

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

944

1 by adding new sections to read:

2 SECTION 29. DEDICATED FUNDS. (a) The operation of Section 7 of
3 Article IX is suspended from July 1, 1991, through June 30, 1996, and
4 this section applies in lieu of Section 7 of Article IX.

5 (b) The proceeds of any state tax or license shall not be dedi-
6 cated to any special purpose, except as provided in Sections 30 and 32
7 of this article or when required by the federal government for state
8 participation in federal programs. This provision shall not prohibit
9 the continuance of any dedication for special purposes existing upon
10 the date of ratification Section 7 of Article IX by the people of
11 Alaska.

12 SECTION 30. ALASKA PERMANENT FUND. (a) The operation of Sec-
13 tion 15 of Article IX is suspended from July 1, 1991, through June 30,
14 1996, and this section applies in lieu of Section 15 of Article IX.

15 (b) At least twenty-five percent of all mineral lease rentals,
16 royalties, royalty sale proceeds, federal mineral revenue sharing
17 payments and bonuses received by the State shall be placed in a perma-
18 nent fund. The fund is established as a trust on behalf of all the
19 residents of the State and its principal shall be invested in accor-
20 dance with the prudent investor rule in income-producing investments
21 specifically designated by law as eligible for permanent fund invest-
22 ments.

23 (c) The income of the permanent fund shall be distributed as
24 follows:

25 (1) fifty percent to be used for dividends for State resi-
26 dents as provided by law;

27 (2) thirty percent to be added to the principal of the
28 permanent fund to help offset the effect of inflation and increase the
29 principal; and

1 (3) twenty percent to the budget stabilization fund estab-
2 lished under Section 32 of this article.

3 SECTION 31. EXPENDITURE LIMIT. (a) The operation of Section 16
4 of Article IX is suspended from July 1, 1991, through June 30, 1996,
5 and this section applies in lieu of Section 16 of Article IX.

6 (b) Except for appropriations to the permanent fund or for
7 Alaska permanent fund dividends, appropriations to the budget stabili-
8 zation fund, appropriations by the legislature to meet a State natural
9 disaster declared by the governor as prescribed by law, appropriations
10 of revenue bond proceeds, and appropriations of money received from a
11 non-State source in trust for a specific purpose, including revenues
12 of a public enterprise or public corporation of the State that issues
13 revenue bonds, appropriations from the treasury made for fiscal year
14 1996 may not exceed a basic services budget level of \$1,400,000,000.
15 The legislature shall by law establish an expenditure limit for each
16 fiscal year calculated to achieve the basic services budget level
17 required under this section for fiscal year 1996.

18 (c) During a fiscal year the legislature may exceed the expendi-
19 ture limit under (b) of this section if each bill that exceeds the
20 limit is passed by affirmative vote of three-fourths of the membership
21 of each house of the legislature or, notwithstanding Sections 1 and 14
22 of Article II and Article XI, is approved by the voters as prescribed
23 by law. The voters shall, for each bill for appropriations for capi-
24 tal projects, be informed as provided by law of the cost of operations
25 and maintenance of each capital project.

26 (d) Fifty percent of the money received by the State that is
27 subject to the expenditure limit under (b) of this section and that
28 exceeds that limit but is not appropriated under (c) of this section
29 shall be deposited in the principal of the permanent fund and the

1 remaining fifty percent shall be deposited in the budget stabilization
2 fund.

3 SECTION 32. BUDGET STABILIZATION FUND. (a) This section ap-
4 plies from July 1, 1991, through June 30, 1996.

5 (b) Income of the permanent fund shall be deposited in the
6 budget stabilization fund in accordance with Section 30(c) of this
7 article. Fifty percent of the money received by the State that is
8 subject to the expenditure limit under Section 31(b) of this article,
9 exceeds that limit, and is not appropriated under Section 31(c) of
10 this article shall be deposited in the budget stabilization fund.
11 Additional appropriations may be made to the budget stabilization
12 fund.

13 (c) Money in the budget stabilization fund shall be invested so
14 as to yield competitive market rates to the fund. Income from invest-
15 ment of the fund shall be retained in the fund.

16 (d) If the legislature determines that the money subject to the
17 expenditure limit received by the State in a fiscal year is less than
18 the maximum amount that may be appropriated under Section 31 of this
19 article, money may be appropriated from the budget stabilization fund
20 to the general fund. However, the amount appropriated from the budget
21 stabilization fund during a fiscal year may not exceed the lesser of

22 (1) the amount that, when added to money subject to the
23 expenditure limit received by the State during that fiscal year,
24 equals the maximum amount that may be appropriated under Section 31 of
25 this article; or

26 (2) twenty-five percent of the balance of the budget sta-
27 bilization fund.

28 (e) Notwithstanding the expenditure limit in Section 31 of this
29 article, additional amounts may be appropriated from the budget

1 stabilization fund to meet a State disaster declared by the governor
2 as prescribed by law.

3 SECTION 33. REPEAL. Sections 29 - 32 of Article XV are repealed
4 July 1, 1996.

5 * Sec. 3. The amendments proposed by this resolution shall be placed
6 before the voters of the state at the next general election in conformity
7 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
8 tion laws of the state.

Offered: 3/20/89
Referred: Judiciary and Finance

6-0161D

Original sponsors: Faiks, Jones,
Eliason, et al.

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 5 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska amending provi-
7 sions relating to the Alaska permanent
8 fund; establishing temporary provisions
9 relating to dedicated funds, the Alaska
10 permanent fund, the expenditure limit,
11 and the budget stabilization fund; and
12 suspending the operation of provisions
13 relating to dedicated funds, the Alaska
14 permanent fund, and the appropriation
15 limit.

16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

17 * Section 1. Article IX, sec. 15, Constitution of the State of Alaska,
18 is amended to read:

19 SECTION 15. ALASKA PERMANENT FUND. At least twenty-five per
20 cent of all mineral lease rentals, royalties, royalty sale proceeds,
21 federal mineral revenue sharing payments and bonuses received by the
22 State shall be placed in a permanent fund. The fund is established as
23 a trust on behalf of all the residents of the State and its principal
24 shall be invested in accordance with the prudent investor rule in [,
25 THE PRINCIPAL OF WHICH SHALL BE USED ONLY FOR THOSE] income-producing
26 investments specifically designated by law as eligible for permanent
27 fund investments. All income from the permanent fund shall be depos-
28 ited in the general fund unless otherwise provided by law.

29 * Sec. 2. Article XV, Constitution of the State of Alaska, is amended

1 by adding new sections to read:

2 SECTION 29. DEDICATED FUNDS. (a) The operation of Section 7 of
3 Article IX is suspended from July 1, 1991, through June 30, 1996, and
4 this section applies in lieu of Section 7 of Article IX.

5 (b) The proceeds of any state tax or license shall not be dedi-
6 cated to any special purpose, except as provided in Sections 30 and 32
7 of this article or when required by the federal government for state
8 participation in federal programs. This provision shall not prohibit
9 the continuance of any dedication for special purposes existing upon
10 the date of ratification of Section 7 of Article IX by the people of
11 Alaska.

12 SECTION 30. ALASKA PERMANENT FUND. (a) The operation of Sec-
13 tion 15 of Article IX is suspended from July 1, 1991, through June 30,
14 1996, and this section applies in lieu of Section 15 of Article IX.

15 (b) At least twenty-five percent of all mineral lease rentals,
16 royalties, royalty sale proceeds, federal mineral revenue sharing
17 payments and bonuses received by the State shall be placed in a perma-
18 nent fund. The fund is established as a trust on behalf of all the
19 residents of the State and its principal shall be invested in accor-
20 dance with the prudent investor rule in income-producing investments
21 specifically designated by law as eligible for permanent fund invest-
22 ments.

23 (c) The income of the permanent fund shall be distributed as
24 follows:

25 (1) fifty percent to be used for dividends for State resi-
26 dents as provided by law;

27 (2) thirty percent to be added to the principal of the
28 permanent fund to help offset the effect of inflation and increase the
29 principal; and

1 (3) twenty percent to the budget stabilization fund estab-
2 lished under Section 32 of this article.

3 SECTION 31. EXPENDITURE LIMIT. (a) The operation of Section 16
4 of Article IX is suspended from July 1, 1991, through June 30, 1996,
5 and this section applies in lieu of Section 16 of Article IX.

6 (b) Except for appropriations to the permanent fund or for
7 Alaska permanent fund dividends, appropriations to the budget stabili-
8 zation fund, appropriations by the legislature to meet a State natural
9 disaster declared by the governor as prescribed by law, appropriations
10 of revenue bond proceeds, and appropriations of money received from a
11 non-State source in trust for a specific purpose, including revenues
12 of a public enterprise or public corporation of the State that issues
13 revenue bonds, appropriations from the treasury made for a fiscal year
14 may not exceed appropriations made for the preceding fiscal year
15 adjusted, as prescribed by law, for the change in population and
16 inflation since the beginning of the preceding fiscal year.

17 (c) During a fiscal year the legislature may exceed the expendi-
18 ture limit under (b) of this section if each bill that exceeds the
19 limit is passed by affirmative vote of two-thirds of the membership of
20 each house of the legislature or, notwithstanding Sections 1 and 14 of
21 Article II and Article XI, is approved by the voters as prescribed by
22 law. The voters shall, for each bill for appropriations for capital
23 projects, be informed as provided by law of the cost of operations and
24 maintenance of each capital project.

25 (d) Fifty percent of the money received by the State during a
26 fiscal year that is subject to the expenditure limit under (b) of this
27 section and that exceeds that limit but is not appropriated under (c)
28 of this section shall be deposited in the principal of the permanent
29 fund and the remaining fifty percent shall be deposited in the budget

1 stabilization fund.

2 SECTION 32. BUDGET STABILIZATION FUND. (a) This section ap-
3 plies from July 1, 1991, through June 30, 1996.

4 (b) Income of the permanent fund shall be deposited in the
5 budget stabilization fund in accordance with Section 30(c) of this
6 article. Fifty percent of the money received by the State that is
7 subject to the expenditure limit under Section 31(b) of this article,
8 exceeds that limit, and is not appropriated under Section 31(c) of
9 this article shall be deposited in the budget stabilization fund.
10 Additional appropriations may be made to the budget stabilization
11 fund.

12 (c) Money in the budget stabilization fund shall be invested so
13 as to yield competitive market rates to the fund. Income from invest-
14 ment of the fund shall be retained in the fund.

15 (d) If the legislature determines that the money subject to the
16 expenditure limit received by the State in a fiscal year is less than
17 the maximum amount that may be appropriated under Section 31 of this
18 article, money may be appropriated from the budget stabilization fund
19 to the general fund. However, the amount appropriated from the budget
20 stabilization fund during a fiscal year may not exceed the lesser of

21 (1) the amount that, when added to money subject to the
22 expenditure limit received by the State during that fiscal year,
23 equals the maximum amount that may be appropriated under Section 31 of
24 this article; or

25 (2) twenty-five percent of the balance of the budget sta-
26 bilization fund.

27 (e) Notwithstanding the expenditure limit in Section 31 of this
28 article, additional amounts may be appropriated from the budget stabi-
29 lization fund to meet a State disaster declared by the governor as

1 prescribed by law.

2 SECTION 33. REPEAL. Sections 29 - 32 of Article XV are repealed
3 July 1, 1996.

4 * Sec. 3. The amendments proposed by this resolution shall be placed
5 before the voters of the state at the next general election in conformity
6 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
7 tion laws of the state.

Offered: 4/26/89
Referred: Finance

Original sponsors: Faiks, Jones,
Eliason, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 5 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska establishing
7 temporary provisions relating to dedi-
8 cated funds, the Alaska permanent fund,
9 the expenditure limit, and the budget
10 stabilization fund; and suspending the
11 operation of provisions relating to
12 dedicated funds, the Alaska permanent
13 fund, and the appropriation limit.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 * Section 1. Article XV, Constitution of the State of Alaska, is amend-
16 ed by adding new sections to read:

17 SECTION 29. DEDICATED FUNDS. (a) The operation of Section 7 of
18 Article IX is suspended from July 1, 1991, through June 30, 1996, and
19 this section applies in lieu of Section 7 of Article IX.

20 (b) The proceeds of any state tax or license shall not be dedi-
21 cated to any special purpose, except as provided in Sections 30 and 32
22 of this article or when required by the federal government for state
23 participation in federal programs. This provision shall not prohibit
24 the continuance of any dedication for special purposes existing upon
25 the date of ratification of Section 7 of Article IX by the people of
26 Alaska.

27 SECTION 30. ALASKA PERMANENT FUND. (a) The operation of Sec-
28 tion 15 of Article IX is suspended from July 1, 1991, through June 30,
29 1996, and this section applies in lieu of Section 15 of Article IX.

1 (b) At least twenty-five percent of all mineral lease rentals,
2 royalties, royalty sale proceeds, federal mineral revenue sharing
3 payments and bonuses received by the State shall be placed in a perma-
4 nent fund, the principal of which shall be used only for those income-
5 producing investments specifically designated by law as eligible for
6 permanent fund investments.

7 (c) The income of the permanent fund shall be distributed as
8 follows:

9 (1) fifty percent to be used for dividends for State resi-
10 dents as provided by law;

11 (2) thirty percent to be added to the principal of the
12 permanent fund to help offset the effect of inflation and increase the
13 principal; and

14 (3) twenty percent to the budget stabilization fund estab-
15 lished under Section 32 of this article.

16 SECTION 31. EXPENDITURE LIMIT. (a) The operation of Section 16
17 of Article IX is suspended from July 1, 1991, through June 30, 1996,
18 and this section applies in lieu of Section 16 of Article IX.

