

SENATE BILL NO. 99

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/5/93
Referred: L&C, JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the improvement of state finances through reduction of
2 operating costs of certain state agencies and establishment of certain fees; and
3 providing for an effective date."

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

5 * Section 1. AS 04.11.090(b) is amended to read:

6 (b) The biennial [ANNUAL] beverage dispensary license fee is \$2,500
7 [\$1,250].

8 * Sec. 2. AS 04.11.100(d) is amended to read:

9 (d) The biennial [ANNUAL] fee for a restaurant or eating place license is
10 \$600 [\$300].

11 * Sec. 3. AS 04.11.100(e) is amended to read:

12 (e) A license may be renewed under this section only if the licensee provides
13 evidence to the board's satisfaction that gross receipts from the sale of food upon the
14 licensed premises constitute no less than 50 percent of the gross receipts of the

1 licensed premises for each of the two preceding calendar years [LICENSE YEAR].

2 • Sec. 4. AS 04.11.110(c) is amended to read:

3 (c) The biennial [ANNUAL] club license fee is \$1,200 [\$600].

4 • Sec. 5. AS 04.11.120(c) is amended to read:

5 (c) The biennial [ANNUAL] bottling works license fee is \$500 [\$250].

6 • Sec. 6. AS 04.11.130(d) is amended to read:

7 (d) The biennial [ANNUAL] brewery license fee is \$1,000 [\$500].

8 • Sec. 7. AS 04.11.135(c) is amended to read:

9 (c) The biennial [ANNUAL] brewpub license fee is \$500 [\$250].

10 • Sec. 8. AS 04.11.140(d) is amended to read:

11 (d) The biennial [ANNUAL] winery license fee is \$500 [\$250].

12 • Sec. 9. AS 04.11.150(b) is amended to read:

13 (b) The biennial [ANNUAL] package store license fee is \$1,500 [\$750].

14 • Sec. 10. AS 04.11.160(a) is amended to read:

15 (a) A general wholesale license authorizes the holder to sell alcoholic
16 beverages in the original package, and wine in bulk, in quantities of not less than five
17 gallons. A holder of a general wholesale license may not sell to a person not licensed
18 under this title, except as provided in AS 04.21.040. A holder of a general wholesale
19 license may not sell alcoholic beverages unless any stamps required to be affixed to
20 the package by state or federal law are intact on the package. A wholesaler must
21 obtain a general wholesale license for each distributing point. The biennial
22 [ANNUAL] general wholesale license fee is \$2,000 [\$1,000 FOR THE FIRST
23 \$100,000 OF BUSINESS TRANSACTED], payable at the time of making an original
24 application or an application for renewal. In addition, the following annual fees shall
25 be paid by a holder of a general wholesale license:

<u>Total</u> Business Transacted During <u>Calendar</u> Year	<u>Annual</u> Fee
26 over \$100,000 and not over \$150,000	\$ 500
27 over \$150,000 and not over \$200,000	\$ 1,000
28 over \$200,000 and not over \$250,000	\$ 1,500
29 over \$250,000 and not over \$300,000	\$ 2,000
30 over \$300,000 and not over \$350,000	\$ 2,500

1	over \$350,000 and not over \$400,000	\$ 3,000
2	over \$400,000 and not over \$500,000	\$ 4,000
3	over \$500,000 and not over \$600,000	\$ 5,000
4	over \$600,000 and not over \$700,000	\$ 6,000
5	over \$700,000 and not over \$800,000	\$ 7,000
6	over \$800,000 and not over \$1,000,000	\$ 9,000
7	over \$1,000,000	\$ 10,000

8 * Sec. 11. AS 04.11.160(b) is amended to read:

9 (b) A wholesale malt beverage and wine license authorizes the holder to sell
10 malt beverages and wine in the original packages in quantities of not less than five
11 gallons. The holder of a wholesale malt beverage and wine license may not sell to a
12 person not licensed under this title except as provided in AS 04.21.040. The biennial
13 [ANNUAL] wholesale malt beverage and wine license fee is \$400 [\$200 FOR THE
14 FIRST \$20,000 OF BUSINESS TRANSACTED DURING A YEAR], payable at the
15 time of making an original application or application for renewal. In addition, the
16 following annual fees shall be paid by a holder of a wholesale malt beverage and wine
17 license:

18	<u>Total</u> Business Transacted During <u>Calendar</u> Year	<u>Annual</u> Fee
19	over \$20,000 and not over \$50,000	\$ 300
20	over \$50,000 and not over \$100,000	\$ 1,000
21	over \$100,000 and not over \$150,000	\$ 1,500
22	over \$150,000 and not over \$200,000	\$ 2,000
23	over \$200,000 and not over \$400,000	\$ 4,000
24	over \$400,000 and not over \$600,000	\$ 6,000
25	over \$600,000 and not over \$800,000	\$ 8,000
26	over \$800,000	\$10,000

27 * Sec. 12. AS 04.11.160(c) is amended to read:

28 (c) No later than February 28 of each year [FOLLOWING THE YEAR FOR
29 WHICH A LICENSE HAS BEEN ISSUED UNDER THIS SECTION], the licensee
30 shall file with the board an affidavit showing the total business transacted during the
31 preceding calendar year under the license and the location of the licensed premises

1 at which the business was transacted. At the time of filing the affidavit, the licensee
2 shall pay the additional annual [LICENSE] fees accrued under (a) and (b) of this
3 section during the preceding calendar year.

4 * Sec. 13. AS 04.11.170(c) is amended to read:

5 (c) The biennial [ANNUAL] distillery license fee is \$1,000 [\$500].

6 * Sec. 14. AS 04.11.180(b) is amended to read:

7 (b) The biennial [ANNUAL] fee for a common carrier dispensary license is
8 \$700 [\$350] for each vehicle, boat, aircraft, or railroad buffet car in which alcoholic
9 beverages are served.

10 * Sec. 15. AS 04.11.210(b) is amended to read:

11 (b) The biennial [ANNUAL] fee for a recreational site license is \$800 [\$400].

