

LEG. FINANCE - BILLS

1985 - 1986

2426

HB 518 - HB 519

2426

HOUSE
COMMITTEE REPORT

(11)

Date referred: 3/21/86

FURTHER REFERRALS:

DATE: 4-14-86

The FINANCE Committee has considered HB 518

"An Act relating to municipal property taxation; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 518 (C+RA) same title
- new title

and recommends Individual Recommendations

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note 3-13-86 - New

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature] No Recommendation

[Signature] No Rec.

[Signature] No Rec.

[Signature]

Chairman

Offered: 3/21/86
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 518 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to certain municipal property tax
7 exemptions or deferments; and providing for an effective
8 date."

9

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

10

* Section 1. AS 29.45.030(a) is amended to read:

11

(a) The following property is exempt from general taxation:

12

(1) municipal, state, or federally owned property, except
13 that a private leasehold, contract, or other interest in the property
14 is taxable to the extent of the interest;

15

(2) household furniture and personal effects of members of

16

a [OF THE HEAD OF A FAMILY OR] household;

17

(3) property used exclusively for nonprofit religious,
18 charitable, cemetery, hospital, or educational purposes;

19

(4) property of a nonbusiness organization or its auxiliary
20 composed entirely of persons with 90 days or more of active service in
21 the armed forces of the United States whose conditions of service and
22 separation were other than dishonorable;

23

(5) money on deposit;

24

(6) the real property of certain residents of the state to
25 the extent and subject to the conditions provided in (e) of this section;
26

27

(7) real property or an interest in real property that is
28 exempt from taxation under 43 U.S.C. 1620(d), as amended.

29

* Sec. 2. AS 29.45.060(b) is amended to read:

1 (b) An owner of farm use land must, to secure the assessment
2 under this section, apply to the assessor before May 15 of each year
3 in which the assessment is desired. The application must [SHALL] be
4 made upon forms prescribed by the state assessor for the use of the
5 local assessor, and must [SHALL] include information that may rea-
6 sonably be required to determine the entitlement of the applicant. If
7 the land is leased for farm use purposes, the applicant shall furnish
8 to the assessor a copy of the lease bearing the signatures of both
9 lessee and lessor along with the completed application. The applicant
10 shall furnish the assessor a copy of the lease covering the period for
11 which the deferment [EXEMPTION] is requested.

12 * Sec. 3. AS 29.45.060(c) is amended to read:

13 (c) In this section "farm use" means the use of land for profit
14 for raising and harvesting crops, for the feeding, breeding, and man-
15 agement of livestock, for dairying, or another agricultural use, or
16 any combination of these. To be farm use land, the owner or lessee
17 must be actively engaged in farming the land, and derive at least 10
18 percent of yearly gross income from the land. This section does not
19 apply to land for which the owner has granted, and has outstanding, a
20 lease or option to buy the surface rights. A property owner wishing
21 to file for farm use classification having no history of farm-related
22 income may submit a declaration of intent at the time of filing the
23 application with the assessor setting out the intended use of the land
24 and the anticipated percentage of income. An applicant using this
25 procedure shall file with the assessor before February 1 of the fol-
26 lowing year a notarized statement of the percentage of gross income
27 attributable to the land. Failure to make the filing required in this
28 subsection forfeits entitlement to the deferment [THE EXEMPTION].

29 * Sec. 4. This Act takes effect July 1, 1986.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 3/12/86

REQUEST

Bill/Resolution No. CS HB 518 (C&RA)
Title : _____

Sponsor : Rules by request of Governor
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : Community & Regional Affairs
BRU : State Assessor

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Michael W. Worley, State Assessor
Division : Municipal & Regional Assistance

Phone : 465-4750
Date : 3/12/86

Approved by Commissioner : [Signature]
Agency : Community & Regional Affairs

Date : 3/13/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

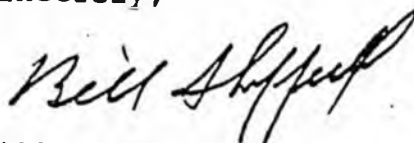
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending provisions of the municipal code pertaining to property taxation, and providing for an effective date of July 1, 1986. The bill adds personal effects of members of a household to the list of property that is exempt from taxation under AS 29.45.030(a). The bill also clarifies AS 29.45.060 to reflect that farm and agricultural land is not exempt from taxation; taxation on the full and true value may only be deferred under that statute.

Until January 1, 1986, AS 29.53.020 provided a mandatory exemption from municipal property tax for "household furniture of the head of a family or a householder not exceeding \$500 in value." AS 29.53.020(a)(2). A municipality had the option of exempting by ordinance "the household furniture over \$500 in value and the effects of the head of a family or a householder." AS 29.53.025(b)(2)(A). It has been commonplace for municipalities to exempt personal effects and household furniture under AS 29.53.025(b)(2)(A). Effective January 1, 1986, the municipal code provides for a mandatory exemption for household furniture, regardless of value (AS 29.45.030(a)(2)), but omits any exemption for the personal effects of anyone in the household. This bill amends AS 29.45.030(a)(2) to add the personal effects of members of a household to the list of exempted property.

COMMITTEE COPY

Under AS 29.45.060, which took effect January 1, 1986 farm and agricultural land may be assessed based on its full and true value for farm use and not as if subdivided or used for some other nonfarm purpose. At any time that the land is used in a manner incompatible with farm use, the municipality can recoup the property taxes lost, plus interest, for the preceding seven years "as though the land had not been assessed for farm use purposes." AS 29.45.060(a). Consequently, the program in AS 29.45.060 is not an exemption program, but more accurately a deferment program. This bill amends a reference to "exemption" in AS 29.45.060 (b) and (c), to reflect the true nature of the program.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield". The signature is written in dark ink and is positioned above the printed name and title.

Bill Sheffield
Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 10, 1986

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

POSITION PAPER

RE: HB 518

SPONSOR: Rules Committee by request of the Governor

Program Effects of Bill

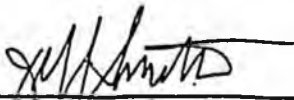
Section One corrects certain wording which was contained in the Title 29 rewrite. Prior to the adoption of the rewrite, household furniture and personal effects across the State were exempted through the operation of two statutes. The first [AS 29.53.020(a)(2)] was required by law, and exempted the first \$500 of household furniture. The second [AS 29.53.025(b)(2)(A)] was an optional exemption which allowed municipalities to exempt the remaining value of the furniture and all the personal effects (rings, clothing, etc.) of the householder. Every taxing municipality in Alaska had adopted that optional exemption.

At the request of assessors across the State, the technical and policy groups of the Title 29 rewrite agreed to combine the two exemptions and make all household furniture and personal effects mandatorily exempt under AS 29.45.030(a)(2). Apparently, the "personal effects" language was inadvertently left out of the rewrite. As a result of that oversight, the current language in law requires municipalities to levy property taxes against all personal effects of the members of a household.

Section Two of the bill corrects certain references to the agricultural land use program. Current law refers to the tax benefit as an "exemption". Section Two changes that reference to the term "deferment", which better describes the operation of the program.

Comments

The Alaska Association of Assessing Officers joins the Department in strongly supporting the passage of HB 518. If the language in Section One of the bill does not pass the Legislature this session, all municipalities which levy a property tax will be required to tax household personal effects beginning January 1, 1987.


Emilio Notti, Commissioner

Offered: 3/21/86
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 518 (C&RA)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to certain municipal property tax
7 exemptions or deferments and providing for an effective
8 date."

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

10 * Section 1. AS 29.45.030(a) is amended to read:

11 (a) The following property is exempt from general taxation:

12 (1) municipal, state, or federally owned property, except
13 that a private leasehold, contract, or other interest in the property
14 is taxable to the extent of the interest;

15 (2) household furniture and personal effects of members of
16 a [OF THE HEAD OF A FAMILY OR] household;

17 (3) property used exclusively for nonprofit religious,
18 charitable, cemetery, hospital, or educational purposes;

19 (4) property of a nonbusiness organization or its auxiliary
20 composed entirely of persons with 90 days or more of active service in
21 the armed forces of the United States whose conditions of service and
22 separation were other than dishonorable;

23 (5) money on deposit;

24 (6) the real property of certain residents of the state to
25 the extent and subject to the conditions provided in (e) of this section;
26

27 (7) real property or an interest in real property that is
28 exempt from taxation under 43 U.S.C. 1620(d), as amended.

29 * Sec. 2. AS 29.45.060(b) is amended to read:

1 (b) An owner of farm use land must, to secure the assessment
2 under this section, apply to the assessor before May 15 of each year
3 in which the assessment is desired. The application must [SHALL] be
4 made upon forms prescribed by the state assessor for the use of the
5 local assessor, and must [SHALL] include information that may rea-
6 sonably be required to determine the entitlement of the applicant. If
7 the land is leased for farm use purposes, the applicant shall furnish
8 to the assessor a copy of the lease bearing the signatures of both
9 lessee and lessor along with the completed application. The applicant
10 shall furnish the assessor a copy of the lease covering the period for
11 which the deferment [EXEMPTION] is requested.

12 * Sec. 3. AS 29.45.060(c) is amended to read:

13 (c) In this section "farm use" means the use of land for profit
14 for raising and harvesting crops, for the feeding, breeding, and man-
15 agement of livestock, for dairying, or another agricultural use, or
16 any combination of these. To be farm use land, the owner or lessee
17 must be actively engaged in farming the land, and derive at least 10
18 percent of yearly gross income from the land. This section does not
19 apply to land for which the owner has granted, and has outstanding, a
20 lease or option to buy the surface rights. A property owner wishing
21 to file for farm use classification having no history of farm-related
22 income may submit a declaration of intent at the time of filing the
23 application with the assessor setting out the intended use of the land
24 and the anticipated percentage of income. An applicant using this
25 procedure shall file with the assessor before February 1 of the fol-
26 lowing year a notarized statement of the percentage of gross income
27 attributable to the land. Failure to make the filing required in this
28 subsection forfeits entitlement to the deferment [THE EXEMPTION].

29 * Sec. 4. This Act takes effect July 1, 1986.

Introduced: 1/27/86
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 518

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal property taxation; and
7 providing for an effective date."

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

9 * Section 1. AS 29.45.030(a) is amended to read:

10 (a) The following property is exempt from general taxation:

11 (1) municipal, state, or federally owned property, except
12 that a private leasehold, contract, or other interest in the property
13 is taxable to the extent of the interest;

14 (2) household furniture and personal effects of members of
15 a [OF THE HEAD OF A FAMILY OR] household;

16 (3) property used exclusively for nonprofit religious,
17 charitable, cemetery, hospital, or educational purposes;

18 (4) property of a nonbusiness organization or its auxiliary
19 composed entirely of persons with 90 days or more of active service in
20 the armed forces of the United States whose conditions of service and
21 separation were other than dishonorable;

22 (5) money on deposit;

23 (6) the real property of certain residents of the state to
24 the extent and subject to the conditions provided in (e) of this sec-
25 tion;

26 (7) real property or an interest in real property that is
27 exempt from taxation under 43 U.S.C. 1620(d), as amended.

28 * Sec. 2. AS 29.45.060(b) is amended to read:

29 (b) An owner of farm use land must, to secure the assessment

1 under this section, apply to the assessor before May 15 of each year
2 in which the assessment is desired. The application must [SHALL] be
3 made upon forms prescribed by the state assessor for the use of the
4 local assessor, and must [SHALL] include information that may rea-
5 sonably be required to determine the entitlement of the applicant. If
6 the land is leased for farm use purposes, the applicant shall furnish
7 to the assessor a copy of the lease bearing the signatures of both
8 lessee and lessor along with the completed application. The applicant
9 shall furnish the assessor a copy of the lease covering the period for
10 which the deferment [EXEMPTION] is requested.

11 * Sec. 3. AS 29.45.060(c) is amended to read:

12 (c) In this section "farm use" means the use of land for profit
13 for raising and harvesting crops, for the feeding, breeding, and man-
14 agement of livestock, for dairying, or another agricultural use, or
15 any combination of these. To be farm use land, the owner or lessee
16 must be actively engaged in farming the land, and derive at least 10
17 percent of yearly gross income from the land. This section does not
18 apply to land for which the owner has granted, and has outstanding, a
19 lease or option to buy the surface rights. A property owner wishing
20 to file for farm use classification having no history of farm-related
21 income may submit a declaration of intent at the time of filing the
22 application with the assessor setting out the intended use of the land
23 and the anticipated percentage of income. An applicant using this
24 procedure shall file with the assessor before February 1 of the fol-
25 lowing year a notarized statement of the percentage of gross income
26 attributable to the land. Failure to make the filing required in this
27 subsection forfeits entitlement to the deferment [THE EXEMPTION].

28 * Sec. 4. This Act takes effect July 1, 1986.

HOUSE
COMMITTEE REPORT

4/8

(7)

Date referred: 3/5/86

FURTHER REFERRALS: FINANCE

DATE: 4/8/86

The JUDICIARY Committee has considered HB 519

"An Act relating to public finance; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation *2 HB 519 (old)*
- replace with Committee substitute same title new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

Some are zero note reports out by phone 1/27

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman

HOUSE
COMMITTEE REPORT

3/5
JUDICIARY

(5)
Date referred: 1/27/86

FURTHER REFERRALS: FINANCE

DATE: 3/4/86

HOUSE SPECIAL COMMITTEE
The ON STATE LOANS Committee has considered HB 519

"An Act relating to public finance; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 519 (Loans) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

 Chairman

Offered: 4/8/86
Referred: Finance

James

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 519 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the financing, leasing, or acqui-
7 sition of facilities, goods, services, or projects;
8 and providing for an effective date."

