

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

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered: 5/7/94
Referred: Finance**

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 21.89.070(b) is amended to read:

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

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

25 (a) In addition to its other duties under this chapter, the commission shall
26 (1) prescribe the forms for registration, reports, statements, notices, and
27 other documents required by this chapter;
28 (2) prepare and publish instructions setting out the methods of
29 accounting, bookkeeping, and preservation of records required to facilitate compliance
30 with and enforcement of this chapter and explaining the duties of persons subject to
31 the provisions of this chapter; the instructions shall be updated periodically;

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

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

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

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

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

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

15 Sec. 37.05.210. FISCAL REPORTING AND STATISTICS. The Department
16 of Administration shall

17 (1) [REPEALED

18 (2)] file with the governor and with the legislative auditor before
19 December [OCTOBER] 16 a report of the financial transactions of the preceding fiscal
20 year and of the financial condition of the state as of the end of that year, prepared in
21 accordance with generally accepted accounting principles and audited by the
22 legislative auditor in accordance with generally accepted audit standards, with
23 comments and supplementary data that the Department of Administration [IT]
24 considers necessary; this report shall be printed for the information of the legislature
25 and the public;

26 (2) [(3)] compile statistics necessary for the budget and other statistics
27 required by the governor.

28 * Sec. 14. AS 37.17.090(j) is amended to read:

29 (j) The board of directors shall provide a written report of its activities and
30 finances for the previous state fiscal year to the governor and the legislature no later
31 than December 16 [JANUARY 30] each year.

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

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

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

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

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

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

20 * Sec. 18. AS 43.56.018(c) is amended to read:

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

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

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

1 * Sec. 20. AS 43.75.018(c) is amended to read:

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

7 * Sec. 21. AS 44.19.035 is amended to read:

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

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

16 Sec. 44.19.185. ADMINISTRATION. The chairman shall call meetings of the
17 commission and formulate rules of procedure for the meetings. The chairman may
18 request the governor to delegate to administrative departments of the state the duties
19 and functions necessary or desirable in the gathering and compilation of information
20 for the commission, for the implementation of resolutions adopted by the commission,
21 and for the other purposes consistent with the intent of AS 44.19.181 - 44.19.187
22 [AS 44.19.181 - 44.19.188].

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

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

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

29 (c) The department shall study, plan, and develop integrated instructional
30 telecommunications services for all residents of the state [, AND SHALL ANNUALLY
31 REPORT ON INSTRUCTIONAL TELECOMMUNICATIONS ACTIVITIES FOR

1 THE CURRENT AND PREVIOUS FISCAL YEAR] and, after public hearings, submit
2 to the governor and the legislature an annually updated long-term development plan
3 prepared in consultation with the Department of Education, the University of Alaska,
4 local school districts, and other local and regional education areas.

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

6 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from
7 developing telecommunications systems within its own agency if the agency is in
8 compliance with the state information systems plan adopted by the
9 Telecommunications Information Council and with the agency's own information
10 systems plan and if the commissioner gives written authorization for the agency to
11 engage in its own design, development, management, or operation. The commissioner
12 may authorize independent development only upon a showing of necessity. [A
13 DESCRIPTION OF ALL AUTHORIZATION UNDER THIS SUBSECTION MUST
14 BE INCLUDED IN THE BIENNIAL REPORT REQUIRED UNDER
15 AS 44.21.310(a)(2).]

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

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

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

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

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

2 Sec. 44.68.240. RECORDS OF FUND. The Department of Transportation and
3 Public Facilities shall maintain cost accounting records showing the income and
4 expenses of the highways equipment working capital fund. [THE DEPARTMENT
5 SHALL SUBMIT A REPORT ON THE OPERATION OF THE FUND TO THE
6 GOVERNOR AND THE LEGISLATURE AT THE TIME OF SUBMISSION OF THE
7 DEPARTMENTAL BUDGET.]

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

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

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

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

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

21 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL
22 ASSISTANCE. The department shall prepare a state plan in accordance with the
23 provisions of 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act, Medical
24 Assistance) and submit it for approval to the United States Department of Health and
25 Human Services. The plan shall designate that the Department of Health and Social
26 Services is the single state agency to administer this plan. The department shall act
27 for the state in any negotiations relative to the submission and approval of the plan.
28 The department may make those arrangements or regulatory changes, not inconsistent
29 with law, as may be required under federal law to obtain and retain approval of the
30 United States Department of Health and Human Services to secure for the state the
31 optimum federal payment under the provisions of 42 U.S.C. 1396 - 1396p (Title XIX,

1 Social Security Act, Medical Assistance). [IN ADDITION, THE DEPARTMENT
2 SHALL PROVIDE A REPORT TO THE LEGISLATURE NO LATER THAN
3 MARCH 15 OF EACH YEAR CONCERNING THE STATUS OF THIS PROGRAM
4 AND RECOMMENDATIONS, WITH SUPPORTING FISCAL DATA, AS TO ANY
5 CHANGES IN THE COVERAGE OF ELIGIBLE PERSONS OR SERVICES TO BE
6 PROVIDED.]

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

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

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

13 (c) The Department of Administration shall

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

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

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

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

31 (5) prepare a biennial [AN ANNUAL] report to be delivered in even-

1 numbered years to the legislature.

2 * **Sec. 34.** AS 05.05.030(a); AS 10.06.160; AS 12.62.017; AS 14.42.030(a)(5);
3 AS 15.13.110(d); AS 18.20.100; AS 19.30.233; AS 24.20.206(5); AS 26.05.190(b);
4 AS 29.60.420(a); AS 37.07.020(d); AS 37.10.050(c); AS 38.05.300(b); AS 39.30.070;
5 AS 39.50.050(d); AS 41.35.360; AS 43.05.010(5); AS 43.40.010(i); AS 43.50.360;
6 AS 44.09.017(c); AS 44.19.144(a)(3), 44.19.145(d)(2), 44.19.161(4), 44.19.188.
7 44.19.504(a)(4); AS 44.21.310(a)(2); AS 44.41.030; AS 44.82.190; AS 47.07.072;
8 AS 47.10.300(4); AS 47.25.540; AS 47.37.130(f); and AS 47.45.100(4) are repealed.

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

15 (b) The legislative audit requirement of AS 37.05.210(1), as amended by sec. 13 of
16 this Act, applies to reports relating to state fiscal year 1995 and thereafter.

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