

Offered: 3/21/86
Referred: Finance

Original sponsor: Cotten

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 689 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to required equipment on and the
7 transportation of certain loads by, motor vehicles."

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

9 * Section 1. AS 28.35 is amended by adding new sections to read:

10 Sec. 28.35.251. CONTAINED OR CONFINED LOADS. (a) A person may
11 not drive a motor vehicle loaded with sand, gravel, rock, or similar
12 materials on a highway unless

13 (1) the load is contained or confined to prevent the load
14 from dropping, shifting, leaking, or escaping, except that sand or
15 other substances may be dropped, sprinkled, or sprayed for the purpose
16 of cleaning or maintaining the highway or providing traction; and

17 (2) the load is subjected to treatment by methods, approved
18 by the commissioner by regulation, designed to settle the load or
19 remove loose material before the vehicle is driven on the highway.

20 (b) If a cover is used to contain or confine a load being driven
21 on a highway, the cover shall be securely fastened to prevent the
22 cover from becoming loose or detached, or from being a hazard to other
23 users of the highway.

24 Sec. 28.35.253. ANTI-SPRAY DEVICES REQUIRED. A person may not
25 drive a motor vehicle on a highway unless the vehicle is equipped with
26 fenders, mud flaps, or other anti-spray devices adequate to prevent
27 the vehicle from being a hazard to other users of the highway.

28 Sec. 28.35.255. PENALTY. A person convicted of violating
29 AS 28.35.251 or 28.35.253 is guilty of an infraction.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 689 (Jud)
 Title : "An Act relating to motor vehicles."
 Sponsor : Rep. Cotten
 Requestor : House Finance
 Date of Request : 4/02/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Alaska State Troopers
 Components : Detachments and CIB

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact is anticipated.

Prepared by: Kathy Niles, Admin Assistant Phone: 465-4336
 Division: Commissioner's Office Date: 4/2/86

Approved by Commissioner: [Signature] Date: 4/2/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 689 (Jud)

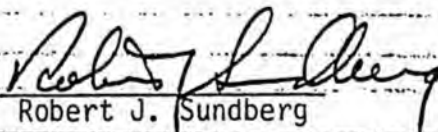
Support

April 2, 1986

CSHB 689 (Jud) - "An Act relating to required equipment on and the transportation of certain loads by motor vehicles."

Our interpretation of this legislation is that it is an attempt to prevent damage often caused to private vehicles from gravel, rocks and like items falling from uncovered commercial vehicle loads.

The new provisions provided by this statute will be enforced during our current patrol activities. While no additional enforcement effort is anticipated, this statute will add strength to the current provisions.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. HB689 (SUD)
 Title : "An Act relating to motor vehicles."

 Sponsor : Rep. Cotten
 Requestor : H. Transportation
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Alaska State Troopers

 Components : Detachments and CIR

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact is anticipated.

Prepared by : Francis C. Allan *F.C.A.* Phone : 269-5691
 Division : Alaska State Troopers Date : 2/25/86

Approved by Commissioner : William J. Sundberg Date : 2-27-86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

H B 689

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Support

February 25, 1986

HB689 - "An Act relating to motor vehicles."

Our interpretation of this legislation is that it is an attempt to prevent damage often caused to private vehicles from gravel, rocks and like items falling from uncovered commercial vehicle loads.

The new provisions provided by this statute will be enforced during our current patrol activities. While no additional enforcement effort is anticipated, this statute will add strength to the current provisions.


Robert J. Sundberg
Commissioner

MEMORANDUM

State of Alaska

TO: Major Walter J. Gilmore
Field Enforcement Commander
Alaska State Troopers

DATE: 5/20/85

FILE NO:

TELEPHONE NO: 745-5258

FROM: Captain Terry McConnaughey
Commander, B Detachment
Alaska State Troopers

SUBJECT: Bail Schedule -
Karla L. Forsythe Letter

I would like to take this opportunity to offer the following comments on the letter from Karla Forsythe, re: uncovered loads.

The letter addresses the use of 13 AAC 02.530(d) and possible bail schedule modification as an enforcement tool for uncovered loads and is in error in several areas.

The majority of the complaints generated from the public are as a direct result of property damage (broken windshields, etc.) caused by gravel trucks, and the victim's inability to identify the responsible person or collect just compensation.

As it stands now, the State had no regulation requiring that gravel loads be covered or tarped; instead, a vehicle that spills a load is usually cited under 17 AAC 25.040(a) or (b) with a bail of \$50.00.

