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IN THE HOUSE BY THE RULES COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 85 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the financial administration of state government; the provision of and charges for state services; and the accounting for and disposition of state receipts; and providing for an effective date."

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

* Section 1. AS 37.05 is amended by adding new sections to read:

Sec. 37.05.142. ACCOUNTING FOR PROGRAM RECEIPTS. The Department of Administration shall establish and maintain separate accounts by program source for all program receipts that state agencies deposit under AS 37.10.050 or under another statute if the program receipts are exempted by law from the deposit requirements of AS 37.10.050.

Sec. 37.05.144. APPROPRIATIONS BASED UPON PROGRAM RECEIPTS. The annual estimated balance in each account maintained under AS 37.07.142 may be used by the legislature to make appropriations to state agencies to administer the programs generating the program receipts, to implement the laws related to the functions generating the program receipts, or to cover costs associated with the collection of the program receipts.

Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS. In AS 37.05.-142 - 37.05.146 and AS 37.07.080 "program receipts" means fees, charges, income earned on assets, and other state money received by a state agency in connection with the performance of its functions; all program receipts except the following are general fund program

receipts:

(1) federal receipts;

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

(3) individual, foundation, or corporation gifts, grants, or bequests that by their terms are restricted to a specific purpose;

(4) receipts of the following funds:

(A) highway working capital fund (AS 44.68.210);

(B) correctional industries fund (AS 33.32.020);

(C) loan funds;

(D) international airport revenue fund (AS 37.15.430);

(E) funds managed by the Alaska State Housing Authority (AS 18.55.020), the Alaska Housing Finance Corporation (AS 18.56.020), the Medical Indemnity Corporation of Alaska (AS 21.88.020), the Alaska Railroad Corporation (AS 42.40.010), the Municipal Bond Bank Authority (AS 44.85.020), or the Alaska Industrial Development and Export Authority (AS 44.88.020);

(F) fish and game fund (AS 16.05.100);

(G) school fund (AS 43.50.140);

(H) training and building fund (AS 23.20.130);

(I) retirement funds (AS 14.25, AS 22.25, AS 26.-05.222, AS 39.35, and former AS 39.37);

(J) permanent fund (art. IX, sec. 15, Alaska Constitution);

(K) public school fund (AS 37.14.110);

(L) second injury fund (AS 23.30.040);

(M) fishermen's fund (AS 23.35.060);

(N) FICA administration fund (AS 39.30.050).

* Sec. 2. AS 37.10.050(a) is amended to read:

(a) A state agency may not charge for the provision of state

services unless the charge is (1) set or otherwise authorized by statute; and (2) where a regulation is necessary, is set by or provided for in a regulation that meets the standards of AS 44.62.020 and 44.62.030. A fee or other charge that is set by regulation may not exceed the estimated actual costs of the state agency in administering the activity or providing the service unless otherwise provided by the statute under which the regulation is adopted; this limitation does not apply to sales of property by a state agency. Unless specifically exempted by statute, a state agency authorized to collect or receive fees, licenses, taxes, or other money belonging to the state shall account for and remit the receipts, less fees to which the collector is entitled by statute or regulation, to the Department of Revenue at least once each month. The commissioner of administration shall separately account under AS 37.05.142 for receipts deposited under this subsection.

* Sec. 3. AS 02.15.090(a) is amended to read:

(a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial, [OR] governmental, or other public purposes, including private plane tie down; or conferring the privilege of supplying goods, commodities, services or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services [,] that are reasonable and uniform for the same class of privilege or service. The terms, conditions, charges, rentals and fees shall be established with due regard to the

property and improvements used and the expense of operation to the state. However, use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons shall be permitted without rental charges. In no case may the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of them [THEREOF].

* Sec. 4. AS 02.15.102 is amended to read:

Sec. 02.15.102. USE OF AIRPORTS FOR UTILITIES. A utility facility may be constructed, placed, or maintained across, along, over, under, or within a state airport only in accordance with regulations adopted or procedures prescribed by the department and only if authorized by a written permit issued by the department. The department may charge a fee for a permit issued under this section.

* Sec. 5. AS 02.15.106 is amended to read:

Sec. 02.15.106. ENCROACHMENT PERMITS. An encroachment may be constructed, placed, changed, or maintained across or within an airport, but only in accordance with regulations or procedures adopted by the department. An encroachment may not be constructed, placed, maintained, or changed until it is authorized by a written permit issued by the department, unless the department provides otherwise by regulation. The department may charge a fee for a permit issued under this section.

