

SENATE CS FOR CS FOR HOUSE BILL NO. 574 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/10/92
Referred: Resources, Finance

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring the Department of Commerce and Economic Development to establish
2 fee levels for certain regulated occupations so that the total amount of fees are
3 approximately equal to the actual regulatory costs for the occupation; requiring the Alaska
4 Public Offices Commission to establish a fee schedule for various reports, filings, and
5 services so that the fee charged reflects the actual costs of activity; requiring the
6 Department of Labor to adopt a fee schedule for the review, approval, and certification
7 of asbestos training programs and plans and certification of asbestos abatement employees;
8 increasing the fee for an identification card; authorizing the Department of Corrections to
9 contract for the provision of telephone services for use by prisoners; authorizing the
10 Department of Natural Resources to accept cash and other donations to support the
11 department's park and recreation area programs; authorizing the Department of Natural
12 Resources to charge a fee for various services provided in a park unit and setting certain

1 fees; establishing a public utility regulatory cost charge; establishing a pipeline carrier
2 regulatory cost charge; authorizing the Department of Administration to charge for and
3 provide telecommunication services for television broadcast to commercial entities; requiring
4 the lieutenant governor to charge a fee for issuance of a notary public commission; and
5 providing for an effective date."

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

7 * Section 1. FINDINGS CONCERNING APUC ASSESSMENT OF REGULATORY COST
8 CHARGES. The legislature finds that fairness requires that the regulatory cost charge assessed by the
9 Alaska Public Utilities Commission be paid only once on a given dollar of gross revenue. A public
10 utility or pipeline carrier may not be required to pay the regulatory cost charge assessed on gross revenue
11 if a regulatory cost charge has already been assessed on that revenue under either AS 42.05.253(a),
12 enacted by sec. 9 of this Act, or AS 42.06.285(a), enacted by sec. 12 of this Act.

13 * Sec. 2. AS 08.01.065(c) is repealed and reenacted to read:

14 (c) The department shall establish fee levels under (a) of this section so that the total
15 amount of fees collected for an occupation approximately equals the actual regulatory costs for
16 the occupation. The department may establish fee levels that exceed the regulatory costs for an
17 occupation only upon approval by the board that regulates the occupation. In this subsection,
18 "regulatory costs" means direct and indirect costs of the department that are attributable to
19 regulation of an occupation plus

20 (1) all costs of the board that regulates the occupation if the board regulates only
21 one occupation; or

22 (2) the direct and indirect costs of a board that are attributable to the occupation
23 if the board regulates more than one occupation.

24 * Sec. 3. AS 15.13.030 is amended to read:

25 Sec. 15.13.030. DUTIES OF THE COMMISSION. The commission shall

26 (1) develop and provide all forms for the reports and statements required to be
27 made under this chapter, AS 24.45, and AS 39.50;

28 (2) prepare and publish a manual setting out uniform methods of bookkeeping and
29 reporting for use by persons required to make reports and statements under this chapter and

1 otherwise assist candidates, groups, and individuals in complying with the requirements of this
2 chapter;

3 (3) receive and hold open for public inspection reports and statements required
4 to be made under this chapter and, upon request, furnish copies at cost to interested persons;

5 (4) compile and maintain a current list of all filed reports and statements;

6 (5) prepare a summary of each report filed under AS 15.13.110 and make copies
7 of this summary available to interested persons at their actual cost;

8 (6) notify, by registered or certified mail, all persons who are delinquent in filing
9 reports and statements required to be made under this chapter;

10 (7) report within 60 days after the election the names of all persons and groups
11 who have failed to comply with any of the provisions of this chapter to the office of the attorney
12 general;

13 (8) examine, investigate, and compare all reports, statements, and actions required
14 by this chapter, AS 24.45, and AS 39.50 and report to the attorney general the names of all
15 persons or groups that [WHICH] the commission has substantial reason to believe have violated
16 this chapter, AS 24.45, or AS 39.50;

17 (9) prepare and publish a biennial report to the legislature concerning the activities
18 of the commission, the effectiveness of this chapter, its enforcement by the attorney general's
19 office, and recommendations and proposals for change;

20 (10) adopt regulations necessary to implement and clarify the provisions of
21 AS 24.45, AS 39.50, and this chapter, subject to the provisions of the Administrative Procedure
22 Act (AS 44.62);

23 (11) establish by regulation a schedule of fees for reports, statements, and
24 filings, delinquent reports, statements, and filings, and for services performed by the
25 commission; a fee established under this paragraph should reflect, but should not exceed,
26 the actual costs to the commission of the activity for which the fee is charged.

