



# LAWS OF ALASKA

2004

**Source**

HCS CSSSSB 328(CRA)

**Chapter No.**

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**AN ACT**

Relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to the national forest income program in the Department of Community and  
2 Economic Development and to the authority of the department to adopt regulations; making  
3 conforming amendments; and providing for an effective date.

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5 \* **Section 1.** AS 41.15.180 is amended by adding new subsections to read:

6 (k) The department may adopt regulations necessary to implement this section  
7 that are consistent with federal law.

8 (l) If any provision of this section is determined by the department to be in  
9 conflict with federal requirements regarding the allocation of money received by the  
10 state from the federal government under (a) of this section, the provision that is in  
11 conflict is inoperative to the extent of the conflict. The determination does not affect  
12 the operation of any other provision of this section. Upon a determination that a  
13 provision of this section is in conflict with federal requirements regarding the  
14 allocation of money received from the federal government, the department may adopt

1 regulations that modify the requirements of that provision to the extent necessary to  
2 comply with the federal requirements.

3 (m) In this section, "number of children in average daily membership" means  
4 the number of full-time equivalent students enrolled in the city school district or  
5 regional educational attendance area, excluding correspondence students residing  
6 outside the school district's or regional educational attendance area's boundaries, that  
7 receives a share of the income from the public schools allocation of the fund created in  
8 (b) of this section.

9 \* **Sec. 2.** AS 44.33.020 is amended by adding a new subsection to read:

10 (b) The department may adopt regulations necessary to carry out its statutory  
11 functions.

12 \* **Sec. 3.** AS 44.33.113(a) is amended to read:

13 (a) If the governor delegates duties as described in AS 44.33.020(a)(11)  
14 [AS 44.33.020(11)] to the department, the department shall determine and assess an  
15 annual administrative cost charge for the administration of the state's role in the  
16 federal community development quota program. The department shall by regulation  
17 establish the method for implementing the charge in accordance with the provisions of  
18 this section. The department shall assess the charges on community development  
19 quota groups with approved community development plans for the fiscal year for  
20 which the charge is applicable. The community development quota group shall pay  
21 the charge.

22 \* **Sec. 4.** AS 44.33.113(c) is amended to read:

23 (c) The aggregate total of administrative cost charges to all CDQ groups for a  
24 fiscal year shall approximately equal, but may not exceed, the appropriations  
25 authorized for that fiscal year for the state's role under AS 44.33.020(a)(11)  
26 [AS 44.33.020(11)], less

27 (1) appropriations from sources of program receipts under  
28 AS 37.05.146(b) and (c) not collected under this section; and

29 (2) any reappropriations of charges collected under this section.

30 \* **Sec. 5.** AS 44.33.113(g) is amended to read:

31 (g) The department shall collect and enforce the administrative cost charge

1        assessed under this section. The receipts from the charge assessed under this section  
2        shall be deposited in the community development quota program account in the state  
3        treasury. Under AS 37.05.146(c), receipts from charges collected under this section  
4        shall be accounted for separately, and appropriations from the account are not made  
5        from the unrestricted general fund. The legislature may appropriate money from the  
6        community development quota program account for expenditures by the department  
7        for necessary costs incurred by the department in implementing any assigned role  
8        under **AS 44.33.020(a)(11)** [AS 44.33.020(11)] or for any other public purpose.

9        \* **Sec. 6.** AS 44.33.113(h) is amended to read:

10                (h) The Department of Administration shall identify the amount of the  
11                appropriations for the state's role under **AS 44.33.020(a)(11)** [AS 44.33.020(11)] that  
12                lapses into the general fund each year. The legislature may appropriate an amount  
13                equal to the lapsed amount to the community development quota program for its  
14                operating costs for the next fiscal year.

15        \* **Sec. 7.** AS 41.15.180(m), enacted in sec. 1 of this Act, takes effect July 1, 2005.

16        \* **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect immediately under  
17        AS 01.10.070(c).