

HOUSE BILL NO. 76

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES ORTIZ, Kreiss-Tomkins, Kito, Gara, Josephson

Introduced: 1/25/17

Referred: House Special Committee on Fisheries, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the mariculture revolving loan fund and loans from the fund; and
2 providing for an effective date."

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

4 * **Section 1.** AS 16.10.905 is amended to read:

5 **Sec. 16.10.905. Powers and duties of the department.** The department may

6 (1) make loans to eligible applicants under AS 16.10.900 - 16.10.945

7 for the planning, construction, and operation of a

8 (A) mariculture business; or

9 (B) hatchery that artificially propagates aquatic plants and

10 shellfish for sale to aquatic farms;

11 (2) receive, take, hold, and administer any appropriation, transfer, gift,
12 grant, bequest, devise, or donation of money for the fund;

13 (3) establish amortization plans for repayment of loans, including
14 extensions of the terms of loans;

- 1 (4) allow an assumption of a loan if
- 2 (A) the applicant meets the requirements established under this
- 3 section; and
- 4 (B) approval of the assumption would be consistent with the
- 5 purposes of AS 16.10.900 - 16.10.945;
- 6 (5) establish the rate of interest for loans consistent with law;
- 7 (6) charge and collect fees for services provided under AS 16.10.900 -
- 8 16.10.945;
- 9 (7) adopt regulations under AS 44.62 necessary to carry out the
- 10 provisions of AS 16.10.900 - 16.10.945, including regulations to establish reasonable
- 11 fees for services provided; and
- 12 (8) designate agents and delegate powers as necessary to the agents.

13 * **Sec. 2.** AS 16.10.910(a) is amended to read:

14 (a) For an applicant to be eligible for a loan under AS 16.10.900 - 16.10.945,

15 the applicant shall **be**

16 (1) [BE] a resident of the state **who has**

17 **(A)** [, AS DETERMINED UNDER (c) OF THIS SECTION;

18 (2) HAVE] a permitted mariculture farm location in this state; and

19 **(B)** [(3) HAVE] experience or training in the mariculture

20 industry; **or**

21 **(2) a resident of the state or entity organized under the laws of this**

22 **state that holds a permit under AS 16.40.100 to operate a hatchery for the**

23 **purpose of supplying aquatic plants or shellfish to an aquatic farm.**

24 * **Sec. 3.** AS 16.10.910(c) is amended to read:

25 (c) To meet the residency requirements of (a) of this section, **an individual**

26 [THE] applicant

27 (1) shall physically reside in this state and maintain a domicile in this

28 state during the 24 consecutive months preceding the date of application for the

29 program; and

30 (2) may not have

31 (A) declared or established residency in another state; or

1 (B) received residency or a benefit based on residency from
2 another state.

3 * **Sec. 4.** AS 16.10.915(a) is amended to read:

4 (a) Except as provided in (b) and (c) of this section, a loan under
5 AS 16.10.900 - 16.10.945

6 (1) may not exceed

7 (A) \$100,000 a year **for an applicant under**
8 **AS 16.10.910(a)(1); or**

9 **(B) \$1,000,000 a year for an applicant under**
10 **AS 16.10.910(a)(2);**

11 (2) may not exceed a term of 20 years, except for extensions under
12 AS 16.10.905;

13 (3) may not bear interest at a rate greater than the prime rate, as
14 defined in AS 44.88.599, plus one percentage point, but which may not be less than
15 five percent a year or more than nine percent a year;

16 (4) must be secured by a first priority lien on collateral acceptable to
17 the department; and

18 (5) may not be made to a person who has a past due child support
19 obligation established by court order or by the child support services agency under
20 AS 25.27.160 - 25.27.220 at the time of application.

21 * **Sec. 5.** AS 16.10.915(b) is amended to read:

22 (b) Subsequent loans may be made to a [THE] borrower under

23 **(1) AS 16.10.910(a)(1),** [AS 16.10.910] if the total of the balances
24 outstanding on the loans received by the borrower does not exceed \$300,000; **or**

25 **(2) AS 16.10.910(a)(2), if the total of the balances outstanding on**
26 **the loans received by the borrower does not exceed \$1,000,000.**

27 * **Sec. 6.** AS 16.10.915(c) is amended to read:

28 (c) A loan under AS 16.10.910 may be made for the purchase of boats or
29 vessels determined to be integral to the operation of the farm **or hatchery.**

30 * **Sec. 7.** AS 16.10.915 is amended by adding a new subsection to read:

31 (e) The total of balances outstanding on loans made to borrowers under

1 AS 16.10.910(a)(2) may not exceed 40 percent of the principal of the mariculture
2 revolving loan fund.

3 * **Sec. 8.** AS 16.10.945 is amended by adding a new paragraph to read:

4 (4) "hatchery" has the meaning given in AS 16.40.199.

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