12 * Sec. 16. AS 04.11.220(d) is amended to read:

13 (d) The biennial [ANNUAL] fee for a pub license is \$800 [\$400].

14 * Sec. 17. AS 04.11.250(a) is amended to read:

15 (a) A conditional contractor's permit authorizes the holder to sell beer or wine
16 for consumption only on designated premises for two years [ONE YEAR] from the
17 date of issuance of the permit at construction sites that are located outside a city and
18 inside the boundaries of a military or naval reservation.

19 * Sec. 18. AS 04.11.250(b) is amended to read:

20 (b) An applicant for a conditional contractor's permit must obtain and file with
21 the board written permission from the commanding officer of the military or naval
22 reservation and the prime contractor of the remotely situated project for the conduct
23 of the activities authorized by the permit. A conditional contractor's permit may be
24 renewed biennially [ANNUALLY] upon reapplication for a permit and may be
25 revoked or suspended at the discretion of the commanding officer or the prime
26 contractor.

27 * Sec. 19. AS 04.11.250(d) is amended to read:

28 (d) The biennial [ANNUAL] conditional contractor's permit fee is \$1,200
29 [\$600].

30 * Sec. 20. AS 04.11.270(a) is amended to read:

31 (a) An application for renewal of a license or renewal of a conditional

1 contractor's permit must include[;]

2 (1) the information required for a new license or permit under
3 AS 04.11.260 except that proof of notice under AS 04.11.310 is not required; and

4 (2) a list of all convictions of the applicant of violations of this title,
5 a regulation adopted under this title, or an ordinance adopted under AS 04.21.010, that
6 occurred in the preceding two calendar years [YEAR].

7 * Sec. 21. AS 04.11.270(b) is repealed and reenacted to read:

8 (b) A license must be renewed as follows:

9 (1) on or before November 1 of each year, the director shall mail a
10 renewal application to each licensee whose license, unless renewed, will expire on
11 December 31 of that year; the application shall be mailed to the licensee at the
12 licensed premises or at a mailing address furnished by the licensee;

13 (2) the licensee shall submit the completed renewal application and the
14 biennial license fee to the director on or before December 31;

15 (3) a renewal application filed after December 31 is delinquent and
16 must be accompanied by a \$200 penalty fee;

17 (4) if December 31 falls on a weekend or a state holiday, the deadline
18 is extended to the first business day following December 31.

19 * Sec. 22. AS 04.11.330(a) is amended to read:

20 (a) An application requesting renewal of a license shall be denied if

21 (1) the board finds, after review of all relevant information, that
22 renewal of the license would not be in the best interests of the public;

23 (2) the license has been revoked for any cause;

24 (3) the applicant has not operated the licensed premises for at least 30
25 eight-hour days during each of the two preceding calendar years [THE
26 IMMEDIATELY PRECEDING CALENDAR YEAR], unless the board determines that
27 the licensed premises are under construction or cannot be operated through no fault of
28 the applicant;

29 (4) the board finds that issuance of an existing license under
30 AS 04.11.400(g) has not encouraged tourist trade;

31 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning.

1 ownership of the license, and financing of the licensee have not been met;

2 (6) renewal of the license would violate the restrictions pertaining to
3 the particular license under this title;

4 (7) renewal of the license is prohibited under this title as a result of an
5 election conducted in accordance with AS 04.11.502;

6 (8) the application has not been completed in accordance with
7 AS 04.11.270;

8 (9) the license was issued under AS 04.11.400(j), and the board finds
9 that the public convenience does not require renewal.

10 * Sec. 23. AS 04.11.330(d) is amended to read:

11 (d) Notwithstanding (a) (3) of this section, a recreational site license issued
12 under AS 04.11.210 may be renewed if the license was exercised at least once during
13 each of the two [THE IMMEDIATELY] preceding calendar years [YEAR].

14 * Sec. 24. AS 04.11.490(b) is amended to read:

15 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
16 section, the board shall be notified immediately after certification of the results of the
17 election and thereafter the board may not issue, renew, or transfer between holders or
18 locations a license for licensed premises located within the boundaries of the [A]
19 municipality and in unincorporated areas within five miles of the boundaries of the
20 municipality or within the perimeter of the [AN] established village. Licenses that
21 may not be renewed because of a local option election held under this section are void
22 90 days after the results of the election are certified. A license that will expire during
23 the 90 days after the results of a local option election under this section are certified
24 may be extended, until it is void under this subsection, by payment of a prorated
25 portion of the biennial [ANNUAL] license fee.

26 * Sec. 25. AS 04.11.492(b) is amended to read:

27 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
28 section, the board shall be notified immediately after certification of the results of the
29 election and thereafter may not issue, renew, or transfer between holders or locations
30 a license for licensed premises located within the boundaries of the [A] municipality
31 and in unincorporated areas within five miles of the boundaries of the municipality,

1 with the exception of a beverage dispensary or package store operated under a
2 community liquor license held by the municipality. Licenses in effect are void 90 days
3 after the results of the election are certified. A license that will expire during the 90
4 days after the results of a local option election under this section are certified may be
5 extended, until it is void under this subsection, by payment of a prorated portion of the
6 biennial [ANNUAL] license fee.

7 * Sec. 26. AS 04.11.496(b) is amended to read:

8 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
9 section, a person, beginning on the first day of the month following certification of the
10 results of the election, may not knowingly send, transport, or bring an alcoholic
11 beverage into the municipality or established village, unless the alcoholic beverage is
12 sacramental wine to be used for bona fide religious purposes based on tenets or
13 teachings of a church or religious body, is limited in quantity to the amount necessary
14 for religious purposes, and is dispensed only for religious purposes by a person
15 authorized by the church or religious body to dispense the sacramental wine. The
16 board shall be notified immediately after certification of the results of the election and
17 thereafter may not issue, renew, or transfer between holders or locations a license for
18 licensed premises located within the boundaries of the municipality and within
19 unincorporated areas within five miles of the boundaries of the municipality or within
20 the perimeter of the established village. Licenses that may not be renewed because of
21 a local option election held under this section are void 90 days after the results of the
22 election are certified. A license that will expire during the 90 days after the results of
23 a local option election under this section are certified may be extended, until it is void
24 under this subsection, by payment of a prorated portion of the biennial [ANNUAL]
25 license fee.

