

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 802

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

2 Sec. 18.65.410. APPLICATIONS. Application for a license as a security guard or
3 security guard agency shall [MUST] be made on forms provided by the commissioner. The
4 application must require the furnishing of information reasonably required by the commissioner
5 to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to
6 enable the search of criminal indices for evidence of a prior criminal record. The application
7 must be accompanied by a nonrefundable application fee set by the commissioner by regulation
8 under AS 18.65.450 [OF \$50 FOR A SECURITY GUARD AND \$200 FOR A SECURITY
9 GUARD AGENCY].

10 * Sec. 17. AS 18.65.450 is amended to read:

11 Sec. 18.65.450. REGULATIONS. The commissioner shall adopt regulations necessary
12 to implement AS 18.65.400 - 18.65.490, including provisions specifying the amount of bond or
13 insurance required and the types of uniforms, badges, and insignia that may be used, and
14 establishing the application fees for security guards and security guard agencies.

15 * Sec. 18. AS 23.15.390 is amended to read:

16 Sec. 23.15.390. FEES. The fee for filing an application for a permit shall be set by the
17 department by regulation adopted under AS 23.15.500 [IS \$10]. All fees shall be deposited
18 in the general fund. In addition to paying this fee, all persons conducting employment agencies
19 must comply with the provisions of AS 43.70 (Alaska Business License Act).

20 -* Sec. 19. AS 24.45.041(g) is amended to read:

21 (g) An application for registration as a lobbyist under (a) of this section or for renewal
22 of a registration under (f) of this section is subject to a fee set by the commission by regulation
23 [OF \$100]. The commission may not accept an application for registration or renew a
24 registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under
25 AS 24.45.161 or a representational lobbyist under regulations of the commission.

26 * Sec. 20. AS 28.10.161(b) is amended to read:

27 (b) Every [AFTER JANUARY 1, 1979, EVERY] passenger vehicle registration plate,
28 except as specifically provided in AS 28.10.181, shall have displayed upon it

29 (1) the Alaska flag;

30 (2) the traditional colors of yellow-gold and blue;

31 (3) the slogan "The Last Frontier";

- 1 (4) the registration number assigned to the vehicle for which it is issued;
 2 (5) the name of this state, which may be abbreviated; and
 3 (6) the registration year number or expiration date for which time it is validated;
 4 the registration year number or expiration date may be part of the license plate or contained on
 5 a suitable sticker or tab device issued by the department; however, only one sticker or tab
 6 device may be issued for each pair of plates and the sticker or tab device must be affixed
 7 to the rear plate.

8 * Sec. 21. AS 33.30.031(a) is amended to read:

- 9 (a) The commissioner shall determine the availability of state correctional facilities
 10 suitable for the detention and confinement of persons held under authority of state law or under
 11 agreement entered into under (e) of this section. If the commissioner determines that suitable
 12 state correctional facilities are not available, the commissioner may enter into an agreement with
 13 a public or private entity [AGENCY] to provide necessary facilities. Correctional facilities
 14 provided through agreement with a public or private entity [AGENCY] may be in this state or
 15 in another state. [CORRECTIONAL FACILITIES PROVIDED THROUGH AGREEMENT
 16 WITH A PRIVATE AGENCY MUST BE LOCATED IN THIS STATE.] The commissioner
 17 may not enter into an agreement with an entity [AGENCY] unable to provide a degree of
 18 custody, care, and discipline similar to that required by the laws of this state. AS 33.36.020 and
 19 33.36.070 do not apply to contracts entered into under this section.

20 * Sec. 22. AS 33.30.231 is amended by adding a new subsection to read:

- 21 (d) Notwithstanding (a) of this section, the department may contract under AS 36.30 for
 22 telephone services for use by a prisoner.

23 * Sec. 23. AS 36.30.100(b) is amended to read:

- 24 (b) Competitive sealed bidding is not required
 25 (1) when the commissioner determines in writing that food, clothing, or medical
 26 supplies, or supplies [MATERIALS] for use in laboratory or medical studies may be purchased
 27 otherwise to the best advantage of the state;
 28 (2) [WHEN RATES ARE FIXED BY LAW OR ORDINANCE;
 29 (3)] for the purchase of products or services manufactured or provided by an
 30 employment program; or
 31 (3) [(4)] for the purchase of products or services provided by the correctional

- 1 industries program established under AS 33.32 [;
- 2 (5) FOR PROFESSIONAL SERVICES; OR
- 3 (6) FOR CONCESSIONS OPERATED ON STATE PROPERTY].

4 * Sec. 24. AS 36.30.320(a) is amended to read:

5 (a) A procurement for supplies, services, or construction that does not exceed an

6 aggregate dollar amount of \$25,000 [\$10,000] may be made in accordance with regulations

7 adopted by the commissioner for small procurements.

8 * Sec. 25. AS 36.30.850(b) is amended by adding new paragraphs to read:

9 (23) disposals of supplies acquired through foreclosure of loans issued under

10 AS 03.10;

11 (24) purchases of curatorial and conservation services to maintain, preserve, and

12 interpret

13 (A) objects of art; and

14 (B) items having cultural, historical, or archaeological significance to the

15 state;

16 (25) acquisition of confidential seismic survey data necessary for pre-sale oil and

17 gas lease analyses under AS 38.05.180;

18 (26) contracts for village public safety officers;

19 (27) purchases of supplies and services to support the operations of the Alaska

20 state troopers or the division of fish and wildlife protection if the procurement officer for the

21 Department of Public Safety makes a written determination that publicity of the purchases would

22 jeopardize the safety of personnel or the success of a covert operation;

23 (28) expenditures when rates are set by law or ordinance;

24 (29) construction of new vessels by the Department of Transportation and Public

25 Facilities for the Alaska marine highway system.

S (26) * Sec. 26. AS 37.10.050(a) is amended to read:

27 (a) A state agency may not charge for [THE PROVISION OF] state services, materials,

28 licenses, registrations, permits, application processing, the use of state facilities, or other

29 state activities unless the charge (1) is set or otherwise authorized by statute; and (2) where a

30 regulation is necessary, is set by or provided for in a regulation that meets the standards of

31 AS 44.62.020 and 44.62.030. A fee or other charge that is set by regulation may not exceed the

1 estimated actual costs of the state agency in administering the activity or providing the service
 2 unless otherwise provided by the statute under which the regulation is adopted; this limitation
 3 does not apply to sales of property by a state agency. Unless specifically exempted by statute,
 4 a state agency authorized to collect or receive fees, licenses, taxes, or other money belonging to
 5 the state shall account for and remit the receipts, less fees to which the collector is entitled by
 6 statute or regulation, to the Department of Revenue at least once each month. The commissioner
 7 of administration shall separately account under AS 37.05.142 for receipts deposited under this
 8 subsection.

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* Sec. 27. AS 37.10.050 is amended by adding new subsections to read:

10 (d) Each state agency shall annually review fees and charges collected by the agency.
 11 If a fee that is set by an agency by regulation does not pay for the estimated actual costs of
 12 administering the activity or providing the service or material, the agency shall adjust the fee to
 13 that level. If an agency regulates an activity or provides a service or material and another agency
 14 is authorized to set fees by regulation for the costs of regulating the activity or providing the
 15 service or material, the other agency shall consider the recommendations of the agency regarding
 16 the setting of fee levels and adjustment of fee levels so that they comply with this subsection.
 17 If the adjustment of a fee results in a substantial increase, the agency may set a schedule to phase
 18 in the increase over a period of time. By October 1, each state agency shall submit a report to
 19 the office of management and budget regarding existing fee levels set by the agency by
 20 regulation and adjustments made to fee levels by the agency during the previous fiscal year, and
 21 recommended increases in fees set by statute that the agency collects. Each year by January 1,
 22 the office of management and budget shall submit a report to the Legislative Budget and Audit
 23 Committee summarizing the reports and recommendations. Within 30 days after the convening
 24 of each regular session of the legislature, the committee shall report to the legislature the status
 25 of fee regulations and make recommendations for statutory changes.

26 (e) In this section, "agency" means a board, commission, or agency in the legislative,
 27 judicial, or executive branch, but does not include the University of Alaska or a public
 28 corporation.

29 * Sec. 28. AS 37.17.030(b) is amended to read:

30 (b) In addition to endowment income, the foundation may receive individual,
 31 foundation, or corporate gifts, grants, or bequests that by their terms are restricted to a

1 particular purpose [AND OTHER AID]. The foundation may accumulate income, gifts, grants,
2 and bequests [OTHER AID] from any one year and distribute them in a later year.

3 * Sec. 29. AS 37.17.030(c) is amended to read:

4 (c) The administrative expenses of the foundation are subject to AS 37.07 and shall be
5 paid from the income of the endowment. The legislature may appropriate income of the
6 endowment for payment of the administrative expenses of the Alaska Aerospace
7 Development Corporation established under AS 14.40.821 and the agricultural and forestry
8 experiment station research centers of the University of Alaska.

9 * Sec. 30. AS 38.05.057(d) is amended to read:

10 (d) To apply for participation in a lottery under this section an applicant shall
11 (1) be qualified under the applicable provisions of this section and certify that fact
12 in the application; and
13 (2) pay a nonrefundable application fee [OF NOT MORE THAN \$25] for each
14 application; the fee shall be set by the commissioner by regulation.

15 * Sec. 31. AS 38.05.075(a) is amended to read:

16 (a) Except as provided in AS 38.05.035, 38.05.070, 38.05.073, 38.05.079, 38.05.082,
17 38.05.083, 38.05.087, 38.05.102, 38.05.810, [AS 38.05.087] and this section, leasing shall be
18 made at public auction to the highest qualified bidder as determined by the commissioner. In
19 the public notice of a lease to be offered at public auction, the commissioner shall specify
20 a minimum acceptable bid and the lease compensation method. The lease compensation
21 method shall be designed to maximize the return on the lease to the state and shall be a
22 form of compensation set out in AS 38.05.073(m). An aggrieved bidder may appeal to the
23 commissioner within five days for a review of the determination. The leasing shall be conducted
24 by the commissioner and the successful bidder shall deposit at the auction the first year's rental
25 or other lease compensation as specified by the commissioner, or that portion of it that the
26 commissioner requires in accordance with the bid. The commissioner shall require, under
27 AS 38.05.860, qualified bidders to deposit a sum equal to any survey or appraisal costs
28 reasonably incurred by another qualified bidder acting in accordance with the regulations of the
29 commissioner or incurred by the department under AS 38.04.045 and AS 38.05.840. If a
30 bidder making a deposit of survey or appraisal costs is determined by the commissioner to be the
31 highest qualified bidder under this subsection, the deposit shall be paid to the unsuccessful bidder

1 who incurred those costs or to the department if the department incurred the costs. [ANY
2 SURVEY OR APPRAISAL COSTS REASONABLY INCURRED BY A QUALIFIED BIDDER
3 UNDER THE REGULATIONS OF THE COMMISSIONER OR DEPOSITED UNDER THIS
4 SUBSECTION MUST BE CREDITED UNDER THE FIRST AND THEN SUBSEQUENT
5 YEARS' RENTALS.] All costs for survey and appraisal shall be approved in advance in writing
6 by the commissioner. The commissioner shall immediately issue a receipt containing a description
7 of the land or interest leased, the price bid, and the terms of the lease [, AND THE AMOUNT
8 OF ANY CREDIT FOR SURVEY AND APPRAISAL COSTS] to the successful qualified
9 bidder. If the receipt is not accepted in writing by the bidder under this subsection, the
10 commissioner may offer the land for lease again under this subsection. A lease, on a form
11 approved by the attorney general, shall be signed by the successful bidder and by the
12 commissioner within the period specified in the auction notice [30 DAYS AFTER THE
13 AUCTION].

14 * Sec. 32. AS 38.05.075(f) is amended to read:

15 (f) If, after completion of the procedures required by (e) of this section, the
16 commissioner determines that there is only one qualified bidder, the [THE] commissioner
17 may issue a lease without competitive bidding at the approved, appraised market value of the
18 land determined under AS 38.05.840 or by another form of lease compensation specified by
19 the commissioner from among those set out in AS 38.05.073(m) and designed to maximize
20 the return on the lease to the state [IF, AFTER COMPLETION OF THE PROCEDURES
21 REQUIRED BY (E) OF THIS SECTION, THE COMMISSIONER DETERMINES THAT
22 THERE IS ONLY ONE QUALIFIED BIDDER]. The commissioner may establish terms and
23 conditions for entry to the land pending survey and appraisal of the land. The commissioner
24 shall issue the lease as soon as is practicable following the survey and appraisal of the land
25 subject to the provisions of AS 38.05.035(e).

26 * Sec. 33. AS 38.05.085(c) is amended to read:

27 (c) The lessee shall make advance payments of the annual rent or other form of lease
28 compensation specified by the commissioner or that portion of it [AS] the [DIRECTOR, WITH
29 THE APPROVAL OF THE] commissioner [,] may require.

30 * Sec. 34. AS 38.05.105(a) is amended to read:

31 (a) Each lease shall stipulate that [AT THE CONCLUSION OF THE INITIAL 25-YEAR

1 PERIOD OF THE LEASE AND] at five-year intervals as specified in the lease [OF 10 YEARS
2 THEREAFTER] the annual rent payment or other form of lease compensation specified by the
3 commissioner is subject to adjustment. Changes [CHARGES] or adjustments shall be based
4 primarily on changes in the lease's [AN ADJUSTED] fair market value. However, if the
5 commissioner [DIRECTOR] determines that single-family residential development is the best
6 use of the land, the reappraisal period may be lengthened or the readjustment waived in
7 accordance with regulations adopted by the department. Before a waiver of rent adjustment is
8 issued, the land shall have a current reappraisal. A waiver is valid only if single-family
9 residential development actually occurs. The regulations adopted under this section shall ensure
10 that the state receives a fair return from the land.

11 * Sec. 35. AS 38.05.860(a) is amended to read:

12 (a) The commissioner [DIRECTOR] may require an applicant seeking the sale, lease,
13 or other disposal of land or an interest in land, other than under an oil and gas or mineral lease,
14 to deposit an amount covering the estimated cost of an appraisal, survey, and other costs
15 necessary to offer the land or interest in land, including advertising. All deposited funds not
16 expended shall be refunded to the applicant. If the land or interest in land is awarded [SOLD
17 OR LEASED] to a person other than the applicant making the deposit, the person [PARTY]
18 awarded the land shall pay the total actual cost incurred by the department in making the
19 disposal [OF APPRAISING AND SURVEYING THE LAND, TOGETHER WITH THE TOTAL
20 ACTUAL COST OF ADVERTISING], and the deposit shall be returned to the original applicant.
21 In lieu of requiring the deposit under this subsection, the commissioner may enter into an
22 agreement with an applicant seeking land or an interest in land requiring the applicant to
23 reimburse the department for costs incurred in the disposal if the applicant is awarded the
24 land or interest in land.

25 * Sec. 36. AS 38.08.030(b) is amended to read:

26 (b) Fees for filing an application shall be set by the commissioner by regulation [MAY
27 NOT EXCEED \$10].

28 * Sec. 37. AS 38.50 is amended by adding a new section to read:

29 Sec. 38.50.025. COSTS OF EXCHANGE; FEES. (a) The director shall charge a party
30 proposing an exchange of land under this chapter a nonrefundable application fee.

31 (b) In addition to the fee under (a) of this section, the costs of an exchange of land under

1 this chapter, including survey, appraisal, advertising, and public hearing expenses that are
2 incurred by the department, shall be charged to the party proposing the exchange as a processing
3 fee.

4 (c) The commissioner shall adopt regulations to implement this section.

