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HOUSE COMMITTEE REPORT

(11)
Date Referred: March 17, 1989

FURTHER REFERRALS:

Date of Committee Action: 5/1/89

The FINANCE Committee considered:

HB 85

HOUSE BILL NO. 85 [CHARGING, ACCOUNTING FOR PROGRAM RECEIPTS]
"An Act relating to the financial administration of state government; the provision of and charges for state services; and the accounting for and disposition of state receipts; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CSHB 85 (Fin.) the same title a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:
(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) 1/13/89 Admin.
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Ronald J. Larson LARSON
Charles Swackhammer SWACKHAMMER
Harvey Brown BROWN
W. E. Phillips PHILLIPS
Steve Rieger RIEGER

	Do Not Pass	No Rec	Amend
<u>Lynn Hoffman</u> HOFFMAN		X	
<u>Bill Ullmer</u> ULLMER		X	
<u>Tom Barjes</u> BARJES		X	
<u>Dick Schultz</u> SHULTZ		X	

Ronald J. Larson
CO-Chairman's signature
Lynn Hoffman

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Program Receipts
Sponsor: Rules
Requestor: Governor

Agency Affected: Administration
BRU: Finance
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	34.9	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	34.9	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	34.9	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	34.9	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	2	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Keith Busch
Division: Finance

Phone: 465-2240
Date: 12/21/88

Approved by Commissioner: _____
Agency: Administration

Date: 12/21/88

Distribution (by preparer):

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

Adopted

FISCAL NOTE ANALYSIS

The accounting system (AKSAS) already has the capability to accommodate general fund classified revenues and this type of revenue can be referenced as a funding source for a specific appropriation. We have not, however, implemented an automated process for reporting this information. We have been using manual processes to ensure all revenue types are properly classified in the annual report. With the implementation of this bill and the requirement to separately account for money received for goods and services provided by state agencies and deposited to the general fund, it would be necessary to develop and implement an automated reporting process in the accounting system. This will require one non-permanent Programmer IV for 3 months at a cost of \$15.3. In addition we will have an ongoing cost each new fiscal year ensuring that for each revenue source or estimate, a cross structure control transaction is submitted for approval. We should be able to absorb this increased workload if the agencies and the Office of Management and Budget work with us to identify the accounts where revenues are to be controlled. However, there will be a one-time cost for making needed changes next fiscal year. It will be necessary to hire one nonpermanent Accountant IV for four months at \$19.6.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 85 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the financial administration of
7 state government; the provision of and charges for
8 state services; and the accounting for and disposi-
9 tion of state receipts; and providing for an effec-
10 tive date."

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

12 * Section 1. AS 37.05 is amended by adding new sections to read:

13 Sec. 37.05.142. ACCOUNTING FOR PROGRAM RECEIPTS. The Department
14 of Administration shall establish and maintain separate accounts by
15 program source for all program receipts that state agencies deposit
16 under AS 37.10.050 or under another statute if the program receipts
17 are exempted by law from the deposit requirements of AS 37.10.050.

18 Sec. 37.05.144. APPROPRIATIONS BASED UPON PROGRAM RECEIPTS. The
19 annual estimated balance in each account maintained under AS 37.07.142
20 may be used by the legislature to make appropriations to state agen-
21 cies to administer the programs generating the program receipts, to
22 implement the laws related to the functions generating the program
23 receipts, or to cover costs associated with the collection of the
24 program receipts.

25 Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS. In AS 37.05.-
26 142 - 37.05.146 and AS 37.07.080 "program receipts" means fees,
27 charges, income earned on assets, and other state money received by a
28 state agency in connection with the performance of its functions; all
29 program receipts except the following are general fund program

1 receipts:

2 (1) federal receipts;

3 (2) University of Alaska receipts (AS 14.40.491);

4 (3) individual, foundation, or corporation gifts, grants,
5 or bequests that by their terms are restricted to a specific purpose;

6 (4) receipts of the following funds:

7 (A) highway working capital fund (AS 44.74.010);

8 (B) correctional industries fund (AS 33.32.020);

9 (C) loan funds;

10 (D) international airport revenue fund (AS 37.15.430);

11 (E) funds managed by the Alaska State Building Author-
12 ity (AS 18.55.020), the Alaska Housing Finance Corporation
13 (AS 18.56.020), the Medical Indemnity Corporation of Alaska
14 (AS 21.88.020), the Alaska Railroad Corporation (AS 42.40.010),
15 the Municipal Bond Bank Authority (AS 44.85.020), or the Alaska
16 Industrial Development and Export Authority (AS 44.88.020);

17 (F) fish and game fund (AS 16.05.100);

18 (G) school fund (AS 43.50.140);

19 (H) training and building fund (AS 23.20.130);

20 (I) retirement funds (AS 14.25, AS 22.25, AS 26.-
21 05.222, AS 39.35, and former AS 39.37);

22 (J) permanent fund (art. IX, sec. 15, Alaska Constitu-
23 tion);

24 (K) public school fund (AS 37.14.110);

25 (L) second injury fund (AS 23.30.040);

26 (M) fishermen's fund (AS 23.35.060);

27 (N) FICA administration fund (AS 39.30.050).

28 * Sec. 2. AS 37.10.050(a) is amended to read:

29 (a) A state agency may not charge for the provision of state

1 services unless the charge is set [AUTHORIZED] by statute or is set by
2 a regulation that meets the standards of AS 44.62.020 and 44.62.030.
3 A fee or other charge that is set by regulation may not exceed the
4 estimated actual costs of the state agency in administering the activ-
5 ity or providing the service unless otherwise provided by the statute
6 that authorizes the regulation; this limitation does not apply to
7 sales of property by a state agency. Unless specifically exempted by
8 statute, a state agency authorized to collect or receive fees, li-
9 censes, taxes, or other money belonging to the state shall account for
10 and remit the receipts, less fees to which the collector is entitled
11 by statute or regulation, to the Department of Revenue at least once
12 each month. The commissioner of administration shall separately
13 account under AS 37.05.142 for receipts deposited under this sub-
14 section.

15 * Sec. 3. AS 02.15.090(a) is amended to read:

16 (a) In operating an airport or air navigation facility owned or
17 controlled by the state, the department may enter into contracts,
18 leases, and other arrangements covering periods not exceeding 55 years
19 with a person, municipality, or the United States, granting the privi-
20 lege of using or improving an airport or air navigation facility or a
21 portion of it or space in it for commercial, [OR] governmental, or
22 other public purposes, including private plane tie down; or conferring
23 the privilege of supplying goods, commodities, services or facilities
24 at an airport or air navigation facility. The department may estab-
25 lish the terms and conditions and fix the charges, rentals, and fees
26 for the privileges or services [,] that are reasonable and uniform for
27 the same class of privilege or service. The terms, conditions, char-
28 ges, rentals and fees shall be established with due regard to the
29 property and improvements used and the expense of operation to the

1 state. However, use of state property and improvements by the Alaska
2 Wing, Civil Air Patrol and its squadrons shall be without rentals,
3 fees, or other charges. In no case may the public be deprived of its
4 rightful, equal, and uniform use of the airport, air navigation facil-
5 ity, or a portion of them [THEREOF].

6 * Sec. 4. AS 02.15.102 is amended to read:

7 Sec. 02.15.102. USE OF AIRPORTS FOR UTILITIES. A utility
8 facility may be constructed, placed, or maintained across, along,
9 over, under, or within a state airport only in accordance with regula-
10 tions adopted or procedures prescribed by the department and only if
11 authorized by a written permit issued by the department. The depart-
12 ment may charge a fee for a permit issued under this section.

13 * Sec. 5. AS 02.15.106 is amended to read:

14 Sec. 02.15.106. ENCROACHMENT PERMITS. An encroachment may be
15 constructed, placed, changed, or maintained across or within an air-
16 port, but only in accordance with regulations or procedures adopted by
17 the department. An encroachment may not be constructed, placed,
18 maintained, or changed until it is authorized by a written permit
19 issued by the department, unless the department provides otherwise by
20 regulation. The department may charge a fee for a permit issued under
21 this section.

22 * Sec. 6. AS 03.10.020(a) is amended to read:

23 (a) The department may

24 (1) make a loan to

25 (A) an individual resident farmer, homesteader, or a
26 partnership or corporation composed of farmers and homesteaders
27 for

28 (i) clearing land for agricultural purposes;

29 (ii) development of farms;

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- (iii) storage and processing of farm produce; or
- (iv) the purchase of livestock or machinery;

(B) an individual state resident, or a partnership or corporation for

- (i) storage and processing plants for agricultural products;
- (ii) the commercial production or processing of horticultural products in the state;
- (iii) the commercial production or processing of animal feed in the state; or
- (iv) the raising or care of animals in the state for the purpose of marketing their fur;

(2) designate agents and delegate its powers to them as necessary;

(3) adopt [RULES AND] regulations necessary to carry out its functions, including regulations to establish reasonable fees for services provided and charges for collecting the fees;

(4) establish amortization plans for repayment of loans, which may include delayed payments of principal and interest for not to exceed five years;

(5) enter into agreements with private lending institutions, other state agencies or agencies of the federal government, to carry out the purposes of this chapter;

(6) collect the fees and collection charges established under this subsection.

* Sec. 7. AS 03.10.040 is amended by adding a new subsection to read:
 (b) Money in the fund may be used by the legislature to make appropriations for costs of administering this chapter.

* Sec. 8. AS 06.01.010 is amended to read:

1 Sec. 06.01.010. EXAMINATION FEES AND ASSESSMENTS. (a) The
2 expenses of the department reasonably incurred in the examination or
3 investigation of all financial institutions or applications to estab-
4 lish financial institutions regulated by the department under this
5 title shall be charged to and paid by each financial institution as
6 provided in (b) and (d) of this section.

7 (b) Except for deposit institutions, the [THE] commissioner
8 shall assess every financial institution [,] and every applicant to
9 establish a financial institution [,] a fee for the actual expenses
10 necessarily incurred by the department in connection with any examina-
11 tion or investigation, whether regular or special. The commissioner
12 shall assess every deposit institution and every applicant to estab-
13 lish a deposit institution a fee for the actual expenses necessarily
14 incurred by the department in connection with any special examination
15 or investigation. A [THE] fee assessed under this subsection must
16 [SHALL] include the proportionate part of the salaries and cost of
17 employee benefits of the examiners while conducting examinations or
18 investigations and while preparing reports of them, and transportation
19 costs and per diem of each examiner while away from the examiner's
20 duty station. The [HOWEVER, THE] cost to the financial institution in
21 connection with an examination may not exceed the actual cost to the
22 department of the [\$7,500 PER] examination. The assessment shall be
23 made by the commissioner as soon as feasible after the examination or
24 investigation has been completed. The assessment must [ALL ASSESS-
25 MENTS SHALL] be [PAID TO AND] received by the department [BY EACH
26 INSTITUTION] within 30 days after receipt of notice of the assessment
27 by the institution.

28 (c) A financial institution that fails to make the payments
29 required by the commissioner under (a), [AND] (b), and (d) of this

1 section within the time specified is subject to a penalty of not more
2 than \$100 each day it is late. The penalty, together with the amount
3 due [UNDER (a) OF THIS SECTION], may be recovered in a civil action
4 brought by the department.

5 * Sec. 9. AS 06.01.010 is amended by adding new subsections to read:

6 (d) The commissioner shall adopt regulations providing for
7 semiannual assessments of deposit institutions. An assessment must be
8 based on the amount of assets of a deposit institution and must cover,
9 but may not exceed, the aggregate cost of periodic examinations of the
10 deposit institution.

11 (e) An exam fee or other charge assessed to a state-chartered
12 financial institution under this section may not exceed a fee or other
13 charge assessed for the same type of exam or service to a similarly
14 situated federally-chartered financial institution.

15 (f) In this section "deposit institution" means an institution
16 chartered under this title that has obtained authority from the de-
17 partment to receive deposits of the type eligible to be insured by an
18 agency of the federal government.

19 * Sec. 10. AS 10.15.530 is amended to read:

20 Sec. 10.15.530. BIENNIAL LICENSE FEE. Each cooperative not
21 organized and operated for nonprofit religious, charitable, cemetery,
22 or educational purposes [,] shall pay to the department a biennial
23 license fee. The fee shall be paid before July 2 of the reporting
24 year. [IN THE CASE OF NEW COOPERATIVES FORMED DURING A BIENNIAL
25 PERIOD, THE FEE SHALL BE PROPORTIONATE TO THE FRACTION OF THE BIENNIAL
26 PERIOD.]

27 * Sec. 11. AS 10.15.545 is amended to read:

28 Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE [WITHOUT CAPITAL
29 STOCK]. The license fee of each cooperative [HAVING NO AUTHORIZED

1 SHARES OF CAPITAL STOCK] shall be established by the department by
2 regulation [SUBJECT TO AS 10.05.773].

3 * Sec. 12. AS 10.15.555 is amended to read:

4 Sec. 10.15.555. MISCELLANEOUS FEES AND CHARGES. (a) The de-
5 partment shall establish by regulation [SUBJECT TO AS 10.05.773] and
6 charge and collect from a cooperative fees for filing

7 (1) articles of incorporation or articles of consolidation
8 for a new cooperative;

9 (2) articles of amendment, restated articles, or articles
10 of merger [, AND, IF THE ARTICLES PROVIDE FOR AN INCREASE OF THE
11 AMOUNT OF AUTHORIZED CAPITAL STOCK OF THE COOPERATIVE, THE FILING
12 COOPERATIVE SHALL ALSO PAY THE PROPORTIONATE PART OF THE ANNUAL LI-
13 CENSE FEE FOR THE SUCCEEDING FRACTION OF THE FISCAL YEAR, PAYABLE BY A
14 COOPERATIVE WHOSE AUTHORIZED SHARES EQUAL THE NEWLY INCREASED AUTH-
15 ORIZED SHARES OF THE FILING COOPERATIVE, LESS THE ANNUAL LICENSE FEE
16 ALREADY PAID FOR THE SUCCEEDING FRACTION OF THE FISCAL YEAR BY THE
17 FILING COOPERATIVE; BUT FILING ARTICLES DECREASING THE AUTHORIZED
18 SHARES DO NOT REDUCE THE ANNUAL LICENSE FEE OF THE FILING COOPERATIVE
19 UNTIL THE BEGINNING OF THE FISCAL YEAR FOLLOWING THAT IN WHICH THE
20 ARTICLES WERE FILED];

21 (3) statement of intent to dissolve;

22 (4) statement of revocation of voluntary dissolution pro-
23 ceedings;

24 (5) articles of dissolution;

25 (6) all other statements.

26 (b) The department may by regulation charge each cooperative
27 corporation subject to this chapter a fixed fee in place of charging
28 cooperative corporations the various fees specified in this chapter [,
29 WITH THE EXCEPTION OF AS 10.15.535, (a)(1) OF THIS SECTION,] and for

1 routine administrative services rendered to the cooperative corpora-
2 tion by the department. Fixed fees established under this subsection
3 must be based on the department's actual cost of administering the
4 activity or service for which the fee is charged [AN INCREASE IN THE
5 AMOUNT OF A FIXED FEE CHARGED UNDER THIS SUBSECTION IS SUBJECT TO
6 AS 10.05.773].

7 * Sec. 13. AS 10.20.635(b) is amended to read:

8 (b) The department may by regulation charge each corporation
9 subject to this chapter a fixed fee in place of the various fees
10 specified in this chapter [, WITH THE EXCEPTION OF (a)(1) OF THIS
11 SECTION,] and for routine administrative services rendered to the
12 corporation by the department. [AN INCREASE IN THE FIXED FEE CHARGED
13 UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

14 * Sec. 14. AS 10.25.530(b) is amended to read:

15 (b) The department may by regulation charge each cooperative
16 subject to this chapter a fixed fee in place of the various fees
17 specified in this chapter [, WITH THE EXCEPTION OF (a)(1) OF THIS
18 SECTION,] and for the routine administrative services rendered to the
19 corporation by the department. [AN INCREASE IN THE FIXED FEE CHARGED
20 UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

21 * Sec. 15. AS 12.55.105(a) is amended to read:

22 Sec. 12.55.105. PROBATION AND URINALYSIS FEES [FEE]. (a) A
23 court granting probation shall require a periodic probation fee to be
24 paid to the Department of Corrections as a condition of probation. In
25 addition, the department may charge a fee for any urinalysis that may
26 be required. The fee amounts [AMOUNT] shall be established by regula-
27 tion adopted by the commissioner of corrections.