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

10 * Section 1. AS 14.40.040 is amended to read:

11 Sec. 14.40.040. GENERAL POWERS OF THE UNIVERSITY. There is
12 created and established a corporation to be called the University of
13 Alaska. It may in that name

- 14 (1) sue and be sued;
15 (2) receive and hold real and personal property;
16 (3) contract and be contracted with;
17 (4) adopt, use and alter a corporate seal;
18 (5) borrow money, issue debt, or enter into long-term

19 obligations for the purchase of facilities, goods, or services, which
20 obligations secure, in whole or in part, debt issued by another party,
21 as approved by the state bond committee under AS 37.15.770 and ap-
22 proved by law; an appropriation does not constitute approval by law
23 for purposes of this paragraph;

24 (6) do and have done all matters necessary for the purpose
25 of any function set out [FORTH] in this chapter.

26 * Sec. 2. AS 14.40 is amended by adding a new section to read:

27 Sec. 14.40.255. LEASE-FINANCING. The Board of Regents may enter
28 into lease-financing agreements only with the Alaska State Housing
29 Authority acting as the Alaska State Building Authority. A lease-

1 financing agreement must provide that lease payments are subject to
2 annual appropriation. If the board intends to enter into an agreement
3 under this subsection, the board shall provide notice to the legisla-
4 ture and to the state bond committee. The notice must include the
5 anticipated annual lease payment, the anticipated principal amount of
6 the debt to be issued by the Alaska State Housing Authority acting as
7 the Alaska State Building Authority, and the anticipated total con-
8 struction or acquisition cost of the project. The board may not enter
9 into an agreement under this section unless the public building to be
10 provided has been approved by law. An appropriation for the project
11 does not constitute approval by law for purposes of this section.

12 * Sec. 3. AS 18.55.100(a)(15) is amended to read:

13 (15) acting as the Alaska State Building Authority arrange
14 or contract for the financing or [, DESIGN, CONSTRUCTION AND] acquisi-
15 tion of public buildings designed by, constructed by, or whose acqui-
16 sition has been approved by the Department of Transportation and
17 Public Facilities for lease to the state in accordance with AS 18.55.-
18 010 - 18.55.290 and AS 37.15.770.

19 * Sec. 4. AS 18.55.140 is amended to read:

20 Sec. 18.55.140. ISSUANCE OF BONDS, NOTES, AND REFUNDING BONDS.
21 The authority may issue bonds and notes from time to time in its
22 discretion for any of its corporate purposes and may issue refunding
23 bonds for the purpose of paying or retiring bonds previously issued by
24 it. The authority may not issue bonds for public buildings until the
25 state bond committee has approved the proposal for the issuance of
26 debt under AS 37.15.770 and the building has been approved by law. An
27 appropriation for the building does not constitute approval by law for
28 purposes of this section.

29 * Sec. 5. AS 18.55.140 is amended by adding a new subsection to read:

1 (b) Bonds issued by the authority for public buildings must be
2 issued in the name of the Alaska State Building Authority and are
3 subject to AS 18.55.010 - 18.55.290.

4 * Sec. 6. AS 18.55.288 is amended by adding a new paragraph to read:

5 (4) "bond" means any bond, note, interim certificate,
6 debenture, or other obligation issued by the authority or the author-
7 ity acting as the Alaska State Building Authority under AS 18.55.010 -
8 18.55.290.

9 * Sec. 7. AS 22.05.025 is amended by adding a new subsection to read:

10 (c) The supreme court may enter into lease-financing agreements
11 only with the Alaska State Housing Authority acting as the Alaska
12 State Building Authority. A lease-financing agreement must provide
13 that lease payments are subject to annual appropriation. If the
14 supreme court intends to enter into an agreement under this subsec-
15 tion, the supreme court shall provide notice to the legislature and to
16 the state bond committee. The notice must include the anticipated
17 annual lease payment, the anticipated principal amount of the debt to
18 be issued by the Alaska State Housing Authority acting as the Alaska
19 State Building Authority, and the anticipated total construction or
20 acquisition cost of the project. The supreme court may not enter into
21 an agreement under this subsection unless the public building to be
22 provided has been approved by law. An appropriation for the project
23 does not constitute approval by law for purposes of this section.

24 * Sec. 8. AS 24.23 is amended by adding new sections to read:

25 ARTICLE 2. LEASE AGREEMENTS.

26 Sec. 24.23.100. LEASE OF SPACE. The Legislative Affairs Agency
27 may lease necessary office space, and contract for the lease of space,
28 for the use of the Alaska legislature and its employees.

29 Sec. 24.23.110. The Legislative Affairs Agency may enter into

1 lease-financing agreements only with the Alaska State Housing Author-
2 ity acting as the Alaska State Building Authority. A lease-financing
3 agreement must provide that lease payments are subject to annual
4 appropriation. If the agency intends to enter into an agreement under
5 this subsection, the agency shall provide notice to the legislature
6 and to the state bond committee. The notice must include the antici-
7 pated annual lease payment, the anticipated principal amount of the
8 debt to be issued by the Alaska State Housing Authority acting as the
9 Alaska State Building Authority, and the anticipated total construc-
10 tion or acquisition cost of the project. The agency may not enter
11 into an agreement under this section unless the public building to be
12 provided has been approved by law. An appropriation for the project
13 does not constitute approval by law for purposes of this section.

14 * Sec. 9. AS 37.05.280 is amended to read:

15 Sec. 37.05.280. LEASES. The department shall lease necessary
16 space, and contract for the lease of space, for the use of the state
17 or an agency of the state, wherever it is necessary and feasible,
18 subject to compliance with the requirements of AS 37.05.220 - 37.05.-
19 280. A [NO] lease or contract for a lease may not provide for a
20 period of occupancy greater than 40 years. A lease agreement must
21 provide that lease payments are subject to annual appropriation. An
22 agency of the state requiring office, warehouse, or other space shall
23 lease the space through the department. [NO CONTRACT OR LEASE EX-
24 ECUTED AFTER JANUARY 1, 1966, WHICH PROVIDES FOR A PAYMENT OR PAYMENTS
25 BY THE STATE IN EXCESS OF \$12,000 ANNUALLY IS VALID UNLESS THE USE OF
26 THE SPACE TO BE PROVIDED FOR BY SUCH CONTRACT OR LEASE HAS BEEN EX-
27 PRESSLY APPROVED BY THE LEGISLATURE BY CONCURRENT RESOLUTION.]

28 * Sec. 10. AS 37.05 is amended by adding a new section to read:

29 Sec. 37.05.285. LEASE FINANCING. The department may enter into

1 lease-financing agreements only with the Alaska State Housing Author-
2 ity acting as the Alaska State Building Authority. A lease-financing
3 agreement must provide that lease payments are subject to annual
4 appropriation. If the department intends to enter into an agreement
5 under this subsection, the department shall provide notice to the
6 legislature and to the state bond committee. The notice must include
7 the anticipated annual lease payment, the anticipated principal amount
8 of the debt to be issued by the Alaska State Housing Authority acting
9 as the Alaska State Building Authority, and the anticipated total
10 construction or acquisition cost of the project. The department may
11 not enter into an agreement under this subsection unless the public
12 building to be provided has been approved by law. An appropriation
13 for the project does not constitute approval by law for purposes of
14 this section.

15 * Sec. 11. AS 37.15.040 is amended to read:

16 Sec. 37.15.040. SALE OF BONDS. Before selling an issue or
17 series of bonds, the state bond committee shall give notice inviting
18 sealed bids in the [SUCH] manner [AS] it may prescribe. If satisfac-
19 tory bids are received, the bonds offered for sale shall be awarded to
20 the highest responsible bidder or bidders. If the state bond commit-
21 tee determines that the bids received are not satisfactory as to price
22 or responsibility of the bidders, it may reject all bids received.

23 * Sec. 12. AS 37.15.110 is amended to read:

24 Sec. 37.15.110. CREATION AND MEMBERSHIP OF STATE BOND COMMITTEE.
25 There is created within the Department of Revenue a committee known as
26 the "state bond committee," the members of which are the commissioner
27 of commerce and economic development, the commissioner of administra-
28 tion, and the commissioner of revenue. If a member of the committee
29 is absent or otherwise unable to act, the member's designee in the

1 department shall act as a member of the committee in the member's
2 place.

3 * Sec. 13. AS 37.15.130 is amended to read:

4 Sec. 37.15.130. OFFICERS, RECORDS AND PROCEEDINGS. The commis-
5 sioner of commerce and economic development is the chairman of the
6 state bond committee and the commissioner of revenue is the secretary.
7 A majority of the members of the committee constitute a quorum. The
8 committee shall keep a full, complete, and permanent record of its
9 proceedings. All records and correspondence of the committee shall
10 be kept in the office of the commissioner of revenue. For the purpose
11 of this chapter and AS 44.62.310, public notice of 24 hours or more is
12 adequate notice of a meeting of the committee at which the issuance of
13 bonds is authorized.

14 * Sec. 14. AS 37.15.140 is amended to read:

15 Sec. 37.15.140. DUTIES OF STATE BOND COMMITTEE. The state bond
16 committee shall adopt the resolution and prepare the documents neces-
17 sary for the issuance, sale, and delivery of state general obligation
18 bonds.

19 * Sec. 15. AS 37.15.140 is amended by adding new subsections to read:

20 (b) The state bond committee shall prepare an annual report to
21 be submitted to the governor and legislature before March 31 of each
22 year. The report must show

23 (1) all outstanding debt of debt-issuing entities of the
24 state;

25 (2) the anticipated effect on the finances and credit of
26 the state, including the effect on long-term debt capacity and credit-
27 worthiness, resulting from that debt;

28 (3) which long-term debt is state supported and which is
29 supported only by revenue attributable to the project being financed

1 by the debt;

2 (4) all long-term capital lease obligations of the state;

3 (5) the volume of short-term debt issued and retired during
4 the year by debt-issuing entities of the state;

5 (6) specific identification of each issue for which the
6 state has pledged some form of indirect support for the debt, includ-
7 ing any moral obligation of the state to support the debt;

8 (7) future bonding and debt capacity implications of legis-
9 lation enacted in the previous legislative session; and

10 (8) the recommended debt issuance capacity of the state for
11 the next two years following the year of the report.

12 (c) The state bond committee may develop written policies con-
13 cerning debt of the state.

14 * Sec. 16. AS 37.15.150 is amended to read:

15 Sec. 37.15.150. STAFF AND [COMMITTEE MAY EMPLOY] SPECIAL SER-
16 VICES. The state bond committee may appoint an executive director who
17 may, with approval of the committee, select and employ additional
18 staff as necessary. Employees of the committee are in the partially
19 exempt service under AS 39.25.120. If the [STATE BOND] committee
20 considers it necessary and advisable, it may procure architectural or
21 engineering, fiscal agent or municipal investment, legal, and other
22 expert or specialized services at reasonable and customary fees to
23 assist it in accomplishing the most advantageous sale of the bonds.
24 The fees may be paid from the proceeds of the sale or advanced from
25 the contingency fund in the Office [OFFICE] of the Governor [GOVERNOR]
26 or otherwise.

27 * Sec. 17. AS 37.15.450(a) is amended to read:

28 (a) The bonds shall be sold in the manner, price or prices,
29 [SUCH] amounts or series, and at the [SUCH] time or times [AS]

1 determined by the committee at either public or private sale. [BEFORE
2 SELLING A SERIES OF BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING
3 SEALED BIDS IN SUCH MANNER AS IT MAY PRESCRIBE. IF SATISFACTORY BIDS
4 ARE RECEIVED, THE BONDS OFFERED FOR SALE SHALL BE AWARDED TO THE
5 HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT THE BIDS
6 RECEIVED ARE NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
7 BIDDERS, IT MAY REJECT ALL BIDS RECEIVED.] The bonds, or each series
8 of them, shall be sold at such a price so that the effective interest
9 rate over the life of the bonds does not exceed 11 percent per year or
10 that rate of interest which is 125 percent of the rate of the Bond
11 Buyer Index of 20 Municipal Bond Average Yields for the week previous
12 to the date of sale of the bonds, whichever is higher. Interest shall
13 be payable annually or semiannually.

14 * Sec. 18. AS 37.15.460 is amended to read:

15 Sec. 37.15.460. BOND RESOLUTION. The committee is authorized
16 and directed to adopt the bond resolution and prepare all other docu-
17 ments and proceedings necessary for the issuance, sale and delivery of
18 the bonds or any part or series of them. The bond resolution shall
19 fix the principal amount, denomination, date, maturities, place or
20 places of payment, rights of redemption, if any, terms, form, condi-
21 tions and covenants of the bonds or each series of them. The commit-
22 tee shall also determine and provide for the date and manner of sale
23 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
24 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
25 REQUIRED BY AS 37.15.450].

26 * Sec. 19. AS 37.15.650(a) is amended to read:

27 (a) The toll facilities bonds are sold in the manner, price or
28 prices, amounts or series, and at the time as determined by the com-
29 mittee, at either public or private sale. [BEFORE SELLING A SERIES OF

1 BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING SEALED BIDS. IF
2 SATISFACTORY BIDS ARE RECEIVED, THE BONDS OFFERED FOR SALE ARE AWARDED
3 TO THE HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT A
4 BID RECEIVED IS NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
5 BIDDER, THE COMMITTEE MAY REJECT THE BID RECEIVED.] Bonds, or a
6 series of bonds, may not be sold if the effective interest rate over
7 the life of the bonds exceeds 11 percent per year or that rate of
8 interest that is 125 percent of the rate of the Bond Buyer Index of 20
9 Municipal Bond Average Yields for the week previous to the date of
10 sale of the bonds, whichever is higher. Interest is payable annually
11 or semiannually.