26 * Sec. 27. AS 04.11.498(c) is amended to read:

27 (c) If a majority of the voters of an established village vote "yes" on the
28 question set out in (a) of this section and the sale of alcoholic beverages, or the sale
29 and importation of alcoholic beverages, has not been previously prohibited in the
30 established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning
31 90 days after certification of the results of the election, may not knowingly possess an

1 alcoholic beverage in the established village, unless the person is licensed by the board
2 or the alcoholic beverage is wine to be used for bona fide religious purposes based on
3 tenets or teachings of a church or religious body, is limited in quantity to the amount
4 necessary for religious purposes, and is dispensed only for religious purposes by a
5 person recognized by the church or religious body as authorized to dispense the wine.
6 The board shall be notified immediately after certification of the results of the election
7 and thereafter may not issue, renew, or transfer between holders or locations a license
8 for licensed premises located within the perimeter of the established village as defined
9 in AS 04.21.080(b). Licenses that may not be renewed because of a local option
10 election held under this section are void 90 days after the results of the election are
11 certified. A license that will expire during the 90 days after the results of a local
12 option election under this section are certified may be extended until it is void under
13 this subsection [THE SECTION], by payment of a prorated portion of the biennial
14 [ANNUAL] license fee.

15 * Sec. 28. AS 04.11.498(e) is amended to read:

16 (e) If a majority of the voters of a municipality vote "yes" on the question set
17 out in (a) of this section and the sale of alcoholic beverages, or the sale and
18 importation of alcoholic beverages, has not been previously prohibited in the
19 municipality in accordance with AS 04.11.490 or 04.11.496, an ordinance is adopted
20 that becomes effective beginning 90 days after certification of the results of the
21 election, and a person may not knowingly possess an alcoholic beverage in the
22 municipality, unless the alcoholic beverage is wine to be used for bona fide religious
23 purposes based on tenets or teachings of a church or religious body, is limited in
24 quantity to the amount necessary for religious purposes, and is dispensed only for
25 religious purposes by a person recognized by the church or religious body as
26 authorized to dispense the wine. The board shall be notified immediately after the
27 adoption of the ordinance and thereafter may not issue, renew, or transfer between
28 holders or locations a license for licensed premises located within the boundaries of
29 the municipality and within unincorporated areas within five miles of the boundaries
30 of the municipality. Licenses that may not be renewed because of a local option
31 election held under this section are void 90 days after the results of the election are

1 certified. A license that will expire during the 90 days after the results of a local
2 option election under this section are certified may be extended, until it is void under
3 this ~~subsection~~ [SECTION], by payment of a prorated portion of the ~~biennial~~
4 [ANNUAL] fee.

5 * Sec. 29. AS 04.11.500(b) is amended to read:

6 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
7 section, the board shall be notified immediately after certification of the results of the
8 election and thereafter may not issue, renew, or transfer between holders or locations
9 a license for licensed premises located within the boundaries of the municipality and
10 in unincorporated areas within five miles of the boundaries of the municipality or
11 within the perimeter of the established village, except those types of licenses listed on
12 the ballot. Licenses in effect within the boundaries of the municipality or perimeter of
13 the established village, and in an unincorporated area outside of but within five miles
14 of the boundaries of the municipality, except those types of licenses listed on the
15 ballot, are void 90 days after the results of the election are certified. A license that
16 will expire during the 90 days after the results of a local option election under this
17 section are certified may be extended, until it is void under this subsection, by payment
18 of a prorated portion of the biennial [ANNUAL] license fee.

19 * Sec. 30. AS 04.11.500(c) is amended to read:

20 (c) If the majority of the voters vote "no" on the question set out in (a) of this
21 section or vote "yes" on the questions set out in AS 04.11.490, 04.11.492, 04.11.496,
22 or this section if different types of licenses are listed on the ballot in an election
23 conducted in accordance with AS 04.11.502 after an election in which the voters voted
24 "yes" on the question set out in (a) of this section, the board shall be notified
25 immediately after certification of the results of the election. Licenses in effect in the
26 municipality, in the unincorporated area outside of but within five miles of the
27 boundaries of the municipality or established village that were excepted from the
28 prohibition on sale in accordance with the results of the earlier election are void 90
29 days after the results of the election are certified. Thereafter the board may not issue,
30 renew, or transfer between holders or locations a license for licensed premises located
31 within the boundaries of the municipality or within the perimeter of an established

1 village, or in an unincorporated area within five miles of the boundaries of the
2 municipality, except a license that may be issued to a municipality or to one of the
3 types of licenses listed on the ballot as a result of a majority of the voters voting "yes"
4 on the question set out in AS 04.11.492 or this section, respectively. A license that
5 will expire during the 90 days after the results of a local option election under this
6 section are certified may be extended, until it is void under this subsection, by payment
7 of a prorated portion of the biennial [ANNUAL] license fee.

8 * Sec. 31. AS 04.11.610(a) is amended to read:

9 (a) Biennial [ANNUAL] license fees, excluding annual wholesale fees and
10 biennial wholesale license fees, collected within a municipality shall be refunded
11 semi-annually to the municipality.

12 * Sec. 32. AS 04.11.680(a) is amended to read:

13 (a) Upon application and payment of one-half of the biennial [ANNUAL] fee,
14 the board may issue a license under this title that will be effective for two separate
15 [A CONTINUOUS] six-month periods of continuous duration [PERIOD].
16 Otherwise, all licenses issued under this title other than a retail stock sale license are
17 effective for the two calendar years [YEAR] ending December 31, unless a shorter
18 period is prescribed by the board or by law.