Representative Cotten's concerns are certainly valid, the penalties are not sufficient for the offense, especially considering the safety hazard, property damage, and inconvenience cause to the general public. The entire traffic regulations and bail schedule are in dire need of revision. As you know, we no longer have any commercial vehicle regulations. All enforcement tools expired with the Alaska Transportation Commission, making many needed enforcement areas impossible.

I think that a mandatory court appearance for violations of 13 AAC 02.530(d) or 17 AAC 25.040(a) or (b) will do very little to correct the problem at hand, as the magistrates generally hesitate to convict and levy substantial fines. For example, recently a Palmer magistrate reduced a statutorily mandated fine after a conviction on an overloaded commercial vehicle from over \$2,000.00 to \$150.00. I also believe that a law requiring tarps on gravel loads would be counter-productive, that the flapping tarps could very well aggravate the problem. The fines are causing the complaints and problems are not coming from the tarp on loads in most cases. They are instead being released from worn gears, broken off of under-carriages, rails, and spread and propelled by prevailing wind.

Major Walter Gilmour
Karla Forsythe letter
5/20/85
Page 2

AS

To correct this problem that has been causing Representative Cotten's constituents to complain, the law need a complete revision in the area dealing with anti-spray devices (fenders and flaps), unsafe vehicles, failure to contain loads, etc.

TM:kf

cc: Trooper Bud Dial
Trooper Mark Troutman

MEMORANDUM

State of Alaska

TO: Col. Michael C. Kolivosky
Director

DATE: January 27, 1986

FILE NO:

TELEPHONE NO:

FROM: Capt. T. McConnaughey *T.MC*
Commander, B Detachment

SUBJECT: B.V.E. Statistics
1/1/85-1/1/86

During the calendar year 1985, B Detachment, in cooperation with APD, formed the AST/APD Metro Truck Team for BVE Enforcement in the Anchorage bowl area, Palmer, Wasilla, Girdwood and Portage areas. The statistics are as follows:

1.	Trucks weighed	609
2.	Trucks measured	83
3.	Trucks off loaded	27
4.	Trucks out of service	364
5.	Citations for overweight	357
6.	Citations for oversize	7
7.	Citations-other violations	1103
8.	Equipment compliance checks	317
9.	Pounds overweight	: 2,016,544
	(at 5 cents a pound = \$100,827.20)	
10.	Hours portable scales	458

The AST/APD Metro Truck Unit was formed and put into operation in March, 1985, and was taken out of operation in September of 1985, reallocation of manpower necessitated B Detachment's discontinuance in the program. During the time of the program it did very well as indicated by the statistics.

In August 1985, the Glenn inbound scale went out of service and still is to this date, (1/24/86). The AST/APD Metro Unit was the only enforcement/weighing authority for truck traffic coming into the Anchorage area on the Glenn Highway from the north.

TM/sjm

cc: Major Walter J. Gilmour

Attachments: Yearly Statistic Form



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 7, 1986

MEMORANDUM

TO: Representative Sam Cotten

FROM: Jay Livey *JL*
Legislative Analyst

RE: Other States Regulations Concerning the Transportation of
Loose Fill Material
Research Request 86-124

You asked that we provide you with a summary of how other states regulate the operation of gravel trucks, particularly with regard to the covering of loads. The American Automobile Association (AAA) is providing us with a summary of state motor carrier laws compiled by the Canvas Products Association International. We will forward a copy of this summary to you upon its receipt.

Mr. Tom Kube of the AAA noted that this summary groups state laws relating to the transportation of loose fill material into several categories, the strictest of which includes states that require loads to be covered in most instances. Mr. Kube identified eight states that were assigned to this category: Florida, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire and New York.

Florida and New Hampshire require all loads of loose fill to be covered in all circumstances. Mississippi, New York and Michigan require the load to be covered if the load is less than six inches below the top of the sides, front and back of the truck bed. Massachusetts law requires the load to be covered if it is not loaded in a way to prevent it from escaping. Nebraska requires a load to be covered if the material protrudes above the truck sides and Missouri requires a cover if the load can reasonably be expected to blow out of the truck. Copies of statutes from these states are attached.

We also contacted the motor carrier regulatory agencies of several states. Wyoming, Vermont and Pennsylvania all require loose fill loads to be loaded so that they do not spill out of the truck. If a cover is necessary to assure this, the driver will be cited if a cover is not used and the load spills. Tennessee requires a load to be covered if the top of the load is within four inches from the top of the truck sides. Colorado, Montana, Iowa, California and Arizona have laws that

Representative Cotten
March 7, 1986
Page Two

allow peace officers to cite drivers if a spill occurs, but there are no requirements that the load be covered.