19 (b) Except for appropriations to the permanent fund or for
20 Alaska permanent fund dividends, appropriations to the budget stabili-
21 zation fund, appropriations by the legislature to meet a State natural
22 disaster declared by the governor as prescribed by law, appropriations
23 of revenue bond proceeds, and appropriations of money received from a
24 non-State source in trust for a specific purpose, including revenues
25 of a public enterprise or public corporation of the State that issues
26 revenue bonds, appropriations from the treasury made for a fiscal year
27 may not exceed appropriations made for the preceding fiscal year
28 adjusted, as prescribed by law, for the change in population and
29 inflation since the beginning of the preceding fiscal year.

1 (c) During a fiscal year the legislature may exceed the expendi-
2 ture limit under (b) of this section if each bill that exceeds the
3 limit is passed by affirmative vote of two-thirds of the membership of
4 each house of the legislature or, notwithstanding Sections 1 and 14 of
5 Article II and Article XI, is approved by the voters as prescribed by
6 law. The voters shall, for each bill for appropriations for capital
7 projects submitted to them under this subsection, be informed as
8 provided by law of the cost of operations and maintenance of each
9 capital project.

10 (d) The money received by the State during a fiscal year that is
11 subject to the expenditure limit under (b) of this section, that does
12 not exceed that limit, and that is not appropriated under (b) of this
13 section shall be deposited in the principal of the permanent fund.

14 (e) Fifty percent of the money received by the State during a
15 fiscal year that is subject to the expenditure limit under (b) of this
16 section, that exceeds that limit, and that is not appropriated under
17 (c) of this section shall be deposited in the principal of the perma-
18 nent fund. The remaining fifty percent shall be deposited in the
19 budget stabilization fund.

20 SECTION 32. BUDGET STABILIZATION FUND. (a) This section ap-
21 plies from July 1, 1991, through June 30, 1996.

22 (b) Income of the permanent fund shall be deposited in the
23 budget stabilization fund in accordance with Section 30(c) of this
24 article. Fifty percent of the money received by the State that is
25 subject to the expenditure limit under Section 31(b) of this article,
26 exceeds that limit, and is not appropriated under Section 31(c) of
27 this article shall be deposited in the budget stabilization fund.
28 Additional appropriations may be made to the budget stabilization
29 fund.

1 (c) Money in the budget stabilization fund shall be invested so
2 as to yield competitive market rates to the fund. Income from invest-
3 ment of the fund shall be retained in the fund.

4 (d) If the legislature determines that the money subject to the
5 expenditure limit received by the State in a fiscal year is less than
6 the maximum amount that may be appropriated under Section 31 of this
7 article, money may be appropriated from the budget stabilization fund
8 to the general fund. However, the amount appropriated from the budget
9 stabilization fund during a fiscal year may not exceed the lesser of

10 (1) the amount that, when added to money subject to the
11 expenditure limit received by the State during that fiscal year,
12 equals the maximum amount that may be appropriated under Section 31 of
13 this article; or

14 (2) twenty-five percent of the balance of the budget sta-
15 bilization fund.

16 (e) Notwithstanding the expenditure limit in Section 31 of this
17 article, additional amounts may be appropriated from the budget stabi-
18 lization fund to meet a State disaster declared by the governor as
19 prescribed by law.

20 SECTION 33. REPEAL. Sections 29 - 32 of Article XV are repealed
21 July 1, 1996.

22 * Sec. 2. The amendments proposed by this resolution shall be placed
23 before the voters of the state at the next general election in conformity
24 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
25 tion laws of the state.

Original sponsor(s): SEN. FAIKS, Jones, Eliason, Fischer, Kelly, Uehling

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 5 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 temporary provisions relating to dedi-
8 cated funds, the expenditure limit, and
9 the budget reserve fund; and suspending
10 the operation of provisions relating to
11 dedicated funds and the appropriation
12 limit.

13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 * Section 1. Article XV, Constitution of the State of Alaska, is amend-
15 ed by adding new sections to read:

16 SECTION 29. DEDICATED FUNDS. (a) The operation of Section 7 of
17 Article IX is suspended from July 1, 1991, through June 30, 1996, and
18 this section applies in lieu of Section 7 of Article IX.

19 (b) The proceeds of any State tax or license shall not be dedi-
20 cated to any special purpose, except as provided in Section 15 of
21 Article IX and Sections 30 and 31 of this article or when required by
22 the federal government for State participation in federal programs.
23 This provision shall not prohibit the continuance of any dedication
24 for special purposes existing upon the date of ratification of Sec-
25 tion 7 of Article IX by the people of Alaska.

26 SECTION 30. EXPENDITURE LIMIT. (a) The operation of Section 16
27 of Article IX is suspended from July 1, 1991, through June 30, 1996,
28 and this section applies in lieu of Section 16 of Article IX.

29 (b) Except for appropriations to the permanent fund or for

1 Alaska permanent fund dividends, appropriations to the budget reserve
2 fund, appropriations of revenue derived from a tax that has been
3 approved by a vote of the taxpayers, appropriations of general obligation
4 and revenue bond proceeds, appropriations required to pay the
5 principal and interest on general obligation and revenue bonds issued
6 by the State, appropriations to pay the principal and interest on
7 general obligation bonds issued by a municipality for construction of
8 elementary or secondary schools, appropriations to pay obligations of
9 the State or a public authority or corporation of the State under
10 lease-purchase agreements, appropriations of money received from a
11 non-State source in trust for a specific purpose, appropriations of
12 revenue of a public authority or corporation of the State that issues
13 revenue bonds, and appropriations of revenue of a State program under
14 which revenue bonds are issued, appropriations from the general fund
15 made for

16 (1) fiscal year 1992 may not exceed \$2,300,000,000;

17 (2) fiscal years 1993 - 1996 may not exceed an amount equal
18 to one percent less than the amount appropriated during the prior
19 fiscal year that was subject to the limit under this subsection.

20 (c) During a fiscal year the legislature may exceed the expenditure
21 limit under (b) of this section if each bill that exceeds the
22 limit is passed by affirmative vote of

23 (1) three-quarters of the membership of each house of the
24 legislature; or

25 (2) two-thirds of the membership of each house of the
26 legislature and the appropriation is to meet a disaster emergency
27 declared by the governor as prescribed by law.

28 (d) Except as provided in (e) of this section, all money received
29 by the State during a fiscal year that is subject to the

1 expenditure limit under (b) of this section, that exceeds that limit,
2 and that is not appropriated under (c) of this section shall be depos-
3 ited in the budget reserve fund.

4 (e) Except for money deposited into the permanent fund under
5 Section 15 of Article IX, all money received by the State as a result
6 of the termination through settlement or otherwise, of litigation in
7 State or federal court involving mineral lease rentals, royalties,
8 royalty sale proceeds, and federal mineral revenue sharing payments
9 and bonuses shall be deposited in the budget reserve fund.

10 SECTION 31. BUDGET RESERVE FUND. (a) This section applies from
11 July 1, 1991, through June 30, 1996.

12 (b) In addition to deposits made to the budget reserve fund
13 under Section 30(d) and (e) of this article, appropriations may be
14 made to the fund at any time.

15 (c) Money in the budget reserve fund shall be invested so as to
16 yield competitive market rates to the fund. Income from investment of
17 the fund shall be retained in the fund.

18 (d) Except as provided in (e) of this section, money may be
19 appropriated from the budget reserve fund only if the legislature
20 determines that the money received by the State in a fiscal year and
21 subject to the expenditure limit is less than the maximum amount that
22 may be appropriated under Section 30(b) of this article. However, the
23 amount appropriated from the budget reserve fund during a fiscal year
24 may not exceed the lesser of

25 (1) the amount that, when added to money received by the
26 State during that fiscal year and subject to the expenditure limit,
27 equals the maximum amount that may be appropriated under Section 30(b)
28 of this article; or

29 (2) twenty-five percent of the balance of the budget

1 reserve fund.

2 (e) An appropriation from the budget reserve fund may be made
3 upon affirmative vote of two-thirds of the membership of each house of
4 the legislature to meet a disaster emergency declared by the governor
5 as prescribed by law. An appropriation from the budget reserve fund
6 to the principal of the permanent fund may be made at any time.

7 SECTION 32. REPEAL. Sections 29 - 31 of Article XV are repealed
8 July 1, 1996.

9 * Sec. 2. The amendment proposed by this resolution shall be placed
10 before the voters of the state at the next general election in conformity
11 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
12 tion laws of the state.

6TH VERSION

Amended: 2/27/90
Offered: 2/14/90
Referred: Rules

6-0161I

Original sponsor(s): SEN. FAIKS, Jones, Eliason, Fischer, Kelly, Uehling

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SS FOR SENATE JOINT RESOLUTION NO. 5 (Finance) am (fld S)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 temporary provisions relating to dedi-
8 cated funds, the expenditure limit, and
9 the budget reserve fund; and suspending
10 the operation of provisions relating to
11 dedicated funds and the appropriation
12 limit.

13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 * Section 1. Article XV, Constitution of the State of Alaska, is amend-
15 ed by adding new sections to read:

16 SECTION 29. DEDICATED FUNDS. (a) The operation of Section 7 of
17 Article IX is suspended from July 1, 1991, through June 30, 1996, and
18 this section applies in lieu of Section 7 of Article IX.

19 (b) The proceeds of any State tax or license shall not be dedi-
20 cated to any special purpose, except as provided in Section 15 of
21 Article IX and Sections 30 and 31 of this article or when required by
22 the federal government for State participation in federal programs.
23 This provision shall not prohibit the continuance of any dedication
24 for special purposes existing upon the date of ratification of Sec-
25 tion 7 of Article IX by the people of Alaska.

26 SECTION 30. EXPENDITURE LIMIT. (a) The operation of Section 16
27 of Article IX is suspended from July 1, 1991, through June 30, 1996,
28 and this section applies in lieu of Section 16 of Article IX.

29 (b) Except for appropriations to the permanent fund or for

1 Alaska permanent fund dividends, appropriations to meet a disaster
2 emergency declared by the governor as prescribed by law, appropria-
3 tions to the budget reserve fund, appropriations of revenue derived
4 from a tax that has been approved by a vote of the taxpayers,
5 appropriations of general obligation and revenue bond proceeds, appro-
6 priations required to pay the principal and interest on general
7 obligation and revenue bonds issued by the State, appropriations of
8 money received from a non-State source in trust for a specific
9 purpose, appropriations of revenue of a public authority or corpora-
10 tion of the State that issues revenue bonds, and appropriations of
11 revenue of a State program under which revenue bonds are issued,
12 appropriations from the general fund made for

13 (1) fiscal year 1992 may not exceed \$2,300,000,000;

14 (2) fiscal years 1993 - 1996 may not exceed an amount equal
15 to one percent less than the amount appropriated during the prior
16 fiscal year that was subject to the limit under this subsection.

17 (c) During a fiscal year the legislature may exceed the expendi-
18 ture limit under (b) of this section if each bill that exceeds the
19 limit is passed by affirmative vote of two-thirds of the membership of
20 each house of the legislature.

21 (d) Except as provided in (e) of this section, all money re-
22 ceived by the State during a fiscal year that is subject to the expen-
23 diture limit under (b) of this section, that exceeds that limit, and
24 that is not appropriated under (c) of this section shall be deposited
25 in the budget reserve fund.

26 (e) Except for money deposited into the permanent fund under
27 Section 15 of Article IX, all money received by the State as a result
28 of the termination through settlement or otherwise, of litigation in
29 State or federal court involving mineral lease rentals, royalties,

1 royalty sale proceeds, and federal mineral revenue sharing payments
2 and bonuses shall be deposited in the budget reserve fund.

3 SECTION 31. BUDGET RESERVE FUND. (a) This section applies from
4 July 1, 1991, through June 30, 1996.

5 (b) In addition to deposits made to the budget reserve fund
6 under Section 30(d) and (e) of this article, appropriations may be
7 made to the fund at any time.

8 (c) Money in the budget reserve fund shall be invested so as to
9 yield competitive market rates to the fund. Income from investment of
10 the fund shall be retained in the fund.

11 (d) Except as provided in (e) of this section, money may be
12 appropriated from the budget reserve fund only if the legislature
13 determines that the money received by the State in a fiscal year and
14 subject to the expenditure limit is less than the maximum amount that
15 may be appropriated under Section 30(b) of this article. However, the
16 amount appropriated from the budget reserve fund during a fiscal year
17 may not exceed the lesser of

18 (1) the amount that, when added to money received by the
19 State during that fiscal year and subject to the expenditure limit,
20 equals the maximum amount that may be appropriated under Section 30(b)
21 of this article; or

22 (2) twenty-five percent of the balance of the budget re-
23 serve fund.

24 (e) An appropriation from the budget reserve fund may be made
25 upon affirmative vote of two-thirds of the membership of each house of
26 the legislature to meet a disaster emergency declared by the governor
27 as prescribed by law. An appropriation from the budget reserve fund
28 to the principal of the permanent fund may be made at any time.

29 SECTION 32. REPEAL. Sections 29 - 31 of Article XV are repealed

1 July 1, 1996.

2 * Sec. 2. The amendment proposed by this resolution shall be placed
3 before the voters of the state at the next general election in conformity
4 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
5 tion laws of the state.

Amended: 2/27/90
Offered: 2/14/90
Referred: Rules

6-01611

7TH VERSE

Original sponsor(s): SEN. FAIKS, Jones, Eliason, Fischer, Kelly, Uehling

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SS FOR SENATE JOINT RESOLUTION NO. 5 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 temporary provisions relating to dedi-
8 cated funds, the expenditure limit, and
9 the budget reserve fund; and suspending
10 the operation of provisions relating to
11 dedicated funds and the appropriation
12 limit.

13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 * Section 1. Article XV, Constitution of the State of Alaska, is amend-
15 ed by adding new sections to read:

16 SECTION 29. DEDICATED FUNDS. (a) The operation of Section 7 of
17 Article IX is suspended from July 1, 1991, through June 30, 1996, and
18 this section applies in lieu of Section 7 of Article IX.

