

SENATE BILL NO. 357

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/14/94
Referred: STA, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain study, publication, and reporting requirements by and
2 to state agencies; relating to certain fees for reports; and providing for an
3 effective date."

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

5 * Section 1. AS 05.05.030(a) is amended to read:

6 (a) The commission shall study the semi-professional and professional athletic
7 programs of the state and report biennially in even-numbered years [ANNUALLY]
8 to the governor. The report shall include the recommendations of the commission for
9 the advancement and improvement of athletic programs and activities in the state.

10 * Sec. 2. AS 10.06.955(a) is amended to read:

11 (a) This chapter applies to a domestic corporation organized under former
12 AS 10.05 (the Alaska Business Corporation Act), and to the extent provided in
13 AS 10.06.010, 10.06.020, [10.06.160,] 10.06.233, 10.06.433(g), 10.06.435,
14 10.06.450(d), and 10.06.705 - 10.06.870 to a foreign corporation authorized to do or

1 doing business in this state.

2 * Sec. 3. AS 14.36.010(b) is amended to read:

3 (b) It is the intent of the legislature that

4 (1) a program of community school grants be established to provide
5 assistance to local communities in the initial development, implementation, and
6 operation of community school programs;

7 (2) technical assistance, monitoring, training, and coordination of
8 statewide efforts to develop and operate community school programs be provided by
9 the department;

10 (3) the community school program will become fully operational once
11 a plan of operation has been approved by the commissioner; and

12 (4) evaluation of the approved plan of operation for a community
13 school program shall be conducted by the department in cooperation with the school
14 district at least once every four years; a report of the community school programs
15 evaluated in the preceding two-year period [YEAR] shall be presented by the
16 commissioner to the legislature before the 15th day of each first regular session of the
17 legislature.

18 * Sec. 4. AS 14.40.190 is amended to read:

19 Sec. 14.40.190. REPORT TO LEGISLATURE. The Board of Regents shall
20 make a written report to the legislature at the beginning of each first [ITS] regular
21 session [SESSIONS] of the condition of the university property, of all receipts and
22 expenditures, including [BUT NOT LIMITED TO] the administration and disposition
23 of appropriated and restricted funds, and of the educational and other work performed
24 during the preceding two fiscal years.

25 * Sec. 5. AS 15.13.040(f) is amended to read:

26 (f) During each year in which an election occurs, all businesses, persons, or
27 groups that [WHICH] furnish any of the following services, facilities, or supplies to
28 a candidate or group shall maintain a record of each transaction: newspapers, radio,
29 television, advertising, advertising agency services, accounting, billboards, printing,
30 secretarial, public opinion polls, or research and professional campaign consultation
31 or management, media production or preparation, or computer services. The records

1 shall be maintained on the forms provided and in the manner required by the
2 commission. Within 30 days after each election, the [THE] supplier shall file with
3 the commission a report of the complete record of each transaction with all candidates
4 or groups to whom the supplier provides services, facilities or supplies in excess of
5 \$250 in the aggregate [IN ACCORDANCE WITH AS 15.13.110]. All records shall
6 be available for public inspection.

7 * Sec. 6. AS 15.13.125 is amended to read:

8 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED
9 REPORTS. A person who fails to file a properly completed and certified report within
10 the time required by AS 15.13.040(f) or 15.13.110(a)(1), (3), or (4)
11 [AS 15.13.110(a)(1), (3), (4) OR 15.13.110(d)] is subject to a civil penalty of not more
12 than \$10 a day for each day the delinquency continues as determined by the
13 commission subject to right of appeal to the superior court. A person who fails to file
14 a properly completed and certified report within the time required by
15 AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50
16 a day for each day the delinquency continues as determined by the commission subject
17 to right of appeal to the superior court. An affidavit stating facts in mitigation may
18 be submitted to the commission by a person against whom a civil penalty is assessed.
19 However, the imposition of the penalties prescribed in this section or in AS 15.13.120
20 does not excuse that person from filing reports required by this chapter.

