

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
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1 formulate general policies and adopt regulations, including regula-
2 tions to establish reasonable fees for services provided.

3 * Sec. 61. AS 26.15.030(c) is amended by adding a new paragraph to
4 read:

5 (8) charge and collect the fees established under this
6 section.

7 * Sec. 62. AS 26.15 is amended by adding a new section to read:

8 Sec. 26.15.035. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
9 commissioner of administration shall separately account for all fees
10 and collection charges that the Department of Commerce and Economic
11 Development deposits in the general fund. The annual estimated bal-
12 ance in the account may be used by the legislature to make appropria-
13 tions to that department to carry out the purposes of this chapter.

14 * Sec. 63. AS 26.15.040(d) is amended to read:

15 (d) Money loaned shall be delivered to the borrower in the form
16 of a warrant drawn on the treasury, vouchered in the manner prescribed
17 for state disbursing officers, and charged against the Alaska World
18 War II veterans' revolving fund. Each voucher shall be approved by
19 the commissioner of commerce and economic development or any bonded
20 deputy authorized to act as a certifying officer. Upon repayment of
21 loans by installments, or otherwise, in accordance with the prescribed
22 terms, or upon liquidation by foreclosure or other process, or upon
23 receipt of interest [OR OTHER REVENUE], the money so received shall be
24 turned over to the commissioner of revenue for deposit in the Alaska
25 World War II veterans' revolving fund.

26 * Sec. 64. AS 26.15.090 is amended by adding a new subsection to read:

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

29 * Sec. 65. AS 27.09.010(b) is amended to read:

1 (b) The mining loan fund is a revolving fund consisting of
2 appropriations made to the fund by the legislature, [AND] repayments
3 of principal and interest, and any money chargeable to principal or
4 interest that is collected through liquidation by foreclosure or other
5 process on loans made from the fund. Money appropriated to or repaid
6 into the fund does not lapse under AS 37.25.010. Money in the fund
7 may be used by the legislature to make appropriations for costs of
8 administering the fund.

9 * Sec. 66. AS 27.09.050 is amended to read:

10 Sec. 27.09.050. REGULATIONS. The department may adopt regu-
11 lations necessary to carry out the provisions of this chapter, includ-
12 ing regulations to establish reasonable fees for services provided [IN
13 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62) TO ADMIN-
14 ISTER THIS CHAPTER]. Regulations adopted under this section shall be
15 prepared after consultation with the Department of Natural Resources
16 or after consultation with a person who, in the opinion of the commis-
17 sioner of commerce and economic development or a designee, has broad
18 experience in and is highly qualified in advanced mineral exploration,
19 development, and mining.

20 * Sec. 67. AS 27.09 is amended by adding a new section to read:

21 Sec. 27.09.055. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
22 commissioner of administration shall separately account for all fees
23 and collection charges that the department collects under this chapter
24 and deposits in the general fund. The annual estimated balance in the
25 account may be used by the legislature to make appropriations to the
26 department to carry out the purposes of this chapter.

27 * Sec. 68. AS 29.25 is amended by adding a new section to read:

28 Sec. 29.25.075. COLLECTION OF PENALTIES. The court may collect
29 for a municipality any monetary penalty or item to be forfeited as a

1 result of the violation of an ordinance. The supreme court may pre-
2 scribe by rule the fees to be charged by all courts to municipalities
3 for providing collection services under this section.

4 * Sec. 69. AS 33.30.041 is amended by adding a new subsection to read:

5 (d) The commissioner of administration shall separately account
6 for payments received under agreements entered into under this section
7 that the department deposits in the general fund. The annual esti-
8 mated balance in the account may be used by the legislature to make
9 appropriations to the department for the operation of state correc-
10 tional facilities.

11 * Sec. 70. AS 33.30.131 is amended by adding a new subsection to read:

12 (e) The commissioner of administration shall separately account
13 for prisoner earnings collected under (b)(1) and (3) of this section
14 and deposited in the general fund. The annual estimated balance in
15 the account may be used by the legislature to make appropriations to
16 the department to carry out the provisions of this section.

17 * Sec. 71. AS 35.10.015(a) is amended by adding a new subsection to
18 read:

19 (f) The department may establish, by regulation, and collect
20 reasonable fees for services provided in the course of determining
21 compliance with regulations adopted under this section. / The commis-
22 sioner of administration shall separately account for fees collected
23 under this section which the department deposits in the general fund.
24 The annual estimated balance in the account may be used by the legis-
25 lature to make appropriations to the department for the purposes of
26 this chapter.

27 * Sec. 72. AS 35.10.210 is amended to read:

28 Sec. 35.10.210. USE OF PUBLIC FACILITIES FOR UTILITIES. A
29 utility facility may be constructed, placed, or maintained across,

1 along, over, under, or within a state public facility only in accor-
2 dance with regulations adopted or procedures prescribed by the depart-
3 ment and only if authorized by a written permit issued by the depart-
4 ment. The department may charge a fee for a permit issued under this
5 section. /The commissioner of administration shall separately account
6 for utility permit fees that the department deposits in the general
7 fund. The annual estimated balance in the account may be used by the
8 legislature to make appropriations to the department to carry out the
9 purposes of this chapter.

10 * Sec. 73. AS 35.10.230 is amended to read:

11 Sec. 35.10.230. ENCROACHMENT PERMITS. An encroachment may be
12 constructed, placed, changed, or maintained across or within a public
13 facility, but only in accordance with regulations or procedures adopt-
14 ed by the department. An encroachment may not be constructed, placed,
15 maintained, or changed until it is authorized by a written permit
16 issued by the department, unless the department provides otherwise by
17 regulation. The department may charge a fee for a permit issued under
18 this section. /The commissioner of administration shall separately
19 account for encroachment permit fees that the department deposits in
20 the general fund. The annual estimated balance in the account may be
21 used by the legislature to make appropriations to the department to
22 carry out the purposes of this chapter.

23 * Sec. 74. AS 37.10.050(a) is amended to read:

24 (a) A state agency may not charge for the provision of state
25 services unless the charge is set [AUTHORIZED] by statute or is set by
26 a regulation that meets the standards of AS 44.62.020 and 44.62.030.
27 Unless specifically exempted by statute, a state agency authorized to
28 collect or receive fees, licenses, taxes, or other money belonging to
29 the state shall account for and remit the receipts, less fees to which

1 the collector is entitled by statute or regulation, to the Department
2 of Revenue at least once each month.

3 * Sec. 75. AS 37.17 is amended by adding a new section to read:

4 Sec. 37.17.035. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
5 commissioner of administration shall separately account for each gift,
6 grant, or other aid received under AS 37.17.030(b) that is not
7 designated to be deposited in the science endowment established under
8 AS 37.17.020 and that the foundation deposits in the general fund.
9 The annual estimated balance in the accounts may be used by the
10 legislature to make appropriations to the foundation to carry out the
11 purposes of this chapter.

12 * Sec. 76. AS 38.05.035 is amended by adding a new subsection to read:

13 (g) The commissioner of administration shall separately account
14 for all fees collected under (b)(2), (3), (5), (7), and (f) of this
15 section that the department deposits in the general fund. The annual
16 estimated balance in the account may be used by the legislature to
17 make appropriations to the department to carry out the purposes of
18 (b)(2), (3), (5), (7), and (f) of this section.

19 * Sec. 77. AS 38.05.068 is amended by adding a new subsection to read:

20 (e) The commissioner of administration shall separately account
21 for all fees collected under this section that the department deposits
22 in the general fund. The annual estimated balance in the account may
23 be used by the legislature to make appropriations to the department to
24 carry out the purposes of this section.

25 * Sec. 78. AS 38.05.070 is amended by adding a new subsection to read:

26 (d) The commissioner of administration shall separately account
27 for all fees collected under this section that the department deposits
28 in the general fund. The annual estimated balance in the account may
29 be used by the legislature to make appropriations to the department to

1 carry out the purposes of this section.

2 * Sec. 79. AS 38.05.082 is amended by adding a new subsection to read:

3 (f) The commissioner of administration shall separately account
4 for all fees collected under this section that the department deposits
5 in the general fund. The annual estimated balance in the account may
6 be used by the legislature to make appropriations to the department to
7 carry out the purposes of this section.

8 * Sec. 80. AS 38.05.102 is amended to read:

9 Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold
10 created under AS 38.05.070 - 38.05.105 is offered for sale or long-
11 term lease at the termination of the existing leasehold, the director
12 may, upon a finding that it is in the best interest of the state,
13 allow the holder in good standing of that leasehold to purchase or
14 lease the land for its appraised fair market value at the time of the
15 sale or long-term lease. The commissioner of administration shall
16 separately account for all fees collected under this section that the
17 department deposits in the general fund. The annual estimated balance
18 in the account may be used by the legislature to make appropriations
19 to the department to carry out the purposes of this section.

20 * Sec. 81. AS 38.05.120 is amended by adding a new subsection to read:

21 (b) The commissioner of administration shall separately account
22 for all money collected under this section that the department de-
23 posits in the general fund. The annual estimated balance in the
24 account may be used by the legislature to make appropriations to the
25 department to carry out the purposes of this section, AS 38.05.110,
26 and AS 41.17.300.

27 * Sec. 82. AS 38.05.850 is amended by adding a new subsection to read:

28 (c) The commissioner of administration shall separately account
29 for all fees collected under this section and deposited in the general

1 fund. The annual estimated balance in the account may be used by the
2 legislature to make appropriations to the department for the purposes
3 of administering this chapter.

4 * Sec. 83. AS 38.35.140(b) is amended to read:

5 (b) The lessee shall reimburse the state for all reasonable
6 costs incurred in processing an application filed under AS 38.35.050
7 and in monitoring the construction of the pipeline on the right-of-
8 way. The commissioner of administration shall separately account for
9 money received under this section [SUBSECTION] that the Department of
10 Natural Resources deposits in the general fund. The annual estimated
11 balance in the account may be used by the legislature to make appro-
12 priations to the department to carry out the purposes of AS 38.35
13 [THIS SECTION].