5 * Sec. 38. AS 41.21.020(a) is amended to read:

6 (a) The department shall

7 (1) develop a continuing plan for the conservation and maximum use in the public
8 interest of the scenic, historic, archaeologic, scientific, biological, and recreational resources of
9 the state;

10 (2) plan for and develop a system of state parks and recreational facilities, to be
11 established as the legislature authorizes and directs;

12 (3) acquire by gift, purchase, or transfer from state or federal agencies, or from
13 individuals, corporations, partnerships or associations, land necessary, suitable and proper for
14 roadside, picnic, recreational, or park purposes;

15 (4) [CONTROL,] develop, manage, and maintain state parks and recreational
16 areas;

17 (5) provide for the acquisition, care, management [CONTROL], supervision,
18 improvement, development, extension, and maintenance of public recreational land, and make
19 necessary arrangements, contracts, or commitments for the improvement and development of land
20 acquired under AS 41.21.010 - 41.21.040; contracting for improvement and development under
21 this paragraph is governed by AS 36.30 (State Procurement Code);

22 (6) adopt, in accordance with this section and the Administrative Procedure Act
23 (AS 44.62), regulations governing the use and designating incompatible uses within the
24 boundaries of state park and recreational areas to protect the property and to preserve the peace;

25 (7) cooperate with the United States and its agencies and local subdivisions of the
26 state to secure the effective supervision, improvement, development, extension, and maintenance
27 of state parks, state monuments, state historical areas, and state recreational areas, and secure
28 agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

29 (8) encourage the organization of state public park and recreational activities in
30 the local political subdivisions of the state;

31 (9) provide for consulting service designed to develop local park and recreation

1 facilities and programs;

2 (10) provide clearinghouse services for other state agencies concerned with park
3 and recreation matters;

4 (11) perform other duties as are prescribed by executive order or by law;

5 (12) maintain memorials to Alaska veterans located in state parks; and

6 (13) adopt, in accordance with the Administrative Procedure Act (AS 44.62),
7 regulations governing the use of the Chena River State Recreation Area and designating
8 incompatible uses within the boundaries of the Chena River State Recreation Area in accordance
9 with AS 41.21.490; and

10 (14) accept cash and other donations from public or private sources to assist
11 and support the department in carrying out the purposes of this chapter.

12 * Sec. 39. AS 41.21.026(a) is amended to read:

13 (a) Notwithstanding (b) of this section, the [THE] department may charge or collect
14 a fee in a park unit for

15 (1) rental of public use cabins or other overnight lodgings;

16 (2) overnight use of a developed campsite;

17 (3) special park use permits;

18 (4) competitive and exclusive commercial use permits;

19 (5) noncompetitive and nonexclusive commercial use permits;

20 (6) use of a sewage holding tank dump station;

21 (7) admission to or guided tours of visitor centers or historic sites; [AND]

22 (8) use of an improved boat ramp in a park facility developed principally for boat
23 launching;

24 (9) sale of firewood;

25 (10) use of a developed trailhead, access site, or picnic site, that has parking,
26 rest rooms, and refuse collection; and

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

30 * Sec. 40. AS 42.05 is amended by adding a new section to read:

31 Sec. 42.05.253. PUBLIC UTILITY REGULATORY COST CHARGE. (a) A regulated

1 public utility operating in the state shall pay to the commission an annual regulatory cost charge
2 in an amount not to exceed .61 percent of gross revenue derived from operations in the state, as
3 modified under (c) of this section if appropriate. An exempt utility shall pay the actual cost of
4 services provided to it by the commission.

5 (b) The commission shall by regulation establish a method to determine annually the
6 amount of the regulatory cost charge for a public utility. If the amount the commission expects
7 to collect under (a) of this section and under AS 42.06.285(a) exceeds the authorized budget of
8 the commission, the commission shall, by order, reduce the percentages set out in (a) of this
9 section so that the total amount of the fees collected approximately equals the authorized budget
10 of the commission for the fiscal year.

11 (c) In determining the amount of the regulatory cost charge imposed under (a) of this
12 section,

13 (1) a utility selling utility services at wholesale shall modify its gross revenue by
14 deducting payments it receives for wholesale sales;

15 (2) a local exchange telephone utility shall modify its gross revenue by deducting
16 payments received from other carriers for settlements or access charges.

17 (d) The commission shall calculate the total regulatory cost charges to be levied against
18 all regulated electric utilities under this section. The commission shall allocate the total amount
19 among the regulated electric utilities by using an equal charge per kilowatt hour sold at retail.

20 (e) The commission shall administer, collect, and enforce the charge imposed under this
21 section.

22 (f) The commission shall allow a public utility to recover all payments made to the
23 commission under this section. The commission may not require a public utility to file a rate
24 case in order to be eligible to recover the regulatory cost charge.

25 (g) The commission may adopt regulations under AS 44.62 (Administrative Procedure
26 Act) necessary to administer this section, including requirements and procedures for reporting
27 information and making quarterly payments, for investigating the accuracy of filed information,
28 and for collecting required payments.

29 (h) In this section,

30 (1) "exempt utility" means a public utility that is certificated by the commission
31 under AS 42.05.221 - 42.05.281 but, in accordance with AS 42.05.711, is exempt from other

1 regulatory requirements of this chapter;

2 (2) "gross revenue" means the total operating revenue from intrastate services, as
3 shown in a utility's annual report required by the commission by regulation;

4 (3) "regulated utility" means a public utility that is certificated by the commission
5 under AS 42.05.221 - 42.05.281 and that is subject to the other regulatory requirements of this
6 chapter;

7 (4) "wholesale sales" means sales to another utility for resale under circumstances
8 that make revenue from the resale subject to the regulatory cost charge imposed under this
9 section.

10 * Sec. 41. AS 42.05.651(a) is amended to read:

11 (a) After completion of a hearing or investigation held under this chapter, the commission
12 shall allocate the costs of the hearing or investigation among the parties, including the
13 commission, as is just under the circumstances. In allocating costs, the commission shall
14 consider the regulatory cost charge paid by a utility under AS 42.05.253 and may consider
15 the results, ability to pay, evidence of good faith, other relevant factors, and mitigating
16 circumstances. The costs allocated may include the costs of any time devoted to the investigation
17 or hearing by hired consultants, whether or not the consultants appear as witnesses or
18 participants. The costs allocated may also include any out-of-pocket expenses incurred by the
19 commission in the particular proceeding. The commission shall provide an opportunity for any
20 person objecting to an allocation to be heard before the allocation becomes final.

21 * Sec. 42. AS 42.05.661 is amended to read:

22 Sec. 42.05.661. APPLICATION FEES. With each application relating to a certificate
23 the applicant shall pay the commission a fee set by the commission by regulation that [OF \$50
24 WHICH] shall be deposited in the general fund of the state.

25 * Sec. 43. AS 42.06 is amended by adding a new section to read:

26 Sec. 42.06.285. PIPELINE CARRIER REGULATORY COST CHARGE. (a) A pipeline
27 carrier operating in the state shall pay to the commission an annual regulatory cost charge in an
28 amount not to exceed .61 percent of gross revenue derived from operations in the state.

29 (b) The commission shall by regulation establish a method to determine annually the
30 amount of the regulatory cost charge. If the amount the commission expects to collect under (a)
31 of this section and under AS 42.05.253(a) exceeds the authorized budget of the commission, the

1 commission shall, by order, reduce the percentage set out in (a) of this section so that the total
2 amount of the fees collected approximately equals that portion of the authorized budget of the
3 commission for the fiscal year.

4 (c) The commission shall administer, collect, and enforce the charge imposed under this
5 section.

6 (d) The commission may adopt regulations under AS 44.62 (Administrative Procedure
7 Act) necessary to administer this section, including requirements and procedures for reporting
8 information and making quarterly payments, for investigating the accuracy of filed information,
9 and for collecting required payments.

10 (e) In this section, "gross revenue" means the total intrastate operating revenue as shown
11 in a pipeline carrier's annual report required by the commission by regulation.

12 * Sec. 44. AS 42.06.610(a) is amended to read:

13 (a) During a proceeding held under this chapter, the commission shall allocate the cost
14 of the proceeding among the parties, including the commission, as is just under the
15 circumstances. In allocating costs, the commission shall consider the regulatory cost charge
16 paid by the pipeline carrier under AS 42.06.285. The costs allocated may include the costs
17 of any time devoted to investigations or hearings by hired consultants, whether or not the
18 consultants appear as witnesses or participants. The commission shall provide an opportunity for
19 any person objecting to an allocation to be heard before the allocation becomes final.

20 * Sec. 45. AS 44.19.024 is amended to read:

21 Sec. 44.19.024. FEES FOR ISSUING CERTIFICATE. For issuing each certificate with
22 the seal of the state affixed, the lieutenant governor shall collect a fee set by the lieutenant
23 governor by regulation [OF \$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS
24 PER FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account for the
25 fees received under this section and shall pay them into the general fund [STATE TREASURY].

26 * Sec. 46. AS 44.21.310(b) is amended to read:

27 (b) The department may

28 (1) coordinate its functions with local, regional, state, and federal officials, private
29 groups and individuals, and with officials of other countries, provinces, and states;

30 (2) enter into contracts and subcontracts on behalf of the state to carry out the
31 provisions of AS 44.21.305 - AS 44.21.330;

1 (3) act for the state in the initiation, investigation, and evaluation of, or
2 participation in, programs related to the purposes of the department that [WHICH] involve more
3 than one government or governmental unit;

4 (4) on behalf of the state, apply for, accept, and expend gifts or grants made to
5 the state if the gifts or grants are for the purposes of furthering the objectives of the department;
6 [AND]

7 (5) hold public hearings to obtain information for the purpose of carrying out the
8 provisions of AS 44.21.305 - 44.21.330; and

9 (6) provide telecommunication services to commercial entities for television
10 broadcast and charge for those services.

11 * Sec. 47. AS 44.28 is amended by adding new sections to read:

12 Sec. 44.28.040. FEES. Notwithstanding AS 09.25.110 - 09.25.130, the department may
13 establish by regulation and may charge reasonable fees for

14 (1) training; and

15 (2) departmental publications and research data to cover the cost of reproduction,
16 printing, mailing, and distribution.

17 Sec. 44.28.090. DEFINITIONS. In this chapter,

18 (1) "commissioner" means the commissioner of corrections;

19 (2) "department" means the Department of Corrections.

20 * Sec. 48. AS 44.37.025(c) is amended to read:

21 (c) The department, with the concurrence of the administrative director of courts, may
22 appoint judicial employees to perform services in connection with recording, providing access
23 to, and copying documents in locations where the department has not otherwise designated a
24 public office [NO EMPLOYEES AVAILABLE] to perform those functions.

25 * Sec. 49. AS 44.50.040 is amended to read:

26 Sec. 44.50.040. FEES. A fee set by the lieutenant governor by regulation [OF \$40]
27 shall be paid to the lieutenant governor for each commission issued to a person other than a state
28 employee.

29 * Sec. 50. AS 44.83.080 is amended by adding a new paragraph to read:

30 (17) to adopt regulations establishing fees under which the authority may be
31 reimbursed for services or recover equity investments or capital costs for projects and activities

1 described in (5), (6), and (8) of this section under agreements described in (7) - (11) of this
 2 section, or under other agreements that relate to the projects or covenants or representations made
 3 in bond documents that relate to the projects or loan programs.

4 * Sec. 51. AS 45.55.195(b) is amended to read:

5 (b) The administrator may by regulation [OR ORDER] adopt a schedule of charges for
 6 annual examination fees of issuers, broker-dealers, agents, and investment advisers.

7 * Sec. 52. AS 46.03.385(a) is amended to read:

8 (a) At the time of registration under AS 46.03.380, and annually thereafter, the owner
 9 or operator shall pay to the department a registration fee for each tank registered unless the
 10 owner or operator has notified the department under AS 46.03.395 that the tank has been taken
 11 out of service. The fee shall be set by the department by regulation. The fees may be
 12 structured to take into account the fact that an [AN] underground storage tank [THAT] has
 13 leak detection, spill and overflow protection, and corrosion protection that meet requirements of
 14 the department and may also reflect [IS SUBJECT TO A \$50 ANNUAL REGISTRATION FEE,
 15 ^{LH} REGARDLESS OF] tank capacity. [AN UNDERGROUND STORAGE TANK SYSTEM THAT
 16 LACKS ANY OR ALL OF THESE FEATURES IS SUBJECT TO AN ANNUAL
 17 REGISTRATION FEE OF

18 (1) \$150 IF THE UNDERGROUND STORAGE TANK CAPACITY IS LESS
 19 THAN 1,000 GALLONS;

20 (2) \$300 IF THE UNDERGROUND STORAGE TANK CAPACITY IS 1,000 -
 21 5,000 GALLONS;

22 (3) \$500 IF THE UNDERGROUND STORAGE TANK CAPACITY IS OVER
 23 5,000 GALLONS.]

24 * Sec. 53. Section 4, ch. 81, SLA 1981, as amended by sec. 1, ch. 25, SLA 1988, is amended to read:

25 Sec. 4. Section 3 of this Act takes effect July 1, 1993 [JUNE 30, 1998].

26 * Sec. 54. Section 3, ch. 95, SLA 1989, is amended to read:

27 Sec. 3. EMPLOYMENT ASSISTANCE AND TRAINING PROGRAM FUND
 28 [ACCOUNT]. The employment assistance and training program fund [ACCOUNT] is
 29 established in the department. Deposits into the fund are not general fund program receipts
 30 [GENERAL FUND. THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY
 31 ACCOUNT FOR MONEY COLLECTED UNDER SEC. 4 OF THIS ACT THAT THE

1 DEPARTMENT DEPOSITED IN THE GENERAL FUND]. The annual estimated balance in
 2 the fund [ACCOUNT] may be appropriated by the legislature to the department to implement
 3 this Act. If the entire estimated balance is not used to implement this Act during a fiscal
 4 year, the [THE] legislature may make appropriations from the employment assistance and
 5 training fund [APPROPRIATE THE LAPSING BALANCE OF THE ACCOUNT] to the
 6 unemployment compensation fund established in AS 23.20.130.

7 * **Sec. 55.** AS 05.10.120(b); AS 28.10.161(c); AS 33.30.031(b), 33.30.031(c), 33.30.031(d);
 8 AS 38.05.082, ^{Delete Per Rev. Hula. AMND. 89} 38.05.085(a), 38.05.085(b), 38.05.085(g), and 38.05.105(b) are repealed.

9 * **Sec. 56.** MATERIAL SITES USED FOR TIMBER OPERATIONS. Material sites used for timber
 10 operations are subject to regulation under AS 41.17. AS 27.19 does not apply to material sites used for
 11 timber operations.

12 * **Sec. 57.** TRANSITIONAL FEES. Except as provided in sec. 58 of this Act, a fee set by a statute
 13 that is amended or repealed by this Act remains in effect until a regulation setting a new fee to replace
 14 that fee takes effect.

15 * **Sec. 58.** TEMPORARY FEES IN STATE PARKS. (a) The following fees apply for the following
 16 activities in units of the state park system until the Department of Natural Resources adopts a regulation
 17 under AS 41.21.026(c) that establishes a fee for that activity:

- 18 (1) sale of firewood \$4 per bundle;
- 19 (2) use of a developed trailhead, access site, or picnic site, that has parking, rest rooms,
 20 and refuse collection \$2 per vehicle, or \$25 for an annual pass;
- 21 (3) admission to visitor centers or historic sites \$1 per person.

22 (b) The commissioner of natural resources shall notify the revisor of statutes when a regulation
 23 is adopted that establishes a fee for an activity described under (a) of this section.

24 * **Sec. 59.** Sections 56 and 58 of this Act are repealed July 1, 1994.

25 * **Sec. 60.** This Act takes effect July 1, 1992.

#1 Adopted

SFC-91
5-10-92pm
LM

AMENDMENT TO SENATE CS FOR HB 572 BY HOFFMAN

New section at end of bill:

The effective date of Section 13 is January 1, 1993.

Rationale:

The new fees would then go into effect when new licenses are required, since they are based on a calendar year. Otherwise, it would be very confusing, with new licenses and forms required mid-year.

SFC-92
5-10-92 pm

SENATE CS FOR CS FOR HB 572 (FINANCE)

Work Draft 5/10/92

- Sections 1-8: Provide agencies the authority to establish fees by regulation rather than having those fees set in statute.
- Section 9: Occupational License fees equal cost of regulating.
- Section 10: Corporation filing fees.
- Section 11: Post secondary institution agent fee.
- ✓ Section 12: APOC fees (HB 574).
- Section 13: Fish and Game Fees. Hoffman amendment #10.
- ✓ Section 14: Dept. of Labor Asbestos training certification fees (HB 574).
- ✓ Section 15: Dept. of Public Safety, increase ID card fee to \$10. (HB 574).
- Section 16-18: Security guards; employment agencies fees by regulation.
- Section 19: Lobbyist fees.
- Section 20: One license plate sticker instead of two, saves \$30.0 GF.
- Section 21: Corrections can contract in or out of state with private or public entities for prison space.
- ✓ Section 22: Dept. of Corrections can contract for phone services for prisoners (HB 574).
- Section 23: Laboratory supplies; no competitive bid.
- Section 24: Small procurements up from \$10.0 to \$25.0.
- Section 25: Extends small procurement provisions per adopted Adams Amendment #2.
- Sections 26&27: Clarify for what the state may charge fees and provide for annual review and report. Includes Sturculewski Amendment #1.
- Section 28: Allows the Alaska Science and Technology Foundation to accept gifts, grants and bequests for specific purposes.

