

HOUSE BILL NO. 540

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/23/94

Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the improvement of state finances and fiscal accountability
2 by increasing fees, by collecting additional revenue, by reducing certain program
3 expenditures by changing services or eligibility requirements for programs, by
4 changing certain statutory limitation periods, by providing for use of certain
5 electronic records, by making changes to state agency functions or procedures
6 including certain reporting and planning procedures, and by authorizing extensions
7 for state leases for real property if certain savings can be achieved; and
8 providing for an effective date."

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

10 * Section 1. PURPOSE OF SEC. 3 OF THIS ACT. The purpose of sec. 3 of this Act is
11 to validate and affirm the longstanding practice in this state that the doctrine of non-mutual
12 collateral estoppel does not apply against the state concerning issues of criminal or civil law

1 in the trial courts of this state. It is also the intent of the legislature to expressly override the
2 decision in State of Alaska v. United Cook Inlet Drift Association, S-4966/4967 (February 18,
3 1994), thereby affirming the validity of this past practice. The intent of sec. 3 of this Act is
4 to avoid additional court costs and the need for additional attorneys in the Department of Law
5 to pursue appeals because of this decision, even though a particular case may not intrinsically
6 warrant appeal or clearly present the legal issue for the court's consideration. The intent also
7 is to reduce unanticipated state liability resulting from adverse trial court decisions, not
8 appealed, that bind the state due to the doctrine of non-mutual collateral estoppel.

9 * Sec. 2. AS 04.06.100(b) is amended to read:

10 (b) The subjects covered by regulations adopted under (a) of this section may
11 include[, BUT ARE NOT LIMITED TO,] the following matters:

12 (1) employment, conduct, and duties of the director and of regular and
13 contractual employees of the board;

14 (2) procedures for the issuance, denial, renewal, transfer, revocation,
15 and suspension of licenses and permits;

16 (3) terms and conditions of licenses and permits issued;

17 (4) fees for licenses and permits issued for which no fees are prescribed
18 by statute;

19 (5) conduct of regular and special meetings of the board;

20 (6) delegation to the director of routine administrative functions and
21 powers;

22 (7) the temporary granting or denial of issuance, transfer, and renewal
23 of licenses;

24 (8) manner of giving any notice required by law or regulation when not
25 provided for by statute;

26 (9) requirements relating to the qualifications of licensees, the
27 conditions upon which a license may be issued, the accommodations of licensed
28 premises, and board inspection of those premises;

29 (10) making of reports by wholesalers;

30 (11) purchase of fidelity bonds by the state for the director and the
31 employees of the board;

1 (12) prohibition of possession of alcoholic beverages by drunken
2 persons and by minors;

3 (13) required reports from corporations licensed under this title,
4 including reports of stock ownership and transfers and changes of officers and
5 directors;

6 (14) creation of classifications of licenses or permits not provided for
7 in this title;

8 (15) establishment and collection of fees to be paid on application for
9 a license, a [OR] permit, or an approval of an alcohol server education course;

10 (16) required reports from partnerships and limited partnerships licensed
11 under this title, including reports of transferred interests of 10 percent or more.

12 * Sec. 3. AS 09.50 is amended by adding a new section to read:

13 Sec. 09.50.305. ABOLISHMENT OF NON-MUTUAL COLLATERAL
14 ESTOPPEL AGAINST THE STATE. The doctrine of non-mutual collateral estoppel
15 is abolished in the courts of this state as applied against the state relating to trial court
16 decisions.

17 * Sec. 4. AS 18.70.080(b) is amended to read:

18 (b) The commissioner of public safety may establish by regulation and the
19 department may charge reasonable fees for

20 (1) fire and life safety plan checks made to determine compliance with
21 regulations adopted under (a)(2) of this section; and

22 (2) permits issued under regulations adopted under AS 18.70.

23 * Sec. 5. AS 18.72.010(b) is amended to read:

24 (b) A person desiring to use dangerous fireworks for industrial, agricultural,
25 wildlife control, or public display purposes shall first comply with the permit
26 requirements of the fire safety code. The department may charge fees established
27 in regulations for a permit issued under this subsection.