* Sec. 6. AS 03.10.020(a) is amended to read:

(a) The department may

(1) make a loan to

(A) an individual resident farmer, homesteader, or a partnership or corporation composed of farmers and homesteaders for

(i) clearing land for agricultural purposes;

(ii) development of farms;

(iii) storage and processing of farm produce; or

(iv) the purchase of livestock or machinery;

(B) an individual state resident, or a partnership or corporation for

(i) storage and processing plants for agricultural products;

(ii) the commercial production or processing of horticultural products in the state;

(iii) the commercial production or processing of animal feed in the state; or

(iv) the raising or care of animals in the state for the purpose of marketing their fur;

(2) designate agents and delegate its powers to them as necessary;

(3) adopt [RULES AND] regulations necessary to carry out its functions, including regulations to establish reasonable fees for services provided and charges for collecting the fees;

(4) establish amortization plans for repayment of loans, which may include delayed payments of principal and interest for not to exceed five years;

(5) enter into agreements with private lending institutions, other state agencies or agencies of the federal government, to carry out the purposes of this chapter;

(6) collect the fees and collection charges established under this subsection.

* Sec. 7. AS 03.10.040 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

* Sec. 8. AS 06.01.010 is amended to read:

Sec. 06.01.010. EXAMINATION FEES AND ASSESSMENTS. (a) The expenses of the department reasonably incurred in the examination or investigation of all financial institutions or applications to establish financial institutions regulated by the department under this title shall be charged to and paid by each financial institution as provided in (b) and (d) of this section.

(b) Except for deposit institutions, the [THE] commissioner shall assess every financial institution [,] and every applicant to establish a financial institution [,] a fee for the actual expenses necessarily incurred by the department in connection with any examination or investigation, whether regular or special. The commissioner shall assess every deposit institution and every applicant to establish a deposit institution a fee for the actual expenses necessarily incurred by the department in connection with any special examination or investigation. A [THE] fee assessed under this subsection must [SHALL] include the proportionate part of the salaries and cost of employee benefits of the examiners while conducting examinations or investigations and while preparing reports of them, and transportation costs and per diem of each examiner while away from the examiner's duty station. The [HOWEVER, THE] cost to the financial institution in connection with an examination may not exceed the actual cost to the department of the [$7,500 PER] examination. The assessment shall be made by the commissioner as soon as feasible after the examination or investigation has been completed. The assessment must [ALL ASSESSMENTS SHALL] be [PAID TO AND] received by the department [BY EACH INSTITUTION] within 30 days after receipt of notice of the assessment by the institution.

(c) A financial institution that fails to make the payments

required by the commissioner under (a), [AND] (b), and (d) of this section within the time specified is subject to a penalty of not more than $100 each day it is late. The penalty, together with the amount due [UNDER (a) OF THIS SECTION], may be recovered in a civil action brought by the department.

* Sec. 9. AS 06.01.010 is amended by adding new subsections to read:

(d) The commissioner shall adopt regulations providing for semiannual assessments of deposit institutions. An assessment must be based on the amount of assets of a deposit institution and must cover, but may not exceed, the aggregate cost of periodic examinations of the deposit institution.

(e) An exam fee or other charge assessed to a state-chartered financial institution under this section may not exceed a fee or other charge assessed for the same type of exam or service to a similarly situated federally-chartered financial institution.

(f) In this section "deposit institution" means an institution chartered under this title that has obtained authority from the department to receive deposits of the type eligible to be insured by an agency of the federal government.

* Sec. 10. AS 10.15.530 is amended to read:

Sec. 10.15.530. BIENNIAL LICENSE FEE. Each cooperative not organized and operated for nonprofit religious, charitable, cemetery, or educational purposes [,] shall pay to the department a biennial license fee. The fee shall be paid before July 2 of the reporting year. [IN THE CASE OF NEW COOPERATIVES FORMED DURING A BIENNIAL PERIOD, THE FEE SHALL BE PROPORTIONATE TO THE FRACTION OF THE BIENNIAL PERIOD.]

* Sec. 11. AS 10.15.545 is amended to read:

Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE [WITHOUT CAPITAL STOCK]. The license fee of each cooperative [HAVING NO AUTHORIZED

SHARES OF CAPITAL STOCK] shall be established by the department by regulation.

* Sec. 12. AS 10.15.555 is amended to read:

Sec. 10.15.555. MISCELLANEOUS FEES AND CHARGES. (a) The department shall establish by regulation and charge and collect from a cooperative fees for filing

(1) articles of incorporation or articles of consolidation for a new cooperative;

(2) articles of amendment, restated articles, or articles of merger [, AND, IF THE ARTICLES PROVIDE FOR AN INCREASE OF THE AMOUNT OF AUTHORIZED CAPITAL STOCK OF THE COOPERATIVE, THE FILING COOPERATIVE SHALL ALSO PAY THE PROPORTIONATE PART OF THE ANNUAL LICENSE FEE FOR THE SUCCEEDING FRACTION OF THE FISCAL YEAR, PAYABLE BY A COOPERATIVE WHOSE AUTHORIZED SHARES EQUAL THE NEWLY INCREASED AUTHORIZED SHARES OF THE FILING COOPERATIVE, LESS THE ANNUAL LICENSE FEE ALREADY PAID FOR THE SUCCEEDING FRACTION OF THE FISCAL YEAR BY THE FILING COOPERATIVE; BUT FILING ARTICLES DECREASING THE AUTHORIZED SHARES DOE NOT REDUCE THE ANNUAL LICENSE FEE OF THE FILING COOPERATIVE UNTIL THE BEGINNING OF THE FISCAL YEAR FOLLOWING THAT IN WHICH THE ARTICLES WERE FILED];

(3) statement of intent to dissolve;

(4) statement of revocation of voluntary dissolution proceedings;

(5) articles of dissolution;

(6) all other statements.

