

CS FOR HOUSE BILL NO. 418(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 4/11/00

Referred: Today's Calendar

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

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

1 (AS 43.76.150);

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

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

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

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

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

16 **Sec. 44.33.113. Charges for community development quota program.** (a)
17 If the governor delegates duties as described in AS 44.33.020(11) to the department,
18 the department shall determine and assess an annual administrative cost charge for the
19 administration of the state's role in the federal community development quota program.
20 The department shall by regulation establish the method for implementing the charge
21 in accordance with the provisions of this section. The department shall assess the
22 charges on community development quota groups with approved community
23 development plans for the fiscal year for which the charge is applicable. The
24 community development quota group shall pay the charge.

25 (b) The administrative cost charge under this section for a CDQ group shall
26 be determined by the department no later than the June 30 immediately preceding the
27 start of the applicable fiscal year. The department shall promptly notify the CDQ
28 group of the amount of the charge. The CDQ group shall pay the charge no later than
29 45 days after the department provides notice to the CDQ group of the amount of the
30 charge.

31 (c) The aggregate total of administrative cost charges to all CDQ groups for

1 a fiscal year shall approximately equal, but may not exceed, the appropriations
2 authorized for that fiscal year for the state's role under AS 44.33.020(11), less

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

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

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

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

23 (f) The department shall collect and enforce the administrative cost charge
24 assessed under this section. The receipts from the charge assessed under this section
25 shall be deposited in the community development quota program account in the state
26 treasury. Under AS 37.05.146(b), receipts from charges collected under this section
27 shall be accounted for separately, and appropriations from the account are not made
28 from the unrestricted general fund. The legislature may appropriate money from the
29 community development quota program account for expenditures by the department
30 for necessary costs incurred by the department in implementing any assigned role
31 under AS 44.33.020(11) or for any other public purpose.

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

6 (h) The department may adopt regulations under AS 44.62 (Administrative
 7 Procedure Act) to interpret or implement its duties under this section.

8 (i) In this section,

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

12 (2) "CDQ program" or "community development quota program" means
 13 the federal community development quota program established under 16 U.S.C.
 14 1855(i), or a successor federal program approved by the United States Secretary of
 15 Commerce;

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

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

18 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section
 19 to read:

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

23 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section
 24 to read:

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

30 * **Sec. 7.** AS 37.05.146(b)(4)(X), added by sec. 1 of this Act, and sec. 6 of this Act take
 31 effect immediately under AS 01.10.070(c).

- 1 * **Sec. 8.** Section 1, except as otherwise provided by this Act, and secs. 4 and 5 of this Act
2 take effect June 30, 2000.
- 3 * **Sec. 9.** Sections 2 and 3 of this Act take effect July 1, 2000.