

SB

101

<TARGET><BILL>SB 101</BILL><SUBJECT>SB
101</SUBJECT><COMM>SFIN29</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 4/14/15

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 101

SB 101 STATE PARKS FEES & SALES OF MERCHANDISE

"An Act relating to fees for use of state park system facilities; and relating to the sale of merchandise by the Department of Natural Resources."

and recommends:

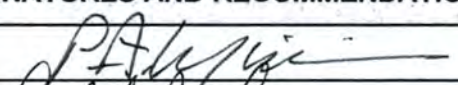
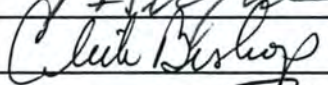
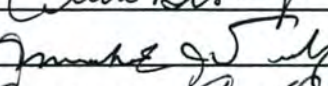
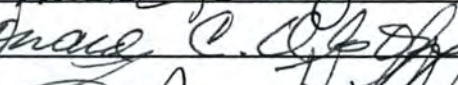
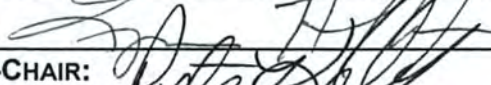
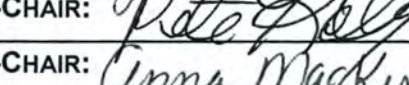
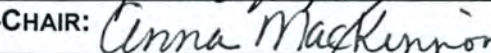
- be replaced with CS SB 101 (FIN) [] Same Title New Title
- adopt previous CS _____ (_____) [] Same Title [] New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DNR			X	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	MICHELLE	✓			
	BISHOP	✓			
	DUNLEAVY	✓			
	OLSON			✓	
	Hoffman	✓			
CO-CHAIR: 		✓			
CO-CHAIR: 	MacKinnon			✓	

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Juneau, AK 99811-0001
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Governor Bill Walker
STATE OF ALASKA

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April 7, 2015

The Honorable Kevin Meyer
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

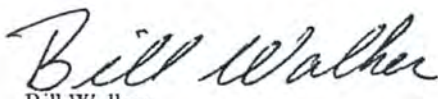
Dear President Meyer:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to the collection of State park fees and to the authority of the Department of Natural Resources to sell merchandise to retailers for profit in support of ongoing park operations.

The bill would amend AS 41.21.026 to grant the Alaska Department of Natural Resources (Department) the authority to sell merchandise for informational, educational, or promotional purposes to support ongoing park operations. The Department would make sales to retailers for resale at a price to ensure a fair and reasonable return to the Department. The bill also would remove language requiring all authorized fees to be collected in a park unit, making clear that the Department has the authority to collect fees online or in locations outside of a park unit.

I urge your prompt and favorable action on this measure.

Sincerely,


Bill Walker
Governor

Enclosure

SB 101: STATE PARK FEES AND SALE OF MERCHANDISE

BRIEFING PAPER

FOR THE SENATE RESOURCES COMMITTEE • APRIL 8, 2015

SB 101 is necessary to allow the Department of Natural Resources' Division of Parks and Outdoor Recreation to sell state park-themed merchandise to retailers, ensuring a fair and reasonable return to help support state park operations, and thereby reducing our reliance on general funds

The bill would accomplish the following primary objectives:

- 1) The bill would add a new subsection to AS 41.21.026 to grant the Department of Natural Resources the authority to sell to retailers state park-themed merchandise for informational, educational or promotional purposes to support park operations.
- 2) The new subsection would allow the department to establish prices for park themed merchandise so as to ensure a fair and reasonable return.
- 3) The bill would remove language in AS 41.21.026(a) requiring all fees to be collected in a park unit, making clear that the department has the authority to collect fees at locations outside of a park unit.

Why the bill is needed:

The Division of Parks & Outdoor Recreation generates about \$3 million annually in revenue from park fees. A wholesale merchandise sales program will increase and diversify revenue opportunities potentially reducing the amount of unrestricted general funds necessary to support park operations.

