

HB

144

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/30/98

FURTHER: 5/4/98

DATE TURNED
IN TO OFFICE: 8 May 1998

Finance Committee considered **CS FOR HOUSE BILL NO. 144(FIN)**

"An Act relating to the authority of the Department of Environmental Conservation to charge fees; and providing for an effective date."

and recommends:

be replaced with S CS HB 144 (FIN)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR# _____

SIGNING DO/PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair: <i>[Signature]</i>			
Co-Chair: _____		Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

DEC	5/7/98	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF
SFC 5/8/98
BILL NO. SCSCSHB144(FIN)

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date (Note if correction) 07-May-98 Dept. Affected Environmental Conservation
 Title DEC Fees BRU Administration
 Component Commissioner
 Sponsor House State Affairs
 Requester Senale Finance Component Serial No. 633

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollar:-)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	266.5	266.5	266.5	266.5	266.5	266.5
1005 GF/Program Receipts	186.2	186.2	186.2	186.2	186.2	186.2
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1091 Statutory Program Receipts	(452.7)	(452.7)	(452.7)	(452.7)	(452.7)	(452.7)
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached for detail of financial impacts by component.

Prepared by Janice Adair and Barbara Frank
 Division Environmental Health and Administrative Services
 Approved by Commissioner *Michael R. ...*
 Agency Department of Environmental Conservation

Phone 269-7644
 Date 5/7/98
 Date 5/7/98

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IMPACT OF HB 144 ON PROGRAM RECEIPT COLLECTIONS - FUND SOURCE CHANGES

Component	General Fund Program Receipts	Statutory Program Receipts	Total Program Receipts	Change Due to Direct Market Fixed	Change due to Industrial Systems	
Seafood and Sanitation	1,139.4	0.0	1,139.4	44.3	0	44.3
Drinking Water	503.3	0.0	503.3	0.0	50.3	50.3
	1,642.7	0.0	1,642.7	44.3	50.3	94.6 Convert to GF

Component	General Fund Program Receipts	Statutory Program Receipts	Total Program Receipts	Change Due to Contracts	
Water Quality	178.6	452.7	631.3	452.7	452.7 Convert to GF PR

Component	General Fund Program Receipts	Statutory Program Receipts	Total Program Receipts	Change due to Actual Costs Only	
Municipal Solid Waste	146.5	0.0	146.5	76.8	76.8
Industrial Solid Waste	285.9	0.0	285.9	150.1	150.1
	432.4	0.0	432.4	226.9	226.9 Convert to GF

Component	General Fund Receipts	Statutory Program Receipts	GF Program Receipts	
Laboratory Services	(55.0)	0.0	55.0	Convert to GF PR

SENATE FINANCE
COMMITTEE

Amendment Number: #1
Bill Number: HB 144 (C version)
Sponsor: Torgerson Date: 3/8/98
Logged In By: Mindy

AMENDMENT
CSHB 144 (FIN) Version 'C'

Offered in the Senate

Senator Torgerson - moved

*See Adm Object
Renew*

Page 2, Line 7

ADOPT via object

INSERT:

After '(3)' "Except as provided in paragraph (e)(4) of this section."

Page 2, Line 9

DELETE:

[if the systems are located within a municipality;]

ORIGINAL

SENATE FINANCE
COMMITTEE

Amendment Number: #2
Bill Number: HB 144 ('C' version)
Sponsor: Torgerson Date: 5/8/98
Logged In By: Mindy

AMENDMENT
CSHB 144 (FIN) Version 'C'

Offered in the Senate

Senator Torgerson - move

*See below object -
remove*

ADOPT what object

Page 3, Line 2

DELETE:

After 'AS 46.03.720' [if the systems are located outside a municipality.]

Page 3, Line 2

INSERT:

After 'AS 46.03.720' **"if the system serves only a discrete industrial operation"**

Page 3, Line 3

INSERT:

After '(a),' **"(e)."**

Page 3, Line 4

INSERT:

After 'provided under' **a(3) or**

JAN 13 1998

SENATE FINANCE
COMMITTEE

Amendment Number: #3
Bill Number: HB 144 (reversion)
Sponsor: JAMMISON Date: 5/1/98
Logged In By: Mindy

AMENDMENT
CSHB 144 (FIN) Version 'C'

Offered in the Senate

*Senator Torgerson - move
Sen Aidan object -
remove
ADOPT what object
AMENDED*

New Section:

"Notwithstanding other provisions of this section, the department may adopt regulations that prescribe reasonable hourly rates, and establish procedures for collection of the fees, for reapplication consultative services provided to an applicant at the request of the applicant, for any permit or approval required by the department.

*↑
Preapplication
to correct
type*

SENATE FINANCE
COMMITTEE
Amendment Number: # 4
Bill Number: HB 144 (FIN) "C"
Sponsor: Torgerson Date: 5/8/98
Logged In By: Jeltan

AMENDMENT
CSHB 144 (FIN) Version 'C'

Offered in the Senate

*Senator Torgerson - move
ADOPT w/last digit*

Page 4, Line 18

INSERT:

After 'Sec. 4.' "AS 03.05.025(c). enacted by sec. 1 of this Act, and"

0-LS0573\C
Lauterbach
5/7/98

*Sen Pearce moves to Adopt
ADAPT what objection*

SENATE CS FOR CS FOR HOUSE BILL NO. 144(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the authority of the Department of Environmental
2 Conservation to charge fees; and providing for an effective date."