28 * Sec. 16. AS 14.07.030 is amended to read:

29 Sec. 14.07.030. POWERS OF THE DEPARTMENT. The department may

1 (1) establish, maintain, govern, operate, discontinue, and
2 combine area, regional, and special schools;

3 (2) enter into contractual agreements with the Bureau of
4 Indian Affairs or with a school district to share boarding costs of
5 secondary school students;

6 (3) provide for citizenship night schools when and where
7 expedient;

8 (4) provide for the sale or other disposition of abandoned
9 or obsolete buildings and other state-owned school property;

10 (5) prescribe a classification for items of expense of
11 school districts;

12 (6) acquire and transfer personal property, acquire real
13 property, and transfer real property to federal agencies, state agen-
14 cies, or to political subdivisions;

15 (7) enter into contractual agreements with school districts
16 to provide more efficient or economical education services; reasonable
17 fees may be charged by the department to cover the costs of providing
18 services under an agreement, including costs for professional ser-
19 vices, reproduction or printing, and mailing and distribution of
20 educational materials;

21 (8) provide for the issuance of elementary and secondary
22 diplomas to persons not in school who have completed the equivalent of
23 an 8th or 12th grade education, respectively, in accordance with
24 standards established by the department;

25 (9) exercise disapproval power under AS 14.08.101;

26 (10) apply for, accept, and spend endowments, grants, and
27 other private money available to the state for educational purposes in
28 accordance with AS 37.07 (the Executive Budget Act);

29 (11) set student tuition and fees for educational and

1 extracurricular programs and services provided and schools operated by
2 the department under the provisions of [AS 14.07.020(12) AND] (1) of
3 this section and AS 14.07.020(9), (11), and (12);

4 (12) charge fees to cover the costs of care and handling
5 with respect to the acquisition, warehousing, distribution, or trans-
6 fer of donated foods;

7 (13) establish and collect fees for the rental of school
8 facilities and for other programs and services provided by the
9 schools.

10 * Sec. 17. AS 14.56.030(10) is amended to read:

11 (10) establishing and charging fees for reproduction, [OR]
12 printing, and handling costs, [AND] for mailing and distributing state
13 publications and research data, and for other services authorized by
14 this chapter;

15 * Sec. 18. AS 14.57.010 is amended by adding a new subsection to read:

16 (c) The department may establish by regulation, and collect,
17 reasonable user fees and other fees for services provided by the
18 department under this chapter.

19 * Sec. 19. AS 15.60 is amended by adding a new section to read:

20 Sec. 15.60.007. SALE OF VOTER REGISTRATION AND ELECTION MANAGE-
21 MENT SOFTWARE. The director may sell voter registration and election
22 management system data processing software.

23 * Sec. 20. AS 16.05.050(16) is amended to read:

24 (16) to establish and charge fees equal to the cost of
25 services provided by the department, including provision of public
26 shooting ranges, broodstock and eggs for private nonprofit hatcheries,
27 department publications, and other direct services, and reasonable
28 fees for the use of state facilities managed by the department; fees
29 established under this paragraph for tours of hatchery facilities,

1 commercial use of sport fishing access sites, and for operation of
2 state hatchery facilities by private aquaculture associations are not
3 subject to the cost limit under AS 37.10.050(a);

4 * Sec. 21. AS 16.05.050 is amended by adding a new paragraph to read:

5 (18) to operate state housing and facilities for employees,
6 contractors, and others in support of the department's responsibil-
7 ities and to charge rent that is consistent with applicable collective
8 bargaining agreements, or, if no collective bargaining agreement is
9 applicable, competitive with market conditions; rent received from
10 tenants shall be deposited in the general fund.

11 * Sec. 22. AS 16.10.310(a)(3) is amended to read:

12 (3) adopt regulations necessary to carry out the provisions
13 of AS 16.10.300 - 16.10.370, including regulations to establish rea-
14 sonable fees for services provided [ITS FUNCTIONS];

15 * Sec. 23. AS 16.10.310(a) is amended by adding a new paragraph to
16 read:

17 (9) charge and collect the fees established under this
18 subsection.

19 * Sec. 24. AS 16.10.320 is amended by adding a new subsection to read:

20 (j) All principal and interest payments, and any money charge-
21 able to principal or interest that is collected through liquidation by
22 foreclosure or other process on loans made under AS 16.10.300 - 16.-
23 10.370, shall be paid into the commercial fishing revolving loan fund.

24 * Sec. 25. AS 16.10.340 is amended by adding a new subsection to read:

25 (b) Money in the fund may be used by the legislature to make
26 appropriations for costs of administering AS 16.10.300 - 16.10.370.

27 * Sec. 26. AS 16.10.505 is amended to read:

28 Sec. 16.10.505. FISHERIES ENHANCEMENT REVOLVING LOAN FUND.
29 There is created within the Department of Commerce and Economic

1 Development a revolving fund to be known as the fisheries enhancement
2 revolving loan fund. Except as provided in (b) of this section, the
3 [THE] fund shall be used to carry out the purposes of AS 16.10.500 -
4 16.10.560 and for no other purpose. All principal and interest pay-
5 ments, and money chargeable to principal or interest that is collected
6 through liquidation by foreclosure or other process on loans made
7 under AS 16.10.500 - 16.10.560, shall be paid into the fisheries
8 enhancement revolving loan fund.

9 * Sec. 27. AS 16.10.505 is amended by adding a new subsection to read:

10 (b) Money in the fund may be used by the legislature to make
11 appropriations for costs of administering AS 16.10.500 - 16.10.560.

12 * Sec. 28. AS 16.10.510(4) is amended to read:

13 (4) adopt regulations necessary to carry out the provisions
14 of AS 16.10.500 - 16.10.560, including regulations to establish rea-
15 sonable fees for services provided [COMMISSIONER'S FUNCTIONS];

16 * Sec. 29. AS 16.10.510 is amended by adding a new paragraph to read:

17 (11) charge and collect the fees established under this
18 section.

19 * Sec. 30. AS 17.30.100(c) is amended to read:

20 (c) The Department of Public Safety, [IN COOPERATION WITH OTHER
21 STATE AND FEDERAL AGENCIES, AND] in accordance with AS 37.07 (the
22 Executive Budget Act), may apply for and accept money necessary to
23 exchange information concerning narcotics trafficking between the
24 states, or otherwise related to the enforcement of AS 11.71 or AS 11.-
25 73. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR
26 MONEY RECEIVED UNDER THIS SUBSECTION THAT THE DEPARTMENT OF PUBLIC
27 SAFETY DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE IN
28 THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS TO
29 THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

1 * Sec. 31. AS 18.07 is amended by adding a new section to read:

2 Sec. 18.07.035. APPLICATION AND FEES. Application for a cer-
3 tificate of need shall be made to the department upon a form provided
4 by the department and must contain the information the department
5 requires to reach a decision under AS 18.07.041 - 18.07.111. Each
6 application for a certificate of need must be accompanied by an appli-
7 cation fee established by the department by regulation.

8 * Sec. 32. AS 18.20.030 is amended to read:

9 Sec. 18.20.030. APPLICATION AND FEES. Application for a license
10 shall be made to the department upon a form provided by it, and must
11 [SHALL] contain the information the department requires, which may in-
12 clude affirmative evidence of ability to comply with the reasonable
13 standards and regulations adopted under AS 18.20.060 - 18.20.080.
14 Each application for a license or a renewal of a license must [SHALL]
15 be accompanied by a license or renewal fee established by the depart-
16 ment by regulation. A fee established under this section must be
17 based on the department's actual cost of administering this section
18 and AS 18.20.040 [OF \$10]. The department shall deposit all fees
19 received in the general fund [STATE TREASURY].

20 * Sec. 33. AS 18.20.040 is amended to read:

21 Sec. 18.20.040. ISSUANCE AND RENEWAL OF LICENSE AND POSTING.
22 Upon receipt of an application for license and the license fee, the
23 department shall issue a license if the applicant meets the require-
24 ments established under AS 18.20.060 - 18.20.080. If the applicant
25 does not meet the requirements established under AS 18.20.060 - 18.-
26 20.080 but makes continued efforts to comply with them, the department
27 may grant a temporary or provisional license for a reasonable period
28 of time. A license, unless suspended or revoked, is renewable annual-
29 ly [WITHOUT CHARGE] upon payment of the renewal fee established under

1 AS 18.20.030 and filing by the licensee [,] and approval by the de-
2 partment of an annual report on the uniform date and containing the
3 information in the form the department prescribes by regulation. Each
4 license issued is for the premises and person or governmental unit
5 named in the application and is not transferable or assignable except
6 with the written approval of the department. Licenses shall be posted
7 in a conspicuous place on the licensed premises.

8 * Sec. 34. AS 18.55.100(a) is amended by adding new paragraphs to read:

9 (16) charge to and collect fees from owners or developers of
10 low-income housing for the application for and allocation of federal
11 low-income housing tax credits;

12 (17) collect and pay reasonable fees and charges in connec-
13 tion with making, purchasing, and servicing its mortgages, loans,
14 notes, bonds, certificates, commitments, and other evidences of in-
15 debtedness.

16 * Sec. 35. AS 18.65.410 is amended to read:

17 Sec. 18.65.410. APPLICATIONS. Application for a license as a
18 security guard must be made on forms provided by the commissioner.
19 The application must require the furnishing of information reasonably
20 required by the commissioner to carry out the provisions of AS 18.65.-
21 400 - 18.65.490, including classifiable fingerprints to enable the
22 search of criminal indices for evidence of a prior criminal record.
23 The application must be accompanied by a nonrefundable application fee
24 of \$50 [\$25] for a security guard and \$200 for a security guard
25 agency.

26 * Sec. 36. AS 18.65.430 is amended to read:

27 Sec. 18.65.430. DURATION OF LICENSE. A security guard license
28 issued under AS 18.65.400 - 18.65.490 is valid for a period of two
29 years and may be renewed for additional two-year terms. A renewal fee

1 of \$50 shall [\$25 MUST] be paid for each renewal.

2 * Sec. 37. AS 19.25.010 is amended to read:

3 Sec. 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility
4 facility may be constructed, placed, or maintained across, along,
5 over, under, or within a state right-of-way only in accordance with
6 regulations adopted by the department and if authorized by a written
7 permit issued by the department. The department may charge a fee for
8 a permit issued under this section.

9 * Sec. 38. AS 19.60.030 is amended to read:

10 Sec. 19.60.030. USE OF FERRY TERMINAL FACILITIES [REGULATIONS].
11 The department may adopt regulations governing the use of ferry termi-
12 nal facilities by the public that it considers necessary and proper in
13 the public interest. The department may charge a fee for the use of
14 ferry terminal facilities, whether the use is under a permit or other-
15 wise, and whether it is by one or more individuals.

16 * Sec. 39. AS 24.20.060 is amended by adding a new paragraph to read:

17 (9) to establish reasonable fees for services and materials
18 provided by the Legislative Affairs Agency to entities outside of the
19 legislative branch of state government and charges for collecting the
20 fees; all fees and charges collected under this paragraph shall be
21 deposited into the general fund.

22 * Sec. 40. AS 24.45.041 is amended by adding a new subsection to read:

23 (g) An application for registration as a lobbyist under (a) of
24 this section or for renewal of a registration under (f) of this sec-
25 tion is subject to a fee of \$100. The commission may not accept an
26 application for registration or renew a registration until the fee is
27 paid. This subsection does not apply to a volunteer lobbyist under
28 AS 24.45.161 or a representational lobbyist under regulations of the
29 commission.

1 * Sec. 41. AS 26.15.030(a) is amended to read:

2 (a) The Department of Commerce and Economic Development shall
3 formulate general policies and adopt rules and regulations, including
4 regulations to establish reasonable fees for services provided.

5 * Sec. 42. AS 26.15.030(c) is amended to read:

6 (c) The department shall

7 (1) cooperate with the federal government in matters of
8 mutual concern pertaining to loans to Alaskan veterans;

9 (2) make reports that the federal government may desire;

10 (3) [REPEALED

11 (4)] cooperate with the state and its political subdivi-
12 sions and agencies;

13 (4) [(5)] adopt regulations necessary for the conduct of
14 its business and for carrying out the provisions of this chapter, and
15 make necessary regulations to maintain such standards;

16 (5) [(6)] require bonds and undertakings from persons
17 employed by it as shall in its judgment be necessary, and pay the
18 premiums on them;

19 (6) [(7)] establish regional and local offices and advisory
20 groups that are necessary or considered expedient to carry out or
21 assist in carrying out its duties and authorities;

22 (7) charge and collect the fees established under this
23 section.

24 * Sec. 43. AS 26.15.040(d) is amended to read:

25 (d) Money loaned shall be delivered to the borrower in the form
26 of a warrant drawn on the treasury, vouchered in the manner prescribed
27 for state disbursing officers, and charged against the Alaska World
28 War II veterans' revolving fund. Each voucher shall be approved by
29 the commissioner of commerce and economic development or any bonded

1 deputy authorized to act as a certifying officer. Upon repayment of
2 loans by installments, or otherwise, in accordance with the prescribed
3 terms, or upon liquidation by foreclosure or other process, or upon
4 receipt of interest [OR OTHER REVENUE], the money so received shall be
5 turned over to the commissioner of revenue for deposit in the Alaska
6 World War II veterans' revolving fund.

7 * Sec. 44. AS 26.15.090 is amended to read:

8 Sec. 26.15.090. ALASKA WORLD WAR II VETERANS' REVOLVING [CREA-
9 TION OF] FUND. There is created the Alaska World War II veterans'
10 revolving fund to carry out this chapter. Except as provided in (b)
11 and (c) of this section, the [THIS] fund may not be used for any other
12 purpose.

13 * Sec. 45. AS 26.15.090 is amended by adding new subsections to read:

14 (b) Money in the fund may be used by the legislature to make
15 appropriations for costs of administering this chapter.

16 (c) On June 30 of each fiscal year the unexpended and unobli-
17 gated cash balance of the fund that is attributable to loans owned by
18 the fund lapses into the general fund.

19 * Sec. 46. AS 27.09.010(b) is amended to read:

20 (b) The mining loan fund is a revolving fund consisting of
21 appropriations made to the fund by the legislature, [AND] repayments
22 of principal and interest, and any money chargeable to principal or
23 interest that is collected through liquidation by foreclosure or other
24 process on loans made from the fund. On June 30 of each fiscal year
25 the unexpended and unobligated cash balance of the fund that is attri-
26 butable to loans owned by the fund lapses into the general fund.
27 Money in the fund may be used by the legislature to make appropri-
28 ations for costs of administering the fund [MONEY APPROPRIATED TO OR
29 REPAID INTO THE FUND DOES NOT LAPSE UNDER AS 37.25.010].

1 * Sec. 47. AS 27.09.050 is amended to read:

2 Sec. 27.09.050. REGULATIONS. The department may adopt regula-
3 tions necessary to carry out the provisions of this chapter, including
4 regulations to establish reasonable fees for services provided [IN
5 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62) TO ADMIN-
6 ISTER THIS CHAPTER]. Regulations adopted under this section shall be
7 prepared after consultation with the Department of Natural Resources
8 or after consultation with a person who, in the opinion of the commis-
9 sioner of commerce and economic development or a designee, has broad
10 experience in and is highly qualified in advanced mineral exploration,
11 development, and mining.

12 * Sec. 48. AS 29.25 is amended by adding a new section to read:

13 Sec. 29.25.075. COLLECTION OF PENALTIES. The court may collect
14 for a municipality any monetary penalty or item to be forfeited as a
15 result of the violation of an ordinance. The supreme court may pre-
16 scribe by rule the fees to be charged by all courts to municipalities
17 for providing collection services under this section.

18 * Sec. 49. AS 35.10.015 is amended by adding a new subsection to read:

19 (f) The department may establish by regulation, and collect
20 reasonable fees for services provided in the course of determining
21 compliance with regulations adopted under this section.

22 * Sec. 50. AS 35.10.210 is amended to read:

23 Sec. 35.10.210. USE OF PUBLIC FACILITIES FOR UTILITIES. A
24 utility facility may be constructed, placed, or maintained across,
25 along, over, under, or within a state public facility only in accor-
26 dance with regulations adopted or procedures prescribed by the depart-
27 ment and only if authorized by a written permit issued by the depart-
28 ment. The department may charge a fee for a permit issued under this
29 section.