19 (b) The proceeds of any State tax or license shall not be dedi-
20 cated to any special purpose, except as provided in Section 15 of
21 Article IX and Sections 30 and 31 of this article or when required by
22 the federal government for State participation in federal programs.
23 This provision shall not prohibit the continuance of any dedication
24 for special purposes existing upon the date of ratification of Sec-
25 tion 7 of Article IX by the people of Alaska.

26 SECTION 30. EXPENDITURE LIMIT. (a) The operation of Section 16
27 of Article IX is suspended from July 1, 1991, through June 30, 1996,
28 and this section applies in lieu of Section 16 of Article IX.

29 (b) Except for appropriations to the permanent fund or for

1 Alaska permanent fund dividends, appropriations to meet a disaster
2 emergency declared by the governor as prescribed by law, appropria-
3 tions to the budget reserve fund, appropriations of revenue derived
4 from a tax that has been approved by a vote of the taxpayers, appro-
5 priations of money received from a State source required for State
6 participation in a federally mandated aid program for low income
7 persons to the extent the appropriations exceed amounts appropriated
8 during fiscal year 1991 for the same purposes, appropriations of
9 general obligation and revenue bond proceeds, appropriations required
10 to pay the principal and interest on general obligation and revenue
11 bonds issued by the State, appropriations of money received from a
12 non-State source in trust for a specific purpose, appropriations of
13 revenue of a public authority or corporation of the State that issues
14 revenue bonds, and appropriations of revenue of a State program under
15 which revenue bonds are issued, appropriations from the general fund
16 made for

17 (1) fiscal year 1992 may not exceed \$2,300,000,000;

18 (2) fiscal years 1993 - 1996 may not exceed an amount equal
19 to five percent less than the amount appropriated during the prior
20 fiscal year that was subject to the limit under this subsection.

21 (c) During a fiscal year the legislature may exceed the expendi-
22 ture limit under (b) of this section if each bill that exceeds the
23 limit is passed by affirmative vote of two-thirds of the membership of
24 each house of the legislature.

25 (d) Except as provided in (e) of this section, all money re-
26 ceived by the State during a fiscal year that is subject to the expen-
27 diture limit under (b) of this section, that exceeds that limit, and
28 that is not appropriated under (c) of this section shall be deposited
29 in the budget reserve fund.

1 (e) Except for money deposited into the permanent fund under
2 Section 15 of Article IX, all money received by the State as a result
3 of the termination through settlement or otherwise, of litigation in
4 State or federal court involving mineral lease rentals, royalties,
5 royalty sale proceeds, and federal mineral revenue sharing payments
6 and bonuses shall be deposited in the budget reserve fund.

7 SECTION 31. BUDGET RESERVE FUND. (a) This section applies from
8 July 1, 1991, through June 30, 1996.

9 (b) In addition to deposits made to the budget reserve fund
10 under Section 30(d) and (e) of this article, appropriations may be
11 made to the fund at any time.

12 (c) Money in the budget reserve fund shall be invested so as to
13 yield competitive market rates to the fund. Income from investment of
14 the fund shall be retained in the fund.

15 (d) Except as provided in (e) of this section, money may be
16 appropriated from the budget reserve fund only if the legislature
17 determines that the money received by the State in a fiscal year and
18 subject to the expenditure limit is less than the maximum amount that
19 may be appropriated under Section 30(b) of this article. However, the
20 amount appropriated from the budget reserve fund during a fiscal year
21 may not exceed the lesser of

22 (1) the amount that, when added to money received by the
23 State during that fiscal year and subject to the expenditure limit,
24 equals the maximum amount that may be appropriated under Section 30(b)
25 of this article; or

26 (2) twenty-five percent of the balance of the budget re-
27 serve fund.

28 (e) An appropriation from the budget reserve fund may be made
29 upon affirmative vote of two-thirds of the membership of each house of

1 the legislature to meet a disaster emergency declared by the governor
2 as prescribed by law. An appropriation from the budget reserve fund
3 to the principal of the permanent fund may be made at any time.

4 SECTION 32. REPEAL. Sections 29 - 31 of Article XV are repealed
5 July 1, 1996.

6 * Sec. 2. The amendment proposed by this resolution shall be placed
7 before the voters of the state at the next general election in conformity
8 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
9 tion laws of the state.

04/05/89	1065	(S)	REFERRED TO FINANCE
03/28/90	3088	(S)	MOTION BY HALFORD TO PLACE ON NEXT
03/28/90	3088	(S)	CALENDAR UNDER UNIFORM RULE 18
03/28/90	3089	(S)	MOTION FAILED Y3 N16 X1

SJR 2

Proposing an amendment to the Constitution of the State of Alaska creating dedicated funds from fuel taxes on aircraft, watercraft, motor vehicles, and from related sources.

PRIME SPONSOR: JONES

CURRENT STATUS: WITHDRAWN BY SPONSOR STATUS DATE: 01/09/89

JRN-DATE	JRN-PG		ACTION
12/30/88		(S)	PREFILE RELEASED
01/09/89	9	(S)	READ THE FIRST TIME - REFERRAL(S)
01/09/89	9	(S)	TRANSPORTATION, THEN FINANCE
01/09/89	54	(S)	WITHDRAWN BY SPONSOR

SJR 3

CSSJR 3(JUD)

Proposing an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.

PRIME SPONSOR: COGHILL

CO-SPONSORS: KELLY, KERTTULA, STURGULEWSKI, PEARCE, FRANK, FAIKS, ELIASON, FISCHER, HALFORD, JONES, UEHLING, BINKLEY, ADAMS, RODEY, POURCHOT, ZHAROFF, FAHRENKAMP

CURRENT STATUS: (H) JUD STATUS DATE: 04/21/89

JRN-DATE	JRN-PG		ACTION
12/30/88		(S)	PREFILE RELEASED
01/09/89	9	(S)	READ THE FIRST TIME - REFERRAL(S)
01/09/89	9	(S)	STATE AFFAIRS, THEN JUDICIARY
01/16/89	118	(S)	CO-SPONSOR ADDED: FAIKS
03/03/89	625	(S)	CO-SPONSORS ADDED: ELIASON, FISCHER,
03/03/89	625	(S)	HALFORD, JONES, UEHLING
03/06/89	648	(S)	CO-SPONSOR ADDED: BINKLEY
03/08/89	688	(S)	CO-SPONSORS ADDED: ADAMS, RODEY
03/20/89	859	(S)	STA RPT CS 4DP SAME TITLE
03/20/89	859	(S)	FN TO SJR PUBLISHED (ELECT)
03/29/89	967	(S)	FN TO STA CS PUBLISHED (ELECT)
03/20/89	870	(S)	CO-SPONSOR ADDED: POURCHOT
03/29/89	967	(S)	JUD RPT CS 3DP SAME TITLE
04/08/89	1128	(S)	FN TO JUD CS PUBLISHED (ELECT)
03/29/89	967	(S)	FIN REFERRAL ADDED
04/04/89	1043	(S)	FIN RPT 5DP (JUD)CS W/STA FN
04/04/89	1055	(S)	CO-SPONSOR ADDED: ZHAROFF
04/05/89	1066	(S)	FIN LETTER OF INTENT
04/08/89	1130	(S)	RULES TO CALENDAR
04/08/89	1134	(S)	READ THE SECOND TIME
04/08/89	1135	(S)	JUD CS ADOPTED UNAN CONSENT
04/08/89	1135	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/8/89	1135	(S)	READ THE THIRD TIME CSSJR 3(JUD)
04/08/89	1135	(S)	CO-SPONSOR ADDED: FAHRENKAMP

04/06/89	1135	(S)	(S) ADOPTED FIN LETTER OF INTENT
04/08/89	1135	(S)	PASSED Y15 N1 X4
04/08/89	1141	(S)	TRANSMITTED TO (H)
04/10/89	953	(H)	READ THE FIRST TIME - REFERRAL(S)
04/10/89	953	(H)	STATE AFFAIRS, JUDICIARY
04/21/89	1163	(H)	STA RPT 6DP INR
04/21/89	1163	(H)	-SENATE LETTER OF INTENT WITH STA REPORT
04/21/89	1163	(H)	-ZERO FISCAL NOTE (LAA) 4/21/89
04/21/89	1163	(H)	-PREVIOUS SENATE FN (ELECT) 3/29/89
04/21/89	1163	(H)	REFERRED TO JUDICIARY

SJR 4

Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

PRIME SPONSOR: RODEY

CO-SPONSORS: KELLY, STURGULEWSKI, SZYMANSKI, FISCHER, HALFORD, KERTTULA, PEARCE, FRANK, FAIKS, COGHILL, JONES, ELIASON

CURRENT STATUS: (H) JUD STATUS DATE: 04/28/90

JRN-DATE	JRN-PG		ACTION
01/06/89		(S)	PREFILE RELEASED
01/09/89	9	(S)	READ THE FIRST TIME - REFERRAL(S)
01/09/89	9	(S)	JUDICIARY
01/16/89	118	(S)	CO-SPONSOR ADDED: FAIKS
02/03/89	292	(S)	JUD RPT 5DP
02/03/89	292	(S)	FN PUBLISHED (ELECT)
02/03/89	292	(S)	FIN REFERRAL ADDED
02/03/89	292	(S)	REFERRED TO FINANCE
02/09/89	380	(S)	FIN WAIVED PUBLICATION NOTICE
02/22/89	487	(S)	CO-SPONSOR ADDED: COGHILL
04/21/90	3501	(S)	FIN RPT 1DP 5NR
04/21/90	3501	(S)	UPDATED FN PUBLISHED (ELECTIONS)
04/26/90	3615	(S)	RULES TO CALENDAR 4/26/90
04/26/90	3626	(S)	READ THE SECOND TIME
04/26/90	3627	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/26/90	3627	(S)	READ THE THIRD TIME SJR 4
04/26/90	3627	(S)	CO-SPONSORS ADDED: JONES, ELIASON
04/26/90	3627	(S)	PASSED Y18 N2
04/26/90	3627	(S)	POURCHOT NOTICE OF RECONSIDERATION
04/27/90	3663	(S)	RECONSIDERATION NOT TAKEN UP
04/27/90	3666	(S)	TRANSMITTED TO (H)
04/27/90	3669	(H)	READ THE FIRST TIME - REFERRAL(S)
04/28/90	3669	(H)	JUDICIARY
05/07/90	4166	(H)	DISCHARGE FROM JUDICIARY FLD Y15 N22 X3

SJR 5

HCS CSS5JR 5(FIN) AM H

Proposing an amendment to the Constitution of the State of Alaska relating to the budget reserve fund; depositing into the budget reserve fund, except for money deposited into the permanent fund, all money received by the state after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or

of litigation in state or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property; allowing an appropriation from the fund only if the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year or upon the affirmative vote of three-fourths of the members of each house of the legislature.

PRIME SPONSOR: FAIKS

CO-SPONSORS: JONES, ELIASON, FISCHER, KELLY, UEHLING

CURRENT STATUS: LEGIS RESOLVE 129 STATUS DATE: 07/23/90

JRN-DATE	JRN-PG	ACTION
01/06/89		(S) PREFILE RELEASED
01/09/89	10	(S) READ THE FIRST TIME - REFERRAL(S)
01/09/89	10	(S) STATE AFFAIRS, THEN FINANCE
01/11/89	77	(S) JUD REFERRAL ADDED
02/02/89	277	(S) SPONSOR SUBSTITUTE INTRODUCED -REFERRALS
02/02/89	277	(S) STATE AFFAIRS, THEN JUDICIARY, FINANCE
03/20/89	859	(S) STA RPT CS 2DP 2NR SAME TITLE
03/20/89	860	(S) FN TO SSSJR PUBLISHED (ELECT)
04/27/89	1469	(S) FN TO CS PUBLISHED (ELECT)
04/26/89	1435	(S) JUD RPT CS 2DP 3NR NEW TITLE
04/26/89	1435	(S) FN TO CS PUBLISHED (ELECT)
01/31/90	2286	(S) PUBLICATION NOTICE WAIVED
02/02/90	2315	(S) CO-SPONSOR WITHDRAWN: DUNCAN
02/02/90	2315	(S) CO-SPONSOR ADDED: KELLY, UEHLING
02/14/90	2448	(S) FIN RPT CS 3DP 2DNP NEW TITLE
02/14/90	2448	(S) FN TO CS PUBLISHED (ELECT)
02/27/90	2606	(S) RULES TO CALENDAR 2/27/90
02/27/90	2615	(S) READ THE SECOND TIME
02/27/90	2615	(S) FIN CS ADOPTED UNAN CONSENT
02/27/90	2615	(S) AM NO 1 MOVED BY FAIKS
02/27/90	2616	(S) AM NO 1 ADOPTED Y13 N7
02/27/90	2616	(S) AM NO 2 MOVED BY FAIKS
02/27/90	2616	(S) AM NO 2 ADOPTED Y11 N9
02/27/90	2616	(S) AM NO 3 MOVED BY FAHRENKAMP
02/27/90	2617	(S) AM NO 3 FAILED Y9 N11
02/27/90	2617	(S) AM NO 4 MOVED BY FAHRENKAMP
02/27/90	2617	(S) AM NO 4 FAILED Y10 N10
02/27/90	2618	(S) AM NO 5 MOVED BY FAHRENKAMP
02/27/90	2618	(S) AM NO 5 FAILED Y8 N12
02/27/90	2619	(S) AM NO 6 MOVED BY FAHRENKAMP
02/27/90	2619	(S) AM NO 6 FAILED Y9 N11
02/27/90	2619	(S) AM NO 7 MOVED BY POURCHOT
02/27/90	2620	(S) AM NO 7 ADOPTED Y13 N6 A1
02/27/90	2620	(S) AM NO 8 MOVED BY HALFORD
02/27/90	2620	(S) AM NO 8 ADOPTED Y14 N5 A1
02/27/90	2621	(S) AM NO 9 MOVED BY ZHAROFF
02/27/90	2621	(S) AM TO AM 9 MOVED BY FRANK
02/27/90	2621	(S) AM TO AM 9 FAILED Y9 N11
02/27/90	2622	(S) AM NO 9 FAILED Y6 N14
02/27/90	2622	(S) AM NO 10 MOVED BY KERTTULA
02/27/90	2622	(S) AM NO 10 FAILED Y10 N10
02/27/90	2622	(S) AM NO 11 MOVED BY DUNCAN