- Section 29:** Legislature may appropriate from ASTF to administration costs of Aerospace and Agriculture and Forestry stations. Returns to original House language.
- Sections 30-37:** DNR Public Lands Leasing changes to allow the department to more fully recover the costs incurred when preparing leases for public auction. Kerttula amendment #9 adds shore fishery site leases to excepted chapters.
- Section 38:** Changes language in DNR statutes from "control" to "manage." Allows dept. to accept donations.
- ✓ **Section 39:** Allows dept. to charge new categories of park fees (HB 574).
- ✓ **Section 40-44:** APUC charges utilities for regulation costs (HB 574).
- Section 45:** State Seal certificate fee.
- ✓ **Section 46:** Department of Administration may charge for telecommunications services (HB 574).
- ✓ **Section 47:** Department of Corrections may charge for training and publications (HB 574).
- Section 48** DNR may use Judicial employees for recording etc.
- Section 49:** Notary Public commission fee.
- Section 50:** Alaska Energy Authority may establish fees for providing financing services.
- Section 51:** Examination fees for security brokers and agents established by regulation by the administrator (Commissioner of DCED or designee).
- Section 52:** Fee for registration of underground storage tanks set by regulation instead of statute.
- Section 53:** The repealing section of the statute that creates the Citizens Advisory Commission on Federal Areas will become effective on July 1, 1997 instead of 1998.
- Section 54:** Employment Assistance and Training Program Fund is no longer General Fund Program Receipts. The Legislature may appropriate the balance to the Unemployment Compensation Fund.

- Section 55:** Repeals-- boxing and wrestling fees in statute, license plates required to "substantially embody," constraints on corrections contracting, lease terms and 25 year DNR rent adjustments.
- Section 56:** Adams amendment #3--Material Sites in Timber Operations covered under Forest Practices Act.
- Section 57:** Statutory fee remains until regulation for new fee is adopted.
- ✓ **Section 58:** Temporary fees (2 years) for state parks (HB 574).
- Section 59:** Two year repealer for Sec. 56 and 58.
- Section 60:** July 1, 1992 effective date.

5/9/92

5/7/92

amhb572

AMENDMENTS INCLUDED IN THE 5/7/92 WORK DRAFT SCS CSHB 572(FIN)

TOPIC	SPONSOR	DATE
SB 474	STURGULEWSKI	
CONTRACT FACILITIES	CORRECTIONS	5/2/92
OCC LICENSING/FEE LANGUAGE	POURCHOT/STURGULEWSKI	5/5/92
L B & A	LEG FIN	5/2/92
ELECTIONS	STURGULEWSKI	5/2/92
LAND EXCHANGE FEES	KERTTULA	5/2/92
AEA	POURCHOT	5/1/92
AQUATIC FARMING	ELIASON	5/2/92
FIREWORKS, SNOWMACHINES	DPS	5/2/92
AEROSPACE/ASTF DELETE	SFC COMMITTEE	5/2/92
CACFA SUNSET 7/1/93	SFC COMMITTEE	5/2/92

PREVIOUS AMENDMENTS OFFERED: NOT INCLUDED IN THE 5/7/92 WORK DRAFT:

APOC AMENDMENT	DUNCAN
AQUATIC FARMING INTENT LANGUAGE	ELIASON
ASTF AMENDMENT	POURCHOT
TITLE 38/ADDITIONAL DELETIONS	KERTTULA

AMENDMENTS OFFERED FOR 5/9/92 HEARING:

	#	TOPIC	SPONSOR
ADOPT	1.	TECHNICAL REVISIONS "BY REGULATIONS"	STURGULEWSKI
ADOPT	2.	SMALL PROCUREMENTS	ADAMS
ADOPT	3.	MATERIAL SITES: FPA	ADAMS
HOLD	4.	DELETE REPEAL OF SHORE FISHERIES SITES	ADAMS
HOLD	5.	APPROPRIATION OF WATER	SHULTZ
	6.	DUNCAN	
	7.	HOFFMAN	
HOLD	8.		
	9.		
	10.		

p. 13, Line 23
Amend to July 1, 1997 ps.

ATTACH A

SENATE CS FOR CS FOR HOUSE BILL NO. 572 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers, duties, and operations of certain state agencies, including
2 those of the Alaska Science and Technology Foundation, those of the Citizen's Advisory
3 Commission on the Federal Areas in Alaska, the disposal or leasing of state land or
4 interests in state land, the management of public recreational land and the management
5 of state parks and recreation areas, vehicle registration, small procurements, the employment
6 assistance and training program fund, contracts for confinement of certain prisoners, and
7 the recording of public documents; and providing for an effective date."

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

9 * Section 1. AS 05.10.070 is amended to read:

10 Sec. 05.10.070. APPLICATION FOR LICENSE. A club, corporation, organization,
11 association, or fraternal society affected by this chapter may apply to the commission for a
12 license. An application must be in writing and upon a form prescribed by the commission and
13 must be verified in the manner the commission requires and accompanied by an annual license

1 fee set by the commission by regulation under AS 05.10.125 [OF \$100].

2 * Sec. 2. AS 05.10.120(a) is amended to read:

3 (a) The commission may grant annual licenses upon application in compliance with the
4 regulations adopted by the commission and the payment of the fees prescribed by regulation
5 under AS 05.10.125 for managers, referees, examining physicians, boxers, wrestlers, seconds,
6 and trainers.

7 * Sec. 3. AS 05.10 is amended by adding a new section to read:

8 Sec. 05.10.125. FEES. The commission shall establish by regulation the fees for licenses
9 issued by the commission under this chapter.

10 * Sec. 4. AS 06.01.010 is amended by adding a new subsection to read:

11 (g) The commissioner may establish by regulation a fee for the filing of an application
12 required by this title. The fee is in addition to investigation expenses that may be charged to the
13 applicant.

14 * Sec. 5. AS 06.20.030(b) is amended to read:

15 (b) An applicant shall pay to the department at the time of submitting an application a
16 sum, in addition to that specified in (a) of this section, set by the commissioner by regulation
17 [OF \$200] as an annual license fee for a period terminating on the last day of the current
18 calendar year. If the application is filed after June 30, an [THE] additional sum set by the
19 commissioner by regulation shall be paid to the department [IS \$100].

20 * Sec. 6. AS 06.30.815 is amended to read:

21 Sec. 06.30.815. FEE FOR FILING COPY OF CHARTER OF FEDERAL SAVINGS
22 AND LOAN. A fee set by the commissioner under AS 06.01.010 [OF \$10] shall accompany
23 each copy of the charter of a federal savings and loan association or certificate showing the
24 organization by conversion.

25 * Sec. 7. AS 06.30.820 is amended to read:

26 Sec. 06.30.820. FEE FOR APPROVAL BY COMMISSIONER. The commissioner may
27 charge a fee set by regulation under AS 06.01.010 for [OF NOT EXCEEDING \$10 UPON]
28 each application submitted for the commissioner's approval under [, AS PROVIDED BY] this
29 chapter.

30 * Sec. 8. AS 06.40.040 is amended to read:

31 Sec. 06.40.040. ANNUAL LICENSE FEE. On or before December 20 of each year, each

1 licensee shall pay a fee established by the department by regulation [OF \$200] to the
2 department as an annual license fee for the next succeeding calendar year. At that same time the
3 licensee shall file with the department a new bond that complies with AS 06.40.030.

4 * Sec. 9. AS 08.01.065(c) is repealed and reenacted to read:

5 (c) The department shall establish fee levels under (a) of this section so that the total
6 amount of fees collected for an occupation approximately equals the actual regulatory costs for
7 the occupation. The department shall annually review each fee level to determine whether the
8 regulatory costs of each occupation are approximately equal to fee collections related to that
9 occupation. If the review indicates that an occupation's fee collections and regulatory costs are
10 not approximately equal, the department shall calculate fee adjustments and adopt regulations
11 under (a) of this section to implement the adjustments. In January of each year, the department
12 shall report on all fee levels and revisions for the previous year under this subsection to the office
13 of management and budget. If a board regulates an occupation covered by this chapter, the
14 department shall consider the board's recommendations concerning the occupation's fee levels
15 and regulatory costs before revising fee schedules to comply with this subsection. In this
16 subsection, "regulatory costs" means costs of the department that are attributable to regulation
17 of an occupation plus

18 (1) all expenses of the board that regulates the occupation if the board regulates
19 only one occupation;

20 (2) the expenses of a board that are attributable to the occupation if the board
21 regulates more than one occupation.

22 * Sec. 10. AS 10.06.843 is repealed and reenacted to read:

23 Sec. 10.06.843. REGULATIONS RELATING TO FEES. (a) The department shall
24 establish by regulation the fees specified or authorized in this chapter.

25 (b) The filing fee for a document not otherwise provided in this chapter shall be
26 established by the department by regulation.

27 (c) The department may by regulation charge a corporation subject to this chapter a fixed
28 fee, for routine administrative services rendered to a corporation by the department, that is in
29 place of the fees specified in this chapter. However, a fixed fee under this subsection may not
30 include the fees specified under AS 10.06.140 and 10.06.828, or the tax under AS 10.06.845.

31 * Sec. 11. AS 14.48.090(a) is repealed and reenacted to read:

- 1 (a) The commission shall establish by regulation and collect fees for
2 (1) authorization to operate;
3 (2) renewal of authorization to operate;
4 (3) an agent's permit; and
5 (4) renewal of an agent's permit.

6 * Sec. 12. AS 18.65.410 is amended to read:

7 Sec. 18.65.410. APPLICATIONS. Application for a license as a security guard or
8 security guard agency shall [MUST] be made on forms provided by the commissioner. The
9 application must require the furnishing of information reasonably required by the commissioner
10 to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to
11 enable the search of criminal indices for evidence of a prior criminal record. The application
12 must be accompanied by a nonrefundable application fee set by the commissioner by regulation
13 under AS 18.65.450 [OF \$50 FOR A SECURITY GUARD AND \$200 FOR A SECURITY
14 GUARD AGENCY].

15 * Sec. 13. AS 18.65.450 is amended to read:

16 Sec. 18.65.450. REGULATIONS. The commissioner shall adopt regulations necessary
17 to implement AS 18.65.400 - 18.65.490, including provisions specifying the amount of bond or
18 insurance required and the types of uniforms, badges, and insignia that may be used, and
19 establishing the application fees for security guards and security guard agencies.

20 * Sec. 14. AS 23.15.390 is amended to read:

21 Sec. 23.15.390. FEES. The fee for filing an application for a permit shall be set by the
22 department by regulation adopted under AS 23.15.500 [IS \$10]. All fees shall be deposited
23 in the general fund. In addition to paying this fee, all persons conducting employment agencies
24 must comply with the provisions of AS 43.70 (Alaska Business License Act).

25 * Sec. 15. AS 24.45.041(g) is amended to read:

26 (g) An application for registration as a lobbyist under (a) of this section or for renewal
27 of a registration under (f) of this section is subject to a fee set by the commission by regulation
28 [OF \$100]. The commission may not accept an application for registration or renew a
29 registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under
30 AS 24.45.161 or a representational lobbyist under regulations of the commission.

31 * Sec. 16. AS 28.10.161(b) is amended to read:

1 (b) Every [AFTER JANUARY 1, 1979, EVERY] passenger vehicle registration plate,
2 except as specifically provided in AS 28.10.181, shall have displayed upon it

3 (1) the Alaska flag;

4 (2) the traditional colors of yellow-gold and blue;

5 (3) the slogan "The Last Frontier";

6 (4) the registration number assigned to the vehicle for which it is issued;

7 (5) the name of this state, which may be abbreviated; and

8 (6) the registration year number or expiration date for which time it is validated;

9 the registration year number or expiration date may be part of the license plate or contained on
10 a suitable sticker or tab device issued by the department; however, only one sticker or tab
11 device may be issued for each pair of plates and the sticker or tab device must be affixed
12 to the rear plate.

13 * Sec. 17. AS 33.30.031(a) is amended to read:

14 (a) The commissioner shall determine the availability of state correctional facilities
15 suitable for the detention and confinement of persons held under authority of state law or under
16 agreement entered into under (e) of this section. If the commissioner determines that suitable
17 state correctional facilities are not available, the commissioner may enter into an agreement with
18 a public or private entity [AGENCY] to provide necessary facilities. Correctional facilities
19 provided through agreement with a public or private entity [AGENCY] may be in this state or
20 in another state. [CORRECTIONAL FACILITIES PROVIDED THROUGH AGREEMENT
21 WITH A PRIVATE AGENCY MUST BE LOCATED IN THIS STATE.] The commissioner
22 may not enter into an agreement with an entity [AGENCY] unable to provide a degree of
23 custody, care, and discipline similar to that required by the laws of this state. AS 33.36.020 and
24 33.36.070 do not apply to contracts entered into under this section.

25 * Sec. 18. AS 36.30.320(a) is amended to read:

26 (a) A procurement for supplies, services, or construction that does not exceed an
27 aggregate dollar amount of \$25,000 [\$10,000] may be made in accordance with regulations
28 adopted by the commissioner for small procurements.

29 * Sec. 19. AS 37.10.050(a) is amended to read:

30 (a) A state agency may not charge for [THE PROVISION OF] state services, materials,
31 licenses, registrations, permits, application processing, the use of state facilities, or other

1 state activities unless the charge (1) is set or otherwise authorized by statute; and (2) where a
2 regulation is necessary, is set by or provided for in a regulation that meets the standards of
3 AS 44.62.020 and 44.62.030. 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 activity or providing the service
5 unless otherwise provided by the statute under which the regulation is adopted; this limitation
6 does not apply to sales of property by a state agency. Unless specifically exempted by statute,
7 a state agency authorized to collect or receive fees, licenses, taxes, or other money belonging to
8 the state shall account for and remit the receipts, less fees to which the collector is entitled by
9 statute or regulation, to the Department of Revenue at least once each month. The commissioner
10 of administration shall separately account under AS 37.05.142 for receipts deposited under this
11 subsection.

12 * Sec. 20. AS 37.10.050 is amended by adding new subsections to read:

13 (d) Each state agency shall annually review fees and charges collected by the agency.
14 If a fee that is set by an agency does not pay for the estimated actual costs of administering the
15 activity or providing the service or material, the agency shall adjust the fee to that level. If an
16 agency regulates an activity or provides a service or material and another agency is authorized
17 to set fees for the costs of regulating the activity or providing the service or material, the other
18 agency shall consider the recommendations of the agency regarding the setting of fee levels and
19 adjustment of fee levels so that they comply with this subsection. If the adjustment of a fee
20 results in a substantial increase, the agency may set a schedule to phase in the increase over a
21 period of time. By October 1, each state agency shall submit a report to the office of
22 management and budget regarding existing fee levels set by the agency or by statute, adjustments
23 made to fee levels during the previous fiscal year, and recommended increases in fees set by
24 statute. Each year by January 1, the office of management and budget shall submit a report to
25 the Legislative Budget and Audit Committee summarizing the reports and recommendations.
26 Within 30 days after the convening of each regular session of the legislature, the committee shall
27 report to the legislature the status of fee regulations and make recommendations for statutory
28 changes.

29 (e) In this section, "agency" means a board, commission, or agency in the legislative,
30 judicial, or executive branch, but does not include the University of Alaska or a public
31 corporation.

1 * Sec. 21. AS 37.17.030(b) is amended to read:

2 (b) In addition to endowment income, the foundation may receive individual,
3 foundation, or corporate gifts, grants, or bequests that by their terms are restricted to a
4 particular purpose [AND OTHER AID]. The foundation may accumulate income, gifts, grants,
5 and bequests [OTHER AID] from any one year and distribute them in a later year.