(b) The department may by regulation charge each cooperative corporation subject to this chapter a fixed fee in place of charging cooperative corporations the various fees specified in this chapter [, WITH THE EXCEPTION OF AS 10.15.535, (a)(1) OF THIS SECTION,] and for

routine administrative services rendered to the cooperative corporation by the department. Fixed fees established under this subsection must be based on the department's actual cost of administering the activity or service for which the fee is charged.

* Sec. 13. AS 10.20.635(b) is amended to read:

(b) The department may by regulation charge each corporation subject to this chapter a fixed fee in place of the various fees specified in this chapter [, WITH THE EXCEPTION OF (a)(1) OF THIS SECTION,] and for routine administrative services rendered to the corporation by the department.

* Sec. 14. AS 10.25.530(b) is amended to read:

(b) The department may by regulation charge each cooperative subject to this chapter a fixed fee in place of the various fees specified in this chapter [, WITH THE EXCEPTION OF (a)(1) OF THIS SECTION,] and for the routine administrative services rendered to the corporation by the department.

* Sec. 15. AS 14.07.030 is amended to read:

Sec. 14.07.030. POWERS OF THE DEPARTMENT. The department may

(1) establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;

(2) enter into contractual agreements with the Bureau of Indian Affairs or with a school district to share boarding costs of secondary school students;

(3) provide for citizenship night schools when and where expedient;

(4) provide for the sale or other disposition of abandoned or obsolete buildings and other state-owned school property;

(5) prescribe a classification for items of expense of school districts;

(6) acquire and transfer personal property, acquire real property, and transfer real property to federal agencies, state agencies, or to political subdivisions;

(7) enter into contractual agreements with school districts to provide more efficient or economical education services; reasonable fees may be charged by the department to cover the costs of providing services under an agreement, including costs for professional services, reproduction or printing, and mailing and distribution of educational materials;

(8) provide for the issuance of elementary and secondary diplomas to persons not in school who have completed the equivalent of an 8th or 12th grade education, respectively, in accordance with standards established by the department;

(9) [REPEALED]

(10) apply for, accept, and spend endowments, grants, and other private money available to the state for educational purposes in accordance with AS 37.07 (the Executive Budget Act);

(11) set student tuition and fees for educational and extracurricular programs and services provided and schools operated by the department under the provisions of [AS 14.07.020(12) AND] (1) of this section and AS 14.07.020(9), (11), and (12);

(12) charge fees to cover the costs of care and handling with respect to the acquisition, warehousing, distribution, or transfer of donated foods;

(13) establish and collect fees for the rental of school facilities and for other programs and services provided by the schools.

* Sec. 16. AS 14.56.030(10) is amended to read:

(10) establishing and charging fees for reproduction, [OR]

printing, and handling costs, [AND] for mailing and distributing state publications and research data, and for other services authorized by this chapter;

* Sec. 17. AS 14.57.010 is amended by adding a new subsection to read:

(c) The department may establish by regulation, and collect, reasonable user fees and other fees for services provided by the department under this chapter.

* Sec. 18. AS 15.60 is amended by adding a new section to read:

Sec. 15.60.007. SALE OF VOTER REGISTRATION AND ELECTION MANAGEMENT SOFTWARE. The director may sell voter registration and election management system data processing software.

* Sec. 19. AS 16.05.050(16) is amended to read:

(16) to establish and charge fees equal to the cost of services provided by the department, including provision of public shooting ranges, broodstock and eggs for private nonprofit hatcheries, department publications, and other direct services, and reasonable fees for the use of state facilities managed by the department; fees established under this paragraph for tours of hatchery facilities, commercial use of sport fishing access sites, and for operation of state hatchery facilities by private aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

* Sec. 20. AS 16.05.050 is amended by adding a new paragraph to read:

(18) to operate state housing and facilities for employees, contractors, and others in support of the department's responsibilities and to charge rent that is consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions; rent received from tenants shall be deposited in the general fund.

* Sec. 21. AS 16.10.310(a)(3) is amended to read:

(3) adopt regulations necessary to carry out the provisions of AS 16.10.300 - 16.10.370, including regulations to establish reasonable fees for services provided [ITS FUNCTIONS];

* Sec. 22. AS 16.10.310(a) is amended by adding a new paragraph to read:

(9) charge and collect the fees established under this subsection.

* Sec. 23. AS 16.10.320 is amended by adding a new subsection to read:

(j) All principal and interest payments, and any money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under AS 16.10.300 - 16.10.370, shall be paid into the commercial fishing revolving loan fund.

* Sec. 24. AS 16.10.340 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering AS 16.10.300 - 16.10.370.