14 * Sec. 84. AS 38.95.240(h) is amended to read:

15 (b) If it is determined that the plaintiff is entitled to the
16 property, the department shall deliver the property to the plaintiff.
17 The rents, profits, interest, or dividends that accrue to the state
18 during its possession of the property are the property of the state
19 and may not be recovered. The commissioner of administration shall
20 separately account for all money collected under this subsection that
21 the department deposits in the general fund. The annual estimated
22 balance in the account may be used by the legislature to make appro-
23 priations to the department to carry out the purposes of AS 38.95.230.

24 * Sec. 85. AS 38.95.250 is amended by adding a new subsection to read:

25 (b) All money collected under (a) of this section not required
26 to be kept in the escheated real property trust account shall be
27 deposited in the general fund. The commissioner of administration
28 shall separately account for all money that the department deposits in
29 the general fund. The annual estimated balance in the account may be

1 used by the legislature to make appropriations to the department to
2 carry out the purposes of AS 38.95.230.

3 * Sec. 86. AS 39.25.050 is amended by adding a new subsection to read:

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

7 * Sec. 87. AS 41.35.045 is amended by adding a new subsection to read:

8 (c) The commissioner of administration shall separately account
9 for all fees collected under this section that the department deposits
10 in the general fund. The annual estimated balance in the account may
11 be used by the legislature to make appropriations to the department to
12 carry out the purposes of this chapter.

13 * Sec. 88. AS 44.21 is amended by adding a new section to article 1 to
14 read:

15 Sec. 44 21.070. ACCOUNTING FOR AND DISPOSITION OF FEES. The
16 commissioner of administration shall separately account for each type
17 of fee collected by the Department of Administration that the depart-
18 ment deposits in the general fund. The annual estimated balance in
19 the accounts may be used by the legislature to make appropriations to
20 the department to carry out its functions.

21 * Sec. 89. AS 44.23 is amended by adding new sections to read:

22 Sec. 44.23.023. ACCOUNTING FOR AND DISPOSITION OF MONEY COLLECT-
23 ED. The commissioner of administration shall separately account for
24 money collected by the Department of Law, in the performance of its
25 duties, and deposited in the general fund. The annual estimated bal-
26 ance in the account may be used by the legislature to make appro-
27 priations to the Department of Law to carry out its monetary collection
28 functions.

29 Sec. 44.23.025. DEPARTMENT HCUSING. The Department of Law may

1 operate state housing in support of its statutory responsibilities and
2 may charge rent consistent with an applicable collective bargaining
3 agreement. / The commissioner of administration shall separately ac-
4 count for housing program receipts that the Department of Law deposits
5 in the general fund. The annual estimated balance in the account may
6 be used by the legislature to make appropriations to the department to
7 carry out the housing program.

8 * Sec. 90. AS 44.33.240 is amended by adding a new subsection to read:

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

11 * Sec. 91. AS 44.33.245(a) is amended to read:

12 (a) The department may

13 (1) make loans for the construction, renovation, and equip-
14 ping of child care facilities, including private nonprofit child care
15 facilities;

16 (2) adopt regulations necessary to carry out the provisions
17 of AS 44.33.240 - 44.33.275, including regulations to establish rea-
18 sonable fees for services provided and charges for collecting the
19 fees; and

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

22 * Sec. 92. AS 44.33 is amended by adding a new section to read:

23 Sec. 44.33.247. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
24 commissioner of administration shall separately account for all fees
25 and collection charges that the department deposits in the general
26 fund. The annual estimated balance in the account may be used by the
27 legislature to make appropriations to the department to carry out the
28 purposes of AS 44.33.240 - 44.33.275.

29 * Sec. 93. AS 44.33.255(d) is amended to read:

1 (d) All principal and interest payments, and any money charge-
2 able to principal or interest that is collected through liquidation by
3 foreclosure or other process on loans made under AS 44.33.240 - 44.-
4 33.275, shall be paid into the child care facility revolving loan
5 fund.

6 * Sec. 94. AS 44.33.600 is amended by adding a new subsection to read:

7 (c) Money in the fund may be used by the legislature to make
8 appropriations for costs of administering AS 44.33.600 - 44.33.630.

9 * Sec. 95. AS 44.41.020 is amended by adding a new subsection to read:

10 (c) The Department of Public Safety may operate state housing in
11 support of the department's statutory responsibilities and charge rent
12 consistent with applicable collective bargaining agreements, or, if no
13 collective bargaining agreement is applicable, competitive with market
14 conditions. Rent received from tenants must be deposited in the gen-
15 eral fund. / The commissioner of administration shall separately
16 account for rent received under the housing program. The annual
17 estimated balance in the account may be used by the legislature to
18 make appropriations to the Department of Public Safety to carry out
19 the residential housing program.

20 * Sec. 96. AS 44.41 is amended by adding a new section to read:

21 Sec. 44.41.040. CRIMINAL HISTORY FEE. The commissioner of
22 public safety may establish by regulation and the Department of Public
23 Safety may charge a reasonable fee to be paid by a person requesting a
24 criminal history record check or a copy of the person's criminal
25 history record from confidential files maintained by the department.
26 The commissioner of administration shall separately account for fees
27 collected under this section that the Department of Public Safety
28 deposits in the general fund. The annual estimated balance in the
29 account may be used by the legislature to make appropriations to the

1 department to carry out the purposes of this section.

2 * Sec. 97. AS 44.42.020(b) is amended to read:

3 (b) The department may

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

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

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

12 (4) operate state housing in support of the department's
13 statutory responsibilities and charge rent that is consistent with an
14 applicable collective bargaining agreement;

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

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

21 * Sec. 98. AS 44.42.025 is amended to read:

22 Sec. 44.42.025. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
23 commissioner of administration shall separately account for money that
24 derives from the sale of documents under AS 44.42.020(b)(3), rents and
25 fees received under AS 44.42.020(b)(4) and (5), and the provision of
26 training services and technical assistance under AS 44.42.020(b)(6),
27 and that the Department of Transportation and Public Facilities depos-
28 its in the general fund. The annual estimated balance in the accounts
29 [ACCOUNT] may be used by the legislature to make appropriations to the

1 department to carry out the purposes of AS 44.42.020.

2 * Sec 99. AS 44.46 is amended by adding a new section to article 1 to
3 read:

4 Sec. 44.46.025. FEES FOR SERVICES. (a) The department may, by
5 regulation, prescribe reasonable fees for services provided by the
6 department, including fees for services provided under AS 03.05,
7 AS 17.20, AS 18.35, AS 44.46.020, and AS 46.03.020. The department
8 shall collect the fees and deposit them in the general fund.

9 (b) The commissioner of administration shall separately account
10 for service fees collected and deposited in the general fund by the
11 Department of Environmental Conservation. The annual estimated bal-
12 ance in the account may be used by the legislature to make appropria-
13 tions to the department to carry out its functions under AS 03.05,
14 AS 17.20, AS 18.35, AS 44.46.020, and AS 46.03.020.

15 * Sec. 100. AS 44.47.055 is amended to read:

16 Sec. 44.47.055. FEES FOR PUBLICATIONS, [AND] RESEARCH DATA, AND
17 OTHER SERVICES. The commissioner may establish by regulation and the
18 department may charge reasonable fees for department publications,
19 [AND] research data, and other services to cover the cost of reproduc-
20 tion, printing, mailing, [AND] distribution, and other services. /The
21 commissioner of administration shall separately account for fees
22 collected under this section that the department deposits in the
23 general fund. The annual estimated balance in the account may be used
24 by the legislature to make appropriations to the department to carry
25 out the purposes of this section.

26 * Sec. 101. AS 44.47.380 is amended by adding a new subsection to read:

27 (b) Money in the fund may be used by the legislature to make
28 appropriations for costs of administering the housing assistance
29 program.

deleted

* Sec. 102. AS 44.50.040 is amended to read:

Sec. 44.50.040. FEES. The lieutenant governor may, by regulation, prescribe the fee for a notary public commission. The [A] fee [OF \$20] shall be paid to the lieutenant governor for each commission issued to a person other than [TO] a state employee. The lieutenant governor shall deposit the fees in the general fund.

* Sec. 103. AS 44.50.040 is amended by adding a new subsection to read:

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

* Sec. 104. AS 44.83.170 is amended by adding a new subsection to read:

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

* Sec. 105. AS 44.83 is amended by adding a new section to read:

Sec. 44.83.215. ACCOUNTING FOR AND DISPOSITION OF MONEY COLLECTED. The commissioner of administration shall separately account for money collected by the authority under its transmission, power sales, waste heat, and lease agreements and any other revenue generated in the performance of the authority's responsibilities and which is not accounted for under AS 44.83.398. The annual estimated balance in the accounts may be used by the legislature to make appropriations to the authority for the general purposes of this chapter.

* Sec. 106. AS 44.83.361 is amended by adding a new subsection to read:

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

1 * Sec. 107. AS 44.83.398 is amended by adding a new subsection to read:

2 (j) The commissioner of administration shall separately account
3 for money collected by the Alaska Power Authority under this section
4 and deposited in the general fund. The annual estimated balance in
5 the account may be used by the legislature to make appropriations to
6 the authority for the purposes of this chapter.

7 * Sec. 108. AS 45.87.010 is amended by adding a new subsection to read:

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

10 * Sec. 109. AS 45.87.020(c) is amended to read:

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

17 * Sec. 110. AS 45.87.060 is amended to read:

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

22 * Sec. 111. AS 45.97 is amended by adding a new section to read:

23 Sec. 45.87.065. FEES. The department may collect the fees and
24 collection charges established under AS 45.87.060 and shall deposit
25 the money in the general fund. / The commissioner of administration
26 shall separately account for all fees and collection charges that the
27 department deposits in the general fund. The annual estimated balance
28 in the account may be used by the legislature to make appropriations
29 to the department to carry out the purposes of this chapter.

1 * Sec. 112. AS 45.88.010 is amended by adding a new subsection to read:
2 (b) Money in the fund may be used by the legislature to make
3 appropriations for costs of administering this chapter.

