

SENATE BILL NO. 474

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 4/15/92
Referred: L&C, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fees charged by state agencies."

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

3 * Section 1. AS 05.10.070 is amended to read:

4 Sec. 05.10.070. APPLICATION FOR LICENSE. A club, corporation, organization,
5 association, or fraternal society affected by this chapter may apply to the commission for a
6 license. An application must be in writing and upon a form prescribed by the commission and
7 must be verified in the manner the commission requires and accompanied by an annual license
8 fee set by the commission by regulation under AS 05.10.125 [OF \$100].

9 * Sec. 2. AS 05.10.120(a) is amended to read:

10 (a) The commission may grant annual licenses upon application in compliance with the
11 regulations adopted by the commission and the payment of the fees prescribed by regulation
12 under AS 05.10.125 for managers, referees, examining physicians, boxers, wrestlers, seconds,
13 and trainers.

14 * Sec. 3. AS 05.10 is amended by adding a new section to read:

1 Sec. 05.10.125. FEES. The commission shall establish by regulation the fees for licenses
2 issued by the commission under this chapter.

3 * Sec. 4. AS 05.30.020 is amended to read:

4 Sec. 05.30.020. REGISTRATION AND REGISTRATION FEE. A registration is valid
5 for two years [COMMENCING SEPTEMBER 1, 1968]. The registration fee shall be
6 established by regulation by the Department of Public Safety [IS \$5, WHICH SHALL BE
7 PAID INTO THE GENERAL FUND].

8 * Sec. 5. AS 06.01.010 is amended by adding a new subsection to read:

9 (g) The commissioner may establish by regulation a fee for the filing of an application
10 required by this title. The fee is in addition to investigation expenses that may be charged to the
11 applicant.

12 * Sec. 6. AS 06.20.030(b) is amended to read:

13 (b) An applicant shall pay to the department at the time of submitting an application a
14 sum, in addition to that specified in (a) of this section, set by the commissioner by regulation
15 [OF \$200] as an annual license fee for a period terminating on the last day of the current
16 calendar year. If the application is filed after June 30, an [THE] additional sum set by the
17 commissioner by regulation shall be paid to the department [IS \$100].

18 * Sec. 7. AS 06.30.815 is amended to read:

19 Sec. 06.30.815. FEE FOR FILING COPY OF CHARTER OF FEDERAL SAVINGS
20 AND LOAN. A fee set by the commissioner under AS 06.01.010 [OF \$10] shall accompany
21 each copy of the charter of a federal savings and loan association or certificate showing the
22 organization by conversion.

23 * Sec. 8. AS 06.30.820 is amended to read:

24 Sec. 06.30.820. FEE FOR APPROVAL BY COMMISSIONER. The commissioner may
25 charge a fee set by regulation under AS 06.01.010 for [OF NOT EXCEEDING \$10 UPON]
26 each application submitted for the commissioner's approval under [, AS PROVIDED BY] this
27 chapter.

28 * Sec. 9. AS 06.40.040 is amended to read:

29 Sec. 06.40.040. ANNUAL LICENSE FEE. On or before December 20 of each year, each
30 licensee shall pay a fee established by the department by regulation [OF \$200] to the
31 department as an annual license fee for the next succeeding calendar year. At that same time the

1 licensee shall file with the department a new bond that complies with AS 06.40.030.

2 * Sec. 10. AS 10.06.843 is repealed and reenacted to read:

3 Sec. 10.06.843. REGULATIONS RELATING TO FEES. (a) The department shall
4 establish by regulation the fees specified or authorized in this chapter.

5 (b) The filing fee for a document not otherwise provided in this chapter shall be
6 established by the department by regulation.

7 (c) The department may by regulation charge a corporation subject to this chapter a fixed
8 fee, for routine administrative services rendered to a corporation by the department, that is in
9 place of the fees specified in this chapter. However, a fixed fee under this subsection may not
10 include the fees specified under AS 10.06.140 and 10.06.828, or the tax under AS 10.06.845.

11 * Sec. 11. AS 14.48.090(a) is repealed and reenacted to read:

12 (a) The commission shall establish by regulation and collect fees for

13 (1) authorization to operate;

14 (2) renewal of authorization to operate;

15 (3) an agent's permit; and

16 (4) renewal of an agent's permit.

17 * Sec. 12. AS 15.25.050(a) is amended to read:

18 (a) At the time the declaration is filed, a [EACH] candidate shall pay a nonrefundable
19 filing fee to the director. The filing fee for each office shall be set by the director by
20 regulation [FOR CANDIDATES FOR OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR,
21 UNITED STATES SENATOR, AND UNITED STATES REPRESENTATIVE IS \$100. THE
22 FILING FEE FOR CANDIDATES FOR OFFICE OF STATE SENATOR AND STATE
23 REPRESENTATIVE IS \$30].

