

CS FOR SENATE BILL NO. 357(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/21/94
Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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 10.06.955(a) is amended to read:

6 (a) This chapter applies to a domestic corporation organized under former
7 AS 10.05 (the Alaska Business Corporation Act), and to the extent provided in
8 AS 10.06.010, 10.06.020, [10.06.160,] 10.06.233, 10.06.433(g), 10.06.435,
9 10.06.450(d), and 10.06.705 - 10.06.870 to a foreign corporation authorized to do or
10 doing business in this state.

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

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

13 (1) a program of community school grants be established to provide
14 assistance to local communities in the initial development, implementation, and

- 1 operation of community school programs;
- 2 (2) technical assistance, monitoring, training, and coordination of
- 3 statewide efforts to develop and operate community school programs be provided by
- 4 the department;
- 5 (3) the community school program will become fully operational once
- 6 a plan of operation has been approved by the commissioner; and
- 7 (4) evaluation of the approved plan of operation for a community
- 8 school program shall be conducted by the department in cooperation with the school
- 9 district at least once every four years [; A REPORT OF THE COMMUNITY
- 10 SCHOOL PROGRAMS EVALUATED IN THE PRECEDING YEAR SHALL BE
- 11 PRESENTED BY THE COMMISSIONER TO THE LEGISLATURE BEFORE THE
- 12 15TH DAY OF EACH REGULAR SESSION OF THE LEGISLATURE].

13 * Sec. 3. AS 14.40.190 is amended to read:

14 Sec. 14.40.190. REPORT TO LEGISLATURE. The Board of Regents shall

15 make a written report to the legislature at the beginning of each first [ITS] regular

16 session [SESSIONS] of the condition of the university property, of all receipts and

17 expenditures, including [BUT NOT LIMITED TO] the administration and disposition

18 of appropriated and restricted funds, and of the educational and other work performed

19 during the preceding two fiscal years.

20 * Sec. 4. AS 15.13.040(f) is amended to read:

21 (f) During each year in which an election occurs, all businesses, persons, or

22 groups that [WHICH] furnish any of the following services, facilities, or supplies to

23 a candidate or group shall maintain a record of each transaction: newspapers, radio,

24 television, advertising, advertising agency services, accounting, billboards, printing,

25 secretarial, public opinion polls, or research and professional campaign consultation

26 or management, media production or preparation, or computer services. The records

27 shall be maintained on the forms provided and in the manner required by the

28 commission. Within 30 days after each election, the [THE] supplier shall file with

29 the commission a report of the complete record of each transaction with all candidates

30 or groups to whom the supplier provides services, facilities or supplies in excess of

31 \$250 in the aggregate [IN ACCORDANCE WITH AS 15.13.110]. All records shall

1 be available for public inspection.

2 * Sec. 5. AS 15.13.125 is amended to read:

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

16 * Sec. 6. AS 16.05.130(b) is amended to read:

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

29 * Sec. 7. AS 16.05.825(c) is amended to read:

30 (c) The department shall employ a method of tagging game birds released
31 under this section and [,] compile harvest statistics [, AND REPORT ITS RESULTS

1 AND FINDINGS TO THE LEGISLATURE ANNUALLY].

2 * Sec. 8. AS 18.65.260(a) is amended to read:

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

11 * Sec. 9. AS 18.67.170 is amended to read:

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

17 * Sec. 10. AS 24.45.031(a) is amended to read:

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

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

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

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

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

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

1 * Sec. 11. AS 26.10.010 is amended to read:

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

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

8 Sec. 37.05.210. FISCAL REPORTING AND STATISTICS. The Department
9 of Administration shall

10 (1) [REPEALED

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

16 (2) [(3)] compile statistics necessary for the budget and other statistics
17 required by the governor.

18 * Sec. 13. AS 39.25.195(h) is amended to read:

19 (h) [THE DIRECTOR SHALL PRESENT A REPORT ON
20 NONPERMANENT AND EMERGENCY HIRE PRACTICES IN STATE
21 GOVERNMENT TO THE LEGISLATURE WITHIN THE FIRST 10 DAYS OF
22 EACH REGULAR LEGISLATIVE SESSION.] A hiring department or agency shall
23 certify to the director within 15 working days following the appointment its reasons
24 for appointing an emergency employee. [THE REPORT SHALL INCLUDE
25 INFORMATION ON THE NUMBER OF NONPERMANENT EMPLOYEES
26 AUTHORIZED UNDER THIS SECTION AND THE NUMBER OF EMERGENCY
27 EMPLOYEES HIRED IN EACH DEPARTMENT, A DESCRIPTION OF THE
28 PROCEDURES USED IN AUTHORIZING THE HIRING OF NONPERMANENT
29 EMPLOYEES, AND ANY RECOMMENDATIONS FOR LEGISLATION REQUIRED
30 TO IMPLEMENT THE INTENT OF THIS SECTION.]