Enforcement within these states varies, although generally, any peace officer with the authority to enforce state laws can issue citations if material is spilled on the road. Enforcement officers of several states noted that laws directed toward spills on the roadway are not very effective in controlling material blowing out of a truck unless the quantity of material lost is significant. Most of the states we contacted also had vehicle inspection programs which periodically checked commercial trucks for safety hazards. This inspection includes mudflaps, tailgates and truck beds which can all cause loose fill loads to fly off the truck if in disrepair.

We have also attached a copy of House Research Memorandum 84-116, "Hazardous Debris from Commercial Vehicles."

I hope this information will be helpful. If you require additional information, please contact us.

JL

Attachments



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 463-3991

May 25, 1984

MEMORANDUM

TO: Representative Barbara Lacher
FROM: Gretchen *G. Keiser*, Legislative Analyst
RE: Hazardous Debris from Commercial Vehicles
Research Request No. 84-116

Ann Plunkett of your staff requested this agency to investigate options for reducing the hazard of debris and construction materials, particularly gravel, which fly off commercial vehicles traveling on Alaska's roads. We were also asked to consider the practicality of enforcing the various options presented.

In summary, options for minimizing the problem of debris/gravel flying off commercial vehicles appear to be rather straightforward. As practical solutions, the truck driver can: 1) ensure that the truck is properly loaded; 2) secure the load in the bed of the truck; 3) ensure that tailgates, or bottom gates in the case of belly dump gravel trucks, are properly functioning and engaged; 4) clear the ledge around the bed of the truck; and 5) maintain proper anti-spray devices, or "mud flaps", behind the rear wheels. Furthermore, officials could increase enforcement of existing laws and regulations which address several of the above measures; however, this would likely divert enforcement effort from other priorities. Finally, the driver of a vehicle following the truck can: 1) allow for a greater distance between vehicles; and 2) seek compensation from the truck owner for damages caused by flying debris.

Truck Operator Measures

The uncontrolled release of gravel from a truck while in transit stems primarily from loose gravel falling off the ledges, spinning-off the top of the load in the bed, or leaking from partially sprung tailgates or bottomgates which no longer engage properly. In addition, gravel entrained in the tire treads can be sprayed toward the rear if the truck is not equipped with mud flaps. Making sure that a truck is not overloaded and cleaning the rig at the pit are reasonable measures to pursue. According to Bill Synder of the Association of General Contractors (AGC), AGC is aware of the problem and has conducted an educational campaign this spring in its weekly bulletin to its members urging

Representative Lacher
May 25, 1984
Page 3

Safety Hazard Program by the Alaska Transportation Commission, the weigh station inspectors can pull over vehicles until the condition is corrected.¹ Mr. Aves Thompson, Chief of Permits and Weigh Stations in DCED, interpreted a sprung tailgate or bottomgate on a gravel truck as an unsecured load that would be a violation covered under this program. Mr. Thompson stated that he receives complaints regarding the gravel hazard. His division recently cooperated with the State Troopers in an inspection operation between Palmer and Anchorage. The Troopers used the weigh station for inspection of trucks and noted problems with tailgates and gravel on ledges. In general, the State Troopers enforce the vehicle laws and regulations as much as they are able during their highway patrols, given their staffing and other responsibilities of higher priority.²

The Department of Environmental Conservation (DEC) has anti-littering enforcement authority under the Recycling and Reduction of Litter Law (AS 46.06; attached).³ DEC routinely applies the secured load provision of the law in the issuance of warnings and citations to drivers of trucks carrying loads of construction material scraps [AS 46.06.080(b)]. However, the statute is somewhat ambiguous with respect to gravel loads because it exempts "mining products" from the secured load provision but fails to define mining products. DEC has not sought a legal opinion on this point. The department has focused primarily on the problem of litter in its common form (i.e., refuse) and has chosen not to enforce the gravel situation because of the ambiguity.

To our knowledge, the Municipality of Anchorage is the only local government to address the litter/debris situation with a local ordinance.⁴ The "covered load ordinance" enacted in the fall of 1983 has been very successful in tackling the problem of unsecured loads

¹CSSB 491 would give the department the authority to issue citations under AS 45.75.130. The bill is awaiting action in the House Labor and Commerce Committee.