02/27/90	2623	(S)	AM NO 11 FAILED Y7 N13
02/27/90	2623	(S)	ADVANCED TO THIRD READING UNAN CONSENT
02/27/90	2623	(S)	READ THE THIRD TIME CSSSSJR 5(FIN) AM
02/27/90	2623	(S)	PASSED Y15 N5
02/27/90	2623	(S)	KERTTULA NOTICE OF RECONSIDERATION
02/28/90	2644	(S)	RECON TAKEN UP - IN THIRD READING
02/28/90	2644	(S)	HELD ON RECONSIDERATION TO 3/6/90
03/06/90	2734	(S)	RETURN TO SECOND FOR AM 12 UNAN CONSENT
03/06/90	2734	(S)	AM NO 12 MOVED BY POURCHOT
03/06/90	2734	(S)	AM NO 12 FAILED Y6 N14
03/06/90	2735	(S)	AUTOMATICALLY IN THIRD READING
03/06/90	2735	(S)	RETURN TO SECOND FOR AM 13 UNAN CONSENT
03/06/90	2735	(S)	AM NO 13 MOVED BY POURCHOT
03/06/90	2735	(S)	AM NO 13 FAILED Y7 N13
03/06/90	2735	(S)	AUTOMATICALLY IN THIRD READING
03/06/90	2735	(S)	RECONSIDERATION FAILED Y13 N7
03/06/90	2735	(S)	RESCINDED PREVIOUS ACTION UNAN CONSENT
03/06/90	2735	(S)	RETURN TO RUL COMMITTEE
04/18/90	3434	(S)	RULES TO SUPPLEMENTAL CAL 1 4/18
04/18/90	3435	(S)	THIRD READING ON RECONSIDERATION
04/18/90	3435	(S)	RETURN TO SECOND FOR AM 14 UNAN CONSENT
04/18/90	3435	(S)	AM NO 14 MOVED BY BINKLEY
04/18/90	3435	(S)	AM NO 14 FAILED Y10 N10
04/18/90	3435	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3436	(S)	MOTION: RETURN TO SECOND FOR AM 15
04/18/90	3436	(S)	AM NO 15 MOVED BY FAIKS
04/18/90	3436	(S)	AM NO 15 ADOPTED Y18 N2
04/18/90	3436	(S)	RETURN TO 2ND TO RESCIND AM 14 UNAN CONS
04/18/90	3437	(S)	RESCINDED IN FAILURE TO ADOPT Y11 N9
04/18/90	3437	(S)	AM NO 14 MOVED BY HALFORD
04/18/90	3437	(S)	AM NO 14 ADOPTED Y12 N8
04/18/90	3437	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3437	(S)	RETURN TO 2ND TO RESCIND ACTION AM 12
04/18/90	3437	(S)	MOVED TO RESCIND IN FAILING TO ADOPT 12
04/18/90	3438	(S)	FAILED TO RESCIND ACTION AM 12 Y9 N11
04/18/90	3438	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3438	(S)	RETURN TO 2ND TO RESCIND ACTION AM 3
04/18/90	3438	(S)	MOVED TO RESCIND IN FAILING TO ADOPT 3
04/18/90	3438	(S)	FAILED TO RESCIND Y9 N11
04/18/90	3439	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3439	(S)	RETURN TO 2ND TO RESCIND ACTION AM 4
04/18/90	3439	(S)	MOVED TO RESCIND IN FAILING TO ADOPT 4
04/18/90	3439	(S)	RESCINDED IN FAILURE TO ADOPT Y11 N9
04/18/90	3439	(S)	AM NO 4 MOVED BY FAHRENKAMP
04/18/90	3439	(S)	AM NO 4 FAILED Y8 N12
04/18/90	3440	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3440	(S)	RETURN TO 2ND TO RESCIND ACTION AM 5
04/18/90	3440	(S)	MOVED TO RESCIND IN FAILING TO ADOPT 5
04/18/90	3440	(S)	FAILED TO RESCIND ACTION Y8 N12
04/18/90	3440	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3440	(S)	RETURN TO 2ND TO RESCIND ACTION AM 6
04/18/90	3440	(S)	MOVED TO RESCIND IN FAILING TO ADOPT 6
04/18/90	3441	(S)	FAILED TO RESCIND ACTION Y9 N11
04/18/90	3441	(S)	AUTOMATICALLY IN THIRD READING
04/18/90	3441	(S)	PASSED ON RECONSIDERATION Y15 N5
04/18/90	3443	(S)	TRANSMITTED TO (H)
04/19/90	3328	(H)	READ THE FIRST TIME - REFERRAL(S)
04/19/90	3328	(H)	FINANCE
05/04/90	3886	(H)	FIN RPT HCS(FIN)NEW TLE SDP 2DNP INR 1AM
05/04/90	3886	(H)	-PREVIOUS SEN FN (ELECT) 2/14/90
05/08/90		(H)	RULES TO CALENDAR 5/8/90
05/03/90	4227	(H)	READ THE SECOND TIME
05/08/90	4227	(H)	FIN HCS ADOPTED UNAN CONSENT

05/08/90	4228	(H)	AMENDMENT NO 1 BY ULMER
05/08/90	4229	(H)	AM NO 1 FAILED Y11 N29
05/08/90	4229	(H)	AMENDMENT NO 2 BY ULMER
05/08/90	4230	(H)	AM NO 2 FAILED Y16 N24
05/08/90	4230	(H)	AMENDMENT NO 3 BY ULMER
05/08/90	4231	(H)	AM NO 3 ADOPTED Y22 N18
05/08/90	4231	(H)	AMENDMENT NO 4 BY BOYER
05/08/90	4231	(H)	AM NO 4 ADOPTED UNAN CONSENT
05/08/90	4231	(H)	AMENDMENT NO 5 BY BROWN
05/08/90	4231	(H)	AM NO 5 ADOPTED UNAN CONSENT
05/08/90	4232	(H)	AMENDMENT NO 6 BY PHILLIPS
05/08/90	4234	(H)	AM NO 6 FAILED Y20 N20
05/08/90	4236	(H)	AMENDMENT NO 7 BY ULMER
05/08/90	4236	(H)	AM NO 7 FAILED Y7 N30 X3
05/08/90	4236	(H)	AMENDMENT NO 8 BY RIEGER
05/08/90	4237	(H)	AM NO 8 FAILED Y16 N21 X3
05/08/90	4237	(H)	AMENDMENT NO 9 BY BARNES
05/08/90	4238	(H)	AM NO 9 ADOPTED Y24 N13 X3
05/08/90	4238	(H)	ADVANCE TO THIRD READING FLD Y11 N26 X3
05/08/90	4239	(H)	MOTION TO RESCIND ACTION ON AM 6
05/08/90	4239	(H)	POSTPONE RESCIND MOTION TEMP Y17 N20 X3
05/08/90	4241	(H)	RESCIND MOTION WITHDRAWN BY SPONSOR
05/08/90	4241	(H)	AMENDMENT NO 10 BY PHILLIPS
05/08/90	4242	(H)	AM TO AM 10 BY RIEGER (TITLE AM)
05/08/90	4243	(H)	AM TO AM 10 ADOPTED UNAN CONSENT
05/08/90	4243	(H)	AM NO 10AM ADOPTED Y39 N1
05/08/90	4243	(H)	...CHANGES TITLE OF LEGISLATION
05/08/90	4243	(H)	ADVANCED TO THIRD READING UNAN CONSENT
05/08/90	4244	(H)	READ THE THIRD TIME HCS CSSSSJR5(FIN)AMH
05/08/90	4244	(H)	PASSED Y38 N2
05/08/90	4359	(H)	TRANSMITTED TO (S) AS AMENDED
05/08/90	4359	(H)	ENGROSSMENT OF LEGISLATION WAIVED
05/08/90	4241	(S)	CONCUR AM OF (H) Y15 N5
05/08/90	4295	(S)	RESCIND ACTION CONCURRING MOT. WITHDRAWN
05/08/90	4297	(S)	RESCIND MOTION NOT TAKEN UP
06/01/90	4349	(S)	2:35 PM 5/24/90 TRANSMITTED TO GOVERNOR
07/27/90	4517	(S)	SIGNED BY GOVERNOR 7/23 LEG RESOLVE 129

SJR 6
HCS CSSJR 6(RES)

Relating to the interception of Alaska
salmon and steelhead on the high seas.

PRIME SPONSOR: BINKLEY
CO-SPONSORS: STURGULEWSKI, KELLY, RODEY, ADAMS, KERTTULA, DUNCAN, UEHLING, JONES
COGHILL, ELIASON, FAIKS, HALFORD, FISCHER, SZYMANSKI, PEARCE, POURCHOT

CURRENT STATUS: LEGIS RESOLVE 10 STATUS DATE: 03/30/89

JRN-DATE	JRN-PG		ACTION
01/09/89	10	(S)	READ THE FIRST TIME - REFERRAL(S)
01/09/89	10	(S)	SALMON INTERCEPTION, THEN RESOURCES
01/11/89	78	(S)	CO-SPONSOR ADDED: UEHLING
01/19/89	157	(S)	SAL REFERRAL WAIVED
01/20/89	170	(S)	CO-SPONSOR ADDED: JONES, COGHILL
01/20/89	170	(S)	ELIASON, FAIKS, HALFORD,
01/20/89	170	(S)	FISCHER, SZYMANSKI
01/26/89	208	(S)	RES RPT CS SDP NEW TITLE
01/26/89	209	(S)	ZERO FN PUBLISHED (F&G)
01/27/89	220	(S)	RULES TO CALENDAR
01/27/89	227	(S)	CO-SPONSOR ADDED: PEARCE, POURCHOT
01/27/89	226	(S)	READ THE SECOND TIME

01/27/89	226	(S)	RES CS ADOPTED UNAN CONSENT
01/27/89	226	(S)	ADVANCED TO THIRD READING UNAN CONSENT
01/27/89	226	(S)	READ THE THIRD TIME CSSJR 6(RES)
01/27/89	226	(S)	PASSED Y19 N- X1
01/27/89	228	(S)	TRANSMITTED TO (H)
01/30/89	204	(H)	READ THE FIRST TIME - REFERRAL(S)
01/30/89	204	(H)	RESOURCES
03/15/89	625	(H)	RES.RPT HCS(RES) 6DP 1NR
03/15/89	626	(H)	PREVIOUS SENATE ZERO FN (F&G) 1/26/89
03/20/89		(H)	RULES TO CALENDAR 3/20/89
03/20/89	692	(H)	READ THE SECOND TIME
03/20/89	693	(H)	RES HCS ADOPTED UNAN CONSENT
03/20/89	693	(H)	ADVANCED TO THIRD READING UNAN CONSENT
03/20/89	693	(H)	READ THE THIRD TIME HCS CSSJR 6(RES)
03/20/89	693	(H)	PASSED Y36 N- X3 A1
03/20/89	696	(H)	TRANSMITTED TO (S) AS AMENDED
03/21/89	879	(S)	CONCURRENCE MOVED AND WITHDRAWN
03/21/89	879	(S)	HELD TO 3/22/89
03/22/89	894	(S)	CONCUR AM OF (H) Y17 N- A3
03/29/89	972	(S)	1:15 PM 3/29/89 TRANSMITTED TO GOVERNOR
03/31/89	996	(S)	SIGNED BY GOVERNOR 3/30 LEGIS RESOLVE 10

SJR 7

Relating to making state facilities and
national parks in Alaska accessible to
elderly and handicapped persons.

PRIME SPONSOR: FAIKS.
CO-SPONSORS: KELLY, RODEY, KERTTULA, STURGULEWSKI

CURRENT STATUS: (S) HES STATUS DATE: 01/09/89

JRN DATE	JRN-PG		ACTION
01/09/89	10	(S)	READ THE FIRST TIME - REFERRAL(S)
01/09/89	10	(S)	HEALTH, EDUCATION, AND SOCIAL SERVICES

SJR 8

SJR 8 AM

Urging a change under the Internal
Revenue Code in the tax treatment of the
transfer of real property subject to a
mortgage that is a recourse loan when
the indebtedness on the property is
discharged through foreclosure, repos-
session, or surrender of the property.

PRIME SPONSOR: HALFORD
CO-SPONSORS: PEARCE, FAIKS

CURRENT STATUS: (H) FIN STATUS DATE: 05/03/89

JRN-DATE	JRN-PG		ACTION
01/09/89	10	(S)	READ THE FIRST TIME - REFERRAL(S)
01/09/89	10	(S)	LABOR AND COMMERCE
01/16/89	118	(S)	CO-SPONSOR ADDED: FAIKS
02/23/89	495	(S)	L&C RPT 4DP
02/23/89	495	(S)	ZERO FN PUBLISHED (REV)
02/28/89	554	(S)	RULES TO CALENDAR
02/28/89	558	(S)	READ THE SECOND TIME
02/28/89	558	(S)	ADVANCED TO THIRD READING UNAN CONSENT

Offered: 5/4/90
Referred: Rules

6-0161N

Original sponsor(s): SEN. FAIKS, Jones, Eliason, Fischer, Kelly, Uehling

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SS FOR SENATE JOINT RESOLUTION NO. 5 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to an
7 appropriation limit and to the budget
8 reserve fund; and providing for an
9 effective date.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. Article IX, Constitution of the State of Alaska, is amend-
12 ed by adding a new section to read:

13 SECTION 17. BUDGET RESERVE FUND. (a) The budget reserve fund
14 is established as a separate fund in the State treasury. The legisla-
15 ture may appropriate money to the budget reserve fund. Money in the
16 fund shall be invested so as to yield competitive market rates to the
17 fund. Notwithstanding Section 7 of this article, income from invest-
18 ment of the fund shall be retained in the fund and money may be appro-
19 priated from the fund only as authorized under (b) of this section.