12 * Sec. 20. AS 37.15.660 is amended to read:

13 Sec. 37.15.660. BOND RESOLUTION. The committee is authorized
14 and directed to adopt the bond resolution and prepare all other docu-
15 ments and proceedings necessary for the issuance, sale, and delivery
16 of the bonds or any part or series of them. The bond resolution shall
17 fix the principal amount, denomination, date, maturities, place or
18 places of payment, rights of redemption, if any, terms, form, condi-
19 tions, and covenants of the bonds or each series of them. The commit-
20 tee shall also determine and provide for the date and manner of sale
21 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
22 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
23 REQUIRED BY AS 37.15.650].

24 * Sec. 21. AS 37.15 is amended by adding new sections to read:

25 ARTICLE 5. STATE-SUPPORTED DEBT.

26 Sec. 37.15.770. STATE AGENCY DEBT. (a) The state bond c it-
27 tee shall review proposals for the issuance of debt by or on behalf of

28 (1) the Alaska State Housing Authority acting as the Alaska
29 State Building Authority for the purpose of providing public

1 buildings; and

2 (2) the University of Alaska.

3 (b) The committee shall review the general programs and financ-
4 ing plans of the agency that proposes to issue the debt as well as the
5 specific aspects of the proposed debt issue, including

6 (1) amounts;

7 (2) times;

8 (3) maturities;

9 (4) debt structure and security features;

10 (5) credit enhancements;

11 (6) use of proceeds;

12 (7) official documents;

13 (8) planned rating agency presentations; and

14 (9) selection, retention, or compensation of financial
15 advisers, bond counsel, trustees, underwriters, and other profession-
16 als.

17 (c) The state bond committee shall consider approval of the
18 amount and time of sale of the debt. The committee shall approve the
19 issuance of the debt if, in its judgment, the debt management aspects
20 of the issue reviewed under (b) of this section are in the best inter-
21 ests of the state. The committee may limit approval of the issuance
22 of debt upon compliance with terms established by the committee.

23 (d) At the time of sale of the debt, the state bond committee
24 shall review the bids or pricing of the debt, including discounts,
25 underwriting spreads, and interest rates. If the committee determines
26 that the bids or prices are not satisfactory or that the bidders are
27 not responsible, the agency may not sell the debt.

28 Sec. 37.15.790. MUNICIPAL SCHOOL DEBT. If, at any time, the
29 state bond committee, in its judgment, determines that the amount or

1 retirement of debt issued by municipalities and subject to reimburse-
2 ment by the state under AS 14.11.100 is not in the best interest of
3 the state, the committee may

4 (1) establish an amount or amounts, for any or all years
5 before the maturity of all of that municipal debt, that may not be
6 exceeded by the Department of Education in approving requests under
7 AS 14.11.103; or

8 (2) establish, under AS 14.11.100(j)(3), a term required
9 for the maturities of municipal debt authorized by local voters after
10 March 31, 1986.

11 * Sec. 22. AS 39.25.120(c) is amended by adding a new paragraph to
12 read:

13 (19) employees of the state bond committee.

14 * Sec. 23. Projects approved by law before January 1, 1986, are exempt
15 from this Act.

16 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

Offered: 3/5/86
Referred: Judiciary and
Finance

Parmer

Original sponsor: Rules/governor

1 IN THE HOUSE

BY THE HOUSE SPECIAL COMMITTEE
ON STATE LOANS

2 CS FOR HOUSE BILL NO. 519 (LOANS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FORTYFIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relative to public finance; and providing for
7 an effective date."

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

9 * Section 1. AS 14.40.040 is amended to read:

10 Sec. 14.40.040. GENERAL POWERS OF THE UNIVERSITY. There is
11 created and established a corporation to be called the University of
12 Alaska. It may in that name

- 13 (1) sue and be sued;
- 14 (2) receive and hold real and personal property;
- 15 (3) contract and be contracted with;
- 16 (4) adopt, use and alter a corporate seal;
- 17 (5) borrow money, issue debt, or enter into long-term

18 obligations for the purchase of facilities, goods, or services, which
19 obligations secure, in whole or in part, debt issued by another party,
20 as approved by the state bond committee under AS 3.15.770 and ap-
21 proved by law; an appropriation does not constitute approval by law
22 for purposes of this paragraph;

23 (6) do and have done all matters necessary for the purpose
24 of any function set out [FORTY] in this chapter.

25 * Sec. 2. AS 14.40 is amended by adding a new section to read:

26 Sec. 14.40.255. LEASE-FINANCING. The Board of Regents may enter
27 into lease-financing agreements only with the Alaska State Housing
28 Authority acting as the Alaska State Building Authority. A lease-
29 financing agreement must provide that lease payments are subject to

1 annual appropriation. If the board intends to enter into an agreement
2 under this subsection, the board shall provide notice to the legisla-
3 ture and to the state bond committee. The notice must include the
4 anticipated annual lease payment, the anticipated principal amount of
5 the debt to be issued by the Alaska State Housing Authority acting as
6 the Alaska State Building Authority, and the anticipated total con-
7 struction or acquisition cost of the project. The board may not enter
8 into an agreement under this section unless the public building to be
9 provided has been approved by law. An appropriation for the project
10 does not constitute approval by law for purposes of this section.

* Sec. 3. AS 18.55.100(e)(15) is amended to read:

(15) acting as the Alaska State Building Authority arrange
or contract for the financing or l. DESIGN, CONSTRUCTION ANDI acqulst-
tion of public buildings designed by, constructed by, or whose acqui-
sition has been approved by the Department of Transportation and
Public Facilities for lease to the state in accordance with AS 18.55.-
010 - 18.55.200 and AS 37.15.770.

* Sec. 4. AS 18.55.140 is amended to read:

Sec. 18.55.140. ISSUANCE OF BONDS, NOTES, AND REFUNDING BONDS.
The authority may issue bonds and notes from time to time in its
discretion for any of its corporate purposes and may issue refunding
bonds for the purpose of paying or retiring bonds previously issued by
it. The authority may not issue bonds for public buildings until the
state bond committee has approved the proposal for the issuance of
debt under AS 37.15.770 and the building has been approved by law. An
appropriation for the building does not constitute approval by law for
purposes of this section.

* Sec. 5. AS 18.55.140 is amended by adding a new subsection to read:

(b) Bonds issued by the authority for public buildings must be

1 issued in the name of the Alaska State Building Authority and are
2 subject to AS 18.55.010 - 18.55.290.

* Sec. 6. AS 18.55.288 is amended by adding a new paragraph to read:

4 (4) "bond" means any bond, note, interim certificate,
5 debenture, or other obligation issued by the authority or the author-
6 ity acting as the Alaska State Building Authority under AS 18.55.010 -
7 18.55.290;

* Sec. 7. AS 22.05.025 is amended by adding a new subsection to read:

9 (c) The supreme court may enter into lease-financing agreements
10 only with the Alaska State Housing Authority acting as the Alaska
11 State Building Authority. A lease-financing agreement must provide
12 that lease payments are subject to annual appropriation. If the
13 supreme court intends to enter into an agreement under this subsec-
14 tion, the supreme court shall provide notice to the Legislature and to
15 the state bond committee. The notice must include the anticipated
16 annual lease payment, the anticipated principal amount of the debt to
17 be issued by the Alaska State Housing Authority acting as the Alaska
18 State Building Authority, and the anticipated total construction or
19 acquisition cost of the project. The supreme court may not enter into
20 an agreement under this subsection unless the public building to be
21 provided has been approved by law. An appropriation for the project
22 does not constitute approval by law for purposes of this section.

* Sec. 8. AS 24.23 is amended by adding new sections to read:

24 ARTICLE 2. LEASE AGREEMENTS.

25 Sec. 24.23.100. LEASE OF SPACE. The Legislative Affairs Agency
26 may lease necessary office space, and contract for the lease of space,
27 for the use of the Alaska Legislature and its employees.

28 Sec. 24.23.110. The Legislative Affairs Agency may enter into
29 lease-financing agreements only with the Alaska State Housing

1 Authority acting as the Alaska State Building Authority. A lease-
2 financing agreement must provide that lease payments are subject to
3 annual appropriation. If the agency intends to enter into an agree-
4 ment under this subsection, the agency shall provide notice to the
5 legislature and to the state bond committee. The notice must include
6 the anticipated annual lease payment, the anticipated principal amount
7 of the debt to be issued by the Alaska State Housing Authority acting
8 as the Alaska State Building Authority, and the anticipated total
9 construction or acquisition cost of the project. The agency may not
10 enter into an agreement under this section unless the public building
11 to be provided has been approved by law. An appropriation for the
12 project does not constitute approval by law for purposes of this
13 section.

14 * Sec. 9. AS 37.05.280 is amended to read:

15 Sec. 37.05.280. LEASES. The department shall lease necessary
16 space, and contract for the lease of space, for the use of the state
17 or an agency of the state, wherever it is necessary and feasible,
18 subject to compliance with the requirements of AS 37.05.220 - 37.05.-
19 280. A [NO] lease or contract for a lease may not provide for a
20 period of occupancy greater than 40 years. A lease agreement must
21 provide that lease payments are subject to annual appropriation. An
22 agency of the state requiring office, warehouse, or other space shall
23 lease the space through the department. [NO CONTRACT OR LEASE EX-
24 ECUTED AFTER JANUARY 1, 1966, WHICH PROVIDES FOR A PAYMENT OR PAYMENTS
25 BY THE STATE IN EXCESS OF \$12,000 ANNUALLY IS VALID UNLESS THE USE OF
26 THE SPACE TO BE PROVIDED FOR BY SUCH CONTRACT OR LEASE HAS BEEN EX-
27 PRESSLY APPROVED BY THE LEGISLATURE BY CONCURRENT RESOLUTION.]

28 * Sec. 10. AS 37.05 is amended by adding a new section to read:

29 Sec. 37.05.285. LEASE FINANCING. The department may enter into

1 lease-financing agreements only with the Alaska State Housing Author-
2 ity acting as the Alaska State Building Authority. A lease-financing
3 agreement must provide that lease payments are subject to annual
4 appropriation. If the department intends to enter into an agreement
5 under this subsection, the department shall provide notice to the
6 legislature and to the state bond committee. The notice must include
7 the anticipated annual lease payment, the anticipated principal amount
8 of the debt to be issued by the Alaska State Housing Authority acting
9 as the Alaska State Building Authority, and the anticipated total
10 construction or acquisition cost of the project. The department may
11 not enter into an agreement under this subsection unless the public
12 building to be provided has been approved by law. An appropriation
13 for the project does not constitute approval by law for purposes of
14 this section.

15 * Sec. 11. AS 37.15.040 is amended to read:

16 Sec. 37.15.040. SALE OF BONDS. Before selling an issue or
17 series of bonds, the state bond committee shall give notice inviting
18 sealed bids in the [SUCH] manner [AS] it may prescribe. If satisfac-
19 tory bids are received, the bonds offered for sale shall be awarded to
20 the highest responsible bidder or bidders. If the state bond commit-
21 tee determines that the bids received are not satisfactory as to price
22 or responsibility of the bidders, it may reject all bids received.

23 * Sec. 12. AS 37.15.110 is amended to read:

24 Sec. 37.15.110. CREATION AND MEMBERSHIP OF STATE BOND COMMITTEE.
25 There is created within the Department of Revenue a committee known as
26 the "state bond committee," the members of which are the commissioner
27 of commerce and economic development, the commissioner of administra-
28 tion, and the commissioner of revenue. If a member of the committee
29 is absent or otherwise unable to act, the member's designee in the

1 department shall act as a member of the committee in the member's
2 place.

3 * Sec. 13. AS 37.15.130 is amended to read:

4 Sec. 37.15.130. OFFICERS, RECORDS AND PROCEEDINGS. The commis-
5 sioner of commerce and economic development is the chairman of the
6 state bond committee and the commissioner of revenue is the secretary.
7 A majority of the members of the committee constitute a quorum. The
8 committee shall keep a full, complete, and permanent record of its
9 proceedings. All records and correspondence of the committee shall
10 be kept in the office of the commissioner of revenue. For the purpose
11 of this chapter and AS 44.62.310, public notice of 74 hours or more is
12 adequate notice of a meeting of the committee at which the issuance of
13 bonds is authorized.

14 * Sec. 14. AS 37.15.140 is amended to read:

15 Sec. 37.15.140. DUTIES OF STATE BOND COMMITTEE. The state bond
16 committee shall adopt the resolution and prepare the documents neces-
17 sary for the issuance, sale, and delivery of state general obligation
18 bonds.

19 * Sec. 15. AS 37.15.140 is amended by adding new subsections to read:

20 (b) The state bond committee shall prepare an annual report to
21 be submitted to the governor and legislature before March 31 of each
22 year. The report must show

23 (1) all outstanding debt of debt-issuing entities of the
24 state;

25 (2) the anticipated effect on the finances and credit of
26 the state, including the effect on long-term debt capacity and credit-
27 worthiness, resulting from that debt;

28 (3) which long-term debt is state supported and which is
29 supported only by revenue attributable to the project being financed

1 by the debt;

- 2 (4) all long-term capital lease obligations of the state;
- 3 (5) the volume of short-term debt issued and retired during
- 4 the year by debt-issuing entities of the state;
- 5 (6) specific identification of each issue for which the
- 6 state has pledged some form of indirect support for the debt, includ-
- 7 ing any moral obligation of the state to support the debt;
- 8 (7) future bonding and debt capacity implications of legis-
- 9 lation enacted in the previous legislative session; and
- 10 (8) the recommended debt issuance capacity of the state for
- 11 the next two years following the year of the report.