4 * Sec. 113. AS 45.88.020(a) is amended to read:

5 (a) The department may
6 (1) make loans for the purchase, construction, and instal-
7 lation of alternative energy systems;
8 (2) adopt regulations necessary to carry out the provisions
9 of this chapter, including regulations to establish reasonable fees
10 for services provided and charges for collecting the fees;
11 (3) collect the fees and collection charges established
12 under this subsection.

13 * Sec. 114. AS 45.88 is amended by adding a new section to read:

14 Sec. 45.88.023. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
15 commissioner of administration shall separately account for all fees
16 and collection charges that the department deposits in the general
17 fund. The annual estimated balance in the account may be used by the
18 legislature to make appropriations to the department to carry out the
19 purposes of this chapter.

20 * Sec. 115. AS 45.88.030(d) is amended to read:

21 (d) All principal and interest payments, and money chargeable to
22 principal or interest that is collected through liquidation by fore-
23 closure or other process on loans made under this chapter, shall be
24 paid into the alternative [TECHNOLOGY AND] energy revolving loan fund.

25 * Sec. 116. AS 45.89.010 is amended by adding a new subsection to read:

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

28 * Sec. 117. AS 45.89.030(h) is amended to read:

29 (h) All principal and interest payments, and money chargeable to

1 principal or interest that is collected through liquidation by fore-
2 closure or other process [AMOUNTS REPAID] on a loan made under this
3 chapter, [SECTION] shall be paid into [DEPOSITED TO] the residential
4 energy conservation fund.

5 * Sec. 118. AS 45.89.070 is amended to read:

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

10 * Sec. 119. AS 45.89 is amended by adding a new section to read:

11 Sec. 45.89.075. FEES. The department may collect the fees and
12 collection charges established under AS 45.89.070. The commissioner
13 of administration shall separately account for all fees and collection
14 charges that the department deposits in the general fund. The annual
15 estimated balance in the account may be used by the legislature to
16 make appropriations to the department to carry out the purposes of
17 this chapter.

18 * Sec. 120. AS 45.90.010 is amended to read:

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

25 * Sec. 121. AS 45.90.010 is amended by adding a new subsection to read:

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

28 * Sec. 122. AS 45.90.020(a) is amended to read:

29 (a) The department may

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

3 (2) designate agents and delegate powers to them as is
4 necessary;

5 (3) adopt regulations necessary to carry out its functions,
6 including regulations to establish reasonable fees for services pro-
7 vided and charges for collecting the fees;

8 (4) establish amortization plans for the repayment of loans
9 not to exceed 20 years;

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

12 * Sec. 123. AS 45.90 is amended by adding a new section to read:

13 Sec. 45.90.023. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
14 commissioner of administration shall separately account for all fees
15 and collection charges that the department deposits in the general
16 fund. The annual estimated balance in the account may be used by the
17 legislature to make appropriations to the department to carry out the
18 purposes of this chapter.

19 * Sec. 124. AS 45.95.010(a) is amended to read:

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

25 The commissioner of administration shall separately account for all
26 fees and collection charges that the department deposits in the gen-
27 eral fund. The annual estimated balance in the account may be used by
28 the legislature to make appropriations to the department to carry out
29 the purposes of this chapter.

1 * Sec. 125. AS 45.95.020(d) is amended to read:

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

12 * Sec. 126. AS 45.95.060 is amended by adding a new subsection to read:

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

15 * Sec. 127. AS 45.98.010 is amended to read:

16 Sec. 45.98.010. CREATION OF HISTORICAL DISTRICT REVOLVING LOAN
17 FUND. (a) There is created in the Department of Commerce and Econom-
18 ic Development a historical district revolving loan fund. All princi-
19 pal and interest payments, and money chargeable to principal or inter-
20 est that is collected through liquidation by foreclosure or other
21 process on loans made under this chapter, shall be paid into the
22 historical district revolving loan fund.

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

25 * Sec. 128. AS 45.98.030 is amended to read:

26 Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For pur-
27 poses of administering this chapter, the Department of Commerce and
28 Economic Development may

29 (1) prescribe the form and procedure for submitting loan

1 applications under this chapter;

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

4 (3) in consultation with the Historic Sites Advisory Com-
5 mittee, adopt regulations necessary to carry out its functions, in-
6 cluding regulations for the process of plan approval by the committee
7 and regulations to establish reasonable fees for services provided and
8 charges for collecting the fees;

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

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

13 * Sec. 129. AS 45.98 is amended by adding a new section to read:

14 Sec. 45.98.035. ACCOUNTING FOR AND DISPOSITION OF RECEIPTS. The
15 commissioner of administration shall separately account for all fees
16 and collection charges that the department deposits in the general
17 fund. The annual estimated balance in the account may be used by the
18 legislature to make appropriations to the department to carry out the
19 purposes of this chapter.

20 * Sec. 130. AS 47.05.070 is amended by adding a new subsection to read:

21 (e) The commissioner of administration shall separately account
22 for third-party collections that the department deposits in the gener-
23 al fund. The annual estimated balance in the account may be used by
24 the legislature to make appropriations to the department to carry out
25 the purposes of AS 47.07.

26 * Sec. 131. AS 47.05 is amended by adding a new section to read:

27 Sec. 47.05.080. RETENTION OF OVERPAYMENTS COLLECTED. (a)
28 Benefit overpayments collected by the department in administering
29 programs under AS 47.25.120 - 47.25.300 (general relief),

1 AS 47.25.310 - 47.25.420 (aid to families with dependent children),
2 AS 47.25.430 - 47.25.615 (adult public assistance), and AS 47.25.975 -
3 47.25.990 (food stamps) shall be remitted to the Department of Revenue
4 under AS 37.10.050(a).

5 (b) The commissioner of administration shall separately account
6 for overpayment collections that the department deposits in the gener-
7 al fund. The annual estimated balance in the account may be used by
8 the legislature to make appropriations to the department for costs of
9 administering the programs listed in (a) of this section.

10 * Sec. 132. Notwithstanding AS 37.10.050(a), as amended by sec. 1, ch.
11 138, SLA 1986, a fee charged by an agency under a regulation that was
12 adopted before July 1, 1987, under authority of a statute that does not
13 expressly authorize a charge for a service, is valid if it would have been
14 valid before the 1986 amendment of AS 37.10.050(a). The regulation and fee
15 remain in effect, and the agency may charge for the service, until the
16 regulation is repealed or amended by the agency. To amend the regulation
17 to change the fee, the agency shall meet the standard of AS 37.10.050(a) as
18 amended in sec. 74 of this Act.

19 * Sec. 133. AS 10.15.535, 10.15.540; AS 37.05.500(a)(1), 37.05.500-
20 (a)(4), 37.05.500(a)(6); AS 42.05.661; AS 44.83.195(c); and
21 AS 46.03.020(12) and 46.03.025 are repealed.

22 * Sec. 134. Section 130 of this Act, dealing with fees charged under a
23 regulation adopted before July 1, 1987, is retroactive to July 1, 1987.

24 * Sec. 135. This Act takes effect immediately under AS 01.10.070(c).

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

Item 2

January 13, 1989

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

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that makes changes in existing law to clarify the status of and accounting for money received for goods and services provided by state agencies.

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

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

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

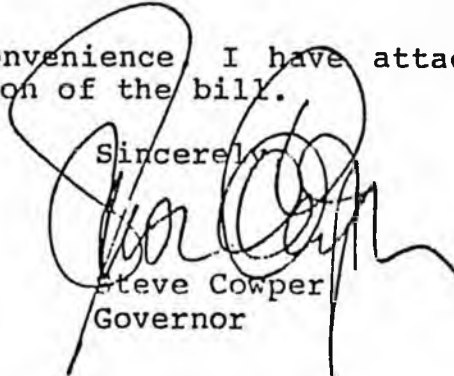
The remaining sections of the bill either (1) expressly authorize the assessment of fees or the provision of services already impliedly authorized by existing law; or (2) prescribe a method of accounting for and using money generated by state programs.

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

The amendments set out in this bill will make clear the permissible handling of program receipts. Although my Administration believes that the most appropriate use of program receipts is for the expenses of the activities that earned them, it is within the legislature's discretion to determine the purpose for which those program receipts may be spent. The power of the legislature to appropriate program receipts is no different from its power to appropriate other money in the general fund.

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

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Steve Cowper', is written over the typed name and title.

Steve Cowper
Governor

±
FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Program Receipts

Agency Affected: Administration
BRU: Finance

Sponsor: Rules
Requestor: Governor

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Keith Busch *Keith Busch*
Division: Finance

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

Approved by Commissioner: *[Signature]*
Agency: Administration

Date: 12/21/88

Distribution (by preparer):

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

FISCAL NOTE ANALYSIS

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

202-377
1-555

SECTIONAL ANALYSIS OF PROGRAM RECEIPTS BILL

Sec. 1: All Agencies

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

Sec. 2: Department of Transportation and Public Facilities

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

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

Sec. 3: Department of Transportation and Public Facilities

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

Sec. 4: Department of Transportation and Public Facilities

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

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

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

Sec. 5: Department of Transportation and Public Facilities

Budgeted Receipts: See data for Section 4.

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

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

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

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

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

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

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

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

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

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

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

Sec. 12: All Agencies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 33: Office of the Governor, Elective Operations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 52: Alaska State Building Authority (ASBA)

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

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

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

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

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

Accounting for and disposition of fees from security guard licensing.

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

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

Sec. 56: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

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

Sec. 57: Department of Transportation and Public Facilities

Budgeted Receipts: \$0.0

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

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

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

Sec. 59: Legislature, Legislative Affairs Agency

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

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

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

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

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

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

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

Sec. 69: Department of Corrections, \$2361.5

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

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

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

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

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

Budgeted Receipts: See note for Section 4.

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

Sec. 73: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

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

Sec. 74: All Agencies

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

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

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

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

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

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

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

(NOTE: Funding identified in Section 76.)

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

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

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

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

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

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

(NOTE: Funding identified in Section 76).