19 * Sec. 33. AS 13.26.410(a) is repealed and reenacted to read:

20 (a) The commissioner of administration may establish by regulation a schedule
21 of reasonable fees for the costs of the public guardian's services. The fee schedule
22 established may be based upon the ability of the ward or protected person to pay for
23 guardian services but may not exceed the actual cost of providing public guardian
24 services. The Office of Public Advocacy shall charge and collect the fees established
25 under this subsection, but may waive collection of a fee upon a finding that collection
26 is not economically feasible or in the public interest.

27 * Sec. 34. AS 13.26.410(c) is amended to read:

28 (c) The public guardian may [SHALL] investigate the financial status of (1)
29 a person who requests the appointment of the public guardian as the person's guardian
30 or conservator; and (2) a ward for whom a court has appointed the public guardian.

31 * Sec. 35. AS 13.26.410 is amended by adding a new subsection to read:

1 (f) The commissioner of administration shall separately account for any fees
2 collected under this section and deposited in the general fund. The annual estimated
3 balance in the fund may be used by the legislature to make appropriations to the
4 Department of Administration to carry out the purposes of AS 44.21.400 - 44.21.410.

5 * Sec. 36. AS 14.43.120(a) is amended to read:

6 (a) Proceeds from a scholarship loan to a full-time student may only be used
7 for books, tuition and required fees, loan guarantee fees, and [FOR] room and board.
8 Proceeds from a scholarship loan to a half-time student may only be used for books,
9 [AND] tuition and required fees, and loan guarantee fees.

10 * Sec. 37. AS 14.43.120(h) is amended to read:

11 (h) Security may not be required for a loan; however, a loan guarantee fee,
12 as specified in (u) of this section, shall be charged at the time that the loan is
13 awarded. Additionally, provision shall be made for payment of all fees and costs
14 incurred in collection of the amount owed on the loan if it becomes delinquent or in
15 default.

16 * Sec. 38. AS 14.43.120 is amended by adding a new subsection to read:

17 (u) A loan guarantee fee of one percent of the total scholarship loan amount
18 shall be assessed upon a scholarship loan that is funded from the student loan fund of
19 the Alaska Student Loan Corporation (AS 14.42.210). The loan guarantee fee shall
20 be added as a finance charge to the total loan amount awarded, notwithstanding the
21 loan limits set out at AS 14.43.110 and 14.43.115. The loan guarantee fees shall be
22 deposited into a guarantee fee account within the student loan fund of the Alaska
23 Student Loan Corporation (AS 14.42.210), and subsequently transferred by the
24 commission to loan accounts within the student loan fund to offset losses incurred due
25 to student loan debt cancellation as a result of death, disability, or bankruptcy of the
26 student.

27 * Sec. 39. AS 14.43.300(a) is amended to read:

28 (a) A scholarship loan to a recipient under A. 4.43.250(b)(1) - (4) or (6) may
29 not exceed \$2,500 a school year for an undergraduate student or \$5,000 a school year
30 for a graduate student, exclusive of loan guarantee fees under (g) of this section, and
31 may not be made to a student for more than six years. A scholarship loan to a

1 recipient under AS 14.43.250(b)(5) may not exceed the cost of tuition and required
2 fees, ~~loan guarantee fees under (g) of this section,~~ books and educational supplies,
3 room and board, and transportation for two round trips between the recipient's home
4 and school each year. A loan under AS 14.43.250(b)(5) may not be made for more
5 than five years of undergraduate study, five years of graduate study, or a combined
6 maximum of eight years of study.

7 * Sec. 40. AS 14.43.300 is amended by adding a new subsection to read:

8 (g) A loan guarantee fee of one percent of the total memorial scholarship loan
9 amount shall be assessed upon a memorial scholarship loan. The loan guarantee fee
10 shall be added as a finance charge to the total loan amount awarded. The loan
11 guarantee fee shall be deposited into a guarantee fee account within the memorial
12 scholarship revolving loan fund, and subsequently transferred by the commission to the
13 appropriate memorial scholarship accounts within the memorial scholarship revolving
14 loan fund to offset losses incurred due to loan debt cancellation as a result of death,
15 disability, or bankruptcy of the student.

16 * Sec. 41. AS 14.43.640(c) is amended to read:

17 (c) A loan may not exceed \$7,500 in a school year, exclusive of loan
18 guarantee fees.

19 * Sec. 42. AS 14.43.640(d) is amended to read:

20 (d) Proceeds from a teacher scholarship loan may be used only for
21 undergraduate expenses of books, tuition, required fees, loan guarantee fees, room and
22 board, and the transportation expense for two round trips between the loan recipient's
23 home and school.

24 * Sec. 43. AS 14.43.740(a) is amended to read:

25 (a) The provisions of AS 14.43.100, 14.43.110, 14.43.115, 14.43.120(a) - (d),
26 (i), (m), [AND] (r) - (u) [T], and 14.43.135 apply to a loan made under
27 AS 14.43.710 - 14.43.790.

28 * Sec. 44. AS 18.60.220 is amended to read:

29 Sec. 18.60.220. DUTIES OF THE DEPARTMENT OF LABOR. The
30 Department of Labor shall

31 (1) have all violators of AS 18.60.180 - 18.60.390 prosecuted;

1 (2) issue, suspend, or revoke for cause, inspection certificates provided
2 for in AS 18.60.390;

3 (3) take action necessary for the enforcement of the laws and
4 regulations governing the use of boilers and unfired pressure vessels;

5 (4) keep a complete record of the type, dimensions, maximum
6 allowable working pressure, age, condition, location, and date of the last recorded
7 internal inspection of boilers and unfired pressure vessels to which AS 18.60.180 -
8 18.60.390 apply;

9 (5) adopt regulations establishing reasonable fees for administering
10 special inspector examinations and for processing applications for special
11 inspector commissions; and

12 (6) do acts necessary to carry out the purposes of AS 18.60.180 -
13 18.60.390.