28 * Sec. 6. AS 18.72.020(a) is amended to read:

29 (a) A person holding a permit required by the fire safety code may sell or offer
30 for sale salable fireworks, if

31 (1) the person has submitted to the state fire marshal a policy, or a

1 certified true copy of a policy, of public liability and products liability insurance,
2 including both accident and occurrence coverage, provided by the wholesale company
3 selling fireworks to the person, in the amount of at least \$200,000 for bodily injury or
4 death and at least \$50,000 property damage and the person is named as an insured
5 party upon the policy and the policy is continuously in force while the person is
6 engaged in the retail sale of fireworks; and

7 (2) an endorsement fee in an amount established in regulations
8 adopted by the department [OF \$10] is paid to the state fire marshal for an
9 endorsement that is valid for two years or portions of two years during which the
10 permit holder is engaged in the retail sale of fireworks.

11 * Sec. 7. AS 18.72.030(a) is amended to read:

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

16 * Sec. 8. AS 19.10.140 is amended to read:

17 Sec. 19.10.140. LONG-RANGE PROGRAM FOR HIGHWAY
18 CONSTRUCTION [AND MAINTENANCE]. The [GOVERNOR SHALL REQUIRE
19 THE] department shall [TO] establish a continuing, long-range program for highway
20 construction [AND MAINTENANCE]. The program must annually project proposed
21 construction [AND MAINTENANCE] of highways in a priority format for not less
22 than the next succeeding five years. A statement of the program shall be submitted
23 by the governor to the legislature annually[, AND THE LONG-RANGE PROGRAM
24 SHALL INCLUDE IN DETAIL THE PROGRAM PREPARED UNDER
25 AS 19.10.150].

26 * Sec. 9. AS 19.10.150 is amended to read:

27 Sec. 19.10.150. CONSTRUCTION PROGRAM. Before February 2 of each
28 year, the department shall prepare a statement showing what construction work has
29 been requested and proposed and may be undertaken by the department during the
30 following construction season. The statement must set forth a general itemization of
31 the estimated cost for each project and the total estimates of all projects. [THE

1 **DEPARTMENT SHALL ADOPT A CONSTRUCTION PROGRAM WHICH MUST**
2 **INCLUDE THE PROJECTS TO BE UNDERTAKEN BY IT DURING THE**
3 **FOLLOWING CONSTRUCTION SEASON AND MUST ESTABLISH PROJECT**
4 **PRIORITIES.] The department may increase, decrease, amend, or revise the**
5 **construction program from time to time as circumstances warrant.**

6 * **Sec. 10. AS 19.10.160 is amended to read:**

7 **Sec. 19.10.160. STANDARD PLANS AND SPECIFICATIONS. The**
8 **department may [SHALL] prepare and adopt uniform standard plans and specifications**
9 **for the establishment and[,] construction[, AND MAINTENANCE] of highways in the**
10 **state. The department may amend the plans and specifications as it considers**
11 **advisable. [THE STANDARDS MUST CONFORM AS CLOSELY AS**
12 **PRACTICABLE TO THOSE ADOPTED BY THE AMERICAN ASSOCIATION OF**
13 **STATE HIGHWAY AND TRANSPORTATION OFFICIALS.]**

14 * **Sec. 11. AS 28.05.061(c) is amended to read:**

15 **(c) The commissioner and officers and employees of the department designated**
16 **by the commissioner shall, upon request, prepare under the seal of the department and**
17 **deliver, unless otherwise prohibited by law, a certified copy of any record of the**
18 **department maintained under this title or regulations adopted under this title, charging**
19 **a fee for each certified copy. A certified copy, or an electronic record certified by**
20 **the department, is admissible in a proceeding in a court in the same manner as the**
21 **original document.**