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

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

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

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

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

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

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

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

(NOTE: Funding also linked to Section 85).

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

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

(NOTE: Funding also linked to Section 84).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 97: Department of Transportation and Public Facilities

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

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

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

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

Sec. 98: Department of Transportation and Public Facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 132: All Agencies

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

Sec. 133:

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

A BRIEF HISTORY OF PROGRAM RECEIPTS LEGISLATION

Prepared by the Division of Budget Review

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

HCR 56, SLA 1984

In 1984, the Alaska Legislature, concerned over the proliferation of program receipts as a funding source in the state budget, passed HCR 56 which requested the Governor "to instruct the Division of Budget Review to prepare the FY 86 state operating and capital budgets to indicate as appropriations from the general fund those funds which, in the opinion of the Attorney General, have no legal basis under the state constitution or statutes to be called "program receipts"."

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

Chapter 138, SLA 1986

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

"The commissioner of administration shall separately

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

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

The above language has since been included in several bills relating to the collection of new or increased fees, e.g., it is included this year in ~~HB 244~~ relating to mandatory automobile insurance.

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

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

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

HB 263 --1987 and 1988 Legislative Sessions

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

House Bill 263 defined program receipts as follows:

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

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

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

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

House Bill 85, 1989 Legislative Session

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

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

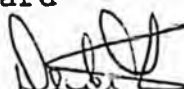
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1989

SUBJECT: CSHB 85(SA) - Program Receipts

TO: Representative Dave Donley
Chair, Subcommittee on HB 85
Attn: K. Michael Ward

FROM: David R. Dierdorff 
Revisor of Statutes

This memo accompanies the draft CSHB 85(SA) (version H) requested by the committee this morning. If the draft meets with your approval, we are ready to prepare the bill in final.

Sections 8 and 9, relating to bank examinations, derive from version "E". As you requested, I reviewed similar provisions in AS 21 to determine whether the provisions related to banks, as amended, would reflect the same policy. There is little substantive difference between AS 21.06.160 and secs. 8 and 9 of this draft. I did make a few changes in each section related to your desire to have these correspond to AS 21.06.160 and to ensure that the fee would not exceed the cost of the examination.

In sec. 8, the word "necessarily" was added on page 5, at the beginning of line 29. On page 6, lines 10 - 12, the old monetary limit was changed to a "cost" limit.

In sec. 9, on page 6, line 28, the phrase "but may not exceed" was inserted.

Sections 12 - 14 also derive from version "E," with changes in secs. 13 and 14 to reflect the policy adopted by your subcommittee. In sec. 13, page 8, lines 7 and 8, the new last sentence was added. In sec. 14, page 9, lines 8 - 10, the new language was added.

Sections 40 and 41 also derive from version "E," with changes to reflect the policy adopted by your subcommittee. In sec. 40, page 17, lines 16 and 17 now include language related to renewals, and lines 18 - 20 contain a "cost" limit.

Representative Dave Donley
Page 2
March 8, 1989

Without these changes, and with the deletion of "without charge" from AS 18.20.040 (as proposed in sec. 41), there would be no limit on a renewal fee established by the department. Section 41 was changed on page 18, lines 2 and 3, to incorporate by reference the fee language of sec. 40. This simply avoids setting out the same thing twice.

Section 45, on page 19, relating to the ~~Legislative Affairs Agency~~, has been changed to place the fee establishment power with the Legislative Council rather than the executive director.

Sections 63 and 64, on page 23, incorporate the provisions of CSHB 120(Fin)(title am) from the last legislature. Section 64, in proposed (d) on page 24, lines 1 and 2, also incorporates the material that had been proposed by the governor in HB 85 and was in sec. 58 of version "E."

Finally, in sec. 95 on page 31, AS 10.15.535 and 10.15.540, as proposed by the governor and included in version "E," were added to the repealer. This is consistent with the inclusion of secs. 12 - 14 and the changes made in those sections.

Please let me know if this meets the the approval of your subcommittee members and I will prepare this in final.

DRD:gc
WKG7/118

Enclosure

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 85 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

1 receipts:

2 (1) federal receipts;

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

4 (3) receipts of the following funds:

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

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

7 (C) loan funds;

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

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

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

16 (G) school fund (AS 43.50.140);

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

18 (I) retirement funds (AS 14.25, AS 22.25, AS 26.-
19 05.222, AS 39.35, and former AS 39.37);

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

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

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

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

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

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

27 (a) A state agency may not charge for the provision of state
28 services unless the charge is set [AUTHORIZED] by statute or is set by
29 a regulation that meets the standards of AS 44.62.020 and 44.62.030.

1 Unless specifically exempted by statute, a state agency authorized to
2 collect or receive fees, licenses, taxes, or other money belonging to
3 the state shall account for and remit the receipts, less fees to which
4 the collector is entitled by statute or regulation, to the Department
5 of Revenue at least once each month. The commissioner of administra-
6 tion shall separately account under AS 37.05.142 for receipts depo-
7 sited under this subsection.

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

9 (a) In operating an airport or air navigation facility owned or
10 controlled by the state, the department may enter into contracts,
11 leases, and other arrangements covering periods not exceeding 55 years
12 with a person, municipality, or the United States, granting the privi-
13 lege of using or improving an airport or air navigation facility or a
14 portion of it or space in it for commercial, [OR] governmental, or
15 other purposes; or conferring the privilege of supplying goods, com-
16 modities, services or facilities at an airport or air navigation
17 facility. The department may establish the terms and conditions and
18 fix the charges, rentals, and fees for the privileges or services [,]
19 that are reasonable and uniform for the same class of privilege or
20 service. The terms, conditions, charges, rentals and fees shall be
21 established with due regard to the property and improvements used and
22 the expense of operation to the state. In no case may the public be
23 deprived of its rightful, equal, and uniform use of the airport, air
24 navigation facility, or a portion of them [THEREOF].

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

26 Sec. 02.15.102. USE OF AIRPORTS FOR UTILITIES. A utility
27 facility may be constructed, placed, or maintained across, along,
28 over, under, or within a state airport only in accordance with regula-
29 tions adopted or procedures prescribed by the department and only if

1 authorized by a written permit issued by the department. The depart-
2 ment may charge a fee for a permit issued under this section.

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

4 Sec. 02.15.106. ENCROACHMENT PERMITS. An encroachment may be
5 constructed, placed, changed, or maintained across or within an air-
6 port, but only in accordance with regulations or procedures adopted by
7 the department. An encroachment may not be constructed, placed,
8 maintained, or changed until it is authorized by a written permit
9 issued by the department, unless the department provides otherwise by
10 regulation. The department may charge a fee for a permit issued under
11 this section.

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

13 (a) The department may

14 (1) make a loan to

15 (A) an individual resident farmer, homesteader, or a
16 partnership or corporation composed of farmers and homesteaders
17 for

18 (i) clearing land for agricultural purposes;

19 (ii) development of farms;

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

21 (iv) the purchase of livestock or machinery;

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

24 (i) storage and processing plants for agricul-
25 tural products;

26 (ii) the commercial production or processing of
27 horticultural products in the state;

28 (iii) the commercial production or processing of
29 animal feed in the state; or

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

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

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

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

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

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

16 * Sec. 7. AS 03.10.040 is amended by adding a new subsection to read:

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

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

20 Sec. 06.01.010. EXAMINATION FEES AND ASSESSMENTS. (a) The
21 expenses of the department reasonably incurred in the examination or
22 investigation of all financial institutions or applications to estab-
23 lish financial institutions regulated by the department under this
24 title shall be charged to and paid by each financial institution as
25 provided in (b) and (d) of this section.

26 (b) Except for deposit institutions, the [THE] commissioner
27 shall assess every financial institution [,] and every applicant to
28 establish a financial institution [,] a fee for the actual expenses
29 necessarily incurred by the department in connection with any

1 examination or investigation, whether regular or special. The commis-
2 sioner shall assess every deposit institution and every applicant to
3 establish a deposit institution a fee for the actual expenses neces-
4 sarily incurred by the department in connection with any special
5 examination or investigation. A [THE] fee assessed under this subsec-
6 tion must [SPALL] include the proportionate part of the salaries and
7 cost of employee benefits of the examiners while conducting examina-
8 tions or investigations and while preparing reports of them, and
9 transportation costs and per diem of each examiner while away from the
10 examiner's duty station. The [HOWEVER, THE] cost to the financial
11 institution in connection with an examination may not exceed the
12 actual cost to the department of the [\$7,500 PER] examination. The
13 assessment shall be made by the commissioner as soon as feasible after
14 the examination or investigation has been completed. The assessment
15 must [ALL ASSESSMENTS SHALL] be [PAID TO AND] received by the depart-
16 ment [BY EACH INSTITUTION] within 30 days after receipt of notice of
17 the assessment by the institution.

18 (c) A financial institution that fails to make the payments
19 required by the commissioner under (a), [AND] (b), and (d) of this
20 section within the time specified is subject to a penalty of not more
21 than \$100 each day it is late. The penalty, together with the amount
22 due [UNDER (a) OF THIS SECTION], may be recovered in a civil action
23 brought by the department.

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

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

1 (e) In this section "deposit institution" means an institution
2 chartered under this title that has obtained authority from the de-
3 partment to receive deposits of the type eligible to be insured by an
4 agency of the federal government.

5 * Sec. 10. AS 10.15.255 is amended to read:

6 Sec. 10.15.255. TERMINATION OF RECORDED CONTRACT. When a
7 contract recorded under AS 10.15.230 - 10.15.260 has been terminated
8 in any manner, the cooperative shall upon demand [,] give a statement
9 of termination to the member party to the contract, who may record the
10 statement in the office of the recorder where the contract was origin-
11 ally recorded. The recorder shall stamp "expired" after the name of
12 the member in the alphabetical record. The fee for the recording and
13 stamping shall be established by the department by regulation [SUBJECT
14 TO AS 10.05.773].