* Sec. 25. AS 16.10.505 is amended to read:

Sec. 16.10.505. FISHERIES ENHANCEMENT REVOLVING LOAN FUND. There is created within the Department of Commerce and Economic Development a revolving fund to be known as the fisheries enhancement revolving loan fund. Except as provided in (b) of this section, the [THE] fund shall be used to carry out the purposes of AS 16.10.500 - 16.10.560 and for no other purpose. All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under AS 16.10.500 - 16.10.560, shall be paid into the fisheries enhancement revolving loan fund.

* Sec. 26. AS 16.10.505 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering AS 16.10.500 - 16.10.560.

* Sec. 27. AS 16.10.510(4) is amended to read:

(4) adopt regulations necessary to carry out the provisions of AS 16.10.500 - 16.10.560, including regulations to establish reasonable fees for services provided [COMMISSIONER'S FUNCTIONS];

* Sec. 28. AS 16.10.510 is amended by adding a new paragraph to read:

(11) charge and collect the fees established under this section.

* Sec. 29. AS 17.30.100(c) is amended to read:

(c) The Department of Public Safety, [IN COOPERATION WITH OTHER STATE AND FEDERAL AGENCIES, AND] in accordance with AS 37.07 (the Executive Budget Act), may apply for and accept money necessary to exchange information concerning narcotics trafficking between the states, or otherwise related to the enforcement of AS 11.71 or AS 11.-73. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR MONEY RECEIVED UNDER THIS SUBSECTION THAT THE DEPARTMENT OF PUBLIC SAFETY DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

* Sec. 30. AS 18.07 is amended by adding a new section to read:

Sec. 18.07.035. APPLICATION AND FEES. Application for a certificate of need shall be made to the department upon a form provided by the department and must contain the information the department requires to reach a decision under AS 18.07.041 - 18.07.111. Each application for a certificate of need must be accompanied by an application fee established by the department by regulation.

* Sec. 31. AS 18.20.030 is amended to read:

Sec. 18.20.030. APPLICATION AND FEES. Application for a license shall be made to the department upon a form provided by it, and must [SHALL] contain the information the department requires, which may in-

clude affirmative evidence of ability to comply with the reasonable standards and regulations adopted under AS 18.20.060 - 18.20.080. Each application for a license or a renewal of a license must [SHALL] be accompanied by a license or renewal fee established by the department by regulation. A fee established under this section must be based on the department's actual cost of administering this section and AS 18.20.040 [OF $10]. The department shall deposit all fees received in the general fund [STATE TREASURY].

* Sec. 32. AS 18.20.040 is amended to read:

Sec. 18.20.040. ISSUANCE AND RENEWAL OF LICENSE AND POSTING. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant meets the requirements established under AS 18.20.060 - 18.20.080. If the applicant does not meet the requirements established under AS 18.20.060 - 18.20.080 but makes continued efforts to comply with them, the department may grant a temporary or provisional license for a reasonable period of time. A license, unless suspended or revoked, is renewable annually [WITHOUT CHARGE] upon payment of the renewal fee established under AS 18.20.030 and filing by the licensee [,] and approval by the department of an annual report on the uniform date and containing the information in the form the department prescribes by regulation. Each license issued is for the premises and person or governmental unit named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

* Sec. 33. AS 18.55.100(a) is amended by adding new paragraphs to read:

(16) charge to and collect fees from owners or developers of low-income housing for the application for and allocation of federal low-income housing tax credits;

(17) collect and pay reasonable fees and charges in connection with making, purchasing, and servicing its mortgages, loans, notes, bonds, certificates, commitments, and other evidences of indebtedness.

* Sec. 34. AS 18.65.410 is amended to read:

Sec. 18.65.410. APPLICATIONS. Application for a license as a security guard must be made on forms provided by the commissioner. The application must require the furnishing of information reasonably required by the commissioner to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record. The application must be accompanied by a nonrefundable application fee of $50 [$25] for a security guard and $200 for a security guard agency.

* Sec. 35. AS 18.65.430 is amended to read:

Sec. 18.65.430. DURATION OF LICENSE. A security guard license issued under AS 18.65.400 - 18.65.490 is valid for a period of two years and may be renewed for additional two-year terms. A renewal fee of $50 shall [$25 MUST] be paid for each renewal.

* Sec. 36. AS 19.25.010 is amended to read:

Sec. 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility facility may be constructed, placed, or maintained across, along, over, under, or within a state right-of-way only in accordance with regulations adopted by the department and if authorized by a written permit issued by the department. The department may charge a fee for a permit issued under this section.

* Sec. 37. AS 19.60.030 is amended to read:

Sec. 19.60.030. USE OF FERRY TERMINAL FACILITIES [REGULATIONS]. The department may adopt regulations governing the use of ferry termi-

nal facilities by the public that it considers necessary and proper in the public interest. The department may charge a fee for the use of ferry terminal facilities, whether the use is under a permit or otherwise, and whether it is by one or more individuals.