27 * Sec. 4. AS 18.31.200 is amended by adding a new subsection to read:

28 (g) The Department of Labor shall adopt by regulation a fee schedule for

29 (1) review, approval, and certification of asbestos training certification programs
30 and plans under this section; and

31 (2) certification of a person employed to abate an asbestos health hazard.

1 * Sec. 5. AS 18.65.310(a) is amended to read:

2 (a) Upon payment of a \$10 [\$5] fee, the Department of Public Safety shall issue a card
3 identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the
4 card shall be of a different color and shall state in bold type letters across the face of it that it
5 is for identification purposes only.

6 * Sec. 6. AS 33.30.231 is amended by adding a new subsection to read:

7 (d) Notwithstanding (a) of this section, the department may contract under AS 36.30 for
8 telephone services for use by a prisoner.

9 * Sec. 7. AS 41.21.020(a) is amended to read:

10 (a) The department shall

11 (1) develop a continuing plan for the conservation and maximum use in the public
12 interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of
13 the state;

14 (2) plan for and develop a system of state parks and recreational facilities, to be
15 established as the legislature authorizes and directs;

16 (3) acquire by gift, purchase, or transfer from state or federal agencies, or from
17 individuals, corporations, partnerships or associations, land necessary, suitable and proper for
18 roadside, picnic, recreational, or park purposes;

19 (4) control, develop, and maintain state parks and recreational areas;

20 (5) provide for the acquisition, care, control, supervision, improvement,
21 development, extension, and maintenance of public recreational land, and make necessary
22 arrangements, contracts, or commitments for the improvement and development of land acquired
23 under AS 41.21.010 - 41.21.040; contracting for improvement and development under this
24 paragraph is governed by AS 36.30 (State Procurement Code);

25 (6) adopt, in accordance with this section and the Administrative Procedure Act
26 (AS 44.62), regulations governing the use and designating incompatible uses within the
27 boundaries of state park and recreational areas to protect the property and to preserve the peace;

28 (7) cooperate with the United States and its agencies and local subdivisions of the
29 state to secure the effective supervision, improvement, development, extension, and maintenance
30 of state parks, state monuments, state historical areas, and state recreational areas, and secure
31 agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

1 (8) encourage the organization of state public park and recreational activities in
2 the local political subdivisions of the state;

3 (9) provide for consulting service designed to develop local park and recreation
4 facilities and programs;

5 (10) provide clearinghouse services for other state agencies concerned with park
6 and recreation matters;

7 (11) perform other duties as are prescribed by executive order or by law;

8 (12) maintain memorials to Alaska veterans located in state parks; [AND]

9 (13) adopt, in accordance with the Administrative Procedure Act (AS 44.62),
10 regulations governing the use of the Chena River State Recreation Area and designating
11 incompatible uses within the boundaries of the Chena River State Recreation Area in accordance
12 with AS 41.21.490; and

13 (14) accept cash and other donations from public or private sources to assist
14 and support the department in carrying out the purposes of this chapter.

15 * Sec. 8. AS 41.21.026(a) is amended to read:

16 (a) Notwithstanding (b) of this section, the [THE] department may charge or collect
17 a fee in a park unit for

18 (1) rental of public use cabins or other overnight lodgings;

19 (2) overnight use of a developed campsite;

20 (3) special park use permits;

21 (4) competitive and exclusive commercial use permits;

22 (5) noncompetitive and nonexclusive commercial use permits;

23 (6) use of a sewage holding tank dump station;

24 (7) admission to or guided tours of visitor centers or historic sites; [AND]

25 (8) use of an improved boat ramp in a park facility developed principally for boat
26 launching;

27 (9) sale of firewood;

28 (10) use of a developed trailhead, access site, or picnic site, that has parking,
29 rest rooms, and refuse collection; and

30 (11) the presentation or attendance at programs related to natural or cultural
31 history, outdoor skills or education, or other topics concerned with public use, enjoyment,

1 or understanding of parks.

2 * **Sec. 9.** AS 42.05 is amended by adding a new section to read:

3 **Sec. 42.05.253. PUBLIC UTILITY REGULATORY COST CHARGE.** (a) A regulated
4 public utility operating in the state shall pay to the commission an annual regulatory cost charge
5 in an amount not to exceed .61 percent of gross revenue derived from operations in the state, as
6 modified under (c) of this section if appropriate. An exempt utility shall pay the actual cost of
7 services provided to it by the commission.