20 (b) Money received by the State that is subject to the appro-
21 priation limit under Section 29 of Article XV and that exceeds that
22 appropriation limit shall be deposited in the budget reserve fund.
23 Deposits under this subsection are not subject to the prohibition on
24 dedicated funds under Section 7 of this article. If the legislature
25 determines that the money subject to the appropriation limit received
26 by the State in a fiscal year is less than the amount that may be
27 appropriated under Section 29 of Article XV, up to two-thirds of the
28 budget reserve fund balance may be appropriated to the general fund.
29 However, the amount appropriated from the budget reserve fund when

1 added to the money subject to the appropriation limit may not exceed
2 the amount that may be appropriated under Section 29 of Article XV for
3 that fiscal year. Notwithstanding the appropriation limit in this
4 subsection and in Section 29 of Article XV, additional amounts may be
5 appropriated from the budget reserve fund by affirmative vote of
6 three-fourths of the membership of each house of the legislature.

7 * Sec. 2. Article IX, sec. 17(b), Constitution of the State of Alaska,
8 is repealed and readopted to read:

9 (b) If the amount available for appropriation for a fiscal year
10 is less than the amount appropriated for the previous fiscal year, an
11 appropriation may be made from the budget reserve fund for that fiscal
12 year. However, the amount appropriated may not exceed the amount
13 necessary, when added to other funds available for appropriation, to
14 provide for total appropriations equal to the amount of appropriations
15 made in the previous calendar year for the previous fiscal year.
16 Additional amounts may be appropriated from the budget reserve fund by
17 affirmative vote of three-fourths of the membership of each house of
18 the legislature.

19 * Sec. 3. Article XV, Constitution of the State of Alaska, is amended
20 by adding a new section to read:

21 SECTION 29. APPROPRIATION LIMIT. (a) Appropriations from the
22 treasury made for each of fiscal years 1992, 1993, 1994, and 1995
23 shall not exceed \$2,200,000,000. This subsection does not apply to
24 appropriations to the permanent fund or for permanent fund dividends
25 to State residents, appropriations to the budget reserve fund, appro-
26 priations required to pay the principal and interest on general obli-
27 gation bonds issued by the State, appropriations of general obligation
28 and revenue bond proceeds, appropriations required to pay principal
29 and interest on revenue bonds of a public enterprise or public

1 incorporation of the State, appropriations of money received from a
2 State source required for State participation in a federal entitlement
3 program for low income persons, appropriations of money received from
4 a non-State source in trust for a specific purpose, appropriations
5 required to comply with the terms of a settlement agreement or judg-
6 ment in carrying out the trust responsibilities of the State under the
7 Alaska Mental Health Enabling Act of 1956, appropriations of money
8 derived from a fishery enhancement tax that has been approved by vote
9 of the affected taxpayers, and appropriations to meet a state of
10 disaster declared by the governor as prescribed by law.

11 (b) If the rate of inflation since the beginning of a fiscal
12 year is greater than five percent, an appropriation for the next
13 fiscal year of up to the amount necessary to offset the effect of the
14 cumulative inflation that exceeds a compound rate of five percent per
15 annum since July 1, 1991, may be made during the regular session held
16 during that fiscal year upon affirmative vote of two-thirds of the
17 membership of each house of the legislature. The appropriation is not
18 subject to the limit established in (a) of this section. For purposes
19 of applying this subsection, the rate of inflation shall be based on
20 the Consumer Price Index for all urban consumers for Anchorage pre-
21 pared by the United States Bureau of Labor Statistics.

22 * Sec. 4. Section 16 of art. IX and secs. 26, 27, and 28 of art. XV,
23 Constitution of the State of Alaska, are repealed.

24 * Sec. 5. Section 29 of art. XV, Constitution of the State of Alaska,
25 is repealed.

26 * Sec. 6. Sections 1, 3, and 4 of this resolution take effect July 1,
27 1991.

28 * Sec. 7. Sections 2 and 5 of this resolution take effect July 1, 1995.

29 * Sec. 8. The amendments proposed by this resolution shall be placed

1 before the voters of the state at the next general election in conformity
2 with art. XIII, Sec. 1, Constitution of the State of Alaska, and the elec-
3 tion laws of the state.

Amended: 5/8/90
Offered: 5/4/90
Referred: Rules

FINAL
6-0161N

9TH VERSION

Original sponsor(s): SEN. FAIKS, Jones, Eliason, Fischer, Kelly, Uehling

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SS FOR SENATE JOINT RESOLUTION NO. 5 (Finance) am H
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 the budget reserve fund; depositing into
8 the budget reserve fund, except for
9 money deposited into the permanent fund,
10 all money received by the state after
11 July 1, 1990, as a result of the ter-
12 mination, through settlement or other-
13 wise, of an administrative proceeding or
14 of litigation in state or federal court
15 involving mineral lease bonuses, ren-
16 tals, royalties, royalty sale proceeds,
17 federal mineral revenue sharing payments
18 or bonuses, or involving taxes imposed
19 on mineral income, production, or prop-
20 erty; allowing an appropriation from the
21 fund only if the amount available for
22 appropriation for a fiscal year is less
23 than the amount appropriated for the
24 previous fiscal year or upon the affir-
25 mative vote of three-fourths of the
26 members of each house of the legisla-
27 ture.

28 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

29 * Section 1. Article IX, Constitution of the State of Alaska, is

1 amended by adding a new section to read:

2 SECTION 17. BUDGET RESERVE FUND. (a) There is established as a
3 separate fund in the State treasury the budget reserve fund. Except
4 for money deposited into the permanent fund under Section 15 of this
5 article, all money received by the State after July 1, 1990, as a
6 result of the termination, through settlement or otherwise, of an
7 administrative proceeding or of litigation in a State or federal court
8 involving mineral lease bonuses, rentals, royalties, royalty sale
9 proceeds, federal mineral revenue sharing payments or bonuses, or
10 involving taxes imposed on mineral income, production, or property,
11 shall be deposited in the budget reserve fund. Money in the budget
12 reserve fund shall be invested so as to yield competitive market rates
13 to the fund. Income of the fund shall be retained in the fund. Sec-
14 tion 7 of this article does not apply to deposits made to the fund
15 under this subsection. Money may be appropriated from the fund only
16 as authorized under (b) or (c) of this section.

17 (b) If the amount available for appropriation for a fiscal year
18 is less than the amount appropriated for the previous fiscal year, an
19 appropriation may be made from the budget reserve fund. However, the
20 amount appropriated from the fund under this subsection may not exceed
21 the amount necessary, when added to other funds available for appro-
22 priation, to provide for total appropriations equal to the amount of
23 appropriations made in the previous calendar year for the previous
24 fiscal year.

25 (c) An appropriation from the budget reserve fund may be made
26 for any public purpose upon affirmative vote of three-fourths of the
27 members of each house of the legislature.

28 (d) If an appropriation is made from the budget reserve fund,
29 until the amount appropriated is repaid, the amount of money in the

1 general fund available for appropriation at the end of each succeeding
2 fiscal year shall be deposited in the budget reserve fund. The legis-
3 lature shall implement this subsection by law.

4 * Sec. 2. The amendment proposed by this resolution shall be placed
5 before the voters of the state at the next general election in conformity
6 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
7 tion laws of the state.

Correspondence

:

Back-up

*Background information on
Const. Budget Reserve Fund*

MEMORANDUM

State of Alaska
Office of the Governor
Division of Policy

TO: Doug Baily
Attorney General

DATE: May 22, 1990

and Hugh Malone
Commissioner, Revenue

HB 58

FROM: *Mary* Mary Halloran
Director, Policy

PHONE: 465-3568

SUBJECT: SJR 5: Budget Reserve Fund

FILE NO:

The purpose of this memorandum is to establish an administrative record and clarify the provisions of the final version of Senate Joint Resolution Number 5, proposing a constitutional amendment to establish a budget reserve fund. The resolution was approved by the Legislature on May 8, 1990, and will place a proposal to establish a constitutionally-protected Budget Reserve Fund before the voters at the November, 1990 election. (See attached copy of HCS CSSS SJR 5 - Finance, am H.)

You will find little formal legislative history on this proposal, so I thought it prudent to establish some administrative history for the record and to guide further administrative action. The final version of SJR5 was drafted by this Division (Jack Fagnoli and myself) on April 26-29, aided, at various moments, by the Department of Law (Bruce Bothelho, Jim Baldwin, and Jeff Bush), and then put in good drafting form by Tam Cook and Jack Chenowith at the Legal Division of Legislative Affairs on May 1 after the initial draft and accompanying explanation were provided to Representative Kay Brown.

That draft was only slightly modified by subsequent legislative action. The House Finance Committee acted on HJR 66, and converted it from a spending limit/budget reserve fund combination to a budget reserve fund only. That version, read across on May 4, was adopted intact as a House floor amendment to SJR 5 on May 8, and subsequently approved by both bodies. I kept all the internal drafts, and will provide them to the Dept. of Law if you believe it advisable, Doug.

To further examine formal legislative history, if that should be necessary at some point, you need to consider four different joint resolutions under consideration by the legislature this session: SJR 5, HJR 66, HJR 52, and HJR 81. You will find, however, the vast proportion of the testimony on the provisions of the spending limit proposals and little discussion of the budget reserve fund.

A description of SJR5, by subsection, follows.

§ 17(a):

"There is established as a separate fund in the State treasury the budget reserve fund." (Page 2, Lines 2-3)

This permanently establishes the Budget Reserve Fund as a separate fund in the State treasury. The Budget Reserve Fund would be constitutionally protected, not subject to statutory changes.

"Except for money deposited into the permanent fund under Section 15 of this article, all money received by the State after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a State or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property, shall be deposited in the budget reserve fund." (Page 2, Lines 3-11)

All "settlement", "litigation" and "back tax" income received by the State after 7/1/90 pertaining to the mineral sources identified above are to be deposited into the Budget Reserve Fund, except for revenue deposits already constitutionally dedicated to the Permanent Fund. This provision "takes off the table" all windfall income deriving from these non-recurring revenue sources. The language does not cover windfall income from non-mineral revenue sources, such as any litigation proceeds from the Exxon Valdez oil spill, disputed receipts from AHFC, and overdue loan payments to the Student Loan Corporation. The language "administrative proceeding" is meant to cover the Department of Revenue's current attempts to

recover mineral revenues which were not paid in a timely manner and are now in the internal appeal process, the so-called "back taxes." As of April 30, 1990, the total in appeal was slightly over \$3 billion. The underlying purpose is to reduce incentives to immediately spend surplus revenue, and to enhance budget stability by minimizing year-to-year surges in overall spending levels.

"Money in the budget reserve fund shall be invested so as to yield competitive market rates to the fund." (Page 2, Lines 11-13)

This provision is intended to ensure that a reasonable rate of return is earned on Budget Reserve Fund investments, and that the Fund's balance is not used for subsidized loans.

"Income of the fund shall be retained in the fund." (Page 2, Line 13)

This provision makes explicit the retention of Fund earnings within the principal of the Fund.

"Section 7 of this article does not apply to deposits made to the fund under this subsection." (Page 2, Lines 13-15)

This language exempts deposits to the Budget Reserve Fund made under subsection (a) of the resolution, including deposits of retained earnings, from the prohibition of dedicated funds contained in Article IX, Section 7, of the Alaska Constitution.

"Money may be appropriated from the fund only as authorized under (b) or (c) of this section." (Page 2, Lines 15-16)

Outlays from the Budget Reserve Fund are limited to appropriations made under subsections (b) and (c) of the resolution.

B 17(b):

"If the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year, an appropriation may be made from the budget reserve fund." (Page 2, Lines 17-19)

If the total amount of money available for appropriation for a fiscal year - - including all revenue sources, such as permanent fund earnings, federal funds and other restricted funds - - is less than the total amount appropriated for the prior fiscal year, an appropriation from the Budget Reserve Fund is allowed.

Since appropriations for annual budgets are generally made prospectively, before actual revenue receipts are known for the fiscal year being budgeted, there is a risk that actual receipts during that year may be greater than anticipated, thus causing some portion of any Budget Reserve Fund appropriation for that year to exceed the "ceiling" of the prior fiscal year's appropriation amount. In such a case, the presumption is that the "excess portion" of the Budget Reserve Fund appropriation is invalid and remains within the Budget Reserve Fund. In practice, what we would expect to happen, is that the Legislature would make contingent appropriations from the Budget Reserve Fund, i.e. appropriations contingent upon the actual revenues received.

"However, the amount appropriated from the fund under this subsection may not exceed the amount necessary, when added to other funds available for appropriation, to provide for total appropriations equal to the amount of appropriations made in the previous calendar year for the previous fiscal year." (Page 2, Lines 19-24)

This provision limits the allowable maximum size of an appropriation from the Budget Reserve Fund. Note, however, that the allowable maximum size is subject to a different limit from the one which triggers the opportunity for such an appropriation. In short, whereas an appropriation can be made whenever revenue for a fiscal year is less than "the amount appropriated for the previous fiscal year" (Page 2, Line 18), the sum of any Budget Reserve Fund

appropriation and other available revenue may not exceed the amount appropriated for the previous fiscal year net of supplemental appropriations for that previous fiscal year. This is the practical effect of the phrase "in the previous calendar year" (Page 2, Line 23).

The phrase "in the previous calendar year" was inserted by the House Finance Committee specifically to preclude strategems whereby a supplemental appropriation to the current fiscal year, e.g., FY 90, could be made in order to increase the allowable size of a Budget Reserve Fund appropriation for the fiscal year being budgeted, e.g., FY 91.

