

SB

136

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 10, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/16/97

The FINANCE Committee considered:

CSSB 136(FIN) am

CS FOR SENATE BILL NO. 136(FIN) am

BUDGET AND APPROPRIATION BILLS

“An Act relating to state fiscal procedures, to the state budget, to agency performance reports, and to appropriation bills.”

recommends it be replaced with the following committee substitute CS CSSB 136 (FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) yes 3/26/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Herrault</i>	Theoriant	X			
<i>Mark Hanley</i>	Hanley	X			
<i>Don Muller</i>	Muller				X
<i>Vic Kohring</i>	Kohring	X			
<i>Terry Martin</i>	Martin	X			
<i>Carl M. Davis</i>	DAVIS			X	
<i>Ben Grossardt</i>	Grossardt			X	
<i>Paul Moses</i>	MOSES			X	
<i>Arnold Davis</i>	DAVIS			X	
<i>Walt Kelly</i>	Kelly	✓			
<i>Bob Foster</i>	Foster	✗			

CHAIR'S SIGNATURE *Gene Herrault* *Mark Hanley*

FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

No. 1
 Bill Version: 2SSB 136 (FIN)
 (S) Publish Date: 3-26-97

Revision Date _____ Dept. Affected Various
 Title An Act relating to the state budget and to BRU _____
appropriation bills Component _____
 Sponsor Senate Finance Committee
 Requester Senate Finance Committee Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES []						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Desig. Program & Test Fish Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill is not expected to have any fiscal impact.

Prepared by Dan Spencer
 Division Office of Management and Budget
 Approved by for Annalee McConnell
 Agency Director, Office of Management & Budget

Phone 465-4681
 Date 3/19/97
 Date 3/19/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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AMENDMENT 2 failed

OFFERED IN THE HOUSE

TO: CSSB 136(FIN) am

1 Page 2, following line 16:

2 Insert a new bill section to read:

3 "* Sec. 4. AS 36.30.015(e) is amended to read:

4 (e) The board of directors of the Alaska Railroad Corporation and the board
5 of directors of the Alaska Aerospace Development Corporation shall adopt procedures
6 to govern the procurement of supplies, services, professional services, and
7 construction. The procedures must be substantially equivalent to the procedures
8 prescribed in this chapter and in regulations adopted under this chapter.
9 Notwithstanding the other provisions of this subsection, the Alaska Railroad
10 Corporation and the Alaska Aerospace Development Corporation shall comply with
11 AS 36.30.170(b), and, when procuring supplies, services, professional services, or
12 construction contracts related to construction work that the Department of
13 Transportation and Public Facilities authorizes the Alaska Railroad Corporation
14 to perform instead of the Department of Transportation and Public Facilities, the
15 Alaska Railroad Corporation shall use competitive sealed bidding or competitive
16 sealed proposals under AS 36.30.100 - 36.30.270."

17 Renumber the following bill sections accordingly.

CORNERSTONE CONSTRUCTION



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April 14, 1997

The Honorable Senator Sean Parnell
State Capital
Juneau, Alaska 99801-1182

RE: Senate bill 55
Procurement

Dear Senator Parnell,

For many years, the State of Alaska has appropriated tax funds for highway improvements. The state funds were spent in conjunction with federal matching funds. When highway improvements occurred, a project was designed, an advertisement for bids occurred, and a construction contract was awarded for the construction of the improvement. When the highway that was being improved crossed a railroad track, the work involved in the crossing or overpass was defined with technical requirements, and the construction work was included in the contract for the total highway improvement project. The owner of the railroad had input into the technical requirements and their needs were satisfied.

In recent years, when the situation described above occurred, the Department of Transportation has negotiated a force account contract (cost plus) with the Alaska Railroad for railroad work that is associated with a highway improvement. This arrangement results in the following:

- reduces the amount of work that private contractors have available to perform.
- removes tax dollar expenditures from a competitive bid arrangement.
- awards contracts that are paid for with tax dollars on a negotiated cost plus contract.
- allows the Alaska Railroad to define how a portion of their tracks that interface with a highway improvement project can be improved at taxpayer expense.
- allows the Alaska Railroad to define how much the railroad portion of a highway improvement project should cost.
- and then it gives the Alaska Railroad the taxpayers funds to provide the improvements.