21 * Sec. 7. AS 16.05.130(b) is amended to read:

22 (b) Money accruing to the state from waterfowl conservation tag fees from
23 hunters may not be diverted to a purpose other than (1) the conservation and
24 enhancement of waterfowl; (2) the acquisition, by lease or otherwise of wetlands that
25 are important for waterfowl and public use of waterfowl in the state; (3) waterfowl
26 related projects approved by the commissioner; (4) the administration of the waterfowl
27 conservation program; and (5) emergencies in the state as determined by the governor.
28 The department shall maintain a state waterfowl tag fee account within the fish and
29 game fund to permit separate accounting records for the receipt and expenditure of
30 money derived from the sale of waterfowl tags. The department shall report before
31 [PRIOR TO] April 15 of each even-numbered year [ANNUALLY] to the public and

1 the legislature on the use of money derived from waterfowl conservation tags and
2 limited edition prints.

3 * Sec. 8. AS 16.05.825(c) is amended to read:

4 (c) The department shall employ a method of tagging game birds released
5 under this section and [,] compile harvest statistics [, AND REPORT ITS RESULTS
6 AND FINDINGS TO THE LEGISLATURE ANNUALLY].

7 * Sec. 9. AS 18.65.260(a) is amended to read:

8 (a) The council may accept donations of property, both real and personal, and
9 grants of money from a governmental unit or public agency, or from an institution or
10 person. [AN ARRANGEMENT MADE UNDER THIS SECTION SHALL BE
11 DETAILED IN THE ANNUAL REPORT OF THE COUNCIL. THE REPORT MUST
12 INCLUDE THE IDENTITY OF THE DONOR, THE NATURE OF THE
13 TRANSACTION, AND THE CONDITIONS OF THE GRANT, IF ANY.] All money
14 received by the council under this section shall be deposited in the state treasury to the
15 account of the council.

16 * Sec. 10. AS 18.67.170 is amended to read:

17 Sec. 18.67.170. REPORTS. The board shall prepare and transmit to the
18 governor and legislature, in each odd-numbered year, a biennial [ANNUALLY A]
19 report of its activities under this chapter including a brief description of the facts in
20 each case and the amount of compensation awarded during the preceding two-year
21 period.

22 * Sec. 11. AS 24.45.031(a) is amended to read:

23 (a) In addition to its other duties under this chapter, the commission shall

24 (1) prescribe the forms for registration, reports, statements, notices, and
25 other documents required by this chapter;

26 (2) prepare and publish instructions setting out the methods of
27 accounting, bookkeeping, and preservation of records required to facilitate compliance
28 with and enforcement of this chapter and explaining the duties of persons subject to
29 the provisions of this chapter; the instructions shall be updated periodically;

30 (3) provide assistance to persons in complying with the provisions of
31 this chapter;

1 (4) prepare and publish a biennial [AN ANNUAL] report of its
2 activities, findings, and recommendations under this chapter, which shall be made
3 available to the governor, legislature, and to the public by February 1 of each odd-
4 numbered calendar year;

5 (5) report suspected violations of this chapter to the attorney general.

6 * Sec. 12. AS 26.10.010 is amended to read:

7 Sec. 26.10.010. REGULATIONS [AND REPORTS]. The Department of
8 Military and Veterans' Affairs shall adopt regulations necessary to carry out the
9 purposes of this chapter. [THE DEPARTMENT SHALL SUBMIT A REPORT OF
10 ITS ACTIVITIES RELATING TO VETERANS SERVICES FOR THE PRECEDING
11 YEAR TO THE GOVERNOR BEFORE JANUARY 15 OF EACH YEAR.]

12 * Sec. 13. AS 37.05.210 is amended to read:

13 Sec. 37.05.210. FISCAL REPORTING AND STATISTICS. The Department
14 of Administration shall

15 (1) Repealed

16 (2) file with the governor and with the legislative auditor before
17 December [OCTOBER] 16 a report of the financial transactions of the preceding fiscal
18 year and of the financial condition of the state as of the end of that year, with
19 comments and supplementary data that it considers necessary; this report shall be
20 printed for the information of the legislature and the public;

21 (3) compile statistics necessary for the budget and other statistics
22 required by the governor.