12 (c) The state bond committee may develop written policies con-

13 cerning debt of the state.

14 * Sec. 16. AS 37.15.150 is amended to read:

15 Sec. 37.15.150. STAFF AND COMMITTEE MAY EMPLOY SPECIAL SER-

16 VICES. The state bond committee may appoint an executive director who

17 may, with approval of the committee, select and employ additional

18 staff as necessary. Employees of the committee are in the partially

19 exempt service under AS 39.25.120. If the [STATE BOND] committee

20 considers it necessary and advisable, it may procure architectural or

21 engineering, fiscal agent or municipal investment, legal, and other

22 expert or specialized services at reasonable and customary fees to

23 assist it in accomplishing the most advantageous sale of the bonds.

24 The fees may be paid from the proceeds of the sale or advanced from

25 the contingency fund in the Office [OFFICE] of the Governor [GOVERNOR]

26 or otherwise.

27 * Sec. 17. AS 37.15.450(a) is amended to read:

28 (a) The bonds shall be sold in the manner, price or prices,

29 [SUCH] amounts or series, and at the [SUCH] time or times [AS]

1 determined by the committee at either public or private sale. [BEFORE
2 SELLING A SERIES OF BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING
3 SEALED BIDS IN SUCH MANNER AS IT MAY PRESCRIBE. IF SATISFACTORY BIDS
4 ARE RECEIVED, THE BONDS OFFERED FOR SALE SHALL BE AWARDED TO THE
5 HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT THE BIDS
6 RECEIVED ARE NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
7 BIDDERS, IT MAY REJECT ALL BIDS RECEIVED.] The bonds, or each series
8 of them, shall be sold at such a price so that the effective interest
9 rate over the life of the bonds does not exceed 11 percent per year or
10 that rate of interest which is 125 percent of the rate of the Bond
11 Buyer Index of 20 Municipal Bond Average Yields for the week previous
12 to the date of sale of the bonds, whichever is higher. Interest shall
13 be payable annually or semiannually.

14 * Sec. 18. AS 37.15.460 is amended to read:

15 Sec. 37.15.460. BOND RESOLUTION. The committee is authorized
16 and directed to adopt the bond resolution and prepare all other docu-
17 ments and proceedings necessary for the issuance, sale and delivery of
18 the bonds or any part or series of them. The bond resolution shall
19 fix the principal amount, denomination, date, securities, place or
20 places of payment, rights of redemption, if any, terms, form, condi-
21 tions and covenants of the bonds or each series of them. The commit-
22 tee shall also determine and provide for the date and manner of sale
23 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
24 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
25 REQUIRED BY AS 37.15.450].

26 * Sec. 19. AS 37.15.650(s) is amended to read:

27 (a) The toll facilities bonds are sold in the manner, price or
28 prices, amounts or series, and at the time as determined by the com-
29 mittee, at either public or private sale. [BEFORE SELLING A SERIES OF

1 BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING SEALED BIDS. IF
2 SATISFACTORY BIDS ARE RECEIVED, THE BONDS OFFERED FOR SALE ARE AWARDED
3 TO THE HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT A
4 BID RECEIVED IS NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
5 BIDDER, THE COMMITTEE MAY REJECT THE BID RECEIVED. Bonds, or a
6 series of bonds, may not be sold if the effective interest rate over
7 the life of the bonds exceeds 11 percent per year or that rate of
8 interest that is 125 percent of the rate of the Bond Buyer Index of 20
9 Municipal Bond Average Yields for the week previous to the date of
10 sale of the bonds, whichever is higher. Interest is payable annually
11 or semiannually.

12 * Sec. 20. AS 37.15.650 is amended to read:

13 Sec. 37.15.650. BOND RESOLUTION. The committee is authorized
14 and directed to adopt the bond resolution and prepare all other docu-
15 ments and proceedings necessary for the issuance, sale, and delivery
16 of the bonds or any part or series of them. The bond resolution shall
17 fix the principal amount, denomination, date, maturities, place or
18 places of payment, rights of redemption, if any, terms, form, condi-
19 tions, and covenants of the bonds or each series of them. The commit-
20 tee shall also determine and provide for the date and manner of sale
21 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
22 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
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24 * Sec. 21. AS 37.15 is amended by adding new sections to read:

25 ARTICLE 5. STATE-SUPPORTED DEBT.

26 Sec. 37.15.770. STATE AGENCY DEBT. (a) The state bond commit-
27 tee shall review proposals for the issuance of debt by or on behalf of

28 (1) the Alaska State Housing Authority acting as the Alaska
29 State Building Authority for the purpose of providing public

1 buildings; and

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3 (b) The committee may review the general programs and financing
4 plans of the agency that proposes to issue the debt as well as the
5 specific aspects of the proposed debt issue, including

6 (1) amounts;

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14 (9) selection, retention, or compensation of financial
15 advisors, bond counsel, trustees, underwriters, and other profession-
16 als.

17 (c) The state bond committee shall consider approval of the
18 amount and time of sale of the debt. The committee shall approve the
19 issuance of the debt if, in its judgment, issuance of the debt is in
20 the best interests of the state. The committee may limit approval of
21 the issuance of debt upon compliance with terms established by the
22 committee.

23 (d) At the time of sale of the debt, the state bond committee
24 shall review the bids or pricing of the debt, including discounts,
25 underwriting spreads, and interest rates. If the committee determines
26 that the bids or prices are not satisfactory or that the bidders are
27 not responsible, the agency may not sell the debt.

28 Sec. 37.15.790. MUNICIPAL SCHOOL DEBT. If, at any time, the
29 state bond committee, in its judgment, determines that the amount or

1 retirement of debt issued by municipalities and subject to reimburse-
2 ment by the state under AS 14.11.100 is not in the best interest of
3 the state, the committee may

4 (1) establish an amount or amounts, for any or all years
5 before the maturity of all of that municipal debt, that may not be
6 exceeded by the Department of Education in approving requests under
7 AS 14.11.103; or

8 (2) establish, under AS 14.11.100(j)(3), a term required
9 for the maturities of municipal debt authorized by local voters after
10 March 31, 1986.

11 * Sec. 22. AS 39.25.120(c) is amended by adding a new paragraph to
12 read:

13 (19) employees of the state bond committee.

14 * Sec. 23. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Gov letter
Some for: HB 520
Zero fiscal note

Introduced: 1/27/86
Referred: House Special Committee on
State Loans, Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 519

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public finance; and providing for
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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- 14 (2) receive and hold real and personal property;
- 15 (3) contract and be contracted with;
- 16 (4) adopt, use and alter a corporate seal;
- 17 (5) borrow money, issue debt, or enter into long-term obli-

18 gations for the purchase of facilities, goods, or services, which
19 obligations secure, in whole or in part, debt issued by another party,
20 as approved by the state bond committee under AS 37.15.770;

21 (6) do and have done all matters necessary for the purpose
22 of any functions set forth in this chapter.

23 * Sec. 2. AS 14.40 is amended by adding a new section to read:

24 Sec. 14.40.255. LEASE-FINANCING. The Board of Regents may enter
25 into lease-financing agreements only with the Alaska State Housing
26 Authority acting as the Alaska State Building Authority. A lease-
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28 annual appropriation. If the board intends to enter into an agreement
29 under this subsection, the board shall provide notice to the

1 legislature and to the state bond committee. The notice must include
2 the anticipated annual lease payment and the anticipated principal
3 amount of the debt to be issued by the Alaska State Housing Authority
4 acting as the Alaska State Building Authority. The board may not
5 enter into an agreement under this section until the state bond com-
6 mittee has approved the proposal for the issuance of debt under
7 AS 37.15.770.

8 * Sec. 3. AS 18.55.100(a)(15) is amended to read:

9 (15) acting as the Alaska State Building Authority arrange
10 or contract for the financing or [, DESIGN, CONSTRUCTION AND] acquisi-
11 tion of public buildings designed by, constructed by, or whose acquisi-
12 sition has been approved by the Department of Transportation and
13 Public Facilities for lease to the state in accordance with AS 18.55.-
14 010 -- 18.55.290 and AS 37.15.770.

15 * Sec. 4. AS 18.55.140 is amended to read:

16 Sec. 18.55.140. ISSUANCE OF BONDS, NOTES, AND REFUNDING BONDS.

17 (a) The authority may issue bonds and notes from time to time in its
18 discretion for any of its corporate purposes and may issue refunding
19 bonds for the purpose of paying or retiring bonds previously issued by
20 it. The authority may not issue bonds for public buildings until the
21 state bond committee has approved the proposal for the issuance of
22 debt under AS 37.15.770.

23 (b) Bonds issued by the authority for public buildings must be
24 issued in the name of the Alaska State Building Authority and are
25 subject to AS 18.55.010 -- 18.55.290.

26 * Sec. 5. AS 18.55.288 is amended to read:

27 Sec. 18.55.288. DEFINITIONS. In AS 18.55.010 -- 18.55.290[!:]

28 (1) "authority" means the Alaska State Housing Authority;

29 (2) "bond" means any bond, note, interim certificate,

1 debenture, or other obligation issued by the authority or the author-
2 ity acting as the Alaska State Building Authority under AS 18.55.-
3 010 -- 18.55.290 ["PUBLIC BUILDINGS" MEANS A PUBLICLY OWNED STRUCTURE
4 LEASED TO THE STATE FOR GOVERNMENTAL, PUBLIC OR EDUCATIONAL USE];

5 (3) "project site" means area devoted for a public housing
6 project;

7 (4) "public buildings" means a publicly owned structure
8 leased to the state for governmental, public, or educational use.

9 * Sec. 6. AS 22.05.025 is amended to read:

10 Sec. 22.05.025. COURT FACILITIES. (a) The supreme court has
11 authority over all matters relating to the planning, design, construc-
12 tion, maintenance, occupancy, leasing, and operation of all court
13 facilities and shall cooperate and coordinate with the Department of
14 Transportation and Public Facilities so that court facility construc-
15 tion projects are carried out in accordance with the statutes and
16 regulations applicable to state public works projects.

17 (b) The supreme court may enter into lease-financing agreements
18 only with the Alaska State Housing Authority acting as the Alaska
19 State Building Authority. A lease-financing agreement must provide
20 that lease payments are subject to annual appropriation. If the
21 supreme court intends to enter into an agreement under this subsec-
22 tion, the supreme court shall provide notice to the legislature and to
23 the state bond committee. The notice must include the anticipated
24 annual lease payment and the anticipated principal amount of the debt
25 to be issued by the Alaska State Housing Authority acting as the
26 Alaska State Building Authority. The supreme court may not enter into
27 an agreement under this subsection until the state bond committee has
28 approved the proposal for the issuance of debt under AS 37.15.770.

29 (c) In this section, "court facility" means a state facility in

1 which 75 percent or more of the net usable space is occupied by the
2 court system and other justice-related agencies.

3 * Sec. 7. AS 24.23 is amended by adding a new article to read:

4 ARTICLE 2. LEASE AGREEMENTS.

5 Sec. 24.23.100. LEASE OF SPACE. The Legislative Affairs Agency
6 may lease necessary office space, and contract for the lease of space,
7 for the use of the Alaska legislature and its employees. The Legisla-
8 tive Affairs Agency shall adopt regulations that establish procedures
9 for the lease of space which are substantially comparable to the pro-
10 cedures under AS 37.05.280 governing the lease of space for state
11 agencies.

12 Sec. 24.23.110. The Legislative Affairs Agency may enter into
13 lease-financing agreements only with the Alaska State Housing Author-
14 ity acting as the Alaska State Building Authority. A lease-financing
15 agreement must provide that lease payments are subject to annual
16 appropriation. If the agency intends to enter into an agreement under
17 this subsection, the agency must provide notice to the legislature and
18 to the state bond committee. The notice must include the anticipated
19 annual lease payment and the anticipated principal amount of the debt
20 to be issued by the Alaska State Housing Authority acting as the
21 Alaska State Building Authority. The agency may not enter into an
22 agreement under this section until the state bond committee has ap-
23 proved the proposal for the issuance of debt under AS 37.15.770.

24 * Sec. 8. AS 37.05.280 is amended to read:

25 Sec. 37.05.280. LEASES. (a) The department shall lease neces-
26 sary space, and contract for the lease of space, for the use of the
27 state or an agency of the state, wherever it is necessary and feasi-
28 ble, subject to compliance with the requirements of AS 37.05.220 --
29 37.05.280. No lease or contract for a lease may provide for a period

1 of occupancy greater than 40 years. An agency of the state requiring
2 office, warehouse, or other space shall lease the space through the
3 department. [NO CONTRACT OR LEASE EXECUTED AFTER JANUARY 1, 1966,
4 WHICH PROVIDES FOR A PAYMENT OR PAYMENTS BY THE STATE IN EXCESS OF
5 \$12,000 ANNUALLY IS VALID UNLESS THE USE OF THE SPACE TO BE PROVIDED
6 FOR BY SUCH CONTRACT OR LEASE HAS BEEN EXPRESSLY APPROVED BY THE
7 LEGISLATURE BY CONCURRENT RESOLUTION.]

