND ECONOMIC DEVELOPMENT];

28 * **Sec. 22.** AS 09.38.025(b) is amended to read:

29 (b) A judgment creditor or other claimant of an insurer may not levy upon any
30 of the assets or securities held in this state as a deposit for the protection of the
31 insurer's policyholders or policyholders and creditors. Deposits under AS 21.09.270

1 may be levied upon if provided in the order of the director of insurance, Department of
 2 **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT],
 3 under which the deposit is made.

4 * **Sec. 23.** AS 18.45.030 is amended to read:

5 **Sec. 18.45.030. Conduct of studies concerning changes in laws and**
 6 **regulations with a view to atomic industrial development.** Each of the following
 7 departments and agencies of the state are directed to initiate and to pursue continuing
 8 studies as to the need for changes in the laws and regulations administered by it that
 9 would arise from the presence within the state of special nuclear, by-product, and
 10 radioactive materials, from the operation of production or utilization facilities, and
 11 from the generation of radiation, and, on the basis of these studies, to make the
 12 recommendations for the enactment of laws or amendments to law administered by it,
 13 and the proposals for amendments to the regulations issued by it that it considers
 14 necessary:

15 (1) the Department of Health and Social Services particularly as to
 16 hazards to the public health and safety;

17 (2) the Department of Labor and Workforce Development particularly
 18 as to hazardous working conditions;

19 (3) the Department of Labor and Workforce Development particularly
 20 as to the time and character of proof of claims of injuries and the extent of the
 21 compensation allowable;

22 (4) the Department of Transportation and Public Facilities particularly
 23 as to the transportation of special nuclear, by-product, and radioactive materials on
 24 highways of the state;

25 (5) the Department of Transportation and Public Facilities particularly
 26 as to the transportation of special nuclear, by-product, and radioactive materials by
 27 common carriers not in interstate commerce and as to the participation by public
 28 utilities subject to its jurisdiction in projects for the development of production or
 29 utilization facilities for industrial or commercial use;

30 (6) the Department of **Revenue** [COMMERCE, COMMUNITY, AND
 31 ECONOMIC DEVELOPMENT] particularly as to the insurance of persons and

1 property from hazards to life and property resulting from atomic development;

2 (7) the Department of Fish and Game particularly as to the hazards to
3 the natural resources of the state, including wildlife, and as to the protection of rivers,
4 streams, and airspace from pollution;

5 (8) the Department of Natural Resources particularly as to the hazards
6 involved in the mining of radioactive minerals;

7 (9) departments and agencies the governor directs and for the purposes
8 specified by the governor, and other departments and agencies provided by law.

9 * **Sec. 24.** AS 18.60.340(b) is amended to read:

10 (b) A company authorized by the Department of **Revenue** [COMMERCE,
11 COMMUNITY, AND ECONOMIC DEVELOPMENT] under AS 21.09 to insure
12 boilers or unfired pressure vessels shall notify the Department of Labor and
13 Workforce Development each time it discontinues the insurance for a boiler or unfired
14 pressure vessel located in the state. The Department of Labor and Workforce
15 Development shall terminate the inspection certificate and require a reinspection if the
16 insurance was terminated because of a condition dangerous to life or property.

17 * **Sec. 25.** AS 21.06.010 is amended to read:

18 **Sec. 21.06.010. Appointment of director.** The commissioner of **revenue**
19 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] shall appoint
20 the director, division of insurance, Department of **Revenue** [COMMERCE,
21 COMMUNITY, AND ECONOMIC DEVELOPMENT]. The director serves at the
22 pleasure of the commissioner.

23 * **Sec. 26.** AS 21.06.020 is amended to read:

24 **Sec. 21.06.020. Division of insurance.** (a) There is created within the
25 Department of **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
26 DEVELOPMENT] a division of insurance [, WHICH SHALL BE LOCATED IN OR
27 CONVENIENT TO THE OFFICE OCCUPIED BY THE COMMISSIONER OF
28 COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT].

29 (b) The division of insurance shall be under the administrative control of the
30 commissioner of **revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
31 DEVELOPMENT] and the supervision of the director of the division of insurance.