²1st Sergeant Young, Alaska State Troopers Headquarters, Anchorage. Personal Communication, May 23, 1984.

³A bill (CSSB 500) to extend the litter law, which terminates on July 1, 1984, is currently in House Rules awaiting scheduling for floor action.

⁴The Fairbanks North Star Borough Assembly is considering a revision to its solid waste ordinance which would require covered or secured loads.

Introduced: 2/17/86
Referred: Transportation
Judiciary and Finance

1 IN THE HOUSE

BY COTTEN

2

HOUSE BILL NO. 689

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to motor vehicles."

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

8 * Section 1. AS 28.35 is amended by adding a new section to read:

9 Sec. 28.35.165. MOTOR VEHICLE OPERATING RESTRICTIONS. (a) A
10 person may not drive a loaded motor vehicle on a highway unless

11 (1) the load is contained or confined to prevent the load
12 from dropping, shifting, leaking, or escaping, except that sand may be
13 dropped for the purpose of securing traction, and water or another
14 substance may be sprinkled in cleaning or maintaining a roadway;

15 (2) a cover used to contain or confine the load is securely
16 fastened to prevent the cover from becoming loose or detached, or
17 being a hazard to other users of the highway;

18 (3) a load consisting of gravel, sand, or other loose
19 material is subjected to treatment by methods, approved by the commis-
20 sioner by regulation, designed to settle the load or remove loose
21 material before the vehicle is driven on the highway.

22 (b) A person may not drive a motor vehicle on a highway unless
23 the vehicle is equipped with fenders, mud flaps, or other anti-spray
24 devices adequate to prevent the vehicle from being a hazard to other
25 users of the highway.

26 (c) A person charged with violating this section shall appear in
27 court to enter a plea to the offense. A person convicted of violating
28 this section may be punished by a fine of not more than \$500.

STATE OF ALASKA

THE LEGISLATURE

1984

Source

HCR 56

Legislative
Resolve No.

56



Relating to appropriations for program receipts.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Article IX, sec. 13, of the state constitution provides that no money shall be withdrawn from the treasury except in accordance with appropriations made by law; and

WHEREAS Article IX, sec. 7, of the state constitution provides that the proceeds of any state tax or license shall not be dedicated to any special purpose except as required by the constitution for the Alaska permanent fund or when required to participate in federal programs; and

WHEREAS an opinion of the Alaska Attorney General of January 12, 1984, questions the practice of labeling certain funds in the state budget "program receipts" to indicate that the funds are being appropriated from a funding source other than the general fund; and

WHEREAS there has been an extraordinary increase in the last several years in funds in the state budget that are shown as being appropriated from funding sources other than the general fund; and

WHEREAS the legislature finds no statutory basis for appropriating many of these funds as anything other than appropriations from the general fund;

BE IT RESOLVED by the Alaska State Legislature that the Governor is respectfully requested to instruct the Office of Management and Budget, division of budget review, to prepare the fiscal year 1986 state operating and capital budgets to indicate as appropriations from the general fund those funds which, in the opinion of the Attorney General, have no legal basis under the

**POSITION PAPER
CSHB 696 (Fin.)**

This bill gives the Department the authority in three major areas, 1) to charge for fees for certain services, 2) to lift the cap in fees which can be collected by some grantees, and 3) to formalize the collection of revenues i.e. third party payments as program receipts for relevant program purposes.

The Department supports the passage of CSHB 696. Currently, DHSS does not possess any significant authority to collect fees for direct services. In many cases, the public using these services have expressed a willingness to pay fees such as with public health services, however the department has no authority to accept donations or fees. Imposition of reasonable fees based on an income schedule should ensure that no one will be denied services, at the same time generating revenue from those who are willing and or can afford to pay.

Secondly, the department collects over \$3 million in third party payments. Traditionally, the Department has captured a small fraction of those funds as restricted or program receipts. However, recently the Department has moved more aggressively to capture these funds to offset program costs, as demonstrated in the FY 87 budget. If and when collection of reimbursements or fees can be tied to program budgets, it provides the necessary incentive for staff to pursue aggressive and timely collection.

This bill generates \$3.2 million for the Department in FY 87. Most importantly, of this amount \$390,000 in general fund has been extracted from the Department's FY 87 budget (House version) in anticipation that fees for certain programs will be established and revenues will be generated. Generation of those revenues will not be possible without the statutory provisions contained in CSHB 696.

