

HOUSE BILL NO. 42

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/23/23

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the elimination or modification of state agency publications that are**
2 **outdated, duplicative, or excessive."**

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

4 * **Section 1.** AS 16.05.050(b) is amended to read:

5 (b) The commissioner shall annually submit a report to the
6 [(1)] Board of Game regarding the department's implementation during
7 the preceding three years of intensive management programs that have been
8 established by the board under AS 16.05.255 for identified big game prey populations
9 [;

10 (2) LEGISLATURE REGARDING THE BOARD OF GAME'S
11 ALLOCATION OF BIG GAME HUNTING OPPORTUNITIES IN THE
12 PRECEDING CALENDAR YEAR; THE COMMISSIONER SHALL FILE THE
13 REPORT WITH THE SENATE SECRETARY AND THE CHIEF CLERK OF THE
14 HOUSE OF REPRESENTATIVES ON OR BEFORE FEBRUARY 1 AND NOTIFY

1 THE LEGISLATURE THAT THE REPORT IS AVAILABLE; THE REPORT
2 MUST INCLUDE

3 (A) A SUMMARY DESCRIPTION OF THE BIG GAME
4 HUNTING OPPORTUNITIES PROVIDED TO RESIDENTS AND
5 NONRESIDENTS;

6 (B) A DETAILED DESCRIPTION OF HOW BIG GAME
7 HUNTING OPPORTUNITIES FOR EACH BIG GAME SPECIES WERE
8 ALLOCATED

9 (i) TO RESIDENTS, GUIDED NONRESIDENTS,
10 NONPROFIT ORGANIZATIONS FOR AUCTION UNDER
11 AS 16.05.343(a) AND (c), AND, IF APPLICABLE, NONGUIDED
12 NONRESIDENTS;

13 (ii) BY HUNT TYPE;

14 (iii) WITHIN EACH GAME MANAGEMENT UNIT;

15 AND

16 (C) OTHER INFORMATION AND DATA RELEVANT TO
17 ALLOCATION OF BIG GAME HUNTING OPPORTUNITIES IN THE
18 STATE BY THE BOARD OF GAME].

19 * **Sec. 2.** AS 16.05.130(b) is amended to read:

20 (b) Money accruing to the state from waterfowl conservation tag fees from
21 hunters may not be diverted to a purpose other than (1) the conservation and
22 enhancement of waterfowl; (2) the acquisition, by lease or otherwise, of wetlands that
23 are important for waterfowl and public use of waterfowl in the state; (3) waterfowl
24 related projects approved by the commissioner; (4) the administration of the waterfowl
25 conservation program; and (5) emergencies in the state as determined by the governor.
26 The department shall maintain a state waterfowl tag fee account within the fish and
27 game fund to permit separate accounting records for the receipt and expenditure of
28 money derived from the sale of waterfowl tags. [THE DEPARTMENT SHALL
29 PREPARE A REPORT BEFORE APRIL 15 OF EACH EVEN-NUMBERED YEAR
30 FOR THE PUBLIC AND THE LEGISLATURE ON THE USE OF MONEY
31 DERIVED FROM WATERFOWL CONSERVATION TAGS AND LIMITED

1 EDITION PRINTS. THE DEPARTMENT SHALL NOTIFY THE LEGISLATURE
2 THAT THE REPORT IS AVAILABLE.]

3 * **Sec. 3.** AS 18.65.086(b) is amended to read:

4 (b) The commissioner of public safety shall prepare, in odd-numbered years, a
5 report concerning the activities of the special unit on repeated child sexual abuse and
6 the criminal exploitation of children. The commissioner shall notify the legislature by
7 the first day of each regular session in an odd-numbered year that the report is
8 available. The report must include, but is not limited to, the number of arrests made in
9 cases of repeated child sexual abuse and the criminal exploitation of children [, THE
10 NUMBER OF INVESTIGATIONS THAT RESULT IN THE DEPARTMENT OF
11 FAMILY AND COMMUNITY SERVICES TAKING TEMPORARY OR
12 PERMANENT CUSTODY OF THE CHILD, THE SENTENCES RECEIVED BY
13 PERSONS CONVICTED IN THE STATE OF CHILD SEXUAL ABUSE OR
14 CRIMINAL EXPLOITATION OF A CHILD,] and an overall view of the problems of
15 child sexual abuse and the criminal exploitation of children in the state.