6 * Sec. 22. AS 38.05.035(e) is amended to read:

7 (e) Upon a written finding that the interests of the state will be best served, the director
8 may, with the consent of the commissioner, approve contracts for the sale, lease, or other disposal
9 of available land, resources, property or interests in them, and, in addition to the conditions and
10 limitations imposed by law, may impose additional conditions or limitations in the contracts as
11 the director determines, with the consent of the commissioner, will best serve the interests of the
12 state. A written finding for an oil and gas lease sale under AS 38.05.180 is subject to (g) of this
13 section. A contract for the sale, lease, or other disposal of available land or an interest in land
14 is not legally binding on the state until the commissioner approves the contract but if the
15 appraised value is not greater than \$50,000 in the case of the sale of land or an interest in land,
16 or \$5,000 in the case of the annual rental of land or interest in land, the director may execute the
17 contract without the approval of the commissioner. Before a public hearing, if held, or in any
18 case no less than 21 days before the sale, lease, or other disposal of available land, property,
19 resources, or interests in them, the director shall make available to the public a written finding
20 that sets out the facts and applicable law upon which the determination that the sale, lease, or
21 other disposal will best serve the interests of the state was based. A written finding is not
22 required before the approval of

23 (1) a contract for a negotiated sale authorized under AS 38.05.115;

24 (2) [A LEASE OF LAND FOR A SHORE FISHERY SITE UNDER
25 AS 38.05.082;

26 (3)] a permit or other authorization revocable by the commissioner;

27 (3) [(4)] a mineral claim located under AS 38.05.195;

28 (4) [(5)] a mineral lease issued under AS 38.05.205;

29 (5) [(6)] a production license issued under AS 38.05.207;

30 (6) [(7)] an exempt oil and gas sale under AS 38.05.180(d) of acreage offered in
31 a sale that was held within the previous five years if the sale was subject to a written best interest

1 finding, unless the commissioner determines that new information has become available that
2 justifies a revision of the best interest finding; or

3 (7) [(8)] a lease sale under AS 38.05.180(w) of acreage offered in a sale that was
4 held within the previous five years if the sale was subject to a best interest finding, unless the
5 commissioner determines that new information has become available that justifies a revision of
6 the best interest finding.

7 * Sec. 23. AS 38.05.057(d) is amended to read:

8 (d) To apply for participation in a lottery under this section an applicant shall

9 (1) be qualified under the applicable provisions of this section and certify that fact
10 in the application; and

11 (2) pay a nonrefundable application fee [OF NOT MORE THAN \$25] for each
12 application; the fee shall be set by the commissioner by regulation.

13 * Sec. 24. AS 38.05.075(a) is amended to read:

14 (a) Except as provided in AS 38.05.035, 38.05.070, 38.05.073, 38.05.079, 38.05.083,
15 38.05.087, 38.05.102, 38.05.810, [AS 38.05.087] and this section, leasing shall be made at public
16 auction to the highest qualified bidder as determined by the commissioner. In the public notice
17 of a lease to be offered at public auction, the commissioner shall specify a minimum
18 acceptable bid and the lease compensation method. The lease compensation method shall
19 be designed to maximize the return on the lease to the state and shall be a form of
20 compensation set out in AS 38.05.073(m). An aggrieved bidder may appeal to the
21 commissioner within five days for a review of the determination. The leasing shall be conducted
22 by the commissioner and the successful bidder shall deposit at the auction the first year's rental
23 or other lease compensation as specified by the commissioner, or that portion of it that the
24 commissioner requires in accordance with the bid. The commissioner shall require, under
25 AS 38.05.860, qualified bidders to deposit a sum equal to any survey or appraisal costs
26 reasonably incurred by another qualified bidder acting in accordance with the regulations of the
27 commissioner or incurred by the department under AS 38.04.045 and AS 38.05.840. If a
28 bidder making a deposit of survey or appraisal costs is determined by the commissioner to be the
29 highest qualified bidder under this subsection, the deposit shall be paid to the unsuccessful bidder
30 who incurred those costs or to the department if the department incurred the costs. [ANY
31 SURVEY OR APPRAISAL COSTS REASONABLY INCURRED BY A QUALIFIED BIDDER

1 UNDER THE REGULATIONS OF THE COMMISSIONER OR DEPOSITED UNDER THIS
2 SUBSECTION MUST BE CREDITED UNDER THE FIRST AND THEN SUBSEQUENT
3 YEARS' RENTALS.] All costs for survey and appraisal shall be approved in advance in writing
4 by the commissioner. The commissioner shall immediately issue a receipt containing a description
5 of the land or interest leased, the price bid, and the terms of the lease [, AND THE AMOUNT
6 OF ANY CREDIT FOR SURVEY AND APPRAISAL COSTS] to the successful qualified
7 bidder. If the receipt is not accepted in writing by the bidder under this subsection, the
8 commissioner may offer the land for lease again under this subsection. A lease, on a form
9 approved by the attorney general, shall be signed by the successful bidder and by the
10 commissioner within the period specified in the auction notice [30 DAYS AFTER THE
11 AUCTION].

12 * Sec. 25. AS 38.05.075(f) is amended to read:

13 (f) If, after completion of the procedures required by (e) of this section, the
14 commissioner determines that there is only one qualified bidder, the [THE] commissioner
15 may issue a lease without competitive bidding at the approved, appraised market value of the
16 land determined under AS 38.05.840 or by another form of lease compensation specified by
17 the commissioner from among those set out in AS 38.05.073(m) and designed to maximize
18 the return on the lease to the state [IF, AFTER COMPLETION OF THE PROCEDURES
19 REQUIRED BY (E) OF THIS SECTION, THE COMMISSIONER DETERMINES THAT
20 THERE IS ONLY ONE QUALIFIED BIDDER]. The commissioner may establish terms and
21 conditions for entry to the land pending survey and appraisal of the land. The commissioner
22 shall issue the lease as soon as is practicable following the survey and appraisal of the land
23 subject to the provisions of AS 38.05.035(e).

24 * Sec. 26. AS 38.05.085(c) is amended to read:

25 (c) The lessee shall make advance payments of the annual rent or other form of lease
26 compensation specified by the commissioner or that portion of it [AS] the [DIRECTOR, WITH
27 THE APPROVAL OF THE] commissioner [,] may require.

28 * Sec. 27. AS 38.05.105(a) is amended to read:

29 (a) Each lease shall stipulate that [AT THE CONCLUSION OF THE INITIAL 25-YEAR
30 PERIOD OF THE LEASE AND] at five-year intervals as specified in the lease [OF 10 YEARS
31 THEREAFTER] the annual rent payment or other form of lease compensation specified by the

1 commissioner is subject to adjustment. Changes [CHARGES] or adjustments shall be based
2 primarily on changes in the lease's [AN ADJUSTED] fair market value. However, if the
3 commissioner [DIRECTOR] determines that single-family residential development is the best
4 use of the land, the reappraisal period may be lengthened or the readjustment waived in
5 accordance with regulations adopted by the department. Before a waiver of rent adjustment is
6 issued, the land shall have a current reappraisal. A waiver is valid only if single-family
7 residential development actually occurs. The regulations adopted under this section shall ensure
8 that the state receives a fair return from the land.

9 * Sec. 28. AS 38.05.860(a) is amended to read:

10 (a) The commissioner [DIRECTOR] may require an applicant seeking the sale, lease,
11 or other disposal of land or an interest in land, other than under an oil and gas or mineral lease,
12 to deposit an amount covering the estimated cost of an appraisal, survey, and other costs
13 necessary to offer the land or interest in land, including advertising. All deposited funds not
14 expended shall be refunded to the applicant. If the land or interest in land is awarded [SOLD
15 OR LEASED] to a person other than the applicant making the deposit, the person [PARTY]
16 awarded the land shall pay the total actual cost incurred by the department in making the
17 disposal [OF APPRAISING AND SURVEYING THE LAND, TOGETHER WITH THE TOTAL
18 ACTUAL COST OF ADVERTISING], and the deposit shall be returned to the original applicant.
19 In lieu of requiring the deposit under this subsection, the commissioner may enter into an
20 agreement with an applicant seeking land or an interest in land requiring the applicant to
21 reimburse the department for costs incurred in the disposal if the applicant is awarded the
22 land or interest in land.

23 * Sec. 29. AS 38.08.030(b) is amended to read:

24 (b) Fees for filing an application shall be set by the commissioner by regulation [MAY
25 NOT EXCEED \$10].

26 * Sec. 30. AS 38.50 is amended by adding a new section to read:

27 Sec. 38.50.025. COSTS OF EXCHANGE; FEES. (a) The director shall charge a party
28 proposing an exchange of land under this chapter a nonrefundable application fee.

29 (b) In addition to the fee under (a) of this section, the costs of an exchange of land under
30 this chapter, including survey, appraisal, advertising, and public hearing expenses that are
31 incurred by the department, shall be charged to the party proposing the exchange as a processing

1 fee.

2 (c) The commissioner shall adopt regulations to implement this section.

3 * Sec. 31. AS 41.21.020(a) is amended to read:

4 (a) The department shall

5 (1) develop a continuing plan for the conservation and maximum use in the public
6 interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of
7 the state;

8 (2) plan for and develop a system of state parks and recreational facilities, to be
9 established as the legislature authorizes and directs;

10 (3) acquire by gift, purchase, or transfer from state or federal agencies, or from
11 individuals, corporations, partnerships or associations, land necessary, suitable and proper for
12 roadside, picnic, recreational, or park purposes;

13 (4) [CONTROL,] develop, manage, and maintain state parks and recreational
14 areas;

15 (5) provide for the acquisition, care, management [CONTROL], supervision,
16 improvement, development, extension, and maintenance of public recreational land, and make
17 necessary arrangements, contracts, or commitments for the improvement and development of land
18 acquired under AS 41.21.010 - 41.21.040; contracting for improvement and development under
19 this paragraph is governed by AS 36.30 (State Procurement Code);

20 (6) adopt, in accordance with this section and the Administrative Procedure Act
21 (AS 44.62), regulations governing the use and designating incompatible uses within the
22 boundaries of state park and recreational areas to protect the property and to preserve the peace;

23 (7) cooperate with the United States and its agencies and local subdivisions of the
24 state to secure the effective supervision, improvement, development, extension, and maintenance
25 of state parks, state monuments, state historical areas, and state recreational areas, and secure
26 agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

27 (8) encourage the organization of state public park and recreational activities in
28 the local political subdivisions of the state;

29 (9) provide for consulting service designed to develop local park and recreation
30 facilities and programs;

31 (10) provide clearinghouse services for other state agencies concerned with park

1 and recreation matters;

2 (11) perform other duties as are prescribed by executive order or by law;

3 (12) maintain memorials to Alaska veterans located in state parks; and

4 (13) adopt, in accordance with the Administrative Procedure Act (AS 44.62),

5 regulations governing the use of the Chena River State Recreation Area and designating

6 incompatible uses within the boundaries of the Chena River State Recreation Area in accordance

7 with AS 41.21.490.

8 * Sec. 32. AS 42.05.661 is amended to read:

9 Sec. 42.05.661. APPLICATION FEES. With each application relating to a certificate
10 the applicant shall pay the commission a fee set by the commission by regulation that [OF \$50
11 WHICH] shall be deposited in the general fund of the state.

12 * Sec. 33. AS 44.19.024 is amended to read:

13 Sec. 44.19.024. FEES FOR ISSUING CERTIFICATE. For issuing each certificate with
14 the seal of the state affixed, the lieutenant governor shall collect a fee set by the lieutenant
15 governor by regulation [OF \$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS
16 PER FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account for the
17 fees received under this section and shall pay them into the general fund [STATE TREASURY].

18 * Sec. 34. AS 44.37.025(c) is amended to read:

19 (c) The department, with the concurrence of the administrative director of courts, may
20 appoint judicial employees to perform services in connection with recording, providing access
21 to, and copying documents in locations where the department has not otherwise designated a
22 public office [NO EMPLOYEES AVAILABLE] to perform those functions.

23 * Sec. 35. AS 44.50.040 is amended to read:

24 Sec. 44.50.040. FEES. A fee set by the lieutenant governor by regulation [OF \$40]
25 shall be paid to the lieutenant governor for each commission issued to a person other than a state
26 employee.

27 * Sec. 36. AS 44.83.080 is amended by adding a new paragraph to read:

28 (17) to adopt regulations establishing fees under which the authority may be
29 reimbursed for services or recover equity investments or capital costs for projects and activities
30 described in (5), (6), and (8) of this section under agreements described in (7) - (11) of this
31 section, or under other agreements that relate to the projects or covenants or representations made

1 in bond documents that relate to the projects or loan programs.

2 * Sec. 37. AS 45.55.195(b) is amended to read:

3 (b) The administrator may by regulation [OR ORDER] adopt a schedule of charges for
4 annual examination fees of issuers, broker-dealers, agents, and investment advisers.

5 * Sec. 38. AS 46.03.385(a) is amended to read:

6 (a) At the time of registration under AS 46.03.380, and annually thereafter, the owner
7 or operator shall pay to the department a registration fee for each tank registered unless the
8 owner or operator has notified the department under AS 46.03.395 that the tank has been taken
9 out of service. The fee shall be set by the department by regulation. The fees may be
10 structured to take into account the fact that an [AN] underground storage tank [THAT] has
11 leak detection, spill and overflow protection, and corrosion protection that meet requirements of
12 the department and may also reflect [IS SUBJECT TO A \$50 ANNUAL REGISTRATION FEE,
13 REGARDLESS OF] tank capacity. [AN UNDERGROUND STORAGE TANK SYSTEM THAT
14 LACKS ANY OR ALL OF THESE FEATURES IS SUBJECT TO AN ANNUAL
15 REGISTRATION FEE OF

16 (1) \$150 IF THE UNDERGROUND STORAGE TANK CAPACITY IS LESS
17 THAN 1,000 GALLONS;

18 (2) \$300 IF THE UNDERGROUND STORAGE TANK CAPACITY IS 1,000 -
19 5,000 GALLONS;

20 (3) \$500 IF THE UNDERGROUND STORAGE TANK CAPACITY IS OVER
21 5,000 GALLONS.]

22 * Sec. 39. Section 4, ch. 81, SLA 1981, as amended by sec. 1, ch. 25, SLA 1988, is amended to read:

23 Sec. 4. Section 3 of this Act takes effect July 1, 1997 [JUNE 30, 1998].

24 * Sec. 40. Section 3, ch. 95, SLA 1989, is amended to read:

25 Sec. 3. EMPLOYMENT ASSISTANCE AND TRAINING PROGRAM FUND
26 [ACCOUNT]. The employment assistance and training program fund [ACCOUNT] is
27 established in the department. Deposits into the fund are not general fund program receipts
28 [GENERAL FUND. THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY
29 ACCOUNT FOR MONEY COLLECTED UNDER SEC. 4 OF THIS ACT THAT THE
30 DEPARTMENT DEPOSITED IN THE GENERAL FUND]. The annual estimated balance in
31 the fund [ACCOUNT] may be appropriated by the legislature to the department to implement

1 this Act. If the entire estimated balance is not used to implement this Act during a fiscal
2 year, the [THE] legislature may make appropriations from the employment assistance and
3 training fund [APPROPRIATE THE LAPSING BALANCE OF THE ACCOUNT] to the
4 unemployment compensation fund established in AS 23.20.130.

5 * Sec. 41. AS 05.10.120(b); AS 28.10.161(c); AS 33.30.031(b), 33.30.031(c), 33.30.031(d);
6 AS 38.05.082, 38.05.085(a), 38.05.085(b), 38.05.085(g), and 38.05.105(b) are repealed.

7 * Sec. 42. TRANSITIONAL FEES. A fee set by a statute that is amended or repealed by this Act
8 remains in effect until a regulation setting a new fee to replace that fee takes effect.

9 * Sec. 43. This Act takes effect July 1, 1992.

ADOPTED 5/9/92

AMENDMENT # 1

OFFERED IN THE SENATE

BY SENATOR STURGULEWSKI

TO: SCS CSHB 572 (FIN) - WORK DRAFT 7-LS2255\S 5/7/92

Page 6, line 14:

following the word "agency" insert "by regulation"

Page 6, line 17:

following the word "fees" insert "by regulations"

Page 6, line 22:

Delete "or by statute," and insert "by regulation and"

Page 6, line 23:

Following the word "levels" insert "by the agency"

Page 6, line 24:

Following the word "statute" insert "that the agency collects"

ADOPTED WITH
DUNCAN #6 5/9/92

7-LS2255M.10
Cook
05/08/92

AMENDMENT #2

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: CSHB 572(FINANCE) am

Page 2, after line 25:

Insert a new bill section to read:

** Sec. 4. AS 36.30.100(b) is amended to read:

(b) Competitive sealed bidding is not required

(1) when the commissioner determines in writing that food, clothing, or medical supplies, or supplies [MATERIALS] for use in laboratory or medical studies may be purchased otherwise to the best advantage of the state;

(2) [WHEN RATES ARE FIXED BY LAW OR ORDINANCE;

(3)] for the purchase of products or services manufactured or provided by an employment program; or

(3) [(4)] for the purchase of products or services provided by the correctional industries program established under AS 33.32 [;

(5) FOR PROFESSIONAL SERVICES; OR

(6) FOR CONCESSIONS OPERATED ON STATE PROPERTY]."