23 * Sec. 14. AS 39.25.195(h) is amended to read:

24 (h) [THE DIRECTOR SHALL PRESENT A REPORT ON
25 NONPERMANENT AND EMERGENCY HIRE PRACTICES IN STATE
26 GOVERNMENT TO THE LEGISLATURE WITHIN THE FIRST 10 DAYS OF
27 EACH REGULAR LEGISLATIVE SESSION.] A hiring department or agency shall
28 certify to the director within 15 working days following the appointment its reasons
29 for appointing an emergency employee. [THE REPORT SHALL INCLUDE
30 INFORMATION ON THE NUMBER OF NONPERMANENT EMPLOYEES
31 AUTHORIZED UNDER THIS SECTION AND THE NUMBER OF EMERGENCY

1 EMPLOYEES HIRED IN EACH DEPARTMENT, A DESCRIPTION OF THE
2 PROCEDURES USED IN AUTHORIZING THE HIRING OF NONPERMANENT
3 EMPLOYEES, AND ANY RECOMMENDATIONS FOR LEGISLATION REQUIRED
4 TO IMPLEMENT THE INTENT OF THIS SECTION.]

5 * Sec. 15. AS 41.15.240 is amended to read:

6 Sec. 41.15.240. RECORDS OF FIRE SUPPRESSION FUND. The department
7 shall maintain accounting records showing the income and expenses of the fire
8 suppression fund. [THE DEPARTMENT SHALL SUBMIT A REPORT ON THE
9 OPERATION OF THE FUND TO THE GOVERNOR AND THE LEGISLATURE NO
10 LATER THAN THE 10TH DAY OF EACH REGULAR SESSION OF THE
11 LEGISLATURE.]

12 * Sec. 16. AS 43.20.014(c) is amended to read:

13 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL
14 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
15 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
16 shall include in its annual operating budget request contributions received and how the
17 contributions were used.

18 * Sec. 17. AS 43.55.019(c) is amended to read:

19 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT OF
20 REVENUE SHALL REPORT TO THE LEGISLATIVE BUDGET AND AUDIT
21 COMMITTEE ON THE CREDITS TAKEN UNDER THIS SECTION.] Each public
22 college and university shall include in its annual operating budget request contributions
23 received and how the contributions were used.

24 * Sec. 18. AS 43.65.018(c) is amended to read:

25 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL
26 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
27 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
28 shall include in its annual operating budget request contributions received and how the
29 contributions were used.

30 * Sec. 19. AS 43.75.018(c) is amended to read:

31 (c) [BY SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL

1 REPORT TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE ON THE
2 CREDITS TAKEN UNDER THIS SECTION.] Each public college and university
3 shall include in its annual operating budget request contributions received and how the
4 contributions were used.

5 * Sec. 20. AS 44.19.035 is amended to read:

6 Sec. 44.19.035. JONES ACT REPEAL. The governor shall use best efforts
7 and all appropriate means to persuade the United States Congress to repeal 46 U.S.C.
8 861, et seq., known as the Jones Act. [UNTIL THAT ACT IS REPEALED, THE
9 GOVERNOR SHALL PUBLISH AN ANNUAL REPORT DOCUMENTING THE
10 HARMFUL EFFECTS OF THE ACT ON ALASKA COMMERCE, AND PROGRESS
11 MADE TOWARDS ITS REPEAL. THE REPORT SHALL BE SUBMITTED TO
12 THE LEGISLATURE NO LATER THAN ITS CONVENING EACH YEAR.]

13 * Sec. 21. AS 44.19.161 is amended to read:

14 Sec. 44.19.161. DUTIES OF THE COUNCIL. In conformity with 16 U.S.C.
15 1451-1464 (Coastal Zone Management Act of 1972), as amended, the council shall

16 (1) through the public hearing process and the recording of the minutes
17 of the hearings, develop guidelines and standards for the preparation of, and approve,
18 in accordance with AS 46.40, the Alaska coastal management program;

19 (2) establish continuing coordination among state agencies to facilitate
20 the development and implementation of the Alaska coastal management program; in
21 carrying out its duties under this paragraph, the council shall initiate an interagency
22 program of comprehensive coastal resource planning for each geographic region
23 described in AS 44.19.155(a)(1);

24 (3) assure continued provision of data and information to coastal
25 resource districts to carry out their planning and management functions under the
26 program;

27 (4) submit biennially [ANNUALLY] to the legislature, no later than
28 the 10th day of each first regular session of the legislature, the portion of the coastal
29 management program approved or amended by the council during the preceding two-
30 year period [YEAR].

31 * Sec. 22. AS 44.19.185 is amended to read:

1 Sec. 44.19.185. ADMINISTRATION. The chairman shall call meetings of the
2 commission and formulate rules of procedure for the meetings. The chairman may
3 request the governor to delegate to administrative departments of the state the duties
4 and functions necessary or desirable in the gathering and compilation of information
5 for the commission, for the implementation of resolutions adopted by the commission,
6 and for the other purposes consistent with the intent of AS 44.19.181 - 44.19.187
7 [AS 44.19.181 - 44.19.188].