16 * **Sec. 4.** AS 28.05.031 is amended to read:

17 **Sec. 28.05.031. Department of Administration [PUBLIC SAFETY] to**
18 **publish statutes and regulations relating to vehicles, vehicle use, and pedestrians.**

19 (a) The Department of Administration [PUBLIC SAFETY] shall publish current state
20 statutes and regulations relating to vehicles and their driving or movement, to drivers
21 of vehicles, and to pedestrians. The cost of publication shall be jointly shared by that
22 department and other state agencies that administer statutes and regulations included
23 in the publication prescribed under this section.

24 (b) The [A SINGLE COPY OF A FACSIMILE OF THE] publication
25 prescribed in (a) of this section shall be available to the public without charge at all
26 offices of the Department of Administration that administer the statutes in this title
27 [AND AT ALL OFFICES OF THE DEPARTMENT OF PUBLIC SAFETY].
28 However, a municipality may request and receive without charge a reasonable number
29 of copies of the publication.

30 * **Sec. 5.** AS 33.30.017(b) is amended to read:

31 (b) The commissioner shall

(1) charge each prisoner who possesses at least one major electrical appliance the utility fee established in (a) of this section; the commissioner may deduct the utility fee monthly from the account established for a prisoner into which money due the prisoner for labor is paid; if a prisoner is indigent, the commissioner shall make the deduction from any amount credited to the indigent inmate's account;

(2) if available from legislative appropriation, expend money deducted and collected under (1) of this subsection to offset the cost of the department's utility expenses [; THE COMMISSIONER SHALL ANNUALLY REPORT ON THE AMOUNTS THAT ARE COLLECTED AND EXPENDED UNDER THIS PARAGRAPH].

* **Sec. 6.** AS 37.07.020(f) is amended to read:

(f) In addition to the budget, bills, and fiscal plan submitted under (a) and (b) of this section, [IN EVERY EVEN-NUMBERED YEAR,] the governor shall submit a bill to eliminate or modify the publication requirements [FOR PUBLICATIONS THAT HAVE BEEN] identified under AS 44.99.220

[(1) AS OUTDATED, DUPLICATIVE, OR EXCESSIVE, OR THAT COULD BE IMPROVED OR CONSOLIDATED WITH OTHER PUBLICATIONS; OR

(2) THAT COULD BE EXCLUSIVELY DELIVERED ELECTRONICALLY].

* **Sec. 7.** AS 37.07.040 is amended to read:

Sec. 37.07.040. Office of management and budget. The Alaska office of management and budget shall

(1) assist the governor in meeting the requirements of AS 37.07.020, including the coordination and analysis of state agency goals and objectives, plans, and budget requests;

(2) prepare for submission to the governor an annually updated six-year capital improvements program and the proposed capital improvements budget for the coming fiscal year, the latter to include individual project justification with documentation of estimated project cost;

(3) develop procedures to produce the information needed for effective

1 policy decision making, including procedures to provide for the dissemination of
 2 information about plans, programs, and budget requests to be included in the annual
 3 budget and opportunity for public review and comment during the period of budget
 4 preparation;

5 (4) assist state agencies in their statement of goals and objectives to
 6 achieve, among other things, the legislature's mission and desired results, preparation
 7 of plans, assessments of the extent to which missions and desired results have been
 8 achieved, budget requests, and reporting of program performance; all documents
 9 forwarded by the office to a state agency containing instructions for the preparation of
 10 program plans and budget requests and the reporting of program performance are
 11 public information after the date they are forwarded;

12 (5) administer its responsibilities under the program execution
 13 provisions of this chapter so that the policy decisions and budget determinations of the
 14 governor and the legislature are implemented;

15 (6) provide the legislative finance division with the budget information
 16 it may request;

17 (7) provide the legislative finance division with an advance copy of the
 18 governor's budget workbooks at least seven days before the legislature convenes in a
 19 regular session;

20 (8) prepare the proposed capital improvements budget for the coming
 21 fiscal year evaluating both state and local requests from the standpoint of need, equity,
 22 and priorities of the jurisdiction; other factors such as project amounts, population,
 23 local financial match, federal funds being used for local match, municipality or
 24 unincorporated community acceptance of the facility, and all associated costs of the
 25 facility may be considered;

26 (9) for each department in the executive branch, report to the
 27 legislature by the 45th day of each regular session the amount of money appropriated
 28 to the department that **has been expended in the first half of the current fiscal year**
 29 **along with a projection of expenditures for the remainder of the current fiscal**
 30 **year, including any amount that** is expected to lapse into the general fund at the end
 31 of the current fiscal year;

(10) establish and administer a state agency program performance management system involving planning, performance budgeting, performance measurement, and program evaluation; the office shall ensure that information generated under this system is useful for managing and improving the efficiency and effectiveness of agency operations;

(11) by January 15, list each lease-purchase agreement entered into by an agency during the immediately preceding fiscal year for the acquisition of equipment or other personal property, together with a description of the property acquired and financial details, including the purchase price, the term for payments, the amount of each payment, and the amount of interest or financing charges paid;

(12) work with state agencies to develop a standardized methodology to collect and store energy consumption and expense data.