31 * Sec. 14. AS 41.15.240 is amended to read:

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

7 * Sec. 15. AS 43.20.014(c) is amended to read:

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

13 * Sec. 16. AS 43.55.019(c) is amended to read:

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

19 * Sec. 17. AS 43.65.018(c) is amended to read:

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

25 * Sec. 18. AS 43.75.018(c) is amended to read:

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

31 * Sec. 19. AS 44.19.035 is amended to read:

1 Sec. 44.19.035. JONES ACT REPEAL. The governor shall use best efforts
2 and all appropriate means to persuade the United States Congress to repeal 46 U.S.C.
3 861, et seq., known as the Jones Act. [UNTIL THAT ACT IS REPEALED, THE
4 GOVERNOR SHALL PUBLISH AN ANNUAL REPORT DOCUMENTING THE
5 HARMFUL EFFECTS OF THE ACT ON ALASKA COMMERCE, AND PROGRESS
6 MADE TOWARDS ITS REPEAL. THE REPORT SHALL BE SUBMITTED TO
7 THE LEGISLATURE NO LATER THAN ITS CONVENING EACH YEAR.]

8 * Sec. 20. AS 44.19.185 is amended to read:

9 Sec. 44.19.185. ADMINISTRATION. The chair [CHAIRMAN] shall call
10 meetings of the commission and formulate rules of procedure for the meetings. The
11 chair [CHAIRMAN] may request the governor to delegate to administrative
12 departments of the state the duties and functions necessary or desirable in the gathering
13 and compilation of information for the commission, for the implementation of
14 resolutions adopted by the commission, and for the other purposes consistent with the
15 intent of AS 44.19.181 - 44.19.187 [AS 44.19.181 - 44.19.188].

16 * Sec. 21. AS 44.19.187 is amended to read:

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

21 * Sec. 22. AS 44.21.315(c) is amended to read:

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

29 * Sec. 23. AS 44.21.320(e) is amended to read:

30 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from
31 developing telecommunications systems within its own agency if the agency is in

1 compliance with the state information systems plan adopted by the
2 Telecommunications Information Council and with the agency's own information
3 systems plan and if the commissioner gives written authorization for the agency to
4 engage in its own design, development, management, or operation. The commissioner
5 may authorize independent development only upon a showing of necessity. [A
6 DESCRIPTION OF ALL AUTHORIZATION UNDER THIS SUBSECTION MUST
7 BE INCLUDED IN THE BIENNIAL REPORT REQUIRED UNDER
8 AS 44.21.310(a)(2).]

9 * Sec. 24. AS 44.42.065(a) is amended to read:

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

15 * Sec. 25. AS 44.42.065(b) is amended to read:

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

25 * Sec. 26. AS 44.68.240 is amended to read:

26 Sec. 44.68.240. RECORDS OF FUND. The Department of Transportation and
27 Public Facilities shall maintain cost accounting records showing the income and
28 expenses of the highways equipment working capital fund. [THE DEPARTMENT
29 SHALL SUBMIT A REPORT ON THE OPERATION OF THE FUND TO THE
30 GOVERNOR AND THE LEGISLATURE AT THE TIME OF SUBMISSION OF THE
31 DEPARTMENTAL BUDGET.]

1 * Sec. 27. AS 46.03.020(11) is amended to read:

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

7 * Sec. 28. AS 46.03.032(k) is amended to read:

8 (k) The department shall prepare reports required by the federal government
9 in conjunction with federal capitalization grant award conditions. The department shall
10 also provide the Alaska legislature with a biennial [AN ANNUAL] report on the
11 Alaska clean water fund on or before the first day of each first regular
12 [LEGISLATIVE] session of the legislature.

13 * Sec. 29. AS 47.07.040 is amended to read:

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

31 * Sec. 30. AS 47.37.130(d) is amended to read:

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

5 * Sec. 31. AS 47.55.010(c) is amended to read:

6 (c) The Department of Administration shall

7 (1) cooperate with the federal government in matters pertaining to the
8 welfare of Alaskan pioneers, make the reports in the form and containing the
9 information the federal government from time to time desires, and accept funds allotted
10 by the federal government, its agencies or instrumentalities, in establishing, extending
11 and strengthening services for pioneers of Alaska;

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

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

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

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

26 * Sec. 32. AS 05.05.030(a); AS 10.06.160; AS 12.62.017; AS 14.42.030(a)(5);
27 AS 15.13.110(d); AS 18.20.100; AS 19.30.233; AS 24.20.206(5); AS 26.05.190(b);
28 AS 29.60.420(a); AS 37.07.020(d); AS 37.10.050(c); AS 38.05.300(b); AS 39.30.070;
29 AS 39.50.050(d); AS 41.35.360; AS 43.05.010(5); AS 43.40.010(i); AS 43.50.360;
30 AS 44.09.017(c); AS 44.19.144(a)(3), 44.19.145(d)(2), 44.19.161(4), 44.19.188,
31 44.19.504(a)(4); AS 44.21.310(a)(2); AS 44.41.030; AS 44.82.190; AS 47.07.072;

1 AS 47.10.300(4); AS 47.25.540; AS 47.37.130(f); and AS 47.45.100(4) are repealed.

2 * Sec. 33. TRANSITION. Notwithstanding the changes made by this Act, in the first
3 biennial report that a state agency is required to prepare, provide, or publish under a statute
4 amended by this Act, the agency may include only that data or information for years or parts
5 of years that has not previously been included in a report required under that statute. For
6 subsequent such biennial reports, the state agency shall comply with applicable statutory
7 requirements regarding information that must be included.

8 * Sec. 34. This Act takes effect July 1, 1994.