8 (b) The department may enter into lease-financing agreements
9 only with the Alaska State Housing Authority acting as the Alaska
10 State Building Authority. A lease-financing agreement must provide
11 that lease payments are subject to annual appropriation. If the de-
12 partment intends to enter into an agreement under this subsection, the
13 department shall provide notice to the legislature and to the state
14 bond committee. The notice must include the anticipated annual lease
15 payment and the anticipated principal amount of the debt to be issued
16 by the Alaska State Housing Authority acting as the Alaska State
17 Building Authority. The department may not enter into an agreement
18 under this subsection until the state bond committee has approved the
19 proposal for the issuance of debt under AS 37.15.770.

20 * Sec. 9. AS 37.15.040 is amended to read:

21 Sec. 37.15.040. SALE OF BONDS. Before selling an issue or
22 series of bonds, the state bond committee shall give notice inviting
23 sealed bids in such manner as it may prescribe. If satisfactory bids
24 are received, the bonds offered for sale shall be awarded to the
25 highest responsible bidder or bidders. If the state bond committee
26 determines that the bids received are not satisfactory as to price or
27 responsibility of the bidders, it may reject all bids received.

28 * Sec. 10. AS 37.15.110 is amended to read:

29 Sec. 37.15.110. CREATION AND MEMBERSHIP OF STATE BOND COMMITTEE.

1 There is created within the Department of Revenue a committee known as
2 the "state bond committee," the members of which are the commissioner
3 of commerce and economic development, the commissioner of administra-
4 tion, and the commissioner of revenue. If a member of the committee
5 is absent or otherwise unable to act, the member's designee [IN THE
6 DEPARTMENT] shall act as a member of the committee in the member's
7 place.

8 * Sec. 11. AS 37.15.130 is amended to read:

9 Sec. 37.15.130. OFFICERS, RECORDS AND PROCEEDINGS. The commis-
10 sioner of commerce and economic development is the chairman of the
11 state bond committee and the commissioner of revenue is the secretary.
12 A majority of the members of the committee constitute a quorum. The
13 committee shall keep a full, complete, and permanent record of its
14 proceedings. All records and correspondence of the committee must
15 [SHALL] be kept in the office of the commissioner of revenue. For the
16 purpose of this chapter and AS 44.62.310, public notice of 24 hours or
17 more is adequate notice of a meeting of the committee at which the
18 issuance of bonds is authorized.

19 * Sec. 12. AS 37.15.140 is amended to read:

20 Sec. 37.15.140. DUTIES OF STATE BOND COMMITTEE. (a) The state
21 bond committee shall adopt the resolution and prepare the documents
22 necessary for the issuance, sale, and delivery of state general obli-
23 gation bonds.

24 (b) The state bond committee shall prepare an annual report to
25 be submitted to the governor and legislature before March 31 of each
26 year. The report must show (1) all outstanding debt of debt-issuing
27 entities of the state; (2) the anticipated effect on the finances and
28 credit of the state, including the effect on long-term debt capacity
29 and creditworthiness, resulting from that debt; (3) which long-term

1 debt is state supported and which is supported only by revenue attri-
2 utable to the project being financed by the debt; (4) all long-term
3 capital lease obligations of the state; (5) the volume of short-term
4 debt issued and retired during the year by debt-issuing entities of
5 the state; (6) specific identification of each issue for which the
6 state has pledged some form of indirect support for the debt, includ-
7 ing any moral obligation of the state to support the debt; (7) future
8 bonding and debt capacity implications of legislation enacted in the
9 previous legislative session; and (8) the recommended debt issuance
10 capacity of the state for the next two years following the year of the
11 report.

12 (c) The state bond committee may develop written policies con-
13 cerning debt of the state.

14 * Sec. 13. AS 37.15.150 is amended to read:

15 Sec. 37.15.150. STAFF AND [COMMITTEE MAY EMPLOY] SPECIAL SER-
16 VICES. The state bond committee may appoint an executive director who
17 may, with approval of the committee, select and employ additional
18 staff as necessary. Employees of the committee are in the partially
19 exempt service under AS 39.25.120. If the [STATE BOND] committee
20 considers it necessary and advisable, it may procure architectural or
21 engineering, fiscal agent or municipal investment, legal, and other
22 expert or specialized services at reasonable and customary fees to
23 assist it in accomplishing the most advantageous sale of the bonds.
24 The fees may be paid from the proceeds of the sale or advanced from
25 the contingency fund in the Office [OFFICE] of the Governor [GOVERNOR]
26 or otherwise.

27 * Sec. 14. AS 37.15.450(a) is amended to read:

28 (a) The bonds shall be sold in such amounts or series and at
29 such time or times as determined by the committee. Before selling a

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1 series of bonds, the committee shall give notice inviting sealed bids
2 in such manner as it may prescribe. If satisfactory bids are re-
3 ceived, the bonds offered for sale must [SHALL] be awarded to the
4 highest responsible bidder or bidders. If the committee determines
5 that the bids received are not satisfactory as to price or respon-
6 sibility of the bidders, it may reject all bids received. The bonds,
7 or each series of them, must [SHALL] be sold at such a price so that
8 the effective interest rate over the life of the bonds does not exceed
9 11 percent per year or that rate of interest which is 125 percent of
10 the rate of the Bond Buyer Index of 20 Municipal Bond Average Yields
11 for the week previous to the date of sale of the bonds, whichever is
12 higher. Interest must [SHALL] be payable annually or semiannually.

13 * Sec. 15. AS 37.15 is amended by adding a new article to read:

14 ARTICLE 5. STATE-SUPPORTED DEBT.

15 Sec. 37.15.770. STATE AGENCY DEBT. (a) The state bond commit-
16 tee shall review proposals for the issuance of debt by or on behalf of

17 (1) the Alaska State Housing Authority acting as the Alaska
18 State Building Authority for the purpose of providing public build-
19 ings; and

20 (2) the University of Alaska.

21 (b) The committee may review the general programs and financing
22 plans of the agency that proposes to issue the debt as well as the
23 specific aspects of the proposed debt issue, including

24 (1) amounts;

25 (2) times;

26 (3) maturities;

27 (4) debt structure and security features;

28 (5) credit enhancements;

29 (6) use of proceeds;

1 (7) official documents;
2 (8) planned rating agency presentations; and
3 (9) selection, retention, or compensation of financial
4 advisors, bond counsel, trustees, underwriters, and other profession-
5 als.

6 (c) The state bond committee shall consider approval of the
7 amount and time of sale of the debt. The committee shall approve the
8 issuance of the debt if, in its judgment, issuance of the debt is in
9 the best interests of the state. The committee may limit approval of
10 the issuance of debt upon compliance with terms established by the
11 committee.

12 (d) At the time of sale of the debt, the state bond committee
13 shall review the bids or pricing of the debt, including discounts,
14 underwriting spreads, and interest rates. If the committee determines
15 that the bids or prices are not satisfactory or that the bidders are
16 not responsible, the agency may not sell the debt.

17 Sec. 37.15.790. MUNICIPAL SCHOOL DEBT. If, at any time, the
18 state bond committee, in its judgment, determines that the amount or
19 retirement of debt issued by municipalities and subject to reimburse-
20 ment by the state under AS 14.11.100 is not in the best interests of
21 the state, the committee may

22 (1) establish an amount or amounts, for any or all years
23 before the maturity of all of that municipal debt, which may not be
24 exceeded by the Department of Education in approving requests under
25 AS 14.11.103; or

26 (2) establish, under AS 14.11.100(j)(3), a term required
27 for the maturities of municipal debt authorized by local voters after
28 March 31, 1986.

29 * Sec. 16. AS 39.25.120(c) is amended by adding a new paragraph to

1 read:

2 (19) employees of the state bond committee.

3 * Sec. 17. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

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HB 519

COMMITTEE CC

BILL SHEFFIELD
GOVERNOR

1/27



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

~~HB 518~~
HB 519
+
HB 520
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087

January 27, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting two bills that provide for improved state debt management. One relates to control of state-supported school debt, the other to lease-financing transactions by the various branches of government.

These two bills are each cornerstones of a comprehensive proposal designed to monitor and control more effectively the issuance of debt instruments that harbor substantial credit implications for the state. (Some citations in each bill are to provisions in the other bill. The two bills go together.) Alaska's remarkable wealth has facilitated tremendous economic growth in all areas of the state's economy and at all levels of government. Many of these worthy projects and programs have been funded directly by the state. In other instances, however, funding has been obtained through the issuance of debt instruments, either by the state or by local governments. Where government activities are funded through the issuance of debt, maintenance of a favorable credit rating for the state assumes critical importance. Simply stated, actions detrimental to the state's credit standing are injurious to the Alaska economy.

Unlike past years, we approach an era where the state's vast wealth is not, in and of itself, sufficient to support a favorable credit rating. In my discussions with representatives of the national financial community, the constant theme stated was the need for Alaska to demonstrate its ability to effectively manage its resources. One critical

COMMITTEE COPY

attribute of responsible state management is an effective debt management program.

Any discussion of maintenance of a favorable credit rating for the state must reflect the broad array of financial obligations encompassed within the term "state-supported debt." It is critical to bear in mind that state general obligation bonds are but one type of debt instrument that affects the state's credit standing. The financial community also looks to other recurring, long-term financial obligations which are paid from the general fund, such as those which arise under a lease-financing agreement. In a similar vein, the state's commitment to support school debt issued by municipalities is a type of long-term financial commitment with substantial credit implications.

Debt management concerns must further reflect the impact of excessive or improvident municipal debt issuance on the state's credit standing. I initially observe that responsible state debt management policies must necessarily include a degree of state supervision of municipal debt issuance. While I am, of course, cognizant and supportive of the prerogatives of local government, problems with municipal debt issuance inevitably burden the state as well. For that reason, I previously introduced a bill that relates directly to the issuance of municipal debt. Last session I proposed the establishment of a Municipal Financial Emergency Commission to assist municipalities that have defaulted in bonded indebtedness (HF 293). I am also proposing legislation that imposes reasonable limitations on a municipality's authority to issue general obligation debt. As noted in the transmittal letters accompanying each of those bills, responsible state management of municipal debt is necessary to assure the continued investment community support of and confidence in municipal and state debt issues.

The two bills attached to this letter today are intended to assure proper state oversight before the state enters into the type of recurring, long-term financial commitments that might have an impact on the state's credit standing. Where the state issues general obligation bonds, the constitutional requirement of voter approval offers an appropriate opportunity for the electorate and for elected officials to gauge any adverse effect that issuance of the debt may have on the state. Under present law, however, neither the statutory reimbursement formula for school debt nor the unrestricted authority to enter lease-financing agreements

offers comparable mechanisms to assure that state credit implications are adequately addressed. As the decline of available revenues further exacerbates the sensitivity of the state's credit standing, it is of critical importance to assure that each project is viewed not only on its own merits but also with consideration of how the issuance of additional state-supported debt will affect broader state interests. I believe that these two bills offer a responsible way of meeting the needs of the state to obtain office facilities and of municipalities to provide necessary educational facilities -- a way that best preserves the state's favorable credit standing.

I.

The shorter bill implements the recommendations of the State Office Complex Financing Task Force, a body whose membership brought together the views of executive-branch officials, two legislators, and several members of the public with substantial financing expertise. The task force conducted extensive hearings to consider the most appropriate method to provide state office facilities in the most cost-efficient manner possible. After review of the available financing alternatives, the task force recommended the enactment of legislation to facilitate the acquisition of state office facilities through lease-financing agreements. The bill designates the Alaska State Housing Authority as the appropriate financing entity, but provides that when the authority issues debt for this purpose, it do so as the Alaska State Building Authority. The name change is intended to prevent confusion in national financing markets.

Sections 1, 6, 7 and 8 provide that the university and each branch of government, respectively, have legal authority to enter into lease-financing agreements with the Alaska State Housing Authority acting as the Alaska State Building Authority. The state has previously executed lease-financing agreements under existing lease authority, and these sections are thus intended to remove any ambiguities regarding the legal authority to enter into lease-financing agreements. The cost of building acquisition or development would be provided by the sale of revenue bonds by the Alaska State Building Authority. In all instances, a lease-financing agreement preserves legislative prerogatives through the requirement that lease payments be subject to annual appropriation.

While the bill recognizes the desirability of the lease-financing technique, the bill also imposes effective debt

management controls. First, lease-financing agreements may only be executed with the Alaska State Building Authority, a limitation that ensures uniformity and continuity in the state's lease-financing programs.

More importantly, secs. 9 -- 16 expand the responsibilities of the state bond committee (AS 37.15) to ensure that the broader credit implications are adequately assessed before the state enters into a lease-financing agreement. Under sec. 15, for example, proposed AS 37.15.770 authorizes the state bond committee to review any proposed lease-financing in detail and to prohibit or condition the sale of the debt instruments if it is in the best interests of the state to do so.

I observe that sec. 8 of this bill is similar to legislation that I proposed last session in the wake of the controversy surrounding the Anchorage Office Complex. The bill proposed last session (HB 392 and the identical SB 293) provided for project-specific legislative approval before execution of a lease-financing agreement. In the transmittal letter accompanying the initial bill, dated April 19, 1985 (1985 H.J., p. 1001, and 1985 S.J., p. 856), I noted that the provision of project-specific legislative approval posed substantial constitutional problems. Both the constitutional doctrine of separation of powers and the constitutional prohibition against special and local legislation place in serious legal doubt any statutory requirement to seek project-specific approval. And public finance is the wrong forum to interject such a substantial legal uncertainty. Accordingly, the present bill does not propose project-specific approval. To do so, in my view, would impermissibly intrude upon the constitutional prerogatives of future governors. Although I believe it inappropriate to require project-specific approval as a matter of law, I reaffirm my personal commitment to seek legislative approval before the executive branch enters into any lease-financing agreement.