15 * Sec. 11. AS 10.15.260 is amended to read:

16 Sec. 10.15.260. RECORDING OF LIST OF TERMINATED CONTRACTS. A
17 cooperative may record in the office of the recorder where the con-
18 tract was originally recorded a sworn list of the names of all persons
19 whose contracts have been terminated in a manner other than by expira-
20 tion of their term. The recorder shall stamp "expired" after the name
21 of each of those persons in the alphabetical record. The fee for the
22 recording and stamping shall be established by the department by
23 regulation [SUBJECT TO AS 10.05.773].

24 * Sec. 12. AS 10.15.530 is amended to read:

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

1 PERIOD, THE FEE SHALL BE PROPORTIONATE TO THE FRACTION OF THE BIENNIAL
2 PERIOD.]

3 * Sec. 13. AS 10.15.545 is amended to read:

4 Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE [WITHOUT CAPITAL
5 STOCK]. The license fee of each cooperative [HAVING NO AUTHORIZED
6 SHARES OF CAPITAL STOCK] shall be established by the department by
7 regulation [SUBJECT TO AS 10.05.773]. The fee may not exceed the
8 actual costs of the department in administering cooperative licenses.

9 * Sec. 14. AS 10.15.555 is amended to read:

10 Sec. 10.15.555. MISCELLANEOUS FEES AND CHARGES. (a) The
11 department shall establish by regulation [SUBJECT TO AS 10.05.773] and
12 charge and collect from a cooperative fees for filing

13 (1) articles of incorporation or articles of consolidation
14 for a new cooperative;

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

27 (3) statement of intent to dissolve;

28 (4) statement of revocation of voluntary dissolution pro-
29 ceedings;

1 (5) articles of dissolution;

2 (6) all other statements.

3 (b) The department may by regulation charge each cooperative
4 corporation subject to this chapter a fixed fee in place of charging
5 cooperative corporations the various fees specified in this chapter [,
6 WITH THE EXCEPTION OF AS 10.15.535, (a)(1) OF THIS SECTION,] and for
7 routine administrative services rendered to the cooperative corpora-
8 tion by the department. Fixed fees established under this subsection
9 must be based on, and may not exceed, the department's actual cost of
10 administering the activity or service for which the fee is charged.
11 [AN INCREASE IN THE AMOUNT OF A FIXED FEE CHARGED UNDER THIS SUBSEC-
12 TION IS SUBJECT TO AS 10.05.773.]

13 * Sec. 15. AS 10.20.530 is amended to read:

14 Sec. 10.20.530. SERVICE ON COMMISSIONER. When a foreign corpo-
15 ration authorized to transact business in the state, or not authorized
16 to transact business in the state but doing so, fails to appoint or
17 maintain a registered agent in the state, or when a registered agent
18 cannot with reasonable diligence be found at the registered office, or
19 when the certificate of authority of a foreign corporation is sus-
20 pended or revoked, the commissioner is an agent upon whom process,
21 notice, or demand may be served. Service on the commissioner shall be
22 made by delivering to and leaving with the commissioner, or a designee
23 in the corporation division of the department, duplicate copies of the
24 process, notice or demand, accompanied by a fee established by the
25 department by regulation [SUBJECT TO AS 10.05.773]. The commissioner
26 shall immediately have one copy forwarded by registered or certified
27 mail, addressed to the corporation at its principal office in the
28 state or country under whose laws it is incorporated. Service on the
29 commissioner is returnable in not less than 30 days.

1 * Sec. 16. AS 10.20.635 is amended to read:

2 Sec. 10.20.635. FEES FOR FILING DOCUMENTS AND ISSUING CERTIFI-
3 CATES. (a) The commissioner shall establish by regulation [SUBJECT
4 TO AS 10.05.773], charge, and collect filing fees for

5 (1) [FILING] articles of incorporation and issuing a certi-
6 ficate of incorporation;

7 (2) [FILING] articles of amendment and issuing a certifi-
8 cate of amendment;

9 (3) [FILING] restated articles of incorporation and issuing
10 a restated certificate of incorporation;

11 (4) [FILING] articles of merger or consolidation and issu-
12 ing a certificate of merger or consolidation;

13 (5) [FILING] a statement of change of address of registered
14 office or change of registered agent, or both;

15 (6) [FILING] articles of dissolution;

16 (7) [FILING] an application of a foreign corporation for a
17 certificate of authority to conduct affairs in this state and issuing
18 a certificate of authority;

19 (8) [FILING] an application of a foreign corporation for an
20 amended certificate of authority to conduct affairs in this state and
21 issuing an amended certificate of authority;

22 (9) [FILING] a copy of an amendment to the articles of
23 incorporation of a foreign corporation holding a certificate of au-
24 thority to conduct affairs in this state;

25 (10) [FILING] a copy of articles of merger of a foreign
26 corporation holding a certificate of authority to conduct affairs in
27 this state;

28 (11) [FILING] an application for withdrawal of a foreign
29 corporation and issuing a certificate of withdrawal;

1 (12) [FILING] any other statement or report, including a
2 biennial report, of a domestic or foreign corporation.

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

9 * Sec. 17. AS 10.20.640 is amended to read:

10 Sec. 10.20.640. FEE FOR CERTIFIED COPIES OF INSTRUMENTS. The
11 fee for furnishing a certified copy of any instrument shall be estab-
12 lished by the department by regulation [SUBJECT TO AS 10.05.773].

13 * Sec. 18. AS 10.25.530(a) is amended to read:

14 (a) The commissioner shall establish by regulation [SUBJECT TO
15 AS 10.05.773], charge, and collect [FILING] fees for

- 16 (1) filing articles of incorporation;
17 (2) filing articles of amendment;
18 (3) filing articles of consolidation or merger;
19 (4) filing articles of conversion;
20 (5) filing certificate of election to dissolve;
21 (6) filing articles of dissolution;
22 (7) filing certificate of change of principal office and
23 designation or change of registered office and registered agent; and
24 (8) acting as agent for service of process.

25 * Sec. 19. AS 10.25.530(b) is amended to read:

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

1 corporation by the department. [AN INCREASE IN THE FIXED FEE CHARGED
2 UNDER THIS SUBSECTION IS SUBJECT TO AS 10.05.773.]

3 * Sec. 20. AS 10.35.060 is amended to read:

4 Sec. 10.35.060. FEE FOR AND DURATION OF REGISTERED NAME. The
5 fee for the initial registration of a business name shall be estab-
6 lished by the department by regulation [SUBJECT TO AS 10.05.773]. The
7 year in which the registration becomes effective is considered a full
8 year of registration and the registration is effective until the close
9 of the fifth calendar year beginning with the year of initial regis-
10 tration.

11 * Sec. 21. AS 10.35.070 is amended to read:

12 Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A registered
13 business name may be renewed every five years if an application for
14 renewal is filed. An application for renewal must set out the facts
15 required in an original application for registration and be accom-
16 panied by a renewal fee to be established by the department by regula-
17 tion [SUBJECT TO AS 10.05.773]. An application for renewal may be
18 filed between October 1 and December 31 of any year. The renewal of
19 the registration extends the registration for the following five
20 calendar years.

21 * Sec. 22. AS 10.40.140(a) is amended to read:

22 (a) A [ANY] document required to be filed with the commissioner
23 under this chapter shall be accompanied by a fee to be established by
24 the department by regulation [SUBJECT TO AS 10.05.773].

25 * Sec. 23. AS 12.55.105(a) is amended to read:

26 Sec. 12.55.105. PROBATION AND URINALYSIS FEES [FEE]. (a) A
27 court granting probation shall require a periodic probation fee to be
28 paid to the Department of Corrections as a condition of probation. In
29 addition, the department may charge a fee for any urinalysis that may

1 be required. The fee amounts [AMOUNT] shall be established by regula-
2 tion adopted by the commissioner of corrections.

3 * Sec. 24. AS 14.07.030 is amended to read:

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

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

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

10 (3) provide for citizenship night schools when and where
11 expedient;

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

14 (5) prescribe a classification for items of expense of
15 school districts;

16 (6) acquire and transfer personal property, acquire real
17 property, and transfer real property to federal agencies, state
18 agencies, or to political subdivisions;

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

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

29 (9) exercise disapproval power under AS 14.08.101;

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

4 (11) set student tuition and fees for educational and extra-
5 curricular programs and services provided and schools operated by the
6 department under the provisions of [AS 14.07.020(12) AND] (1) of this
7 section and AS 14.07.020(9), (11), and (12);

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

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

14 * Sec. 25. AS 14.56.030(10) is amended to read:

15 (10) establishing and charging fees for reproduction, [OR]
16 printing, and handling costs, [AND] for mailing and distributing state
17 publications and research data, and for other services authorized by
18 this chapter;

19 * Sec. 26. AS 14.57.010 is amended by adding a new subsection to read:

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

23 * Sec. 27. AS 15.60 is amended by adding a new section to read:

24 Sec. 15.60.007. SALE OF VOTER REGISTRATION AND ELECTION MANAGE-
25 MENT SOFTWARE. The director may sell voter registration and election
26 management system data processing software. Receipts generated
27 through the sales shall be deposited in the general fund.

28 * Sec. 28. AS 16.05.050(16) is amended to read:

29 (16) to establish and charge fees equal to the cost of

1 services provided by the department, including provision of public
2 shooting ranges, broodstock and eggs for private nonprofit hatcheries,
3 department publications, and other direct services, and reasonable
4 fees for the use of state facilities managed by the department;

5 * Sec. 29. AS 16.05.050 is amended by adding a new paragraph to read:

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

12 * Sec. 30. AS 16.10.310(1)(3) is amended to read:

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

16 * Sec. 31. AS 16.10.310(a) is amended by adding a new paragraph to
17 read:

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

20 * Sec. 32. AS 16.10.320 is amended by adding a new subsection to read:

21 (j) All principal and interest payments, and any money charge-
22 able to principal or interest that is collected through liquidation by
23 foreclosure or other process on loans made under AS 16.10.300 - 16.-
24 10.370, shall be paid into the commercial fishing revolving loan fund.