Renumber the following bill sections accordingly.

Page 2, after line 29:

Insert a new bill section to read:

** Sec. 6. AS 36.30.850(b) is amended by adding new paragraphs to read:

(23) disposals of supplies acquired through foreclosure of loans issued under AS 03.10;

(24) purchases of curatorial and conservation services to maintain, preserve, and interpret

(A) objects of art; and

(B) items having cultural, historical, or archaeological significance to the state;

(25) acquisition of confidential seismic survey data necessary for pre-sale oil and gas lease analyses under AS 38.05.180;

(26) contracts for village public safety officers;

(27) purchases of supplies and services to support the operations of the Alaska state troopers or the division of fish and wildlife protection if the procurement officer for the Department of Public Safety makes a written determination that publicity of the purchases would jeopardize the safety of personnel or the success of a covert operation;

(28) expenditures when rates are set by law or ordinance."

Add (29) JD Amend # 6

Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN SENATE FINANCE

TO: ~~HB 177~~ HB 572

BY: DUNCAN

AS 36.30.850(b) is amended by adding a new paragraph to read:

(29) construction of new vessels by the Department of Transportation and Public Facilities for the Alaska Marine Highway System.

ADOPT
with #2 5/9/92
#6

ADOPTED
5/9/92

7-LS2255M.11
Cook
05/08/92

AMENDMENT #3

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: CSHB 572 (FINANCL) am

Page 9, after line 5:

Insert new bill sections to read:

"* **Sec. 20. MATERIAL SITES USED FOR TIMBER OPERATIONS.** Material sites used for timber operations are subject to regulation under AS 41.17. AS 27.19 does not apply to material sites used for timber operations.

* **Sec. 21.** Section 20 of this Act is repealed July 1, 1994."

Renumber the following bill sections accordingly.

***Rationale for Proposed Clarification of
the Relationship Between the Forest Practices
Act and the Mining Reclamation Act with
Respect to Material Sites Used for Logging Operations***

In 1990, the legislature enacted comprehensive revisions to the state Forest Practices Act. AS 41.17. The intent of that Act was to place all phases of forestry operations--including material sites used for forest operations--under a single regulatory umbrella.

In the same year, however, the legislature enacted a new mining reclamation statute that, by its terms, applies to forest material sites. As a result, unless the relationship between these two laws is clarified: (1) forest operations will face redundant and possibly conflicting regulatory requirements; and (2) the Department of Natural Resources will face a pointless regulatory duplication, since that agency will be reviewing paperwork under both laws for precisely the same activity.

The intent of the Forest Practices Act was to avoid precisely this result.

The standards of the two laws as they apply to forest material sites are essentially identical; therefore, no environmental interest is served by the duplication. DNR had hoped to resolve this issue through provisions in the mining reclamation and forest practices regulations; however, the agency has encountered unexpected delays in forest practices regulations. As a result, the problem remains, and in the short term will remain, unresolved.

The enclosed legislation would place forest material sites squarely under the Forest Practices Act only, which is where the legislature intended them to be addressed. The proposal also calls for "sunsetting" the legislation in two years, by which time the forest practices regulations will have been adopted.

Hold
5/9/92

#4
Amendment to HB 572

By Adams

Delete section 22.

Amend section 41 to delete reference to AS 38.05.082.

A M E N D M E N T

Hold
5/9/92

#5

OFFERED IN THE SENATE

BY SENATOR SHULTZ

TO: CSHB 572 (FINANCE) am

Page 8, after line 22:

Insert the following new bill sections to read:

"* Sec. 18. AS 46.15 is amended by adding new sections to read:

Sec. 46.15.035. APPROPRIATION OR REMOVAL OF WATER OUT OF HYDROLOGIC UNITS TO OTHER HYDROLOGIC UNITS; WATER CONSERVATION FEE.

(a) Water may not be removed from the hydrologic unit from which it was appropriated to another hydrologic unit, inside or outside the state, without being returned to the hydrologic unit from which it was appropriated nor may water be appropriated for removal from the hydrologic unit from which the appropriation is sought to another hydrologic unit, inside or outside the state, without the water being returned to the hydrologic unit from which it is to be appropriated, unless the commissioner

(1) finds that the water to be removed or appropriated for removal is surplus to needs within the hydrologic unit from which the water is to be removed or appropriated for removal;

(2) finds that the application for removal or appropriation for removal meets the requirements of AS 46.15.080; and

(3) assesses a water conservation fee under (b) of this section.

(b) The commissioner shall establish, by regulation, a water conservation fee for a use of water in which the water is removed from the hydrologic unit from which it was appropriated to another hydrologic unit inside or outside the state, without the water being returned to the hydrologic unit from which it was appropriated. The fee established under this subsection shall be graduated to encourage the conservation of water.

Sec. 46.15.037. SALE OF WATER BY THE STATE. (a) The commissioner may provide for the sale of water by the state if

(1) the water has first been appropriated to the state in accordance with the

requirements of this chapter; and

(2) the commissioner determines that

(A) the water is surplus to needs within the hydrologic unit from which it was appropriated;

(B) the proposed sale of the water meets the requirements of AS 46.15.080; and

(C) the sale price of the water is based upon the fair market value of the water.

(b) A purchaser of water from the state under this section shall acquire only those contractual rights to the water set out in sale documents prepared by the commissioner except that a sale of water by the state does not constitute an appropriation of water under this chapter to the purchaser.

(c) If water to be sold by the state under (a) of this section, is to be removed from the hydrologic unit from which it was appropriated to another hydrologic unit, inside or outside the state, without being returned to the hydrologic unit from which it was appropriated, the commissioner shall, in addition to determining that the sale meets the requirements of (a)(2) of this section, assess a water conservation fee under AS 46.15.035.

* Sec. 19. AS 46.15.260 is amended by adding a new paragraph to read:

(10) "hydrologic unit" means either a hydrologic unit or subunit established by the United States Geologic Survey on current hydrologic unit maps of the state."

Renumber the following bill sections accordingly.

AMENDMENT TO HB 572 BY HOFFMAN

Hold
5/9/92
7

Sec. 46.15.146. RESERVATION OF WATER FOR FISH. (a) Except as provided in AS 46.15.090, upon receipt by the commissioner of an application to appropriate (1) water from a lake, river, or stream that is used by fish for spawning, incubation, rearing, or migration; or (2) ground water that significantly influences the volume of water in a lake, river, or stream that is used by fish for spawning, incubation, rearing, or migration, the commissioner shall reserve a volume of water in the lake or an instream flow in the river or stream for the use of fish and to maintain habitat for fish. The commissioner may adjust the volume of water reserved under this subsection if the commissioner, after public notice and opportunity to comment and with the concurrence of the commissioner of fish and game, finds that the best interests of the state are served by the adjustment.

(b) A volume of water or an instream flow for the use of fish and to maintain habitat for fish that is reserved under this section is withdrawn from appropriation.

(c) The priority date of a reservation of water for fish from a lake, river, or stream, identified under AS 16.05.870 or identified in a Department of Fish and Game regional guide as being used by fish for spawning, incubation, rearing, or migration on or before the effective date of this Act, is the effective date of this Act. The priority date of a reservation of water for fish from a lake, river, or stream identified under AS 16.05.870 or identified in a Department of Fish and Game regional guide as being used by fish for spawning, incubation, rearing, or migration after the effective date of this Act is the date on which the identification takes effect.

(d) A reservation of water under this section does not affect rights and applications on record before the effective date of this Act.

(e) This section does not apply to appropriations under AS 46.15.040 for nonconsumptive uses of water or for single family domestic use.

(f) AS 46.15.145 does not apply to a reservation of water under this section.

(g) This section does not apply to appropriations of ground water of 5,000 gallons or less a day unless the commissioner, in consultation with the Department of Fish and Game, determines that the appropriation may adversely affect fish habitat in a lake, river, or stream.

The commissioner shall consider multiple appropriations of water for a single related use as a single appropriation for the purposes of this subsection.

(h) In this section, "fish" means a species of anadromous or freshwater fish that may be taken under regulations of the Board of Fisheries.

A M E N D M E N T

OFFERED IN THE SENATE
TO: SCS CSHB 572 (FINANCE)

BY SENATOR KERTTULA

Page 7, line 6, through page 8, line 6:

Delete all material.

Renumber the following bill sections accordingly.

Page 8, line 14, after "38.05.079,":

Insert "38.05.082,"

Page 14, line 6:

Delete "AS 38.05.082, 38.05.085(a)"

Insert "AS 38.05.085(a)"

MAY 9, 1992
SUPPLEMENTAL STATEMENT BY SENATOR KERTTULA
SENATE CSCSHB572(FINANCE) WORK DRAFT 5/6/92

UNDER THIS HOUSE BILL (AFTER INCLUSION OF SENATOR ELIASON'S AMENDMENTS CONCERNING AQUATIC FARMING) THERE ARE STILL STATUTES THAT WOULD BE REPEALED - INCLUDING SHORE FISHERIES LEASES.

ATTACHMENT IS MY REVISED AMENDMENT TO DELETE ALL TITLE 38 CHANGES FROM THIS BILL WITH ONE MINOR EXCEPTION TO PRESERVE THE HOUSE TITLE. THESE CHANGES ARE NOT NECESSARY TO IMPLEMENT THE SENATE BUDGET AND HAVE MAJOR IMPLICATIONS TO SHORE FISHERIES.

THE CURRENT SHORE FISHERIES LAW AWARDS LEASES TO APPLICANTS BASED ON THE PRIOR FISHING EXPERIENCE AND FISHING AREA. THERE IS AN ANNUAL FEE OF \$150. IN THIS BILL, THE DEPARTMENT OF NATURAL RESOURCES PROPOSES TO DELETE THIS LAW, CHANGE HOW THESE LEASES ARE AWARDED AND INTENDS TO INCREASE ANNUAL RENT ON NEW OR RENEWED SHORE FISHERIES LEASES TO A 1% FEE BASED ON THE VALUE OF THE SET NET PERMIT WITH A MINIMUM FEE OF \$650. ESTIMATED FEES RANGE FROM \$900 IN PRINCE WILLIAM SOUND TO \$1,300 ON THE ALASKA PENINSULA. **ACCORDING TO DNR IF THIS BILL PASSES, THEY WILL NOT NEED A REGULATION TO IMPLEMENT THIS CHANGE.**

ATTACHED ARE COPIES OF 1) A DNR MEMO INDICATING THAT NO REGULATIONS WILL BE NEEDED TO IMPLEMENT THESE HIGHER FEES AND 2) DNR MATERIALS CONCERNING THE PROPOSED SHORE FISHERIES RENTS. WE HAVE RECEIVED SEVERAL LETTERS FROM FISHERMEN ORGANIZATIONS WHO OBJECT TO LACK OF PUBLIC PROCESS CONCERNING THESE MAJOR CHANGES IN THE SHORE FISHERIES LAWS.

THE DNR SECTIONS OF THIS HOUSE FINANCE BILL WERE ADDED ON APRIL 14. THERE HAS BEEN NO REVIEW OF THESE PROVISIONS IN THE APPROPRIATE COMMITTEES SUCH AS RESOURCES.

THE DNR TITLE 38 CHANGES ARE NOT NECESSARY TO IMPLEMENT THE SENATE BUDGET. I URGE SENATE FINANCE TO ADOPT MY

AMENDMENT WHICH WOULD DELETE ALL TITLE 38 CHANGES WITH ONE MINOR EXCEPTION TO PRESERVE THE HOUSE TITLE.

I WOULD ALSO URGE SENATE FINANCE TO ADOPT THE FOLLOWING LEGISLATIVE INTENT LANGUAGE BE ATTACHED TO THIS BILL:

IT IS THE INTENT OF THE LEGISLATURE THAT DNR REVIEW THE SHORE FISHERIES LAWS AND REPORT BACK TO THE LEGISLATURE BY JANUARY 15, 1993 WITH ANY PROPOSED STATUTORY CHANGES.

REVISED AMENDMENT
MAY 9, 1992

OFFERED IN THE SENATE BY SENATOR KERTTULA
TO: SENATE CSCSHB572(FINANCE) WORK DRAFT 5/6/92

SECTION 24 AS 38.05.075(a) IS AMENDED TO READ:

(a) Except as provided in AS 38.05.035, 38.05.073, 38.05.079, 38.05.083,
38.05.087, 38.05.102, 38.05.810, [AS 38.05.087] and this section, leasing shall be made at public auction

to the highest qualified bidder as determined by the commissioner. An aggrieved bidder may appeal to the commissioner within five days for a review of the determination. The leasing shall be conducted by the commissioner and the successful bidder shall deposit at the auction the first year's rental or that portion of it that the commissioner requires in accordance with the bid. The commissioner shall require qualified bidders to deposit a sum equal to any survey or appraisal costs reasonably incurred by another qualified bidder acting in accordance with the regulations of the commissioner. If a bidder making a deposit of survey or appraisal costs is determined by the commissioner to be the highest qualified bidder under this subsection, the deposit shall be paid to the unsuccessful bidder who incurred those costs. Any survey or appraisal costs reasonably incurred by a qualified bidder under the regulations of the commissioner or deposited under this subsection must be credited under the first and then subsequent years' rentals. All costs for survey and appraisal shall be approved in advance in writing by the commissioner. The commissioner shall immediately issue a receipt containing a description of the land or interest leased, the price bid, terms of the lease, and the amount of any credit for survey and appraisal costs to the successful qualified bidder. If the receipt is not accepted in writing by the bidder under this subsection, the commissioner may offer the land for lease again under this subsection. A lease, on a form approved by the attorney general, shall be signed by the successful bidder and by the commissioner within 30 days after the auction.

PAGE PAGE 9, LINE 12 THROUGH PAGE 10, LINE 22
DELETE ALL MATERIAL.

RENUMBER THE FOLLOWING BILL SECTIONS ACCORDINGLY.

AMEND SECTION 40 TO DELETE " AS 38.05.082, 38.05.085(a), 38.05.085(b),
38.05.085(g) and 38.05.105(b)"

MEMORANDUM

Department of Natural Resources

DRAFT
INFO

State of Alaska

Division of Land

TO: Mary Southard, Legislative Asst DATE: April 19, 1992
Sen. Kertulla's Office

THRU:

FROM: Richard A. LeFebvre
Deputy Director

FILE NO:

TELEPHONE NO.: 762-2692

SUBJECT: HB 572/Shore
Fishery Leases

You had questions about how the shore fishery lease changes in HB 572 would be implemented.

- Existing leases. The new fees will not affect the approximately 1100 existing leases issued under the current AS 38.05.082. Leases are valid existing rights and repealing AS 38.05.082 will not affect them. But as these leases expire, generally after a ten-year term, applications will presumably be filed for new leases on the same sites. Our figures conservatively assume that 50 new applications will be filed yearly as existing leases expire.
- Existing applications. Right now the department has approximately 348 applications pending for shore fishery leases. We are almost ready to issue leases for some of these applications under the existing AS 38.05.082. However, processing has just begun on the majority. Assuming the repealer goes into effect this summer, we estimate that about 220 of these applications will result in leases under the new system and subject to the new fees.
- New applications. There are still some setnetters who fish without leases, moving from place to place as they find unoccupied sites. We estimate that 165-220 of these setnetters will eventually apply for leases that will be subject to the new fees.
- Regulations not needed for new lease revenues. HB 572 will give us the flexibility to maximize the return to the state from all new leases. It does not require the department to adopt regulations before new leases are issued. Because the regulations process is currently very slow, it would be in the state's best interest to postpone issuance of new leases pending the adoption of regulations. Only one minor aspect of our fee proposal for shore fishery leases (plat review fees) is dependent on a regulation change.

PUBLIC TRUST LEASES

APR 02 1992

The proposed "Public Trust Leases" or Tidelands Leasing program is composed of three existing "projects": Shore Fishery, Aquatic Farming, and Leases (both upland and tidelands). This proposal merges those projects dealing with tidelands into a single program that focusses on development of these lands as "public trust lands."