1 * Sec. 51. AS 35.10.230 is amended to read:

2 Sec. 35.10.230. ENCROACHMENT PERMITS. An encroachment may be
3 constructed, placed, changed, or maintained across or within a public
4 facility, but only in accordance with regulations or procedures adopt-
5 ed by the department. An encroachment may not be constructed, placed,
6 maintained, or changed until it is authorized by a written permit
7 issued by the department, unless the department provides otherwise by
8 regulation. The department may charge a fee for a permit issued under
9 this section.

10 * Sec. 52. AS 38.35.140(b) is amended to read:

11 (b) The lessee shall reimburse the state for all reasonable
12 costs incurred in processing an application filed under AS 38.35.050
13 and in monitoring the construction of the pipeline on the right-of-
14 way. [THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR
15 MONEY RECEIVED UNDER THIS SUBSECTION THAT THE DEPARTMENT OF NATURAL
16 RESOURCES DEPOSITS IN THE GENERAL FUND. THE ANNUAL ESTIMATED BALANCE
17 IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO MAKE APPROPRIATIONS
18 TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

19 * Sec. 53. AS 38.95.250 is amended by adding a new subsection to read:

20 (b) All money collected under (a) of this section not required
21 to be kept in the escheated real property trust account shall be
22 deposited in the general fund.

23 * Sec. 54. AS 39.25.050 is amended by adding a new subsection to read:

24 (b) The director of personnel may contract with municipalities,
25 private organizations, and other persons to provide personnel research
26 or personnel training services for them and charge a fee for doing so.

27 * Sec. 55. AS 44.23 is amended by adding a new section to read:

28 Sec. 44.23.025. DEPARTMENT HOUSING. The Department of Law may
29 operate state housing in support of its statutory responsibilities and

1 charge rent consistent with applicable collective bargaining agree-
2 ments, or, if no collective bargaining agreement is applicable, com-
3 petitive with market conditions.

4 * Sec. 56. AS 44.33.240 is amended to read:

5 Sec. 44.33.240. CHILD CARE FACILITY REVOLVING LOAN FUND. There
6 is in the Department of Commerce and Economic Development the child
7 care facility revolving loan fund to carry out the purposes of AS 44.-
8 33.240 - 44.33.275. Except as provided in (b) and (c) of this sec-
9 tion, the [THE] fund may not be used for any other purpose.

10 * Sec. 57. AS 44.33.240 is amended by adding new subsections to read:

11 (b) The department may use money in the fund for costs of admin-
12 istering AS 44.33.240 - 44.33.275.

13 (c) On June 30 of each fiscal year the unexpended and unobli-
14 gated cash balance of the fund that is attributable to loans owned by
15 the fund lapses into the general fund.

16 * Sec. 58. AS 44.33.245(a) is amended to read:

17 (a) The department may

18 (1) make loans for the construction, renovation, and equip-
19 ping of child care facilities, including private nonprofit child care
20 facilities;

21 (2) adopt regulations necessary to carry out the provisions
22 of AS 44.33.240 - 44.33.275, including regulations to establish rea-
23 sonable fees for services provided and charges for collecting the fee;

24 and

25 (3) collect the fees and charges established under this
26 subsection.

27 * Sec. 59. AS 44.33.255(d) is amended to read:

28 (d) All principal and interest payments, and any money charge-
29 able to principal or interest that is collected through liquidation by

1 foreclosure or other process on loans made under AS 44.33.240 -
2 44.33.275, shall be paid into the child care facility revolving loan
3 fund.

4 * Sec. 60. AS 44.33.600(b) is amended to read:

5 (b) The fund consists of

6 (1) appropriations to the fund by the legislature; and

7 (2) money deposited in the fund by the authority for the
8 self-insurance reserve account under (c) of this section [REPAYMENTS
9 OF PRINCIPAL TO THE FUND; AND

10 (3) INCOME FROM INVESTMENT OF MONEY IN THE FUND AND FROM
11 LOANS MADE FROM THE FUND].

12 * Sec. 61. AS 44.33.600 is amended by adding new subsections to read:

13 (c) The authority shall establish a self-insurance reserve
14 account in the fund. The self-insurance reserve account consists of
15 money deposited in the fund by the authority that is derived from
16 repayment of loans made from the fund or revenue resulting from sales
17 of interruptible power under agreements other than the long-term power
18 sales agreement. The self-insurance reserve account shall be main-
19 tained in an amount, not to exceed \$7,000,000, that is sufficient for
20 the purposes of self-insurance for the operating electric facilities
21 constructed under the Energy Program for Alaska and financed with
22 loans from the fund.

23 (d) Income earned from investment of money in the fund and
24 repayment of principal and interest on loans made from the fund that
25 is surplus to that required to maintain the self-insurance account
26 under (c) of this section shall be deposited in the general fund.

27 (e) Money in the fund may be used by the legislature to make
28 appropriations for costs of administering AS 44.33.600 - 44.33.630.

29 * Sec. 62. AS 44.35 is amended by adding a new section to read:

1 Sec. 44.35.040. FEES FOR CERTAIN TRAINING. The Department of
2 Military and Veterans' Affairs may adopt regulations establishing
3 reasonable fees for training provided by the department to persons
4 relating to the transportation, storage, or other management of haz-
5 arduous substances, and establishing procedures for the collection of
6 the fees.

7 * Sec. 63. AS 44.41.020 is amended by adding a new subsection to read:

8 (c) The Department of Public Safety may operate state housing in
9 support of the department's statutory responsibilities and charge rent
10 consistent with applicable collective bargaining agreements, or, if no
11 collective bargaining agreement is applicable, competitive with market
12 conditions.

13 * Sec. 64. AS 44.41 is amended by adding a new section to read:

14 Sec. 44.41.040. CRIMINAL HISTORY FEE. The commissioner of
15 public safety may establish by regulation and the Department of Public
16 Safety may charge a reasonable fee to be paid by a person requesting a
17 criminal history record check or a copy of the person's criminal
18 history record from confidential files maintained by the department.

19 * Sec. 65. AS 44.42.020(b) is amended to read:

20 (b) The department may

21 (1) engage in experimental projects relating to available
22 or future modes of transportation and any means of improving existing
23 transportation facilities and service;

24 (2) exercise the power of eminent domain, including the
25 declaration of taking as provided in AS 09.55;

26 (3) publish plans, schedules, directories, guides, and
27 manuals for distribution, with or without charge, to private or public
28 entities or persons;

29 (4) operate state housing in support of the department's

1 statutory responsibilities and charge rent that is consistent with
2 applicable collective bargaining agreements, or, if no collective
3 bargaining agreement is applicable, competitive with market condi-
4 tions;

5 (5) charge reasonable fees to cover the costs of issuing
6 easements, licenses, and permits and to cover the costs of reproduc-
7 tion, printing, mailing, and distribution of contract and bid docu-
8 ments and design and construction standards manuals;

9 (6) charge and collect fees for training services and
10 technical assistance provided by department personnel.

11 * Sec. 66. AS 44.46 is amended by adding a new section to article 1 to
12 read:

13 Sec. 44.46.025. FEES FOR SERVICES. (a) The Department of
14 Environmental Conservation may adopt regulations that prescribe rea-
15 sonable fees, and establish procedures for the collection of the fees,
16 to cover the direct costs of the following services provided by the
17 department:

18 (1) inspections, permit administration, plan review and
19 approval, and other related services provided under AS 03.05, AS 17.-
20 20, and AS 18.35;

21 (2) air quality permits under AS 46.03.140 and 46.03.160;

22 (3) hazardous waste permits under AS 46.03.299 and 46.03.-
23 302;

24 (4) plan approvals and permits for sewerage system and
25 treatment works and wastewater disposal systems, and plan approvals
26 for drinking water systems, under AS 46.03.720;

27 (5) oil discharge financial responsibility approvals under
28 AS 46.04.040;

29 (6) oil discharge contingency plan approvals under

1 AS 46.04.030;

2 (7) water and wastewater operator training under AS 46.30.

3 (b) The department may not charge a fee for a service that is
4 provided by a municipality under a delegation by the department to the
5 municipality.

6 * Sec. 67. AS 44.47.055 is amended to read:

7 Sec. 44.47.055. FEES FOR PUBLICATIONS, [AND] RESEARCH DATA, AND
8 OTHER SERVICES. The commissioner may establish by regulation and the
9 department may charge reasonable fees for department publications,
10 [AND] research data, and other centralized administrative services to
11 cover the cost of reproduction, printing, mailing, [AND] distribution,
12 and other centralized administrative services. [THE COMMISSIONER OF
13 ADMINISTRATION SHALL SEPARATELY ACCOUNT FOR FEES COLLECTED UNDER THIS
14 SECTION THAT THE DEPARTMENT DEPOSITS IN THE GENERAL FUND. THE ANNUAL
15 ESTIMATED BALANCE IN THE ACCOUNT MAY BE USED BY THE LEGISLATURE TO
16 MAKE APPROPRIATIONS TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF
17 THIS SECTION.]

18 * Sec. 68. AS 44.47.380 is amended by adding a new subsection to read:

19 (b) Money in the fund may be used by the legislature to make
20 appropriations for costs of administering the housing assistance
21 program.

22 * Sec. 69. AS 44.50.040 is amended to read:

23 Sec. 44.50.040. FEES. A fee of \$40 [\$20] shall be paid to the
24 lieutenant governor for each commission issued to a person other than
25 [TO] a state employee.

26 * Sec. 70. AS 44.83.170 is amended by adding a new subsection to read:

27 (i) Money in the power project fund may be used by the legisla-
28 ture to make appropriations for costs of administering the fund.

29 * Sec. 71. AS 44.83.361 is amended by adding new subsections to read:

1 (g) Money in the rural electrification revolving loan fund may
2 be used by the legislature to make appropriations for costs of ad-
3 ministering the fund.

4 (h) On June 30 of each fiscal year the unexpended and unobli-
5 gated cash balance of the fund that is attributable to loans owned by
6 the fund lapses into the general fund.

7 * Sec. 72. AS 45.75.050 is amended by adding a new subsection to read:

8 (f) The director shall adopt regulations establishing reasonable
9 fees for testing, inspection, and other services provided under this
10 chapter, and procedures for collecting the fees.

11 * Sec. 73. AS 45.87.010 is amended by adding a new subsection to read:

12 (b) Money in the fund may be used by the legislature to make
13 appropriations for costs of administering this chapter.

14 * Sec. 74. AS 45.87.020(c) is amended to read:

15 (c) Repayments of the principal, the interest, and the money
16 chargeable to principal or interest that is collected through liquida-
17 tion by foreclosure or other process on a loan made under this chapter
18 [FROM THE BULK FUEL REVOLVING LOAN FUND] shall be paid [BY THE COMMIS-
19 SIONER OF COMMERCE AND ECONOMIC DEVELOPMENT] into the bulk fuel re-
20 volving loan fund.

21 * Sec. 75. AS 45.87.060 is amended to read:

22 Sec. 45.87.060. REGULATIONS. The department may [SHALL] adopt
23 regulations necessary to carry out the provisions of [TO IMPLEMENT]
24 this chapter, including regulations to establish reasonable fees for
25 services provided and charges for collecting the fees.

26 * Sec. 76. AS 45.87 is amended by adding a new section to read:

27 Sec. 45.87.065. FEES. The department may collect the fees and
28 collection charges established under AS 45.87.060 and shall deposit
29 the money in the general fund.

1 * Sec. 77. AS 45.88.010 is amended by adding new subsections to read:

2 (b) Money in the fund may be used by the legislature to make
3 appropriations for costs of administering this chapter.

4 (c) On June 30 of each fiscal year the unexpended and unobli-
5 gated cash balance of the fund that is attributable to loans owned by
6 the fund lapses into the general fund.

7 * Sec. 78. AS 45.88.020(a) is amended to read:

8 (a) The department may

9 (1) make loans for the purchase, construction, and instal-
10 lation of alternative energy systems;

11 (2) adopt regulations necessary to carry out the provisions
12 of this chapter, including regulations to establish reasonable fees
13 for services provided and charges for collecting the fees;

14 (3) collect the fees and collection charges established
15 under this subsection.

16 * Sec. 79. AS 45.88.030(d) is amended to read:

17 (d) All principal and interest payments, and money chargeable to
18 principal or interest that is collected through liquidation by fore-
19 closure or other process on loans made under this chapter, shall be
20 paid into the alternative energy revolving loan fund.

21 * Sec. 80. AS 45.89.010 is amended to read:

22 Sec. 45.89.010. FUND ESTABLISHED. There is established in the
23 Department of Commerce and Economic Development the residential energy
24 conservation fund to carry out the purposes of this chapter. Loans
25 and grants made under this chapter may be used to purchase, construct,
26 and install an energy conservation improvement in residential build-
27 ings. [THE FUND MAY NOT BE USED FOR ANY OTHER PURPOSE.]

28 * Sec. 81. AS 45.89.010 is amended by adding new subsections to read:

29 (b) Money in the fund may be used by the legislature to make

1 appropriations for costs of administering this chapter.

2 (c) On June 30 of each fiscal year the unexpended and unobli-
3 gated cash balance of the fund that is attributable to loans owned by
4 the fund lapses into the general fund.

5 * Sec. 82. AS 45.89.030(h) is amended to read:

6 (h) All principal and interest payments, and money chargeable to
7 principal or interest that is collected through liquidation by fore-
8 closure or other process [AMOUNTS REPAID] on a loan made under this
9 chapter, [SECTION] shall be paid into [DEPOSITED TO] the residential
10 energy conservation fund.

11 * Sec. 83. AS 45.89.070 is amended to read:

12 Sec. 45.89.070. REGULATIONS. The department shall adopt regu-
13 lations necessary to carry out the provisions of [IMPLEMENT] this
14 chapter, including regulations to establish reasonable fees for ser-
15 vices provided and charges for collecting the fees.

16 * Sec. 84. AS 45.89.070 is amended by adding a new subsection to read:

17 (b) The department may collect the fees and collection charges
18 established under (a) of this section.

19 * Sec. 85. AS 45.90.010 is amended to read:

20 Sec. 45.90.010. CREATION OF A TOURISM REVOLVING FUND. There is
21 created in the Department of Commerce and Economic Development a
22 tourism revolving fund. All principal and interest payments, and
23 money chargeable to principal or interest that is collected through
24 liquidation by foreclosure or other process on loans made under this
25 chapter, shall be paid into the tourism revolving fund.

26 * Sec. 86. AS 45.90.010 is amended by adding a new subsection to read:

27 (b) Money in the fund may be used by the legislature to make
28 appropriations for costs of administering this chapter.

29 * Sec. 87. AS 45.90.020(a) is amended to read:

- 1 (a) The department may
2 (1) make loans to a business directly involved in the
3 tourist industry;
4 (2) designate agents and delegate powers to them as is
5 necessary;
6 (3) adopt rules and regulations necessary to carry out its
7 functions, including regulations to establish reasonable fees for
8 services provided and charges for collecting the fees;
9 (4) establish amortization plans for the repayment of loans
10 not to exceed 20 years;
11 (5) collect the fees and collection charges established
12 under this subsection.

13 * Sec. 88. AS 45.95.010(a) is amended to read:

14 (a) The Department of Commerce and Economic Development shall
15 formulate general policies and adopt regulations necessary to carry
16 out the provisions of this chapter, including regulations to establish
17 fees for services provided and charges for collecting the fees. The
18 department may collect the fees and collection charges established.

19 * Sec. 89. AS 45.95.020(d) is amended to read:

20 (d) Money loaned shall be delivered to the borrower in the form
21 of a warrant drawn on the treasury, vouchered in the manner prescribed
22 for state disbursing officers, and charged against the small business
23 revolving loan fund. Each voucher shall be approved by the commis-
24 sioner or a [ANY] bonded deputy authorized to act as a certifying
25 officer. Upon repayment of loans by installments, or otherwise, in
26 accordance with the prescribed terms, or upon liquidation by foreclo-
27 sure or other process, or upon receipt of interest [OR OTHER REVENUE],
28 the money so received shall be turned over to the commissioner of
29 revenue for deposit in the small business revolving loan fund.

1 * Sec. 90. AS 45.95.060 is amended by adding a new subsection to read:

2 (b) Money in the fund may be used by the legislature to make
3 appropriations for costs of administering this chapter.