The bill will allow the state to create, purchase and sell authentic Alaska State Park merchandise to retailers, thus providing opportunities for private businesses while generating revenue. Currently the only source for Alaska State Park merchandise is on-line retailers operating outside the state. The state receives no revenue from these sales.

Alaskans who buy authentic Alaska State Parks merchandise would be confident that their purchase benefits the state parks they care about.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 101
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB101CS(FIN)-DNR-PKS-4-11-16
Title: STATE PARKS FEES & SALES OF
MERCHANDISE
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Resources

Department: Department of Natural Resources
Appropriation: Parks & Outdoor Recreation
Allocation: Parks Management & Access
OMB Component Number: 3001

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated to CS Senate Finance version.

Prepared By:	Ben Ellis, Director	Phone:	(907)269-8701
Division:	Parks and Outdoor Recreation	Date:	04/11/2016 12:00 AM
Approved By:	Marty Rutherford, Acting Commissioner	Date:	04/11/16
Agency:	Department of Natural Resources		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSB 101(FIN)

Analysis

Department of Natural Resources anticipates there will not be a fiscal impact on the department with this legislation.

The bill would remove language in AS 41.21.026(a) requiring all fees to be collected in a park unit, making clear that the department has the authority to collect fees at locations outside of a park unit. The bill would add a new section to AS 41.21.026 allowing the department to sell merchandise priced to provide a reasonable return to the state and to set those prices outside of the regulatory process. Finally, the bill amends portions of AS 37.05 to include funds from the sale of merchandise in the definition of program receipts and to allow a profit to be made on the sale of merchandise.

Adopted 4/9/16

29-GS1040\E
Bullard
4/8/16

CS FOR SENATE BILL NO. 101(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to merchandise sold and certain fees charged or collected by the
2 Department of Natural Resources."

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

4 * **Section 1.** AS 37.05.146(c)(56) is amended to read:

5 (56) fees and other charges received by the Department of Natural
6 Resources under AS 41.21.026 [FOR THE USE OF STATE PARK SYSTEM
7 FACILITIES];

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

9 (a) A state agency may not charge a fee for the provision of state services
10 unless the fee (1) is set or otherwise authorized by statute; and (2) where a regulation
11 is necessary, is set by or provided for in a regulation that meets the standards of
12 AS 44.62.020 and 44.62.030. Unless specifically exempted by statute, a state agency
13 authorized to collect or receive fees, licenses, taxes, or other money belonging to the
14 state shall account for and remit the receipts, less fees to which the collector is entitled

1 by statute or regulation, to the Department of Revenue at least once each month. The
2 commissioner of administration shall separately account under AS 37.05.142 for
3 receipts deposited under this subsection. A fee or other charge that is set by regulation
4 may not exceed the estimated actual costs of the state agency in administering the
5 activity or providing the service unless otherwise provided by the statute under which
6 the regulation is adopted; however, this limitation does not apply to sale or lease of
7 property by a state agency, fees charged by a resource agency for a designated
8 regulatory service as defined in AS 37.10.058, fees adopted by the Department of
9 Natural Resources under AS 41.21.026(f), AS 44.37.025, and [OR] 44.37.027, or
10 fees, rents, tolls, and other charges established or levied by the Department of
11 Transportation and Public Facilities for the use of the Knik Arm bridge and
12 appurtenant facilities.

13 * **Sec. 3.** AS 41.21.026(a) is amended to read:

14 (a) Notwithstanding (b) of this section, the department may charge or collect a
15 fee [IN A PARK UNIT] for

- 16 (1) rental of public use cabins or other overnight lodgings;
- 17 (2) overnight use of a developed campsite;
- 18 (3) special park use permits;
- 19 (4) competitive and exclusive commercial use permits;
- 20 (5) noncompetitive and nonexclusive commercial use permits;
- 21 (6) use of a sewage holding tank dump station;
- 22 (7) admission to or guided tours of visitor centers and historic sites;
- 23 (8) use of an improved boat ramp in a park facility developed
24 principally for boat launching;
- 25 (9) sale of firewood;
- 26 (10) [SALE OF MERCHANDISE FOR INFORMATIONAL OR
27 EDUCATIONAL PURPOSES RELATED TO PUBLIC USE AND
28 UNDERSTANDING OF PARKS, INCLUDING MAPS, PLANS, AND OTHER
29 GRAPHIC MATERIALS];
- 30 (11)] use of a developed facility that has developed parking and rest
31 rooms; and

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(11) [(12)] presentation or attendance at programs related to natural or cultural history, outdoor skills or education, or other topics concerned with public use, enjoyment, or understanding of parks.