22 * **Sec. 12. AS 28.05.121 is amended to read:**

23 **Sec. 28.05.121. GIVING OF NOTICE. When the department is authorized or**
24 **required to give notice under this title or regulations adopted under this title, unless a**
25 **different method of giving notice is otherwise expressly provided, notice shall be given**
26 **by a qualified person, either by personal delivery to the person to be notified or by**
27 **first class [REGISTERED OR CERTIFIED] mail, [RETURN RECEIPT**
28 **REQUESTED,] addressed to the person at the address of the person as shown in the**
29 **electronic records of the department. The giving of notice by mail is considered**
30 **complete upon placing the notice in a United States Post Office receptacle, with**
31 **appropriate postage [THE RETURN OF THE RECEIPT OR UPON RETURN OF**

1 THE NOTICE AS UNDELIVERABLE, REFUSED, OR UNCLAIMED]. Proof of the
2 giving of notice in either manner may be made by the affidavit of the person giving
3 the notice by personal delivery or by mail, naming the person to whom the notice was
4 given and specifying the time, place, and manner of giving the notice.

5 * Sec. 13. AS 28.05.141(b) is amended to read:

6 (b) A hearing ordered under (a) of this section shall be held telephonically at
7 a time and date set by [AT THE OFFICE OF] the department, except that if the
8 department determines that an in-person hearing is necessary to determine factual
9 issues, the department may order that the hearing be conducted in person at a
10 place, time, and date set by the department [NEAREST TO THE RESIDENCE OF
11 THE PERSON REQUESTING THE HEARING UNLESS THE DEPARTMENT AND
12 THE PERSON AGREE THAT THE HEARING IS TO BE HELD ELSEWHERE].
13 The department may [SHALL] grant a hearing delay only if the person shows, to the
14 satisfaction of the department, [PRESENTS] good cause for the delay that is beyond
15 the control of the person. If a person fails to appear for the hearing at the time and
16 place stated by the department and if a hearing delay has not been granted, the
17 person's failure to appear is considered a waiver of the hearing and the department
18 may take appropriate action with respect to the person.

19 * Sec. 14. AS 28.10.031(b) is amended to read:

20 (b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by
21 the dealer a temporary permit to drive the vehicle. A permit is effective for a period
22 not to exceed 60 [30] days. The commissioner shall adopt regulations governing the
23 issuance of permits under this section.

24 * Sec. 15. AS 28.10.108(c) is amended to read:

25 (c) A vehicle subject to registration [AND NOT DESCRIBED IN (b) OF THIS
26 SECTION] shall have its initial registration, and may have its annual registration,
27 renewed in the month of initial registration in the state, subject to the provisions of (f)
28 of this section.

29 * Sec. 16. AS 28.15.166(e) is amended to read:

30 (e) The [NOTWITHSTANDING AS 28.05.141(b), THE] hearing under this
31 section shall be held telephonically at a time and date set by [AT THE OFFICE OF]

1 the department, except that if the department determines that an in-person hearing
2 is necessary to determine factual issues, the department may order that the
3 hearing be conducted in person at a place, time, and date set by the department
4 [NEAREST TO THE RESIDENCE OF THE PERSON REQUESTING THE
5 HEARING UNLESS

6 (1) A DISTRICT COURT JUDGE OR A MAGISTRATE HAS BEEN
7 DESIGNATED AS A HEARING OFFICER IN THE MATTER BY THE
8 COMMISSIONER; OR

9 (2) THE DEPARTMENT AND THE PERSON AGREE THAT THE
10 HEARING IS TO BE HELD ELSEWHERE].

11 * Sec. 17. AS 28.15.166(f) is amended to read:

12 (f) A review under this section shall be held before a hearing officer
13 designated by the commissioner. [UPON THE CONSENT OF THE
14 ADMINISTRATIVE DIRECTOR OF THE STATE COURT SYSTEM, THE
15 COMMISSIONER MAY DESIGNATE A DISTRICT COURT JUDGE OR A
16 MAGISTRATE TO SERVE AS THE HEARING OFFICER.] The hearing officer shall
17 have authority to

18 (1) administer oaths and affirmations;

19 (2) examine witnesses and take testimony;

20 (3) receive relevant evidence;

21 (4) issue subpoenas, take depositions, or cause depositions or
22 interrogatories to be taken;

23 (5) regulate the course and conduct of the hearing;

24 (6) make a final ruling on the issue.