The meaning and intent of the phrase "in the previous calendar year" is clear, if the assumption is made that the Budget Reserve Fund appropriation is being made during a legislative session for the fiscal year whose main budget is being appropriated. If, however, one assumes that the Budget Reserve Fund appropriation is being made as a supplemental appropriation for the current fiscal year (e.g., FY 90), the phrase "in the previous calendar year" can be interpreted to produce a non-sensical result - - e.g., that the sum of FY 90 revenue and an FY 90 supplemental appropriation from the Budget reserve Fund can not exceed the total amount appropriated during the preceding calendar year for FY 89, which in this case would simply be the amount of the FY 89 supplemental appropriation.

Though this problem of interpretation may exist in the current wording of β (b), it is clear that the intent of the phrase "in the previous calendar year" in Line 23 is solely to preclude the budget strategems discussed earlier, rather than to create a non-sensical result.

β 17(c):

"An appropriation from the budget reserve fund may be made for any public purpose upon affirmative vote of three-fourths of the members of each house of the legislature." (Page 2, Lines 25-27)

The intent of this provision is to allow Budget Reserve Fund appropriations to be made for any reason, regardless of year-to-year fluctuations in revenue or appropriation levels, so long as a strong

legislative consensus or "super-majority" exists in each house of the legislature.

B 17(d):

"If an appropriation is made from the budget reserve fund, until the amount appropriated is repaid, the amount of money in the general fund available for appropriation at the end of each succeeding fiscal year shall be deposited in the budget reserve fund." (Page 2, Line 28 - Page 3, Line 2)

The intent of this provision is to ensure that, following any appropriation from the Budget Reserve Fund, the Fund is replenished as quickly as revenue levels allow, out of any fiscal year-end balances (e.g., as identified in the State's Annual Financial Report), whether from one or several fiscal years, and without any appropriations being required. This provision was requested specifically by Governor Cowper.

A potential ambiguity may arise from the use of the word "succeeding" in Line 1 on Page 3, as it may be construed to mean that replenishment of the Budget Reserve Fund does not begin until the end of the first positive-balance fiscal year that "succeeds" the fiscal year for which the Budget Reserve Fund appropriation was made, rather than beginning at the close of the same fiscal year for which the Fund appropriation was made (should a revenue balance materialize by that year's end).

Though this interpretation can be made, the intent of B(d) was not to create such a loophole, but to ensure that replenishment of the Budget Reserve Fund begin as soon as positive balances materialize, and proceed to completion as soon as such balances allow. In this context, the word "succeeding" is intended to refer to the requirement that, if the first positive year-end balance that arises is not sufficient to fully replenish the Budget Reserve Fund for appropriations made out of it, the positive balances of "succeeding" (i.e., successive) fiscal years shall also be used, until replenishment is complete.

Page 7

"The legislature shall implement this subsection by law."
(Page 3, Lines 2-3)

Because a number of provisions in the resolution (including the tracking of appropriations, replenishment of the Budget Reserve Fund, and the determination of positive year-end revenue balances) will require specific implementation procedures, the intent of this provision is to stipulate that clarifying statutory provisions are recognized as necessary and are anticipated.

If you have any questions, or would like additional information, please don't hesitate to contact me or Jack Fargnoli of my staff at 465-3568.

Attachment: HCSCSSS SJR 5 - Finance, am H

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 485-3991
Fax: (907) 483-3351

March 5, 1991

MEMORANDUM

TO: Senator Arliss Sturgulewski

FROM: Tom Chester *TC*
Legislative Analyst

RE: Fiscal and Budgetary Impact of Senate Bills 29 and 30
Research Request 91.121

Sent To You By
Legislative Research Agency

You asked for an analysis of the fiscal and budgetary impact of Senate Bills 29 and 30, including estimates of the FY 91 balances of the constitutional and statutory budget reserve funds. You also requested information regarding the legal consequences of both funds existing concurrently.

To answer your questions we contacted staff from five state agencies. Tam Cook, director of Legislative Legal Services, provided information regarding the legal issues of having both funds in existence simultaneously. Nancy Slagel, an analyst with the Division of Legislative Finance, provided information regarding the FY 90 and FY 91 general fund balances to be carried forward to the next fiscal year. She also provided estimates of funds eligible for appropriation to the constitutional and statutory budget reserve funds. Jack Fagnoli, of the governor's Office of Management and Budget (OMB), identified funds due the constitutional budget reserve fund. Charles Logsdon and Vincent Wright, both of the Department of Revenue, provided updated FY 91 revenue estimates. We also contacted James Baldwin, of the Attorney General's Office, to find out when the AG's opinion, requested by the Department of Revenue, regarding transfers to the constitutional budget reserve fund would be ready.

Bill Summaries

Senate Bill 29 appropriates to the constitutional budget reserve fund the FY 91 year end budgetary "carryforward", i.e., the fiscal year end general fund balance available for appropriation as reported by the Department of Administration in their FY 91 Annual Financial Report. In addition, any funds in the statutory budget reserve fund at the time SB 30 is adopted are appropriated to the constitutional budget reserve fund. Senate Bill 29 takes effect when the statutory budget reserve fund is repealed, and the repeal is accomplished by SB 30.

Senator Sturgulewski
March 5, 1991
Page 2

FY 91 Budgetary Implications of SB 29 and SB 30

Senate Bill 29 appropriates to the constitutional budget reserve fund the general fund balance available for appropriation as reported in the Department of Administration's FY 91 Annual Financial Report. The general fund balance available for appropriation is often referred to as the "carryforward" (and used so in this memorandum) and is so identified in the Legislative Finance Division document appended as Attachment A.

Table 1 provides details necessary for estimating the FY 91 carryforward. The carryforward is based upon the governor's budget proposal made public on January 24, 1991 and the Department of Revenue's January estimate of FY 91 general fund unrestricted revenues.

Mr. Joseph Thomas, state accountant with the Department of Administration, believes that the Annual Financial Report for FY 91 will be available in October or November of 1991 but could be as late as December or January. Mr. Thomas also mentioned that the department's calculation of the carryforward will not be available until shortly before the Annual Financial Report is issued.

If the bill is taken literally, in that the amount appropriated is as reported in the Annual Financial Report of the Department of Administration for FY 91, then the appropriation would not occur until the 1992 legislative session.

TABLE 1
FY 91 Balance Sheet
General Fund
Based on ANS Price of \$23.02 per Barrel
(in millions of dollars)

FY 90 Carryforward	300.1
FY 91 Revenues	3,165.0
Railbelt Energy Fund	127.2
FY 91 Adjustments to Revenue	<u>84.7</u>
FY 91 AVAILABLE	3,677.0
FY 91 Expenditures	(2,964.0)
Due Constitutional Budget Reserve Fund[1]	(275.2)
FY 91 Carryforward/Due Statutory Budget Reserve Fund and Available for Appropriation to the Constitutional Budget Reserve Fund Under SB 29	437.8

- [1] Amount is due to five oil settlements occurring since July 1, 1990. These settlements include 74.5 percent of the \$287 million ARCO royalty settlement and the following amounts in tax case settlements: Mobil - \$32.7 million, Exxon - \$28.1 million, Freeport - \$0.2 million, and Marathon - \$0.4 million. These amounts total (after rounding) 275.2 million.

Source: *The Fiscal Year 1992 Budget: A legislative overview of the Governor's request*, Legislative Finance Division, p. 4. Appended as Attachment A is Page 4 of this report.

The revenue projection used in Table 1 (\$3,165 million) is based on a fiscal year average price for Alaska North Slope (ANS) crude oil of \$23.02 per barrel (see Attachment A). This fiscal year average for the price of oil was presented to the legislature this January by Charles Logsdon, chief petroleum economist with the Department of Revenue. In January the fiscal year-to-date average price (from June 1 to mid-January) for ANS crude oil was approximately \$26.30 per barrel and falling.

For the first seven months of the fiscal year, the actual average price for ANS crude oil was approximately \$26.30 per barrel. If the price of ANS crude oil for the entire fiscal year is to average \$23.02 (as in the Department of Revenue's January forecast) then it is necessary for the price of ANS crude oil

to average approximately \$18.50 per barrel for the remaining five months of the fiscal year. (Appendix B presents the details of this computation.)

Unfortunately the price of oil appears to have dropped lower than \$18.50 per barrel. On February 20, 1991, for example, the spot market price for ANS crude oil was \$15.23 per barrel. On February 19, 1991 the price was \$14.77 per barrel.

Table 2 presents the same information as Table 1 except it assumes that the average price of ANS crude oil between February and June is not \$18.50 per barrel but \$15.50 per barrel. This agency is not predicting that the price of oil between February and June will average \$15.50 per barrel: Table 2 is presented merely to illustrate the budgetary consequences of the ANS crude oil price remaining near its current level between February and June of this year.

TABLE 2
FY 91 Balance Sheet
General Fund
Based on ANS Price of \$21.80 per Barrel
(in millions of dollars)

FY 90 Carryforward	300.1
FY 91 Revenues [1]	2,998.6
Railbelt Energy Fund	127.2
FY 91 Adjustments to Revenue	<u>84.7</u>
FY 91 AVAILABLE	3,510.6
FY 91 Expenditures	2,964.0
Due Constitutional Budget Reserve Fund	(275.2)
FY 91 Carryforward/Due Statutory Budget Reserve Fund and Available for Appropriation to the Constitutional Budget Reserve Fund Under SB 29	271.4

[1] Based upon average daily price of 26.30 for first seven months of fiscal year 91 and an average daily price of \$15.50 for the last five months of fiscal year 91. See Appendix B.

Source: *The Fiscal Year 1992 Budget: A Legislative Overview of the Governor's Request*, p. 4, Legislative Finance Division. Revenue estimate adapted by Legislative Research Agency (as described in Attachment B).

Budget Reserve Balances

Currently, the statutory budget reserve fund has a balance of \$3 million. The projected FY 91 balance of the statutory budget reserve fund under the two revenue scenarios is \$440.8 (437.8 + 3.0) and \$274.4 (271.4 + 3.0) respectively. Senate Bill 29 proposes to transfer the FY 91 ending balance of the statutory budget reserve fund to the constitutional budget reserve fund. Senate Bill 29 also requires that any funds in the statutory budget reserve fund at the time SB 29 is adopted be transferred to the constitutional budget reserve fund. Table 3 provides the balances of the constitutional budget reserve fund based upon the forgoing information.

TABLE 3
FY 91 Constitutional Budget Reserve Fund
Ending Balances Given Adoption of SB 29 and SB 30
(millions of dollars)

	Table 1 (\$23.02/barrel oil)	Table 2 (\$21.80/barrel oil)
Constitutional Budget Reserve Fund	275.2	275.2
Statutory Budget Reserve FY 91 Starting Balance	3.0	3.0
Statutory Budget Reserve Appropriation to Constitutional Budget Reserve Fund (FY 91 carryforward)	437.8	271.4
Balance	716.0	549.6

CAVEATS

Senate Bill 29 states that the "unexpended and unobligated balance" of the statutory budget reserve fund is transferred to the constitutional budget reserve fund. The OMB staff believes that before this session is completed, all statutory budget reserve funds may be appropriated. If all available funds are appropriated during the current session, the balance of the constitutional budget reserve fund is \$275.2 million.

Also, the Department of Revenue has raised some issues as to whether all \$275.2 million "owed" the constitutional budget reserve fund can be legally transferred from the treasury to the reserve fund. Jim Baldwin of the Attorney General's Office is preparing an opinion regarding which funds may be transferred. The opinion is due for release soon (not available as of March 4, 1991). William Floerchinger, deputy commissioner, Department of Revenue, has stated that no funds will be transferred until the AG's opinion is released.

Senator Sturgulewski
March 5, 1991
Page 6

Existence of Both Budget Reserve Funds

In the opinion of Tam Cook no legal issues arise because both funds exist simultaneously. Ms. Cook believes, however, that the name of the statutory budget reserve fund should be changed to assure that people do not confuse the two funds.

I hope this information is useful to you. If I can be of further help, please call.

Attachments

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

January 21, 1992

SUBJECT: Budget Reserve Fund (Work Order No. 7-LS1832)

TO: Representative Mike Navarre
Co-chair, House Finance Committee

FROM: Tamara Brandt Cook *TBC*
Director

Under Article IX, Section 17(b) of the state constitution amounts may be appropriated from the budget reserve fund when ". . . the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year. . . ." You have asked how the amount available for appropriation is to be determined. I agree with your observation that the language is not clear. Unfortunately, since the matter has not yet been considered by the court, any answer I provide to your question will be speculative at best.

At the very least this language includes the balance in the unrestricted general fund available at the beginning of a fiscal year plus revenue received by the general fund during that year and money lapsed into the general fund during that year.

In addition, there are certain statutory funds within the general fund with restrictions on expenditure. Money in these funds may be appropriated, either for the limited uses set out in the statute or for other uses by amending the restrictions contained in the statute or relying upon the legislature's "power of the purse" and ignoring the restrictions. Since these funds may be appropriated, I believe a court would tend to conclude that amounts in them are "available for appropriation" under Section 17(b). An example of such a fund is the Railbelt Energy Fund (AS 37.05.520).

Likewise, federal funds are made available to the state for restricted uses but can only be expended if appropriated. I would think a court would find these to be "available for appropriation."

However, because subsection (b) is not limited to money that is available for appropriation from the general fund while subsection (d) specifically requires repayment only from general fund money, I would think that a court would find that

Representative Mike Navarre

January 21, 1992

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money available for appropriation under subsection (b) is not limited to general fund money. If it were, like subsection (d), it could have said so. The earnings reserve account (AS 37.13.145) is, arguably, a fund that is available for appropriation, but it is an account within the permanent fund rather than the general fund. You will recall that under Article IX, Section 16, the earnings of the permanent fund are to be deposited in the general fund unless otherwise provided by law, and the legislature has so provided by denominating the earnings reserve as an account in the permanent fund. Yet the legislature has also regularly made appropriations from the earnings reserve account, so it would seem difficult for a court to find that that money, along with all other permanent fund income, is not "available for appropriation." ?