4 * Sec. 91. AS 45.98.010 is amended to read:

5 Sec. 45.98.010. CREATION OF HISTORICAL DISTRICT REVOLVING LOAN
6 FUND. There is created in the Department of Commerce and Economic
7 Development a historical district revolving loan fund. All principal
8 and interest payments, and money chargeable to principal or interest
9 that is collected through liquidation by foreclosure or other process
10 on loans made under this chapter, shall be paid into the historical
11 district revolving loan fund.

12 * Sec. 92. AS 45.98.010 is amended by adding new subsections to read:

13 (b) Money in the fund may be used by the legislature to make
14 appropriations for costs of administering this chapter.

15 (c) On June 30 of each fiscal year the unexpended and unobli-
16 gated cash balance of the fund that is attributable to loans owned by
17 the fund lapses into the general fund.

18 * Sec. 93. AS 45.98.030 is amended to read:

19 Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For
20 purposes of administering this chapter, the Department of Commerce and
21 Economic Development may

22 (1) prescribe the form and procedure for submitting loan
23 applications under this chapter;

24 (2) designate agents and delegate powers to them as is
25 necessary;

26 (3) in consultation with the Historic Sites Advisory Com-
27 mittee, adopt regulations necessary to carry out its functions, in-
28 cluding regulations for the process of plan approval by the committee
29 and regulations to establish reasonable fees for services provided and

1 charges for collecting the fees;

2 (4) establish amortization plans for the repayment of loans
3 not to exceed 30 years;

4 (5) collect the fees and collection charges established
5 under this section.

6 * Sec. 94. AS 47.05 is amended by adding a new section to read:

7 Sec. 47.05.080. RETENTION OF OVERPAYMENTS COLLECTED. Benefit
8 overpayments collected by the department in administering programs
9 under AS 47.25.120 - 47.25.300 (general relief), AS 47.25.310 - 47.-
10 25.420 (aid to families with dependent children), AS 47.25.430 -
11 47.25.615 (adult public assistance), and AS 47.25.975 - 47.25.990
12 (food stamps) shall be remitted to the Department of Revenue under
13 AS 37.10.050(a).

14 * Sec. 95. AS 10.15.535, 10.15.540; AS 14.56.035; AS 14.57.015; AS 16.-
15 05.053; AS 37.05.500(a)(1), 37.05.500(a)(4), 37.05.500(a)(6); AS 44.42.025;
16 AS 44.83.195(c); and AS 46.03.020(12) and 46.03.025 are repealed.

17 * Sec. 96. Notwithstanding AS 37.10.050(a), as amended by sec. 1, ch.
18 138, SLA 1986, a fee charged by an agency under a regulation that was
19 adopted before July 1, 1987, under authority of a statute that does not
20 expressly authorize a charge for a service, is valid if it would have been
21 valid before the 1986 amendment of AS 37.10.050(a). The regulation and fee
22 remain in effect, and the agency may charge for the service, until the
23 regulation is repealed or amended by the agency. To amend the regulation
24 to change the fee, the agency shall meet the standard of AS 37.10.050(a) as
25 amended by sec. 2 of this Act.

26 * Sec. 97. Notwithstanding AS 37.10.050(a), as amended by sec. 2 of
27 this Act, a fee charged under a regulation that was adopted before the
28 effective date of this Act that establishes a fee or other charge that
29 exceeds the estimated actual cost to a state agency in administering the

1 activity or providing the service for which the fee or charge is imposed is
2 valid if it would have been valid before the effective date of this Act.
3 The regulation and fee or charge remain in effect, and the agency may
4 collect the fee or charge for the activity or service, until (1) the regu-
5 lation is repealed or amended, or (2) two years after the effective date of
6 this Act, whichever is sooner. If the regulation is amended to change the
7 fee or charge, AS 37.10.050(a), as amended by sec. 2 of this Act, applies
8 to the fee or charge.

9 * Sec. 98. Section 96 of this Act, dealing with fees charged under a
10 regulation adopted before July 1, 1987, is retroactive to July 1, 1987.

11 * Sec. 99. This Act takes effect immediately under AS 01.10.070(c).
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STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 13, 1989

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

Dear Representative Cotten:

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 of and accounting for money received for goods and services provided by state agencies.

The purpose of the bill is the same as that of ch. 138, SLA 1986: namely, to expressly authorize setting and receiving fees and other charges by state agencies for the performance of functions prescribed by law. As with ch. 138, SLA 1986, this bill includes provisions requiring separate accounting for these program receipts and provisions suggesting legislative appropriation to the respective programs that produced the receipts. This bill attempts to include the amendments that ch. 138, SLA 1986 missed, and it removes an ambiguity in that Act's amendment of AS 37.10.050(a), making certain that fee regulations meet the same standards as those prescribed by the Alaska Administrative Procedure Act for other regulations.

Perhaps the most significant provisions of this bill are in secs. 1 and 132. Section 1 defines "program receipts" as "fees, charges, income earned on assets, and other state money received by a state agency in connection with the performance of its functions" and identifies those receipts that are not general fund program receipts.

Section 132 is a "grandfather clause" that protects from any unintentional invalidation fees charged by agencies under regulations that were adopted before July 1, 1987, notwithstanding the 1986 amendments of AS 37.10.050(a) which took effect July 1, 1987.

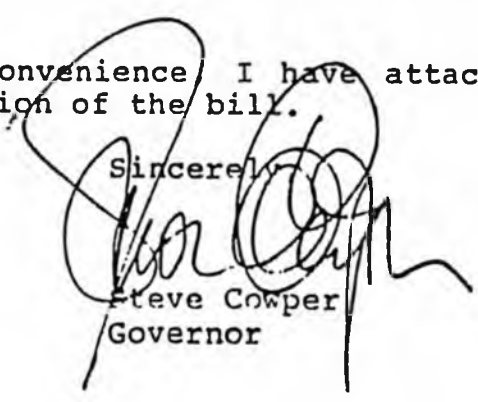
The remaining sections of the bill either (1) expressly authorize the assessment of fees or the provision of services already impliedly authorized by existing law; or (2) prescribe a method of accounting for and using money generated by state programs.

This bill has an immediate effective date, to achieve consistency with ch. 138, SLA 1986's amendments as soon as possible.

The amendments set out in this bill will make clear the permissible handling of program receipts. Although my Administration believes that the most appropriate use of program receipts is for 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 in the general fund.

For the legislature's convenience I have attached a section-by-section description of the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", is written over the typed name and title. The signature is stylized and somewhat cursive.

Steve Cowper
Governor

A M E N D M E N T #1

OFFERED IN THE HOUSE

BY RIEGER

TO: CSHB 85 (Finance)

Page 16, line 24, after "paid.":

Insert "This subsection does not apply to a volunteer lobbyist under AS 24.45.161 or a representational lobbyist under regulations of the commission."

4/13/89

Attachment

A M E N D M E N T #2

OFFERED IN THE HOUSE

by BROWN

TO: CSHB 85 (Finance)

Page 22, line 10, after "from":

Insert "repayment of loans made from the fund or"

4/13/89

Attachment

A M E N D M E N T #3

OFFERED IN THE HOUSE

BY BROWN AND RIEGER

TO: CSHB 85 (Finance)

Page 24, lines 7 - 13:

Delete all material.

Insert "Sec. 44.46.025. FEES FOR SERVICES. (a) The Department of Environmental Conservation may adopt regulations that prescribe reasonable fees, and establish procedures for the collection of the fees, to cover the direct costs of the following services provided by the department:

(1) inspections, permit administration, plan review and approval, and other related services provided under AS 03.05, AS 17.20, and AS 18.35;

~~(2) solid waste disposal permits under AS 46.03.100;~~

(3) air quality permits under AS 46.03.140 and 46.03.160;

(4) hazardous waste permits under AS 46.03.299 and 46.03.302;

(5) plan approvals and permits for sewerage system and treatment works and wastewater disposal systems, and plan approvals for drinking water systems, under AS 46.03.720;

(6) oil discharge financial responsibility approvals under AS 46.04.040;

(7) oil discharge contingency plan approvals under AS 46.04.030;

(8) water and wastewater operator training under AS 46.30.

(b) The department may not charge a fee for a service that is provided by a municipality under a delegation by the department to the

4/13/89

Attachment

A M E N D M E N T #4

OFFERED IN THE HOUSE

BY BARNES

TO: CSHB 85(FIN)

Page 3, line 28, after "state.":

Insert "However, use of state property and improvements by the Alaska Wing, Civil Air Patrol and its squadrons shall be permitted without rentals, fees, or other charges." *delete*

4/13/89: Attachment

AMENDMENT #5

By Rieger

To CS HB 85 (Finance)

Working Draft Dated 4/10/89, Diendorf

Page 11, Line 26: Delete "access to wildlife refuges,"

p. 2, betw lines 3 & 4 7 (#6)
Amendment - page 1 between lines 3/4 add:

(3) individual, foundation or corporation gifts, grants or bequests.

(number accordingly.)
(contact Jay Hogan, if necessary.)
3727

MEMORANDUM

State of Alaska
Department of Education

TO: Alison Elgee, Director
Division of Budget Review
Office of Management & Budget

DATE: April 11, 1989

FILE NO:

TELEPHONE NO: 465-2800

Mary Hakala
FROM: Mary Hakala
Special Assistant

SUBJECT: Program Receipts
Legislation

Included within the Department of Education budget are a number of grant awards received for specific purposes from private sources. It is troublesome that these are accounted for as general fund/program receipts under the current program receipt definition. Specific examples include:

- * Melon Foundation grant for teacher training activities
- * Dodge Foundation grant for Mt. Edgecumbe's Chinese language program
- * Alaska Minerals Energy Resource Education Fund (AMEREF) grant for specific mining and minerals education activities
- * National Geographic Society funds for geography education purposes

These are grant awards received by the Department for very specific purposes with revenues contingent upon meeting grant award conditions. These grant awards are in no way a general source of revenue to the State of Alaska. In the past these have been accounted for as gifts or bequests and as such were segregated from the generalized category of program receipts.

Please consider amending the program receipts legislation to exclude gifts/bequests/grants to the state from private sources from the definition of program receipt. An exclusion could be added to section 1 of the bill to accomplish this.

Please contact me if you need additional information.

#7
SWACKHAMMER

* Sec. — AS 44.50.040 is amended to read:

Sec. 44.50.040. FEES. A fee of \$40 [\$20] shall be paid to the lieutenant governor for each commission issued to a person other than [TO] a state employee. The lieutenant governor shall deposit the fees in the general account.

* Sec. — AS 44.50.040 is amended by adding a new ^{Sub} section to read:

(b) The commissioner of administration shall separately account for notary public commission fees deposited in the general fund by the lieutenant governor. ~~The annual estimated balance in the account may be used by the legislature to make appropriations to the lieutenant governor's office to carry out this chapter.~~ delete

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 19, 1989

Honorable Ron Larson, Co-Chair
House Finance Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Amendment 8

Re: An additional amendment to
CSHB 85(Fin) -- "program receipts"
(Our file: 773-89-0001)

Dear Representative Larson:

The Alaska Public Utilities Commission (APUC), through our assistant attorney general who works full-time with the commission, has asked for an amendment to this bill. In the April 10, 1989 draft committee substitute currently being considered, sec. 50 amends AS 35.10.210, dealing with DOT/PF fees for permits for utility facilities constructed, etc., within a state public facility.

A fee that the Department of Transportation and Public Facilities will charge a utility under that statute will be reflected in the utility's rates charged to its customers. Those utilities are subject to APUC regulation, and their rates are subject to APUC approval. Therefore, the commission would like statutory reassurance that the department's fee is reasonable and is related to the department's costs of administering the permit program. An appropriate standard is set out in AS 42.05.251 (as amended in 1986) in the Alaska Public Utilities Commission Act.

Ideally, the commission would like to address a couple of issues related to the fee issue, as indicated on the attached FAX memo to me from Assistant Attorney General Liz Hickerson. However, I mentioned to Liz that amendments pertaining to those issues might be considered beyond the scope of this program receipts bill. Therefore, the Department of Law is suggesting that your committee include only the following, minimal amendment in its final committee substitute for HB 85:

Page 19, line 23:28

In front of the word "fee," insert "reasonable," and after the word "fee," insert ", consistent with the criteria in AS 42.05.251,".

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

Honorable Ron Larson, Co-Chair
House Finance Committee
Our file: 773-89-0001

April 19, 1989
Page 2

Thank you for your consideration of this additional amendment.

Yours truly,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By:



Arthur H. Peterson
Assistant Attorney General

AHP/cb

Enclosure

cc w/encl.: Hon. Mark Hickey, Commissioner
Department of Transportation and
Public Facilities

Susan M. Knowles, Chair
Alaska Public Utilities Commission

Janet Clark, Deputy Director
Division of Budget Review, OMB

cc w/o encl.: Elizabeth Hickerson
Assistant Attorney General
Anchorage

TO: ART PETERSON
FROM: ELIZABETH J. HICKERSON
SUBJECT: CSHB 85(SA)
DATE: APRIL 18, 1989

In order to provide consistent treatment of municipal and state right of way permits, I suggest the following amendment to CSHB 85(SA).

Add a section to read:

AS 42.05.251 is amended to read:

Sec. 42.05.251. USE OF [STREETS IN CITIES AND MUNICIPALITIES] PUBLIC FACILITIES FOR UTILITIES. Public utilities have the right to a permit to use public streets, alleys, and other public ways [of a municipality] upon payment of a reasonable permit fee and on reasonable terms and conditions and with reasonable exceptions the municipality or the state requires. The fee may not exceed the actual cost to the municipality or to the state of the utility's use of the public way and of administering the permit program. A dispute as to whether fees, terms, conditions, or exceptions are reasonable shall be decided by the commission. The commission may require a utility to add the amount of any permit fee paid as a pro rata surcharge to its bills for service rendered at locations [within the boundaries of any municipality] that require[s] payment of a permit fee.

The only other alternative would be to amend AS 35.10.210 to include the language in AS 42.05.251, however, the Commission believes that it is in the public interest to have all laws affecting utilities contained in AS 42.05.

Let me know what you think. Thanks.

April 10, 1989

TO: Jay Hogan

FROM: Dave Dierdorff 

Attached is an amendment that reflects the changes to CSHB 85(SA) that were made when creating the House Finance CS for HB 85. I have noted the source or otherwise briefly explained the significant changes.

The CS will be delivered before noon today if the river don't rise too high!

A M E N D M E N T

OFFERED IN THE HOUSE

BY LARSON, RIEGER, AND BROWN

TO: CSHB 85 (State Affairs)

Page 2, line 29, after "44.62.030":

(NEW)

Insert ". A fee or other charge that is set by regulation may not exceed the estimated actual costs of the state agency in administering the activity or providing the service unless otherwise provided by the statute that authorizes the regulation; this limitation does not apply to sales of property by a state agency"

Page 3, line 15:

(DTPF airport charges)

After "other" insert "public"

After "purposes" insert ", including private plane tie down"

Page 6, after line 29:

(NEW)

Insert a new subsection to read:

"(e) An exam fee or other charge assessed to a state-chartered financial institution under this section may not exceed a fee or other charge assessed for the same type of exam or service to a similarly situated federally-chartered financial institution."

Renumber following subsection accordingly.

Page 7, lines 5 - 23:

Delete all material.

(COVERED IN REVISOR'S BILL)

Renumber following bill sections accordingly.

Page 8, lines 7 - 8:

Delete "The fee may not exceed the actual costs of the department in administering cooperative licenses." (REDUNDANT TO 37.10.050(a))

Page 9, line 9:

Delete ", and may not exceed,"

- ditto -

Page 9, lines 13 - 29:

Delete all material.

(COVERED IN REVISOR'S BILL)

Renumber following bill sections accordingly.

Page 10, line 1:

Delete "AS 10.20.635"

Insert "AS 10.20.635(b)"

Page 10, line 2, through page 11, line 2:

Delete all material.

(COVERED IN REVISOR'S BILL)

Page 11, lines 9 - 24:

Delete all material.

- ditto -

Renumber following bill sections accordingly.

Page 12, lines 3 - 24:

(COVERED IN REVISOR'S BILL)

Delete all material.

Renumber following bill sections accordingly.

Page 14, lines 26 - 27:

(REDUNDANT TO EXISTING LAW)

Delete "Receipts generated through the sales shall be deposited in the general fund."

