

CS FOR HOUSE BILL NO. 306(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/24/14

Referred: Rules

Sponsor(s): REPRESENTATIVES THOMPSON, Stoltze, Saddler, Chenault, Hawker, Keller, Tammie Wilson, Isaacson, Reinbold, Austerman, Olson, Hughes

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the review and administration of tax credit programs; requiring the**
2 **Department of Revenue to report indirect expenditures; relating to the duties of state**
3 **agencies; requiring the legislative finance division to analyze certain indirect**
4 **expenditures; relating to lapse dates for appropriations for capital projects; repealing**
5 **the insurance tax education credit, the income tax education credit, the veteran**
6 **employment tax credit, the oil or gas producer education credit, the property tax**
7 **education credit, the mining business education credit, the fisheries business education**
8 **credit, the fisheries business tax credit for scholarship contributions, the fisheries**
9 **business salmon product development tax credit, the fisheries business salmon**
10 **utilization tax credit, the fisheries business landing tax credit for scholarship**
11 **contributions, the fisheries resource landing tax credit for the fisheries resource**
12 **harvested under the community development quota, the fisheries resource landing tax**

1 education credit, and the film production tax credit; and providing for an effective
2 date."

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

4 * **Section 1.** AS 21.06.110 is amended to read:

5 **Sec. 21.06.110. Director's annual report.** As early in each calendar year as is
6 reasonably possible, the director shall prepare and deliver an annual report to the
7 commissioner, who shall notify the legislature that the report is available, showing,
8 with respect to the preceding calendar year,

9 (1) a list of the authorized insurers transacting insurance in this state,
10 with a summary of their financial statement as the director considers appropriate;

11 (2) the name of each insurer whose certificate of authority was
12 surrendered, suspended, or revoked during the year and the cause of surrender,
13 suspension, or revocation;

14 (3) the name of each insurer authorized to do business in this state
15 against which delinquency or similar proceedings were instituted and, if against an
16 insurer domiciled in this state, a concise statement of the facts with respect to each
17 proceeding and its present status;

18 (4) a statement in regard to examination of rating organizations,
19 advisory organizations, joint underwriters, and joint reinsurers as required by
20 AS 21.39.120;

21 (5) the receipt and expenses of the division for the year;

22 (6) recommendations of the director as to amendments or
23 supplementation of laws affecting insurance or the office of director;

24 (7) statistical information regarding health insurance, including the
25 number of individual and group policies sold or terminated in the state; this paragraph
26 does not authorize the director to require an insurer to release proprietary information;

27 (8) the annual percentage of health claims paid in the state that meets
28 the requirements of AS 21.36.495(a) and (d);

29 (9) the total amount of contributions reported and the total amount of
30 credit claimed under AS 21.96.075 [AS 21.96.070 AND 21.96.075]; and

1 (10) other pertinent information and matters the director considers
2 proper.

3 * **Sec. 2.** AS 21.09.210(j) is amended to read:

4 (j) The provisions of **AS 21.96.075** [AS 21.96.070 AND 21.96.075] apply to a
5 taxpayer who is required to pay a tax due under this section.

6 * **Sec. 3.** AS 24.20.231 is amended to read:

7 **Sec. 24.20.231. Duties.** The legislative finance division shall

8 (1) analyze the budget and appropriation requests of each department,
9 institution, bureau, board, commission, or other agency of state government;

10 (2) analyze the revenue requirements of the state;

11 (3) provide the finance committees of the legislature with
12 comprehensive budget review and fiscal analysis services;

13 (4) cooperate with the office of management and budget in establishing
14 a comprehensive system for state budgeting and financial management as set out in
15 AS 37.07 (Executive Budget Act);

16 (5) complete studies and prepare reports, memoranda, or other
17 materials as directed by the Legislative Budget and Audit Committee;

18 (6) with the governor's permission, designate the legislative fiscal
19 analyst to serve ex officio on the governor's budget review committee; [AND]

20 (7) identify the actual reduction in state expenditures in the first fiscal
21 year following a review under AS 44.66.040 resulting from that review and inform the
22 Legislative Budget and Audit Committee of the amount of the reduction; **and**

23 **(8) not later than the first legislative day of each first regular**
24 **session of each legislature, conduct a review in accordance with AS 24.20.235 of**
25 **the report provided to the division under AS 43.05.095.**

26 * **Sec. 4.** AS 24.20 is amended by adding a new section to read:

27 **Sec. 24.20.235. Indirect expenditure report.** (a) Every two years, the
28 legislative finance division shall deliver to the chair of the finance committee in each
29 house of the legislature a report analyzing the indirect expenditure report created
30 under AS 43.05.095 for the appropriate agencies listed in this subsection. The first
31 review shall occur in the calendar year set out after each agency's name, as follows,

1 and subsequent reviews of each agency shall occur every six years:

2 (1) Department of Commerce, Community, and Economic
3 Development, 2015;

4 (2) Department of Fish and Game, 2015;

5 (3) Department of Health and Social Services, 2015;

6 (4) Department of Labor and Workforce Development, 2015;

7 (5) Department of Revenue, 2015;

8 (6) Alaska Court System, 2017;

9 (7) Department of Administration, 2017;

10 (8) Department of Education and Early Development, 2017;

11 (9) Department of Environmental Conservation, 2017;

12 (10) Department of Natural Resources, 2017;

13 (11) Department of Transportation and Public Facilities, 2017;

14 (12) all remaining agencies, 2019.

15 (b) The report prepared under this section must provide

16 (1) an estimate of the revenue foregone by the state because of the
17 indirect expenditure;

18 (2) an estimate of the monetary benefit of the indirect expenditure to
19 the recipients of the benefit of the indirect expenditure;

20 (3) a determination of whether the legislative intent of the indirect
21 expenditure is being met and, if necessary, a determination of why the legislative
22 intent of the indirect expenditure is not being met;

23 (4) a recommendation as to whether each indirect expenditure should
24 be continued, modified, or terminated, a basis for the recommendation, and the
25 expected effect on the economy of the state if the recommendation is executed; and

26 (5) an explanation of the methodology and assumptions used in
27 preparing the report.

28 * **Sec. 5.** AS 37.05.316 is amended by adding a new subsection to read:

29 (c) An appropriation or allocation for a grant to a named recipient that is not a
30 municipality lapses if substantial, ongoing work on the project has not begun within
31 five years after the effective date of the appropriation or allocation.

1 * **Sec. 6.** AS 37.25.020 is amended to read:

2 **Sec. 37.25.020. Unexpended balances of appropriation for capital projects.**

3 An appropriation made for a capital project is valid for the life of the project and the
 4 unexpended balance shall be carried forward to subsequent fiscal years **if substantial,**
 5 **ongoing work on the project has begun within five years after the effective date of**
 6 **the appropriation.** Between July 1 and August 31 of each fiscal year, a statement
 7 supporting the amount of the unexpended balance required to complete the projects for
 8 which the initial appropriation was made and the amount that may be lapsed shall be
 9 recorded with the Department of Administration.

10 * **Sec. 7.** AS 43.05 is amended by adding a new section to read:

11 **Sec. 43.05.095. Indirect expenditure report.** (a) The commissioner shall, not
 12 later than July 1 before the first regular session of each legislature, submit a report to
 13 the chair of the finance committee of each house of the legislature and to the
 14 legislative finance division that states, for each indirect expenditure made by the state,

15 (1) the name of the indirect expenditure;

16 (2) a brief description of the indirect expenditure;

17 (3) the statutory authority for the indirect expenditure;

18 (4) the date the statute authorizing the indirect expenditure is to be
 19 repealed, if applicable;

20 (5) the intent of the legislature in enacting the statute authorizing the
 21 indirect expenditure;

22 (6) the public purpose served by the indirect expenditure;

23 (7) the estimated annual effect on revenue of the indirect expenditure
 24 for the previous five fiscal years, excluding the fiscal year immediately preceding the
 25 date the report is due;

26 (8) the estimated cost to administer the indirect expenditure, if
 27 applicable;

28 (9) the number of beneficiaries of the indirect expenditure.

29 (b) For purposes of (a) of this section, federal tax credits adopted under
 30 AS 43.20.021 shall be reported in the aggregate.

31 (c) A department, agency, or public corporation of the state shall, upon the

1 request of the commissioner, provide the records, reports, data analysis, or other
 2 information necessary for the commissioner to complete the report required by this
 3 section. The commissioner may enter into a confidentiality agreement if necessary to
 4 obtain information or a record required to prepare the report under this section.

5 (d) In this section, "indirect expenditure" means an express provision of state
 6 law that results in foregone revenue for the state by providing

7 (1) a tax credit or other credit;

8 (2) an exemption, but does not include federal tax exemptions adopted
 9 by reference in AS 43.20.021;

10 (3) a discount;

11 (4) a deduction, but does not include a deduction incurred in the
 12 ordinary course of business used in the calculation of net income for a tax or a royalty
 13 levied under AS 38 or this title;

14 (5) a differential allowance.