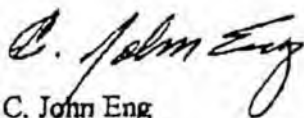
The arrangement that the Department of Transportation and the Alaska Railroad have established puts the Alaska Railroad in the position of determining what is technically required, determining the budget, and then asking the taxpayers to hand over the funds to pay for the improvements. If a person believes, as I do, that a fair and effective manner to award construction contracts for a tax funded project, involves competitive bids that are openly advertised and is a more cost effective way to spend public money than awarding a cost plus contract to a single party by negotiation.

Last year, Senator Drue Pearce added legislation to Senate Bill 215 that would be an effective way to remedy what I believe is a bad practice. During the 1997 legislative session, Senator Pearce has added the same or similar legislation to Senate Bill 55. We encourage everyone to make an attempt to get the legislation passed this year.

During the 1996 legislative session, hearings occurred in the finance committee of the senate, it was determined that the legislation would be revenue neutral, or would reduce the cost to state government. Stephani Szymanski, a member of Drue Pearce's staff, is familiar with the status of the legislation in the senate. When I spoke to you about this matter during your campaign, you expressed some interest in this matter.

If you have questions about this matter, I am available to talk to you or anyone else, at (907) 561-1993. Thank you for your time and help.

Sincerely,



C. John Eng

copy- Stephani Szymanski
file



Alaska State Senate

Senate Finance Committee

Official Business

CSSB 136 (FIN) am **SPONSOR STATEMENT**

April 15, 1997

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

Senate Bill 136 was introduced to clarify current law, making it explicit that the Governor must present all three of his required budget bills on December 15 of each year -- an operating budget bill, a capital budget bill, and a mental health program operating/capital budget bill.

Although current Alaska law requires the Governor to submit his entire budget on December 15, over the years the executive branch has fallen into a bad habit of delaying release of a capital budget several weeks into the legislative session.

Delaying the release of the capital budget hinders the public's ability to review the Governor's proposal and provide input to the Legislature. It also greatly reduces the time the Legislature has to consider the Governor's budget and complete its work within a 120 day session.

CSSB 136 (FIN) also promotes honest budgeting. Piecemealing the budget has led to deceptive budget tactics. For example, on December 16, 1996, Governor Knowles did not submit a capital budget bill but said his cap on general fund spending for capital projects would be \$100 million. When the bill was finally submitted on February 27, 1997, six weeks after the start of the legislative session, it reflected general fund capital expenses of \$113.3 million. It also proposed spending a \$16 million Alaska Industrial Development and Export Authority (AIDEA) dividend on capital projects instead of depositing the money into the general fund as the Governor originally proposed. These capital budget provisions alone, if adopted, would increase the fiscal gap by \$29.3 million.

Unfortunately, the Governor failed to provide the public with a revised summary of his budget proposal reflecting the impact of his capital budget proposal on his total spending plan for FY 98. Had the Governor released his capital budget bill with the rest of his budget bills and budget plan on December 15, the public would have known that he was proposing to increase general fund spending.

In addition, CSSB 136 (FIN) conforms the general budget submission provisions of AS 37.07.020 to the requirement in AS 37.14.003(a) for a separate mental health program bill; ensures that designated grants will be awarded to the named recipient instead of put out for bid; requires each department to report to the legislature by the 45th day of each regular session the amount of current fiscal year appropriations that the department expects to lapse into the general fund at the end of the current fiscal year; allows some information currently required to be included in the capital appropriation bill to be provide as supporting documentation; requires the Governor to submit budget amendments by the 45th legislative day instead of the 60th; and establishes a January 10 deadline for submitting currently required performance reports to the legislature.