* Sec. 38. AS 24.20.060 is amended by adding a new paragraph to read:

(9) to establish reasonable fees for services and materials provided by the Legislative Affairs Agency to entities outside of the legislative branch of state government and charges for collecting the fees; all fees and charges collected under this paragraph shall be deposited into the general fund.

* Sec. 39. AS 24.45.041 is amended by adding a new subsection to read:

(g) An application for registration as a lobbyist under (a) of this section or for renewal of a registration under (f) of this section is subject to a fee of $100. The commission may not accept an application for registration or renew a registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under AS 24.45.161 or a representational lobbyist under regulations of the commission.

* Sec. 40. AS 26.15.030(a) is amended to read:

(a) The Department of Commerce and Economic Development shall formulate general policies and adopt rules and regulations, including regulations to establish reasonable fees for services provided.

* Sec. 41. AS 26.15.030(c) is amended to read:

(c) The department shall

(1) cooperate with the federal government in matters of mutual concern pertaining to loans to Alaskan veterans;

(2) make reports that the federal government may desire;

(3) [REPEALED

(4)] cooperate with the state and its political subdivi-

sions and agencies;

(4) [(5)] adopt regulations necessary for the conduct of its business and for carrying out the provisions of this chapter, and make necessary regulations to maintain such standards;

(5) [(6)] require bonds and undertakings from persons employed by it as shall in its judgment be necessary, and pay the premiums on them;

(6) [(7)] establish regional and local offices and advisory groups that are necessary or considered expedient to carry out or assist in carrying out its duties and authorities;

(7) charge and collect the fees established under this section.

* Sec. 42. AS 26.15.040(d) is amended to read:

(d) Money loaned shall be delivered to the borrower in the form of a warrant drawn on the treasury, vouchered in the manner prescribed for state disbursing officers, and charged against the Alaska World War II veterans' revolving fund. Each voucher shall be approved by the commissioner of commerce and economic development or any bonded deputy authorized to act as a certifying officer. Upon repayment of loans by installments, or otherwise, in accordance with the prescribed terms, or upon liquidation by foreclosure or other process, or upon receipt of interest [OR OTHER REVENUE], the money so received shall be turned over to the commissioner of revenue for deposit in the Alaska World War II veterans' revolving fund.

* Sec. 43. AS 26.15.090 is amended to read:

Sec. 26.15.090. ALASKA WORLD WAR II VETERANS' REVOLVING [CREATION OF] FUND. There is created the Alaska World War II veterans' revolving fund to carry out this chapter. Except as provided in (b) and (c) of this section, the [THIS] fund may not be used for any other

purpose.

* Sec. 44. AS 26.15.090 is amended by adding new subsections to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 45. AS 27.09.010(b) is amended to read:

(b) The mining loan fund is a revolving fund consisting of appropriations made to the fund by the legislature, [AND] repayments of principal and interest, and any money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made from the fund. On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund. Money in the fund may be used by the legislature to make appropriations for costs of administering the fund [MONEY APPROPRIATED TO OR REPAID INTO THE FUND DOES NOT LAPSE UNDER AS 37.25.010].

* Sec. 46. AS 27.09.050 is amended to read:

Sec. 27.09.050. REGULATIONS. The department may adopt regulations necessary to carry out the provisions of this chapter, including regulations to establish reasonable fees for services provided [IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62) TO ADMINISTER THIS CHAPTER]. Regulations adopted under this section shall be prepared after consultation with the Department of Natural Resources or after consultation with a person who, in the opinion of the commissioner of commerce and economic development or a designee, has broad experience in and is highly qualified in advanced mineral exploration, development, and mining.

* Sec. 47. AS 29.25 is amended by adding a new section to read:

Sec. 29.25.075. COLLECTION OF PENALTIES. The court may collect for a municipality any monetary penalty or item to be forfeited as a result of the violation of an ordinance. The supreme court may prescribe by rule the fees to be charged by all courts to municipalities for providing collection services under this section.

* Sec. 48. AS 35.10.015 is amended by adding a new subsection to read:

(f) The department may establish by regulation, and collect reasonable fees for services provided in the course of determining compliance with regulations adopted under this section.

* Sec. 49. AS 35.10.210 is amended to read:

Sec. 35.10.210. USE OF PUBLIC FACILITIES FOR UTILITIES. A utility facility may be constructed, placed, or maintained across, along, over, under, or within a state public facility only in accordance with regulations adopted or procedures prescribed by the department and only if authorized by a written permit issued by the department. <u>The department may charge a fee for a permit issued under this section.</u>

* Sec. 50. AS 35.10.230 is amended to read:

Sec. 35.10.230. ENCROACHMENT PERMITS. An encroachment may be constructed, placed, changed, or maintained across or within a public facility, but only in accordance with regulations or procedures adopted by the department. An encroachment may not be constructed, placed, maintained, or changed until it is authorized by a written permit issued by the department, unless the department provides otherwise by regulation. <u>The department may charge a fee for a permit issued under this section.</u>

* Sec. 51. AS 38.35.140(b) is amended to read:

(b) The lessee shall reimburse the state for all reasonable

costs incurred in processing an application filed under AS 38.35.050 and in monitoring the construction of the pipeline on the right-of-way. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR MONEY RECEIVED UNDER THIS SUBSECTION THAT THE DEPARTMENT OF NATURAL RESOURCES DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

* Sec. 52. AS 38.95.250 is amended by adding a new subsection to read:

(b) All money collected under (a) of this section not required to be kept in the escheated real property trust account shall be deposited in the general fund.