8 * Sec. 23. AS 44.19.187 is amended to read:

9 Sec. 44.19.187. EXPENDITURES. The commission may expend appropriated
10 funds for any purpose not inconsistent with the intent of AS 44.19.181 - 44.19.187
11 [AS 44.19.181 - 44.19.188], including[, BUT NOT LIMITED TO,] expenditures for
12 feasibility studies by private firms.

13 * Sec. 24. AS 44.21.315(c) is amended to read:

14 (c) The department shall study, plan, and develop integrated instructional
15 telecommunications services for all residents of the state [, AND SHALL ANNUALLY
16 REPORT ON INSTRUCTIONAL TELECOMMUNICATIONS ACTIVITIES FOR
17 THE CURRENT AND PREVIOUS FISCAL YEAR] and, after public hearings, submit
18 to the governor and the legislature an annually updated long-term development plan
19 prepared in consultation with the Department of Education, the University of Alaska,
20 local school districts, and other local and regional education areas.

21 * Sec. 25. AS 44.21.320(e) is amended to read:

22 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from
23 developing telecommunications systems within its own agency if the agency is in
24 compliance with the state information systems plan adopted by the
25 Telecommunications Information Council and with the agency's own information
26 systems plan and if the commissioner gives written authorization for the agency to
27 engage in its own design, development, management, or operation. The commissioner
28 may authorize independent development only upon a showing of necessity. [A
29 DESCRIPTION OF ALL AUTHORIZATION UNDER THIS SUBSECTION MUST
30 BE INCLUDED IN THE BIENNIAL REPORT REQUIRED UNDER
31 AS 44.21.310(a)(2).]

1 * Sec. 26. AS 44.42.065(a) is amended to read:

2 (a) The department shall, as soon as practicable after July 1, 1980, and at least
3 once every seven years thereafter, perform an energy audit of each public building.
4 [A REPORT OF THE RESULTS OF THE ENERGY AUDITS PERFORMED
5 DURING THE PRECEDING YEAR SHALL BE SUBMITTED TO THE
6 LEGISLATURE NOT LATER THAN FEBRUARY 1 OF EACH YEAR.]

7 * Sec. 27. AS 44.42.065(b) is amended to read:

8 (b) The department shall include in each energy audit [THE REPORT]
9 required by [IN] (a) of this section recommendations for corrective measures to
10 improve the energy efficiency and to minimize the life-cycle cost of the public
11 building [BUILDINGS] surveyed. These measures may include (1) energy
12 conservation measures, (2) measures involving solar technology and other alternative
13 energy systems, (3) energy management, and (4) maintenance and operating procedures
14 and energy-related modifications. In recommending the corrective measures, the
15 department shall give priority to changes in maintenance and operating procedures over
16 measures requiring substantial structural modification or installation of equipment.

17 * Sec. 28. AS 44.68.240 is amended to read:

18 Sec. 44.68.240. RECORDS OF FUND. The Department of Transportation and
19 Public Facilities shall maintain cost accounting records showing the income and
20 expenses of the highways equipment working capital fund. [THE DEPARTMENT
21 SHALL SUBMIT A REPORT ON THE OPERATION OF THE FUND TO THE
22 GOVERNOR AND THE LEGISLATURE AT THE TIME OF SUBMISSION OF THE
23 DEPARTMENTAL BUDGET.]

24 * Sec. 29. AS 46.03.020(11) is amended to read:

25 (11) after consultation with other state agencies and local government
26 officials, identify and propose for addition or deletion, by regulation, other licenses,
27 permits, or authorizations for which the provisions of AS 46.35 are applicable [, AND
28 REPORT ANNUALLY TO THE LEGISLATURE THE PERMITS THAT HAVE
29 BEEN INCLUDED OR DELETED];

30 * Sec. 30. AS 46.03.032(k) is amended to read:

31 (k) The department shall prepare reports required by the federal government

1 in conjunction with federal capitalization grant award conditions. The department shall
2 also provide the Alaska legislature with a biennial [AN ANNUAL] report on the
3 Alaska clean water fund on or before the first day of each first regular
4 [LEGISLATIVE] session of the legislature.