25 * Sec. 33. AS 16.10.340 is amended by adding a new subsection to read:

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

28 * Sec. 34. AS 16.10.505 is amended to read:

29 Sec. 16.10.505. FISHERIES ENHANCEMENT REVOLVING LOAN FUND.

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

10 * Sec. 35. AS 16.10.505 is amended by adding a new subsection to read:

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

13 * Sec. 36. AS 16.10.510(4) is amended to read:

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

17 * Sec. 37. AS 16.10.510 is amended by adding a new paragraph to read:

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

20 * Sec. 38. AS 17.30.100(c) is amended to read:

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

1 THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION.]

2 * Sec. 39. AS 18.07 is amended by adding a new section to read:

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

9 * Sec. 40. AS 18.20.030 is amended to read:

10 Sec. 18.20.030. APPLICATION AND FEES. Application for a license
11 shall be made to the department upon a form provided by it, and must
12 [SHALL] contain the information the department requires, which may in-
13 clude affirmative evidence of ability to comply with the reasonable
14 standards and regulations adopted under AS 18.20.060 - 18.20.080.
15 Each application for a license or a renewal of a license must [SHALL]
16 be accompanied by a license or renewal fee established by the depart-
17 ment by regulation. A fee established under this section must be
18 based on, and may not exceed, the department's actual cost of adminis-
19 tering this section and AS 18.20.040 [OF \$10]. The department shall
20 deposit all fees received in the general fund [STATE TREASURY].

21 * Sec. 41. AS 18.20.040 is amended to read:

22 Sec. 18.20.040. ISSUANCE AND RENEWAL OF LICENSE AND POSTING.
23 Upon receipt of an application for license and the license fee, the
24 department shall issue a license if the applicant meets the require-
25 ments established under AS 18.20.060 - 18.20.080. If the applicant
26 does not meet the requirements established under AS 18.20.060 - 18.-
27 20.080 but makes continued efforts to comply with them, the department
28 may grant a temporary or provisional license for a reasonable period
29 of time. A license, unless suspended or revoked, is renewable

1 annually [WITHOUT CHARGE] upon payment of the renewal fee established
2 under AS 18.20.030 and filing by the licensee [,] and approval by the
3 department of an annual report on the uniform date and containing the
4 information in the form the department prescribes by regulation. Each
5 license issued is for the premises and person or governmental unit
6 named in the application and is not transferable or assignable except
7 with the written approval of the department. Licenses shall be posted
8 in a conspicuous place on the licensed premises.

9 * Sec. 42. AS 18.55.100(a) is amended by adding new paragraphs to read:

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

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

17 * Sec. 43. AS 19.25.010 is amended to read:

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

24 * Sec. 44. AS 19.60.030 is amended to read:

25 Sec. 19.60.030. USE OF FERRY TERMINAL FACILITIES [REGULATIONS].
26 The department may adopt regulations governing the use of ferry termi-
27 nal facilities by the public that it considers necessary and proper in
28 the public interest. The department may charge a fee for the use of
29 ferry termina? facilities, whether the use is under a permit or

1 otherwise, and whether it is by one or more individuals.

2 * Sec. 45. AS 24.20.060 is amended by adding a new paragraph to read:

3 (9) to establish reasonable fees for services and materials
4 provided by the Legislative Affairs Agency to entities outside of the
5 legislative branch of state government and charges for collecting the
6 fees; all fees and charges collected under this paragraph shall be
7 deposited into the general fund.

8 * Sec. 46. AS 26.15.030(a) is amended to read:

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

12 * Sec. 47. AS 26.15.030(c) is amended to read:

13 (c) The department shall

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

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

17 (3) [REPEALED

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

20 (4) [(5)] adopt regulations necessary for the conduct of
21 its business and for carrying out the provisions of this chapter, and
22 make necessary regulations to maintain such standards;

23 (5) [(6)] require bonds and undertakings from persons
24 employed by it as shall in its judgment be necessary, and pay the
25 premiums on them;

26 (6) [(7)] establish regional and local offices and advisory
27 groups that are necessary or considered expedient to carry out or
28 assist in carrying out its duties and authorities;

29 (7) charge and collect the fees established under this

1 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62) TO ADMIN-
2 ISTER THIS CHAPTER]. Regulations adopted under this section shall be
3 prepared after consultation with the Department of Natural Resources
4 or after consultation with a person who, in the opinion of the commis-
5 sioner of commerce and economic development or a designee, has broad
6 experience in and is highly qualified in advanced mineral exploration,
7 development, and mining.

8 * Sec. 52. AS 29.25 is amended by adding a new section to read:

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

14 * Sec. 53. AS 35.10.015 is amended by adding a new subsection to read:

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

18 * Sec. 54. AS 35.10.210 is amended to read:

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

26 * Sec. 55. AS 35.10.230 is amended to read:

27 Sec. 35.10.230. ENCROACHMENT PERMITS. An encroachment may be
28 constructed, placed, changed, or maintained across or within a public
29 facility, but only in accordance with regulations or procedures

1 adopted by the department. An encroachment may not be constructed,
2 placed, maintained, or changed until it is authorized by a written
3 permit issued by the department, unless the department provides other-
4 wise by regulation. The department may charge a fee for a permit
5 issued under this section.

6 * Sec. 56. AS 38:35.140(b) is amended to read:

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

15 * Sec. 57. AS 38.95.250 is amended by adding a new subsection to read:

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

19 * Sec. 58. AS 39.25.050 is amended by adding a new subsection to read:

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

23 * Sec. 59. AS 44.23 is amended by adding a new section to read:

24 Sec. 44.23.025. DEPARTMENT HOUSING. The Department of Law may
25 operate state housing in support of its statutory responsibilities and
26 may charge rent consistent with an applicable collective bargaining
27 agreement.

28 * Sec. 60. AS 44.33.240 is amended by adding a new subsection to read:

29 (b) The department may use money in the fund for costs of

1 administering AS 44.33.240 - 44.33.275.

2 * Sec. 61. AS 44.33.245(a) is amended to read:

3 (a) The department may

4 (1) make loans for the construction, renovation, and equip-
5 ping of child care facilities, including private nonprofit child care
6 facilities;

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

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

13 * Sec. 62. AS 44.33.255(d) is amended to read:

14 (d) All principal and interest payments, and any money charge-
15 able to principal or interest that is collected through liquidation by
16 foreclosure or other process on loans made under AS 44.33.240 -
17 44.33.275, shall be paid into the child care facility revolving loan
18 fund.

19 * Sec. 63. AS 44.33.600(b) is amended to read:

20 (b) The fund consists of

21 [(1)] appropriations to the fund by the legislature [;

22 (2) REPAYMENTS OF PRINCIPAL TO THE FUND; AND

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

25 * Sec. 64. AS 44.33.600 is amended by adding new subsections to read:

26 (c) Income earned from investment of money in the fund and
27 repayment of principal and interest on loans made from the fund shall
28 be deposited in the general fund.

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

1 appropriations for costs of administering AS 44.33.600 - 44.33.630.

2 * Sec. 65. AS 44.41.020 is amended by adding a new subsection to read:

3 (c) The Department of Public Safety may operate state housing in
4 support of the department's statutory responsibilities and charge rent
5 consistent with applicable collective bargaining agreements, or, if no
6 collective bargaining agreement is applicable, competitive with market
7 conditions. Rent received from tenants shall be deposited in the gen-
8 eral fund.

9 * Sec. 66. AS 44.41 is amended by adding a new section to read:

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

15 * Sec. 67. AS 44.42.020(b) is amended to read:

16 (b) The department may

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

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

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

25 (4) operate state housing in support of the department's
26 statutory responsibilities and charge rent that is consistent with an
27 applicable collective bargaining agreement;

28 (5) charge reasonable fees to cover the costs of issuing
29 easements, licenses, and permits and to cover the costs of

1 reproduction, printing, mailing, and distribution of contract and bid
2 documents and design and construction standards manuals;

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

5 * Sec. 68. AS 44.46 is amended by adding a new section to article 1 to
6 read:

7 Sec. 44.46.025. FEES FOR SERVICES. The department may adopt
8 regulations that prescribe reasonable fees for services provided by
9 the department, including fees for services provided under AS 03.05,
10 AS 17.20, AS 18.35, AS 44.46.020, and AS 46.03.020. The department
11 shall collect the fees and deposit them in the general fund.

12 * Sec. 69. AS 44.47.055 is amended to read:

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

23 * Sec. 70. AS 44.47.380 is amended by adding a new subsection to read:

24 (b) Money in the fund may be used by the legislature to make
25 appropriations for costs of administering the housing assistance
26 program.

27 * Sec. 71. AS 44.83.170 is amended by adding a new subsection to read:

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

1 * Sec. 72. AS 44.83.361 is amended by adding a new subsection to read:

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

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

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

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

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

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

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

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

21 Sec. 45.87.065. FEES. The department may collect the fees and
22 collection charges established under AS 45.87.060 and shall deposit
23 the money in the general fund.

24 * Sec. 77. AS 45.88.010 is amended by adding a new subsection to read:

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

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

28 (a) The department may

29 (1) make loans for the purchase, construction, and
30

1 installation of alternative energy systems;

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

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

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

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

12 * Sec. 80. AS 45.89.010 is amended by adding a new subsection to read:

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

15 * Sec. 81. AS 45.89.030(h) is amended to read:

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

21 * Sec. 82. AS 45.89.070 is amended to read:

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

26 * Sec. 83. AS 45.89.070 is amended by adding a new subsection to read:

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

29 * Sec. 84. AS 45.90.010 is amended to read:

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

7 * Sec. 85. AS 45.90.010 is amended by adding a new subsection to read:

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

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

11 (a) The department may

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

14 (2) designate agents and delegate powers to them as is
15 necessary;

16 (3) adopt rules and regulations necessary to carry out its
17 functions, including regulations to establish reasonable fees for
18 services provided and charges for collecting the fees;

19 (4) establish amortization plans for the repayment of loans
20 not to exceed 20 years;

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

23 * Sec. 87. AS 45.95.010(a) is amended to read:

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

29 * Sec. 88. AS 45.95.020(d) is amended to read:

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

11 Sec. 88. AS 45.95.060 is amended by adding a new subsection to read:

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

14 * Sec. 90. AS 45.98.010 is amended to read:

15 Sec. 45.98.010. CREATION OF HISTORICAL DISTRICT REVOLVING LOAN
16 FUND. There is created in the Department of Commerce and Economic
17 Development a historical district revolving loan fund. All principal
18 and interest payments, and money chargeable to principal or interest
19 that is collected through liquidation by foreclosure or other process
20 on loans made under this chapter, shall be paid into the historical
21 district revolving loan fund.