* Sec. 53. AS 39.25.050 is amended by adding a new subsection to read:

(b) The director of personnel may contract with municipalities, private organizations, and other persons to provide personnel research or personnel training services for them and charge a fee for doing so.

* Sec. 54. AS 44.23 is amended by adding a new section to read:

Sec. 44.23.025. DEPARTMENT HOUSING. The Department of Law may operate state housing in support of its statutory responsibilities and charge rent consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions.

* Sec. 55. AS 44.33.240 is amended to read:

Sec. 44.33.240. CHILD CARE FACILITY REVOLVING LOAN FUND. There is in the Department of Commerce and Economic Development the child care facility revolving loan fund to carry out the purposes of AS 44.-33.240 - 44.33.275. <u>Except as provided in (b) and (c) of this section, the</u> [THE] fund may not be used for any other purpose.

* Sec. 56. AS 44.33.240 is amended by adding new subsections to read:

(b) The department may use money in the fund for costs of admin-

istering AS 44.33.240 - 44.33.275.

(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 57. AS 44.33.245(a) is amended to read:

(a) The department may

(1) make loans for the construction, renovation, and equipping of child care facilities, including private nonprofit child care facilities;

(2) adopt regulations necessary to carry out the provisions of AS 44.33.240 - 44.33.275, including regulations to establish reasonable fees for services provided and charges for collecting the fee; and

(3) collect the fees and charges established under this subsection.

* Sec. 58. AS 44.33.255(d) is amended to read:

(d) All principal and interest payments, and any money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under AS 44.33.240 - 44.33.275, shall be paid into the child care facility revolving loan fund.

* Sec. 59. AS 44.35 is amended by adding a new section to read:

Sec. 44.35.040. FEES FOR CERTAIN TRAINING. The Department of Military and Veterans' Affairs may adopt regulations establishing reasonable fees for training provided by the department to persons relating to the transportation, storage, or other management of hazardous substances, and establishing procedures for the collection of the fees.

* Sec. 60. AS 44.41.020 is amended by adding a new subsection to read:

(d) The Department of Public Safety may operate state housing in support of the department's statutory responsibilities and charge rent consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions.

* Sec. 61. AS 44.41 is amended by adding a new section to read:

Sec. 44.41.040. CRIMINAL HISTORY FEE. The commissioner of public safety may establish by regulation and the Department of Public Safety may charge a reasonable fee to be paid by a person requesting a criminal history record check or a copy of the person's criminal history record from confidential files maintained by the department.

* Sec. 62. AS 44.42.020(b) is amended to read:

(b) The department may

(1) engage in experimental projects relating to available or future modes of transportation and any means of improving existing transportation facilities and service;

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55;

(3) publish plans, schedules, directories, guides, and manuals for distribution, with or without charge, to private or public entities or persons;

(4) operate state housing in support of the department's statutory responsibilities and charge rent that is consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions;

(5) charge reasonable fees to cover the costs of issuing easements, licenses, and permits and to cover the costs of reproduction, printing, mailing, and distribution of contract and bid docu-

ments and design and construction standards manuals;

(6) charge and collect fees for training services and technical assistance provided by department personnel.

* Sec. 63. AS 44.46 is amended by adding a new section to article 1 to read:

Sec. 44.46.025. FEES FOR SERVICES. (a) The Department of Environmental Conservation may adopt regulations that prescribe reasonable fees, and establish procedures for the collection of the fees, to cover the direct costs of the following services provided by the department:

(1) inspections, permit administration, plan review and approval, and other related services provided under AS 03.05, AS 17.20, and AS 18.35;

(2) air quality permits under AS 46.03.140 and 46.03.160;

(3) hazardous waste permits under AS 46.03.299 and 46.03.302;

(4) plan approvals and permits for sewerage system and treatment works and wastewater disposal systems, and plan approvals for drinking water systems, under AS 46.03.720;

(5) oil discharge financial responsibility approvals under AS 46.04.040;

(6) oil discharge contingency plan approvals under AS 46.04.030;

(7) water and wastewater operator training under AS 46.30.

(b) The department may not charge a fee for a service that is provided by a municipality under a delegation by the department to the municipality.

* Sec. 64. AS 44.47.055 is amended to read:

Sec. 44.47.055. FEES FOR PUBLICATIONS, [AND] RESEARCH DATA, AND

OTHER SERVICES. The commissioner may establish by regulation and the department may charge reasonable fees for department publications, [AND] research data, and other centralized administrative services to cover the cost of reproduction, printing, mailing, [AND] distribution, and other centralized administrative services. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR FEES COLLECTED UNDER THIS SECTION THAT THE DEPARTMENT DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

* Sec. 65. AS 44.47.380 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering the housing assistance program.