On the other hand, the principal of the permanent fund is certainly not "available for appropriation." Article IX, Section 15 states specifically that the principal may only be used for income-producing investments.

There are dozens of other accounts and funds established by statute, ranging from loan funds to trust funds to funds required under federal law. Enclosed is a list of funds and accounts mentioned in statutes, but bear in mind other accounts have been established by administrative agencies. To the extent that those funds contain unencumbered and unobligated balances, they may provide a resource for reappropriation purposes, but because they are typically appropriated to the fund for a specific program and can still be expended under the original appropriation, a fair argument could be made for the proposition that they are not balances "available for appropriation" within the terms of the constitution and do not become available until the original purpose is accomplished and the remaining funds are lapsed or the program is repealed.

TBC:gc
92-040.glc

Enclosure

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 24, 1992

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

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The Honorable Darrel J. Rexwinkel
Commissioner
Department of Revenue
P. O. Box 110400
Juneau, AK 99811

RE: Interpretation of Budget
Reserve Fund (Alaska Const.
art. IX, § 17)
Our File #'s: 663-91-0298
663-92-0189; -0256; -0107
Opinion No. 1

Dear Commissioner Rexwinkel:

This is in reply to your request for our views on several questions which you raise concerning Article XI, Section 17 of the Alaska Constitution. This constitutional provision, which became effective on January 2, 1991, following its ratification by the voters as an amendment to the Alaska Constitution, creates a budget reserve fund and requires that the proceeds of certain tax and mineral revenue disputes be deposited into the fund. This amendment also establishes limitations on the legislature's ability to spend money from the budget reserve fund.

The questions which you have presented to us and our views on them are as follows:

I. SUMMARY

1. Does the dedication required by the amendment apply to the proceeds received from the termination of administrative proceedings and lawsuits before the effective date of the amendment?

Yes. The amendment applies to all such proceeds received after July 1, 1990.

2. Does the amendment repeal the statutory budget reserve fund established by AS 37.05.540?

No. The preexisting statutory budget reserve fund remains a viable depository of public funds after the adoption of the amendment.

3. Does the amendment supersede other valid dedications of proceeds that are within the scope of the amendment?

No. Under the amendment, other dedications of revenue may apply to settlement proceeds prior to the dedication of revenue to the fund created by the amendment.

4. What is the meaning of the term "administrative proceeding" in the amendment as applied to tax disputes pending before the Department of Revenue?

"Administrative proceeding," in the amendment, means formal adjudicatory proceedings.

II. ANALYSIS

- A. Does the dedication required by the amendment apply to proceeds received by the state before the effective date of the amendment?

The amendment in pertinent part provides:

Except for money deposited into the permanent fund under Section 15 of this article, all money received by the state after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a State or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments of bonuses, or involving taxes imposed on mineral income, production, or property, shall be deposited in the budget reserve fund.

Alaska Const. art. IX, § 17 (emphasis added). The amendment expressly applies to revenues received before its effective date.

The Alaskan constitution provides that, "unless otherwise provided in the amendment, [the amendment] becomes effective thirty days after the certification of the election returns by the lieutenant governor." Alaska Const. art. XIII, § 1 (emphasis added). The state constitution is construed using the same rules that apply to the construction of statutes. 2 Norman J. Singer, Sutherland Statutory Construction § 41.04 (rev. 4th ed. 1986).

Under most circumstances, a constitutional amendment should be construed to avoid retroactive effects. Cf. AS 01.10.090 ("No statute is retrospective unless expressly declared therein"). However, "the electorate may nonetheless achieve retroactive

effects by clear and unambiguous language." State ex rel. Maloney v. McCartney, 223 S.E.2d 607, 613 (W. Va. 1976) (citing 1 T.M. Cooley, Cooley's Constitutional Limitations (136-37 (8th ed.))); see also Matthews v. Quinton, 362 P.2d 932 (Alaska 1961), cert. denied, 368 U.S. 517 (1962) (constitutional provision may retroactively validate statute previously held unconstitutional, since constitutional provision contained reference to statute intended to be validated). Here, since the amendment clearly and unambiguously states that it applies to revenues received after July 1, 1991, it applies retrospectively to settlement proceeds received after the beginning of fiscal year 1991, even though the amendment did not take effect until January 2, 1991.

B. Does the amendment repeal the statutory budget reserve fund established by AS 37.05.54?

1. Status of the 1991 appropriation to the statutory fund

The same legislative session that adopted the constitutional budget reserve fund also purported to appropriate settlement revenues into a statutory fund established in AS 37.05.540. The statutory fund appropriation provided:

That portion of the money received by the state on or after the effective date of this Act as a result of the termination, through settlement or otherwise, of an administrative proceeding or litigation involving mineral lease rentals, royalties, royalty sale proceeds, or federal mineral revenue sharing payments or bonuses that is not dedicated to the permanent fund under art. IX, sec. 15, Constitution of the State of Alaska, or to

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the public school trust fund under AS 37.14.150 is appropriated to the budget reserve fund (AS 37.05.540).

Ch. 194, SLA 1990.

However, this appropriation was not obligated after it took effect. In fact, the appropriation was not encumbered or expended pending voter ratification of the budget reserve fund amendment. Upon ratification, all amounts covered by the appropriation were deposited in the fund created by the amendment.

Thus, the legislature did not intend to have the chapter 194 appropriation processed if the amendment was ratified by the voters. This appropriation was a backup measure designed to ensure that known settlement proceeds were reserved to cover future budgetary shortfalls.

2. Continued viability of the statutory budget reserve fund

The Department of Administration has asked whether the constitutional budget reserve fund operates to impliedly repeal the statutory fund. In deciding what constitutes a repeal in a conflict between a state statute and a state constitutional provision, we apply the same considerations as in conflicts between two state statutes. Fine & Son v. Hall, 21 P.2d 697 (Cal. App. 1933); see also 16 C.J.S. Constitutional Law § 41, at 117-20. In Alaska, a repeal by implication is not a favored construction. Warren v. Thomas, 568 P.2d 400 (Alaska 1977). Where the provisions

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are irreconcilable, the later act, to the extent of conflict, constitutes an implied repeal of the earlier one. If the later act covers the entire subject of the earlier one and is intended as a substitute, it will operate to repeal the earlier act. Peter v. State, 531 P.2d 1263 (Alaska 1975).

Here no irreconcilable differences exist between the amendment and the statute. Moreover, no evidence has come to light that the framers of the amendment intended to subsume the statutory fund within the constitutional fund. Therefore, the statutory fund continues in effect until amended or repealed by the legislature.

C. Does the amendment supersede other valid dedications of proceeds that are within the scope of the amendment?

Although the amendment expressly allows dedications to the Alaska Permanent Fund, there are other dedications for which no provision is made by the amendment. Specifically, the amendment does not resolve conflicts with certain dedications of revenue established by statute to satisfy trust obligations imposed by federal law.

Under AS 37.14.150, one-half of one percent of state revenue derived from settlements subject to the amendment must be deposited in the public school trust fund (AS 37.14.110). They may also be subject to a conditional dedication in favor of the Mental Health Trust Income Account (AS 37.14.011), if the settlement

proceeds constitute "unrestricted general fund revenue." These two trust funds are statutory dedications of state revenue required by federal law. See, e.g., 1985 Inf. Op. Att'y Gen. (Aug. 13; 366-403-85). The state constitution permits dedications that existed before statehood or that are required for participation in a federal program. Alaska Const. art. IX, § 7.

The amendment must be construed to avoid conflict with other provisions of the Alaska Constitution. Abrams v. State, 534 P.2d 91 (Alaska 1975). Whenever reasonably possible, related provisions of an enactment should be harmonized and given their full meaning and effect. Park v. State, 528 P.2d 785 (Alaska 1974). Absent a clear expression of intent that the amendment must take precedence over other valid dedications required by federal law, these pre-existing dedications should be excluded from the reach of the amendment. Research into the history of the amendment reveals no evidence of such an intent.

Therefore, the amendment applies to proceeds net of dedications otherwise permitted under Article IX, Section 7.

D. What is the meaning of the term "administrative proceeding" in the amendment as applied to tax disputes pending before the Department of Revenue?

Dedicated to a budget reserve fund by the amendment are disputed mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal revenue sharing of bonuses, and the proceeds

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taxes imposed on mineral income, production, or property received "as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a state or federal court."

Dedications to the budget reserve fund from the termination of "litigation in a state or federal court" are readily identifiable. Since litigation is initiated with the filing of a complaint, the proceeds from resolution of mineral revenue disputes received following the filing of a complaint involving the disputed liability must be deposited in the budget reserve fund. As a general rule, litigation is the only formal vehicle for resolving disputes involving mineral revenues other than taxes, so normally money received by the state from these revenues will be dedicated to the budget reserve fund.

No ambiguity exists as to whether revenues received as the result of the termination of formal adjudicatory hearings conducted by the Department of Revenue pursuant to statute are dedicated to the budget reserve fund. They fall squarely within the ambit of the amendment. Whether the informal conference process established by AS 43.05.240 for the resolution of tax disputes is an "administrative proceeding" is a question which requires detailed analysis.

1. The conference process for tax disputes

Alaska Statute 43.05.240, enacted in 1976, provides both formal and informal mechanisms for the resolution of state tax disputes. The informal procedure furnishes the taxpayer an opportunity to present objections to a departmental official at an informal conference. AS 43.05.240(a). Corrections to the assessment or penalty are required to be made by the Department if, as a result of the informal conference, the Department determines that a correction is warranted. Taxpayers dissatisfied with the outcome of the informal conference may request a formal conference.¹

Under the formal hearing procedure, an adversarial hearing is held at which the taxpayer may present evidence and argument relevant to the amount of the tax and penalty owing the state. AS 43.05.240(b). The hearing officer is empowered to issue subpoenas, administer oaths, and make inquiries necessary to determine the amount of tax or penalty due, and, following the hearing, is required to issue a written, final decision adjudicating the taxpayer's liability. AS 43.05.240(c). Only after exhausting the formal hearing procedure may the taxpayer appeal to the superior court. AS 43.05.240(d).

¹ An aggrieved taxpayer may bypass the informal conference by immediately requesting a formal hearing. AS 43.20.240(b)(1).

2. Rules of construction to determine meaning of "administrative proceeding"

a. Common meaning of "administrative proceeding"

The Alaska Supreme Court recently noted that an "important right of the people implicated in all cases of constitutional construction" is the "right to have the constitution upheld as the people ratified it." Citizens Coalition for Tort Reform v. McAlpine, 810 P.2d 162, 168 (Alaska 1991). See also Thomas v. Bailey, 595 P.2d 1 (Alaska 1979). At issue in Citizens Coalition was the meaning of "rule" in the context of the constitutional provision defining the rule-making power of the Alaska Supreme Court. The proper approach to the analysis of constitutional provisions, the court explained, is as follows:

Because of our concern for interpreting the constitution as the people ratified it, we generally are reluctant to construe abstrusely any constitutional term that has a plain ordinary meaning. Rather, absent some signs that the term at issue has acquired a peculiar meaning by statutory definition or judicial construction, we defer to the meaning the people themselves probably placed on the provision. Normally, such deference to the intent of the people requires "adherence to the common understanding of words."

Id. at 169 (citations omitted). Applying this approach, the court looked to a standard dictionary to determine the common understanding of the word at issue.

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This approach is appropriate here to ascertain the meaning the people themselves probably placed on the term "administrative proceeding" when they ratified the proposed amendment.² In a legal context, "proceedings" is defined in Webster's Third New International Dictionary at 1807 (Unabridged 1976) as "the course of procedure in a judicial action or in a suit in litigation: legal action . . . (2) a particular action at law or case in litigation"

Since this definition makes reference to "litigation," and "cases or actions at law," the plain, ordinary meaning of these words is important, too. "Litigate" is defined as "to carry on a legal contest by judicial process . . . to contest in law." Webster Ninth New Collegiate Dictionary at 698 (1987). Thus, in the legal context, the common understanding of the term "proceeding" leads to the conclusion that only those administrative actions which can be analogized to legal contests are within the amendment.

Informal conferences fall outside the ambit of the common understanding of litigation or legal contests. A conference, in the common understanding of the word, is inapposite to a legal

² Since the term "administrative proceeding" has not acquired a particular meaning by statutory definition or judicial construction, reference to a standard dictionary should be employed. See State v. Woods, 345 N.W.2d 457, 474 (Wis. 1984) ("[t]he common and approved usage of [proceeding] in a statute may be ascertained by reference to a recognized dictionary").

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contest. For example, Tormont Webster's Dictionary defines a conference as "a meeting for consultation or discussion." The Torrant Webster's Illustrated Encyclopedia Dictionary 367 (1990). This common understanding of the word squares with the statutory process for informal resolution of tax disputes. By statute, the informal conference is a meeting between the taxpayer (or the taxpayer's representative) and a department "appeals officer." 15 AAC 05.020. The "appeals officer" at the informal conference is not a judicial or quasi judicial officer. The written decision of the appeals officer following an informal conference simply sets out the points of disagreement between the parties. It is not a process which results in the protection of a legal right, or redresses or prevents a wrong, as does a judgment or other order enforceable by judicial process. Labeling the statutory conference as "informal" supports the conclusion that the "informal conference" is a process inherently different than a legal contest.