22 * Sec. 91. AS 45.98.010 is amended by adding a new subsection to read:

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

25 * Sec. 92. AS 45.98.030 is amended to read:

26 Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For
27 purposes of administering this chapter, the Department of Commerce and
28 Economic Development may

29 (1) prescribe the form and procedure for submitting loan

1 applications under this chapter;

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

4 (3) in consultation with the Historic Sites Advisory Com-
5 mittee, adopt regulations necessary to carry out its functions, in-
6 cluding regulations for the process of plan approval by the committee
7 and regulations to establish reasonable fees for services provided and
8 charges for collecting the fees;

9 (4) establish amortization plans for the repayment of loans
10 not to exceed 50 years;

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

13 * Sec. 93. AS 47.05 is amended by adding a new section to read:

14 Sec. 47.05.080. RETENTION OF OVERPAYMENTS COLLECTED. Benefit
15 overpayments collected by the department in administering programs
16 under AS 47.25.120 - 47.25.300 (general relief), AS 47.25.310 - 47.-
17 25.420 (aid to families with dependent children), AS 47.25.430 -
18 47.25.615 (adult public assistance), and AS 47.25.975 - 47.25.990
19 (food stamps) shall be remitted to the Department of Revenue under
20 AS 37.10.050(a).

21 * Sec. 94. Notwithstanding AS 37.10.050(a), as amended by sec. 1, ch.
22 138, SLA 1986, a fee charged by an agency under a regulation that was
23 adopted before July 1, 1987, under authority of a statute that does not
24 expressly authorize a charge for a service, is valid if it would have been
25 valid before the 1986 amendment of AS 37.10.050(a). The regulation and fee
26 remain in effect, and the agency may charge for the service, until the
27 regulation is repealed or amended by the agency. To amend the regulation
28 to change the fee, the agency shall meet the standard of AS 37.10.050(a) as
29 amended by sec. 2 of this Act.

1 * Sec. 95. AS 10.15.535, 10.15.540; AS 14.56.035; AS 14.57.015; AS 16.-
2 05.053; AS 37.05.500(a)(1), 37.05.500(a)(4), 37.05.500(a)(6); AS 44.42.025;
3 AS 44.83.195(c); and AS 46.03.020(12) and 46.03.025 are repealed.

4 * Sec. 96. Section 94 of this Act, dealing with fees charged under a
5 regulation adopted before July 1, 1987, is retroactive to July 1, 1987.

6 * Sec. 97. This Act takes effect immediately under AS 01.10.070(c).
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Draft C.S

SECTIONAL ANALYSIS OF HB85 -- ~~Version "H"~~

Sec. 1: All Agencies

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

Sec. 2: All Agencies

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

Sec. 3: Department of Transportation and Public Facilities

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

FEES CURRENTLY BEING CHARGED BUT NOT AUTHORIZED

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

Sec. 4: Department of Transportation and Public Facilities

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

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

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

Sec. 5: Department of Transportation and Public Facilities

Budgeted Receipts: See data for Section 4.

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

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

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

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

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

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

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

Secs. 10 - 22: Department of Commerce and Economic Development, Division of Banking, Securities and Corporations; Amendments to the Corporations Act, \$0.0

These sections remove a reference to a provision repealed by CH 166, SLA 1988 (AS 10.05.773), and allow the department to charge license fees to cooperatives based on the cost to the department of administering cooperative licenses.

Sec. 23: Department of Corrections, Northern, Southcentral and Southeast Probation Divisions, \$0.0

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

Sec. 24: Department of Education, Correspondence Study, Mt. Edgecumbe, and Other Facilities

Expressly authorizes the current practice of Department of Education (DOE) to charge fees for centralized correspondence study programs and for departmental review of school plans. In addition, this section authorizes

the current practice of charging fees for rental of school facilities and will allow the department to charge fees for other programs and services provided by the schools. These would include student activity fees at Mt. Edgecumbe.

Secs. 25: Department of Education, State Libraries BRU, \$243.0

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

Secs. 26: Department of Education, Museums BRU, \$95.0

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

Sec. 27: Office of the Governor, Elective Operations, \$0.0, New Fee

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

Sec. 28: Department of Fish and Game, Various Divisions

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

Secs. 29: Department of Fish and Game, FRED Employee Housing, \$309.5

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

Secs. 30 - 33: Department of Commerce and Economic Development, Commercial Fishing Loan Fund, FY 89 fees \$247.5

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

Secs. 34 - 37: Department of Commerce and Economic Development, Fisheries Enhancement Loan Fund, FY 89 Fees \$22.5

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

Sec. 38: Department of Public Safety, Special Projects, \$10.0

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

Sec. 39: Department of Health and Social Services, Administrative Services, \$0.0

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

Sec. 40: Department of Health and Social Services, Administrative Services, \$0.0

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

Sec. 41: Department of Health and Social Services, Medical Assistance Administration, \$0.0

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

Sec. 42: Alaska State Building Authority (ASBA)

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

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

DROPPED: Department of Public Safety, Alaska State Troopers, \$0.0

This allows the Department to establish thru regulation, rather than statute, the existing security guard agency license fee. Current fee as set by statute is \$200.0.

DROPPED: Department of Public Safety, Alaska State Troopers, \$0.0

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

Sec. 43: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

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

Sec. 44: Department of Transportation and Public Facilities

Budgeted Receipts: \$0.0

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

Sec. 45: Legislature, Legislative Affairs Agency

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

Secs. 46 - 49: Department of Commerce and Economic Development, Veterans Revolving Loan Fund, FY 89 Fees \$375.0

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

Secs. 50 - 51: Department of Commerce and Economic Development, Mining Revolving Loan Fund, FY 89 Fees \$7.5

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

Sec. 52: Alaska Court System, New Fee, \$0.0

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

Sec. 53: Department of Transportation and Public Facilities, Central Design and Construction, FY 89: \$0.0, new fee

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

Sec. 54: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

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

Sec. 55: Department of Transportation and Public Facilities

Budgeted Receipts: See note for Section 4.

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

Sec. 56: Department of Natural Resources, Land and Water Management, \$164.6, Existing Fee

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

Sec. 57: Department of Natural Resources, Land and Water Management, Existing Fee

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

Sec. 58: Department of Administration, Division of Personnel, Productivity Improvement Component, \$20.0

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

Sec. 59: Department of Law, Prosecution, \$11.3

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

Secs. 60 - 62: Department of Commerce and Economic Development, Child Care Facility Loan Fund, FY 89 Fees \$2.3

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

Sec. 63 - 64: Department of Commerce and Economic Development, Power Development Revolving Loan Fund, \$36.1

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

Adds a section requiring that the repayments of principal and interest to the Power Development Revolving Loan Fund be deposited in the general fund.

Sec. 65: Department of Public Safety, Alaska State Troopers, \$380.4

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

Sec. 66: Department of Public Safety, Administration, \$0.0

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

Sec. 67: Department of Transportation and Public Facilities

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

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

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

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

Sec. 68: Department of Environmental Conservation; FY 89: \$95.0 Budgeted

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

The Department currently charges fees for sanitation operator training and certification and for restaurant inspections.

Sec. 69: Department of Community and Regional Affairs; FY89: \$11.0

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

Sec. 70: Department of Community and Regional Affairs, Housing Assistance Loan Fund, FY 89: \$2,889.7

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

DROPPED: Office of the Governor, Executive Operations, \$0.0, Existing Fee Mechanism Amended

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

Sec. 71: Alaska Power Authority, Power Project Loan Fund, \$226.0

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

Sec. 72: Alaska Power Authority, Rural Electrification Revolving Loan Fund, \$25.0

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

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

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

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

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

Secs. 80 - 83: Department of Commerce and Economic Development, Residential Energy Conservation Loan Fund, FY 89 Fees: \$5.3

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

Secs. 84 - 86: Department of Commerce and Economic Development, Tourism Loan Fund, FY 89 Fees: \$5.8

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

Secs. 87 - 88: Department of Commerce and Economic Development, Small Business Loan Fund, FY 89 Fees \$67.5

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

Secs. 90 - 92: Department of Commerce and Economic Development, Historical District Loan Fund, FY 89 Fees \$2.3

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

Sec. 93: Department of Health and Social Services, Public Assistance Administration, \$40.0

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

Sec. 94: All Agencies

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

Sec. 95:

- (1) Repeals sections in Title 10, the Corporations Act, which set the license fee for cooperatives based on the amount of authorized capital stock.
 - (2) Repeals references in AS 37.05.500 to the FICA Administration Fund, the Second Injury Fund, and the Fishermen's Fund which are identified in Section 1 of this Act as non general fund program receipts.
- (3) Repeals AS 44.83.195 (c) related to disposition of Alaska Power Authority (APA) receipts.
- (4) Repeals AS 46.03.020(12) and 46.03.025, which deal with the accounting and disposition of program receipts of the Department of Environmental Conservation as they will be superceded by the provisions in Section 62 of this bill.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

Item 5

STEVE COWPER, GOVERNOR

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

February 27, 1989

The Honorable H.A. "Red" Boucher
Chairman, House State Affairs Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Representative Boucher:

We have had the opportunity to review the three alternate versions of HB 85 relating to agency program receipts and offer the following comments:

1. We have no problem with the "centralized" approach to the accounting of program receipts that is proposed by David Dierdorff, Revisor of Statutes, in versions "E" and "H" of the bill.
2. All three versions of the bill are consistent with the primary intent of the bill, which is to define program receipts, to address the method by which agency fees and other receipts are accounted for and appropriated, and to authorize fee setting authority in statute where it currently does not exist.
3. Although we would prefer the retention of the sections which propose to substitute fees set by regulations for fees set by statute, the deletion of these sections in versions "D" and "H" of the bill does not dilute the primary purpose of the bill as outlined above. For the Committee's information, attached is a brief summary of the programs for which we intended to eliminate fixed fees.

