

**SENATE BILL NO. 328**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY SENATOR STEDMAN**

**Introduced: 2/13/04**

**Referred: Community and Regional Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the national forest income program in the Department of**  
2 **Community and Economic Development and to the authority of the department to adopt**  
3 **regulations; and providing for an effective date."**

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

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

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

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

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

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

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

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

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

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

25 (g) The department shall collect and enforce the administrative cost charge  
26 assessed under this section. The receipts from the charge assessed under this section  
27 shall be deposited in the community development quota program account in the state  
28 treasury. Under AS 37.05.146(c), receipts from charges collected under this section  
29 shall be accounted for separately, and appropriations from the account are not made  
30 from the unrestricted general fund. The legislature may appropriate money from the  
31 community development quota program account for expenditures by the department

1 for necessary costs incurred by the department in implementing any assigned role  
2 under AS 44.33.020(a)(11) [AS 44.33.020(11)] or for any other public purpose.

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

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

9 \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).