

LEGAL SERVICES

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MEMORANDUM

May 21, 2018

SUBJECT: CCS HB 285 - Manifest Error
(Work Order No. 30-GH2566\N.E)

TO: Crystalline Jones
Chief Clerk

FROM: Gerald P. Luckhaupt 
Revisor of Statutes

In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest error in CCS HB 285, which has been corrected in enrolling.

Due to a computer error, sections 4 - 6, dealing with capital appropriations that were approved by the conference committee, were omitted when the "numbers"¹ sections of the bill were transmitted by the Division of Legislative Finance to the Division of Legal and Research Services to be merged with the "language"² sections. As a result, when the final conference committee substitute was created, these sections were erroneously omitted. The error is manifest because

(1) the conference committee report and other public documents from the conference committee reflect that the conference committee adopted six capital budget items, one from the senate approved budget and five from the house approved budget (*see*, e.g., April 17, 2018 Conference Committee Motion Sheet, p. 6); these items were all included in the mental health budget introduced by the governor (HB 285);

(2) Representative Seaton explained on the floor of the House of Representatives that the conference committee substitute fully funded the six capital projects requested by the governor, and Senator Hoffman explained on the Senate floor that the conference committee substitute included six capital project items requested by the governor and listed the five amounts that were not included in the original senate budget;

(3) both the Senate and the House of Representatives adopted the conference committee substitute;

¹ Prepared by the Division of Legislative Finance.

² Prepared by the Division of Legal and Research Services.

(4) the title of the conference committee substitute provides that it is "making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program"; the only capital expenses are in secs. 4 - 6;

(5) the numbering of the bill skips from sec. 4 to sec. 7;

(6) the final line of sec. 3 states that sec. 4 begins on the next page (p. 11, line 15, CCS HB 285); instead the next page begins with sec. 7.

Based upon the foregoing, I have determined that the printed version of CCS HB 285 does not accurately reflect legislative action, is unquestionably inaccurate, and that nothing in the record suggests that the failure to include secs. 4 - 6 was intentional.

For all of these reasons, CCS HB 285 was corrected by the addition of secs. 4 - 6, as set out below:

Page 12, before line 1:

Insert new bill sections to read:

"* **Sec. 4.** The following appropriation items are for capital projects and grants from the general fund or other funds as set out in section 5 of this Act by funding source to the agencies named for the purposes expressed and lapse under AS 37.25.020, unless otherwise noted.

	Appropriation	General	Other
Allocations	Items	Funds	Funds
* * * * *	* * * * *		
* * * * * Department of Health and Social Services * * * * *			
* * * * *	* * * * *		
MH Essential Program Equipment (HD 1-40)	500,000	250,000	250,000
MH Home Modification and Upgrades to Retain Housing (HD 1-40)	1,050,000	750,000	300,000
* * * * *	* * * * *		
* * * * * Department of Revenue * * * * *			
* * * * *	* * * * *		
Alaska Housing Finance Corporation			
MH: AHFC Beneficiary and Special Needs Housing (HD 1-40)	1,700,000	1,500,000	200,000
MH: AHFC Homeless Assistance Program	7,800,000	6,850,000	950,000

(HD 1-40)
 MH: Housing - Grant 604 Department of Corrections Discharge Incentive Grants

	100,000	100,000
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(HD 1-40)

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MH Coordinated Transportation and Vehicles (HD 1-40)	1,300,000	1,000,000	300,000
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(SECTION 5 OF THIS ACT BEGINS ON THE NEXT PAGE)

* **Sec. 5.** The following sets out the funding by agency for the appropriations made in sec. 4 of this Act.

Funding Source		Amount
Department of Health and Social Services		
1092 Mental Health Trust Authority Authorized Receipts		550,000
1139 Alaska Housing Finance Corporation Dividend		1,000,000
*** Total Agency Funding ***		1,550,000
Department of Revenue		
1092 Mental Health Trust Authority Authorized Receipts		1,250,000
1139 Alaska Housing Finance Corporation Dividend		8,350,000
*** Total Agency Funding ***		9,600,000
Department of Transportation and Public Facilities		
1092 Mental Health Trust Authority Authorized Receipts		300,000
1139 Alaska Housing Finance Corporation Dividend		1,000,000
*** Total Agency Funding ***		1,300,000
* * * * * Total Budget * * * * *		12,450,000

(SECTION 6 OF THIS ACT BEGINS ON THE NEXT PAGE)

* **Sec. 6.** The following sets out the statewide funding for the appropriations made in sec. 4 of this Act.

Funding Source		Amount
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Unrestricted General

1139 Alaska Housing Finance Corporation Dividend	10,350,000
*** Total Unrestricted General ***	10,350,000

Other Non-Duplicated

1092 Mental Health Trust Authority Authorized Receipts	2,100,000
*** Total Other Non-Duplicated ***	2,100,000

(SECTION 7 OF THIS ACT BEGINS ON THE NEXT PAGE)"

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