8 (b) The commission shall by regulation establish a method to determine annually the
9 amount of the regulatory cost charge for a public utility. If the amount the commission expects
10 to collect under (a) of this section exceeds that portion of the authorized budget of the
11 commission for the fiscal year that directly relates to providing services to public utilities, the
12 commission shall, by order, reduce the percentages set out in (a) of this section so that the total
13 amount of the fees collected approximately equals that portion of the authorized budget of the
14 commission for the fiscal year.

15 (c) In determining the amount of the regulatory cost charge imposed under (a) of this
16 section,

17 (1) a utility selling utility services at wholesale shall modify its gross revenue by
18 deducting payments it receives for wholesale sales;

19 (2) a local exchange telephone utility shall modify its gross revenue by deducting
20 payments received from other carriers for settlements or access charges.

21 (d) The commission shall calculate the total regulatory cost charges to be levied against
22 all regulated electric utilities under this section. The commission shall allocate the total amount
23 among the regulated electric utilities by using an equal charge per kilowatt hour sold at retail.

24 (e) The commission shall administer, collect, and enforce the charge imposed under this
25 section.

26 (f) The commission shall allow a public utility to recover all payments made to the
27 commission under this section. The commission may not require a public utility to file a rate
28 case in order to be eligible to recover the regulatory cost charge.

29 (g) The commission may adopt regulations under AS 44.62 (Administrative Procedure
30 Act) necessary to administer this section, including requirements and procedures for reporting
31 information and making quarterly payments, for investigating the accuracy of filed information,

1 and for collecting required payments.

2 (h) In this section,

3 (1) "exempt utility" means a public utility that is certificated by the commission
4 under AS 42.05.221 - 42.05.281 but, in accordance with AS 42.05.711, is exempt from other
5 regulatory requirements of this chapter;

6 (2) "gross revenue" means the total operating revenue from intrastate services, as
7 shown in a utility's annual report required by the commission by regulation;

8 (3) "regulated utility" means a public utility that is certificated by the commission
9 under AS 42.05.221 - 42.05.281 and that is subject to the other regulatory requirements of this
10 chapter;

11 (4) "wholesale sales" means sales to another utility for resale under circumstances
12 that make revenue from the resale subject to the regulatory cost charge imposed under this
13 section.

14 * Sec. 10. AS 42.05.651(a) is amended to read:

15 (a) After completion of a hearing or investigation held under this chapter, the commission
16 shall allocate the costs of the hearing or investigation among the parties, including the
17 commission, as is just under the circumstances. In allocating costs, the commission shall
18 consider the regulatory cost charge paid by a utility under AS 42.05.253 and may consider
19 the results, ability to pay, evidence of good faith, other relevant factors, and mitigating
20 circumstances. The costs allocated may include the costs of any time devoted to the investigation
21 or hearing by hired consultants, whether or not the consultants appear as witnesses or
22 participants. The costs allocated may also include any out-of-pocket expenses incurred by the
23 commission in the particular proceeding. The commission shall provide an opportunity for any
24 person objecting to an allocation to be heard before the allocation becomes final.

25 * Sec. 11. AS 42.05.651(a) is repealed and reenacted to read:

26 (a) After completion of a hearing or investigation held under this chapter, the commission
27 shall allocate the costs of the hearing or investigation among the parties, including the
28 commission, as is just under the circumstances. In allocating costs, the commission may consider
29 the results, ability to pay, evidence of good faith, other relevant factors, and mitigating
30 circumstances. The costs allocated may include the costs of any time devoted to the investigation
31 or hearing by hired consultants, whether or not the consultants appear as witnesses or

1 participants. The costs allocated may also include any out-of-pocket expenses incurred by the
2 commission in the particular proceeding. The commission shall provide an opportunity for any
3 person objecting to an allocation to be heard before the allocation becomes final.

4 * Sec. 12. AS 42.06 is amended by adding a new section to read:

5 Sec. 42.06.285. PIPELINE CARRIER REGULATORY COST CHARGE. (a) A pipeline
6 carrier operating in the state shall pay to the commission an annual regulatory cost charge in an
7 amount not to exceed .61 percent of gross revenue derived from operations in the state. A
8 regulatory cost charge may not be assessed on pipeline carrier operations unless the operations
9 are within the jurisdiction of the commission.

10 (b) The commission shall by regulation establish a method to determine annually the
11 amount of the regulatory cost charge. If the amount the commission expects to collect under (a)
12 of this section exceeds that portion of the authorized budget of the commission for the fiscal year
13 that directly relates to providing services to pipeline carriers, the commission shall, by order,
14 reduce the percentage set out in (a) of this section so that the total amount of the fees collected
15 approximately equals that portion of the authorized budget of the commission for the fiscal year.

16 (c) The commission shall administer, collect, and enforce the charge imposed under this
17 section.