* **Sec. 8.** AS 37.07.060(b) is amended to read:

(b) The governor shall present the proposed comprehensive operating and capital improvements programs, and fiscal plan if it is required under AS 37.07.020(b), in an electronic format to [A MESSAGE TO A JOINT SESSION OF] the legislature before the fourth legislative day following the convening of the legislature in regular session. The submission [MESSAGE] must be accompanied by an explanatory report that summarizes recommended goals, plans, and appropriations. The report must contain

(1) the coordinated program goals and objectives that the governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) the governor's operating program and budget recommendations for the succeeding fiscal year organized by agency as required by AS 37.07.020(a);

(3) the governor's capital improvements program and budget recommendations for the succeeding fiscal year and capital improvements program for the succeeding six fiscal years, which must include

(A) a description of each project, its estimated cost for the year construction is to start and the estimated cost of the project adjusted for inflation over the estimated period of construction, and the source of financing

1 for the project; the project description for a new building or a new facility or
 2 for a major addition to a building or facility should include a site plan,
 3 preliminary drawings, and architect's or engineer's total cost estimate for the
 4 project;

5 (B) a summary of projects previously authorized and not yet
 6 completed;

7 (C) a summary, listed by agency, of all previously proposed
 8 projects that have been deferred beyond the six years covered by the plan and
 9 the year in which construction has been rescheduled to begin;

10 (D) a forecast of the debt structure of the state and the various
 11 debt ratios over the life of the state's bonds outstanding, bonds authorized and
 12 to be issued, and bond authorizations recommended in the plan;

13 (E) a description of additional revenue measures needed to
 14 finance the plan in lieu of debt;

15 (F) bond election bills to authorize the bonds required to fund
 16 the projects scheduled for the first three years of the plan;

17 (G) projections of population of the state and its regions and
 18 communities;

19 (H) economic data and projections necessary for the evaluation
 20 of the plan;

21 (4) a summary of state receipts in the last fiscal year, a revised estimate
 22 for the current fiscal year, and an estimate for the succeeding fiscal year;

23 (5) a summary of expenditures during the last fiscal year, those
 24 authorized for the current fiscal year, and an estimate for the succeeding fiscal year;

25 (6) any additional information that will facilitate understanding of the
 26 governor's proposed programs and financial plans by the legislature and the public.

27 * **Sec. 9.** AS 37.13.170 is amended to read:

28 **Sec. 37.13.170. Reports and publications.** By September 30 of each year, the
 29 board shall publish a report of the fund for distribution to the governor and the public.
 30 The board shall notify the legislature that the report is available. The report shall be
 31 written in easily understandable language. The report must include financial

statements audited by independent outside auditors, a statement of the amount of money received by the fund from each investment during the period covered, a statement of investments of the fund including an appraisal at market value, a description of fund investment activity during the period covered by the report, a comparison of the fund performance with the intended goals contained in AS 37.13.020, an examination of the effect of the investment criteria of this chapter on the fund portfolio with recommendations of any needed changes, and any other information the board believes would be of interest to the governor, the legislature, and the public. The annual income statement and balance sheet of the fund shall be **made available to the public and published on the corporation's Internet website** [PUBLISHED IN AT LEAST ONE NEWSPAPER IN EACH JUDICIAL DISTRICT]. The income statement and balance sheet for the two fiscal years preceding the publication of the election pamphlet under AS 15.58 shall be included in that pamphlet.

* **Sec. 10.** AS 42.08.390 is amended to read:

Sec. 42.08.390. Effect of chapter on taxes and royalties. Nothing in this chapter shall alter the calculation of a production tax under **AS 43.55.011 - 43.55.170** [AS 43.55.011 - 43.55.180] or the calculation of a royalty due for a lease issued under AS 38.05.180.

* **Sec. 11.** AS 43.55.014(e) is amended to read:

(e) This section does not apply to gas that, under AS 43.55.020(e), is considered as gas produced from a lease or property for the purpose of **AS 43.55.011 - 43.55.170** [AS 43.55.011 - 43.55.180].

