



LAWS OF ALASKA

2000

Source

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Chapter No.

101

AN ACT

Designating certain receipts as program receipts, appropriations of which are not made from the unrestricted general fund; relating to the establishment of an administrative cost charge for the state's role in the community development quota program; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 1, 2000

Actual Effective Date: AS 37.05.146(b)(4)(X), added by sec. 1, and sec. 6 take effect

June 2, 2000; sections 2 and 3 take effect July 1, 2000; remainder of Act takes effect

June 30, 2000

AN ACT

1 Designating certain receipts as program receipts, appropriations of which are not made from
2 the unrestricted general fund; relating to the establishment of an administrative cost charge for
3 the state's role in the community development quota program; and providing for an effective
4 date.

5

6 * **Section 1.** AS 37.05.146(b)(4) is amended by adding new subparagraphs to read:

7 (X) receipts of the Department of Community and Economic
8 Development under AS 08.01.065(a), (c), and (f);

9 (Y) receipts from the seafood marketing assessment under
10 AS 16.51.120 - 16.51.170, the salmon marketing tax under AS 43.76.110 -
11 43.76.130, and other receipts of the Alaska Seafood Marketing Institute;

12 (Z) the administrative cost charge under AS 44.33.113 for the
13 state's role in the federal community development quota program;

14 (AA) dive fishery management assessment receipts

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- 1 (AS 43.76.150);
- 2 (BB) process service fees collected by the Department of Public
- 3 Safety;
- 4 (CC) Alaska Commercial Fisheries Entry Commission under
- 5 AS 16.05.490, 16.05.530, and AS 16.43;
- 6 (DD) receipts of the Alaska Vocational Technical Center;
- 7 (EE) Alaska Pioneers' Home care and support receipts under
- 8 AS 47.55.030;
- 9 (FF) receipts of the Department of Transportation and Public
- 10 Facilities from tolls charged for use of the Whittier Tunnel;
- 11 (GG) receipts of the Department of Community and Economic
- 12 Development, division of insurance, from license fees and fees for services;
- 13 (HH) receipts of the division of the Department of Community
- 14 and Economic Development that regulates banking, securities, and corporations;
- 15 (II) receipts of the Department of Corrections from the
- 16 electronic prisoner monitoring program under AS 33.30.065(d);
- 17 (JJ) receipts of the Department of Corrections from the
- 18 operation of community residential centers;
- 19 (KK) receipts of the Alaska Police Standards Council;
- 20 (LL) receipts of the Department of Public Safety from fees for
- 21 fire and life safety plan checks under AS 18.70.080(b);
- 22 (MM) receipts of the Department of Transportation and Public
- 23 Facilities from the measurement standards and commercial vehicle enforcement
- 24 program;
- 25 (NN) receipts of the Department of Education and Early
- 26 Development for teacher certification under AS 14.20.020;
- 27 (OO) receipts of the Professional Teaching Practices
- 28 Commission from professional certification fees;
- 29 (PP) receipts of the Department of Health and Social Services,
- 30 Bureau of Vital Statistics;
- 31 (QQ) receipts of the Department of Corrections from the inmate

1 telephone system;

2 (RR) receipts of the Department of Public Safety from the
3 Alaska automated fingerprint system under AS 44.41.025(b);

4 (SS) receipts of the Department of Administration from the boat
5 registration program under AS 05.25.096;

6 * Sec. 2. AS 43.76.190(d) is amended to read:

7 (d) The dive fishery management assessment collected under this section shall
8 be deposited in the state treasury. Under AS 37.05.146(b), assessment receipts
9 shall be accounted for separately, and appropriations from the account are not
10 made from the unrestricted general fund [GENERAL FUND].

11 * Sec. 3. AS 43.76.200(a) is amended to read:

12 (a) The legislature may make appropriations of revenue collected under
13 AS 43.76.190 to the Department of Fish and Game for funding of the qualified
14 regional dive fishery development association in the administrative area in which the
15 assessment was collected. Appropriations under this section are not made from
16 the unrestricted general fund. Funds received under this section by a qualified
17 regional dive fishery development association may be expended in accordance with the
18 annual operating plan developed under (b) of this section.

