

Introduced: 2/25/83  
Referred: Finance

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

SENATE BILL NO. 152

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act merging the division of budget and management, the division of policy development and planning, and the latter's office of coastal management into one office; and providing for an effective date."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. PURPOSE AND INTENT. (a) It is the purpose of this Act, in the best interests of efficient administration and state planning, to merge the division of budget and management, the division of policy development and planning, and the latter's office of coastal management, including both capital and operating expenditures, into one office.

(b) It is the intent of the legislature that the powers conferred by this Act be exercised by the executive branch and its agencies, divisions, and departments, in cooperation with the legislature and its committees.

\* Sec. 2. AS 24.20.231(4) is amended to read:

(4) cooperate with the office of management and budget [DIVISION OF BUDGET AND MANAGEMENT] in establishing a comprehensive system for state budgeting and financial management as set out in the Executive Budget Act (AS 37.07);

\* Sec. 3. AS 24.30.035 is amended to read:

Sec. 24.30.035. FISCAL NOTES ON BILLS. Before a bill, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease which

1 would result from enactment of the bill for the ensuing fiscal year  
2 and at least five [TWO] succeeding fiscal years or, if the bill has no  
3 fiscal impact, a statement to that effect shall be attached. The  
4 fiscal note or statement shall be prepared by the office of management  
5 and budget in conformity with the format adopted by the legislature  
6 [DEPARTMENT OR DEPARTMENTS AFFECTED]. If the bill is presented by the  
7 governor for introduction in accordance with AS 24.30.060(b) and the  
8 uniform rules of the legislature, the fiscal note or statement shall  
9 be attached to the bill before the bill is introduced. An amendment  
10 or a substitute bill proposed by a committee of referral that changes  
11 the fiscal impact of a bill shall be explained in a revised fiscal  
12 note or statement attached to the bill. A fiscal note prepared by a  
13 department or agency is considered to be approved by the office of  
14 management and budget if not objected to by the office of management  
15 and budget within five days after it is submitted to the committee of  
16 first referral.

17 \* Sec. 4. AS 37.07.040 is amended to read:

18 Sec. 37.07.040. OFFICE OF MANAGEMENT AND BUDGET [DIVISION OF  
19 BUDGET AND MANAGEMENT]. The Alaska office of management and budget  
20 [BUDGET AND MANAGEMENT DIVISION] shall

21 (1) assist the governor in the preparation and explanation  
22 of the proposed comprehensive program and financial plan, including  
23 the coordination and analysis of state agency goals and objectives,  
24 plans, and budget requests;

25 (2) prepare for submission to the governor an annually up-  
26 dated six-year capital improvements program and the proposed capital  
27 improvements budget for the coming fiscal year, the latter to include  
28 individual project justification with documentation of estimated proj-  
29 ect cost;

1           (3) develop procedures to produce the information needed  
2 for effective policy decision making, including procedures to provide  
3 for the dissemination of information about plans, programs, and budget  
4 requests to be included in the annual budget and opportunity for pub-  
5 lic review and comment during the period of budget preparation;

6           (4) assist state agencies in their statement of goals and  
7 objectives, preparation of plans, budget requests, and reporting of  
8 program performance; all documents forwarded by the office [DIVISION]  
9 to a state agency containing instructions for the preparation of pro-  
10 gram plans and budget requests and the reporting of program perfor-  
11 mance are public information after the date they are forwarded;

12           (5) administer its responsibilities under the program exe-  
13 cution provisions of this chapter so that the policy decisions and  
14 budget determinations of the governor and the legislature are imple-  
15 mented;

16           (6) provide the legislative finance division with the bud-  
17 get information it may request;

18           (7) provide the legislative finance division with an ad-  
19 vance copy of the governor's budget workbooks by the first Monday in  
20 January of each year, except that following a gubernatorial election  
21 year the advance copy shall be provided by the second Monday in Janu-  
22 ary.

23 \* Sec. 5. AS 37.07.080(b) is amended to read:

24           (b) Each state agency shall prepare an annual plan for the  
25 operation of each of its assigned programs except for programs that  
26 are exempted from this requirement by the office [DIVISION]. The  
27 operations plan shall be prepared in the form and content and be  
28 transmitted on the date prescribed by the office [DIVISION].

29 \* Sec. 6. AS 37.07.080(c) is amended to read:

1 (c) The office [DIVISION] shall

2 (1) review each operations plan to determine that it is  
3 consistent with the policy decisions of the governor and appropria-  
4 tions by the legislature, that it reflects proper planning and effi-  
5 cient management methods, that appropriations have been made for the  
6 planned purpose and will not be exhausted before the end of the fiscal  
7 year;

8 (2) approve the operations plan if satisfied that it meets  
9 the requirements under (1) of this subsection; otherwise, the office  
10 [DIVISION] shall require revision of the operations plan in whole or  
11 in part;

12 (3) Repealed by sec. 1 ch 26 SLA 1976.