14 * Sec. 45. AS 18.62.020 is amended to read:

15 Sec 18.62.020. APPLICATION FOR AND ISSUANCE OF CERTIFICATE.

16 The department shall issue certificates of fitness, including renewal certificates, for
17 a time period determined by the department by regulation [VALID FOR ONE
18 YEAR AND CERTIFICATES OF FITNESS VALID FOR THREE YEARS]. The
19 certificate shall be issued only to an individual. An applicant for a certificate shall
20 apply in writing, under oath, on a form prescribed by the department containing

21 (1) the name and address of the applicant;

22 (2) the applicant's age;

23 (3) the applicant's citizenship; and

24 (4) [WHETHER THE APPLICANT IS APPLYING FOR A ONE-
25 YEAR OR A THREE-YEAR CERTIFICATE; AND]

26 (5) other information relevant to licensing that the department requires.

27 * Sec. 46. AS 18.62.030 is repealed and reenacted to read:

28 Sec. 18.62.030. FEES. (a) The department shall adopt regulations establishing
29 reasonable fees for applications, examinations, certificates, renewal certificates, and
30 duplicate certificates.

31 (b) When submitting an application for a certificate of fitness, an applicant

1 shall pay a nonrefundable application and examination fee. After passing the
2 application review and examination, an applicant shall pay a fee for the certificate of
3 fitness and, at the time of renewal, for renewal of that certificate.

4 * Sec. 47. AS 18.65.220 is amended by adding a new paragraph to read:

5 (7) charge and collect reasonable fees, established by the council by
6 regulation, for processing applications for certification of police, probation, parole, and
7 correctional officers, except that no fees may be charged for an application from a
8 person employed by the state in a position that requires certification issued by the
9 council.

10 * Sec. 48. AS 23.15.390 is amended to read:

11 Sec. 23.15.390. FEES. The fee for filing an application for a permit is \$100
12 [\$10]. All fees shall be deposited in the general fund. In addition to paying this fee,
13 all persons conducting employment agencies must comply with the provisions of
14 AS 43.70 (Alaska Business License Act).

15 * Sec. 49. AS 25.24.310 is amended to read:

16 Sec. 25.24.310. REPRESENTATION OF MINOR. (a) In an action involving
17 a question of the custody, support, or visitation of a child, the court may, upon the
18 motion of a party to the action or upon its own motion, appoint an attorney [OR THE
19 OFFICE OF PUBLIC ADVOCACY] to represent a minor with respect to the custody,
20 support, and visitation of the minor or in any other legal proceeding involving the
21 minor's welfare or to represent an unmarried 18-year-old child with respect to post-
22 majority support while the child is actively pursuing a high school diploma or an
23 equivalent level of technical or vocational training and living as a dependent with a
24 parent or guardian or a designee of the parent or guardian. When custody, support,
25 or visitation is at issue in a divorce, it is the responsibility of the parties or their
26 counsel to notify the court that such a matter is at issue. Upon notification, the court
27 shall determine whether the minor or other child should have legal representation or
28 other services and shall make a finding on the record before trial. [IF THE PARTIES
29 ARE INDIGENT OR TEMPORARILY WITHOUT FUNDS, THE COURT SHALL
30 APPOINT THE OFFICE OF PUBLIC ADVOCACY. THE COURT SHALL NOTIFY
31 THE OFFICE OF PUBLIC ADVOCACY IF THE OFFICE IS REQUIRED TO

1 **PROVIDE LEGAL REPRESENTATION OR OTHER SERVICES.]** The court shall
2 enter an order for costs, fees, and disbursements in favor of the state and may further
3 order that other services be provided for the protection of the minor or other child.

4 (b) If custody, support, or visitation is at issue, the order for costs, fees, and
5 disbursements shall be made against either or both parents, except that, if one of the
6 parties responsible for the costs is indigent, the costs, fees, and disbursements for that
7 party shall be borne by the state. **[IF THE PARENTS ARE ONLY TEMPORARILY**
8 **WITHOUT FUNDS, THE OFFICE OF PUBLIC ADVOCACY SHALL PROVIDE**
9 **LEGAL REPRESENTATION OR OTHER SERVICES REQUIRED BY THE**
10 **COURT.]** The attorney general is responsible for enforcing collections owed the state.
11 Repayment shall be made to the Department of Revenue under AS 37.10.050 for
12 deposit in the general fund. The court shall, if possible, avoid assigning costs to only
13 one party by ordering that costs of the minor's legal representation or other services
14 be paid from proceeds derived from a sale of property belonging jointly or individually
15 to both parties, before a division of property is made.

16 (c) Instead of, or in addition to, appointment of an attorney under (a) of this
17 section, the court may, upon the motion of either party or upon its own motion,
18 appoint an attorney or other person **[OR THE OFFICE OF PUBLIC ADVOCACY]** to
19 provide guardian ad litem services to a child in any legal proceedings involving the
20 child's welfare. The court shall require a guardian ad litem when, in the opinion of
21 the court, representation of the child's best interests, to be distinguished from
22 preferences, would serve the welfare of the child. The court in its order appointing a
23 guardian ad litem shall limit the duration of the appointment of the guardian ad litem
24 to the pendency of the legal proceedings affecting the child's interests, and shall
25 outline the guardian ad litem's responsibilities and limit the authority to those matters
26 related to the guardian's effective representation of the child's best interests in the
27 pending legal proceeding. The court shall make every reasonable effort to appoint a
28 guardian ad litem from among persons in the community where the child's parents or
29 the person having legal custody or guardianship of the child's person reside. When
30 custody, support, or visitation is at issue in a divorce, it is the responsibility of the
31 parties or their counsel to notify the court that such a matter is at issue. Upon

1 notification, the court shall determine if a child's best interests need representation or
2 if a minor or other child needs other services and shall make a finding on the record
3 before trial. [IF ONE OR BOTH OF THE PARTIES IS INDIGENT OR
4 TEMPORARILY WITHOUT FUNDS THE COURT SHALL APPOINT THE OFFICE
5 OF PUBLIC ADVOCACY. THE COURT SHALL NOTIFY THE OFFICE OF
6 PUBLIC ADVOCACY IF THE OFFICE IS REQUIRED TO PROVIDE GUARDIAN
7 AD LITEM SERVICES.] The court shall enter an order for costs, fees, and
8 disbursements in favor of the state and may further order that other services be
9 provided for the protection of a minor or other child.