Page 15, line 4, before ";":

(ADDED BY SUBCOMMITTEE)

Insert "; fees established under this paragraph for tours of hatchery facilities, access to wildlife refuges, commercial use of sport fishing access sites, and for operation of state hatchery facilities by private aquaculture associations are not subject to the cost limit under AS 37.10.-050(a)"

Page 15, line 8:

(TO CONFORM LANGUAGE)

Delete "any"

Page 15, line 9:

Delete "agreement"

Insert "agreements"

- ditto -

Page 17, line 18:

Delete ", and may not exceed," (REDUNDANT TO AS 37.10.050(a))

Page 18, after line 16:

(ADDED BY SUBCOMMITTEE)

Insert new bill sections to read:

"* Sec. 35. AS 18.65.410 is amended to read:

Sec. 18.65.410. APPLICATIONS. Application for a license as a security guard must be made on forms provided by the commissioner. The application must require the furnishing of information reasonably required by the commissioner to carry out the provisions of AS 18.65.-400 - 18.65.490, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record. The application must be accompanied by a nonrefundable application fee of \$50 [\$25] for a security guard and \$200 for a security guard agency.

* Sec. 36. AS 18.65.430 is amended to read:

Sec. 18.65.430. DURATION OF LICENSE. A security guard license issued under AS 18.65.400 - 18.65.490 is valid for a period of two years and may be renewed for additional two-year terms. A renewal fee of \$50 shall [\$25 MUST] be paid for each renewal."

Re-number following bill sections accordingly.

Page 19, after line 7:

(ADDED BY SUBCOMMITTEE - APOC REQUEST)

Insert a new bill section to read:

"* Sec. 40. AS 24.45.041 is amended by adding a new subsection to read:

(g) An application for registration as a lobbyist under (a) of

this section or for renewal of a registration under (f) of this section is subject to a fee of \$100. The commission may not accept an application for registration or renew a registration until the fee is paid."

Renumber following bill sections accordingly.

Page 20, after line 13:

Insert a new bill section to read:

"* Sec. 44. AS 26.15.090 is amended to read:

Sec. 26.15.090. ALASKA WORLD WAR II VETERANS' REVOLVING [CREATION OF] FUND. There is created the Alaska World War II veterans' revolving fund to carry out this chapter. Except as provided in (b) and (c) of this section, the [THIS] fund may not be used for any other purpose."

Renumber following bill sections accordingly.

Page 20, line 14:

Delete "a new subsection"

Insert "new subsections"

Page 20, after line 16:

(RELATES TO WWII LOAN FUND)

Insert a new subsection to read:

"(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by

the fund lapses into the general fund."

Page 20, lines 22 - 23:

- ditto -

Delete "Money appropriated to or repaid into the fund does not lapse under AS 37.25.010."

Insert "On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund."

Page 20, line 25:

- ditto -

Delete "."

Insert "[MONEY APPROPRIATED TO OR REPAID INTO THE FUND DOES NOT LAPSE UNDER AS 37.25.010]."

Page 22, line 26:

(TO CONFORM LANGUAGE)

Delete "may"

Delete "an"

Page 22, line 27:

- ditto -

Delete "agreement"

Insert "agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions"

Page 22, after line 27:

Insert a new bill section to read:

** Sec. 56. AS 44.33.240 is amended to read:

Sec. 44.33.240. CHILD CARE FACILITY REVOLVING LOAN FUND. There is in the Department of Commerce and Economic Development the child care facility revolving loan fund to carry out the purposes of AS 44.-33.240 - 44.33.275. Except as provided in (b) and (c) of this section, the [THE] fund may not be used for any other purpose."

Renumber following bill sections accordingly.

Page 22, line 28:

(RELATES TO CHILD CARE LOANS)

Delete "a new subsection"

Insert "new subsections"

Page 23, after line 1:

- ditto -

Insert a new subsection to read:

"(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund."

Page 23, line 21:

(AEA REQUESTED CHANGE, BUT OUR LANGUAGE)

Delete "[(1)]"

Insert "(1)"

Delete "[:"

Insert "; and"

Page 23, line 22, after "(2)":

- ditto -

Insert "money deposited in the fund by the authority for the self-

insurance reserve account under (c) of this section ["

Page 23, after line 25:

- ditto -

Insert a new subsection to read:

"(c) The authority shall establish a self-insurance reserve account in the fund. The self-insurance reserve account consists of money deposited in the fund by the authority that is derived from revenue resulting from sales of interruptible power under agreements other than the long-term power sales agreement. The self-insurance reserve account shall be maintained in an amount, not to exceed \$7,000,000, that is sufficient for the purposes of self-insurance for the operating electric facilities constructed under the Energy Program for Alaska and financed with loans from the fund."

Reletter following subsections accordingly.

Page 23, line 27, after "fund":

- ditto -

Insert "that is surplus to that required to maintain the self-insurance account under (c) of this section"

Page 24, after line 1:

(ADDED BY SUBCOMMITTEE - DMVA REQUEST)

Insert a new bill section to read:

* Sec. 62. AS 44.35 is amended by adding a new section to read:

Sec. 44.35.040. FEES FOR CERTAIN TRAINING. The Department of Military and Veterans' Affairs may adopt regulations establishing reasonable fees for training provided by the department to persons

relating to the transportation, storage, or other management of hazardous substances, and establishing procedures for the collection of the fees."

Renumber following bill sections accordingly.

Page 24, line 26:

(TO CONFORM LANGUAGE)

Delete "an"

Page 24, line 27:

Delete "agreement"

Insert "agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions"

Page 25, line 7:

(CORRECTION)

Delete "The department"

Insert "The Department of Environmental Conservation"

Page 25, line 8:

(SUBCOMMITTEE ADDED)

Delete "for"

Insert "to cover the direct costs of"

Page 25, line 9, after "for":

-ditto-

Insert "inspections, permit administration, plan review and approval, training, and other"

- ditto -

Page 25, line 9:

Delete "AS 44.46.020, and AS 46.03.020"

Insert "and AS 46.04.030"

Page 25, line 11:

(CLEAN-UP)

Delete "collect the fees and deposit them in the general fund."

Insert "establish procedures for the collection of the fees."

Page 25, line 16:

(DCRA - CLARIFICATION)

Delete "other"

Insert "centralized administrative"

Page 25, line 17:

Delete "other"

Insert "centralized administrative"

Page 25, after line 26:

(SUBCOMMITTEE ADDED)

Insert a new bill section to read:

"* Sec. 69. AS 44.50.040 is amended to read:

Sec. 44.50.040. FEES. A fee of \$40 [\$20] shall be paid to the lieutenant governor for each commission issued other than to a state employee."

Renumber following bill sections accordingly.

Page 26, line 1:

Delete "a new subsection"

Insert "new subsections"

Page 26, after line 4:

(RURAL ELECTRIFICATION LOANS)

Insert the following new material to read:

"(h) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund.

* Sec. 72. AS 45.75.050 is amended by adding a new subsection to read:

(f) The director shall adopt regulations establishing reasonable fees for testing, inspection, and other services provided under this chapter, and procedures for collecting the fees." (SUBCOMMITTEE ADDED)
(WT'S & MEASURES)

Renumber following bill sections accordingly.

Page 26, line 24:

Delete "a new subsection"

Insert "new subsections"

Page 26, after line 26:

(ALTERNATIVE ENERGY LOANS)

Insert a new subsection to read:

"(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund."

Page 27, after line 11:

Insert a new bill section to read:

"* Sec. 80. AS 45.89.010 is amended to read:

Sec. 45.89.010. FUND ESTABLISHED. There is established in the Department of Commerce and Economic Development the residential energy conservation fund to carry out the purposes of this chapter. Loans and grants made under this chapter may be used to purchase, construct, and install an energy conservation improvement in residential buildings. [THE FUND MAY NOT BE USED FOR ANY OTHER PURPOSE.]"

Renumber following bill sections accordingly.

Page 27, line 12:

Delete "a new subsection"

Insert "new subsections"

Page 27, after line 14:

(RESIDENTIAL ENERGY LOANS)

Insert a new subsection to read:

"(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund."

Page 29, line 22:

Delete "a new subsection"

Insert "new subsections"

Page 29, after line 24:

(HISTORICAL DISTRICT LOANS)

Insert a new subsection to read:

"(c) On June 30 of each fiscal year the unexpended and unobligated cash balance of the fund that is attributable to loans owned by the fund lapses into the general fund."

Page 30, after line 29:

(SUBCOMMITTEE ADDED)

Insert a new bill section to read:

"* Sec. 97. Notwithstanding AS 37.10.050(a), as amended by sec. 2 of this Act, a fee charged under a regulation that was adopted before the effective date of this Act that establishes a fee or other charge that exceeds the estimated actual cost to a state agency in administering the activity or providing the service for which the fee or charge is imposed is valid if it would have been valid before the effective date of this Act. The regulation and fee or charge remain in effect, and the agency may collect the fee or charge for the activity or service, until (1) the regulation is repealed or amended, or (2) two years after the effective date of this Act, whichever is sooner. If the regulation is amended to change the fee or charge, AS 37.10.050(a), as amended by sec. 2 of this Act, applies to the fee or charge."

Page 31, line 4:

Delete "94"

Insert "96"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 10, 1989

SUBJECT: DEC Fees and Charges (CSHB 85(Finance))

TO: Representative Ron Larson
Attn: Jay Hogan

FROM: David R. Dierdorff
Revisor of Statutes

Enclosed is the draft CSHB 85(Finance) requested Saturday.

I noted that the amendments made by the subcommittee to the DEC's authority to charge fees (see sec. 66 of this CS, or pages 9 and 10 of the amendment), may require a second look at the repeal of AS 46.03.020(12) and 46.03.025 in sec. 95 of the CS. As long as sec. 66 referred to AS 46.03.020, the repeals were appropriate. However, with the deletion of that reference, the repeal of AS 46.03.020(12) should probably be deleted and AS 46.03.025 should probably be amended rather than repealed.

DRD:gc
WKG9/033

Enclosure

STEVE COWPER, GOVERNOR

**DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS**

OFFICE OF THE ADJUTANT GENERAL

FRONTIER BUILDING
SUITE 520
1601 C STREET
ANCHORAGE, ALASKA 99501-5282
PHONE: 907.243.0656
AUTOVON 526 1444

Administrative & Support
Services Division
P.O. Box L
Juneau, AK 99811

March 17, 1989

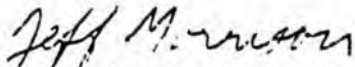
The Honorable Ron Larson
Chairman, House Finance Subcommittee on
Department of Military and Veterans Affairs
P.O. Box V
Juneau, AK 99811

Dear Representative Larson,

At the subcommittee's meeting held on March 13, the issue was raised concerning our department's authority to collect and expend fees for training offered to the general public and private sector businesses. We have looked into this, and confirm that DMVA does need additional statutory authorization to be able to charge fees for training.

House Bill 85 will soon be in the House Finance Committee, and would serve as an appropriate vehicle for adding the needed statutory language to allow DMVA to collect fees for training. Enclosed with this letter is a suggested amendment to HB 85 which would meet our needs. We would appreciate your incorporating this amendment into HB 85. Please contact me if you need any additional information in support of this suggested amendment.

Sincerely,



Jeff Morrison, Director
Division of Administrative and
Support Services

enclosure

cc: Rep. Max Gruenberg (w/enclosure)
Rep. Richard Foster (w/enclosure)
Rep. Terry Martin (w/enclosure)
MG John W. Schaeffer, The Adjutant General (w/enclosure)
Ervin Paul Martin, Director, ADES (w/enclosure)
Art Peterson, Department of Law (w/enclosure)
Alison Elgee, Director of Budget Review, OMB (w/enclosure)

Enclosure to letter of March 17, 1989 to Representative Ron Larson

SUGGESTED AMENDMENT TO HB 85

* Sec. _____. AS 44.35 is amended by adding a new section to read:

Sec. 44.35.040. FEES FOR SERVICES. (a) The department may, by regulation, prescribe reasonable fees for services provided by the department. The department shall collect the fees and deposit them in the general fund.

(b) The commissioner of administration shall separately account for service fees collected and deposited in the general fund by the Department of Military and Veterans Affairs. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out its functions under AS 26, and AS 44.35.

A BRIEF HISTORY OF PROGRAM RECEIPTS LEGISLATION

Prepared by the Division of Budget Review

Program receipts have been included as funding sources within the Alaska State budget at least since FY 73. Historically, this category of state receipts has been used to fund state corporations, the University of Alaska, and certain state agencies which generate fees as part of their day-to-day operations. This overview is intended to provide a general discussion of the reasons for the development and the general purposes of program receipts legislation since 1984.

HCR 56, SLA 1984

In 1984, the Alaska Legislature, concerned over the proliferation of program receipts as a funding source in the state budget, passed HCR 56 which requested the Governor "to instruct the Division of Budget Review to prepare the FY 86 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 state constitution or statutes to be called "program receipts"."

The primary concern of the Legislature at that time was that millions of dollars -- in FY 85 the amount appropriated by the Legislature under the heading "Program Receipts" was \$51 million -- were being appropriated from the general fund to state agencies without adequate Legislative review because program receipts were being considered, for budgeting purposes, as non-general funds. Program receipts from fees and other charges were included in most department budgets but were particularly prominent in the Department of Administration, (primarily the Division of Retirement and Benefits, the Pioneer Homes, and the Employee Housing Program) the Department of Revenue (primarily the Municipal Bond Bank, the Alaska Housing Finance Corporation, and the Permanent Fund Corporation), the Department of Commerce and Economic Development (primarily the Alaska Seafood Marketing Institute, the Alaska Industrial Development Authority, the Alaska Power Authority's Plant Operations and Maintenance component, and the consumer protection divisions) and the University of Alaska. The above-mentioned programs accounted for approximately 92% of the appropriated program receipts in FY 85.

Chapter 138, SLA 1986

The request in HCR 56 gave rise to a review of state agency program receipts and the passage of legislation in 1986 (HB 696/Ch 138) which addressed the method by which agency fees and other receipts would be accounted for and appropriated. Language was added to many Alaska laws which read as follows:

"The commissioner of administration shall separately

account for _____ fees that the department deposits in the general fund. The annual estimated balance may be used by the legislature to make appropriations to the department to carry out the purpose of _____".

The language accomplished two objectives: (1) it provided for an accounting within the general fund of agency fees; and (2) it indicated that the legislature could choose to make appropriations from the general fund to the state agency collecting a certain fee based on the estimated revenue from these fees. The major benefit of basing appropriations to agencies on program receipts is that it places the requirement on agencies to generate revenue in order to make expenditures, thereby forcing agencies to be diligent in their billing and collection of fees.

The above language has since been included in several bills relating to the collection of new or increased fees, e.g., it is included this year in HB 44 relating to mandatory automobile insurance.

Chapter 138 also addressed the legislature's intent with respect to the appropriation of program receipts:

"Sec. 103. In preparing the governor's budget for fiscal year 1988, proposed general fund appropriations that are based on estimated program receipts under this Act shall be identified as "general fund/program receipts" to distinguish them from other general fund appropriations."

The Legislature wished to continue to make the affected agencies' expenditure of general fund program receipts contingent upon the collection of fees and other charges, so they wanted to separate them from other general fund appropriations.

HB 263 --1987 and 1988 Legislative Sessions

During the FY 88 budget development process it became clear that Chapter 138 had not completely clarified the program receipts issue. First, the bill did not include program receipts language for numerous agency fees which were in fact being budgeted as program receipts. Second, there was still no consistent definition of program receipts. The latter problem caused substantial confusion when it became clear that program receipts fell into two separate and distinct classes -- those which are received and accounted for in the state's general fund, or general fund program receipts, and those which are received and accounted for outside of the state's general fund, or non-general fund program receipts. To address and resolve these issues, Governor Cowper introduced House Bill 263 to the 1987 legislature. The bill provided a clear definition of program receipts and it identified further areas where the program receipt definition should apply.

House Bill 263 defined program receipts as follows:

"Sec. 1. "program receipts" means fees, charges, income earned on assets, and other state money received by a state agency in connection with the performance of its functions..."

Section 1 of House Bill 263 went on to identify which program receipts are not general fund program receipts. These include federal receipts, University of Alaska receipts, and the receipts of state enterprise funds, special funds, trust funds, and independent state corporations.

House Bill 263 passed the House. Before it was passed by the Senate, it was modified through the addition of three sections relating to the Alaska Power Authority. Unfortunately, a conference committee appointed near the end of the 1988 session was unable to come to an agreement on the bill before the legislature adjourned.

Since FY 88 general fund program receipts have been included in the general fund total for the Alaska State Budget.