19 * Sec. 4. AS 44.33 is amended by adding a new section to read:

20 **Sec. 44.33.113. Charges for community development quota program.** (a)

21 If the governor delegates duties as described in AS 44.33.020(11) to the department,
22 the department shall determine and assess an annual administrative cost charge for the
23 administration of the state's role in the federal community development quota program.
24 The department shall by regulation establish the method for implementing the charge
25 in accordance with the provisions of this section. The department shall assess the
26 charges on community development quota groups with approved community
27 development plans for the fiscal year for which the charge is applicable. The
28 community development quota group shall pay the charge.

29 (b) The administrative cost charge under this section for a CDQ group shall
30 be determined by the department no later than the June 30 immediately preceding the
31 start of the applicable fiscal year. The department shall promptly notify the CDQ

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1 group of the amount of the charge. The CDQ group shall pay the charge no later than
2 45 days after the department provides notice to the CDQ group of the amount of the
3 charge.

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

7 (1) appropriations from sources of program receipts under
8 AS 37.05.146(b) not collected under this section; and

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

10 (d) Fifty percent of the aggregate total of administrative cost charges assessed
11 on all CDQ groups for a fiscal year shall be recovered through the standard portion of
12 the charges and 50 percent of the aggregate total shall be recovered through the
13 variable portion of the charges. The administrative cost charge assessed on a CDQ
14 group for a fiscal year shall consist of a standard portion and a variable portion. The
15 CDQ group's standard portion is calculated by dividing the aggregate total amount to
16 be recovered through this portion by the number of CDQ groups to be assessed a
17 charge. The CDQ group's variable portion is calculated by multiplying the aggregate
18 total amount to be recovered through this portion by a percentage that represents the
19 ratio of the value of the CDQ group's fisheries resource quota allocation to the total
20 value of fisheries resources allocated under the CDQ program for the applicable year.

21 (e) Notwithstanding any contrary provision of this section, the department may
22 adjust the variable portion of the administrative cost charge for a fiscal year to one or
23 more CDQ groups if the department finds that an inequitable result will occur absent
24 the adjustment, but the aggregate total of the charges to be paid by all CDQ groups
25 after the adjustment must equal the amount originally calculated for that fiscal year
26 under (c) of this section.

27 (f) The department may not assess or collect administrative charges under this
28 section from new CDQ groups representing communities that are not eligible for the
29 CDQ program on June 30, 2000, for a period of two years from the actual award of
30 a fisheries quota to that newly formed CDQ group.

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(b), 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(11) or for any other public purpose.

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

14 (i) The department may adopt regulations under AS 44.62 (Administrative
15 Procedure Act) to interpret or implement its duties under this section.

16 (j) In this section,

17 (1) "CDQ group" or "community development quota group" means an
18 applicant under 16 U.S.C. 1855(i), or a successor program, with an approved
19 community development plan;

20 (2) "CDQ program" or "community development quota program" means
21 the federal community development quota program established under 16 U.S.C.
22 1855(i), or a successor federal program approved by the United States Secretary of
23 Commerce;

24 (3) "fiscal year" has the meaning given in AS 37.05.920;

25 (4) "value" has the meaning given in AS 43.75.290.

26 * Sec. 5. The uncoded law of the State of Alaska is amended by adding a new section
27 to read:

28 APPLICABILITY. This Act applies to administrative cost charges under
29 AS 44.33.113, enacted by sec. 4 of this Act, applicable for state fiscal years beginning on or
30 after July 1, 2000.

31 * Sec. 6. The uncoded law of the State of Alaska is amended by adding a new section

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1 to read:

2 **TRANSITION: REGULATIONS.** The Department of Community and Economic
3 Development may proceed to adopt regulations necessary to interpret or implement sec. 4 of
4 this Act. Regulations to interpret or implement a provision of sec. 4 of this Act take effect
5 under AS 44.62 (Administrative Procedure Act), but not before the effective date of sec. 4 of
6 this Act.

7 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 **CONDITIONAL EFFECT.** AS 37.05.146(b)(4)(SS), added by sec. 1 of this Act, takes
10 effect only if a version of HB 108, or a substantially similar bill providing for fees for the
11 registration of boats, is passed by the Twenty-First Alaska State Legislature and enacted into
12 law.

13 * **Sec. 8.** AS 37.05.146(b)(4)(X), added by sec. 1 of this Act, and sec. 6 of this Act take
14 effect immediately under AS 01.10.070(c).

15 * **Sec. 9.** Section 1, except as otherwise provided by this Act, and secs. 4 and 5 of this Act
16 take effect June 30, 2000.

17 * **Sec. 10.** Sections 2 and 3 of this Act take effect July 1, 2000.