The following is an analysis of relevant DHSS sections:

Section 62

Sec. 44.29.022(a)(b)(c) gives the Department the authority to establish a fee schedule by regulation to charge for direct services. Programs included in this section are public health and laboratory services, foster care, institutional care, mental health services, and persons with handicaps. It is important to note that this section offers several safeguards against excessive fees in that the fee schedule must be reasonable, cannot exceed the actual cost of providing the service and may be waived if collection is not economically feasible or in the public's interest. The regulatory hearing process provides the public with the opportunity to comment whether the schedules meet the tests outlined above.

Section 44.29.024(a)(b)(c) gives the Department the authority to establish a reasonable fee schedule for services provided by departmental grantees or contractors under A.S. Chapters 18 and 47.

CSHB 696 (Fin.)
Page 2

This provision provides for consistency between services which may be provided both by the department directly and by contractors. For instance, public health services in Fairbanks are provided directly by the State through the Fairbanks Health Center and in Anchorage those services are delivered by a contract with the Municipality of Anchorage.

The Municipality Health Center currently charges fees for certain services, and this provision would formalize their authority to do so. The fees collected would not be collected by the State but would be used by contractors or grantees for the program DHSS has procured.

Section 81 and 83

This section mandates the court to consider imposing a fee on the parent or legal guardian for the maintenance and care of a child in the State's custody in accordance with an established fee schedule. Currently the court may order parents whose children have been placed in institutional or foster care to contribute toward the cost of their care. This provision would ensure that in each case a determination of fees is made, even if the fee prescribed is zero. This section would also ensure that the current collection mechanism utilized by the court through the Child Support Enforcement Agency be used. CSEA collected \$275,000 through this mechanism in FY 85. DHSS has proposed in FY 87 to claim \$375,000 to offset increased program costs of foster care. This amount is expected to grow if the court were more aggressive in ordering payment for youth placed in institutions, residential care or foster care.

Section 82

This section amends 47.10.120 by adding a subsection (d) which further clarifies subsection (c). Subsection (c) stipulates that the funds collected from parents under this section should be credited to the general fund. Subsection (a) prescribes that, as with other sections in the bill, the funds may be used by the Legislature to offset program costs.

Sections 84 and 85

These sections are technical changes recommended by the Revisor of Statutes and, or necessary for definition purposes.

Section 86

Subsection (b) ensures that collections made by CSEA under Section 83 (47.10.230 - 260) may be used by the Legislature to make appropriations for programs under that section. As mentioned previously, the Department is proposing in the FY 87 budget to capture \$375,000 to offset increased foster care program costs.

Subsection (b) also formalizes the current capture of revenues to offset AFDC program costs (A.S. 47.25.310 - 420). Currently, CSEA collects

CSHB 696
Page 3

child support payments from parents whose dependents are on AFDC and returns those funds on a 50/50 basis to the federal government and the State general fund. It is presumed that these child support payments if paid directly to the family would offset the need for AFDC, therefore it is reasonable to claim these revenues as program receipts to offset AFDC caseload costs. The Department has claimed \$950,000 in receipts this year; it is anticipated that that amount could be increased as enforcement becomes more sophisticated and as the population grows.

Section 88

This section formalizes the ability of the department to capture third party reimbursements from patients at the Alaska Psychiatric Institute to offset the costs of providing care. Currently API collects several million in third party payments from a variety of insurers.

Sections 89, 90, and 94

These sections lift the existing \$50 per month cap on the amount of funds an individual, parent or guardian may be required to pay toward the charges for the care, treatment and transportation in connection with treatment of the person with a handicap. The cap is replaced with a fee schedule which must consider many mitigating factors relating to the ability to pay. In no case can the fee exceed the actual cost of the service, or for a person under 18 the lesser of the actual cost or the cost of caring for a child without handicap at home.

Section 91

This is a technical change replacing "state treasury" with "general fund."

Section 92

This section rehabilitates existing statutory language which failed to recognize handicapped persons themselves as a responsible party.

Section 93

This section is similar to section 88 in that it authorizes the Legislature to apply fees and third party payments collected at Harborview to program costs.

The Department requests the following addition to CSHB 696, Section 62.

Section 44.29.022(b). The Commissioner of Health and Social Services may establish by regulation and the Department may charge reasonable fees for Department publications and research data to cover the costs of reproduction, printing, mailing and distribution.

CSHB 696
Page 4

Amend CSHB 696, Section 44.29.022(b) to (c) and to read: The Department of Health and Social Services shall charge and collect the fees under (a) and (b) of this section....(etc.)