24 * Sec. 13. AS 15.35.041 is amended to read:

25 Sec. 15.35.041. REQUIREMENT OF FILING FEE FOR SUPREME COURT
26 CANDIDATE. At the time the declaration is filed, a [EACH] candidate for retention shall pay
27 a filing fee to the director. The filing fee shall be set by the director by regulation [FOR A
28 CANDIDATE FOR RETENTION ON THE SUPREME COURT IS \$100].

29 * Sec. 14. AS 15.35.057 is amended to read:

30 Sec. 15.35.057. REQUIREMENT OF FILING FEE FOR COURT OF APPEALS
31 CANDIDATE. At the time the declaration is filed, a [EACH] candidate for retention shall pay

1 a filing fee to the director. The filing fee shall be set by the director by regulation [FOR A
2 CANDIDATE FOR RETENTION ON THE COURT OF APPEALS IS \$100].

3 * Sec. 15. AS 15.35.071 is amended to read:

4 Sec. 15.35.071. REQUIREMENT OF FILING FEE FOR SUPERIOR COURT
5 CANDIDATE. At the time the declaration is filed, a [EACH] candidate for retention shall pay
6 a filing fee to the director. The filing fee shall be set by the director by regulation [FOR A
7 CANDIDATE FOR RETENTION ON THE SUPERIOR COURT IS \$30].

8 * Sec. 16. AS 15.58.060(a) is amended to read:

9 (a) Each general election candidate shall pay to the lieutenant governor at the time of
10 filing material under this chapter. The fee for each office shall be established by regulation
11 by the lieutenant governor [THE FOLLOWING:

12 (1) PRESIDENT OR VICE-PRESIDENT OF THE UNITED STATES, UNITED
13 STATES SENATOR, UNITED STATES REPRESENTATIVE, GOVERNOR, LIEUTENANT
14 GOVERNOR, SUPREME COURT JUSTICE AND COURT OF APPEALS JUDGE, \$150
15 EACH;

16 (2) SUPERIOR COURT JUDGE AND DISTRICT COURT JUDGE, \$75 EACH;

17 (3) STATE SENATOR AND STATE REPRESENTATIVE, \$50 EACH].

18 * Sec. 17. AS 15.58.060(b) is amended to read:

19 (b) The state chair [CHAIRMAN] or executive committee of a political party shall pay
20 to the lieutenant governor at the time of filing material under this chapter the fee established by
21 regulation by the lieutenant governor [\$300] for each page purchased.

22 * Sec. 18. AS 18.65.310(a) is amended to read:

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

27 * Sec. 19. AS 18.65.410 is amended to read:

28 Sec. 18.65.410. APPLICATIONS. Application for a license as a security guard or
29 security guard agency shall [MUST] be made on forms provided by the commissioner. The
30 application must require the furnishing of information reasonably required by the commissioner
31 to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to

1 enable the search of criminal indices for evidence of a prior criminal record. The application
2 must be accompanied by a nonrefundable application fee set by the commissioner by regulation
3 under AS 18.65.450 [OF \$50 FOR A SECURITY GUARD AND \$200 FOR A SECURITY
4 GUARD AGENCY].

5 * Sec. 20. AS 18.65.450 is amended to read:

6 Sec. 18.65.450. REGULATIONS. The commissioner shall adopt regulations necessary
7 to implement AS 18.65.400 - 18.65.490, including provisions specifying the amount of bond or
8 insurance required and the types of uniforms, badges, and insignia that may be used, and
9 establishing the application fees for security guards and security guard agencies.

10 * Sec. 21. AS 18.72.030(a) is amended to read:

11 (a) A person who desires to sell fireworks at wholesale in the state shall first make
12 verified application for a license to the state fire marshal on forms provided by the state fire
13 marshal. The application shall be accompanied by an annual license fee by the state fire
14 marshal by regulation [OF \$50].

15 * Sec. 22. AS 23.15.390 is amended to read:

16 Sec. 23.15.390. FEES. The fee for filing an application for a permit shall be set by the
17 department by regulation adopted under AS 23.15.500 [IS \$10]. All fees shall be deposited
18 in the general fund. In addition to paying this fee, all persons conducting employment agencies
19 must comply with the provisions of AS 43.70 (Alaska Business License Act).

20 * Sec. 23. AS 24.45.041(g) is amended to read:

21 (g) An application for registration as a lobbyist under (a) of this section or for renewal
22 of a registration under (f) of this section is subject to a fee set by the commission by regulation
23 [OF \$100]. The commission may not accept an application for registration or renew a
24 registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under
25 AS 24.45.161 or a representational lobbyist under regulations of the commission.

26 * Sec. 24. AS 37.10.050(a) is amended to read:

27 (a) A state agency may not charge for [THE PROVISION OF] state services, materials,
28 licenses, registrations, permits, application processing, the use of state facilities, or other
29 state activities unless the charge (1) is set or otherwise authorized by statute; and (2) where a
30 regulation is necessary, is set by or provided for in a regulation that meets the standards of
31 AS 44.62.020 and 44.62.030. A fee or other charge that is set by regulation may not exceed the

1 estimated actual costs of the state agency in administering the activity or providing the service
2 unless otherwise provided by the statute under which the regulation is adopted; this limitation
3 does not apply to sales of property by a state agency. Unless specifically exempted by statute,
4 a state agency authorized to collect or receive fees, licenses, taxes, or other money belonging to
5 the state shall account for and remit the receipts, less fees to which the collector is entitled by
6 statute or regulation, to the Department of Revenue at least once each month. The commissioner
7 of administration shall separately account under AS 37.05.142 for receipts deposited under this
8 subsection.