25 * Sec. 18. AS 28.20.050(a) is amended to read:

26 (a) The provisions of this chapter requiring deposit of security and suspension
27 for failure to deposit security apply to the driver and owner of a vehicle subject to
28 registration under the laws of this state that is involved in any manner in an accident
29 in this state resulting in bodily injury to or death of a person or damage to the property
30 of any one person exceeding \$1,500 [\$500].

31 * Sec. 19. AS 28.20.050(e) is amended to read:

1 (c) A peace officer investigating an accident that results in bodily injury to or
2 the death of a person or damage to the property of a person exceeding \$1,500 [\$500]
3 shall inform persons involved in the accident in writing of the requirements of this
4 chapter as they apply to suspension of an operator's license or driving privileges.

5 * Sec. 20. AS 28.20.100(c) is amended to read:

6 (c) If the department evaluates the injuries or damage to a minor in an amount
7 not more than \$1,500 [\$500], the department may accept, for the purposes of this
8 chapter only, evidence of a release from liability executed by a natural or legal
9 guardian on behalf of the minor without court approval.

10 * Sec. 21. AS 28.20.230(a) is amended to read:

11 (a) The provisions of this chapter requiring the deposit of proof of financial
12 responsibility for the future apply to persons who are convicted of or forfeit bail for
13 certain offenses under motor vehicle laws or who, by ownership or operation of a
14 vehicle of a type subject to registration under AS 28.10, are involved in an accident
15 in this state that results in bodily injury or death of a person or damage to the property
16 of any one person exceeding \$1,500 [\$500].

17 * Sec. 22. AS 28.20.260(a) is amended to read:

18 (a) Upon receipt by the department of the report of an accident resulting in
19 bodily injury or death, or property damage to any one person exceeding \$1,500 [\$500],
20 the department shall suspend the license of the driver of a motor vehicle involved in
21 the accident unless the driver or owner

22 (1) has previously furnished or immediately furnishes security required
23 by this chapter, or is excepted from furnishing security under AS 28.20.060, and

24 (2) maintains proof of financial responsibility for three years following
25 the accident.

26 * Sec. 23. AS 28.22.021 is amended to read:

27 Sec. 28.22.021. REQUIREMENT OF PROOF OF MOTOR VEHICLE
28 LIABILITY INSURANCE. The owner or operator of a motor vehicle required to have
29 motor vehicle liability insurance that complies with this chapter or a certificate of
30 self-insurance that complies with AS 28.20.400, shall show proof of this insurance
31 when that person is involved in an accident that results in bodily injury to or death of

1 a person, or damage to the property of a person exceeding \$1,500 [~~\$500~~].

2 * Sec. 24. AS 28.22.041(a) is amended to read:

3 (a) If [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, IF] a person
4 fails to provide proof required under AS 28.22.021 and 28.22.031, the department shall
5 suspend the driver's license of that person for the following periods:

6 (1) not less than 90 days if, within the preceding 10 years, the person
7 has not had a driver's license suspended for violation of AS 28.22.011 or former
8 AS 28.22.200;

9 (2) not less than one year if, within the preceding 10 years, the person
10 has had a driver's license suspended one or more times for violation of AS 28.22.011
11 or former AS 28.22.200.

12 * Sec. 25. AS 28.35.080(a) is amended to read:

13 (a) The driver of a vehicle involved in an accident resulting in bodily injury
14 to or death of a person or total property damage to an apparent extent of \$1,500 [~~\$500~~]
15 or more shall immediately by the quickest means of communication give notice of the
16 accident to the local police department if the accident occurs within a municipality,
17 otherwise to the Department of Public Safety.