10 * Sec. 50. AS 28.10.071(a) is amended to read:

11 Sec. 28.10.071. REGISTRATION RECORDS AND STATISTICS; STOLEN
12 VEHICLES. (a) The department shall review each application for registration
13 received and, when satisfied that it is correct, register the vehicle and keep a record
14 of the registration in suitable books, index cards, or electronic or photographic
15 recording and storage media, or in any combination of them. [THE RECORD IS
16 REFERRED TO AS THE "VEHICLE REGISTER" AND THE VEHICLES AS
17 "REGISTERED VEHICLES."] The department may compile a record of the number
18 and types of vehicles registered in this state and may make statistical data available
19 to the public for a fee as prescribed in regulations adopted by the commissioner. The
20 department may also provide vehicle registration lists to the public for a fee, but
21 only as an electronic service or product under AS 09.25.115. The commissioner
22 may prescribe, in regulation, fees relating to the provision of vehicle registration
23 lists.

24 * Sec. 51. AS 28.10.181(c) is amended to read:

25 (c) Special request plates. Upon application by the owner of a passenger
26 vehicle, motorcycle, noncommercial van or pick-up truck, or motor home, the
27 department shall design and issue registration plates containing a series of not more
28 than six letters or numbers or combination of letters and numbers as requested by the
29 owner. The department may, in its discretion, disapprove the issuance of registration
30 plates under this subsection when the requested symbols are a duplication of an
31 existing registration or when the symbols are considered unacceptable by the

1 department. The department may also design and have special registration plates
2 depicting Alaska plant life, fish, wildlife, geography, history, or other depictions
3 of Alaska.

4 * Sec. 52. AS 28.10.181(d) is repealed and reenacted to read:

5 (d) Vehicles owned by disabled veterans, including persons disabled in the line
6 of duty while serving in the Alaska Territorial Guard, or other persons with disabilities.
7 Upon the request of a person with a disability that limits or impairs the ability to walk,
8 as defined in 23 C.F.R. 1235.2, the department shall

9 (1) register one passenger vehicle in the name of the person without
10 charge; and

11 (2) issue a specially designed registration plate that displays

12 (A) recognition of the disabled veteran if the applicant's
13 disability originated from the applicant's service with the Alaska Territorial
14 Guard or the armed forces of the United States; or

15 (B) the standard symbol of disability (the wheelchair logo).

16 * Sec. 53. AS 28.10.181(j) is amended to read:

17 (j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer
18 may apply for dealer registration plates. Plates [A PLATE] issued under this
19 subsection may be used only on dealer-owned vehicles during the routine and normal
20 course of the dealer's business, excluding service vehicles, or for transporting an
21 unregistered vehicle from a port of entry to the dealer's facilities or from one dealer
22 to another or, in the case of a house trailer, from the retail facility to a trailer space.
23 Vehicles permitted to have dealer plates must be affixed with two plates issued
24 under this subsection. If the dealer sells or transfers the vehicle, the dealer plates
25 may be used on the vehicle by the new owner or transferee for a period of not more
26 than five days after the sale or transfer. The department may seize the dealer plates
27 if it has reason to believe that the plates are being used to defeat the purposes of, or
28 are in violation of, this chapter.

29 * Sec. 54. AS 28.10.201(b) is amended to read:

30 (b) The owner of a vehicle described in AS 28.10.011 as being exempt from
31 registration and the owner of a snowmobile or off-highway vehicle may not apply for,

1 nor may the department issue, a certificate of title for such a vehicle. However, the
2 department may issue a certificate of title to the owner of a vehicle exempt from
3 registration under AS 28.10.011(3), (6), (7), or (11)[, OR (12)] only upon application
4 by that owner.

5 * Sec. 55. AS 28.10.411(f) is amended to read:

6 (f) A resident 65 years of age or older on January 1 of the year the vehicle is
7 registered is entitled to an exemption once each calendar year from the registration
8 fee required under this section for one motor vehicle subject to registration under
9 AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon
10 written application for the exemption on a form prescribed by the department.

11 * Sec. 56. AS 28.10.421(a) is amended to read:

12 (a) Unless otherwise provided by law,
13 (1) the fees prescribed in this section shall be paid to the department
14 at the times provided under AS 28.10.108 and 28.10.111; and
15 (2) an additional fee of \$10 shall be added to the registration fee
16 set out in this section for registration not conducted by mail; the department may
17 waive this additional fee for a good cause based on criteria established in
18 regulations adopted by the department.

19 * Sec. 57. AS 28.10.421(c) is amended to read:

20 (c) The annual registration fees under this subsection are imposed and are
21 based upon the actual unladen weight as established by the manufacturer's advertised
22 weight or upon the actual weight which the owner shall furnish, subject to the approval
23 of the commissioner or the commissioner's representative, for a vehicle, including a
24 motor vehicle pulling a trailer or semi-trailer, that is registered in the name of a
25 company or business, or is used or maintained for the transportation of passengers
26 for hire, excepting taxicabs and buses under (b) of this section, or for the transportation
27 of property for hire or for other commercial purposes [USE], including [A
28 COMMERCIAL VEHICLE SUCH AS] a trailer, semi-trailer, truck, wrecker, tow car,
29 hearse, ambulance, and tractor, as follows:

- 30 (1) up to and including 5,000 pounds \$51;
31 (2) more than 5,000 pounds to and including 12,000 pounds . . \$86;

- 1 (3) more than 12,000 pounds to and including 18,000 pounds \$156;
2 (4) more than 18,000 pounds \$221.

3 * Sec. 58. AS 28.40.100(a)(21) is amended to read:

4 (21) "vehicle" means a device in, upon, or by which a person or
5 property may be transported or drawn upon or immediately over a highway or
6 vehicular way or area; "vehicle" does not include

7 (A) [EXCEPT] devices used exclusively upon stationary rails or
8 tracks;

9 (B) mobile homes;

10 * Sec. 59. AS 37.05.146(4) is amended by adding a new subparagraph to read:

11 (R) receipts of the group insurance programs established under
12 AS 39.30.090.