II.

The longer of these two bills that I am transmitting makes several changes to the state's support of public school construction. Most notable of the significant changes proposed under this bill is a cap is placed upon the amount of municipal debt obligations for which the state will provide reimbursement. Municipalities issuing debt to finance school construction will pay the interest costs, while the state will pay the principal in equal payments up

to an aggregate amount of \$10,000,000 in any year for debt approved by local voters after March 31, 1986.

The state presently provides, in addition to its municipal grant program, three forms of aid for school construction. Under AS 14.11.010 all school districts may apply to the Department of Education for an appropriation for school construction projects for which the department may request, in order of priority, appropriations from the legislature. If an appropriation for a school construction project is made, the school district may, under AS 14.11.020, request the assumption of the state's responsibility to plan, design, and construct the particular project. The department provides for the assumption of the responsibility by executing a grant agreement with the school district.

AS 14.11.100 provides two additional forms of state aid for public school construction which are only available to municipal school districts. The state reimburses municipal debt service payments in varying percentages which, because of amendments made in ch. 78, SLA 1985, are at least 80 percent. The state also reimburses a municipality for at least 80 percent of its cash payments used for school construction. To receive reimbursement of either debt service or cash payments, the municipality must first quantify the need for the project and provide a description of the project and an estimate of its cost. The Department of Education reviews the project and its justification, and, when appropriate, grants its approval of the project and its estimated costs. The next step is approval of the municipality's voters to sell the bonds. If the local voters approve the sale of the bonds, the state will reimburse the costs of debt service by requesting money in each year's budget.

There are several weaknesses in the state's present programs of financing school construction.

First, there are inadequate procedures to ensure that the estimates of project costs are reasonable. Before 1982, the administration of the school construction grant program was shared by the Department of Education and the Department of Transportation and Public Facilities. Chapter 92, SLA 1982 transferred all responsibility for the state's construction grant program to the Department of Education. This same weakness exists under AS 14.11.100.

The second major failing is that there is no ceiling for the amount of money which the state will be requested to reim-

burse under AS 14.11.100. In the proposed FY 1987 state budget, approximately \$106,000,000 in municipal debt service payments is requested to continue existing level of debt.

During the last session of this legislature, the percentage of reimbursement for debt service costs was increased to 80 percent, although allowable projects were limited to facilities necessary for increased enrollment or to correct health and safety problems. The result of last session's amendments to AS 14.11.100 has been an identification of required projects with approval of the projects closely followed by local bond elections. These recent municipal elections have authorized approximately \$312,500,000 of new municipal debt for which local communities will seek reimbursement from the state for debt service costs. I anticipate, if all of this newly authorized debt is incurred in the near term, that the impact on the debt retirement program could be as much as an additional \$45,000,000 in requested reimbursements in FY 1987. I intend to support this additional funding as soon as the amount is determined and necessary debt management legislation is passed.

I, of course, recognize that there are municipalities in the state which have experienced significant population increases, and which therefore need the construction of new schools. I believe that these existing needs should be met at the current levels of state support. However, the future of state revenues and the need for new schools are uncertain. Consequently, I believe that different approaches need to be applied to the way the state considers all school construction in the state.

With discipline and altered approaches to the school construction, I believe that the state and its municipalities can contain state-supported debt and still allow for adequate state support of school construction.

This bill changes procedures for reviewing and approving school projects.

Section 1 amends AS 14.08.151. These amendments are desirable to clarify the manner in which the state conveys title for school sites to regional education attendance areas.

Section 2 amends AS 14.11.010(b) by requiring the Department of Education to request cost estimates from the Department of Transportation and Public Facilities and to base its

project approval upon that cost estimate. This same requirement is found in sec. 11 in amendments to AS 14.11.102, which relates to project approval for the debt retirement program. Section 14 contains new authority for DOT/PF to estimate construction costs for all school projects financed by appropriations and debt retirement. Included within that authority is the responsibility to establish design standards.

Section 3 of the bill amends AS 14.11.010(c) by adding new criteria, relating to population trends and the condition of facilities, which the Department of Education will consider when approving projects for appropriation. These amendments are also applicable to the debt retirement program under language found in sec. 11.

Section 4 proposes new language that will require school districts requesting state aid to inventory and inspect the schools in their districts and to revise that inventory on a yearly basis. The provisions of this section also require that school districts provide information relating to maintenance and operation costs. This information regarding existing school facilities will enable the state to better analyze new projects that the state will be asked to finance by appropriation or by debt reimbursement.

Sections 5 and 6 limit the state's reimbursement of school debt to principal only for approved projects financed by new municipal debt authorized by local voters after March 30, 1986. If the debt was authorized by local voters before April 1, 1986, the state's reimbursement continues as before. The state's reimbursement of cash payments by municipalities ends for payments made after June 30, 1986.

Section 7 amends AS 14.11.100(b) by offsetting the amount that the municipality receives for debt reimbursement by the amount of interest earned on the proceeds of bonds sold for a particular project. This amendment parallels existing law found in AS 14.11.100(k), which is repealed in sec. 16.

Sections 8, 9, and 10 contain a number of amendments to AS 14.11.100(h), (i), and (j), respectively, which are necessary to reflect the new class of reimbursement under the language proposed in AS 14.11.100(a)(6) in sec. 6 of the bill. Section 10 has a fiscal impact. It amends AS 14.11.100(j)(2) to allow refunding of bonds only in those situations where there is at least a five percent saving in debt service costs. It also amends AS 14.11.100(j)(3) by requiring that the principal on bonds be reimbursed in equal

annual payments over a period of 10 years or a term set by the state bond committee.

Under sec. 12, the Department of Education will continue to allocate money to reimburse municipal debt. However, a cap on reimbursement is placed upon debt authorized by local voters after April 1, 1986. The department may only allocate money for the reimbursement of principal paid on new debt if the new payments, when combined with all other reimbursements under this class of debt, do not exceed the \$10,000,000 or an amount set by the state bond committee. This mechanism will have two results. It puts a cap on state-supported debt, but, with discipline, it will enable municipalities to construct needed school projects in addition to those that are financed by bonds authorized by local voters before April 1, 1986.

Section 13 amends AS 14.11.135(3) by changing the definition of school construction costs. It excludes all financing costs for debt authorized by local voters after March 31, 1986.

Section 14 adds three new sections to AS 35.15. Under the proposed language, the Department of Transportation and Public Facilities will estimate the costs of all school construction projects under common design standards that it will develop.

Section 15 amends AS 37.15 to give the state bond committee the ability to manage state-supported school debt, which is accomplished under two different mechanisms. First, it may establish a higher or lower ceiling for allocations for reimbursement of new authorizations of school debt under AS 14.11.100(a)(6) (found in sec. 6), depending on the state's credit standing as well as on the needs for school construction. Second, it may control the term of the obligations to ensure that their maturity structure does not adversely affect the state's credit standing. While a 10-year term is allowed by the proposed provisions of AS 14.11.100(j)(2) (found in sec. 10), the committee is accorded the ability to set a different term when it is in the state's best interest.

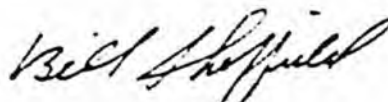
It is our intent with the language in sec. 17 to develop a long range plan for the state's school construction through the end of the century. The necessary components of this plan would include projected enrollments under reasonable population projections, construction costs, design parameters, and financing techniques. It is our hope that,

after the completion of the plan, a rational mechanism can be put in place to provide for the state's public school construction needs which is within the state's ability to pay.

III.

Continued economic prosperity for all sectors of the Alaska economy is in part inextricably tied to more rigorous state debt management. These two bills, as well as legislation relating to responsible limitation on municipal debt, promote more responsible state debt management. Alaska's credit standing is, of course, in part dependent on factors beyond our control. That the state cannot control all relevant factors is no excuse, however, for the inadequate management of those factors within our control. I believe that it is critical that the state become more sensitive to the long-term credit implications of each isolated funding decision. These two bills provide for responsible yet flexible state debt management, and I urge your prompt consideration and approval of these measures.

Sincerely,



Bill Sheffield
Governor

ce
1/27

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

REQUEST

HB 519

Bill/Resolution No. : _____
Title : An Act relating to Public Finance

Sponsor : Rules Committee at the request
Requestor : of the Governor
Date of Request : 1/27/86

Revision Date : _____

FISCAL DETAIL

Agency Affected : Revenue
BRU : Treasury

Components : Operating

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Phil Barber
Division : Treasury

Phone : 465-2350
Date : 1/27/86

Approved by Commissioner : [Signature]
Agency : Dept. of Revenue

Date : 1/27/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA STATE LEGISLATURE

.14th.. Legislature .SECONDSession

HOUSE .BILL..... NO. .519..

By .RULES.BY.REQUEST.OF.THE.. GOVERNOR

"An Act relating to public finance; and providing for an effective date."

public finance

Introduced in the House ...1/27..., 1986.

HISTORY IN THE HOUSE

19 86

Jan 27

Read first time and referred to Committee on

LOANS, JUDICIARY AND FINANCE

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Offered: 4/8/86
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 519 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the financing, leasing, or acqui-
7 sition of facilities, goods, services, or projects;
8 and providing for an effective date."

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

10 * Section 1. AS 14.40.040 is amended to read:

11 Sec. 14.40.040. GENERAL POWERS OF THE UNIVERSITY. There is
12 created and established a corporation to be called the University of
13 Alaska. It may in that name

- 14 (1) sue and be sued;
15 (2) receive and hold real and personal property;
16 (3) contract and be contracted with;
17 (4) adopt, use and alter a corporate seal;
18 (5) borrow money, issue debt, or enter into long-term
19 obligations for the purchase of facilities, goods, or services, which
20 obligations secure, in whole or in part, debt issued by another party,
21 as approved by the state bond committee under AS 37.15.770 and ap-
22 proved by law; an appropriation does not constitute approval by law
23 for purposes of this paragraph;

24 (6) do and have done all matters necessary for the purpose
25 of any function set out [FORTH] in this chapter.

26 * Sec. 2. AS 14.40 is amended by adding a new section to read:

27 Sec. 14.40.255. LEASE-FINANCING. The Board of Regents may enter
28 into lease-financing agreements only with the Alaska State Housing
29 Authority acting as the Alaska State Building Authority. A lease-

1 financing agreement must provide that lease payments are subject to
2 annual appropriation. If the board intends to enter into an agreement
3 under this subsection, the board shall provide notice to the legisla-
4 ture and to the state bond committee. The notice must include the
5 anticipated annual lease payment, the anticipated principal amount of
6 the debt to be issued by the Alaska State Housing Authority acting as
7 the Alaska State Building Authority, and the anticipated total con-
8 struction or acquisition cost of the project. The board may not enter
9 into an agreement under this section unless the public building to be
10 provided has been approved by law. An appropriation for the project
11 does not constitute approval by law for purposes of this section.

12 * Sec. 3. AS 18.55.100(a)(15) is amended to read:

13 (15) acting as the Alaska State Building Authority arrange
14 or contract for the financing or [, DESIGN, CONSTRUCTION AND] acquisi-
15 tion of public buildings designed by, constructed by, or whose acqui-
16 sition has been approved by the Department of Transportation and
17 Public Facilities for lease to the state in accordance with AS 18.55.-
18 010 - 18.55.290 and AS 37.15.770.

19 * Sec. 4. AS 18.55.140 is amended to read:

20 Sec. 18.55.140. ISSUANCE OF BONDS, NOTES, AND REFUNDING BONDS.
21 The authority may issue bonds and notes from time to time in its
22 discretion for any of its corporate purposes and may issue refunding
23 bonds for the purpose of paying or retiring bonds previously issued by
24 it. The authority may not issue bonds for public buildings until the
25 state bond committee has approved the proposal for the issuance of
26 debt under AS 37.15.770 and the building has been approved by law. An
27 appropriation for the building does not constitute approval by law for
28 purposes of this section.

29 * Sec. 5. AS 18.55.140 is amended by adding a new subsection to read:

1 (b) Bonds issued by the authority for public buildings must be
2 issued in the name of the Alaska State Building Authority and are
3 subject to AS 18.55.010 - 18.55.290.

4 * Sec. 6. AS 18.55.288 is amended by adding a new paragraph to read:

5 (4) "bond" means any bond, note, interim certificate,
6 debenture, or other obligation issued by the authority or the author-
7 ity acting as the Alaska State Building Authority under AS 18.55.010 -
8 18.55.290.

9 * Sec. 7. AS 22.05.025 is amended by adding a new subsection to read:

10 (c) The supreme court may enter into lease-financing agreements
11 only with the Alaska State Housing Authority acting as the Alaska
12 State Building Authority. A lease-financing agreement must provide
13 that lease payments are subject to annual appropriation. If the
14 supreme court intends to enter into an agreement under this subsec-
15 tion, the supreme court shall provide notice to the legislature and to
16 the state bond committee. The notice must include the anticipated
17 annual lease payment, the anticipated principal amount of the debt to
18 be issued by the Alaska State Housing Authority acting as the Alaska
19 State Building Authority, and the anticipated total construction or
20 acquisition cost of the project. The supreme court may not enter into
21 an agreement under this subsection unless the public building to be
22 provided has been approved by law. An appropriation for the project
23 does not constitute approval by law for purposes of this section.

24 * Sec. 8. AS 24.23 is amended by adding new sections to read:

25 ARTICLE 2. LEASE AGREEMENTS.

26 Sec. 24.23.100. LEASE OF SPACE. The Legislative Affairs Agency
27 may lease necessary office space, and contract for the lease of space,
28 for the use of the Alaska legislature and its employees.