18 * Sec. 26. AS 28.35.080(b) is amended to read:

19 (b) The driver of a vehicle involved in an accident resulting in bodily injury
20 to or death of a person or total property damage to an apparent extent of \$1,500 [~~\$500~~]
21 or more shall, within 10 days after the accident, forward a written report of the
22 accident to the Department of Public Safety and to the local police department if the
23 accident occurs within a municipality. A report is not required under this subsection
24 if the accident is investigated by a peace officer.

25 * Sec. 27. AS 33.30.011 is amended to read:

26 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

27 (1) establish, maintain, operate, and control correctional facilities
28 suitable for the custody, care, and discipline of persons charged or convicted of
29 offenses against the state or held under authority of state law;

30 (2) classify prisoners;

31 (3) for persons committed to the custody of the commissioner, establish

1 programs, including furlough programs that are reasonably calculated to

2 (A) protect the public;

3 (B) maintain health;

4 (C) create or improve occupational skills;

5 (D) enhance educational qualifications;

6 (E) support court-ordered restitution; and

7 (F) otherwise provide for the rehabilitation and reformation of
8 prisoners, facilitating their reintegration into society;

9 (4) provide necessary medical services for prisoners in state
10 correctional facilities or to fulfill duties under AS 33.30.071(c) [WHO ARE
11 COMMITTED BY A COURT TO THE CUSTODY OF THE COMMISSIONER];
12 including examinations for communicable and infectious diseases, if a physician or
13 other health care provider, exercising ordinary skill and care at the time of
14 observation, concludes that

15 (A) a prisoner exhibits symptoms of a serious disease or
16 injury that is curable or may be substantially alleviated; and

17 (B) the potential for harm to the prisoner by reason of delay
18 or denial of care is substantial;

19 (5) provide necessary psychological or psychiatric treatment if a
20 physician or other health care provider, exercising ordinary skill and care at the time
21 of observation, concludes that

22 (A) a prisoner exhibits symptoms of a serious disease or injury
23 that is curable or may be substantially alleviated; and

24 (B) the potential for harm to the prisoner by reason of delay or
25 denial of care is substantial; and

26 (6) establish minimum standards for sex offender treatment programs
27 offered to persons who are committed to the custody of the commissioner.

28 * Sec. 28. AS 33.30.011 is amended by adding a new subsection to read:

29 (b) The commissioner is authorized to seek payment for a medical,
30 psychological, or psychiatric service provided under (a) of this section from any
31 source, including the prisoner, the prisoner's health insurance carrier, or any other

1 ~~third-party insurer or payor to cover the services provided by the commissioner on~~
2 ~~behalf of the prisoner. The duty established under (a) of this section does not relieve~~
3 ~~the prisoner or any other person from a duty established by law, contract, or other~~
4 ~~agreement to pay for or provide the services. The department shall adopt regulations~~
5 ~~to interpret and implement this subsection.~~

6 * **Sec. 29.** AS 36.30 is amended by adding a new section to read:

7 **Sec. 36.30.085. LEASE EXTENSIONS AUTHORIZED.** (a) Notwithstanding
8 AS 36.30.080, the department may extend for up to a maximum extension of 10 years
9 a real property lease that is entered into under AS 36.30 or was entered into under
10 former AS 37.05.220 - 37.05.280 and that is in existence as of June 30, 1994 if a
11 minimum cost savings of

12 (1) 10 percent can be achieved on the rent due under the lease; or
13 (2) five percent can be achieved on the rent due under the lease and the
14 lessor agrees to make modifications to the leased real property to bring the real
15 property into compliance with the requirements of 42 U.S.C. 12101 - 12213
16 (Americans with Disabilities Act of 1990).

17 (b) The cost savings under (a) of this section must be calculated on the
18 remaining term of the lease and any renewals, including extensions allowed under (a)
19 of this section.

20 (c) In accordance with AS 36.30.005, the Board of Regents may extend leases
21 for the University of Alaska to the same extent as the department under this section.