Official Business

Alaska State Senate

Senate Finance Committee

CSSB 136 (FIN) am **SECTIONAL ANALYSIS**

April 15, 1997

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

- Sec. 1:** Amends AS 14.11.019 to properly reference the changes to AS 37.07.020 made in section 4.
- Sec. 2:** Amends AS 14.11.100(c) to properly reference the changes to AS 37.07.020 made in section 4.
- Sec. 3:** Amends AS 24.20.140 to properly reference the changes to AS 37.07.020 made in section 4.
- Sec. 4:** Amends AS 37.05.316(a) to delete the provision that allows the Department the prerogative to issue a request for proposal rather than issue a designated grant to the named recipient.
- Sec. 5:** Amends AS 37.07.020(a) making it explicit that the Governor must present all three of the Governor's required budget bills on December 15 of each year -- an operating budget bill, a capital budget bill, and a mental health program operating/capital budget bill.
- Sec. 6:** Amends AS 37.07.020(b) to properly reference the changes to AS 37.07.020 made in section 4.
- Sec. 7:** Amends AS 37.07.040 by adding a new subsection (9) to require each department to report to the legislature by the 45th day of each regular session the amount of current fiscal year appropriations that the department expects to lapse into the general fund at the end of the current fiscal year.
- Sec. 8:** Amends AS 37.07.062(a) to allow some information currently required to be included in the appropriation bill to be provided as supporting documents instead. This will conform the statute to the current practice.
- Sec. 9:** Amends AS 37.07.062(b) to properly reference the changes to AS 37.07.020 made in section 4.
- Sec. 10:** Amends AS 37.07.070(1) to require the Governor to submit budget amendments by the 45th legislative day instead of the 60th day.
- Sec. 11:** Amends AS 37.07.090(b) to establish a January 10 deadline for submitting currently required performance reports to the legislature
- Sec. 12:** Amends AS 47.30.380 to properly reference the changes to AS 37.07.020 made in section 4.

Amended
Pg 4 section 4
Deleted

0-LS0730\B.a

CS FOR SENATE BILL NO. 136(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/9/97
Offered: 3/26/97

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state fiscal procedures, to the state budget, to agency
2 performance reports, and to appropriation bills."

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

4 * Section 1. AS 14.11.019 is amended to read:

5 Sec. 14.11.019. Grant appropriations. Within the [GENERAL] appropriation
6 bill authorizing capital expenditures submitted to the legislature under
7 AS 37.07.020(a)(3) [AS 37.07.020], the governor shall include an appropriation for
8 grants in the succeeding fiscal year as determined by the six-year capital improvement
9 project grant schedule prepared under AS 14.11.013.

10 * Sec. 2. AS 14.11.100(c) is amended to read:

11 (c) The school construction account is established. Funds to carry out the
12 provisions of this section shall be included within the [GENERAL] appropriation bill
13 authorizing capital expenditures submitted to the legislature under
14 AS 37.07.020(a)(3) [AS 37.07.020] and may be appropriated annually by the

1 legislature to the account. If amounts in the account are insufficient for the purpose
 2 of providing the share to which a borough or city is entitled under this section, those
 3 funds that are available shall be distributed pro rata among the eligible municipalities,
 4 [LOCAL GOVERNMENTS] except that the legislature may direct that additional debt
 5 service on refunding bonds that exceeds the total debt service on the refunded bonds
 6 be disregarded in whole or in part.

7 * Sec. 3. AS 24.20.140 is amended to read:

8 **Sec. 24.20.140. Appropriations.** Appropriations for carrying out
 9 AS 24.20.010 - 24.20.140 shall be set out [FORTH] in the [GENERAL] appropriation
 10 bill authorizing operating expenditures submitted to the legislature under
 11 AS 37.07.020(a)(2) or [SUCH] other bills as may be necessary. The council may
 12 direct the executive director to transfer amounts from one appropriation to another if
 13 the transfer is considered necessary to accomplish the work of the council. The
 14 council may not exceed the total amount of the authorized appropriation. All
 15 expenditures of the council are subject to an independent audit that [WHICH] shall
 16 be made annually.