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

4 * **Section 1.** AS 03.05.025 is amended by adding a new subsection to read:

5 (c) Notwithstanding AS 44.46.025, the fee for a seafood processing permit and
6 routine inspections for a direct-market fishing vessel may not exceed \$150. In this
7 subsection, "direct-market fishing vessel" means a fishing vessel that has an overall
8 length of less than 65 feet, that processes the vessel operator's own catch of seafood
9 products on board the vessel for direct retail sale to consumers, and for which a hazard
10 analysis critical control point plan is not required under federal law.

11 * **Sec. 2.** AS 44.46.025(a) is amended to read:

12 (a) Subject to other provisions of this section, the [THE] Department of
13 Environmental Conservation may adopt regulations that prescribe reasonable fees, and
14 establish procedures for the collection of the fees, to cover the applicable direct costs,

1 not including travel, of inspections, permit preparation and administration, plan review
2 and approval, and other services provided by the department relating to

3 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics
4 under AS 17.20; and public accommodations and facilities under AS 18.35;

5 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
6 46.14.510;

7 (3) domestic [SEWERAGE SYSTEM AND TREATMENT WORKS
8 AND] wastewater treatment and disposal systems [,] and drinking water systems [,]
9 under AS 46.03.720 if the systems are located within a municipality;

10 (4) [REPEALED

11 (5) REPEALED

12 (6)] water and wastewater operator training under AS 46.30;

13 (5) [(7) CONTROL OF SOLID WASTE FACILITIES UNDER
14 AS 46.03.020(10) AND 46.03.100;

15 (8)] certification of laboratories conducting environmental analyses of
16 public drinking water systems or of oil or hazardous substances, or conducting other
17 analyses required by the department [;

18 (9) CERTIFICATION OF FEDERAL PERMITS OR
19 AUTHORIZATIONS UNDER 33 U.S.C. 1341 (SEC. 401, CLEAN WATER ACT)].

20 * Sec. 3. AS 44.46.025 is amended by adding new subsections to read:

21 (e) Subject to other provisions of this section, the department may adopt
22 regulations that prescribe reasonable fixed fees, and establish procedures for the
23 collection of the fees, to be paid by the person receiving the department's services to
24 cover the actual direct costs, not including travel, of permit preparation and
25 administration, plan review and approval, operator training, and inspections relating to

26 (1) control of solid waste facilities under AS 46.03.020(10) and
27 46.03.100;

28 (2) nondomestic wastewater treatment and disposal systems under
29 AS 46.03.720;

30 (3) certification of federal permits or authorizations under 33 U.S.C.
31 1341 (sec. 401, Clean Water Act); and

1 (4) domestic wastewater treatment and disposal systems and drinking
2 water systems under AS 46.03.720 if the systems are located outside a municipality.

3 (f) Notwithstanding (a), (h), and (k) of this section, the department shall, at the
4 request of an applicant or permittee, negotiate a fee for services provided under (e)(1) -
5 (4) of this section that is based on the average hourly rate of compensation of each
6 departmental employee required to perform the service and a maximum number of
7 hours for which the fee will be charged, and the fee may cover associated travel costs
8 and costs described in (h) of this section.

9 (g) The department shall charge and collect a fee of \$40 for registration of a
10 restricted-use pesticide, as defined in AS 46.03.900. The department shall charge and
11 collect a fee of \$30 for registration of an agricultural pesticide. The department shall
12 charge and collect a fee of \$25 for registration of a consumer protection and health
13 benefit product. In this subsection, "consumer protection and health benefit product"
14 means a

15 (1) disinfectant, sanitizer, germicide, biocide, or other pesticide labeled
16 for use directly on humans or pets, including dogs, cats, horses, and other companion
17 animals; or

18 (2) pesticide for use directly in areas in or around household premises.

19 (h) Except for fees under (c) of this section, the department may not charge
20 a fee for the costs to the department for conferring with or providing information to
21 a third party about an application or a permit unless the third party is acting as a legal
22 representative or as an agent of the applicant or permittee. However, the department
23 may require an applicant to pay for the costs of providing public notice of a permit
24 application when the notice is otherwise required by law.

25 (i) Notwithstanding (e) of this section, the department may prescribe an hourly
26 fee for the actual direct costs of services provided under (e)(1) of this section, rather
27 than a fixed fee, if the fee otherwise complies with this section.

28 (j) Notwithstanding (e) of this section, the department may prescribe an hourly
29 fee to cover the actual direct costs to the department for

30 (1) work performed on an application that is withdrawn before
31 completion; or

1 (2) an inspection that is conducted at the request of an applicant or
2 permittee when the department would not otherwise conduct an inspection or for an
3 inspection that is conducted outside of the department's normal working hours after a
4 request by an applicant or permittee for an after-hours inspection; fees charged under
5 this paragraph may include travel costs incurred in providing the inspection.

6 (k) In this section, "actual direct costs" means the average hourly rate of
7 compensation of each departmental employee, including clerical staff, required to
8 perform the service under normal circumstances, multiplied by the number of hours
9 usually required to perform the service being provided; "actual direct costs" does not
10 include

11 (1) overhead expenses;

12 (2) the costs of administrative support or supervisory personnel who are
13 not directly engaged in providing the service; or

14 (3) travel expenses.

15 * **Sec. 4. APPLICABILITY.** This Act applies to agreements entered into, fees for
16 registrations applied for, and fees for services performed on or after the effective date of this
17 Act.

18 * **Sec. 5.** AS 44.46.025(f), enacted by sec. 3 of this Act, takes effect immediately under
19 AS 01.10.070(c).