Presently only shore fishery operates on program receipts but all three have the potential to generate far greater revenue. Land use plans are included in this package because they must be in place before any leasing can occur. Large scale land use plans that would be eliminated with the budget cuts would be for tidelands in Cook Inlet, Kodiak Island and various locations in Southeast - the heart of "public trust" leasing country.

Last year a total of \$822.1 was earned in our various tideland leasing programs, \$350.0 more than it cost to operate them. This revenue and the ability to raise additional money by increasing fees and obtaining fair market value for use of state land will be lost if we are forced to eliminate the service.

A combination of statute and administrative actions can pave the way to increased revenue and focusing on a comprehensive "public trust" leasing program. We can streamline and wrap up the shore fishery program, greatly simplify aquatic farming administrative tasks, converting shore fish and aquatic farming staff to "public trust" lease staff to focus on desperately needed tideland programs that would provide even more revenue to the state while providing public benefits. In keeping with our overall goal of moving high profile projects forward, we would be able to focus on specific industry needs and in highly concentrated developing areas while at the same time start to bring under control rapidly growing and uncontrolled industries.

Shore Fishery

<u>Existing FY 91 Fee/Rent</u>	<u>Fee</u>	<u>Revenue</u>
Application Fee	\$50.00	\$10,745.00
Plat Review	75.00	8,400.00
Assignment	50.00	(reported w/application fee)
Lease Rent	150.00	143,972.35
Total		\$163,117.35

Proposed FY 93 Fee/Rent Changes

Applications Fee	\$100.00
Plat Review	200.00
Assignment	100.00
Lease Rent	Rental rate for each lease would be tied to a percentage of the previous year's average

limited entry permit estimated values for set nets determined for each shore fishery district (see attached). The director would set the rent by district during January of each year. The estimated value information would be received from that compiled by the Commercial Fisheries Entry Commission. This method reflects the economic value of the fishery and the value of the sites in the district. Minimum annual rent would be established at \$650.00.

Revenue Estimate

- 2000 Limited entry permits for set gillnet fishery
- 1100 Set net leases are issued
- 348 Pending applications
 - 48 will not get leases
 - 80 ready to issue
 - 220 to be processed
- 552 Who have not applied, some of which simply fish sites not occupied by someone else.
 - Of the 552, an estimated 30-40%, or 165-220, will get leases in existing areas. Thus, the new proposed program will apply directly to the 220 remaining to be processed and the 165-220 yet to obtain leases.

Existing leases, until renewed, will continue at old rental rate. Approximately 50 per year will be renewed.

1100 issued leases plus 80 ready to issue = 1180
80 leases x \$150 rent = \$12,000 + \$143,972 rent from existing leases =
\$155,972 rent.

Of the pending lease applications, 220 will be processed to leases at new rates.

Plat review fees \$200 x 220 = \$ 44,000
Lease rent \$650* x 220 = \$143,000
\$187,000

* This is the minimum rent to be charged. Actual rent will be determined as explained above. We currently charge \$500.00 for non-commercial and \$650.00 for commercial uses for all other tideland uses (floathomes, floating lodges, etc.).

Of the remaining limited entry permit holders, an estimated 165-220 or 30-40% will obtain state leases. Using 220 at the new rates, the following minimum revenue is possible.

Application Fee	\$100 x 220 = \$ 22,000
Plat Review	\$200 x 220 = 44,000
Lease Rent (at min. rate)	\$650 x 220 = <u>143,000</u>
Total	\$209,000

The current rental is a flat rate of \$150. Tying the rental to a percentage of the yearly average limited entry permit value/set net fishery, the rentals in our five fisheries based on 1% of the averages to be:

PWS	1% of \$90,000	\$900 annual rent x 42 = \$ 37,800
CI	1% of \$71,000	\$715 annual rent x 553 = 395,395
Kod	1% of \$100,000	\$1000 annual rent x 133 = 133,000
AP	1% of \$130,000	\$1300 annual rent x 94 = 122,200
BB	1% of \$59,500	\$595 annual rent x 656 = <u>390,320</u> (426,400 using \$650 min. lease rent.)

If all 1387± existing FY 92 leases were under new rates, the state would receive \$1,114,795 in annual rent compared to approximately \$155,972 that will be received for rent. Leases issued in FY 93 would increase rental for another 220 to 440.

Aquatic Farmsite Lease Schedule

History: The aquatic farmsite permit fee schedule is as follows:

Application fee:	\$50.00 (non-refundable)
Annual Use fee:	\$250 for the first acre or fraction thereof, plus \$100 per acre for each additional acre or fraction thereof.

The department has not to date issued any aquatic farmsite leases. The aquatic farmsite permit is a 3-year permit based on the fact that oysters take anywhere from two to three years to develop into a marketable size. The permit is based on a 3-year development plan showing type and number of species to be cultured, gear type, number of juvenile animals to be imported or collected, and any other facilities that will be

SENATE CS FOR CS FOR HB 572 (FINANCE)

Work Draft 7-LS2255\S 5/6/92

- Sections 1-15:** Provide agencies the authority to establish fees by regulation rather than having those fees set in statute.
- Section 16:** One license plate sticker instead of two, saves \$30.0 GF.
- Section 17:** Corrections can contract in or out of state with private or public entities for prison space.
- Section 18:** Small procurements up from \$10.0 to \$25.0.
- Sections 19 & 20:** Clarify for what the state may charge fees and provide for annual review and report.
- Section 21:** Allows the Alaska Science and Technology Foundation to accept gifts, grants and bequests for specific purposes.
- Section 22:** Deletes Shore Fishery Site Leases from those exempt from written finding requirement.
- Sections 23-30:** DNR Public Lands Leasing changes to allow the department to more fully recover the costs incurred when preparing leases for public auction.
- Section 31:** Changes language in DNR statutes from "control" to "manage."
- Section 32:** Utility certification fee set by regulation.
- Section 33:** State Seal certificate fee.
- Section 34:** DNR may use Judicial employees for recording etc.
- Section 35:** Notary Public commission fee.
- Section 36:** Alaska Energy Authority may establish fees for providing financing services.
- Section 37:** Examination fees for security brokers and agents established by regulation by the administrator (Commissioner of DCED or designee).
- Section 38:** Fee for registration of underground storage tanks set by regulation instead of statute.

- Section 39:** The repealing section of the statute that creates the Citizens Advisory Commission on Federal Areas will become effective on July 1, 1993 instead of 1998.
- Section 40:** Employment Assistance and Training Program Fund is no longer General Fund Program Receipts. The Legislature may appropriate the balance to the Unemployment Compensation Fund.
- Section 41:** Repeals-- boxing and wrestling fees in statute, license plates required to "substantially embody," constraints on corrections contracting, lease terms and 25 year DNR rent adjustments.
- Section 42:** Statutory fee remains until regulation for new fee is adopted.
- Section 43:** July 1, 1992 effective date.

5/7/92

AMENDMENTS INCLUDED IN THE 5/6/92 WORK DRAFT SCS CSHB 572(FIN)

<u>TOPIC</u>	<u>SPONSOR</u>	<u>DATE</u>
SB 474	STURGULEWSKI	
CONTRACT FACILITIES	CORRECTIONS	5/2/92
OCC LICENSING/FEE LANGUAGE	POURCHOT/STURGULEWSKI	5/5/92
L B & A	LEG FIN	5/2/92
ELECTIONS	STURGULEWSKI	5/2/92
LAND EXCHANGE FEES	KERTTULA	5/2/92
AEA	POURCHOT	5/1/92
AQUATIC FARMING	ELIASON	5/2/92
FIREWORKS, SNOWMACHINES	DPS	5/2/92
AEROSPACE/ASTF DELETE	SFC COMMITTEE	5/2/92
CACFA DELETE	SFC COMMITTEE	5/2/92

ITEMS NOT INCLUDED AT THIS TIME:

APOC AMENDMENT	DUNCAN
AQUATIC FARMING INTENT LANGUAGE	ELIASON
ASTF AMENDMENT	POURCHOT
TITLE 38/ADDITIONAL DELTIONS	KERTTULA

SENATE CS FOR CS FOR HOUSE BILL NO. 572 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): **HOUSE FINANCE COMMITTEE**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers, duties, and operations of certain state agencies, including
2 those of the Alaska Science and Technology Foundation, those of the Citizen's Advisory
3 Commission on the Federal Areas in Alaska, the disposal or leasing of state land or
4 interests in state land, the management of public recreational land and the management
5 of state parks and recreation areas, vehicle registration, small procurements, the employment
6 assistance and training program fund, contracts for confinement of certain prisoners, and
7 the recording of public documents; and providing for an effective date."

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

9 * Section 1. AS 05.10.070 is amended to read:

10 Sec. 05.10.070. APPLICATION FOR LICENSE. A club, corporation, organization,
11 association, or fraternal society affected by this chapter may apply to the commission for a
12 license. An application must be in writing and upon a form prescribed by the commission and
13 must be verified in the manner the commission requires and accompanied by an annual license

*Boxing +
Wrestling
License
+
Fees
|*

1 fee set by the commission by regulation under AS 05.10.125 [OF \$100].

2 * Sec. 2. AS 05.10.120(a) is amended to read:

3 (a) The commission may grant annual licenses upon application in compliance with the
4 regulations adopted by the commission and the payment of the fees prescribed by regulation
5 under AS 05.10.125 for managers, referees, examining physicians, boxers, wrestlers, seconds,
6 and trainers.

7 * Sec. 3. AS 05.10 is amended by adding a new section to read:

8 Sec. 05.10.125. FEES. The commission shall establish by regulation the fees for licenses
9 issued by the commission under this chapter.

10 * Sec. 4. AS 06.01.010 is amended by adding a new subsection to read:

11 (g) The commissioner may establish by regulation a fee for the filing of an application
12 required by this title. The fee is in addition to investigation expenses that may be charged to the
13 applicant.

14 * Sec. 5. AS 06.20.030(b) is amended to read:

15 (b) An applicant shall pay to the department at the time of submitting an application a
16 sum, in addition to that specified in (a) of this section, set by the commissioner by regulation
17 [OF \$200] as an annual license fee for a period terminating on the last day of the current
18 calendar year. If the application is filed after June 30, an [THE] additional sum set by the
19 commissioner by regulation shall be paid to the department [IS \$100].

20 * Sec. 6. AS 06.30.815 is amended to read:

21 Sec. 06.30.815. FEE FOR FILING COPY OF CHARTER OF FEDERAL SAVINGS
22 AND LOAN. A fee set by the commissioner under AS 06.01.010 [OF \$10] shall accompany
23 each copy of the charter of a federal savings and loan association or certificate showing the
24 organization by conversion.

25 * Sec. 7. AS 06.30.820 is amended to read:

26 Sec. 06.30.820. FEE FOR APPROVAL BY COMMISSIONER. The commissioner may
27 charge a fee set by regulation under AS 06.01.010 for [OF NOT EXCEEDING \$10 UPON]
28 each application submitted for the commissioner's approval under [, AS PROVIDED BY] this
29 chapter.

30 * Sec. 8. AS 06.40.040 is amended to read:

31 Sec. 06.40.040. ANNUAL LICENSE FEE. On or before December 20 of each year, each

*Boxing
Wrestling
BANKS
FINANCIAL
INSTITUTIONS
LENDING
INSTITUTIONS
SAVINGS &
LOANS
Sec 7
Fees for
BANKS & FIN. INST.
APPLICATION
APPROVAL
License for
Insurance Premium
FINANCING*

1 licensee shall pay a fee established by the department by regulation [OF \$200] to the
 2 department as an annual license fee for the next succeeding calendar year. At that same time the
 3 licensee shall file with the department a new bond that complies with AS 06.40.030.

4 * Sec. 9. AS 08.01.065(c) is repealed and reenacted to read:

5 *Occ. Lic.*
 6 *Occupations*
 7 *pay their own way* (c) The department shall establish fee levels under (a) of this section so that the total
 8 amount of fees collected for an occupation approximately equals the actual regulatory costs for
 9 the occupation. The department shall annually review each fee level to determine whether the
 10 regulatory costs of each occupation are approximately equal to fee collections related to that
 11 occupation. If the review indicates that an occupation's fee collections and regulatory costs are
 12 not approximately equal, the department shall calculate fee adjustments and adopt regulations
 13 under (a) of this section to implement the adjustments. In January of each year, the department
 14 shall report on all fee levels and revisions for the previous year under this subsection to the office
 15 of management and budget. If a board regulates an occupation covered by this chapter, the
 16 department shall consider the board's recommendations concerning the occupation's fee levels
 17 and regulatory costs before revising fee schedules to comply with this subsection. In this
 18 subsection, "regulatory costs" means costs of the department that are attributable to regulation
 19 of an occupation plus

18 (1) all expenses of the board that regulates the occupation if the board regulates
 19 only one occupation;

20 (2) the expenses of a board that are attributable to the occupation if the board
 21 regulates more than one occupation.

22 * Sec. 10. AS 10.06.843 is repealed and reenacted to read:

23 *Corporation*
 24 *Filing Fees*
 25 *by Reg.* Sec. 10.06.843. REGULATIONS RELATING TO FEES. (a) The department shall
 26 establish by regulation the fees specified or authorized in this chapter.

25 (b) The filing fee for a document not otherwise provided in this chapter shall be
 26 established by the department by regulation.

27 (c) The department may by regulation charge a corporation subject to this chapter a fixed
 28 fee, for routine administrative services rendered to a corporation by the department, that is in
 29 place of the fees specified in this chapter. However, a fixed fee under this subsection may not
 30 include the fees specified under AS 10.06.140 and 10.06.828, or the tax under AS 10.06.845.

31 * Sec. 11. AS 14.48.090(a) is repealed and reenacted to read:

1 Fees for
2 Agents of Post-
3 Secondary INST.
Now set in
Reg.

(a) The commission shall establish by regulation and collect fees for
(1) authorization to operate;
(2) renewal of authorization to operate;
(3) an agent's permit; and
(4) renewal of an agent's permit.

* Sec. 12. AS 18.65.410 is amended to read:

Security
Guard Licenses
+ Applications
Fees set
in Reg.

Sec. 18.65.410. APPLICATIONS. Application for a license as a security guard or security guard agency shall [MUST] be made on forms provided by the commissioner. The application must require the furnishing of information reasonably required by the commissioner to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record. The application must be accompanied by a nonrefundable application fee set by the commissioner by regulation under AS 18.65.450 [OF \$50 FOR A SECURITY GUARD AND \$200 FOR A SECURITY GUARD AGENCY].

* Sec. 13. AS 18.65.450 is amended to read:

Sec. 18.65.450. REGULATIONS. The commissioner shall adopt regulations necessary to implement AS 18.65.400 - 18.65.490, including provisions specifying the amount of bond or insurance required and the types of uniforms, badges, and insignia that may be used, and establishing the application fees for security guards and security guard agencies.

* Sec. 14. AS 23.15.390 is amended to read:

Employment
Agency Permit
Fees in Reg.

Sec. 23.15.390. FEES. The fee for filing an application for a permit shall be set by the department by regulation adopted under AS 23.15.500 [IS \$10]. All fees shall be deposited in the general fund. In addition to paying this fee, all persons conducting employment agencies must comply with the provisions of AS 43.70 (Alaska Business License Act).

* Sec. 15. AS 24.45.041(g) is amended to read:

Lobbyist
Fees by
ADOC
by Reg.

(g) An application for registration as a lobbyist under (a) of this section or for renewal of a registration under (f) of this section is subject to a fee set by the commission by regulation [OF \$100]. The commission may not accept an application for registration or renew a registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under AS 24.45.161 or a representational lobbyist under regulations of the commission.

* Sec. 16. AS 28.10.161(b) is amended to read:

1 (b) Every [AFTER JANUARY 1, 1979, EVERY] passenger vehicle registration plate,
2 except as specifically provided in AS 28.10.181, shall have displayed upon it

- 3 (1) the Alaska flag;
- 4 (2) the traditional colors of yellow-gold and blue;
- 5 (3) the slogan "The Last Frontier";
- 6 (4) the registration number assigned to the vehicle for which it is issued;
- 7 (5) the name of this state, which may be abbreviated; and
- 8 (6) the registration year number or expiration date for which time it is validated;

9 the registration year number or expiration date may be part of the license plate or contained on
10 a suitable sticker or tab device issued by the department; however, only one sticker or tab
11 device may be issued for each pair of plates and the sticker or tab device must be affixed
12 to the rear plate.