29 Sec. 24.23.110. The Legislative Affairs Agency may enter into

1 lease-financing agreements only with the Alaska State Housing Author-
2 ity acting as the Alaska State Building Authority. A lease-financing
3 agreement must provide that lease payments are subject to annual
4 appropriation. If the agency intends to enter into an agreement under
5 this subsection, the agency shall provide notice to the legislature
6 and to the state bond committee. The notice must include the antici-
7 pated annual lease payment, the anticipated principal amount of the
8 debt to be issued by the Alaska State Housing Authority acting as the
9 Alaska State Building Authority, and the anticipated total construc-
10 tion or acquisition cost of the project. The agency may not enter
11 into an agreement under this section unless the public building to be
12 provided has been approved by law. An appropriation for the project
13 does not constitute approval by law for purposes of this section.

14 * Sec. 9. AS 37.05.280 is amended to read:

15 Sec. 37.05.280. LEASES. The department shall lease necessary
16 space, and contract for the lease of space, for the use of the state
17 or an agency of the state, wherever it is necessary and feasible,
18 subject to compliance with the requirements of AS 37.05.220 - 37.05.-
19 280. A [NO] lease or contract for a lease may not provide for a
20 period of occupancy greater than 40 years. A lease agreement must
21 provide that lease payments are subject to annual appropriation. An
22 agency of the state requiring office, warehouse, or other space shall
23 lease the space through the department. [NO CONTRACT OR LEASE EX-
24 ECUTED AFTER JANUARY 1, 1966, WHICH PROVIDES FOR A PAYMENT OR PAYMENTS
25 BY THE STATE IN EXCESS OF \$12,000 ANNUALLY IS VALID UNLESS THE USE OF
26 THE SPACE TO BE PROVIDED FOR BY SUCH CONTRACT OR LEASE HAS BEEN EX-
27 PRESSLY APPROVED BY THE LEGISLATURE BY CONCURRENT RESOLUTION.]

28 * Sec. 10. AS 37.05 is amended by adding a new section to read:

29 Sec. 37.05.285. LEASE FINANCING. The department may enter into

1 lease-financing agreements only with the Alaska State Housing Author-
2 ity acting as the Alaska State Building Authority. A lease-financing
3 agreement must provide that lease payments are subject to annual
4 appropriation. If the department intends to enter into an agreement
5 under this subsection, the department shall provide notice to the
6 legislature and to the state bond committee. The notice must include
7 the anticipated annual lease payment, the anticipated principal amount
8 of the debt to be issued by the Alaska State Housing Authority acting
9 as the Alaska State Building Authority, and the anticipated total
10 construction or acquisition cost of the project. The department may
11 not enter into an agreement under this subsection unless the public
12 building to be provided has been approved by law. An appropriation
13 for the project does not constitute approval by law for purposes of
14 this section.

15 * Sec. 11. AS 37.15.040 is amended to read:

16 Sec. 37.15.040. SALE OF BONDS. Before selling an issue or
17 series of bonds, the state bond committee shall give notice inviting
18 sealed bids in the [SUCH] manner [AS] it may prescribe. If satisfac-
19 tory bids are received, the bonds offered for sale shall be awarded to
20 the highest responsible bidder or bidders. If the state bond commit-
21 tee determines that the bids received are not satisfactory as to price
22 or responsibility of the bidders, it may reject all bids received.

23 * Sec. 12. AS 37.15.110 is amended to read:

24 Sec. 37.15.110. CREATION AND MEMBERSHIP OF STATE BOND COMMITTEE.
25 There is created within the Department of Revenue a committee known as
26 the "state bond committee," the members of which are the commissioner
27 of commerce and economic development, the commissioner of administra-
28 tion, and the commissioner of revenue. If a member of the committee
29 is absent or otherwise unable to act, the member's designee in the

1 department shall act as a member of the committee in the member's
2 place.

3 * Sec. 13. AS 37.15.130 is amended to read:

4 Sec. 37.15.130. OFFICERS, RECORDS AND PROCEEDINGS. The commis-
5 sioner of commerce and economic development is the chairman of the
6 state bond committee and the commissioner of revenue is the secretary.
7 A majority of the members of the committee constitute a quorum. The
8 committee shall keep a full, complete, and permanent record of its
9 proceedings. All records and correspondence of the committee shall
10 be kept in the office of the commissioner of revenue. For the purpose
11 of this chapter and AS 44.62.310, public notice of 24 hours or more is
12 adequate notice of a meeting of the committee at which the issuance of
13 bonds is authorized.

14 * Sec. 14. AS 37.15.140 is amended to read:

15 Sec. 37.15.140. DUTIES OF STATE BOND COMMITTEE. The state bond
16 committee shall adopt the resolution and prepare the documents neces-
17 sary for the issuance, sale, and delivery of state general obligation
18 bonds.

19 * Sec. 15. AS 37.15.140 is amended by adding new subsections to read:

20 (b) The state bond committee shall prepare an annual report to
21 be submitted to the governor and legislature before March 31 of each
22 year. The report must show

23 (1) all outstanding debt of debt-issuing entities of the
24 state;

25 (2) the anticipated effect on the finances and credit of
26 the state, including the effect on long-term debt capacity and credit-
27 worthiness, resulting from that debt;

28 (3) which long-term debt is state supported and which is
29 supported only by revenue attributable to the project being financed

1 by the debt;

2 (4) all long-term capital lease obligations of the state;

3 (5) the volume of short-term debt issued and retired during
4 the year by debt-issuing entities of the state;

5 (6) specific identification of each issue for which the
6 state has pledged some form of indirect support for the debt, includ-
7 ing any moral obligation of the state to support the debt;

8 (7) future bonding and debt capacity implications of legis-
9 lation enacted in the previous legislative session; and

10 (8) the recommended debt issuance capacity of the state for
11 the next two years following the year of the report.

12 (c) The state bond committee may develop written policies con-
13 cerning debt of the state.

14 * Sec. 16. AS 37.15.150 is amended to read:

15 Sec. 37.15.150. STAFF AND [COMMITTEE MAY EMPLOY] SPECIAL SER-
16 VICES. The state bond committee may appoint an executive director who
17 may, with approval of the committee, select and employ additional
18 staff as necessary. Employees of the committee are in the partially
19 exempt service under AS 39.25.120. If the [STATE BOND] committee
20 considers it necessary and advisable, it may procure architectural or
21 engineering, fiscal agent or municipal investment, legal, and other
22 expert or specialized services at reasonable and customary fees to
23 assist it in accomplishing the most advantageous sale of the bonds.
24 The fees may be paid from the proceeds of the sale or advanced from
25 the contingency fund in the Office [OFFICE] of the Governor [GOVERNOR]
26 or otherwise.

27 * Sec. 17. AS 37.15.450(a) is amended to read:

28 (a) The bonds shall be sold in the manner, price or prices,
29 [SUCH] amounts or series, and at the [SUCH] time or times [AS]

1 determined by the committee at either public or private sale. [BEFORE
2 SELLING A SERIES OF BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING
3 SEALED BIDS IN SUCH MANNER AS IT MAY PRESCRIBE. IF SATISFACTORY BIDS
4 ARE RECEIVED, THE BONDS OFFERED FOR SALE SHALL BE AWARDED TO THE
5 HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT THE BIDS
6 RECEIVED ARE NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
7 BIDDERS, IT MAY REJECT ALL BIDS RECEIVED.] The bonds, or each series
8 of them, shall be sold at such a price so that the effective interest
9 rate over the life of the bonds does not exceed 11 percent per year or
10 that rate of interest which is 125 percent of the rate of the Bond
11 Buyer Index of 20 Municipal Bond Average Yields for the week previous
12 to the date of sale of the bonds, whichever is higher. Interest shall
13 be payable annually or semiannually.

14 * Sec. 18. AS 37.15.460 is amended to read:

15 Sec. 37.15.460. BOND RESOLUTION. The committee is authorized
16 and directed to adopt the bond resolution and prepare all other docu-
17 ments and proceedings necessary for the issuance, sale and delivery of
18 the bonds or any part or series of them. The bond resolution shall
19 fix the principal amount, denomination, date, maturities, place or
20 places of payment, rights of redemption, if any, terms, form, condi-
21 tions and covenants of the bonds or each series of them. The commit-
22 tee shall also determine and provide for the date and manner of sale
23 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
24 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
25 REQUIRED BY AS 37.15.450].

26 * Sec. 19. AS 37.15.650(a) is amended to read:

27 (a) The toll facilities bonds are sold in the manner, price or
28 prices, amounts or series, and at the time as determined by the com-
29 mittee, at either public or private sale. [BEFORE SELLING A SERIES OF

1 BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING SEALED BIDS. IF
2 SATISFACTORY BIDS ARE RECEIVED, THE BONDS OFFERED FOR SALE ARE AWARDED
3 TO THE HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT A
4 BID RECEIVED IS NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
5 BIDDER, THE COMMITTEE MAY REJECT THE BID RECEIVED.] Bonds, or a
6 series of bonds, may not be sold if the effective interest rate over
7 the life of the bonds exceeds 11 percent per year or that rate of
8 interest that is 125 percent of the rate of the Bond Buyer Index of 20
9 Municipal Bond Average Yields for the week previous to the date of
10 sale of the bonds, whichever is higher. Interest is payable annually
11 or semiannually.

12 * Sec. 20. AS 37.15.660 is amended to read:

13 Sec. 37.15.660. BOND RESOLUTION. The committee is authorized
14 and directed to adopt the bond resolution and prepare all other docu-
15 ments and proceedings necessary for the issuance, sale, and delivery
16 of the bonds or any part or series of them. The bond resolution shall
17 fix the principal amount, denomination, date, maturities, place or
18 places of payment, rights of redemption, if any, terms, form, condi-
19 tions, and covenants of the bonds or each series of them. The commit-
20 tee shall also determine and provide for the date and manner of sale
21 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
22 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
23 REQUIRED BY AS 37.15.650].

24 * Sec. 21. AS 37.15 is amended by adding new sections to read:

25 ARTICLE 5. STATE-SUPPORTED DEBT.

26 Sec. 37.15.770. STATE AGENCY DEBT. (a) The state bond commit-
27 tee shall review proposals for the issuance of debt by or on behalf of
28 (1) the Alaska State Housing Authority acting as the Alaska
29 State Building Authority for the purpose of providing public

1 buildings; and

2 (2) the University of Alaska.

3 (b) The committee shall review the general programs and financ-
4 ing plans of the agency that proposes to issue the debt as well as the
5 specific aspects of the proposed debt issue, including

6 (1) amounts;

7 (2) times;

8 (3) maturities;

9 (4) debt structure and security features;

10 (5) credit enhancements;

11 (6) use of proceeds;

12 (7) official documents;

13 (8) planned rating agency presentations; and

14 (9) selection, retention, or compensation of financial
15 advisors, bond counsel, trustees, underwriters, and other profession-
16 als.

17 (c) The state bond committee shall consider approval of the
18 amount and time of sale of the debt. The committee shall approve the
19 issuance of the debt if, in its judgment, the debt management aspects
20 of the issue reviewed under (b) of this section are in the best inter-
21 ests of the state. The committee may limit approval of the issuance
22 of debt upon compliance with terms established by the committee.

23 (d) At the time of sale of the debt, the state bond committee
24 shall review the bids or pricing of the debt, including discounts,
25 underwriting spreads, and interest rates. If the committee determines
26 that the bids or prices are not satisfactory or that the bidders are
27 not responsible, the agency may not sell the debt.

28 Sec. 37.15.790. MUNICIPAL SCHOOL DEBT. If, at any time, the
29 state bond committee, in its judgment, determines that the amount or

1 retirement of debt issued by municipalities and subject to reimburse-
2 ment by the state under AS 14.11.100 is not in the best interest of
3 the state, the committee may

4 (1) establish an amount or amounts, for any or all years
5 before the maturity of all of that municipal debt, that may not be
6 exceeded by the Department of Education in approving requests under
7 AS 14.11.103; or

8 (2) establish, under AS 14.11.100(j)(3), a term required
9 for the maturities of municipal debt authorized by local voters after
10 March 31, 1986.

11 * Sec. 22. AS 39.25.120(c) is amended by adding a new paragraph to
12 read:

13 (19) employees of the state bond committee.

14 * Sec. 23. Projects approved by law before January 1, 1986, are exempt
15 from this Act.

16 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

Offered: 3/5/86
Referred: Judiciary and
Finance

Original sponsor: Rules/governor

1 IN THE HOUSE BY THE HOUSE SPECIAL COMMITTEE
ON STATE LOANS

2 CS FOR HOUSE BILL NO. 519 (Loans)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public finance; and providing for
7 an effective date."

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

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13 (1) sue and be sued;

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17 (5) borrow money, issue debt, or enter into long-term
18 obligations for the purchase of facilities, goods, or services, which
19 obligations secure, in whole or in part, debt issued by another party,
20 as approved by the state bond committee under AS 37.15.770 and ap-
21 proved by law; an appropriation does not constitute approval by law
22 for purposes of this paragraph;

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3 ture and to the state bond committee. The notice must include the
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5 the debt to be issued by the Alaska State Housing Authority acting as
6 the Alaska State Building Authority, and the anticipated total con-
7 struction or acquisition cost of the project. The board may not enter
8 into an agreement under this section unless the public building to be
9 provided has been approved by law. An appropriation for the project
10 does not constitute approval by law for purposes of this section.