Thank you for the opportunity to comment on the proposed revisions.

Sincerely,



Guy Bell
Deputy Director

Enc.

HOUSE BILL 85
 SECTIONS DELETING FIXED FEES

PROGRAM	HB 85 SECTION	CURRENT FEE	DATE SET	CURRENT REVENUE	COST OF SERVICE	NOTES
Financial Institution Examinations	10,11	\$7,500	1978	\$99,100	\$305,000	
Coop Filing Fees	13-24	various	1980	\$2,500	--	
Hospital Licenses	49	\$10	1949	\$0	varies	
Hospital License Renewal	51	\$0	1957	\$0	\$200,000	
Security Guards/Agencies	53,55	\$25/\$200	1976	\$15,800	\$50,000	(1)
Notary Public Commissions	102	\$20	1961	\$61,000		

NOTES:

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

MEMORANDUM

State of Alaska

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

DATE: February 27, 1989

FILE NO:

TELEPHONE NO:

THRU: Linda *W*, Special Assistant

SUBJECT: CSHB 85 (SA) Version H
Program Receipts

FROM: *Terry L. Lutz*
Terry L. Lutz
Division of Banking, Securities
and Corporations
Department of Commerce and
Economic Development

Version H of the program receipts bill deletes Sections 8 and 9 of Version E.

It has been over 12 years since the implementation of Sec. 06.01.010, "Examination fees and assessments." Not only have examiners' and their support staffs', i.e., clerks, secretaries, etc., salaries increased, but so has the number of employees required to properly regulate our financial institutions. There have also been other increases in the cost to regulate such as travel, per diem, equipment, training and continuing education. As the statutory guidelines are now with a \$7,500 ceiling per examination, it provides for an unfair billing between the various financial institutions. Comparatively speaking, Alaska's smaller, well managed institutions require far less examiner hours to complete an examination than the larger and or troubled institutions, yet the cost to those institutions is generally around \$7,500. Alaska's larger and or financially troubled institutions require two to three times the man hours to properly regulate, yet the division is limited to \$7,500 per examination, far below the actual cost to the division.

The majority of the other states use a formula for examination/investigation billing which is either the same as or similar to the proposed formula. If anything, the proposed formula is more conservative than the majority of other western states.

If it is the will of the Legislature to continue with a ceiling in the statutes, I would suggest that the ceiling be increased to \$15,000 so the division will be able to collect the majority of its directly related costs for examinations/investigations and to alleviate, at least partially, the inequity in the assessments to the various institutions.

TLL/mm0794t
022789a

MEMORANDUM

State of Alaska

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

DATE: February 27, 1989

FILE NO:

TELEPHONE NO:

THRU: Linda Wild, *Linda Wild* Special Assistant
Office of the Commissioner
Department of Commerce and Economic
Development

SUBJECT: CSHB 85 (SA) Version H

FROM: JoAnn Schultz, *JoAnn Schultz* Corporations Supervisor
Division of Banking, Securities
and Corporations
Department of Commerce and
Economic Development

CSHB 85 (85), Sections 12, 13 and 97, change the method for calculating incorporation fees for cooperative corporations and change the biennial license fee. We propose to charge a flat incorporation fee for cooperative corporations, rather than a fee based on capital stock. The same is true for the biennial license fee which would be a flat fee without regard for whether or not the cooperative has capital stock. The bill also eliminates prorating the biennial license fee at the time the cooperative files its articles of incorporation. The proposed changes would have cooperatives paying fees similar to business corporations.

CSHB 85, version H, excludes the above changes. If it is the desire of the committee to continue basing license fees on stock and to prorate the biennial license fee, we have no objections. However, Sec. 10.15.535 should be included in the bill so that the reference to AS 10.05.773 is removed. The section should read:

Sec. 10.15.535. DETERMINATION OF LICENSE FEE FOR COOPERATIVE AUTHORIZED TO ISSUE CAPITAL STOCK. The license fee of each cooperative authorized by its articles to issue capital stock shall be established by the department by regulation [SUBJECT TO AS 10.05.773]. The license fee shall be based on the amount of authorized capital stock.

It would be our suggestion that the sections contained in CSHB 85 (SA) which delete the language "subject to AS 10.05.773," be included in HB 148 rather than in CSHB 85 (SA).

JAS/mm0792t
022789a

Item 6

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

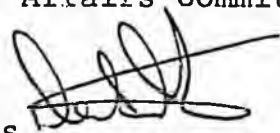
LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 10, 1989

SUBJECT: CSHB 85(SA) - Program Receipts (VERSION E)

TO: Representative H.A. "Red" Boucher
Chair, House State Affairs Committee

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is the draft committee substitute for HB 85 that Dennis Burns requested for your consideration. This draft incorporates a "centralized" approach to program receipts accounting and appropriations to replace the decentralized approach that was used in ch. 138, SLA 1986 and is perpetuated in HB 85. The rationale for the centralized approach is first, that it is consistent with the approach taken in all other aspects of state financial administration; and second, that it will save the state and the private sector the expense of paying for unnecessarily verbose and redundant statutes (the cost of the Alaska Statutes is based primarily upon page count). You will note that the draft CS has 99 sections and requires 31 pages, while HB 85 has 135 sections and 42 pages. I should mention also that the decentralized approach "consumes" AS section numbers that, in many parts of the statutes, are becoming scarce commodities, bringing us closer to the day when the state must undertake the expensive and time-consuming process of recodification.

This draft does not alter any of the substantive changes proposed by the governor in HB 85 with respect to the provision of services or the charging of fees. I am preparing a second version, also requested by Dennis burns, that will delete amendments proposed by the governor that have the effect of diluting legislative control over the amount of a fee or other charge.

The purpose of this memo is to explain the provisions that have been added in this draft and the changes made to provisions that were in the bill as introduced. I will also discuss the further changes that would be required if your

Representative H. A. "Red" Boucher
Page 2
February 10, 1989

committee desires to amend existing law to conform to the approach of this draft.

New material.

Section 1 of draft CSHB 85(SA) proposes the enactment of three new statutory provisions. The provisions are added to AS 37.05, the Fiscal Procedures Act, which applies to virtually all of the entities that comprise state government, including the University of Alaska (see AS 37.05.910 and 37.05.990(2)). They would be codified to immediately follow the provision requiring the Department of Administration to establish a uniform system of accounting for state agencies.

Proposed sec. 37.05.142 requires the department to establish and maintain a system of ~~separate accounting~~ for program receipts, whether they come into the general fund via AS 37.10.050 or are handled independently of that general provision for the handling of state receipts. This general provision and a related amendment to AS 37.10.050(a) in sec. 2 of this draft replace the sentence "The commissioner of administration shall separately account for (description of receipts) that the department deposits in the general fund," which appears in over 80 existing statutory provisions and in many of the provisions that would be added by the introduction version of HB 85.

Proposed sec. 37.05.144 sets out the legislative intent that program receipts be used to fund the activities that generate the receipts, cover costs associated with the collection of the receipts, or fund the implementation of laws related to the receipts. This general provision would replace the sentence "The annual estimated balance in the account may be used by the legislature to make appropriations to (state agency) to carry out the purposes of (this section, this chapter, or some other relevant reference)." This provision also appears in over 80 existing provisions of law and in many of the new provisions in the introduction version of HB 85. There are some situations where it would be inappropriate to replace specific statements of legislative intent with the general provision. For example, when the additional excise tax on tobacco products was enacted, the "program receipts" portion of that legislation (AS 43.50.350) provided that the receipts be used for appropriations to health related activities of government. Consequently, implementation of centralized program receipt authority would require an appropriate amendment to AS 43.50.350 rather than repeal

of that provision, because appropriations for health care are not directly related to the function generating the receipt. However, the vast majority of the provisions that relate to the appropriation of program receipts would be covered by the general provision and could be repealed.

Proposed sec. 37.05.146 defines "~~program receipts~~" for the new provisions and for AS 37.10.050. The definition is taken directly from sec. 1 of HB 85, which had proposed to add the definition to AS 01.10.060. The term "~~program receipts~~" appears in only four existing provisions of the Alaska Statutes, a frequency that would not be increased by HB 85 and does not justify the placement of a definition of the term in the definitions that apply to all 45 active titles of the Alaska Statutes.

Section 2 of the draft proposes the addition of a sentence to AS 37.10.050(a) that ties this provision to the related provisions added in sec. 1. The introduction version of HB 85, in sec. 74, proposed amendments in the first sentence of AS 37.10.050(a), and they are carried forward in this draft.

Section 15 of CSHB 85(SA) is new and is included to complete the removal of references to AS 10.05.773, repealed by ch. 166, SLA 1988.

Changes in Previous Provisions of HB 85.

As mentioned above, section 1 of HB 85 is now incorporated in proposed sec. 37.05.146, added by sec. 1 of CSHB 85(SA), and sec. 74 is now in sec. 2, with further changes.

The following sections of HB 85 were deleted because they would enact provisions redundant to proposed secs. 37.05.142 and 37.04.144: secs. 3, 8, 9, 12, 27, 29, 31, 33, 36, 39, 46, 50, 54, 58, 62, 67, 69, 70, 74 - 82, 84, 87, 88, 92, 98, 103, 105, 107, 114, 123, 129, and 130.

The following sections of HB 85 were substantially changed by deleting material that would be redundant to proposed secs. 37.05.142 and 37.05.144: secs. 4, 5, 32, 48, 56, 57, 59, 71 - 73, 83, 85, 89, 95, 96, 99, 100, 111, 119, 124, and 131.

Other technical and form and style changes were made in several sections, and four AS sections that had been the subject of proposed amendments in HB 85 (in secs. 29, 31, 36,