House Bill 85, 1989 Legislative Session

Governor Cowper has reintroduced the program receipts bill to the 1989 legislature in the form of House Bill 85. The bill primarily does three things: (1) it defines program receipts and identifies those program receipts which are not general fund program receipts; (2) it authorizes agencies to charge fees for various services; and (3) it provides for an accounting within the general fund of program receipts. A copy of the sectional analysis of the bill is attached for the reader's reference.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF BUDGET REVIEW

STEVE COWPER, GOVERNOR

POUCH AM
JUNEAU, ALASKA 99811
PHONE: (907) 465-3568

April 11, 1989

All Members House Finance Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Subject: Primary differences in CSHB 85(Fin) as compared to the Governor's original bill - HB 85

Dear Representative:

Listed below are the major changes contained in the House Finance Committee Substitute for House Bill 85 as compared to the Governor's original bill. We would like to stress that CSHB 85(Fin) is consistent with the primary intent of the Governor's bill which is to define program receipts, to address the method by which agency fees and other receipts are accounted for and appropriated, and to authorize fee setting in statute where it currently does not exist.

1. Both CSHB 85(SA) and CSHB 85(Fin) incorporate a centralized approach to accounting for and appropriating program receipts (see section 1). This change resulted in several sections of the Governor's bill dropping out of both committee substitutes.

2. CSHB 85(Fin) provides that a fee or charge set by regulation may not exceed the estimated actual costs of providing the service (see section 2). Fees currently set by regulation which are covered under this provision have been "Grandfathered" with proposed section 97.

3. Several sections proposed by the Governor are deleted in CSHB 85(Fin) because they are now covered in the 1989 Revisor's Bill.

4. Several sections in CSHB 85(Fin) have been added which would at the end of each fiscal year lapse cash balances of several loan funds into the general fund rather than back into the loan funds.

jc24/wp50

<u>Section</u>	<u>Loan Fund</u>
45	Alaska World War II Veterans Revolving Loan Fund
46	Mining Loan Fund
57	Child Care Facility Revolving Loan Fund
61(e)	Power Development Revolving Loan Fund
71	Rural Electrification Revolving Loan Fund
77	Alternatative Energy Loan Fund
81	Residential Energy Loan Fund
92	Historical District Revolving Loan Fund

5. The Finance Subcommittee restored three sections which had been deleted by the State Affairs Committee. The three sections - 35, 36 and 69, relate to fees for security guard license applications and Notary Public commission application fees. The State Affairs Committee was concerned with the Governor's proposal to authorize setting these fees by regulation since they are currently set in statute. CSHB 85(Fin) increases security guard license fees from \$25.00 to \$50.00 and notary public fees from \$20.00 to \$40.00. These increases will more clearly reflect the cost of providing the service.

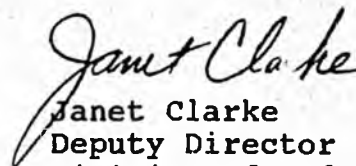
6. The Finance Subcommittee incorporated three proposed amendments into CSHB 85(Fin) which were not in either HB 85 or CSHB 85(SA). These are: Section 40, Alaska Public Offices Commission Lobbyist fees; Section 61, Alaska Energy Authority (APA) to establish a self-insurance reserve account in the Power Development Revolving Loan Fund; and Section 62, allowing Military and Veterans Affairs to charge fees for training.

7. The Finance Subcommittee deleted in section 66 the Department of Environmental Conservation's ability to charge fees (under general powers) for many environmental quality services including: solid waste disposal permits, sewerage treatment permits, wastewater disposal system permits, subdivision plan approval, air quality permits, drinking water system plan approvals, hazardous waste permits and oil spill financial responsibility approvals.

We will be working with the Department of Environmental Conservation to propose an amendment to CSHB 85(Fin) to reinstate statutory authority to charge for these activities.

I hope these highlights of the proposed committee substitute are helpful in your review. If you have additional concerns please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Janet Clarke". The signature is written in dark ink and is positioned above the typed name and title.

Janet Clarke
Deputy Director
Division of Budget Review

SECTIONAL ANALYSIS OF HB85 -- CSHB 85 (FIN) *

* Sec. 1: All Agencies

Defines program receipts and identifies those which are not general fund program receipts. Also establishes sections in the Executive Budget Act relating to the accounting for and appropriation of program receipts -- the "centralized" approach to program receipts.

* Sec. 2: All Agencies

This section will remove an ambiguity in a CH 138, SLA 1986 amendment to AS 37.10.050(a), making certain that the fee regulations meet the same standards as those prescribed by the Alaska Administrative Act for other agencies. This section also provides that a fee or charge set by regulation may not exceed the estimated actual costs of providing service.

* Sec. 3: Department of Transportation and Public Facilities

BRU	FY 89 AMOUNT
Statewide Management and Finance	\$188.2
Central Region Admin. Services	400.0
Northern Region Admin. Services	344.2
Southeast Region Admin. Services	66.4
TOTAL	<u>\$998.8</u>

Expands purposes for which airport assets may be leased, rented, etc. to include other public purposes including private plane tie downs. The amount of budget receipts shown above (\$998.8) includes all of the budgeted airport leasing receipts, not just those attributed to other public purposes. No dollar figure for just other public purposes is currently available. Other public purposes would include use by private plane owners and non-profit organizations.

* Sec. 4: Department of Transportation and Public Facilities

BRU	FY 89 AMOUNT
Central Region Design & Construction	\$175.0
Northern Region Design & Construction	76.4
Southeast Region Design & Construction	72.0
TOTAL	<u>\$323.4</u>

Authorizes new fee to cover the cost of the issuance of permits allowing utilities to be placed on state owned airport property.

NOTE: The budgeted receipts shown for this section represents the combined total for sections 4,5,38,49 and 50 of this bill. This combined total is necessitated by the fact that data differentiating highways from airports and utility permits from encroachment permits are not currently available.

* ALL UNDERLINED MATERIAL REFLECTS CHANGES MADE SINCE THE STATE AFFAIRS VERSION OF HB 85.

* Sec. 5: Department of Transportation and Public Facilities

Budgeted Receipts: See data for Section 4.

Authorizes new fee for issuance of permits allowing encroachment to be placed or maintained on state owned airport property. Encroachment includes the placing of informational public signs.

* Sec. 6: Department of Natural Resources, Agricultural Revolving Loan Fund

Authorizes the Department to establish fees for the services it provides under the Agricultural Loan Act. This is the current practice.

* Sec. 7: Department of Natural Resources, Agricultural Revolving Loan Fund, \$1,129.2

This section gives the Department statutory authority to use money in the Agricultural Revolving Loan Fund to carry out the administration of the Agricultural Loan Act. This is the current practice.

* Secs. 8 - 9: Department of Commerce and Economic Development, Division of Banking, Securities and Corporations; Financial Institutions Component; FY 90 \$116.0

Current law allows the Department to charge no more than \$7,500 for a financial institution examination. This statutory change will remove the \$7,500 cap on financial institution examination charges and in its place enable the Department to (1) assess a fee for the actual expenses incurred by the Department in connection with an examination or investigation to a non-deposit institution for both regular and special examinations, and to a deposit institution for a special examination, (2) prohibits fees assessed to state-chartered institutions from exceeding those charged to federally-chartered institutions, and (3) adopt by regulation semi-annual assessments of deposit institutions to cover the cost of regular, periodic examinations of the deposit institutions. If this amendment was in effect for FY 89, revenues would be about \$305.0.

DROPPED: Sections in CSHB 85(SA) 10,11,15,16(a),17,18,20,21,22 would be covered in the Revisor's Bill.

* Secs. 10 - 14: Department of Commerce and Economic Development, Division of Banking, Securities and Corporations; Amendments to the Corporations Act, \$0.0

Allows the department to charge license fees to cooperatives based on the cost to the department of administering cooperative licenses.

* Sec. 15: Department of Corrections, Northern, Southcentral and Southeast Probation Divisions, \$0.0

Allows the Department to charge and use fees from periodic urinalysis examinations required for drug and alcohol related offenders. This examination was previously done through the Treatment Alternative to Street Crime (TASC) program and is a new fee for the Department.

* Sec. 16: Department of Education, Correspondence Study, Mt. Edgecumbe, and Other Facilities

Expressly authorizes the current practice of Department of Education (DOE) to charge fees for centralized correspondence study programs and for departmental review of school plans. In addition, this section authorizes the current practice of charging fees for rental of school facilities and will allow the department to charge fees for other programs and services provided by the schools. These would include student activity fees at Mt. Edgecumbe.

* Sec. 17: Department of Education, State Libraries BRU, \$243.0

Expands user fees for library services to cover postage/handling: i.e. film library and Alaska Health Sciences library.

* Sec. 18: Department of Education, Museums BRU, \$95.0

Allows use of private donations and user fees for support of museum operations.

* Sec. 19: Office of the Governor, Elective Operations, \$0.0, New Fee

Allows Elections to sell copies of the Voter Registration and Election Management System (VREMS) data processing system and for receipts to be appropriated to fund Election operations and data processing costs, including maintenance of VREMS System.

* Sec. 20: Department of Fish and Game, Various Divisions

Allows the Department to set fees for use of state facilities managed by the Department. These would include fees for tours of hatchery facilities, for access to wildlife refuges, for commercial use of sport fishing access sites, and for operation by private aquaculture associations of state hatchery facilities. Fees set under this section will not be subject to cost limitation. This is the current practice.

* Sec. 21: Department of Fish and Game, FRED Employee Housing, \$309.5

Gives the Department of Fish and Game authority to operate state housing for employees and to use rent receipts to offset the cost of employee housing. This is the current practice.

* Secs. 22 - ⁵24: Department of Commerce and Economic Development, Commercial Fishing Loan Fund, FY 89 fees \$247.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Commercial Fishing Loan Fund to carry out administration of the Commercial Fishing Loan Act. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

* Secs. 26 - 29: Department of Commerce and Economic Development, Fisheries Enhancement Loan Fund, FY 89 Fees \$22.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Fisheries Enhancement Loan Fund to carry out administration of the Fisheries Enhancement Loan Program. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

* Sec. 30: Department of Public Safety, Special Projects, \$10.0

Allows the Department of Public Safety to retain and use revenues generated through enforcement of AS 11.71 (Offenses Relating to Controlled Substances) and AS 11.73 (Imitation Controlled Substances Act). This is the current practice.

* Sec. 31: Department of Health and Social Services, Administrative Services, \$0.0

This allows the Department to charge a fee upon application for a certificate of need for the expense of \$1 million or more for construction or alterations of a health care facility. This is a new fee.

* Sec. 32: Department of Health and Social Services, Administrative Services, \$0.0

This allows the Department to charge a fee, as established via regulation, for construction licenses. Currently, the Department charges \$10.00 for a construction license as set by statute.

* Sec. 33: Department of Health and Social Services, Medical Assistance Administration, \$0.0

These sections allows the Department to charge for the annual review for certification and licensing activities required for nursing homes, hospitals, clinics, etc. This is a new fee.

* Sec. 34: Alaska State Housing Authority (ASHA)

(16) This allows ASHA to charge and collect fees to owners or developers of low-income housing for the application for and allocation of federal low-income housing tax credits.

(17) This allows ASHA to charge and collect fees for the services it provides. This is the current practice.

* Secs. 35 - 36: Department of Public Safety, Alaska State Troopers, \$0.0

This allows the Department to increase the existing security guard license fee from \$25 to \$50 annually.

* Sec. 37: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

Authorizes fees currently being collected for issuance of permits allowing placement of utility facilities within state owned roadway right-of-way.

* Sec. 38: Department of Transportation and Public Facilities
Budgeted Receipts: \$0.0

Authorizes fees currently being collected (as unrestricted receipts) for non-state use of ferry terminal facilities.

* Sec. 39: Legislature, Legislative Affairs Agency

Authorizes the Legislative Council to set fees for services and materials provided to entities outside the legislative branch, and grants program receipt authority.

* Sec. 40: Alaska Public Offices Commission

Authorizes the Alaska Public Offices Commission to charge a fee of \$100 for registration as a lobbyist.

* Secs. 41 - 45: Department of Commerce and Economic Development, Veterans Revolving Loan Fund, FY 89 Fees \$375.0

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Veterans Revolving Loan Fund to carry out administration of the Veterans Loan Act. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts. Also requires cash balance at the end of the fiscal year to be deposited into the general fund.

* Secs. 46 - 47: Department of Commerce and Economic Development, Mining Revolving Loan Fund, FY 89 Fees \$7.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Mining Revolving Loan Fund to carry out administration of the Mining Loan Fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts. Also requires cash balance at the end of the fiscal year to be deposited into the general fund.

* Sec. 48: Alaska Court System, New Fee, \$0.0

Enables the Court System to (1) collect for municipalities the penalties resulting from violations of ordinances, (2) set fees for collection services, and (3) use these fees to offset the cost of Court System operations.

* Sec. 49: Department of Transportation and Public Facilities, Central Design and Construction, FY 89: \$0.0, new fee

Authorizes DOT/PF to collect fees in support of the enforcement of handicapped accessibility regulations required under AS 35.10.015. It is estimated that the total annual revenue from this source will be \$150.0.

* Sec. 50: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

Authorizes new fees for issuance of permits allowing utility facilities to be placed or maintained in state-owned public facilities.

* Sec. 51: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

Authorizes new fees for issuance of permits allowing encroachment within a public facility. Encroachment includes informational public signs.

* Sec. 52: Department of Natural Resources, Land and Water Management, \$164.6, Existing Fee

Expands Section 56 of the 1986 program receipts bill (Ch. 138, SLA 1986) which pertained to pipeline right-of-ways (ROW's) and revenues generated through processing applications and monitoring construction. This change will include revenue's from payments of pipeline ROW's rentals and allow their use to cover administration of AS 38.35.

* Sec. 53: Department of Natural Resources, Land and Water Management, Existing Fee

Allows use of Escheated lands sales income to administer Escheated lands program.

* Sec. 54: Department of Administration, Division of Personnel, Productivity Improvement Component, \$20.0

Allows the Department to utilize receipts collected for training and educational courses to non-state agencies.

* Sec. 55: Department of Law, Prosecution, \$11.3

This allows the department to operate state housing and to charge rent for the facility, and for the Legislature to make appropriations to carry out the housing program. This program was transferred from DOA.

* Secs. 56 - 59: Department of Commerce and Economic Development, Child Care Facility Loan Fund, FY 89 Fees \$2.3

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Child Care Facility Loan Fund to carry out administration of the Child Care Facility Loan Program. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts. Also requires cash balance at the end of the fiscal year to be deposited into the general fund.

* Sec. 60 - 61: Department of Commerce and Economic Development, Power Development Revolving Loan Fund, \$36.1

Enables the Department to use money in the Power Development Revolving Loan Fund to carry out administration of the fund. This is the current practice.

Adds a section establishing the self-insurance reserve, but requires that the repayments of principal and interest to the Power Development Revolving Loan Fund above the SIR be deposited in the general fund.

* Sec. 62: Military and Veterans' Affairs

Allows the department to charge fees for training services.

* Sec. 63: Department of Public Safety, Alaska State Troopers, \$380.4

Allows the Department to operate state housing for employees and to use rent receipts to offset the cost of employee housing. This program was transferred from the Department of Administration.

* Sec. 64: Department of Public Safety, Administration, \$0.0

Allows the Department to charge a fee to cover the cost of providing criminal history checks or a copy of the person's criminal history record. This is a new source of funding.

* Sec. 65: Department of Transportation and Public Facilities

BRU	FY 89 AMOUNT
Statewide Management and Finance	\$220.0
Statewide Engineering & Operations Stds.	73.1
TOTAL	\$293.1

Authorizes continuation of current practice of charging rent for state-owned employee housing. (This function was previously assigned to the Department of Administration).

Also, formally authorizes current practice of charging consumers for design and construction standards manuals.

Extends fee charging authority to include new fees for printing, mailing and distribution of contract and bid documents, and for training services and technical assistance provided by department personnel.

* Sec. 56: Department of Environmental Conservation; FY 89: \$95.0 Budgeted

Authorizes the Department of Environmental Conservation to charge fees for a seafood and restaurant inspections, or meat and poultry inspections. Also allows charges for contingency plan reviews, but no other environmental quality programs.

* Sec. 67: Department of Community and Regional Affairs; FY89: \$11.0

Authorizes the department to use money collected from the Municipalities of Anchorage and Fairbanks, which are service delivery agents for the Job Training Partnership Act. This revenue is being collected in FY 89 and is not new.