* **Sec. 4.** AS 41.21.026 is amended by adding a new subsection to read:

(f) In addition to the activities, services, and products for which the department may charge or collect a fee under (a) of this section, the department may sell informational, educational, or promotional merchandise. The department shall price merchandise sold under this section in a manner that ensures a reasonable monetary return to the state. To the extent practicable, the department shall sell only merchandise produced or manufactured, including printing, screen printing, and embroidery, in the United States that, subject to AS 36.30, is procured from either an Alaska bidder or a person that employs prisoners under AS 33.30.191(b).

adopted 4/8/14

29-GS1040\H.1
Bullard
3/24/16

AMENDMENT #1

OFFERED IN THE SENATE
TO: CSSB 101(RES)

BY SENATOR BISHOP

1 Page 1, line 1, following "to":

2 Insert "merchandise sold and"

3

4 Page 1, following line 3, insert a new bill section to read:

5 "** Section 1. AS 37.05.146(b)(56) is amended to read:

6 (56) fees and other charges received by the Department of Natural
7 Resources under AS 41.21.026 [FOR THE USE OF STATE PARK SYSTEM
8 FACILITIES];"

9

10 Page 1, line 4:

11 Delete "Section 1"

12 Insert "Sec. 2"

13

14 Renumber the following bill section accordingly.

15

16 Page 2, lines 3 - 10:

17 Delete all material and insert:

18 "(10) [SALE OF MERCHANDISE FOR INFORMATIONAL OR
19 EDUCATIONAL PURPOSES RELATED TO PUBLIC USE AND
20 UNDERSTANDING OF PARKS, INCLUDING MAPS, PLANS, AND OTHER
21 GRAPHIC MATERIALS;

22 (11)] use of a developed facility that has developed parking and rest
23 rooms; and

1 **(11)** [(12)] presentation or attendance at programs related to natural or
2 cultural history, outdoor skills or education, or other topics concerned with public use,
3 enjoyment, or understanding of parks."
4

5 Page 2, following line 10:

6 Insert new bill sections to read:

7 "* **Sec. 3.** AS 37.10.050(a) is amended to read:

8 (a) A state agency may not charge a fee for the provision of state services
9 unless the fee (1) is set or otherwise authorized by statute; and (2) where a regulation
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14 by statute or regulation, to the Department of Revenue at least once each month. The
15 commissioner of administration shall separately account under AS 37.05.142 for
16 receipts deposited under this subsection. A fee or other charge that is set by regulation
17 may not exceed the estimated actual costs of the state agency in administering the
18 activity or providing the service unless otherwise provided by the statute under which
19 the regulation is adopted; however, this limitation does not apply to sale or lease of
20 property by a state agency, fees charged by a resource agency for a designated
21 regulatory service as defined in AS 37.10.058, fees adopted by the Department of
22 Natural Resources under AS 41.21.026(f), AS 44.37.025, and [OR] 44.37.027, or
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24 Transportation and Public Facilities for the use of the Knik Arm bridge and
25 appurtenant facilities.

26 * **Sec. 4.** AS 41.21.026 is amended by adding a new subsection to read:

27 (f) In addition to the activities, services, and products for which the
28 department may charge or collect a fee under (a) of this section, the department may
29 sell informational, educational, or promotional merchandise. The department shall
30 price merchandise sold under this section in a manner that ensures a reasonable
31 monetary return to the state. To the extent practicable, the department shall sell only