Recommended by: *Karen Perdue*
Karen Perdue
Assistant Commissioner
for Administration

Date: 4/28/86

Approved by: *J. R. Pugh Jr*
John R. Pugh
Commissioner

Date: 4/28/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

FISCAL DETAIL

Bill/Resolution No. : CS HB 696 (Finance)
 Title : An Act relating to the financial administration of State government; the provision of and charges for state services
 Sponsor : House Finance (Rules/Governor:orig)
 Requestor : House Finance
 Date of Request : 4/28/86

Agency Affected : Health & Social Services
 BRU : Various
 Components : Various

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS			(120.0)	(120.0)	(120.0)	(120.0)
MISCELLANEOUS						
TOTAL OPERATING			(120.0)	(120.0)	(120.0)	(120.0)

CAPITAL						
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REVENUE			3240.1	3353.5	3470.8	3592.3
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FUNDING : (Thousands of Dollars)

GENERAL FUND			(120.0)	(120.0)	(120.0)	(120.0)
FEDERAL FUNDS						
OTHER						
TOTAL			(120.0)	(120.0)	(120.0)	(120.0)

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attached

Prepared by : Joanne C. Clark *JCC* Phone : 465-3082
 Division : Budget & Finance Date : 4/28/86

Approved by Commissioner : Karen Purdie, ASST Comm Date : 4/28/86
 Agency : Dept. of Health & Social Services

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

- - FY87 - -

In FY87, the following are built into the budget:

State Health Services BRU, Nursing component (section 62)

100.0 program receipts

State Health Services BRU, Laboratories component (section 62)

170.0 program receipts

Institutions & Administration BRU, Alaska Psychiatric Institute component (section 88)

1448.4 program receipts (247.6 of this is for staffing in order to become recertified and will only be realized if the institution does become recertified.)

Child and Youth Custody BRU, Foster Care & Residential Child Care components (section 81, 86)

375.0 program receipts (Foster Care)

Assistance Payments BRU, AFDC component (section 86)

950.0 program receipts

Developmental Disabilities Grants BRU, Community D.D. Grants component (section 89)

120.0 reduction in expenditure authorization (due to the fact that grantees will be able to offset grant reductions by collecting fees) [House budget only]

Note: If CS HB 696 (Finance) does not pass, the department will be short of funds for programs, as the projected receipts are built into the FY87 budget.

FY87 total program receipts: 3043.4

FY87 expenditure authorization reduction: 120.0

- - FY88 and beyond - -

The FY87 program receipt amounts for FY87 were inflated 3.5% per year for the following components:

Nursing
Laboratories
Alaska Psychiatric Institute (assuming recertification is achieved)
AFDC

The 120.0 expenditure authorization reduction in the Community Developmental Disabilities Grants component was held constant for FY88 and beyond.

The Foster Care and Residential Care component program receipts for FY88 are projected as follows:

$$\$155.25 \times 12 \text{ months} \times 248 \text{ FTEs} = 462.0$$

For FY89 and beyond, the average monthly fee of \$155.25 was inflated 3.5% per year.

BILL SHEFFIELD
GOVERNOR



HB 46

STATE OF ALASKA
OFFICE OF THE GOVERNOR

JUNEAU 3/10/86

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that makes changes in existing law to clarify the status and accounting for money received for goods and services provided by state agencies. The purpose of the bill is to expressly authorize the receipt and, subject to appropriation by the legislature, expenditures of money received by state agencies through the performance of duties prescribed by law or regulation.

The most significant provision of this bill is contained in sec. 1. The purpose of sec. 1 is to require express legal authority before a state agency may charge for goods or services.

The remaining sections of the bill either (1) expressly authorize the assessment of fees, or the provision of services already impliedly authorized by existing law, or (2) prescribe a method for accounting for money generated by state programs.

The amendments set out in this bill will make clear the permissible handling of program receipts. Although my administration feels that the most appropriate use of program receipts is to cover the expenses of the activities that earned them, it is within the legislature's discretion to determine the purpose for which those program receipts may be spent. The power of the legislature to appropriate program receipts is no different from its power to appropriate other money belonging to the general fund.

Other amendments in the bill are intended only to provide a more descriptive name for certain funds established by law. These amendments are not intended to change the purpose for these funds or any other substantive aspect in relation to them.

This bill was prepared after working in cooperation with the finance committees and is in response to 1984 Legislative Resolve 66 (derived from the Thirteenth Legislature's HCR 56).

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor