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SENATE COMMITTEE REPORT

FURTHER

5/3/89

DATE TURNED INTO OFFICE 5/7/89

Mr. President:

FIN

Committee considered CSHB 85 (FIN) am

financial administration of state government; the provision of and charges for state services; and the accounting for and disposition of state receipts; efd and recommended

- replace with SCS CSHB 85 (FIN)) same title
- or adopt SCS 244) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero ^{DOA 34.9} fiscal impact appropriation no FN

new updated previous

same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Clark (as amended)

True Notice

Rich Uelgoetter

Chair: signature and recommendation

Committee Backup attached

(No Rec)

±
FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Program Receipts

Agency Affected: Administration
BRU: Finance

Sponsor: Rules
Requestor: Governor

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 *Keith Busch*
Division: Finance

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

Approved by Commissioner: *[Signature]*
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

IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 85 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "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."

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

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

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

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

Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS. In AS 37.05.-142 - 37.05.146 and AS 37.07.080 "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; all program receipts except the following are general fund program

receipts:

- (1) federal receipts;
- (2) University of Alaska receipts (AS 14.40.491);
- (3) individual, foundation, or corporation gifts, grants, or bequests that by their terms are restricted to a specific purpose;
- (4) receipts of the following funds:
 - (A) highway working capital fund (AS 44.74.010);
 - (B) correctional industries fund (AS 33.32.020);
 - (C) loan funds;
 - (D) international airport revenue fund (AS 37.15.430);
 - (E) funds managed by the Alaska State Building Authority (AS 18.55.020), the Alaska Housing Finance Corporation (AS 18.56.020), the Medical Indemnity Corporation of Alaska (AS 21.88.020), the Alaska Railroad Corporation (AS 42.40.010), the Municipal Bond Bank Authority (AS 44.85.020), or the Alaska Industrial Development and Export Authority (AS 44.88.020);
 - (F) fish and game fund (AS 16.05.100);
 - (G) school fund (AS 43.50.140);
 - (H) training and building fund (AS 23.20.130);
 - (I) retirement funds (AS 14.25, AS 22.25, AS 26.-05.222, AS 39.35, and former AS 39.37);
 - (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
 - (K) public school fund (AS 37.14.110);
 - (L) second injury fund (AS 23.30.040);
 - (M) fishermen's fund (AS 23.35.060);
 - (N) FICA administration fund (AS 39.30.050).

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

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

services unless the charge is ^{FZ. Am #1} authorized by statute and is set by statute or a regulation that meets the standards of AS 44.62.020 and 44.62.030. 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. Unless specifically exempted by statute, a state agency authorized to collect or receive fees, licenses, taxes, or other money belonging to the state shall account for and remit the receipts, less fees to which the collector is entitled by statute or regulation, to the Department of Revenue at least once each month. The commissioner of administration shall separately account under AS 37.05.142 for receipts deposited under this subsection.

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

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

Amended

1 state. However, use of state land and buildings by the Alaska Wing,
2 Civil Air Patrol and its squadrons shall be permitted without rental
3 charges. In no case may the public be deprived of its rightful,
4 equal, and uniform use of the airport, air navigation facility, or a
5 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;

1 (iii) storage and processing of farm produce; or

2 (iv) the purchase of livestock or machinery;

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

5 (i) storage and processing plants for agricul-
6 tural products;

7 (ii) the commercial production or processing of
8 horticultural products in the state;

9 (iii) the commercial production or processing of
10 animal feed in the state; or

11 (iv) the raising or care of animals in the state
12 for the purpose of marketing their fur;

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

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

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

21 (5) enter into agreements with private lending institu-
22 tions, other state agencies or agencies of the federal government, to
23 carry out the purposes of this chapter;

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

26 * Sec. 7. AS 03.10.040 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. 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

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

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

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

(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.

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

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

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

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

Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE [WITHOUT CAPITAL 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.]

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

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

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

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

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

Sec. 18.20.040. ISSUANCE AND RENEWAL OF LICENSE AND POSTING. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant meets the requirements established under AS 18.20.060 - 18.20.080. If the applicant does not meet the requirements established under AS 18.20.060 - 18.20.080 but makes continued efforts to comply with them, the department may grant a temporary or provisional license for a reasonable period of time. A license, unless suspended or revoked, is renewable annually [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

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

* 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.

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

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

(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.

* Sec. 46. AS 27.9.010(b) is amended to read:

(b) The mining loan fund is a revolving fund consisting of appropriations made to the fund by the legislature, [AND] repayments of principal and interest, and any money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on loans made from the fund. 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. Money in the fund may be used by the legislature to make appropriations for costs of administering the fund [MONEY APPROPRIATED TO OR REPAYED 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

charge rent consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions.

* 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.

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

(b) The department may use money in the fund for costs of administering AS 44.33.240 - 44.33.275.

(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.

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

(a) The department may

(1) make loans for the construction, renovation, and equipping of child care facilities, including private nonprofit child care facilities;

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

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

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

(d) All principal and interest payments, and any money chargeable 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, and the account may only be used for the purposes
23 of self-insurance.