* Sec. 68: Department of Community and Regional Affairs, Housing Assistance Loan Fund, FY 89: \$2,889.7

Authorizes the Department to use money in the Housing Assistance Loan Fund for the costs of administering the housing assistance program. This is the current practice.

* Sec. 69: Office of the Governor, Lt. Governor, \$0.0
Amends AS 44.50.040 to allow the Lt. Governor to increase fees for notary public commissions from \$20 to \$40. These fees have not been increased since 1959.

* Sec. 70: Alaska Power Authority, Power Project Loan Fund, \$226.0

Authorizes the Alaska Power Authority to use money in the Power Project Loan Fund for the costs of administering the fund. This is the current practice.

* Sec. 71: Alaska Power Authority, Rural Electrification Revolving Loan Fund, \$25.0

Authorizes the Alaska Power Authority to use money in the Rural Electrification Revolving Loan Fund for costs of administering the fund. This is the current practice. Also requires cash balance at the end of the fiscal year to be deposited into the general fund.

* Sec. 72: Department of Commerce, Division of Weights and Measures

Allows the division to charge reasonable fees for testing and inspections.

* Secs. 73 - 76: Department of Commerce and Economic Development, Bulk Fuel Revolving Loan Fund, FY 89 Fees: \$3.8

Enable the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Bulk Fuel Revolving Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

* Secs. 77 - 79: Department of Commerce and Economic Development, Alternative Energy Loan Fund, FY 89 Fees: \$15.0

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Alternative Energy Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts. Also requires cash balance at the end of the fiscal year to be deposited into the general fund.

* Secs. 80 - 84: Department of Commerce and Economic Development, Residential Energy Conservation Loan Fund, FY 89 Fees: \$5.3

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Residential Energy Conservation Loan Fund to carry out administration of the fund. Requires the Department

to deposit all fee and collection charges in the general fund to be treated as general fund program receipts. Also requires cash balance at the end of fiscal year to be deposited in the general fund.

* Secs. 85 - 87: Department of Commerce and Economic Development, Tourism Loan Fund, FY 89 Fees: \$5.8

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Tourism Loan Fund to carry out administration of the Tourism Loan Program. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

* Secs. 88 - 90: Department of Commerce and Economic Development, Small Business Loan Fund, FY 89 Fees \$67.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Small Business Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

* Secs. 91 - 93: Department of Commerce and Economic Development, Historical District Loan Fund, FY 89 Fees \$2.3

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Historical District Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts. Also requires cash balance at the end of fiscal year to be deposited in the general fund.

* Sec. 94: Department of Health and Social Services, Public Assistance Administration, \$40.0

This section allows the Department to capture benefit overpayments made in the AFDC, Adult Public Assistance (APA), General Relief and Food Stamp programs. These funds can then be used to support public assistance program costs and the costs of administering these programs. This is a new source of funding for these programs.

* Sec. 95:

- (1) Repeals sections in Title 10, the Corporations Act, which set the license fee for cooperatives based on the amount of authorized capital stock.
 - (2) Repeals references in AS 37.05.500 to the FICA Administration Fund, the Second Injury Fund, and the Fishermen's Fund which are identified in Section 1 of this Act as non general fund program receipts.
- (3) Repeals AS 44.83.195 (c) related to disposition of Alaska Power Authority (APA) receipts.

(4) Repeals AS 46.03.020(12) and 46.03.025, which deal with the accounting and disposition of program receipts of the Department of Environmental Conservation as they will be superceded by the provisions in Section 62 of this bill.

* Sec. 96: All Agencies

Grandfathers in all valid fees established by regulations adopted prior to July 1, 1987.

* Sec. 97: All Agencies

Grandfathers in all current fees established by regulations that exceed the cost of providing the service.

15503

SECTIONAL ANALYSIS OF PROGRAM RECEIPTS BILL

Sec. 1: All Agencies

Defines program receipts and identifies those which are not general fund program receipts.

Sec. 2: Department of Transportation and Public Facilities

<u>BRU</u>	<u>FY 89 AMOUNT</u>
Statewide Management and Finance	\$188.2
Central Region Admin. Services	400.0
Northern Region Admin. Services	344.2
Southeast Region Admin. Services	66.4
TOTAL	<u>\$998.8</u>

Expands purposes for which airport assets may be leased, rented, etc. to include "other" purposes. The amount of budget receipts shown above (\$998.8) includes all of the budgeted airport leasing receipts, not just those attributed to "other" purposes. No dollar figure for just "other" purposes is currently available. "Other" purposes would include private plane owners and non-profit organizations.

Sec. 3: Department of Transportation and Public Facilities

Provides for the separate accounting by the Department of Administration for all airport leasing charges, rentals and fees collected by DOT/PF under Section 2 (above).

Sec. 4: Department of Transportation and Public Facilities

<u>BRU</u>	<u>FY 89 AMOUNT</u>
Central Region Design & Construction	\$175.0
Northern Region Design & Construction	76.4
Southeast Region Design & Construction	72.0
TOTAL	<u>\$323.4</u>

Authorizes new fee for issuance of permits allowing utilities to be placed on state owned airport property.

NOTE: The budgeted receipts shown for this section represents the combined total for sections 4,5,56,72 and 73 of this bill. This combined total is necessitated by the fact that data differentiating highways from airports and utility permits from encroachment permits are not currently available.

Sec. 5: Department of Transportation and Public Facilities

Budgeted Receipts: See data for Section 4.

Authorizes new fee for issuance of permits allowing encroachment to be placed or maintained on state owned airport property. Encroachment includes the placing of informational public signs.

Sec. 6: Department of Natural Resources, Agricultural Revolving Loan Fund

Authorizes the Department to establish fees for the services it provides under the Agricultural Loan Act. This is the current practice.

Sec. 7: Department of Natural Resources, Agricultural Revolving Loan Fund, \$1,129.2

This section gives the Department statutory authority to use money in the Agricultural Revolving Loan Fund to carry out the administration of the Agricultural Loan Act. This is the current practice.

Sec. 8: Department of Natural Resources, Agricultural Management, FY 89: \$0.0 existing fee

Allows the Department to use receipts generated by sales of plant materials to cover the cost of production.

Sec. 9: Department of Revenue, Alcohol Beverage Control Board, \$205.0

Allows revenues collected through existing liquor license application fees to be used to fund ABC Board operations. Fees already changed from \$50.00 to \$100.00 effective October 1, 1987.

Secs. 10 and 11: Department of Commerce and Economic Development, Division of Banking, Securities and Corporations; Financial Institutions Component; FY 90 \$116.0

Current law allows the Department to charge no more than \$7,500 for a financial institution examination. This statutory change will remove the \$7,500 cap on financial institution examination charges and in its place enable the Department to (1) assess a fee for the actual expenses incurred by the Department in connection with an examination or investigation to a non-deposit institution for both regular and special examinations, and to a deposit institution for a special examination, and (2) adopt by regulation semi-annual assessments of deposit institutions to cover the cost of regular, periodic examinations of the deposit institutions. If this amendment was in effect for FY 89, revenues would be about \$305.0.

Sec. 12: All Agencies

This section allows departments to use the fees they charge the public for copies of public records. Fees are currently being charged for copying services.

Secs. 13 - 24: Department of Commerce and Economic Development, Division of Banking, Securities and Corporations; Amendments to the Corporations Act, \$0.0

Presently, under AS 10.05.773, increases in fees charged under the State Corporations Act are tied to the Anchorage consumer price index. Section 133 of this bill repeals AS 10.05.773, and Sections 13-24 (1) remove all reference to AS 10.05.773, (2) delete any reference to a filing fee based on authorized capital stock, and (3) give the Department the authority to set corporation fees by regulation.

The Department estimates fee revenues to increase between \$100.0 and \$245.0 as a result of this change.

Sec. 25: Department of Corrections, Northern, Southcentral and Southeast Probation Divisions, \$0.0

Allows the Department to charge and use probation fees and to utilize fees from periodic urinalysis examinations required for drug and alcohol related offenders. This examination was previously done through the Treatment Alternative to Street Crime (TASC) program and is a new fee for the Department.

Sec. 26 and 27: Department of Education, Correspondence Study, Mt. Edgecumbe, and Other Facilities

Authorizes the Department of Education (DOE) to charge fees for centralized correspondence study programs and for departmental review of school plans.

In addition, these sections will enable DOE to establish and collect fees for rental of school facilities and for other programs and services provided by the schools. These would include student activity fees.

Secs. 28 and 29: Department of Education, State Libraries BRU, New Fee

Expands user fees for library services to cover postage/handling: i.e. film library and Alaska Health Sciences library.

Secs. 30 and 31: Department of Education, Museums BRU, \$75.0, New Fee

Allows use of private donations and user fees for support of museum operations.

Sec. 32: Office of the Governor, Elective Operations, \$0.0,
New Fee

Allows Elections to sell copies of the Voter Registration and Election Management System (VREMS) data processing system and for receipts to be appropriated to fund Election operations and data processing costs, including maintenance of VREMS System.

Section 33: Office of the Governor, Elective Operations

Provides for appropriation of receipts collected by the Division of Elections for voter registration lists, filing fees and charges for space in the election pamphlet.

Sec. 34: Department of Fish and Game, Various Divisions

Allows the Department to set fees for use of state facilities managed by the Department. These would include fees for tours of hatchery facilities, for access to wildlife refuges, for commercial use of sport fishing access sites, and for operation by private aquaculture associations of state hatchery facilities. This is the current practice.

Secs. 35 and 36: Department of Fish and Game, FRED Employee Housing, \$309.5

Gives the Department of Fish and Game authority to operate state housing for employees and to use rent receipts to offset the cost of employee housing. This is the current practice.

Secs. 37 - 41: Department of Commerce and Economic Development, Commercial Fishing Loan Fund, FY 89 fees \$247.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Commercial Fishing Loan Fund to carry out administration of the Commercial Fishing Loan Act. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 42 - 46: Department of Commerce and Economic Development, Fisheries Enhancement Loan Fund, FY 89 Fees \$22.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Fisheries Enhancement Loan Fund to carry out administration of the Fisheries Enhancement Loan Program. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Sec. 47: Department of Public Safety, Special Projects,
\$10.0

Allows the Department of Public Safety to retain and use revenues generated through enforcement of AS 11.71 (Offenses Relating to Controlled Substances) and AS 11.73 (Limitation Controlled Substances Act). This is the current practice.

Sec. 48: Department of Health and Social Services,
Administrative Services, \$0.0

This allows the Department to charge a fee upon application for a certificate of need. This is a new fee.

Secs. 49 and 50: Department of Health and Social Services,
Administrative Services, \$0.0

This allows the Department to charge a fee, as established via regulation, for construction licenses. Currently, the Department charges \$10.00 for a construction license as set by statute.

Sec. 51: Department of Health and Social Services, Medical
Assistance Administration, \$0.0

These sections allows the Department to charge for the annual review for certification and licensing activities required for nursing homes, hospitals, clinics, etc. This is a new fee.

Sec. 52: Alaska State Building Authority (ASBA)

(16) This allows ASBA to charge and collect fees to owners or developers of low-income housing for the application for and allocation of federal low-income housing tax credits.

(17) This allows ASBA to charge and collect fees for the services it provides. This is the current practice.

Sec. 53: Department of Public Safety, Alaska State
Troopers, \$0.0

This allows the Department to establish thru regulation, rather than statute, the existing security guard applicants fee. Current fees are \$25.00 for a security guard and \$200.0 for a security guard agency.

Sec. 54: Department of Public Safety, Alaska State
Troopers, \$0.0

Accounting for and disposition of fees from security guard licensing.

Sec. 55: Department of Public Safety, Alaska State Troopers, \$0.0

This allows the Department to establish the existing renewal fee for a security guard license thru regulations rather than statute. The current statutory renewal fee is \$25.00.

Sec. 56: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

Authorizes fees currently being collected for issuance of permits allowing placement of utility facilities within state owned roadway right-of-way.

Sec. 57: Department of Transportation and Public Facilities

Budgeted Receipts: \$0.0

Authorizes fees currently being collected (as unrestricted receipts) for non-state use of ferry terminal facilities.

Sec. 58: Department of Transportation and Public Facilities, Alaska Marine Highway System (AMHS)

Provides for separate accounting of all fees, tolls, charges and rentals collected by the AMHS. Fees are currently being charged.

Sec. 59: Legislature, Legislative Affairs Agency

Authorizes the Legislative Affairs Agency to charge fees for services and materials provided to entities outside the legislative branch, and grants program receipt authority.

Secs. 60 - 64: Department of Commerce and Economic Development, Veterans Revolving Loan Fund, FY 89 Fees \$375.0

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Veterans Revolving Loan Fund to carry out administration of the Veterans Loan Act. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 65 - 67: Department of Commerce and Economic Development, Mining Revolving Loan Fund, FY 89 Fees \$7.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Mining Revolving Loan Fund to carry out administration of the Mining Loan Fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Sec. 68: Alaska Court System, New Fee, \$0.0

Enables the Court System to (1) collect for municipalities the penalties resulting from violations of ordinances, (2) set fees for collection services, and (3) use these fees to offset the cost of Court System operations.

Sec. 69: Department of Corrections, \$2361.5

Grants program receipt authority to the Department of Corrections for contractual funds received from municipalities for facility operation.

Sec. 70: Department of Corrections, Statewide Programs, \$235.0

Allows the Department of Corrections to retain and utilize a portion of prisoners income to help offset the cost of care for these prisoners in restitution centers.

Sec. 71: Department of Transportation and Public Facilities, Central Design and Construction, FY 89: \$0.0, new fee

Authorizes DOT/PF to collect fees in support of the enforcement of handicapped accessibility regulations required under AS 35.10.015. It is estimated that the total annual revenue from this source will be \$150.0. Sec. 72: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

Authorizes new fees for issuance of permits allowing utility facilities to be placed or maintained in state-owned public facilities.

Sec. 73: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

Authorizes new fees for issuance of permits allowing encroachment within a public facility. Encroachment includes informational public signs.

Sec. 74: All Agencies

This section will remove an ambiguity in a CH 138, SLA 1986 amendment to AS 37.10.050 (a), making certain that the fee regulation meet the same standards as those prescribed by the Alaska Administrative Act for other regulations.

Sec. 75: Department of Revenue, Alaska Science and Technology Foundation

Provides that gifts, grants and donations to the Alaska Science and Technology Foundation that are not deposited in the Science Endowment are general fund/program receipts which may be appropriated to the Foundation to carry out its general purposes.

Sec. 76: Department of Natural Resources, Land and Water Management, \$241.0, Existing Fee

(NOTE: Funding identified also covers Sections 77, and 80)

Allows receipts generated under AS 38.05.035 Preference Right Sales to be used to fund the costs of administering those sales.

Sec. 77: Department of Natural Resources, Land and Water Management, Existing Fee

(NOTE: Funding identified in Section 76.)

Allows receipts generated through AS 38.05.068 Forest Service Permitees sales preference right to be used to fund the costs of administering these sales.

Sec. 78: Department of Natural Resources, Land and Water Management, \$0.0, Existing Fee

Allows receipts generated through state land leases to be used to administer the state land leasing program.

Sec. 79: Department of Natural Resources, Land and Water Management, \$242.8, Existing Fee

Allows use of Shore Fishery lease (tide and submerged lands for fisheries development) receipts to be used to cover cost of administering program.

Sec. 80: Department of Natural Resources, Land and Water Management, Existing Fee

(NOTE: Funding identified in Section 76).

Allows receipts generated through land lease preference right sales to be used to cover costs of administering such sales.

Sec. 81: Department of Natural Resources, Land and Water Management and Forest Management, \$0.0, Existing Fee

Allows timber sales revenues to be appropriated to carry out purposes of AS 41.17.300 (State Land Reforestation Fund).

Sec. 82: Department of Natural Resources, Mining Management, FY 89: \$0.0, Existing Fee

Allows the agency to use surface coal mining permit application fees to cover, in part, the cost of administering the program (AS 38.05.850).

Sec. 83: Department of Natural Resources, Land and Water Management, \$164.6, Existing Fee

Expands Section 56 of the 1986 program receipts bill (Ch. 138, SLA 1986) which pertained to pipeline right-of-ways (ROW's) and revenues generated through processing applications and monitoring construction. This change will include revenue's from payments of pipeline ROW's rentals and allow their use to cover administration of AS 38.35.