17 * Sec. 4. AS 37.05.316(a) is amended to read:

18 (a) When an amount is appropriated or allocated to a department as a grant
 19 under this section for a named recipient that is not a municipality, the department to
 20 which the appropriation or allocation is made shall promptly notify the named recipient
 21 of the availability of the grant and request the named recipient to submit a proposal
 22 to provide the goods or services specified in the appropriation act for which the
 23 appropriation or allocation is made. [AT THE SAME TIME, THE DEPARTMENT
 24 MAY ISSUE A REQUEST FOR PROPOSALS FROM OTHER QUALIFIED
 25 PERSONS TO PROVIDE THE SAME GOODS OR SERVICES IN THE SAME
 26 AREA. THE DEPARTMENT SHALL AWARD THE GRANT TO THE NAMED
 27 RECIPIENT UNLESS THE OFFICE OF THE GOVERNOR, WITH DUE REGARD
 28 FOR THE LOCAL EXPERTISE OR EXPERIENCE OF THOSE MAKING
 29 PROPOSALS, DETERMINES THAT AN AWARD TO A DIFFERENT PARTY
 30 WOULD BETTER SERVE THE PUBLIC INTEREST. IF THE GRANT IS
 31 AWARDED TO A PARTY OTHER THAN THAT NAMED BY THE

1 ~~LEGISLATURE. THE BASIS OF THAT ACTION SHALL BE STATED IN~~
 2 ~~WRITING AT THE TIME THE GRANT IS ISSUED AND A COPY OF THE~~
 3 ~~WRITTEN STATEMENT SHALL BE SENT TO THE LEGISLATIVE BUDGET~~
 4 ~~AND AUDIT COMMITTEE.] A grant agreement must be executed within 60 days~~
 5 ~~after the effective date of the appropriation or allocation.~~

6 * Sec. 5. AS 37.07.020(a) is amended to read:

7 (a) The governor shall prepare [AND SUBMIT TO THE LEGISLATURE
 8 BEFORE THE FOURTH LEGISLATIVE DAY] a budget for the succeeding fiscal
 9 year that [WHICH] must cover all estimated receipts, including all grants, loans, and
 10 money received from the federal government [,] and all proposed expenditures of the
 11 state government. The budget [SUBMITTED BY THE GOVERNOR] shall be
 12 organized so that the proposed expenditures for each agency are presented separately.
 13 The budget must be accompanied by the following separate bills: (1) an
 14 appropriation bill authorizing the operating and capital expenditures of the state's
 15 integrated comprehensive mental health program under AS 37.14.003(a); (2) an
 16 appropriation bill authorizing state operating expenditures other than those
 17 included in the state's integrated comprehensive mental health program; (3) an
 18 appropriation bill authorizing capital expenditures other than those included in
 19 the state's integrated comprehensive mental health program; and (4) [A
 20 GENERAL APPROPRIATION BILL TO AUTHORIZE THE PROPOSED
 21 EXPENDITURES, AND] a bill or bills covering recommendations, if any, in the
 22 budget for new or additional revenue. The budget for the succeeding fiscal year and
 23 each of the bills [PROPOSED GENERAL APPROPRIATION BILL] shall become
 24 public information on December 15 [OF EACH YEAR] at which time the governor
 25 shall submit copies to the legislature and make copies available to the public. The
 26 bills, identical in content to the copies released on December 15, shall be delivered
 27 to the rules committee of each house before the fourth legislative day of the next
 28 regular session for introduction.

29 * Sec. 6. AS 37.07.020(b) is amended to read:

30 (b) In addition to the budget and bills submitted under (a) of this section
 31 [GENERAL APPROPRIATION BILL], the governor shall submit a capital

1 improvements program and financial plan covering the succeeding six fiscal years.