22 (d) In accordance with AS 36.30.030, the court system may extend leases for
23 the court system to the same extent as the department under this section.

24 * **Sec. 30.** AS 36.30.320(a) is amended to read:

25 (a) A procurement for (1) supplies, services, or construction that does not
26 exceed an aggregate dollar amount of \$25,000, or (2) lease of space that does not
27 exceed 2,500 square feet with a monthly lease amount that does not exceed \$5,000.
28 may be made in accordance with regulations adopted by the commissioner for small
29 procurements.

30 * **Sec. 31.** AS 37.05.180 is repealed and reenacted to read:

31 **Sec. 37.05.180. TIME LIMITATION ON PAYMENT OF WARRANTS. A**

1 warrant upon the state treasury must be presented for payment to the Department of
2 Revenue within one year after the date of its issuance.

3 * Sec. 32. AS 37.07.040 is amended to read:

4 Sec. 37.07.040. OFFICE OF MANAGEMENT AND BUDGET. The Alaska
5 office of management and budget shall

6 (1) assist the governor in the preparation and explanation of the
7 proposed comprehensive program and financial plan, including the coordination and
8 analysis of state agency goals and objectives, plans, and budget requests;

9 (2) prepare for submission to the governor an annually updated multi-
10 year [SIX-YEAR] capital improvements program in either a fiscal year or priority
11 format and the proposed capital improvements budget for the coming fiscal year[,
12 THE LATTER TO INCLUDE INDIVIDUAL PROJECT JUSTIFICATION WITH
13 DOCUMENTATION OF ESTIMATED PROJECT COST];

14 (3) develop procedures to produce the information needed for effective
15 policy decision making, including procedures to provide for the dissemination of
16 information about plans, programs, and budget requests to be included in the annual
17 budget and opportunity for public review and comment during the period of budget
18 preparation;

19 (4) assist state agencies in their statement of goals and objectives,
20 preparation of plans, budget requests, and reporting of program performance; all
21 documents forwarded by the office to a state agency containing instructions for the
22 preparation of program plans and budget requests and the reporting of program
23 performance are public information after the date they are forwarded;

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

27 (6) provide the legislative finance division with the budget information
28 it may request;

29 (7) provide the legislative finance division with an advance copy of the
30 governor's budget workbooks by the first Monday in January of each year, except that
31 following a gubernatorial election year the advance copy shall be provided by the

1 second Monday in January;

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

8 * Sec. 33. AS 37.07.060 is amended by adding a new subsection to read:

9 (c) Notwithstanding (b) of this section, the reporting requirements of (b)(3)(A)
10 of this section, with respect to the Department of Transportation and Public Facilities,
11 apply only to the governor's capital improvements construction program for the
12 succeeding construction season, budget recommendations for the succeeding fiscal
13 year, and capital improvements construction program for the succeeding six fiscal
14 years. Notwithstanding (b)(3)(A) of this section, with respect to the Department of
15 Transportation and Public Facilities the required report must contain a general
16 description of each project and the source of financing for the project. The
17 requirements of (b)(3)(B) - (H) of this section, with respect to the Department of
18 Transportation and Public Facilities, apply to that department.

19 * Sec. 34. AS 37.25.010(b) is amended to read:

20 (b) An indebtedness arising from a prior year for which the appropriation has
21 lapsed shall be paid from the current year's appropriations, if (1) this expenditure does
22 not exceed the balance lapsed; and (2) the original obligation date is not more than
23 four [TWO] years from the requested date of disbursement.

24 * Sec. 35. AS 39.20.250(a) is amended to read:

25 (a) Terminal leave for unused personal leave shall be allowed upon separation
26 from service. The payment equals the personal leave balance at the date of
27 separation multiplied by the officer's or employee's rate of pay at the date of
28 separation expressed on an hourly basis [COMPENSATION THAT THE OFFICER
29 OR EMPLOYEE WOULD HAVE RECEIVED IF THE OFFICER OR EMPLOYEE
30 HAD REMAINED IN THE SERVICE UNTIL THE EXPIRATION OF THE PERIOD
31 OF UNUSED PERSONAL LEAVE]. A payment of terminal leave to an employee

1 shall be made as a lump sum payment [OR IN INSTALLMENTS OVER A PERIOD
2 OF TIME, AS THE EMPLOYEE ELECTS].