15 * **Sec. 8.** AS 43.75.035(e) is amended to read:

16 (e) Qualified investment costs upon which a tax credit is claimed under this
 17 section may not be considered for another tax credit in this title. A tax credit applied
 18 under this section [TOGETHER WITH A TAX CREDIT APPLIED UNDER
 19 AS 43.75.036] may not exceed 50 percent of the taxpayer's tax liability incurred for
 20 the processing of salmon during the tax year.

21 * **Sec. 9.** AS 43.75.035(h) is amended to read:

22 (h) The amount of a tax credit recaptured under (g)(1) - (3) of this section may
 23 not be included in the determination of the amount of that tax credit that is allowable
 24 under this section [OR AS 43.75.036].

25 * **Sec. 10.** AS 43.75.130(f) is amended to read:

26 (f) For purposes of this section, tax revenue collected under AS 43.75.015
 27 from a person entitled to a credit under AS 43.75.035 [, 43.75.036, OR AS 43.98.030]
 28 shall be calculated as if the person's tax were collected without applying the credit; tax
 29 revenue collected does not include the amount of a tax credit recaptured under
 30 AS 43.75.035(g) [OR 43.75.036(g)].

31 * **Sec. 11.** AS 43.77.050(b) is amended to read:

1 (b) The tax collected under this chapter shall be paid into a separate account in
 2 the general fund. The annual balance in the account may be appropriated by the
 3 legislature for revenue sharing under AS 43.77.060. [THE AMOUNT OF ALL TAX
 4 CREDITS APPROVED BY THE COMMISSIONER UNDER AS 43.77.040(b)
 5 SHALL BE DEDUCTED FROM AMOUNTS PAID TO MUNICIPALITIES UNDER
 6 AS 43.77.060(a) - (c).]

7 * **Sec. 12.** AS 43.77.060(e) is amended to read:

8 (e) For purposes of this section, tax revenue collected under AS 43.77.010
 9 from a person entitled to a credit under AS 43.77.045 [AS 43.77.035, 43.77.045, OR
 10 AS 43.98.030] shall be calculated as if the person's tax had been collected without
 11 applying the credits.

12 * **Sec. 13.** AS 24.20.271(12); AS 43.20.048; AS 43.75.032, 43.75.036, 43.75.130(b);
 13 AS 43.77.035; AS 43.98.030; AS 44.25.100, 44.25.105, 44.25.110, 44.25.115, 44.25.120,
 14 44.25.125, 44.25.130, 44.25.135, 44.25.140, 44.25.145, 44.25.150, 44.25.190; and
 15 AS 44.33.231(c) are repealed.

16 * **Sec. 14.** AS 21.66.110(b); AS 21.96.070, 21.96.075(c)(2); AS 43.05.010(15);
 17 AS 43.20.014; AS 43.55.019; AS 43.56.018; AS 43.65.018; AS 43.75.018, 43.75.130(g);
 18 AS 43.77.045, and 43.77.060(e) are repealed.

19 * **Sec. 15.** AS 43.75.035 and 43.75.130(f) are repealed.

20 * **Sec. 16.** AS 43.77.040 is repealed.

21 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
 22 read:

23 TRANSITION. A taxpayer that accrues a credit authorized by a statute repealed by
 24 secs. 13 - 16 of this Act before the effective date of the repeal of the credit under this Act, but
 25 whose tax year ends on or after the effective date of the repeal of the credit under this Act,
 26 may take the tax credit in the tax year the taxpayer accrues the credit, or, if the credit may be
 27 carried forward, the credit may be carried forward in accordance with the statute under which
 28 it was accrued.

29 * **Sec. 18. CONTINGENCY.** The repeal made in sec. 15 of this Act is contingent on
 30 passage by the Twenty-Eighth Alaska State Legislature in the Second Regular Session and
 31 enactment into law of a bill extending the repeal of AS 43.75.035.

- 1 * **Sec. 19.** Sections 8 - 10, 12, and 13 of this Act take effect December 31, 2016.
- 2 * **Sec. 20.** Sections 1, 2, and 14 of this Act take effect December 31, 2018.
- 3 * **Sec. 21.** If sec. 15 of this Act takes effect under sec. 18 of this Act, it takes effect
- 4 December 31, 2020.
- 5 * **Sec. 22.** Sections 11 and 16 of this Act take effect December 31, 2020.
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