2 * **Sec. 7.** AS 37.07.040 is amended by adding a new paragraph to read:

3 (9) for each department in the executive branch, report to the legislature
4 by the 45th day of each regular session the amount of money appropriated to the
5 department that is expected to lapse into the general fund at the end of the current
6 fiscal year.

7 * **Sec. 8.** AS 37.07.062(a) is amended to read:

8 (a) Each [THE GENERAL] appropriation bill authorizing capital
9 expenditures required to be submitted to the legislature in AS 37.07.020(a) must be
10 accompanied by documents supporting the expenditures [CONTAIN A SEPARATE
11 SECTION FOR CAPITAL OUTLAYS WHICH IS DIVIDED INTO SUBSECTIONS]
12 for each of the capital projects funds (AS 44.42.080). The documents must list
13 [WHICH LISTS], for each project, the (1) project identification number; (2) project
14 title; (3) source of funding; (4) amount expended on the project during the preceding
15 fiscal year, the amount authorized for the current fiscal year, and the amount proposed
16 to be expended during the succeeding fiscal year; (5) estimated start for construction;
17 (6) schedule of bond elections pertaining to the appropriation, including elections
18 previously held. The total appropriation to each capital projects fund must be reflected
19 in the balance sheet of each fund as of June 30 of each fiscal year.

20 * **Sec. 9.** AS 37.07.062(b) is amended to read:

21 (b) Upon the effective date of each [THE GENERAL] appropriation bill
22 authorizing capital expenditures, the amounts appropriated by the bill for capital
23 outlay shall be paid into the appropriate capital project funds established under
24 AS 44.42.080.

25 * **Sec. 10.** AS 37.07.070 is amended to read:

26 **Sec. 37.07.070. Legislative review.** The legislature shall consider the
27 governor's proposed comprehensive operating and capital improvements programs and
28 financial plans, evaluate alternatives to the plans, make program selections among the
29 various alternatives and determine, subject to available revenues, the level of funding
30 required to support authorized state services. The operating and capital budgets of
31 each agency shall be separately reviewed. During each regular session of the

1 legislature, legislative review of the governor's supplemental appropriation bills and
2 the governor's budget amendments shall be governed by the following time limits:

3 (1) Requests by the governor for supplemental appropriations for state
4 agency operating and capital budgets for the current fiscal year may be introduced by
5 the rules committee only through the 30th legislative day.

6 (2) Requests by the governor for budget amendments to state agency
7 budgets for the budget fiscal year may be received and reviewed by the finance
8 committees only through the 45th [60TH] legislative day.

9 * **Sec. 11.** AS 37.07.090(b) is amended to read:

10 (b) The office shall summarize the performance reports and forward copies to
11 each member of the legislature **by January 10 each year.**

12 * **Sec. 12.** AS 47.30.380 is amended to read:

13 **Sec. 47.30.380. Appropriation authorized.** Funds to carry out AS 47.30.350
14 - 47.30.400 shall be set out in the [GENERAL] appropriation bill **authorizing the**
15 **operating and capital expenditures of the state's integrated comprehensive mental**
16 **health program under AS 37.14.003(a) and submitted to the legislature under**
17 **AS 37.07.020(a)(1).**



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
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Juneau, Alaska 99801-1182

HCS CSSB 136 (FIN) **SPONSOR STATEMENT**

April 16, 1997

Senate Bill 136 was introduced to clarify current law, making it explicit that the Governor must present all three of his required budget bills on December 15 of each year -- an operating budget bill, a capital budget bill, and a mental health program operating/capital budget bill.

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- Sec. 3:** Amends AS 24.20.140 to properly reference the changes to AS 37.07.020 made in section 4.
- Sec. 4:** Amends AS 37.07.020(a) making it explicit that the Governor must present all three of the Governor's required budget bills on December 15 of each year -- an operating budget bill, a capital budget bill, and a mental health program operating/capital budget bill.
- Sec. 5:** Amends AS 37.07.020(b) to properly reference the changes to AS 37.07.020 made in section 4.
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