* Sec. 66. AS 44.50.040 is amended to read:

Sec. 44.50.040. FEES. A fee of $40 [$20] shall be paid to the lieutenant governor for each commission issued to a person other than [TO] a state employee.

* Sec. 67. AS 44.83.170 is amended by adding a new subsection to read:

(i) Money in the power project fund may be used by the legislature to make appropriations for costs of administering the fund.

* Sec. 68. AS 44.83.361 is amended by adding new subsections to read:

(g) Money in the rural electrification revolving loan fund may be used by the legislature to make appropriations for costs of administering the fund.

(h) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 69. AS 44.83.500(b) is amended to read:

(b) The fund consists of

(1) appropriations to the fund by the legislature; and

(2) money deposited in the fund by the authority for the self-insurance reserve account under (c) of this section [REPAYMENTS OF PRINCIPAL TO THE FUND; AND

(3) INCOME FROM INVESTMENT OF MONEY IN THE FUND AND FROM LOANS MADE FROM THE FUND].

* Sec. 70. AS 44.83.500 is amended by adding new subsections to read:

(c) The authority shall establish a self-insurance reserve account in the fund. The self-insurance reserve account consists of money deposited in the fund by the authority that is derived from repayment of loans made from the fund or revenue resulting from sales of interruptible power under agreements other than the long-term power sales agreement. The self-insurance reserve account shall be maintained in an amount, not to exceed $7,000,000, that is sufficient for the purposes of self-insurance for the operating electric facilities constructed under the Energy Program for Alaska and financed with loans from the fund, and the account may only be used for the purposes of self-insurance.

(d) Income earned from investment of money in the fund and repayment of principal and interest on loans made from the fund that is surplus to that required to maintain the self-insurance account under (c) of this section shall be deposited in the general fund.

(e) Money in the fund may be used by the legislature to make appropriations for costs of administering AS 44.83.500 - 44.83.530.

* Sec. 71. AS 44.83.600 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

* Sec. 72. AS 44.83.610(c) is amended to read:

(c) Repayments of the principal, the interest, and the money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on a loan made under AS 44.83.600 - 44.83.650 [FROM THE BULK FUEL REVOLVING LOAN FUND] shall be paid [BY THE AUTHORITY] into the bulk fuel revolving loan fund.

* Sec. 73. AS 44.83.625 is amended to read:

Sec. 44.83.625. REGULATIONS. The authority may [SHALL] adopt regulations necessary to carry out the provisions of [TO IMPLEMENT] AS 44.83.600 - 44.83.650, including regulations to establish reasonable fees for services provided and charges for collecting the fees.

* Sec. 74. AS 44.83 is amended by adding a new section to read:

Sec. 44.83.630. FEES. The authority may collect the fees and collection charges established under AS 44.83.625 and shall deposit the money in the general fund.

* Sec. 75. AS 45.75.050 is amended by adding a new subsection to read:

(f) The director shall adopt regulations establishing reasonable fees for testing, inspection, and other services provided under this chapter, and procedures for collecting the fees.

* Sec. 76. AS 45.88.010 is amended by adding new subsections to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 77. AS 45.88.020(a) is amended to read:

(a) The department may

(1) make loans for the purchase, construction, and installation of alternative energy systems;

(2) adopt regulations necessary to carry out the provisions

of this chapter, including regulations to establish reasonable fees for services provided and charges for collecting the fees;

(3) collect the fees and collection charges established under this subsection.

* Sec. 78. AS 45.88.030(d) is amended to read:

(d) All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under this chapter, shall be paid into the alternative energy revolving loan fund.

* Sec. 79. AS 45.89.010 is amended to read:

Sec. 45.89.010. FUND ESTABLISHED. There is established in the Department of Commerce and Economic Development the residential energy conservation fund to carry out the purposes of this chapter. Loans and grants made under this chapter may be used to purchase, construct, and install an energy conservation improvement in residential buildings. [THE FUND MAY NOT BE USED FOR ANY OTHER PURPOSE.]

* Sec. 80. AS 45.89.010 is amended by adding new subsections to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 81. AS 45.89.030(h) is amended to read:

(h) All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process [AMOUNTS REPAID] on a loan made under this chapter, [SECTION] shall be paid into [DEPOSITED TO] the residential energy conservation fund.

* Sec. 82. AS 45.89.070 is amended to read:

Sec. 45.89.070. REGULATIONS. The department shall adopt regulations necessary to carry out the provisions of [IMPLEMENT] this chapter, including regulations to establish reasonable fees for services provided and charges for collecting the fees.

* Sec. 83. AS 45.89.070 is amended by adding a new subsection to read:

(b) The department may collect the fees and collection charges established under (a) of this section.