1 * **Sec. 27.** AS 21.09.242(a) is amended to read:

2 (a) An insurer, including a pharmacy benefits manager, with respect to
3 medical assistance programs under AS 47.07, shall cooperate with the Department of
4 Health and Social Services to

5 (1) provide, with respect to an individual who is eligible for or is
6 provided medical assistance under AS 47.07, on the request of the **Department of**
7 **Health and Social Services** [DEPARTMENT], information to determine during what
8 period the individual or the individual's spouse or dependents may be or may have
9 been covered by the insurer and the nature of the coverage that is or was provided by
10 the insurer, including the name and address of the insurer and the identifying number
11 of the health care insurance plan;

12 (2) accept the [DEPARTMENT'S] right of recovery **of the**
13 **Department of Health and Social Services** and the assignment to the **Department of**
14 **Health and Social Services** [DEPARTMENT] of any right of an individual or other
15 entity to payment from the party for an item or service for which payment has been
16 made under AS 47.07;

17 (3) respond to any inquiry by the **Department of Health and Social**
18 **Services** [DEPARTMENT] regarding a claim for payment for any health care item or
19 service that is submitted not later than three years after the date of the provision of the
20 health care item or service; and

21 (4) agree not to deny a claim submitted by the **Department of Health**
22 **and Social Services** [DEPARTMENT] solely on the basis of the date of submission
23 of the claim, the type or format of the claim form, or a failure to present proper
24 documentation at the point-of-sale that is the basis of the claim if

25 (A) the claim is submitted by the **Department of Health and**
26 **Social Services** [DEPARTMENT] within the three-year period beginning on
27 the date on which the item or service was furnished; and

28 (B) any action by the **Department of Health and Social**
29 **Services** [DEPARTMENT] to enforce its rights with respect to the claim is
30 commenced within six years after the [DEPARTMENT'S] submission of the
31 claim **by the Department of Health and Social Services.**

1 * **Sec. 28.** AS 21.78.295 is amended to read:

2 **Sec. 21.78.295. Unclaimed and withheld money.** (a) All unclaimed money
3 that is subject to distribution and remains in the receiver's hands when the receiver is
4 ready to apply to the court for discharge, including the amount distributable to a
5 creditor, shareholder, member, or other person who is unknown and cannot be found,
6 shall be deposited with the **department** [DEPARTMENT OF REVENUE] and shall
7 be paid, without interest, to the person entitled to receive it or to the person's legal
8 representative upon proof satisfactory to the **department** [DEPARTMENT OF
9 REVENUE] of the person's right to it. Notwithstanding the provisions of AS 34.45, an
10 amount on deposit with the **department** [DEPARTMENT OF REVENUE] that is not
11 claimed within six years after the discharge of the receiver is considered to be
12 abandoned and shall, without further proceedings, be deposited in the general fund.

13 (b) All money retained for claims described in AS 21.78.280 and not
14 distributed, shall, upon discharge of the receiver, be deposited with the **department**
15 [DEPARTMENT OF REVENUE] and paid in accordance with AS 21.78.260. Any
16 amount remaining that, under AS 21.78.260, would revert to the undistributed assets
17 of the insurer, shall be transferred to the **department** [DEPARTMENT OF
18 REVENUE]. Remaining amounts become the property of the state under (a) of this
19 section, unless the director, in the director's discretion, petitions the court to reopen the
20 liquidation under AS 21.78.297.

21 * **Sec. 29.** AS 21.97.900(9) is amended to read:

22 (9) "commissioner" means the commissioner of **revenue**
23 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];

24 * **Sec. 30.** AS 21.97.900(12) is amended to read:

25 (12) "division" means the division of insurance, Department of
26 **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];

27 * **Sec. 31.** AS 21.97.900 is amended by adding a new paragraph to read:

28 (47) "department" means the Department of Revenue.

29 * **Sec. 32.** AS 23.30.280(e) is amended to read:

30 (e) Except as provided in (f) of this section, a person is not liable for civil
31 damages for filing a report concerning a suspected, anticipated, or completed

1 fraudulent act or a false or misleading statement or representation with, or for
 2 furnishing other information, whether written or oral, concerning a suspected,
 3 anticipated, or completed fraudulent act or false or misleading statements or
 4 representation to

5 (1) law enforcement officials or their agents and employees;

6 (2) the division of workers' compensation, the division of insurance in
 7 the Department of **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
 8 DEVELOPMENT], or an agency in another state that regulates insurance or workers'
 9 compensation;

10 (3) an insurer or adjuster or its agents, employees, or designees, or the
 11 risk manager of a self-insured employer under this chapter.

12 * **Sec. 33.** AS 28.20.580 is amended to read:

13 **Sec. 28.20.580. Assigned risk plans.** After consultation with the insurance
 14 companies authorized to issue motor vehicle liability policies in this state, the director
 15 of the division of insurance shall approve a reasonable plan, fair to the insurers and
 16 equitable to their policyholders, for the apportionment among these companies of
 17 applicants for motor vehicle policies and other vehicle coverages who are in good faith
 18 entitled to but are unable to procure policies through ordinary methods. When a plan is
 19 approved, all the insurance companies shall subscribe to it and participate in it, except
 20 a reciprocal insurer formed by and only insuring a group of municipalities or nonprofit
 21 utilities under AS 21.75, or a reciprocal insurer formed under AS 21.75 to provide
 22 marine insurance. An applicant for an assigned risk policy, a person insured under an
 23 assigned risk plan, and an insurance company affected may appeal to the
 24 commissioner of **revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
 25 DEVELOPMENT] from a ruling or decision of the authority designated to operate the
 26 plan. Failure to adopt an assigned risk plan does not relieve any person from
 27 responsibility under this chapter.

28 * **Sec. 34.** AS 31.25.010 is amended to read:

29 **Sec. 31.25.010. Structure.** The Alaska Gasline Development Corporation is a
 30 public corporation and government instrumentality acting in the best interest of the
 31 state for the purposes required by AS 31.25.005, located for administrative purposes in

1 the Department of **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
2 DEVELOPMENT], but having a legal existence independent of and separate from the
3 state. The corporation may not be terminated as long as it has bonds, notes, or other
4 obligations outstanding. The corporation may dissolve when no bonds, notes, or other
5 obligations of the corporation or a subsidiary of the corporation are outstanding and
6 the corporation or a subsidiary of the corporation is no longer engaged in the
7 development, financing, construction, or operation of an in-state natural gas pipeline
8 or an Alaska liquefied natural gas project. Upon termination of the corporation, its
9 rights and property pass to the state.

10 * **Sec. 35.** AS 37.05.146(b)(33) is amended to read:

11 (33) receipts of the Department of **Revenue** [COMMERCE,
12 COMMUNITY, AND ECONOMIC DEVELOPMENT], division of insurance, from
13 license fees and fees for services;

14 * **Sec. 36.** AS 37.05.146(b)(34) is amended to read:

15 (34) receipts of the Department of Commerce, Community, and
16 Economic Development from its functions relating to [BANKING,] securities [,] and
17 corporations;

18 * **Sec. 37.** AS 37.05.146(b) is amended by adding a new paragraph to read:

19 (88) receipts of the Department of Revenue from its functions relating
20 to banking.

21 * **Sec. 38.** AS 39.25.110(30) is amended to read:

22 (30) a person employed as an actuary or assistant actuary by the
23 division of insurance in the Department of **Revenue** [COMMERCE, COMMUNITY,
24 AND ECONOMIC DEVELOPMENT];

25 * **Sec. 39.** AS 39.25.120(c) is amended to read:

26 (c) The following positions in the state service constitute the partially exempt
27 service:

28 (1) deputy and assistant commissioners of the principal departments of
29 the executive branch, including the assistant adjutant general of the Department of
30 Military and Veterans' Affairs;

31 (2) the directors of the major divisions of the principal departments of

1 the executive branch and the regional directors of the Department of Transportation
2 and Public Facilities;

3 (3) attorney members of the staff of the Department of Law, of the
4 public defender agency, and of the office of public advocacy in the Department of
5 Administration;

6 (4) one private secretary for each head of a principal department in the
7 executive branch;

8 (5) employees of councils, boards, or commissions established by
9 statute in the Office of the Governor or the office of the lieutenant governor, unless a
10 different classification is provided by statute;

11 (6) not more than two special assistants to the commissioner of each of
12 the principal departments of the executive branch, but the number may be increased if
13 the partially exempt service is extended under AS 39.25.130 to include the additional
14 special assistants;

15 (7) the principal executive officer of the following boards, councils, or
16 commissions:

17 (A) Alaska Public Broadcasting Commission;

18 (B) Professional Teaching Practices Commission;

19 (C) Parole Board;

20 (D) Board of Nursing;

21 (E) Real Estate Commission;

22 (F) Alaska Royalty Oil and Gas Development Advisory Board;

23 (G) Alaska State Council on the Arts;

24 (H) Alaska Police Standards Council;

25 (I) Alaska Commission on Aging;

26 (J) Alaska Mental Health Board;

27 (K) State Medical Board;

28 (L) Governor's Council on Disabilities and Special Education;

29 (M) Advisory Board on Alcoholism and Drug Abuse;

30 (N) Statewide Suicide Prevention Council;

31 (O) State Board of Registration for Architects, Engineers, and

- 1 Land Surveyors;
- 2 (P) Alaska Health Care Commission;
- 3 (8) Alaska Pioneers' Home and Alaska Veterans' Home managers;
- 4 (9) hearing examiners in the Department of Revenue;
- 5 (10) the comptroller in the division of treasury, Department of
- 6 Revenue;
- 7 (11) airport managers in the Department of Transportation and Public
- 8 Facilities employed at the Anchorage and Fairbanks International Airports;
- 9 (12) the deputy director of the division of insurance in the Department
- 10 of Revenue [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];
- 11 (13) the executive director and staff of the Alaska Public Offices
- 12 Commission;
- 13 (14) the rehabilitation administrator of the division of workers'
- 14 compensation;
- 15 (15) guards employed by the Department of Public Safety for
- 16 emergencies;
- 17 (16) marine pilot coordinator of the Board of Marine Pilots;
- 18 (17) guards employed by the Department of Corrections, other than in
- 19 state correctional facilities, to carry out the responsibility of the commissioner of
- 20 corrections under AS 33.30.071(b);
- 21 (18) hearing officers and administrative law judges of the Regulatory
- 22 Commission of Alaska;
- 23 (19) the compact administrator appointed under AS 33.36.130;
- 24 (20) the chief administrative law judge and administrative law judges
- 25 of the office of administrative hearings;
- 26 (21) the executive secretary of the Board of Public Accountancy.

27 * **Sec. 40.** AS 40.25.110(e) is amended to read:

28 (e) Notwithstanding other provisions of this section to the contrary, the Bureau

29 of Vital Statistics and the library archives in the Department of Education and Early

30 Development may continue to charge the same fees that they were charging on

31 September 25, 1990, for performing record searches, and may increase the fees as

1 necessary to recover agency expenses on the same basis that was used by the agency
 2 immediately before September 25, 1990. Notwithstanding other provisions of this
 3 section to the contrary, the Department of Commerce, Community, and Economic
 4 Development may continue to charge the same fees that the former Department of
 5 Commerce and Economic Development was charging on July 1, 1999, for performing
 6 record searches for matters related to [BANKING,] securities [,] and corporations, and
 7 may increase the fees as necessary to recover agency expenses on the same basis that
 8 was used by the former Department of Commerce and Economic Development
 9 immediately before July 1, 1999. **Notwithstanding other provisions of this section**
 10 **to the contrary, the Department of Revenue may charge the same fees that the**
 11 **Department of Commerce, Community, and Economic Development was**
 12 **charging on the effective date of this section for performing record searches for**
 13 **matters related to banking immediately before the effective date of this section.**

14 * **Sec. 41.** AS 44.25.020 is amended to read:

15 **Sec. 44.25.020. Duties of department.** The Department of Revenue shall

16 (1) enforce the tax laws of the state;

17 (2) collect, account for, have custody of, invest, and manage all state
 18 funds and all revenues of the state except revenues incidental to a program of licensing
 19 and regulation carried on by another state department, funds managed and invested by
 20 the Alaska Retirement Management Board, and as otherwise provided by law;

21 (3) invest and manage the balance of the power development fund in
 22 accordance with AS 44.83.386;

23 (4) administer the surety bond program for licensure as a fish
 24 processor or primary fish buyer;

25 **(5) enforce state laws regarding banking and insurance.**

26 * **Sec. 42.** AS 44.33.020(a) is amended to read:

27 (a) The Department of Commerce, Community, and Economic Development
 28 shall

29 (1) advise and assist local governments;

30 (2) advise the governor and other commissioners on the delivery of
 31 government services to rural areas, including services relating to public safety, justice,

1 economic development, natural resource management, education, and public health;

2 (3) make recommendations to the governor and other commissioners
3 about policy changes that would affect rural governments and rural affairs;

4 (4) serve as staff for the Local Boundary Commission;

5 (5) conduct studies and carry out experimental and pilot projects for
6 the purpose of developing solutions to community and regional problems;

7 (6) promote cooperative solutions to problems affecting more than one
8 community or region, including joint service agreements, regional compacts, and other
9 forms of cooperation;

10 (7) serve as a clearinghouse for information useful in solution of
11 community and regional problems, and channel to the appropriate authority requests
12 for information and services;

13 (8) advise and assist community and regional governments on matters
14 of finance, including but not limited to bond marketing and procurement of federal
15 funds;

16 (9) prepare suggested guidelines relating to the content of notice of
17 bond sale advertisements, prospectuses, and other bonding matters issued by local
18 governments;

19 (10) administer state funds appropriated for the benefit of unorganized
20 regions within the state, allowing for maximum participation by local advisory
21 councils and similar bodies;

22 (11) as assigned through a delegation by the governor, administer and
23 implement the state's role in the federal community development quota program
24 established under 16 U.S.C. 1855(i) or a successor federal program; the department
25 may adopt regulations under a delegation from the governor to implement duties under
26 this paragraph;

27 (12) carry out those administrative functions in the unorganized
28 borough that the legislature may prescribe;

29 (13) study existing and proposed laws and state activities that affect
30 community and regional affairs and submit to the governor recommended changes in
31 those laws and activities;

1 (14) coordinate activities of the state that affect community and
2 regional affairs;

3 (15) assist in the development of new communities and serve as the
4 agent of the state for purposes of participation in federal programs relating to new
5 communities;

6 (16) supervise planning, management, and other activities required for
7 local eligibility for financial aid under those federal and state programs that provide
8 assistance to community and regional governments;

9 (17) advise and assist municipalities on procedures of assessment,
10 valuation, and taxation, and notify municipalities of major errors in those procedures;

11 (18) apply for, receive, and use funds from federal and other sources,
12 public or private, for use in carrying out the powers and duties of the department;

13 (19) request and utilize the resources of other agencies of state
14 government in carrying out the purposes of this chapter to the extent such utilization is
15 more efficient than maintaining departmental staff, reimbursing the other agencies
16 when appropriate;

17 (20) administer state and, as appropriate, federal programs for revenue
18 sharing, grants, and other forms of financial assistance to community and regional
19 governments;

20 (21) administer the state programs relating to commerce or community
21 development, enforce the laws relating to these programs, and adopt regulations under
22 these laws;

23 (22) register corporations;

24 (23) collect corporation franchise taxes;

25 (24) enforce state laws regulating public utilities and other public
26 service enterprises, [BANKING AND] securities, [INSURANCE,] and other
27 businesses and enterprises touched with a public interest;

28 (25) make veterans' loans;

29 (26) furnish the budgeting, clerical, and administrative services for
30 regulatory agencies and professional and occupational licensing boards not otherwise
31 provided for;

1 (27) conduct studies, enter into contracts and agreements, and make
2 surveys relating to the economic development of the state and, when appropriate,
3 assemble, analyze, and disseminate the findings obtained;

4 (28) provide factual information and technical assistance for potential
5 industrial and commercial investors;

6 (29) receive gifts, grants, and other aid that facilitate the powers and
7 duties of the department from agencies and instrumentalities of the United States or
8 other public or private sources;

9 (30) establish and activate programs to achieve balanced economic
10 development in the state and advise the governor on economic development policy
11 matters;

12 (31) formulate a continuing program for basic economic development
13 and for the necessary promotion, planning, and research that will advance the
14 economic development of the state;

15 (32) cooperate with private, governmental, and other public institutions
16 and agencies in the execution of economic development programs;

17 (33) review the programs and annual reports of other departments and
18 agencies as they are related to economic development and prepare an annual report on
19 the economic growth of the state;

20 (34) administer the economic development programs of the state;

21 (35) perform all other duties and powers necessary or proper in
22 relation to economic development and planning for the state;

23 (36) request tourism-related businesses in the state to provide data
24 regarding occupancy levels, traffic flow and gross receipts and to participate in visitor
25 surveys conducted by the department; data collected under this paragraph that
26 discloses the particulars of an individual business is not a matter of public record and
27 shall be kept confidential; however, this restriction does not prevent the department
28 from using the data to formulate tourism economic impact information including
29 expenditure patterns, tax receipts and fees, employment and income attributable to
30 tourism, and other information considered relevant to the planning, evaluation, and
31 policy direction of tourism in the state;

1 (37) provide administrative and budgetary services to the Real Estate
2 Commission under AS 08.88 as requested by the commission;

3 (38) sell at cost, to the extent possible, publications and promotional
4 materials developed by the department;

5 (39) as delegated by the governor, administer under 16 U.S.C. 1856
6 the internal waters foreign processing permit procedures and collect related fees;

7 (40) administer state laws relating to the issuance of business licenses;

8 (41) comply with AS 15.07.055 to serve as a voter registration agency
9 to the extent required by state and federal law, including 42 U.S.C. 1973gg (National
10 Voter Registration Act of 1993);

11 (42) [REPEALED]

12 (43) carry out other functions and duties, consistent with law,
13 necessary or appropriate to accomplish the purpose of this chapter;

14 (44) administer the Alaska BIDCO assistance program under
15 AS 37.17.500 - 37.17.690 and adopt regulations to carry out the provisions of those
16 statutes;

17 (45) supply necessary clerical and administrative services for the
18 Alcoholic Beverage Control Board and the Marijuana Control Board.

19 * **Sec. 43.** AS 44.81.275(d) is amended to read:

20 (d) In this section,

21 (1) "commissioner" means the commissioner of **revenue**
22 [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];

23 (2) "department" means the Department of **Revenue** [COMMERCE,
24 COMMUNITY, AND ECONOMIC DEVELOPMENT].

25 * **Sec. 44.** AS 44.83.020 is amended to read:

26 **Sec. 44.83.020. Creation of authority.** There is created the Alaska Energy
27 Authority. The authority is a public corporation of the state in the Department of
28 **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] but
29 with separate and independent legal existence.

30 * **Sec. 45.** AS 44.88.020 is amended to read:

31 **Sec. 44.88.020. Creation of authority.** There is created the Alaska Industrial

1 Development and Export Authority. The authority is a public corporation of the state
2 and a body corporate and politic constituting a political subdivision within the
3 Department of **Revenue** [COMMERCE, COMMUNITY, AND ECONOMIC
4 DEVELOPMENT], but with separate and independent legal existence.

5 * **Sec. 46.** AS 46.04.040(e) is amended to read:

6 (e) Financial responsibility may be demonstrated by (1) self-insurance, (2)
7 insurance, (3) surety, (4) guarantee, (5) letter of credit approved by the department, or
8 (6) other proof of financial responsibility approved by the department, including proof
9 of financial responsibility provided by a group of insureds who have agreed to cover
10 pollution risks of members of the group under terms the department may prescribe. An
11 action brought under AS 46.03.758, 46.03.759, 46.03.760(a) or (d), 46.03.822, or
12 AS 46.04.030(g) may be brought in a state court directly against the insurer, the group,
13 or another person providing evidence of financial responsibility; however, the liability
14 under this section of a third-party insurer is limited to the type of risk assumed and the
15 amount of coverage specified in the proof of financial responsibility furnished to and
16 approved by the department. The applicant, and an insurer, surety, guarantor, person
17 furnishing an approved letter of credit, or other group or person providing proof of
18 financial responsibility approved by the department shall appoint an agent for service
19 of process in the state. For purposes of this subsection, an insurer, other than a group
20 of insureds whose agreement has been approved by the department, must either be
21 authorized by the Department of **Revenue** [COMMERCE, COMMUNITY, AND
22 ECONOMIC DEVELOPMENT] to sell insurance in the state or be an unauthorized
23 insurer listed by the Department of **Revenue** [COMMERCE, COMMUNITY, AND
24 ECONOMIC DEVELOPMENT] as not disapproved for use in the state. In this
25 subsection, "third-party insurer" means a third-party insurer, surety, guarantor, person
26 furnishing a letter of credit, or other group or person providing proof of financial
27 responsibility on behalf of an applicant under this section; "third-party insurer" does
28 not include the applicant.

29 * **Sec. 47.** AS 46.04.055(d) is amended to read:

30 (d) Notwithstanding the requirements of AS 46.04.040(e) and (l) and
31 46.04.047, for purposes of (a) of this section, an applicant may provide evidence of

1 financial responsibility by proof of entry of the nontank vessel in a protection and
2 indemnity association or proof of coverage with another insurer that

3 (1) is financially solvent and has a favorable history of claim handling;

4 (2) provides coverage against pollution risks in at least the amount of
5 the financial responsibility required under (a) of this section without any requirement
6 for a special endorsement;

7 (3) does not agree to be subject to direct action in court or to
8 appointment of an agent for service of process; and

9 (4) in the case of a protection and indemnity association or group of
10 insureds, is not authorized by the Department of **Revenue** [COMMERCE,
11 COMMUNITY, AND ECONOMIC DEVELOPMENT] to sell insurance in the state
12 so long as it is not listed by the Department of **Revenue** [COMMERCE,
13 COMMUNITY, AND ECONOMIC DEVELOPMENT] as being disapproved for use
14 in the state.

15 * **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 TRANSITIONAL PROVISIONS. (a) Litigation, hearings, investigations, and other
18 proceedings pending in connection with functions transferred by this Act continue in effect
19 and may be completed under the applicable statute or regulation as the statute or regulation
20 read on the day before the effective date of secs. 1 - 48 of this Act notwithstanding a transfer
21 provided for in this Act.

22 (b) Certificates, orders, and regulations in effect immediately before the effective date
23 of a law affected by this Act that were issued or adopted under authority of a law amended or
24 repealed by this Act remain in effect for the term issued and shall be enforced by the agency
25 to which the function is transferred under this Act until revoked, vacated, or amended by the
26 agency to which the function is transferred.

27 (c) Contracts, rights, liabilities, and obligations created by or under a law amended by
28 this Act, and in effect on the day before the effective date of the repeal or amendment, remain
29 in effect notwithstanding this Act's taking effect.

30 (d) Records, equipment, appropriations, and other property of an agency of the state
31 whose functions are transferred under this Act shall be transferred to implement the

1 provisions of this Act.

2 (e) Employees in the Department of Commerce, Community, and Economic
3 Development, division of insurance, and the employees in the Department of Commerce,
4 Community, and Economic Development, division of banking and securities, whose duties
5 have been transferred to the Department of Revenue under this Act, shall be transferred to the
6 Department of Revenue on the effective date of secs. 1 - 48 of this Act.

7 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 REGULATIONS. The Department of Commerce, Community, and Economic
10 Development and the Department of Revenue may adopt regulations necessary to implement
11 the changes made by this Act. The regulations take effect under AS 44.62 (Administrative
12 Procedure Act) but not before the effective date of the corresponding statute.

13 * **Sec. 50.** Section 49 of this Act takes effect immediately under AS 01.10.070(c).