13 \* Sec. 7. AS 37.07.080(e) is amended to read:

14 (e) Transfers or changes between objects of expenditures or be-  
15 tween allocations may be made by the head of a state agency upon ap-  
16 proval of the office [DIVISION]. No transfers may be made between ap-  
17 propriations except as provided in an act making the transfers between  
18 appropriations.

19 \* Sec. 8. AS 37.07.080(f) is amended to read:

20 (f) The office [DIVISION] shall report quarterly to the governor  
21 and the legislature on the operations of each state agency, relating  
22 actual accomplishments to those planned and modifying, if necessary,  
23 the operations plan of any agency for the balance of the fiscal year.

24 \* Sec. 9. AS 37.07.120 is amended by adding a new paragraph to read:

25 (6) "office" means the Alaska office of management and  
26 budget established in the Office of the Governor by AS 44.19.141.

27 \* Sec. 10. AS 44.19.141 is amended to read:

28 ARTICLE 12. OFFICE OF MANAGEMENT AND BUDGET [DIVISION  
29 OF POLICY DEVELOPMENT AND PLANNING].

1           Sec. 44.19.141. ALASKA OFFICE OF MANAGEMENT AND BUDGET [DIVISION  
2 OF POLICY DEVELOPMENT AND PLANNING]. There is in the Office of the  
3 Governor the Alaska office of management and budget [DIVISION OF  
4 POLICY DEVELOPMENT AND PLANNING].

5 \* Sec. 11. AS 44.19.142 is amended to read:

6           Sec. 44.19.142. DIRECTOR. The office of management and budget  
7 [DIVISION OF POLICY DEVELOPMENT AND PLANNING] is administered by a di-  
8 rector who is appointed by, and serves at the pleasure of, the gover-  
9 nor.

10 \* Sec. 12. AS 44.19.143 is amended to read:

11           Sec. 44.19.143. PERSONNEL. The director shall employ such per-  
12 sonnel as may be necessary to carry out the provisions of AS 44.19.-  
13 141 - 44.19.152 and the relevant provisions of AS 37.07.

14 \* Sec. 13. AS 44.19.144(a) is amended to read:

15           (a) The director shall  
16               (1) supervise and administer the activities of the office  
17 [DIVISION];  
18               (2) advise the governor on matters of comprehensive state  
19 planning;  
20               (3) make an annual report to the governor of the activities  
21 of the office [DIVISION].

22 \* Sec. 14. AS 44.19.144(b)(3) is amended to read:

23           (3) on behalf of the state, accept and expend any gifts or  
24 grants made to the state with the approval of the governor where such  
25 gifts or grants were made for the purposes of furthering the objec-  
26 tives of the office [DIVISION].

27 \* Sec. 15. AS 44.19.145 is amended to read:

28           Sec. 44.19.145. FUNCTIONS AND DUTIES OF THE OFFICE [DIVISION].  
29           (a) The office [DIVISION] shall

1           (1) provide technical assistance to the governor and the  
2 legislature in identifying long range goals and objectives for the  
3 state and its political subdivisions;

4           (2) prepare and maintain a state comprehensive development  
5 plan;

6           (3) provide information and assistance to state agencies to  
7 aid in governmental coordination and unity in the preparation of agen-  
8 cy plans and programs;

9           (4) review planning within state government as may be nec-  
10 essary for receipt of federal, state or other funds;

11           (5) Repealed.

12           (6) participate with other countries, provinces, states or  
13 subdivisions of them [THEREOF] in international or interstate plan-  
14 ning, and assist Alaska's local governments, governmental conferences  
15 and councils, in planning and coordinating their activities;

16           (7) Repealed.

17           (8) encourage educational and research programs that fur-  
18 ther state planning and development, and provide administrative and  
19 technical services for them;

20           (9) publish such statistical information or other documen-  
21 tary material as will further the provisions and intent of AS 44.19.-  
22 141 - 44.19.152;

23           (10) assist the governor and the Department of Community and  
24 Regional Affairs in coordinating the activities of state agencies  
25 which have an impact on the solution of local and regional development  
26 problems;

27           (11) serve as a clearinghouse for information, data, and  
28 other materials which may be helpful or necessary to federal, state or  
29 local governmental agencies in discharging their respective respon-

1 sibilities or in obtaining federal or state financial or technical as-  
2 sistance;

3 (12) review all proposals for the location of capital im-  
4 provements by any state agency and advise and make recommendations  
5 concerning location of these capital improvements;

6 (13) review and comment on federal consistency determina-  
7 tions and certifications authorized by sec. 307 of the Coastal Zone  
8 Management Act of 1972, as amended, 16 U.S.C. sec. 1456, and the state  
9 coastal management program.

10 (b) The office [DIVISION] shall, in carrying out its functions,  
11 consult with local, regional, state and federal officials, private  
12 groups and individuals, and with officials[,] of other countries,  
13 provinces and states, and may hold public hearings to obtain informa-  
14 tion for the purpose of carrying out the provisions of AS 44.19.141 -  
15 44.19.152.