13 * Sec. 17. AS 33.30.031(a) is amended to read:

14 (a) The commissioner shall determine the availability of state correctional facilities
15 suitable for the detention and confinement of persons held under authority of state law or under
16 agreement entered into under (e) of this section. If the commissioner determines that suitable
17 state correctional facilities are not available, the commissioner may enter into an agreement with
18 a public or private entity [AGENCY] to provide necessary facilities. Correctional facilities
19 provided through agreement with a public or private entity [AGENCY] may be in this state or
20 in another state. [CORRECTIONAL FACILITIES PROVIDED THROUGH AGREEMENT
21 WITH A PRIVATE AGENCY MUST BE LOCATED IN THIS STATE.] The commissioner
22 may not enter into an agreement with an entity [AGENCY] unable to provide a degree of
23 custody, care, and discipline similar to that required by the laws of this state. AS 33.36.020 and
24 33.36.070 do not apply to contracts entered into under this section.

25 * Sec. 18. AS 36.30.320(a) is amended to read:

26 (a) A procurement for supplies, services, or construction that does not exceed an
27 aggregate dollar amount of \$25,000 [\$10,000] may be made in accordance with regulations
28 adopted by the commissioner for small procurements.

29 * Sec. 19. AS 37.10.050(a) is amended to read:

30 (a) A state agency may not charge for [THE PROVISION OF] state services, materials,
31 licenses, registrations, permits, application processing, the use of state facilities, or other

4 ONE sticker
INSTEAD OF 2
SAVES \$30.00/yr.

15 CONNECTIONS
MAY CONTRACT
IN OR OUT OF
STATE PUBLIC
OR PRIVATE
18 INTERSTATE
19 CONNECTIONS
20 COMPACT
DOES NOT
APPLY.

clarifies for
what the STATE
MAY charge.

1 state activities unless the charge (1) is set or otherwise authorized by statute; and (2) where a
 2 regulation is necessary, is set by or provided for in a regulation that meets the standards of
 3 AS 44.62.020 and 44.62.030. 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 activity or providing the service
 5 unless otherwise provided by the statute under which the regulation is adopted; this limitation
 6 does not apply to sales of property by a state agency. Unless specifically exempted by statute,
 7 a state agency authorized to collect or receive fees, licenses, taxes, or other money belonging to
 8 the state shall account for and remit the receipts, less fees to which the collector is entitled by
 9 statute or regulation, to the Department of Revenue at least once each month. The commissioner
 10 of administration shall separately account under AS 37.05.142 for receipts deposited under this
 11 subsection.

12 * Sec. 20. AS 37.10.050 is amended by adding new subsections to read:

Annual Review of Fees

Reports by Agency through OM B

TO L.B.F.A

13 (d) Each state agency shall annually review fees and charges collected by the agency.
 14 If a fee that is set by an agency does not pay for the estimated actual costs of administering the
 15 activity or providing the service or material, the agency shall adjust the fee to that level. If an
 16 agency regulates an activity or provides a service or material and another agency is authorized
 17 to set fees for the costs of regulating the activity or providing the service or material, the other
 18 agency shall consider the recommendations of the agency regarding the setting of fee levels and
 19 adjustment of fee levels so that they comply with this subsection. If the adjustment of a fee
 20 results in a substantial increase, the agency may set a schedule to phase in the increase over a
 21 period of time. By October 1, each state agency shall submit a report to the office of
 22 management and budget regarding existing fee levels set by the agency or by statute, adjustments
 23 made to fee levels during the previous fiscal year, and recommended increases in fees set by
 24 statute. Each year by January 1, the office of management and budget shall submit a report to
 25 the Legislative Budget and Audit Committee summarizing the reports and recommendations.
 26 Within 30 days after the convening of each regular session of the legislature, the committee shall
 27 report to the legislature the status of fee regulations and make recommendations for statutory
 28 changes.

29 (e) In this section, "agency" means a board, commission, or agency in the legislative,
 30 judicial, or executive branch, but does not include the University of Alaska or a public
 31 corporation.

1 * Sec. 21. AS 37.17.030(b) is amended to read:

2 *Allows ASTF to ACCEPT Gifts* (b) In addition to endowment income, the foundation may receive individual.
3 foundation. or corporate gifts, grants, or bequests that by their terms are restricted to a
4 particular purpose [AND OTHER AID]. The foundation may accumulate income, gifts, grants,
5 and bequests [OTHER AID] from any one year and distribute them in a later year.

6 *Specify purpose.* Sec. 22. AS 38.05.035(e) is amended to read:

7 (e) Upon a written finding that the interests of the state will be best served, the director
8 may, with the consent of the commissioner, approve contracts for the sale, lease, or other disposal
9 of available land, resources, property or interests in them, and, in addition to the conditions and
10 limitations imposed by law, may impose additional conditions or limitations in the contracts as
11 the director determines, with the consent of the commissioner, will best serve the interests of the
12 state. A written finding for an oil and gas lease sale under AS 38.05.180 is subject to (g) of this
13 section. A contract for the sale, lease, or other disposal of available land or an interest in land
14 is not legally binding on the state until the commissioner approves the contract but if the
15 appraised value is not greater than \$50,000 in the case of the sale of land or an interest in land,
16 or \$5,000 in the case of the annual rental of land or interest in land, the director may execute the
17 contract without the approval of the commissioner. Before a public hearing, if held, or in any
18 case no less than 21 days before the sale, lease, or other disposal of available land, property,
19 resources, or interests in them, the director shall make available to the public a written finding
20 that sets out the facts and applicable law upon which the determination that the sale, lease, or
21 other disposal will best serve the interests of the state was based. A written finding is not
22 required before the approval of

- 23 (1) a contract for a negotiated sale authorized under AS 38.05.115;
- 24 *Deletes Shore Fishery Site from AS 38.05.082. The exemption on written FINDING requirement.* (2) [A LEASE OF LAND FOR A SHORE FISHERY SITE UNDER
- 25 (3)] a permit or other authorization revocable by the commissioner;
- 26 (3) [(4)] a mineral claim located under AS 38.05.195;
- 27 (4) [(5)] a mineral lease issued under AS 38.05.205;
- 28 (5) [(6)] a production license issued under AS 38.05.207;
- 29 (6) [(7)] an exempt oil and gas sale under AS 38.05.180(d) of acreage offered in
- 30 a sale that was held within the previous five years if the sale was subject to a written best interest
- 31

1 finding, unless the commissioner determines that new information has become available that
2 justifies a revision of the best interest finding; or

3 (7) [(8)] a lease sale under AS 38.05.180(w) of acreage offered in a sale that was
4 held within the previous five years if the sale was subject to a best interest finding, unless the
5 commissioner determines that new information has become available that justifies a revision of
6 the best interest finding.

7 * Sec. 23. AS 38.05.057(d) is amended to read:

8 (d) To apply for participation in a lottery under this section an applicant shall

9 (1) be qualified under the applicable provisions of this section and certify that fact
10 in the application; and

11 (2) pay a nonrefundable application fee [OF NOT MORE THAN \$25] for each
12 application; the fee shall be set by the commissioner by regulation.

13 * Sec. 24. AS 38.05.075(a) is amended to read:

14 (a) Except as provided in AS 38.05.035, 38.05.070, 38.05.073, 38.05.079, 38.05.083,

15 38.05.087, 38.05.102, 38.05.810, [AS 38.05.087] and this section, leasing shall be made at public

16 auction to the highest qualified bidder as determined by the commissioner. In the public notice

17 of a lease to be offered at public auction, the commissioner shall specify a minimum

18 acceptable bid and the lease compensation method. The lease compensation method shall

19 be designed to maximize the return on the lease to the state and shall be a form of

20 compensation set out in AS 38.05.073(m). An aggrieved bidder may appeal to the

21 commissioner within five days for a review of the determination. The leasing shall be conducted

22 by the commissioner and the successful bidder shall deposit at the auction the first year's rental

23 or other lease compensation as specified by the commissioner, or that portion of it that the

24 commissioner requires in accordance with the bid. The commissioner shall require, under

25 AS 38.05.860, qualified bidders to deposit a sum equal to any survey or appraisal costs

26 reasonably incurred by another qualified bidder acting in accordance with the regulations of the

27 commissioner or incurred by the department under AS 38.04.045 and AS 38.05.840. If a

28 bidder making a deposit of survey or appraisal costs is determined by the commissioner to be the

29 highest qualified bidder under this subsection, the deposit shall be paid to the unsuccessful bidder

30 who incurred those costs or to the department if the department incurred the costs. [ANY

31 SURVEY OR APPRAISAL COSTS REASONABLY INCURRED BY A QUALIFIED BIDDER

DNR

Public

LANDS

LEASING

CHANGES

ALLOW

THE

DEPT.

TO

MORE

FULLY

RECOVER

COSTS

1 ✓ UNDER THE REGULATIONS OF THE COMMISSIONER OR DEPOSITED UNDER THIS
 2 SUBSECTION MUST BE CREDITED UNDER THE FIRST AND THEN SUBSEQUENT
 3 YEARS' RENTALS.] All costs for survey and appraisal shall be approved in advance in writing
 4 INCURRED by the commissioner. The commissioner shall immediately issue a receipt containing a description
 5 of the land or interest leased, the price bid, and the terms of the lease [, AND THE AMOUNT
 6 PREPARED OF ANY CREDIT FOR SURVEY AND APPRAISAL COSTS] to the successful qualified
 7 bidder. If the receipt is not accepted in writing by the bidder under this subsection, the
 8 LEASES commissioner may offer the land for lease again under this subsection. A lease, on a form
 9 approved by the attorney general, shall be signed by the successful bidder and by the
 10 FOR commissioner within the period specified in the auction notice [30 DAYS AFTER THE
 11 AUCTION].

12 * Sec. 25. AS 38.05.075(f) is amended to read:

13 PUBLIC (f) If, after completion of the procedures required by (e) of this section, the
 14 AUCTION commissioner determines that there is only one qualified bidder, the [THE] commissioner
 15 may issue a lease without competitive bidding at the approved, appraised market value of the
 16 land determined under AS 38.05.840 or by another form of lease compensation specified by
 17 the commissioner from among those set out in AS 38.05.073(m) and designed to maximize
 18 the return on the lease to the state [IF, AFTER COMPLETION OF THE PROCEDURES
 19 REQUIRED BY (E) OF THIS SECTION, THE COMMISSIONER DETERMINES THAT
 20 THERE IS ONLY ONE QUALIFIED BIDDER]. The commissioner may establish terms and
 21 conditions for entry to the land pending survey and appraisal of the land. The commissioner
 22 shall issue the lease as soon as is practicable following the survey and appraisal of the land
 23 subject to the provisions of AS 38.05.035(e).

24 * Sec. 26. AS 38.05.085(c) is amended to read:

25 (c) The lessee shall make advance payments of the annual rent or other form of lease
 26 compensation specified by the commissioner or that portion of it [AS] the [DIRECTOR, WITH
 27 THE APPROVAL OF THE] commissioner [,] may require.

28 * Sec. 27. AS 38.05.105(a) is amended to read:

29 (a) Each lease shall stipulate that [AT THE CONCLUSION OF THE INITIAL 25-YEAR
 30 PERIOD OF THE LEASE AND] at five-year intervals as specified in the lease [OF 10 YEARS
 31 THEREAFTER] the annual rent payment or other form of lease compensation specified by the

1 commissioner is subject to adjustment. Changes [CHARGES] or adjustments shall be based
2 primarily on changes in the lease's [AN ADJUSTED] fair market value. However, if the
3 commissioner [DIRECTOR] determines that single-family residential development is the best
4 use of the land, the reappraisal period may be lengthened or the readjustment waived in
5 accordance with regulations adopted by the department. Before a waiver of rent adjustment is
6 issued, the land shall have a current reappraisal. A waiver is valid only if single-family
7 residential development actually occurs. The regulations adopted under this section shall ensure
8 that the state receives a fair return from the land.

9 * Sec. 28. AS 38.05.860(a) is amended to read:

10 (a) The commissioner [DIRECTOR] may require an applicant seeking the sale, lease,
11 or other disposal of land or an interest in land, other than under an oil and gas or mineral lease,
12 to deposit an amount covering the estimated cost of an appraisal, survey, and other costs
13 necessary to offer the land or interest in land, including advertising. All deposited funds not
14 expended shall be refunded to the applicant. If the land or interest in land is awarded [SOLD
15 OR LEASED] to a person other than the applicant making the deposit, the person [PARTY]
16 awarded the land shall pay the total actual cost incurred by the department in making the
17 disposal [OF APPRAISING AND SURVEYING THE LAND, TOGETHER WITH THE TOTAL
18 ACTUAL COST OF ADVERTISING], and the deposit shall be returned to the original applicant.
19 In lieu of requiring the deposit under this subsection, the commissioner may enter into an
20 agreement with an applicant seeking land or an interest in land requiring the applicant to
21 reimburse the department for costs incurred in the disposal if the applicant is awarded the
22 land or interest in land.

23 * Sec. 29. AS 38.08.030(b) is amended to read:

24 (b) Fees for filing an application shall be set by the commissioner by regulation [MAY
25 NOT EXCEED \$10].

26 * Sec. 30. AS 38.50 is amended by adding a new section to read:

27 Sec. 38.50.025. COSTS OF EXCHANGE; FEES. (a) The director shall charge a party
28 proposing an exchange of land under this chapter a nonrefundable application fee.

29 (b) In addition to the fee under (a) of this section, the costs of an exchange of land under
30 this chapter, including survey, appraisal, advertising, and public hearing expenses that are
31 incurred by the department, shall be charged to the party proposing the exchange as a processing

1 fee.

2 (c) The commissioner shall adopt regulations to implement this section.

3 * Sec. 31. AS 41.21.020(a) is amended to read:

4 (a) The department shall

5 (1) develop a continuing plan for the conservation and maximum use in the public
6 interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of
7 the state;

8 (2) plan for and develop a system of state parks and recreational facilities, to be
9 established as the legislature authorizes and directs;

10 (3) acquire by gift, purchase, or transfer from state or federal agencies, or from
11 individuals, corporations, partnerships or associations, land necessary, suitable and proper for
12 roadside, picnic, recreational, or park purposes;

13 (4) [CONTROL,] develop, manage, and maintain state parks and recreational
14 areas;

15 (5) provide for the acquisition, care, management [CONTROL], supervision,
16 improvement, development, extension, and maintenance of public recreational land, and make
17 necessary arrangements, contracts, or commitments for the improvement and development of land
18 acquired under AS 41.21.010 - 41.21.040; contracting for improvement and development under
19 this paragraph is governed by AS 36.30 (State Procurement Code);

20 (6) adopt, in accordance with this section and the Administrative Procedure Act
21 (AS 44.62), regulations governing the use and designating incompatible uses within the
22 boundaries of state park and recreational areas to protect the property and to preserve the peace;

23 (7) cooperate with the United States and its agencies and local subdivisions of the
24 state to secure the effective supervision, improvement, development, extension, and maintenance
25 of state parks, state monuments, state historical areas, and state recreational areas, and secure
26 agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

27 (8) encourage the organization of state public park and recreational activities in
28 the local political subdivisions of the state;

29 (9) provide for consulting service designed to develop local park and recreation
30 facilities and programs;

31 (10) provide clearinghouse services for other state agencies concerned with park

DUR
changes
control
to
MANAGE

1 and recreation matters;

2 (11) perform other duties as are prescribed by executive order or by law;

3 (12) maintain memorials to Alaska veterans located in state parks; and

4 (13) adopt, in accordance with the Administrative Procedure Act (AS 44.62),
5 regulations governing the use of the Chena River State Recreation Area and designating
6 incompatible uses within the boundaries of the Chena River State Recreation Area in accordance
7 with AS 41.21.490.

8 * Sec. 32. AS 42.05.661 is amended to read:

9 Sec. 42.05.661. APPLICATION FEES. With each application relating to a certificate
10 the applicant shall pay the commission a fee set by the commission by regulation that [OF \$50
11 WHICH] shall be deposited in the general fund of the state.

12 * Sec. 33. AS 44.19.024 is amended to read:

13 Sec. 44.19.024. FEES FOR ISSUING CERTIFICATE. For issuing each certificate with
14 the seal of the state affixed, the lieutenant governor shall collect a fee set by the lieutenant
15 governor by regulation [OF \$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS
16 PER FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account for the
17 fees received under this section and shall pay them into the general fund [STATE TREASURY].