3 * Sec. 36. AS 44.42.050(a) is amended to read:

4 (a) The commissioner may [SHALL] develop [ANNUALLY] a
5 comprehensive, intermodal, long-range transportation priority list and plan for the
6 state consistent with applicable federal laws. [IN DEVELOPING AND REVISING
7 THE STATE PLAN, THE COMMISSIONER SHALL CONSIDER MEANS AND
8 COSTS OF IMPROVING EXISTING MODES AND FACILITIES, STATE AND
9 FEDERAL SUBSIDIES, AND THE COSTS AND BENEFITS OF NEW
10 TRANSPORTATION MODES AND FACILITIES. THE COMMISSIONER SHALL
11 ALSO CONSIDER THE RECOMMENDATION OF THE ALASKA
12 TRANSPORTATION PLANNING COUNCIL.] The plan shall be submitted to the
13 governor for review and approval and submitted by the governor to the legislature.

14 * Sec. 37. AS 44.42.050(b) is amended to read:

15 (b) In developing and revising the plan, the commissioner shall seek public
16 review and evaluation consistent with applicable federal statutes and regulations
17 [BY ANY REASONABLE MEANS AND MAY

18 (1) CONSULT AND COOPERATE WITH OFFICIALS AND
19 REPRESENTATIVES OF THE FEDERAL GOVERNMENT, OTHER
20 GOVERNMENTS, INTERSTATE COMMISSIONS AND AUTHORITIES, LOCAL
21 AGENCIES AND AUTHORITIES, INTERESTED CORPORATIONS AND OTHER
22 ORGANIZATIONS CONCERNING PROBLEMS AFFECTING TRANSPORTATION
23 IN THE STATE; AND

24 (2) REQUEST FROM AN AGENCY OR OTHER UNIT OF THE
25 STATE GOVERNMENT OR OF A POLITICAL SUBDIVISION OF IT, OR FROM
26 A PUBLIC AUTHORITY, THE ASSISTANCE AND DATA THAT MAY BE
27 NECESSARY TO ENABLE THE COMMISSIONER TO CARRY OUT
28 RESPONSIBILITIES UNDER THIS SECTION; EVERY SUCH ENTITY SHALL
29 PROVIDE THE ASSISTANCE AND DATA REQUESTED].

30 * Sec. 38. AS 44.46.025(a) is amended to read:

31 (a) The Department of Environmental Conservation may adopt regulations that

1 prescribe reasonable fees, and establish procedures for the collection of the fees, to
2 cover the applicable direct and indirect costs, not including travel, of inspections,
3 permit preparation and administration, plan review and approval, and other services
4 provided by the department relating to

5 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics
6 under AS 17.20; and public accommodations and facilities under AS 18.35;

7 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
8 46.14.510;

9 (3) sewerage system and treatment works and wastewater disposal
10 systems, and drinking water systems, under AS 46.03.720;

11 (4) oil discharge financial responsibility under AS 46.04.040;

12 (5) oil discharge contingency plans under AS 46.04.030;

13 (6) water and wastewater operator training under AS 46.30;

14 (7) control of solid waste facilities under AS 46.03.020(10) and
15 46.03.100;

16 (8) certification of laboratories conducting environmental analyses of
17 public drinking water systems or of oil or hazardous substances, or conducting other
18 analyses required by the department;

19 (9) certification of federal permits or authorizations under 33 U.S.C.
20 1341, sec. 401 (Clean Water Act);

21 (10) regulating pesticides and broadcast chemicals under
22 AS 46.03.320;

23 (11) the on-site water and sewer system certification and audit
24 program under AS 46.03.026;

25 (12) plans for sewage and industrial waste disposal or treatment
26 under AS 46.03.090;

27 (13) analysis of public water system samples authorized for
28 submission to the department for analysis;

29 (14) regulating motor vehicle fuels to control emissions under
30 AS 46.14.510.