Sec. 84: Department of Natural Resources, Land and Water Management, \$49.1, Existing Fee

(NOTE: Funding also linked to Section 85).

Allows use of escheated lands rentals/leases income to administer the escheated lands program.

Sec. 85: Department of Natural Resources, Land and Water Management, Existing Fee

(NOTE: Funding also linked to Section 84).

Allows use of Escheated lands sales income to administer Escheated lands program.

Sec. 86: Department of Administration, Division of Personnel, Productivity Improvement Component, \$20.0

Allows the Department to utilize receipts collected for training and educational courses to non-state agencies.

Sec. 87: Department of Natural Resources, Parks and Recreation Management, \$0.0, Existing Fee

Allows for use of revenue generated through existing fees for guided tours through historical sites to be appropriated for Historic Resource Management programs.

Sec. 88: Department of Administration, Agency-wide, \$3.0

Allows the Alaska Public Offices Commission to utilize income from sale of photocopies and manuals.

Sec. 89a: Department of Law, Legal Services, \$275.7

This permits the Department of Law to retain and use a portion of the revenues generated by the collections unit.

Sec. 89b: Department of Law, Prosecution, \$11.3

This allows the department to operate state housing and to charge rent for the facility, and for the Legislature to make appropriations to carry out the housing program. This program was transferred from DOA.

Secs. 90 - 93: Department of Commerce and Economic Development, Child Care Facility Loan Fund, FY 89 Fees \$2.3

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Child Care Facility Loan Fund to carry out administration of the Child Care Facility Loan Program. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Sec. 94: Department of Commerce and Economic Development, Power Development Revolving Loan Fund, \$36.1

Enables the Department to use money in the Power Development Revolving Loan Fund to carry out administration of the fund. This is the current practice.

Sec. 95: Department of Public Safety, Alaska State Troopers, \$380.4

Allows the Department to operate state housing for employees and to use rent receipts to offset the cost of employee housing. This program was transferred from the Department of Administration.

Sec. 96: Department of Public Safety, Administration, \$0.0

Allows the Department to charge a fee to cover the cost of providing criminal history checks or a copy of the person's criminal history record. This is a new source of funding.

Sec. 97: Department of Transportation and Public Facilities

<u>BRU</u>	<u>FY 89 AMOUNT</u>
Statewide Management and Finance	\$220.0
Statewide Engineering & Operations Stds.	73.1
TOTAL	\$293.1

Authorizes continuation of current practice of charging rent for state-owned employee housing. (This function was previously assigned to the Department of Administration).

Also, formally authorizes current practice of charging consumers for design and construction standards manuals.

Extends fee charging authority to include new fees for printing, mailing and distribution of contract and bid documents, and for training services and technical assistance provided by department personnel.

Sec. 98: Department of Transportation and Public Facilities

Provides for separate accounting by Department of Administration for the receipts authorized by Section 97 (above).

Sec. 99: Department of Environmental Conservation; FY 89: \$95.0 Budgeted

Authorizes the Department of Environmental Conservation to charge fees for a variety of services. Potentially fees could be charged for such programs as seafood inspection or restaurant inspection.

Also, affirms department's ability to receive and expend those receipts which have been collected for a couple of years.

Sec. 100: Department of Community and Regional Affairs; FY89: \$11.0

Authorizes the department to use money collected from the Municipalities of Anchorage and Fairbanks, which are service delivery agents for the Job Training Partnership Act. This revenue is being collected in FY 89 and is not new.

Sec. 101: Department of Community and Regional Affairs, Housing Assistance Loan Fund, FY 89: \$2,889.7

Authorizes the Department to use money in the Housing Assistance Loan Fund for the costs of administering the housing assistance program. This is the current practice.

Sec. 102: Office of the Governor, Executive Operations, \$0.0, Existing Fee Mechanism Amended

Amends AS 44.50.040 to allow the Lt. Governor to prescribe fees for notary public commissions through regulation, and removes statutory fee of \$20.00.

Sec. 103: Office of the Governor, Executive Operations, \$0.0

Allows use of revenue collected under Section 102 to be used to cover costs of administering notary public commissions.

Sec. 104: Alaska Power Authority, Power Project Loan Fund, \$226.0

Authorizes the Alaska Power Authority to use money in the Power Project Loan Fund for the costs of administering the fund. This is the current practice.

Sec. 105: Alaska Power Authority (APA), Plant Operation and Maintenance

Allows the APA to retain and use receipts from sales of electrical power and transmission of power and waste heat which are not accounted for under the Energy Program for Alaska. These receipts now partially finance the APA's Operation and Maintenance component.

(Note: Funding is identified in Section 107 below).

Sec. 106: Alaska Power Authority, Rural Electrification Revolving Loan Fund, \$25.0

Authorizes the Alaska Power Authority to use money in the Rural Electrification Revolving Loan Fund for costs of administering the fund. This is the current practice.

Sec. 107: Alaska Power Authority (APA), Plant Operation and Maintenance, FY 89: \$3.8 million

Allows the APA to retain and use receipts from sales of electrical power and transmission of power and waste heat which are collected under the Energy Program for Alaska. These receipts now partially finance the APA's Operation and Maintenance component.

Secs. 108 - 111: Department of Commerce and Economic Development, Bulk Fuel Revolving Loan Fund, FY 89 Fees: \$3.8

Enable the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Bulk Fuel Revolving Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 112 - 115: Department of Commerce and Economic Development, Alternative Energy Loan Fund, FY 89 Fees: \$15.0

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Alternative Energy Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 116 - 119: Department of Commerce and Economic Development, Residential Energy Conservation Loan Fund, FY 89 Fees: \$5.3

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Residential Energy Conservation Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 120 - 123: Department of Commerce and Economic Development, Tourism Loan Fund, FY 89 Fees: \$5.8

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Tourism Loan Fund to carry out administration of the Tourism Loan Program. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 124 - 126: Department of Commerce and Economic Development, Small Business Loan Fund, FY 89 Fees \$67.5

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Small Business Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Secs. 127 - 129: Department of Commerce and Economic Development, Historical District Loan Fund, FY 89 Fees \$2.3

Enables the Department (1) to establish loan servicing fees and set them by regulation, and (2) to use money in the Historical District Loan Fund to carry out administration of the fund. Requires the Department to deposit all fee and collection charges in the general fund to be treated as general fund program receipts.

Sec. 130: Department of Health and Social Services, Medical Assistance, \$250.0

This section allows the Department to collect medical expenses already paid by Medicaid from potential third party payors and use these funds to support medical assistance programs. This is not a new source of funding for these programs.

Sec. 131: Department of Health and Social Services, Public Assistance Administration, \$40.0

This section allows the Department to capture benefit overpayments made in the AFDC, Adult Public Assistance (APA), General Relief and Food Stamp programs. These funds can then be used to support public assistance program costs and the costs of administering these programs. This is a new source of funding for these programs.

Sec. 132: All Agencies

Grandfathers in all valid fees established by regulations adopted prior to July 1, 1987.

Sec. 133:

- (1) Repeals sections in Title 10, the Corporations Act, to enable the Division of Banking, Securities and Corporations to set fees by regulation.
- (2) Repeals references in AS 37.05.500 to the FICA Administration Fund, the Second Injury Fund, and the Fishermen's Fund which are identified in Section 1 of this Act as non general fund program receipts.
- (3) Repeals AS 42.05.661 which requires the Alaska Public Utilities Commission to charge utilities a \$50.00 application fee when they file for new or modified certificates to operate. The Commission feels the cost of collecting the fees exceeds the receipts.
- (4) Repeals AS 44.83.195 (c) related to disposition of Alaska Power Authority (APA) receipts. Sections 105 and 107 of this Act more clearly identify the purposes for which APA receipts may be used.
- (5) Repeals AS 46.03.020(12) and 46.03.025, which deal with the accounting and disposition of program receipts of the Department of Environmental Conservation as they will be superceded by the provisions in Section 99 of this bill.

Amendment - page 1 between lines 3/4 add:
(3) individual, foundation or corporation
gifts, grants or bequests.

M E M O R A N D U M

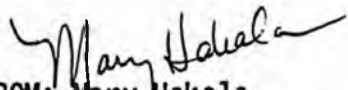
State of Alaska
Department of Education

TO: Alison Elgee, Director
Division of Budget Review
Office of Management & Budget

DATE: April 11, 1989

FILE NO:

TELEPHONE NO: 465-2800


FROM: Mary Hakala
Special Assistant

SUBJECT: Program Receipts
Legislation

Included within the Department of Education budget are a number of grant awards received for specific purposes from private sources. It is troublesome that these are accounted for as general fund/program receipts under the current program receipt definition. Specific examples include:

- * Melon Foundation grant for teacher training activities
- * Dodge Foundation grant for Mt. Edgecumbe's Chinese language program
- * Alaska Minerals Energy Resource Education Fund (AMEREF) grant for specific mining and minerals education activities
- * National Geographic Society funds for geography education purposes

These are grant awards received by the Department for very specific purposes with revenues contingent upon meeting grant award conditions. These grant awards are in no way a general source of revenue to the State of Alaska. In the past these have been accounted for as gifts or bequests and as such were segregated from the generalized category of program receipts.

Please consider amending the program receipts legislation to exclude gifts/bequests/grants to the state from private sources from the definition of program receipt. An exclusion could be added to section 1 of the bill to accomplish this.

Please contact me if you need additional information.

MEMORANDUM

State of Alaska

TO: Alison Elgee, Director
Division of Budget Review
Office of Management and Budget

DATE: March 24, 1989

FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: HB85

for 
FROM: Robert E. LeResche
Executive Director
Alaska Power Authority

HB85 (the program receipts bill) was recently amended by the House State Affairs Committee by adding sections 63 and 64 which would deposit the revenues of the Power Development Revolving Loan Fund (PDRLF) in the general fund rather than have those revenues remain in the PDRLF. Section 97 of the bill also provides for an immediate effective date for HB85.

There are two problems with the amendment:

- there is no provision to retain the self insurance reserve required for the facilities constructed with PDRLF funding; and
- there would be no funding available for \$3.9 million of Alaska Power Authority capital projects in the Governor's FY90 amended capital budget (the Capital Budget would have a later effective date of July 1, 1989).

It should also be noted that AS 44.33.600 referenced in sections 63 and 64 of HB85 was changed to AS 43.83.500 by Executive Order 75.

Self Insurance Reserve

The Self Insurance Reserve (SIR) was established in the PDRLF in FY86, to provide reasonable availability of funds for catastrophic losses that may affect the operating electric facilities constructed under the Energy Program for Alaska (AS 44.83.380); it was required by the State Division of Risk Management.

In accordance with the amended Four Dam Pool Loan Agreement between the Department of Commerce & Economic Development and the Power Authority, interruptible power sales revenues are to be used for the purposes of replenishing the SIR.

Should the SIR be eliminated, the State would to all effects be bare of necessary monies for the immediate containment of losses and for the repair and replacement of damages resulting from unforeseen catastrophic occurrences.

Memo to Alison Elgee
 March 24, 1989
 Page 2

Sections 63 and 64 of HB85 should be changed to read as follows to allow revenues from the sale of interruptible power to stay in the PDRLF to establish a self-insurance reserve of up to \$7,000,000. These revenues were not foreseen at the time the 4 Dam Pool projects were financed through the fund and the Power Sales Agreement was negotiated.

* Section 63. AS 43.83.500(b) is amended to read:

(b) The fund consists of

- (1) appropriations to the fund by the Legislature; and
- (2) repayment of principal to the fund resulting from sales of interruptible power in accordance with agreements other than the Long-Term Power Sales Agreement sufficient to maintain a self-insurance reserve for the facilities included in the loan agreements from the fund not to exceed \$7,000,000.

* Section 64. AS 44.83.500 is amended by adding new subsections to read:

- (c) Income earned from investment of money in the fund and repayment of principal and interest to the fund surplus to that required to maintain the self-insurance reserve under AS 43.83.500(b)(2) shall be deposited in the general fund.
- (d) Money in the fund may be used by the Legislature to make appropriations for costs of administering AS 44.33.600 - 44.33.630.

In addition, the following new section 65 should be added to HB85 (with current section 65 and subsequent sections renumbered accordingly):

* Section 65. AS 44.83.510(b) is amended by adding a new subsection to read:

- (5) the establishment of a self-insurance reserve fund for the facilities included in the loan agreements from the power development revolving loan fund.

FY90 Capital Budget Projects Funding

The Governor's FY90 amended capital budget (HB100) includes the following two Alaska Power Authority capital projects to be funded by the PDRLF:

°Operation, Technical and Emergency Assistance	\$1,400,000
°Power Cost Equalization Utilities Efficiency Improvements	2,500,000
	<u>\$3,900,000</u>

Since HB85 has an immediate effective date while HB100 is not effective until July 1, 1989, passage of HB85 as currently worded would result in no

Memo to Allison Elgee
March 24, 1989
Page 3

PDRLF monies being available to fund the Power Authority's two highest priority capital projects.

One possible solution to this problem would be to make the effective date of the PDRLF sections in HB85 July 1, 1990.

* * * * *

Your assistance in getting these very serious defects in the HB85 amendment corrected will be greatly appreciated.

GD:REL:it

HOUSE BILL 85

SECTIONS IN THE GOVERNOR'S PROPOSED BILL WHICH DELETE FIXED FEES

PROGRAM	HB 85 SECTION	CURRENT FEE	DATE SET	CURRENT REVENUE	COST OF SERVICE	NOTES
Financial Institution Examinations	10,11	\$7,500	1978	\$99,100	\$305,000	
Hospital Licensing/Renewal	49,51	\$10/\$0	1949	\$0	\$200,000	
Security Guards/Agencies	53,55	\$25/200	1976	\$15,800	\$50,000	(1)
Notary Public Commissions	102	\$20	1961	\$61,800	\$67,800	

NOTES:

- (1) The current fixed fee covers the cost to the Department of Public Safety of an AFIS check (finger-print identification -- \$15) and an FBI processing charge (\$11), but it does not cover the cost of department personnel who process the approximately 1200 security guard licenses.

Prepared by the Division of Budget Review

hb 85
3/1/89

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

STEVE COWPER, GOVERNOR

REPLY TO:

2221 E. NORTHERN LIGHTS, RM 128
ANCHORAGE, ALASKA 99508-3598
PHONE: (907) 276-4176

F. J. BOX CO
JUNEAU, ALASKA 99811-0222
PHONE: (907) 465-4864

MEMORANDUM

DATE: February 16, 1989
TO: Guy Bell, OMB
THRU: Karla L. Forsythe, Executive Director
FROM: *BM* Brooke Miles, Juneau Branch Administrator
SUBJ: HB 85

A majority of the commission members have agreed to request that the Governor consider an amendment to HB 85 authorizing the Alaska Public Offices Commission to collect a \$100 registration fee from paid lobbyists registered under AS 24.45.041. If reappropriated to APOC, this money would fund part-time year-round clerical support for the Juneau branch office.

We understand that there is no guarantee that this request can be included in the current legislation, but would appreciate any consideration you can give it. If you require further information, or we can be of any assistance in preparing amendment language, please contact Karla Forsythe at (907) 276-4176.

cc: APOC Members
Ron Clarke, Office of the Governor
Chuck Taylor, Deputy Commissioner
Roxann Beck-Foley, Admin. Assistant

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

STEVE COWPER, GOVERNOR

REPLY TO:

2221 E. NORTHERN LIGHTS, RM 128
ANCHORAGE, ALASKA 99508-3598
PHONE: (907) 276-4176

P.O. BOX CO
JUNEAU, ALASKA 99811-0222
PHONE: (907) 465-4864

MEMORANDUM

DATE: April 12, 1989

TO: Ann Ringstad
Staff Assistant, Representative Reiger

FROM: Brooke Miles *Brooke Miles*
Administrator, Juneau APOC

SUBJ: HB 85

This is to confirm that in its request that the Governor consider an amendment to HB 85 authorizing the Alaska Public Offices Commission to collect a \$100 registration fee from registered lobbyists, it was the commission's intent that the fee be charged only to paid lobbyists. Please see attached memo of February 16 to Guy Bell. In terms of the statute and regulations, this would mean that lobbyists registered under AS 24.45.161 (d) (volunteer lobbyists), and those registered as representational lobbyists in accordance with 2 AAC 50.511 would not be subject to the \$100 registration fee.

If you have any additional questions concerning this matter, or if we can be of further assistance, please contact me.