* **Sec. 12.** AS 43.55.020(e) is amended to read:

(e) Gas flared, released, or allowed to escape in excess of the amount authorized by the Alaska Oil and Gas Conservation Commission is considered, for the purpose of **AS 43.55.011 - 43.55.170** [AS 43.55.011 - 43.55.180], as gas produced from a lease or property. Oil or gas used in the operation of a lease or property in the state in drilling for or producing oil or gas, or for repressuring, except to the extent determined by the Alaska Oil and Gas Conservation Commission to be waste, is not considered, for the purpose of **AS 43.55.011 - 43.55.170** [AS 43.55.011 - 43.55.180],

as oil or gas produced from a lease or property.

* **Sec. 13.** AS 43.55.020(j) is amended to read:

(j) Cushion gas in a gas storage facility is not considered to be gas used in the operation of a lease or property or gas used for repressuring as described in (e) of this section. Gas withdrawn from a gas storage facility regulated under AS 42.05 is considered to be non-native gas until all non-native gas injected into the gas storage facility has been withdrawn from the gas storage facility. Non-native gas withdrawn from a gas storage facility is not considered to be gas produced for the purposes of AS 43.55.011 - 43.55.170 [AS 43.55.011 - 43.55.180]. Gas withdrawn from a gas storage facility after all non-native gas previously injected into the gas storage facility has been withdrawn is gas considered to be produced from the lease or property for the purposes of AS 43.55.011 - 43.55.170 [AS 43.55.011 - 43.55.180]. In this subsection, "native gas" and "non-native gas" have the meanings given in AS 31.05.032.

* **Sec. 14.** AS 43.55.023(g) is amended to read:

(g) The issuance of a transferable tax credit certificate under (d) of this section or former (m) of this section or the purchase of a certificate under AS 43.55.028 does not limit the department's ability to later audit a tax credit claim to which the certificate relates or to adjust the claim if the department determines, as a result of the audit, that the applicant was not entitled to the amount of the credit for which the certificate was issued. The tax liability of the applicant under AS 43.55.011(e) and 43.55.017 - 43.55.170 [43.55.017 - 43.55.180] is increased by the amount of the credit that exceeds that to which the applicant was entitled, or the applicant's available valid outstanding credits applicable against the tax levied by AS 43.55.011(e) are reduced by that amount. If the applicant's tax liability is increased under this subsection, the increase bears interest under AS 43.05.225 from the date the transferable tax credit certificate was issued. For purposes of this subsection, an applicant that is an explorer is considered a producer subject to the tax levied by AS 43.55.011(e).

* **Sec. 15.** AS 43.55.080 is amended to read:

Sec. 43.55.080. Collection and deposit of revenue. Except as otherwise provided under art. IX, sec. 17, Constitution of the State of Alaska, the department shall deposit in the general fund the money collected by it under AS 43.55.011 -

1 **43.55.170** [AS 43.55.011 - 43.55.180].

2 * **Sec. 16.** AS 43.55.135 is amended to read:

3 **Sec. 43.55.135. Measurement.** For the purposes of **AS 43.55.011 - 43.55.170**
4 [AS 43.55.011 - 43.55.180], except as otherwise provided, oil is measured in terms of
5 a "barrel of oil" and gas is measured in terms of a "cubic foot of gas."

6 * **Sec. 17.** AS 43.55.150(a) is amended to read:

7 (a) For the purposes of **AS 43.55.011 - 43.55.170** [AS 43.55.011 - 43.55.180],
8 the gross value at the point of production is calculated using the actual costs of
9 transportation of the oil or gas, except when the

10 (1) shipper of oil or gas is affiliated with the transportation carrier or
11 with a person that owns an interest in the transportation facility;

12 (2) contract for the transportation of oil or gas is not an arm's length
13 transaction; or

14 (3) method or terms of transportation of oil or gas are not reasonable in
15 view of existing alternative transportation options.

16 * **Sec. 18.** AS 43.55.201(c) is amended to read:

17 (c) A producer of oil shall make a report of production on March 31 of the
18 year following the calendar year of production and in the same manner and under the
19 same penalties as required under **AS 43.55.011 - 43.55.170** [AS 43.55.011 -
20 43.55.180].

21 * **Sec. 19.** AS 43.55.300(c) is amended to read:

22 (c) A producer of oil shall make a report of production on March 31 of the
23 year following the calendar year of production and in the same manner and under the
24 same penalties as required under **AS 43.55.011 - 43.55.170** [AS 43.55.011 -
25 43.55.180].