31 * Sec. 39. AS 44.47.050(a) is amended by adding a new paragraph to read:

1 (21) adopt regulations relating to head start programs to maximize the
2 state's ability to administer and enforce program requirements, for fiscal accountability.

3 * Sec. 40. AS 44.47.280 is amended to read:

4 Sec. 44.47.280. ELIGIBILITY OF FAMILIES FOR BENEFITS. The
5 department shall determine the eligibility of families for day care benefits on the basis
6 of the following factors:

7 (1) [NET] income of the family including salary, alimony, child
8 support, retirement benefits, social security, and any other source of income;

9 (2) number of children in the family;

10 (3) whether there is one parent or guardian solely responsible for the
11 care of the family;

12 (4) Repealed

13 (5) other factors found relevant by the department.

14 * Sec. 41. AS 46.03 is amended by adding a new section to read:

15 Sec. 46.03.026. ON-SITE WATER AND SEWER SYSTEM CERTIFICATION
16 AND AUDIT PROGRAM. (a) Notwithstanding any provision of AS 46.03 to the
17 contrary, for bank loans for homes in this state, the department may establish, by
18 regulation, a program to delegate the review and certification of on-site drinking water
19 and sewer systems. Under standards adopted by the department by regulation, the
20 department may delegate the review and certification to engineers who are registered
21 under AS 08.48.

22 (b) If the department establishes a program under (a) of this section, the
23 department shall establish an audit system for the department to monitor and review
24 a statistically significant number of systems certified under that program. An audit
25 must determine compliance with departmental standards for design, installation, and
26 operation in effect at the time of the certification.

27 (c) If the department establishes a program under (a) of this section, the
28 department shall, by regulation, establish fees for services sufficient to make the
29 program self-supporting. The commissioner of administration shall separately account
30 for fees collected under this section that the department deposits in the general fund.
31 The annual estimated balance in the account may be used by the legislature to make

1 appropriations to carry out the purposes of this section.

2 * **Sec. 42.** AS 46.03.720 is amended by adding a new subsection to read:

3 (d) Notwithstanding (a) of this section, department review and approval of
4 plans is not required for the functions specified in (a) of this section if

5 (1) the sewerage system or treatment works, or a part of either, is
6 located in a community or major military facility that has the power or legal authority
7 to review and approve sewerage system or treatment works plans;

8 (2) the community or major military facility has established ordinances
9 or other law to regulate domestic wastewater collections and sewerage which the
10 department has determined are substantially equivalent to department standards in
11 effect at the time of the determination;

12 (3) the community or major military facility has employed an engineer
13 registered under AS 08.48 who will review and approve domestic wastewater
14 collection and sewerage plans under those ordinances or other law;

15 (4) the community or major military facility commits adequate funding
16 or other resources to administer plan review and approvals under this subsection; and

17 (5) the department and the community or major military facility have
18 entered into an agreement under this subsection for delegation of the review and
19 approval of plans under the standards described in this subsection.

20 * **Sec. 43.** AS 28.10.108(b); AS 28.22.041(h); AS 39.20.250(b); and AS 44.42.050(d) are
21 repealed.

22 * **Sec. 44. TRANSITION.** Notwithstanding sec. 47 of this Act, an agency of the state that
23 has regulation adoption authority or that is authorized by this Act to adopt regulations, may
24 proceed to adopt regulations necessary to implement that agency's respective provisions in this
25 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
26 before July 1, 1994.

27 * **Sec. 45.** Sections 1 and 3 of this Act are retroactive to February 18, 1994.

28 * **Sec. 46.** Sections 1, 3, 44, and 45 of this Act take effect immediately under
29 AS 01.10.070(c).

30 * **Sec. 47.** Sections 2 and 4 - 43 of this Act take effect July 1, 1994.