13 * Sec. 60. AS 37.05.289(a) is amended to read:

14 (a) There is established in the general fund a state insurance catastrophe
15 reserve account consisting of assets appropriated to it by the legislature, [AND] assets
16 allocated to the account by the Department of Administration as provided in [(b) OF]
17 this section, and amounts deposited into the account as provided in this section.
18 Assets of the account may be used to obtain insurance, to establish reserves for the
19 self-insurance program, and to satisfy claims or judgments arising under the program.
20 Interest earned on money in the account shall be remitted to the Department of
21 Revenue in accordance with AS 37.10.050.

22 * Sec. 61. AS 37.05.289 is amended by adding new subsections to read:

23 (c) The \$5,000,000 cap, set in (b) of this section, on money that may be
24 retained in the state insurance catastrophe reserve account applies only to unobligated
25 money in the account at the end of a fiscal year.

26 (d) Amounts received in settlement of insurance claims or as recovery for
27 losses shall be deposited into the state insurance catastrophe reserve account.

28 * Sec. 62. AS 41.21.020(a) is amended by adding a new paragraph to read:

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

31 * Sec. 63. AS 41.21.026(a) is amended to read:

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

- 3 (1) rental of public use cabins or other overnight lodgings;
- 4 (2) [OVERNIGHT] use of a developed campsite;
- 5 (3) special park use permits;
- 6 (4) competitive and exclusive commercial use permits;
- 7 (5) noncompetitive and nonexclusive commercial use permits;
- 8 (6) use of a sewage holding tank dump station;
- 9 (7) admission to or guided tours of visitor centers and historic sites;

10 [AND]

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

13 (9) sale of firewood;

14 (10) sale of merchandise related to public use, enjoyment, and
15 understanding of parks, including maps, plans, and other graphic materials;

16 (11) use of a developed trailhead, access site, or picnic site that has
17 developed parking and rest rooms, and use of parking associated with a developed
18 trailhead, access site, or picnic site with developed parking; and

19 (12) presentation or attendance at programs related to natural or
20 cultural history, outdoor skills or education, or other topics concerned with public
21 use, enjoyment, or understanding of parks.

22 * Sec. 64. AS 44.21.410(a) is amended to read:

23 (a) The office of public advocacy shall

24 (1) perform the duties of the public guardian under AS 13.26.360 -
25 13.26.410;

26 (2) provide visitors and experts in guardianship proceedings under
27 AS 13.26.131;

28 (3) provide guardian ad litem services to children in child protection
29 actions under AS 47.17.030(e) and to wards and respondents in guardianship
30 proceedings who will suffer financial hardship or become dependent upon a
31 government agency or a private person or agency if the services are not provided at

1 state expense under AS 13.26.112;

2 (4) provide legal representation in guardianship proceedings to
3 respondents who are financially unable to employ attorneys under AS 13.26.106(b),
4 and to indigent parties in cases involving child custody in which the opposing party
5 is represented by counsel provided by a public agency other than the Department of
6 Law |. TO INDIGENT PARENTS OR GUARDIANS OF A MINOR RESPONDENT
7 IN A COMMITMENT PROCEEDING CONCERNING THE MINOR UNDER
8 AS 47.30.775);

9 (5) provide legal representation and guardian ad litem services
10 [UNDER AS 25.24.310;] in cases arising under AS 47.15 (Uniform Interstate Compact
11 on Juveniles); in cases involving petitions [TO ADOPT A MINOR UNDER
12 AS 25.23.125(b) OR PETITIONS] for the termination of parental rights on grounds
13 set out in AS 25.23.180(c)(3); [IN CASES INVOLVING PETITIONS TO REMOVE
14 THE DISABILITIES OF A MINOR UNDER AS 09.55.590;] in children's proceedings
15 under AS 47.10.050(a); and in cases involving indigent persons who are entitled to
16 representation under AS 18.85.100 and who cannot be represented by the public
17 defender agency because of a conflict of interests;

18 (6) develop and coordinate a program to recruit, select, train, assign,
19 and supervise volunteer guardians ad litem from local communities to aid in delivering
20 services in cases in which the office of public advocacy is appointed as guardian ad
21 litem;

22 (7) provide guardian ad litem services in proceedings under
23 AS 12.45.046;

24 (8) establish a fee schedule and collect fees for services provided by the
25 office, except as provided in AS 18.85.120 or when imposition or collection of a fee
26 is not in the public interest as defined under regulations adopted by the commissioner
27 of administration;

28 (9) provide visitors and guardians ad litem in proceedings under
29 AS 47.30.839.

30 * Sec. 65. 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 costs of inspections, permit preparation and
3 administration, plan review and approval, and other [THE FOLLOWING] services
4 provided by the department relating to [:]

5 (1) [INSPECTIONS, PERMIT ADMINISTRATION, PLAN REVIEW
6 AND APPROVAL, AND OTHER RELATED SERVICES PROVIDED] agriculture
7 and animals under AS 03.05; food, drugs, and cosmetics under [.] AS 17.20;[,] and
8 public accommodations and facilities under AS 18.35;

9 (2) [AIR QUALITY PERMITS UNDER AS 46.03.140 AND
10 46.03.160;]

11 (3) hazardous waste management [PERMITS] under AS 46.03.299 and
12 46.03.302;

13 (4) [PLAN APPROVALS AND PERMITS FOR] sewerage system and
14 treatment works and wastewater disposal systems, and [PLAN APPROVALS FOR]
15 drinking water systems, under AS 46.03.720;

16 (5) oil discharge financial responsibility [APPROVALS] under
17 AS 46.04.040;

18 (6) oil discharge contingency plans [PLAN APPROVALS] under
19 AS 46.04.030;

20 (7) water and wastewater operator training under AS 46.30;

21 (8) hazardous waste management facility sites under AS 46.03.313;

22 (9) control of solid waste facilities under AS 46.03.020(10) and
23 under AS 46.03.100;