18 (d) The commission may adopt regulations under AS 44.62 (Administrative Procedure
19 Act) necessary to administer this section, including requirements and procedures for reporting
20 information and making quarterly payments, for investigating the accuracy of filed information,
21 and for collecting required payments.

22 (e) In this section, "gross revenue" means the total intrastate operating revenue as shown
23 in a pipeline carrier's annual report required by the commission by regulation.

24 * Sec. 13. AS 42.06.610(a) is amended to read:

25 (a) During a proceeding held under this chapter, the commission shall allocate the cost
26 of the proceeding among the parties, including the commission, as is just under the
27 circumstances. In allocating costs, the commission shall consider the regulatory cost charge
28 paid directly or indirectly under AS 42.06.285. The costs allocated may include the costs of
29 any time devoted to investigations or hearings by hired consultants, whether or not the
30 consultants appear as witnesses or participants. The commission shall provide an opportunity for
31 any person objecting to an allocation to be heard before the allocation becomes final.

1 * Sec. 14. AS 42.06.610(a) is repealed and reenacted to read:

2 (a) During a proceeding held under this chapter, the commission shall allocate the cost
3 of the proceeding among the parties, including the commission, as is just under the
4 circumstances. The costs allocated may include the costs of any time devoted to investigations
5 or hearings by hired consultants, whether or not the consultants appear as witnesses or
6 participants. The commission shall provide an opportunity for any person objecting to an
7 allocation to be heard before the allocation becomes final.

8 * Sec. 15. AS 44.21.310(b) is amended to read:

9 (b) The department may

10 (1) coordinate its functions with local, regional, state, and federal officials, private
11 groups and individuals, and with officials of other countries, provinces, and states;

12 (2) enter into contracts and subcontracts on behalf of the state to carry out the
13 provisions of AS 44.21.305 - AS 44.21.330;

14 (3) act for the state in the initiation, investigation, and evaluation of, or
15 participation in, programs related to the purposes of the department that [WHICH] involve more
16 than one government or governmental unit;

17 (4) on behalf of the state, apply for, accept, and expend gifts or grants made to
18 the state if the gifts or grants are for the purposes of furthering the objectives of the department;
19 [AND]

20 (5) hold public hearings to obtain information for the purpose of carrying out the
21 provisions of AS 44.21.305 - 44.21.330; and

22 (6) provide telecommunication services to commercial entities for television
23 broadcast and charge for those services.

24 * Sec. 16. AS 44.28 is amended by adding new sections to read:

25 Sec. 44.28.040. FEES. Notwithstanding AS 09.25.110 - 09.25.130, the department may
26 establish by regulation and may charge reasonable fees for

27 (1) training; and

28 (2) departmental publications and research data to cover the cost of reproduction,
29 printing, mailing, and distribution.

30 Sec. 44.28.090. DEFINITIONS. In this chapter,

31 (1) "commissioner" means the commissioner of corrections;

1 (2) "department" means the Department of Corrections.

2 * Sec. 17. AS 44.50.040 is amended to read:

3 Sec. 44.50.040. FEES. A fee established by the lieutenant governor by regulation [OF
4 \$40] shall be paid to the lieutenant governor for each commission issued to a person other than
5 a state employee.

6 * Sec. 18. TEMPORARY FEES IN STATE PARKS. (a) The following fees apply for the following
7 activities in units of the state park system until the Department of Natural Resources adopts a regulation
8 under AS 41.21.026(c) that establishes a fee for that activity:

9 (1) sale of firewood \$4 per bundle;

10 (2) use of a developed trailhead, access site, or picnic site, that has parking, rest rooms,
11 and refuse collection \$2 per vehicle, or \$25 for an annual pass;

12 (3) admission to visitor centers or historic sites \$1 per person.

13 (b) The commissioner of natural resources shall notify the revisor of statutes when a regulation
14 is adopted that establishes a fee for an activity described under (a) of this section.

15 * Sec. 19. Section 18 of this Act is repealed on a date that is two years after the effective date of this
16 section.

17 * Sec. 20. AS 08.01.065(b) and AS 08.62.040(a)(4)(B) are repealed.

18 * Sec. 21. AS 42.05.253, enacted by sec. 9 of this Act, and AS 42.06.285, enacted by sec. 12 of this
19 Act, are repealed December 31, 1994.

20 * Sec. 22. Sections 9, 10, 12, and 13 of this Act take effect July 1, 1992.

21 * Sec. 23. Sections 11 and 14 of this Act take effect December 31, 1994.

22 * Sec. 24. Except as provided in secs. 22 and 23 of this Act, this Act takes effect immediately under
23 AS 01.10.070(c).