18 * Sec. 34. AS 44.37.025(c) is amended to read:

19 (c) The department, with the concurrence of the administrative director of courts, may
20 appoint judicial employees to perform services in connection with recording, providing access
21 to, and copying documents in locations where the department has not otherwise designated a
22 public office [NO EMPLOYEES AVAILABLE] to perform those functions.

23 * Sec. 35. AS 44.50.040 is amended to read:

24 Sec. 44.50.040. FEES. A fee set by the lieutenant governor by regulation [OF \$40]
25 shall be paid to the lieutenant governor for each commission issued to a person other than a state
26 employee.

27 * Sec. 36. AS 44.83.080 is amended by adding a new paragraph to read:

28 (17) to adopt regulations establishing fees under which the authority may be
29 reimbursed for services or recover equity investments or capital costs for projects and activities
30 described in (5), (6), and (8) of this section under agreements described in (7) - (11) of this
31 section, or under other agreements that relate to the projects or covenants or representations made

Utility
Certificate
Fee.

State Seal
Certificate
Fee

DUR CAN
use Judicial
Employees to record.

Notary
Public Comm.
Fee

AK Energy
Auxiliary Fee
FOR FINANCING
Services.

1 in bond documents that relate to the projects or loan programs.

2 * Sec. 37. AS 45.55.195(b) is amended to read:

3 *Free for security set by Brokerage* (b) The administrator may by regulation [OR ORDER] adopt a schedule of charges for
4 annual examination fees of issuers, broker-dealers, agents, and investment advisers.

5 * Sec. 38. AS 46.03.385(a) is amended to read:

6 (a) At the time of registration under AS 46.03.380, and annually thereafter, the owner
7 *Underground* or operator shall pay to the department a registration fee for each tank registered unless the
8 *Storage* owner or operator has notified the department under AS 46.03.395 that the tank has been taken
9 *TANK* out of service. The fee shall be set by the department by regulation. The fees may be
10 *Fees* structured to take into account the fact that an [AN] underground storage tank [THAT] has
11 *Now Set in Reg.* leak detection, spill and overflow protection, and corrosion protection that meet requirements of
12 the department and may also reflect [IS SUBJECT TO A \$50 ANNUAL REGISTRATION FEE,
13 REGARDLESS OF] tank capacity. [AN UNDERGROUND STORAGE TANK SYSTEM THAT
14 LACKS ANY OR ALL OF THESE FEATURES IS SUBJECT TO AN ANNUAL
15 REGISTRATION FEE OF

16 (1) \$150 IF THE UNDERGROUND STORAGE TANK CAPACITY IS LESS
17 THAN 1,000 GALLONS;

18 (2) \$300 IF THE UNDERGROUND STORAGE TANK CAPACITY IS 1,000 -
19 5,000 GALLONS;

20 (3) \$500 IF THE UNDERGROUND STORAGE TANK CAPACITY IS OVER
21 5,000 GALLONS.]

22 * Sec. 39. Section 3, ch. 95, SLA 1989, is amended to read:

23 Sec. 3. EMPLOYMENT ASSISTANCE AND TRAINING PROGRAM FUND
24 *No longer GF/PR. can be appropriated to Unempl. Compensation Fund.* [ACCOUNT]. The employment assistance and training program fund [ACCOUNT] is
25 established in the department. Deposits into the fund are not general fund program receipts
26 [GENERAL FUND. THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY
27 ACCOUNT FOR MONEY COLLECTED UNDER SEC. 4 OF THIS ACT THAT THE
28 DEPARTMENT DEPOSITED IN THE GENERAL FUND]. The annual estimated balance in
29 the fund [ACCOUNT] may be appropriated by the legislature to the department to implement
30 this Act. If the entire estimated balance is not used to implement this Act during a fiscal
31 year, the [THE] legislature may make appropriations from the employment assistance and

- 1 training fund [APPROPRIATE THE LAPSING BALANCE OF THE ACCOUNT] to the
- 2 unemployment compensation fund established in AS 23.20.130.
- 3 * Sec. 40. AS 05.10.120(b); AS 28.10.161(c); AS 33.30.031(b), 33.30.031(c), 33.30.031(d);
- 4 AS 38.05.082, 38.05.085(a), 38.05.085(b), 38.05.085(g), and 38.05.105(b) are repealed.
- 5 * Sec. 41. TRANSITIONAL FEES. A fee set by a statute that is amended or repealed by this Act
- 6 remains in effect until a regulation setting a new fee to replace that fee takes effect.
- 7 * Sec. 42. This Act takes effect July 1, 1992.

Repeals:

- AS 05.10.120(b) - Fees in Statute
- AS 28.10.161(c) - License plate
- AS 33.30.031(b) - constraints on
 - (c) contracting with
 - (d) private CONNECTIONAL INSTITUTIONS

*Statutory Fees
Remain until
Regulation for new fee
is adopted.*

- AS 38.05.082 - Shore Fishery leases
- AS 38.05.085 (a) Aquatic farming, hatchery site
 - (b) Lease
 - (g) Terms.
- AS 38.05.105 (b) 25-year rent adjustments.

5-4-92 Master

5/2/92

AMENDMENTS IN SENATE FINANCE COMMITTEE TO ~~HR 512~~

<u>SPONSOR</u>	<u>SUBJECT</u>
✓ POURCHOT	ASTF <i>no</i>
✓ POURCHOT	AEA <i>yes</i>
✓ CORRECTIONS	CONTRACT FACILITIES <i>waiting Report back</i>
✓ ELIASON	AQUATIC FARMING - <i>yes</i>
✓ DUNCAN	APOC - <i>RS problem</i>
✓ KERTTULA	DNR - <i>RS/AA problems</i>

SFC-92
5-4-92

7-LS2255M.1

Cook
05/01/92

Not Incorporated

AMENDMENT #1

ASTF
POURCHOT

OFFERED IN THE SENATE

TO: CSHB 572 (FINANCE) am

Page 3, lines 4 - 9:

Delete all material.

Renumber the following bill sections accordingly.

Page 3, lines 11 - 13:

Delete all material and insert:

"(d) The board of directors may pay income from the endowment to the Alaska Aerospace Development Corporation established under AS 14.40.821 to be used for administrative expenses of the corporation. The board of directors shall distribute the remaining income of the endowment through competitive grants under this chapter. The board may disburse money that is received by the foundation for special or general purposes."

Page 9, after line 5:

Insert a new bill section to read:

"* Sec. 19. DISTRIBUTION OF INCOME OF THE ALASKA SCIENCE AND TECHNOLOGY ENDOWMENT. In addition to distributions of income from the Alaska science and technology endowment made under AS 37.17.030, the board of directors of the Alaska Science and Technology Foundation may pay income from the endowment to the University of Alaska for administrative expenses of the agricultural and forestry experiment station research centers of the university. Payments may be made under this section only during fiscal years 1993, 1994, and 1995."

Renumber the following bill sections accordingly.

Sfc-92
5-4-92

7-LS2255M.4
Dierdorff
05/01/92

Incorporated

AMENDMENT #2

OFFERED IN THE SENATE
TO: CSHB 572(FINANCE) am

BY SENATOR POURCHOT

Page 8, after line 22:

Insert a new bill section to read:

"* Sec. 18. AS 44.83.080 is amended by adding a new paragraph to read:

(17) to adopt regulations establishing fees under which the authority may be reimbursed for services or recover equity investments or capital costs for projects and activities described in (5), (6), and (8) of this section under agreements described in (7) - (10) of this section, or under other agreements that relate to the projects or covenants or representations made in bond documents that relate to the projects or loan programs."

Renumber the following bill sections accordingly.

SFC-92
5-4-92

7-LS2255M.6

Cook

05/02/92

RU-Report Back Recommendation

AMENDMENT #3

OFFERED IN THE SENATE

TO: CSHB 572(FINANCE) am

Page 2, lines 10 - 19:

Delete all material and insert:

"(a) The commissioner shall determine the availability of state correctional facilities suitable for the detention and confinement of persons held under authority of state law or under agreement entered into under (e) of this section. If the commissioner determines that suitable state correctional facilities are not available, the commissioner may enter into an agreement with a public or private entity [AGENCY] to provide necessary facilities. Correctional facilities provided through agreement with a public or private entity [AGENCY] may be in this state or in another state. [CORRECTIONAL FACILITIES PROVIDED THROUGH AGREEMENT WITH A PRIVATE AGENCY MUST BE LOCATED IN THIS STATE.] The commissioner may not enter into an agreement with an entity [AGENCY] unable to provide a degree of custody, care, and discipline similar to that required by the laws of this state. AS 33.36.020 and 33.36.070 do not apply to contracts entered into under this section."

Page 2, lines 20 - 25:

Delete all material.

Renumber the following bill sections accordingly.

Page 9, line 6, after "AS 28.10.161(c)":

Delete ", "

Insert "; AS 33.30.031(b), 33.30.031(c), 33.30.031(d);"

*Amendment:
Rec'd by Corrections*

PROPOSED AMENDMENT TO CSHB 572 (FINANCE) am

Page 2, lines 9-19:

Delete all material and insert:

" * Sec. 2. AS 33.30.031 is repealed and reenacted to read:

Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS. (a) The commissioner shall determine the availability of state correctional facilities suitable for the detention and confinement of persons held under authority of state law or under agreement entered into under (b) of this section. If the commissioner determines that suitable state correctional facilities are not available, the commissioner may enter into an agreement with a public or private entity to provide necessary facilities. Correctional facilities provided through agreement with a public or private entity may be in this state or another state. Notwithstanding AS 33.36.020 and 33.36.070, the authority granted to the commissioner under this section is not limited to contracts executed under AS 33.36. The commissioner may not enter into an agreement with an entity unable to provide custody, care, and discipline similar to that required by the laws of this state.

(b) The commissioner may enter into an agreement with the United States, another state, a municipality of this state, or another state agency, to provide a correctional facility for the custody, care, and discipline of a person held under authority of the law of that jurisdiction."

Page 2, lines 20-25:

Delete all material.

Renumber remaining bill sections accordingly.

Incorporate

AMENDMENT #4

OFFERED IN THE SENATE

TO: CSHB 572(FINANCE) am

Page 5, lines 26 - 31:

Delete all material.

Renumber the following bill sections accordingly.

Page 6, line 31 through page7, line 12:

Delete all material.

Renumber the following bill sections accordingly.

Page 9, line 6:

Delete "38.05.105(b),"

Insert "and 38.05.105(b)"

Page 9, line 7:

Delete "38.05.855, 38.05.856, and 38.05.946(b)"



Alaska State Legislature

SENATOR RICHARD I. ELIASON

President of the Senate

P.O. Box V
Juneau, Alaska 99811
(907) 465-3755

MEMORANDUM

TO: Senate Finance Committee

FROM: Sen. Eliason

DATE: May 4, 1992

RE: Request for amendment to CSHB 572 (FIN) am, and inclusion of intent language

*Replaces
previous memo
and amendment
dated May 1, 92*

In Senate Finance deliberations on CSHB 572 (FIN) am, I would like to request that the committee delete sections 11, 15, and the reference to AS 38.05.855, 856, and 946(b) in section 20, and any other provisions that would affect aquatic farming. These sections of the bill would repeal virtually all of the aquatic farming statutes that were so thoroughly debated and fine-tuned by the Legislature with full public involvement only a few years ago, and which seem to be working very well.

If an agency or members of the public believe that the aquatic farming statutes need revision, the proper approach is to propose legislation and go through the legislative committee and public input process.

I would like to suggest that in lieu of making any changes to the aquatic farming statutes, the following intent language be attached to a Senate Finance Committee Substitute for HB 572:

It is the intent of the Legislature that DNR, Fish and Game, and DEC work together to develop a proposal for statutory revisions to the aquatic farming statutes, aimed at increasing program efficiency and reducing administrative costs while maintaining sufficient public process and involvement of the three departments, and report back to the Legislature by January 15, 1993. It is the Legislature's intent that the aquatic farming program be run without any significant changes, including lease fees, until the Legislature has considered the revision proposal.

Thank you very much for your consideration of this request.

RS - Problem

AMENDMENT #5

OFFERED IN THE SENATE

BY SENATOR DUNCAN

TO: CSHB 572(FIN) am

Page 1, after line 8:

Insert a new bill section to read:

"* Section 1. AS 15.13.030 is amended to read:

Sec. 15.13.030. DUTIES OF THE COMMISSION. The commission shall

- (1) develop and provide all forms for the reports and statements required to be made under this chapter, AS 24.45₂ and AS 39.50;
- (2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter;
- (3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;
- (4) compile and maintain a current list of all filed reports and statements;
- (5) prepare a summary of each report filed under AS 15.13.110 and make copies of this summary available to interested persons at their actual cost;
- (6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter;
- (7) report within 60 days after the election the names of all persons and groups who have failed to comply with any of the provisions of this chapter to the office of the attorney general;
- (8) examine, investigate, and compare all reports, statements, and actions required by this chapter, AS 24.45₂ and AS 39.50 and report to the attorney general the names of all persons or groups that [WHICH] the commission has substantial reason to believe have violated this chapter, AS 24.45₂ or AS 39.50;
- (9) prepare and publish a biennial report to the legislature concerning the activities

of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change;

(10) adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of the Administrative Procedure Act (AS 44.62);

(11) establish by regulation a schedule of fees for reports, statements, and filings and for services performed by the commission.

Renumber the following bill sections accordingly.

Page 8, after line 17:

Insert a new bill section to read:

"* Sec. 18. AS 44.21.310(b) is amended to read:

(b) The department may

(1) coordinate its functions with local, regional, state, and federal officials, private groups and individuals, and with officials of other countries, provinces, and states;

(2) enter into contracts and subcontracts on behalf of the state to carry out the provisions of AS 44.21.305 - AS 44.21.330;

(3) act for the state in the initiation, investigation, and evaluation of, or participation in, programs related to the purposes of the department **that** [WHICH] involve more than one government or governmental unit;

(4) on behalf of the state, apply for, accept, and expend gifts or grants made to the state if the gifts or grants are for the purposes of furthering the objectives of the department; and

(5) hold public hearings to obtain information for the purpose of carrying out the provisions of AS 44.21.305 - 44.21.330; **and**

(6) provide telecommunication services to commercial entities for television broadcast and charge for those services.

Renumber the following bill sections accordingly.

Amendment #6
RS/AA - Problems

SFC-92
5-4-92

SENATOR KERTTULA'S STATEMENT FOR AMENDMENT TO
CSHB572(FINANCE)

My office was advised yesterday by Department of Natural Resources Division of Lands director, Ron Swanson, and his deputy director, Richard Lefebvre, that the only statutory change necessary to implement the Senate budget for the Lands Division is a change to authorize fees in the state land exchange program. There will also be some proposed legislative intent language for the operating budget bill.

Therefore, I have drafted an amendment to:

- 1) include the statutory change for state land exchange program which is necessary to implement the Senate Budget for DNR Lands Division;
- 2) amend Section 9 to crossreference all existing statutory exceptions to the leasing by auction and delete all other proposed changes in this section. According to Legislative Legal Services Director, Tam Cook, this amendment does make a useful change, and will not require a title change in this House bill (See attached memo);
- 3) delete all other Department of Natural Resources Title 38 changes (Sec 8, 10-15, and part of Sec 20); and
- 4) include certain sections of CSHB574(FINANCE)am dealing with Parks fees should the Finance Committee wish to include these fees in CSHB572(FINANCE) am. Note that Section 18 of this House bill permits parks to accept cash and other donations. This section, while not necessary for the Senate DNR budget, could be beneficial to Parks. The remaining sections are necessary for Parks budget.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 2, 1992

SUBJECT: CSHB 572(FIN)am (Work Order No. 17-LS2255\J)

TO: Senator Jay Kerttula
Attn: Mary Southard

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

Mary Southard of your staff has informed me of a proposed amendment to the above-captioned bill draft and has asked for my opinion of the effect of the amendment. The amendment, as explained by Mary, would take out any changes to AS 38 being made in the bill draft except to change the first sentence of AS 38.05.-075(a) to list all of the alternative state leasing procedures to AS 38.05.075 for the leasing of state land. Listing these alternative state leasing in AS 38.05.075(a) does not change existing law but merely provides assistance to the reader by cross-referencing all of the exceptions to AS 38.05.075(a)'s provisions in that section.

If you have further questions, please contact me at your convenience.

JPL:gc
92-342.glc