9 * Sec. 25. AS 37.10.050 is amended by adding new subsections to read:

10 (d) Each state agency shall annually review fees and charges collected by the agency.
11 If a fee that is set by an agency does not pay for the estimated actual costs of administering the
12 activity or providing the service or material, the agency shall adjust the fee to that level. If an
13 agency regulates an activity or provides a service or material and another agency is authorized
14 to set fees for the costs of regulating the activity or providing the service or material, the other
15 agency shall consider the recommendations of the agency regarding the setting of fee levels and
16 adjustment of fee levels so that they comply with this subsection. If the adjustment of a fee
17 results in a substantial increase, the agency may set a schedule to phase in the increase over a
18 period of time. By October 1, each state agency shall submit a report to the office of
19 management and budget regarding existing fee levels set by the agency or by statute, adjustments
20 made to fee levels during the previous fiscal year, and recommended increases in fees set by
21 statute. Each year by January 1, the office of management and budget shall submit a report to
22 the legislative auditor summarizing the reports and recommendations. By January 15, the
23 legislative auditor shall report to the legislature the status of fee regulations and make
24 recommendations for statutory changes.

25 (e) In this section, "agency" means a board, commission, or agency in the legislative,
26 judicial, or executive branch, but does not include the University of Alaska or a public
27 corporation.

28 * Sec. 26. AS 38.05.057(d) is amended to read:

29 (d) To apply for participation in a lottery under this section an applicant shall

30 (1) be qualified under the applicable provisions of this section and certify that fact
31 in the application; and

1 (2) pay a nonrefundable application fee [OF NOT MORE THAN \$25] for each
2 application; the fee shall be set by the commissioner by regulation.

3 * Sec. 27. AS 38.08.030(b) is amended to read:

4 (b) Fees for filing an application shall be set by the commissioner by regulation [MAY
5 NOT EXCEED \$10].

6 * Sec. 28. AS 42.05.661 is amended to read:

7 Sec. 42.05.661. APPLICATION FEES. With each application relating to a certificate
8 the applicant shall pay the commission a fee set by the commission by regulation that [OF \$50
9 WHICH] shall be deposited in the general fund of the state.

10 * Sec. 29. AS 44.19.024 is amended to read:

11 Sec. 44.19.024. FEES FOR ISSUING CERTIFICATE. For issuing each certificate with
12 the seal of the state affixed, the lieutenant governor shall collect a fee set by the lieutenant
13 governor by regulation [OF \$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS
14 PER FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account for the
15 fees received under this section and shall pay them into the general fund [STATE TREASURY].

16 * Sec. 30. AS 44.50.040 is amended to read:

17 Sec. 44.50.040. FEES. A fee set by the lieutenant governor by regulation [OF \$40]
18 shall be paid to the lieutenant governor for each commission issued to a person other than a state
19 employee.

20 * Sec. 31. AS 45.55.195(b) is amended to read:

21 (b) The administrator may by regulation [OR ORDER] adopt a schedule of charges for
22 annual examination fees of issuers, broker-dealers, agents, and investment advisers.

23 * Sec. 32. AS 46.03.385(a) is amended to read:

24 (a) At the time of registration under AS 46.03.380, and annually thereafter, the owner
25 or operator shall pay to the department a registration fee for each tank registered unless the
26 owner or operator has notified the department under AS 46.03.395 that the tank has been taken
27 out of service. The fee shall be set by the department by regulation. The fees may be
28 structured to take into account the fact that an [AN] underground storage tank [THAT] has
29 leak detection, spill and overflow protection, and corrosion protection that meet requirements of
30 the department and may also reflect [IS SUBJECT TO A \$50 ANNUAL REGISTRATION FEE,
31 REGARDLESS OF] tank capacity. [AN UNDERGROUND STORAGE TANK SYSTEM THAT

1 LACKS ANY OR ALL OF THESE FEATURES IS SUBJECT TO AN ANNUAL
2 REGISTRATION FEE OF

3 (1) \$150 IF THE UNDERGROUND STORAGE TANK CAPACITY IS LESS
4 THAN 1,000 GALLONS;

5 (2) \$300 IF THE UNDERGROUND STORAGE TANK CAPACITY IS 1,000 -
6 5,000 GALLONS;

7 (3) \$500 IF THE UNDERGROUND STORAGE TANK CAPACITY IS OVER
8 5,000 GALLONS.]

9 * Sec. 33. AS 05.10.120(b) is repealed.

10 * Sec. 34. TRANSITIONAL FEES. A fee set by a statute that is amended or repealed by this Act
11 remains in effect until a regulation setting a new fee to replace that fee takes effect.