16 (c) The governor may establish coordinating or advisory planning  
17 groups.

18 (d) The office [DIVISION] shall

19 (1) coordinate its services and activities with those of  
20 other state departments and agencies to the fullest extent possible to  
21 avoid duplication;

22 (2) prepare an integrated annual report on the long-range  
23 development program of the state and submit it to the governor for in-  
24 corporation into the governor's [HIS] report to the legislature;

25 (3) cooperate with the University of Alaska and other ap-  
26 propriate public and private institutions in research and investiga-  
27 tions.

28 \* Sec. 16. AS 44.19.152 is amended to read:

29 Sec. 44.19.152. DEFINITIONS. In AS 44.19.141 - 44.19.152,

1 (1) ["DIVISION" MEANS THE DIVISION OF POLICY DEVELOPMENT  
2 AND PLANNING;]

3 (2) "director" means the director of the office of manage-  
4 ment and budget; [DIVISION OF POLICY DEVELOPMENT AND PLANNING.]

5 (3) "office" means the Alaska office of management and bud-  
6 get.

7 \* Sec. 17. AS 44.19.155(a)(2)(A) is amended to read:

8 (A) the director of the office of management and bud-  
9 get [DIVISION OF POLICY DEVELOPMENT AND PLANNING];

10 \* Sec. 18. AS 44.19.155(d) is amended to read:

11 (d) Each member of the council shall select one person to serve  
12 as a permanent alternate at meetings of the council. If a member of  
13 the council is unable to attend, the member [HE] shall advise the  
14 alternate who may attend and act in the place of the member. The  
15 alternate for a public member appointed after July 9, 1978 under  
16 (a)(1) of this section shall, at the time of the attendant's [HIS]  
17 designation and throughout the period of [HIS] service as a permanent  
18 alternate, be the mayor or member of the assembly or council of a  
19 municipality within the region from which the permanent member is  
20 appointed. The alternate for the director of the office of management  
21 and budget, serving under (a)(2)(A) of this section, shall be the  
22 director's designee within that office. The alternate for a designat-  
23 ed member serving under (a)(2)(B) - (G) of this section shall be a  
24 deputy commissioner of the department or the director of a division in  
25 the department. The names of alternates shall be filed with the  
26 council.

27 \* Sec. 19. AS 44.19.162 is amended to read:

28 Sec. 44.19.162. COUNCIL STAFF. The council shall use [UTILIZE]  
29 the staff of the office of coastal management within the office of

1        management and budget [DIVISION OF POLICY DEVELOPMENT AND PLANNING] in  
2        discharging its powers and duties. The coordinator of the office of  
3        coastal management, under the direction of the council co-chair who is  
4        selected from among the members designated in AS 44.19.155(a)(2) [,  
5        WITH THE CONCURRENCE OF THE COUNCIL], may contract with or employ per-  
6        sonnel or consultants the coordinator [HE] considers necessary to car-  
7        ry out the powers and duties of the council.

8        \* Sec. 20. AS 44.83.030(2) is amended to read:

9                        (2) the director of the office of [DIVISION OF BUDGET AND]  
10        management and budget, or the director's designee within that office,  
11        and three commissioners of principal executive departments appointed  
12        by the governor.

13        \* Sec. 21. TRANSITION. All litigation, hearings, investigations and  
14        other proceedings pending under a law amended or repealed by this Act, or  
15        in connection with functions transferred by this Act, continue in effect  
16        and may be continued and completed notwithstanding a transfer or amendment  
17        or repeal provided for in this Act. Certificates, orders, and regulations  
18        issued or adopted under authority of a law amended or repealed by this Act  
19        remain in effect for the term issued, or until revoked, vacated, or other-  
20        wise modified under the provisions of this Act. All contracts, rights,  
21        liabilities, and obligations created by or under a law amended or repealed  
22        by this Act, and in effect on the effective date of this Act, remain in  
23        effect notwithstanding this Act's taking effect. Records, equipment, and  
24        other property of agencies of the state whose functions are transferred  
25        under this Act shall be transferred commensurate with the provisions of  
26        this Act.

27        \* Sec. 22. NAME CHANGE. To be consistent with the changes made by this  
28        Act, wherever in the Alaska Statutes and in regulations adopted under those  
29        statutes "division of budget and management" and "division of policy devel-

1 opment and planning," and other terms identifying those divisions, are  
2 used, they must be read as referring to the office of management and bud-  
3 get. Similarly, references to the directors of those divisions must be  
4 read as references to the director of the office of management and budget.  
5 Under AS 01.05.031, the revisor of statutes shall implement this section in  
6 the statutes, and, under AS 44.62.125(b)(6), the regulations attorney shall  
7 implement this section in the administrative regulations.

8 \* Sec. 23. This Act takes effect immediately in accordance with AS 01.-  
9 10.070(c).