11 * Sec. 3. AS 18.55.100(a)(15) is amended to read:

12 (15) acting as the Alaska State Building Authority arrange
13 or contract for the financing or [, DESIGN, CONSTRUCTION AND] acqui-
14 sition of public buildings designed by, constructed by, or whose acqui-
15 sition has been approved by the Department of Transportation and
16 Public Facilities for lease to the state in accordance with AS 18.55.-
17 010 - 18.55.290 and AS 37.15.770.

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19 Sec. 18.55.140. ISSUANCE OF BONDS, NOTES, AND REFUNDING BONDS.
20 The authority may issue bonds and notes from time to time in its
21 discretion for any of its corporate purposes and may issue refunding
22 bonds for the purpose of paying or retiring bonds previously issued by
23 it. The authority may not issue bonds for public buildings until the
24 state bond committee has approved the proposal for the issuance of
25 debt under AS 37.15.770 and the building has been approved by law. An
26 appropriation for the building does not constitute approval by law for
27 purposes of this section.

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29 (b) Bonds issued by the authority for public buildings must be

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6 ity acting as the Alaska State Building Authority under AS 18.55.010 -
7 18.55.290.

8 * Sec. 7. AS 22.05.025 is amended by adding a new subsection to read:

9 (c) The supreme court may enter into lease-financing agreements
10 only with the Alaska State Housing Authority acting as the Alaska
11 State Building Authority. A lease-financing agreement must provide
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13 supreme court intends to enter into an agreement under this subsec-
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15 the state bond committee. The notice must include the anticipated
16 annual lease payment, the anticipated principal amount of the debt to
17 be issued by the Alaska State Housing Authority acting as the Alaska
18 State Building Authority, and the anticipated total construction or
19 acquisition cost of the project. The supreme court may not enter into
20 an agreement under this subsection unless the public building to be
21 provided has been approved by law. An appropriation for the project
22 does not constitute approval by law for purposes of this section.

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25 Sec. 24.23.100. LEASE OF SPACE. The Legislative Affairs Agency
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2 ity acting as the Alaska State Building Authority. A lease-financing
3 agreement must provide that lease payments are subject to annual
4 appropriation. If the department intends to enter into an agreement
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6 legislature and to the state bond committee. The notice must include
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10 construction or acquisition cost of the project. The department may
11 not enter into an agreement under this subsection unless the public
12 building to be provided has been approved by law. An appropriation
13 for the project does not constitute approval by law for purposes of
14 this section.

15 * Sec. 11. AS 37.15.040 is amended to read:

16 Sec. 37.15.040. SALE OF BONDS. Before selling an issue or
17 series of bonds, the state bond committee shall give notice inviting
18 sealed bids in the [SUCH] manner [AS] it may prescribe. If satisfac-
19 tory bids are received, the bonds offered for sale shall be awarded to
20 the highest responsible bidder or bidders. If the state bond commit-
21 tee determines that the bids received are not satisfactory as to price
22 or responsibility of the bidders, it may reject all bids received.

23 * Sec. 12. AS 37.15.110 is amended to read:

24 Sec. 37.15.110. CREATION AND MEMBERSHIP OF STATE BOND COMMITTEE.
25 There is created within the Department of Revenue a committee known as
26 the "state bond committee," the members of which are the commissioner
27 of commerce and economic development, the commissioner of administra-
28 tion, and the commissioner of revenue. If a member of the committee
29 is absent or otherwise unable to act, the member's designee in the

1 department shall act as a member of the committee in the member's
2 place.

3 * Sec. 13. AS 37.15.130 is amended to read:

4 Sec. 37.15.130. OFFICERS, RECORDS AND PROCEEDINGS. The commis-
5 sioner of commerce and economic development is the chairman of the
6 state bond committee and the commissioner of revenue is the secretary.
7 A majority of the members of the committee constitute a quorum. The
8 committee shall keep a full, complete, and permanent record of its
9 proceedings. All records and correspondence of the committee shall
10 be kept in the office of the commissioner of revenue. For the purpose
11 of this chapter and AS 44.62.310, public notice of 24 hours or more is
12 adequate notice of a meeting of the committee at which the issuance of
13 bonds is authorized.

14 * Sec. 14. AS 37.15.140 is amended to read:

15 Sec. 37.15.140. DUTIES OF STATE BOND COMMITTEE. The state bond
16 committee shall adopt the resolution and prepare the documents neces-
17 sary for the issuance, sale, and delivery of state general obligation
18 bonds.

19 * Sec. 15. AS 37.15.140 is amended by adding new subsections to read:

20 (b) The state bond committee shall prepare an annual report to
21 be submitted to the governor and legislature before March 31 of each
22 year. The report must show

23 (1) all outstanding debt of debt-issuing entities of the
24 state;

25 (2) the anticipated effect on the finances and credit of
26 the state, including the effect on long-term debt capacity and credit-
27 worthiness, resulting from that debt;

28 (3) which long-term debt is state supported and which is
29 supported only by revenue attributable to the project being financed

1 by the debt;

2 (4) all long-term capital lease obligations of the state;

3 (5) the volume of short-term debt issued and retired during
4 the year by debt-issuing entities of the state;

5 (6) specific identification of each issue for which the
6 state has pledged some form of indirect support for the debt, includ-
7 ing any moral obligation of the state to support the debt;

8 (7) future bonding and debt capacity implications of legis-
9 lation enacted in the previous legislative session; and

10 (8) the recommended debt issuance capacity of the state for
11 the next two years following the year of the report.

12 (c) The state bond committee may develop written policies con-
13 cerning debt of the state.

14 * Sec. 16. AS 37.15.150 is amended to read:

15 Sec. 37.15.150. STAFF AND [COMMITTEE MAY EMPLOY] SPECIAL SER-
16 VICES. The state bond committee may appoint an executive director who
17 may, with approval of the committee, select and employ additional
18 staff as necessary. Employees of the committee are in the partially
19 exempt service under AS 39.25.120. If the [STATE BOND] committee
20 considers it necessary and advisable, it may procure architectural or
21 engineering, fiscal agent or municipal investment, legal, and other
22 expert or specialized services at reasonable and customary fees to
23 assist it in accomplishing the most advantageous sale of the bonds.
24 The fees may be paid from the proceeds of the sale or advanced from
25 the contingency fund in the Office [OFFICE] of the Governor [GOVERNOR]
26 or otherwise.

27 * Sec. 17. AS 37.15.450(a) is amended to read:

28 (a) The bonds shall be sold in the manner, price or prices,
29 [SUCH] amounts or series, and at the [SUCH] time or times [AS]

1 determined by the committee at either public or private sale. [BEFORE
2 SELLING A SERIES OF BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING
3 SEALED BIDS IN SUCH MANNER AS IT MAY PRESCRIBE. IF SATISFACTORY BIDS
4 ARE RECEIVED, THE BONDS OFFERED FOR SALE SHALL BE AWARDED TO THE
5 HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT THE BIDS
6 RECEIVED ARE NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
7 BIDDERS, IT MAY REJECT ALL BIDS RECEIVED.] The bonds, or each series
8 of them, shall be sold at such a price so that the effective interest
9 rate over the life of the bonds does not exceed 11 percent per year or
10 that rate of interest which is 125 percent of the rate of the Bond
11 Buyer Index of 20 Municipal Bond Average Yields for the week previous
12 to the date of sale of the bonds, whichever is higher. Interest shall
13 be payable annually or semiannually.

14 * Sec. 18. AS 37.15.460 is amended to read:

15 Sec. 37.15.460. BOND RESOLUTION. The committee is authorized
16 and directed to adopt the bond resolution and prepare all other docu-
17 ments and proceedings necessary for the issuance, sale and delivery of
18 the bonds or any part or series of them. The bond resolution shall
19 fix the principal amount, denomination, date, maturities, place or
20 places of payment, rights of redemption, if any, terms, form, condi-
21 tions and covenants of the bonds or each series of them. The commit-
22 tee shall also determine and provide for the date and manner of sale
23 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
24 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
25 REQUIRED BY AS 37.15.450].

26 * Sec. 19. AS 37.15.650(a) is amended to read:

27 (a) The toll facilities bonds are sold in the manner, price or
28 prices, amounts or series, and at the time as determined by the com-
29 mittee, at either public or private sale. [BEFORE SELLING A SERIES OF

1 BONDS, THE COMMITTEE SHALL GIVE NOTICE INVITING SEALED BIDS. IF
2 SATISFACTORY BIDS ARE RECEIVED, THE BONDS OFFERED FOR SALE ARE AWARDED
3 TO THE HIGHEST RESPONSIBLE BIDDER. IF THE COMMITTEE DETERMINES THAT A
4 BID RECEIVED IS NOT SATISFACTORY AS TO PRICE OR RESPONSIBILITY OF THE
5 BIDDER, THE COMMITTEE MAY REJECT THE BID RECEIVED.] Bonds, or a
6 series of bonds, may not be sold if the effective interest rate over
7 the life of the bonds exceeds 11 percent per year or that rate of
8 interest that is 125 percent of the rate of the Bond Buyer Index of 20
9 Municipal Bond Average Yields for the week previous to the date of
10 sale of the bonds, whichever is higher. Interest is payable annually
11 or semiannually.

12 * Sec. 20. AS 37.15.660 is amended to read:

13 Sec. 37.15.660. BOND RESOLUTION. The committee is authorized
14 and directed to adopt the bond resolution and prepare all other docu-
15 ments and proceedings necessary for the issuance, sale, and delivery
16 of the bonds or any part or series of them. The bond resolution shall
17 fix the principal amount, denomination, date, maturities, place or
18 places of payment, rights of redemption, if any, terms, form, condi-
19 tions, and covenants of the bonds or each series of them. The commit-
20 tee shall also determine and provide for the date and manner of sale
21 of the bonds, and shall provide where a [WHETHER THE] notice of sale,
22 if any, is to be published [ELSEWHERE IN ADDITION TO THE PUBLICATION
23 REQUIRED BY AS 37.15.650].

24 * Sec. 21. AS 37.15 is amended by adding new sections to read:

25 ARTICLE 5. STATE-SUPPORTED DEBT.

26 Sec. 37.15.770. STATE AGENCY DEBT. (a) The state bond commit-
27 tee shall review proposals for the issuance of debt by or on behalf of
28 (1) the Alaska State Housing Authority acting as the Alaska
29 State Building Authority for the purpose of providing public

1 buildings; and

2 (2) the University of Alaska.

3 (b) The committee may review the general programs and financing
4 plans of the agency that proposes to issue the debt as well as the
5 specific aspects of the proposed debt issue, including

6 (1) amounts;

7 (2) times;

8 (3) maturities;

9 (4) debt structure and security features;

10 (5) credit enhancements;

11 (6) use of proceeds;

12 (7) official documents;

13 (8) planned rating agency presentations; and

14 (9) selection, retention, or compensation of financial
15 advisors, bond counsel, trustees, underwriters, and other profession-
16 als.

17 (c) The state bond committee shall consider approval of the
18 amount and time of sale of the debt. The committee shall approve the
19 issuance of the debt if, in its judgment, issuance of the debt is in
20 the best interests of the state. The committee may limit approval of
21 the issuance of debt upon compliance with terms established by the
22 committee.

23 (d) At the time of sale of the debt, the state bond committee
24 shall review the bids or pricing of the debt, including discounts,
25 underwriting spreads, and interest rates. If the committee determines
26 that the bids or prices are not satisfactory or that the bidders are
27 not responsible, the agency may not sell the debt.

28 Sec. 37.15.790. MUNICIPAL SCHOOL DEBT. If, at any time, the
29 state bond committee, in its judgment, determines that the amount or

1 retirement of debt issued by municipalities and subject to reimburse-
2 ment by the state under AS 14.11.100 is not in the best interest of
3 the state, the committee may

4 (1) establish an amount or amounts, for any or all years
5 before the maturity of all of that municipal debt, that may not be
6 exceeded by the Department of Education in approving requests under
7 AS 14.11.103; or

8 (2) establish, under AS 14.11.100(j)(3), a term required
9 for the maturities of municipal debt authorized by local voters after
10 March 31, 1986.

11 * Sec. 22. AS 39.25.120(c) is amended by adding a new paragraph to
12 read:

13 (19) employees of the state bond committee.

14 * Sec. 23. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Introduced: 1/27/86
Referred: House Special Committee on
State Loans, Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 519

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public finance; and providing for
7 an effective date."

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

9 * Section 1. AS 14.40.040 is amended to read:

10 Sec. 14.40.040. GENERAL POWERS OF THE UNIVERSITY. There is
11 created and established a corporation to be called the University of
12 Alaska. It may in that name

13 (1) sue and be sued;

14 (2) receive and hold real and personal property;

15 (3) contract and be contracted with;

16 (4) adopt, use and alter a corporate seal;

17 (5) borrow money, issue debt, or enter into long-term obli-
18 gations for the purchase of facilities, goods, or services, which
19 obligations secure, in whole or in part, debt issued by another party,
20 as approved by the state bond committee under AS 37.15.770;

21 (6) do and have done all matters necessary for the purpose
22 of any functions set forth in this chapter.

23 * Sec. 2. AS 14.40 is amended by adding a new section to read:

24 Sec. 14.40.255. LEASE-FINANCING. The Board of Regents may enter
25 into lease-financing agreements only with the Alaska State Housing
26 Authority acting as the Alaska State Building Authority. A lease-
27 financing agreement must provide that lease payments are subject to
28 annual appropriation. If the board intends to enter into an agreement
29 under this subsection, the board shall provide notice to the