26 * **Sec. 20.** AS 47.14.112(a) is amended to read:

27 (a) The department shall implement workload standards and a training
28 program for employees who supervise the care of children committed to the
29 supervision or custody of the department under AS 47.10, work with families to
30 prevent the removal of a child from the child's home under AS 47.10, or investigate
31 reports of harm under AS 47.17. The department shall prepare a staffing report

1 [UNDER (b) OF THIS SECTION] if the department is unable

2 (1) to employ the number of qualified employees necessary to ensure
3 that

4 (A) the department reasonably and safely minimizes the time a
5 child is not in a permanent living arrangement or under a permanent
6 guardianship;

7 (B) a child is not removed from the child's home when it is
8 possible and in the child's best interest for the department to work with the
9 child's family to prevent the removal of the child from the child's home;

10 (C) each child is placed in a permanent home not more than 24
11 months after the date the child is first removed from the child's home;

12 (2) to meet best practices standards set by the department requiring the
13 employment of mentors for employees who supervise the care of children committed
14 to the supervision or custody of the department under AS 47.10, work with families to
15 prevent the removal of a child from the child's home under AS 47.10, or investigate
16 reports of harm under AS 47.17;

17 (3) for a new employee who supervises the care of a child committed
18 to the supervision or custody of the department under AS 47.10, works with families
19 to prevent the removal of a child from the child's home under AS 47.10, or
20 investigates reports of harm under AS 47.17, to

21 (A) provide a minimum of six weeks of training unless the
22 department finds that the new employee has sufficient experience to justify a
23 shorter training period;

24 (B) limit the employee's workload as follows:

25 (i) before the beginning of an employee's fourth month
26 of work with the department, the employee may supervise not more
27 than six families;

28 (ii) after the beginning of the employee's fourth month
29 of work but before the end of the employee's sixth month of work with
30 the department, the employee may supervise not more than 12 families;

31 (iii) when an employee supervises families in a region

where travel distances negatively affect the employee's ability to supervise families and the employee has worked for the department for less than 12 months, the employee may not supervise the maximum number of families provided under (i) and (ii) of this subparagraph; and (4) for an employee, other than a new employee, who supervises the care of children committed to the supervision or custody of the department under AS 47.10, works with families to prevent the removal of a child from the child's home under AS 47.10, or investigates reports of harm under AS 47.17, to ensure that the average statewide caseload is not more than 13 families for each worker.

* **Sec. 21.** AS 47.14.112(d) is amended to read:

(d) The division of the department with responsibility over the custody of children shall prepare and make available to the legislature an annual report on employee recruitment and retention, including a five-year plan, for the division. Not later than November 15 of each year, the department shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available. The report [PREPARED UNDER THIS SUBSECTION IS SEPARATE FROM THE ANNUAL REPORT TO THE LEGISLATURE REQUIRED UNDER AS 18.05.020 AND] must include, for the previous 12 months,

(1) the number of frontline social workers employed by the division, the annual average turnover rate of the workers, and the average caseload of the workers on January 1 and July 1 of that year;

(2) the number of children removed from their homes;

(3) the achievement of success measured by the following:

(A) rate of family reunification;

(B) average length of time children spent in custody of the department;

(C) rate of placement with an adult family member or family friend;

(D) number of children placed in a permanent living arrangement with a guardian or biological or adoptive parent;

(E) number of children released from the custody of the department;

(4) if the department has met or exceeded the caseload standards under this chapter and, if the standards were exceeded, the number of caseworker positions in the division that could be eliminated and the amount of funding that could be reduced while continuing to meet but not routinely exceed the caseload standards;

(5) the performance of the department on federal benchmarks focused on the safety, well-being, and permanent placements of foster children compared with the previous five years.

* **Sec. 22.** AS 03.22.060; AS 03.40.090; AS 05.15.090; AS 18.05.020; AS 18.09.070(c); AS 18.15.393; AS 18.29.105(e); AS 18.65.340(c); AS 19.75.111(b)(1); AS 33.30.011(a)(12); AS 33.36.135; AS 37.05.035; AS 37.07.040(11), 37.07.080(f); AS 37.10.088(c); AS 37.14.230(a)(8); AS 37.15.170(c); AS 38.04.205; AS 39.30.440; AS 41.37.220(f); AS 43.05.085; AS 43.55.180; AS 43.90.400(d); AS 44.19.145(a)(2); AS 44.37.027(e); AS 44.42.085; AS 46.15.020(b)(5); AS 47.05.270(d); AS 47.07.039(f), 47.07.075(b)(3); AS 47.14.112(b); AS 47.20.350; AS 47.37.040(17); and AS 47.38.100(c) are repealed

* **Sec. 23.** Section 6, ch. 95, SLA 2005, and sec. 11, ch. 5, SLA 2018, are repealed.