* Sec. 84. AS 45.90.010 is amended to read:

Sec. 45.90.010. CREATION OF A TOURISM REVOLVING FUND. There is created in the Department of Commerce and Economic Development a tourism revolving fund. All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under this chapter, shall be paid into the tourism revolving fund.

* Sec. 85. AS 45.90.010 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

* Sec. 86. AS 45.90.020(a) is amended to read:

(a) The department may

(1) make loans to a business directly involved in the tourist industry;

(2) designate agents and delegate powers to them as is necessary;

(3) adopt rules and regulations necessary to carry out its functions, including regulations to establish reasonable fees for services provided and charges for collecting the fees;

(4) establish amortization plans for the repayment of loans not to exceed 20 years;

(5) collect the fees and collection charges established

under this subsection.

* Sec. 87. AS 45.95.010(a) is amended to read:

(a) The Department of Commerce and Economic Development shall formulate general policies and adopt regulations necessary to carry out the provisions of this chapter, including regulations to establish fees for services provided and charges for collecting the fees. The department may collect the fees and collection charges established.

* Sec. 88. AS 45.95.020(d) is amended to read:

(d) Money loaned shall be delivered to the borrower in the form of a warrant drawn on the treasury, vouchered in the manner prescribed for state disbursing officers, and charged against the small business revolving loan fund. Each voucher shall be approved by the commissioner or a [ANY] bonded deputy authorized to act as a certifying officer. Upon repayment of loans by installments, or otherwise, in accordance with the prescribed terms, or upon liquidation by foreclosure or other process, or upon receipt of interest [OR OTHER REVENUE], the money so received shall be turned over to the commissioner of revenue for deposit in the small business revolving loan fund.

* Sec. 89. AS 45.95.060 is amended by adding a new subsection to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

* Sec. 90. AS 45.98.010 is amended to read:

Sec. 45.98.010. CREATION OF HISTORICAL DISTRICT REVOLVING LOAN FUND. There is created in the Department of Commerce and Economic Development a historical district revolving loan fund. All principal and interest payments, and money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made under this chapter, shall be paid into the historical district revolving loan fund.

* Sec. 91. AS 45.98.010 is amended by adding new subsections to read:

(b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 92. AS 45.98.030 is amended to read:

Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For purposes of administering this chapter, the Department of Commerce and Economic Development may

(1) prescribe the form and procedure for submitting loan applications under this chapter;

(2) designate agents and delegate powers to them as is necessary;

(3) in consultation with the Historic Sites Advisory Committee, adopt regulations necessary to carry out its functions, including regulations for the process of plan approval by the committee and regulations to establish reasonable fees for services provided and charges for collecting the fees;

(4) establish amortization plans for the repayment of loans not to exceed 30 years;

(5) collect the fees and collection charges established under this section.

* Sec. 93. AS 47.05 is amended by adding a new section to read:

Sec. 47.05.080. RETENTION OF OVERPAYMENTS COLLECTED. Benefit overpayments collected by the department in administering programs under AS 47.25.120 - 47.25.300 (general relief), AS 47.25.310 - 47.25.420 (aid to families with dependent children), AS 47.25.430 - 47.25.615 (adult public assistance), and AS 47.25.975 - 47.25.990

(food stamps) shall be remitted to the Department of Revenue under AS 37.10.050(a).

* Sec. 94. AS 10.15.535, 10.15.540; AS 14.56.035; AS 14.57.015; AS 16.-05.053; AS 37.05.500(a)(1), 37.05.500(a)(4), 37.05.500(a)(6); AS 44.42.025; AS 44.83.195(c); and AS 46.03.020(12) and 46.03.025 are repealed.

* Sec. 95. Notwithstanding AS 37.10.050(a), as amended by sec. 1, ch. 138, SLA 1986, a fee charged by an agency under a regulation that was adopted before July 1, 1987, under authority of a statute that does not expressly authorize a charge for a service, is valid if it would have been valid before the 1986 amendment of AS 37.10.050(a). The regulation and fee remain in effect, and the agency may charge for the service, until the regulation is repealed or amended by the agency. To amend the regulation to change the fee, the agency shall meet the standard of AS 37.10.050(a) as amended by sec. 2 of this Act.

* Sec. 96. Notwithstanding AS 37.10.050(a), as amended by sec. 2 of this Act, a fee charged under a regulation that was adopted before the effective date of this Act that establishes a fee or other charge that exceeds the estimated actual cost to a state agency in administering the activity or providing the service for which the fee or charge is imposed is valid if it would have been valid before the effective date of this Act. The regulation and fee or charge remain in effect, and the agency may collect the fee or charge for the activity or service, until (1) the regulation is repealed or amended, or (2) two years after the effective date of this Act, whichever is sooner. If the regulation is amended to change the fee or charge, AS 37.10.050(a), as amended by sec. 2 of this Act, applies to the fee or charge.

* Sec. 97. Section 95 of this Act, dealing with fees charged under a regulation adopted before July 1, 1987, is retroactive to July 1, 1987.

* Sec. 98. This Act takes effect immediately under AS 01.10.070(c).