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

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

* 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.

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

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

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

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

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

(b) The department may

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

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

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

1 (4) operate state housing in support of the department's
2 statutory responsibilities and charge rent that is consistent with
3 applicable collective bargaining agreements, or, if no collective
4 bargaining agreement is applicable, competitive with market condi-
5 tions;

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

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

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

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

19 (1) inspections, permit administration, plan review and
20 approval, and other related services provided under AS 03.05, AS 17.-
21 20, and AS 18.35;

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

23 (3) hazardous waste permits under AS 46.03.299 and 46.03.-
24 302;

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

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

(6) oil discharge contingency plan approvals under AS 46.-04.030;

(7) 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 municipality.

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

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

* Sec. 68. AS 44.47.380 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 the housing assistance program.

* 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 to a person other than [TO] a state employee.

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

(i) Money in the power project fund may be used by the legislature to make appropriations for costs of administering the fund.

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

(g) Money in the rural electrification revolving loan fund may be used by the legislature to make appropriations for costs of administering the fund.

(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.

* Sec. 73. AS 45.87.010 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. 74. AS 45.87.020(c) is amended to read:

(c) Repayments of the principal, the interest, and the money chargeable to principal or interest that is collected through liquidation by foreclosure or other process on a loan made under this chapter [FROM THE BULK FUEL REVOLVING LOAN FUND] shall be paid [BY THE COMMISSIONER OF COMMERCE AND ECONOMIC DEVELOPMENT] into the bulk fuel revolving loan fund.

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

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

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

Sec. 45.87.065. FEES. The department may collect the fees and collection charges established under AS 45.87.060 and shall deposit

the money in the general fund.

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

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

(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.

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

(a) The department may

(1) make loans for the purchase, construction, and installation of alternative energy systems;

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

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

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

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

* 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.]

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

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

(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.

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

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

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

Sec. 45.89.070. REGULATIONS. The department shall adopt regulations necessary to carry out the provisions of [IMPLEMENT] this chapter, including regulations to establish reasonable fees for services provided and charges for collecting the fees.

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

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

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

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

* Sec. 86. AS 45.90.010 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. 87. AS 45.90.020(a) is amended to read:

(a) The department may

(1) make loans to a business directly involved in the tourist industry;

(2) designate agents and delegate powers to them as is 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 the repayment of loans not to exceed 20 years;

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

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

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

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

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

1 revenue for deposit in the small business revolving loan fund.

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

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

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

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

13 * Sec. 92. AS 45.98.010 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. 93. AS 45.98.030 is amended to read:

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

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

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

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

1 and regulations to establish reasonable fees for services provided and
2 charges for collecting the fees;

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

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

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

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

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

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

27 * Sec. 97. Notwithstanding AS 37.10.050(a), as amended by sec. 2 of
28 this Act, a fee charged under a regulation that was adopted before the
29 effective date of this Act that establishes a fee or other charge that

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

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

12 * Sec. 99. This Act takes effect immediately under AS 01.10.070(c).
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Amended: 5/3/89

Offered: 5/2/89

Referred: Rules

To: Lynn

Fr: Vicki

Re: SCS CSHB 85 (Fin)

5/7/89

go0019hM

Original sponsor: Rules/Governor

See page 3, Am #1

page 4, Am #2 (Attach)

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 **SCS** 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 disposition
9 of state receipts; and providing for an effective
10 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

FZ: Am#1

1 services unless the charge is ~~not~~ [AUTHORIZED] by statute ^{and} ~~or~~ is set by
2 ^{Statute or} 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



Official Business

Alaska State Legislature

Al Adams
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Anchorage, Alaska 99503
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May 7, 1989

TO: Senators Uehling and Binkley, Chairmen
Senate Finance Committee

FROM: Senator Al Adams *AIA*

RE: HB 85 amendment

Please consider the following amendment to HB85, the program receipts bill:

Section 3, page 4,

line 1: delete "property and improvements" ; add "land and buildings";

line 2: after the word be, add "permitted".

line 2 and 3 delete "rentals, fees, or other charges" add "rental charges".

SFC: 5/7/89
ADOPTED

Am # 2

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

CC
HB 15

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.

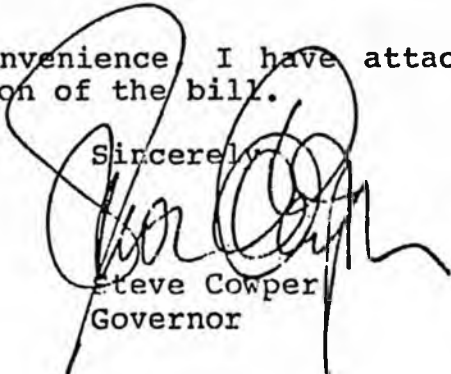
The remaining sections of the bill either (1) expressly authorize the assessment of fees or the provision of services already impliedly authorized by existing law; or (2) prescribe a method of accounting for and using money generated by state programs.

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,



Steve Cowper
Governor