24 (10) sewage and industrial waste disposal or treatment plans under
25 AS 46.03.090;

26 (11) controlling the application of pesticides and broadcast
27 chemicals under AS 46.03.320;

28 (12) maintaining health and safety at facilities subject to regulation
29 under AS 18.35.220 or AS 44.46.020;

30 (13) certification of laboratories conducting environmental analyses
31 of public drinking water systems or of oil or hazardous substances, or conducting

1 other analyses required by the department;

2 (14) certificates of inspection for motor vehicles under
3 AS 46.03.190;

4 (15) certification of federal permits or authorizations under
5 33 U.S.C. 1341, sec. 401 of the federal Clean Water Act;

6 (16) filing information with the Alaska State Emergency Response
7 Commission (AS 46.13.010), and with any local emergency planning committees
8 approved by the commission, as required by 42 U.S.C. 11022 and 11023; fees
9 under this paragraph must be established in consultation with the Alaska State
10 Emergency Response Commission.

11 * Sec. 66. AS 44.46.025 is amended by adding a new subsection to read:

12 (c) The department may adopt regulations that prescribe reasonable fees to
13 cover the direct and indirect costs of air quality permit programs under AS 46.03.140
14 and AS 46.03.160, and may establish procedures for the collection of those fees.

15 * Sec. 67. AS 47.07.020(b) is amended by adding a new paragraph to read:

16 (11) persons under age 21 not covered under (a) of this section who the
17 department has determined cannot be placed for adoption without medical assistance
18 because of a special need for medical or rehabilitative care and who the department
19 has determined are hard-to-place children eligible for subsidy under AS 25.23.190 -
20 25.23.220.

21 * Sec. 68. AS 47.07.035 is amended by adding a new paragraph to read:

22 (28) individuals under age 21 who the department has determined
23 cannot be placed for adoption without medical assistance because of a special need for
24 medical or rehabilitative care and who the department has determined are hard-to-place
25 children eligible for subsidy under AS 25.23.190 - 25.23.220.

26 * Sec. 69. AS 47.30.775 is amended to read:

27 Sec. 47.30.775. COMMITMENT OF MINORS. The provisions of
28 AS 47.30.700 - 47.30.815 apply to minors. However, all notices required to be served
29 on the respondent in AS 47.30.700 - 47.30.815 shall also be served on the parent or
30 guardian of a respondent who is a minor, and parents or guardians of a minor
31 respondent shall be notified that they may appear as parties in any commitment

1 proceeding concerning the minor and that as parties they are entitled to retain their
2 own attorney [OR HAVE THE OFFICE OF PUBLIC ADVOCACY APPOINTED
3 FOR THEM BY THE COURT]. A minor respondent has the same rights to waiver
4 and informed consent as an adult respondent under AS 47.30.660 - 47.30.915;
5 however, the minor shall be represented by counsel in waiver and consent proceedings.

6 * Sec. 70. AS 13.26.410(b); AS 28.10.011(12), 28.10.181(k); AS 28.22.011(a)(3); and
7 AS 37.05.210(1) are repealed.

8 * Sec. 71. TEMPORARY FEES IN STATE PARKS. (a) The following fees apply for
9 the following activities in units of the state park system until the Department of Natural
10 Resources adopts a regulation under AS 41.21.026, as amended by sec. 62 of this Act, that
11 establishes a fee for that activity:

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

13 (2) use of a developed trailhead, access site, or picnic site that has developed
14 parking and rest rooms, or use of parking associated with a developed trailhead, access site,
15 or picnic site with developed parking: \$2 per vehicle, or \$25 for an annual pass;

16 (3) admission to visitor centers or historic sites: \$1 for each person over 10
17 years of age;

18 (4) presentation or attendance at programs related to natural or cultural history,
19 outdoor skills or education, or other topics concerned with public use, enjoyment, or
20 understanding of parks: \$2 for each person over 10 years of age.

21 (b) The commissioner of natural resources shall notify the revisor of statutes when a
22 regulation is effective that establishes a fee for an activity described in (a) of this section.

23 * Sec. 72. IMPLEMENTATION OF BIENNIAL LICENSURE BY ALCOHOLIC
24 BEVERAGE CONTROL BOARD. (a) Approximately one-half of the applicants for renewal,
25 for 1994, of a license issued by the Alcoholic Beverage Control Board, as determined by the
26 director of the Alcoholic Beverage Control Board, shall be eligible for a one-year license.
27 These licenses expire, unless renewed, on December 31, 1994, and may be renewed biennially
28 in even-numbered years after that. The 1994 renewal fee for these licenses is one-half of the
29 biennial license fee.

30 (b) The remaining approximately one-half of the 1994 renewal applicants, as
31 determined by the director, shall be eligible for a two-year license. These licenses expire,

1 unless renewed, on December 31, 1995, and may be renewed biennially in odd-numbered
2 years after that.

3 (c) The director shall notify each licensee in writing as to whether the licensee shall
4 apply for renewal under (a) or (b) of this section, and of the actual amount of the renewal fee.
5 The notice must be given not later than December 1, 1993. However, the failure of the
6 director to provide the notice required in this subsection does not prevent a license from
7 expiring on February 28, 1994, in accordance with AS 04.11.540, if the renewal application
8 is not filed on or before that date.

9 * Sec. 73. TRANSITION. Notwithstanding secs. 75 - 77 of this Act, an agency of the
10 state that has regulation adoption authority or that is authorized by this Act to adopt
11 regulations, may proceed to adopt regulations necessary to implement that agency's respective
12 provisions in this Act. The regulations take effect under the Administrative Procedure Act,
13 but not before the respective effective date of the relevant section or sections of this Act.

14 * Sec. 74. Sections 71, 72, and 73 of this Act take effect immediately under
15 AS 01.10.070(c).

16 * Sec. 75. Sections 33 - 35 and 44 - 70 of this Act take effect July 1, 1993.

17 * Sec. 76. Sections 1 - 32 of this Act take effect December 31, 1993.

18 * Sec. 77. Sections 36 - 43 of this Act take effect July 1, 1994.