5 * Sec. 31. AS 47.07.040 is amended to read:

6 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL
7 ASSISTANCE. The department shall prepare a state plan in accordance with the
8 provisions of 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act, Medical
9 Assistance) and submit it for approval to the United States Department of Health and
10 Human Services. The plan shall designate that the Department of Health and Social
11 Services is the single state agency to administer this plan. The department shall act
12 for the state in any negotiations relative to the submission and approval of the plan.
13 The department may make those arrangements or regulatory changes, not inconsistent
14 with law, as may be required under federal law to obtain and retain approval of the
15 United States Department of Health and Human Services to secure for the state the
16 optimum federal payment under the provisions of 42 U.S.C. 1396 - 1396p (Title XIX,
17 Social Security Act, Medical Assistance). [IN ADDITION, THE DEPARTMENT
18 SHALL PROVIDE A REPORT TO THE LEGISLATURE NO LATER THAN
19 MARCH 15 OF EACH YEAR CONCERNING THE STATUS OF THIS PROGRAM
20 AND RECOMMENDATIONS, WITH SUPPORTING FISCAL DATA, AS TO ANY
21 CHANGES IN THE COVERAGE OF ELIGIBLE PERSONS OR SERVICES TO BE
22 PROVIDED.]

23 * Sec. 32. AS 47.37.130(d) is amended to read:

24 (d) The division shall maintain, supervise, and control all facilities operated
25 by it subject to the regulations of the department. [THE ADMINISTRATOR OF
26 EACH FACILITY SHALL MAKE AN ANNUAL REPORT OF ITS ACTIVITIES TO
27 THE DIRECTOR IN THE FORM AND MANNER THE DIRECTOR SPECIFIES.]

28 * Sec. 33. AS 47.55.010(c) is amended to read:

29 (c) The Department of Administration shall

30 (1) cooperate with the federal government in matters pertaining to the
31 welfare of Alaskan pioneers, make the reports in the form and containing the

1 information the federal government from time to time desires, and accept funds allotted
2 by the federal government, its agencies or instrumentalities, in establishing, extending
3 and strengthening services for pioneers of Alaska;

4 (2) adopt regulations necessary for the conduct of the business of the
5 Pioneers' Home and for carrying out the provisions of this chapter, require bonds and
6 undertakings from persons employed by it as in its judgment are necessary, and pay
7 the premiums on them, and establish regional and local offices and the advisory groups
8 that are necessary or considered expedient to carry out or assist in carrying out a duty
9 or authority assigned to it;

10 (3) perform all executive or administrative duties necessary and
11 advisable to carry out the purpose of this chapter, including the power to make
12 contracts and to make disbursements on vouchers against funds for the purpose of this
13 chapter, within the limit of funds available;

14 (4) study the needs of Alaska's pioneers and submit recommendations
15 for new regulations and proposed legislation; and

16 (5) prepare a biennial [AN ANNUAL] report to be delivered in even-
17 numbered years to the legislature.

18 * Sec. 34. AS 10.06.160; AS 12.62.017; AS 14.42.030(a)(5); AS 15.13.110(d);
19 AS 18.20.100; AS 19.30.233; AS 24.20.206(5); AS 26.05.190(b); AS 29.60.420(a);
20 AS 37.07.020(d); AS 37.10.050(c); AS 38.05.300(b); AS 39.30.070; AS 39.50.050(d);
21 AS 41.35.360; AS 43.05.010(5); AS 43.40.010(i); AS 43.50.360; AS 44.09.017(c);
22 AS 44.19.144(a)(3), 44.19.145(d)(2), 44.19.188, 44.19.504(a)(4); AS 44.21.310(a)(2);
23 AS 44.41.030; AS 44.82.190; AS 47.07.072; AS 47.10.300(4); AS 47.25.540; AS 47.37.130(f);
24 and AS 47.45.100(4) are repealed.

25 * Sec. 35. TRANSITION. Notwithstanding the changes made by this Act, in the first
26 biennial report that a state agency is required to prepare, provide, or publish under a statute
27 amended by this Act, the agency may include only that data or information for years or parts
28 of years that has not previously been included in a report required under that statute. For
29 subsequent such biennial reports, the state agency shall comply with applicable statutory
30 requirements regarding information that must be included.

31 * Sec. 36. This Act takes effect July 1, 1994.