Application of well recognized tenets of statutory construction also yields the conclusion that the informal conference procedure is not an "administrative proceeding." Constitutional provisions are interpreted under the same principle as those applied in the interpretation of the statutes. See Citizens Coalition at 169 ("the basic principles of statutory interpretation apply to constitutions"). A "widely applied tenet

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of statutory interpretation [is] that if the legislative intent or general meaning of a statute is not clear, the meaning of doubtful words may be determined by reference to their association with other associated words and phrases." State, Real Estate Commission v. Johnston, 682 P.2d 383, 386-87 (Alaska 1984) (quoting 2A C. Dallas Sands, Sutherland Statutory Construction § 47.16 at 101 (4th ed. 1973)). Another rule of statutory construction applicable here is that provisions relating to the same subject matter should be read as a whole so that a total scheme evolves which maintains the integrity of each provision and avoids ignoring one provision over another. Conner v. State, 696 P.2d 680, 682 n.3 (Alaska App. 1985). Since in the amendment the term "administrative proceeding" appears in association with the phrase "litigation in a state or federal court," the electorate must have understood that the term "administrative proceeding" was used to express a process akin to litigation. This conclusion is supported by reference to the words "termination" and "settlement" used earlier in the amendment; these are words commonly used in reference to lawsuits, not conferences or meetings.

b. Harmonizing the amendment with the constitutional preference for unrestricted revenues

A preference for unrestricted revenues is implicit in the general prohibition against dedicated funds contained in the Alaska Constitution. Art. IX, § 7. However, under the amendment money required to be deposited into the budget reserve fund is dedicated, and is not available for the unfettered exercise of the legislative power of appropriation. The divergence between these provisions is minimized by construing "administrative proceeding" to avoid an expansive interpretation of the budget reserve amendment. See Abrams, 534 P.2d at 95 (if possible, conflicting provisions of constitution should be harmonized).

3. Legislative and electoral history

In determining the meaning of a term in the constitution, courts also scrutinize the history of the constitutional provision at issue. Citizens Coalition, 810 P.2d at 170. Unfortunately, here the history of the amendment provides little guidance for interpretation of "administrative proceeding."³

³ All tax disputes arising out of revenues from the development of the North Slope have been resolved through the administrative process. These informal conferences and formal hearings are confidential by law. AS 43.05.230. However, prior to enactment of the amendment, two settlements were publicly announced by the taxpayer and the state jointly because of the magnitude of the dollars involved. Both cases involved tax disputes with Atlantic Richfield Company. Both cases were administrative proceedings in formal hearing before the Department of Revenue. It appears that
(continued...)

- a. The legislative history of the amendment provides no assistance in interpreting "administrative proceeding."

Article IX, section 17, was adopted by the 1990 legislature as Legislative Resolve No. 129. Although the vehicle for the Resolve was a Senate Resolution, SJR 5, that Resolution had earlier been drafted largely by the House Finance Committee as CSHJR 66 (Fin). An amendment adopted on the House floor essentially replaced the original Senate Resolution with CSHJR 66 (Fin), and the Senate later concurred with this amendment.

The original version of SJR 5 that came to the House from the Senate provided:

Except for money deposited into the permanent fund under Section 15 of Article IX, all money received by the State as a result of the termination through settlement or otherwise, of litigation in State or federal court involving mineral lease rentals, royalties, royalty sale proceeds, and federal mineral revenue sharing payments and bonuses shall be deposited in the budget reserve fund.

CSSSSJR 5 (Fin). The House Finance Committee modified this Resolution by, inter alia, including the reference to "an administrative proceeding" and adding "or involving taxes imposed on mineral income, production, or property."

The additional language was proposed to the House Finance Committee by Representative Kay Brown, and was drafted by the House

³(...continued)
these settlements were part of the inspiration for the amendment.

Fiscal Policy Subcommittee in conjunction with the Office of Management and Budget. Mary Halloran, former Governor Cowper's budget officer, urged the committee to establish a budget reserve fund that included not only amounts received from the pending litigation--including the Amerada Hess and the Dinkum Sands cases--but also amounts received for "back taxes still under consideration in the Department of Revenue." House Finance Committee, Committee Tape 90-95, side 1 (May 1, 1990).⁴

These few historical items shed no light on interpretation of "administrative proceeding," and nothing else in the legislative process shows that a committee, subcommittee, or legislator directly considered the question of what constitutes an "administrative proceeding."⁵

- b. The ballot summary provided to the electorate before ratification provides no guidance in the interpretation of the term

When a proposed constitutional amendment is to be presented to the electorate for ratification, the official

⁴ Amerada Hess is a longstanding dispute in state court over the value of royalty oil to which the state was entitled; the original amount in dispute approached a billion dollars. Dinkum Sands, litigation in the United States Supreme Court, involves the location of the boundary between state and federal offshore mineral rights in the oil-rich Beaufort Sea; several hundred million dollars are at issue.

⁵ Subsequent pronouncements of legislators regarding the legislative intent in enacting a provision "are irrelevant to a determination of legislative intent." Lynden Transport, Inc. v. State, 532 P.2d 700, 716 (Alaska 1975).

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elections pamphlet must include the full text of the proposed amendment, the ballot title and summary of the proposal prepared by the director of the Division of Elections or the lieutenant governor, a neutral summary of the amendment prepared by the Legislative Affairs Agency, and statements in support of and in opposition to the amendment. AS 15.58.020(6).

The ballot summary for the budget reserve fund amendment described the revenue source for the fund as "money the state receives from mineral revenue lawsuits or administrative actions." The neutral summary, prepared by the Legislative Affairs Agency uses the term "administrative proceeding" to explain one of the sources of potential funding. Neither summary described or defined the reach of the amendment with respect to "administrative proceedings." Nor did the statement in support of the amendment, authored by Senator Faiks and Representatives Brown and Phillips, distinguish between the two types of administrative processes involved in resolution of tax disputes.⁶ All statements in the

⁶ This statement in the voter pamphlet makes three oblique references to administrative proceedings:

Revenues from mineral or oil and gas legal settlements and administrative proceedings will be deposited into the Budget Reserve.

. . . .

Legal settlements involving mineral or oil and gas revenues received after July 1, 1990, will be
(continued...)

voter pamphlet associate the terms "administrative actions" or "administrative proceedings" with "lawsuits," providing additional support for the view that the "administrative action" referred to was a process in the nature of a legal contest or litigation.

c. The terms "windfalls" and "back taxes" are not helpful in resolving the issue

Although the terms "windfalls" and "back taxes" appear several times in the history of the amendment, they are of no real value to this inquiry. First, these terms do not appear in the text of the amendment, and cannot be grafted into it. See Gray v. State, 463 P.2d 897, 904 (Alaska 1970) (it is not for the court to rewrite statutes). Second, the amendment itself clearly places within the budget reserve fund proceeds of tax disputes that are neither longstanding nor "windfalls." For example, tax revenues arising from the early settlement of litigation initiated by the state to recover taxes cannot properly be called either "windfalls" or "back taxes."⁷ "Windfalls" are commonly understood to be

⁶(...continued)

deposited into the Budget Reserve. . . . If approved, the Budget Reserve Fund will help hold down spending by removing from the table the oil and gas revenue "windfalls" that result from pending litigation and tax disputes.

⁷ It would not be permissible to exclude settlement proceeds clearly within the scope of the amendment merely because those proceeds did not spring from "back taxes" or represent a
(continued...)

sudden and unexpected pieces of good fortune in financial form.⁸ Recoveries of assessed taxes are not unexpected nor, generally, sudden. "Back taxes" would encompass all assessed taxes not paid upon receipt of the tax bill, and surely the amendment was not intended to sweep within its purview all disputed taxes. If such were the case, virtually all major tax assessments would be required to be placed in the budget reserve fund. Further, patently clear is that the amendment snares "future taxes" as well as "back taxes."

In sum, there is no firm evidence that either the legislature or the public directly considered the question of what constitutes an administrative proceeding for the purposes of the amendment. Accordingly, no conclusions on the proper interpretation of the amendment can be drawn from its history.

4. Judicial decisions

While the interpretation of the amendment advanced here is based principally on an analysis of the text of the amendment, judicial decisions construing the phrases "administrative

⁷(...continued)

"windfall." The amendment clearly requires some tax recoveries for other than long-standing back taxes to be placed in the budget reserve fund.

⁸ According to William Safire, "'windfall' is a 400-year-old word that means an unexpected benefit, graphically describing the good fortune that falls to a passer-by when a piece of fruit is blown off a tree." William Safire, On Language 144 (1981).

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proceeding" and "proceeding" provide helpful guidance for its interpretation. Research has revealed cases adopting an expansive definition of these terms as well as cases adopting a narrow definition of them. Generally, the outcomes in these cases turn on the context in which the term "administrative proceedings" is used. No cases were found interpreting "administrative proceeding" in a context similar to that of the amendment.

The more persuasive view expressed in the judicial decisions supports the conclusion that, in this context, "administrative proceeding" means "adjudicatory proceeding." See, e.g., Telco Communications v. Carbaugh, 885 F.2d 1225, 1227-30 (4th Cir. 1989) (an informal administrative fact-finding conference that was not "judicial in nature" was not an administrative proceeding for purposes of the Younger abstention doctrine); Manders v. Oklahoma ex rel. Dep't of Mental Health, 875 F.2d 263 (10th Cir. 1989) (a state agency's internal grievance procedure was not an "action or proceeding" within the meaning of § 706(k) of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-5(k), governing awards of attorney's fees); American Centennial Ins. Co. v. EEOC, 722 F. Supp. 180 (D.N.J. 1989) ("proceeding" under § 709(e) of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-8(e), which prohibits the disclosure of EEOC-obtained information "prior to the institution of any proceeding" under Title VII, did not include the EEOC's informal conference, conciliation, and persuasion process,

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undertaken after a charge is filed); Roosevelt-Wabash Currency Exchange v. Fornelli, 364 N.E.2d 449, 452-53 (Ill. App. 1977) (judiciary will review only an "administrative decision," defined as a decision "which terminates the proceedings before the administrative agency").

5. Conclusion

The amendment applies only to the proceeds of disputes that have progressed to an adjudicatory stage of the dispute resolution process. The amendment does not apply to the proceeds of disputes settled at the informal conference stage.⁹

Very truly yours,

Charles E. Cole
Attorney General

⁹ Nothing in this memorandum alters the previous advice given to the Department of Revenue concerning the power of the attorney general to approve the compromise of tax claims. In a 1990 formal opinion, we explained the extent of the attorney general's and the department's power to correct or compromise tax claims at various stages of assessment or administrative appeal. 1990 Op. Att'y Gen. No. 1 (Dec. 3, 1990) (the attorney general's approval of a settlement that has the effect of compromising a tax claim is mandatory, even if the settlement of the dispute occurs before the matter is considered an administrative proceeding for purposes of allocating the recovery to the budget reserve fund).

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CEC:JLB:SCS:pml

May 16, 1992

And so, Amendment No. 1 was not adopted.

Amendment No. 2 by R.Phillips:

Page 30, after line 21:

Insert a new section to read:

"The sum of \$92,500,000 is appropriated from the general fund to the budget reserve fund established under art. IX, sec. 17, Constitution of the State of Alaska."

Representative R.Phillips moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative MacLean objected.

The Speaker cautioned a member against making improper remarks.

#

The House recessed for a Majority Caucus to a call of the Chair at 1:06 a.m.

May 16, 1992

HOUSE JOURNAL

4399

AFTER RECESS

The House was called back to order at 1:59 a.m.

CSSB 483(2d-FIN) am

HJRNL920516 DOCUMENT= 2 OF 2 PAGE = 8 OF 20

Representative Gruenberg moved and asked unanimous consent that Amendment No. 2 be tabled.

Representative Taylor objected.

Representative Taylor moved and asked unanimous consent to amend the motion to table Amendment No. 2 to a time certain, five minutes later.

The Speaker ruled the motion out of order.

Representative R.Phillips appealed the ruling of the Chair.

The question being: "Shall the decision of the Chair be the will of the body?" The roll was taken with the following result:

CSSB 483(2d FIN) am

Motion to Amend Tabling Motion

Out of Order

Appeal ruling of the Chair

Yeas: 27 Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen,

Kubina, Larson, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer

Nays: 13 Baker, Barnes, Gonzales, Hanley, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki

Excused: 0

Absent: 0

And so, the decision of the Chair was the will of the body.

4400

HOUSE JOURNAL

May 16, 1992

CSSB 483(2d-FIN) am

The question being: "Shall Amendment No. 2 be tabled?" The roll was taken with the following result:

CSSB 483(2d FIN) am

Second Reading

Amendment No. 2

Table

Yeas: 26 Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis,

C.Davis, Donley, Ellis, Finkelstein,
Foster, Gruenberg, Hudson, Ivan,
Jacko, Krponen, Kubina, Larson,
Lincoln, Mackie, MacLean, Moyer,
Navarre, Parnell, Ulmer
Nays: 14 Baker, Barnes, Gonzales,
Grussendorf, Hanley, Leman, Martin,
M.A.Miller, M.W.Miller, G.Phillips,
R.Phillips, Sharp, Taylor, Zawacki
Excused: 0
Absent: 0

And so, Amendment No. 2 was tabled.

Representative Gruenberg rose to a point of order regarding the relevance of the debate.

The Speaker cautioned the member to proceed in order.

Representative Gruenberg moved and asked unanimous consent that CSSB 483(2d FIN) am be considered engrossed and advanced to third reading.

Representative Taylor objected and withdrew the objection.

Representative Barnes rose to a point of order regarding the

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relevance of the debate.

The Speaker cautioned the member to proceed in order.

CSSB 483(2d FIN) am was read the third time.

May 16, 1992

HOUSE JOURNAL

4401

CSSB 483(2d-FIN) am

The question being: "Shall CSSB 483(2d FIN) am pass the House?" The roll was taken with the following result:

CSSB 483(2d FIN) am

Third Reading

Final Passage

Yeas: 27 Boyer, Bruckman; Carney,
Davidson, B.Davis, C.Davis, Donley,
Ellis, Finkelstein, Foster,
Gruenberg, Grussendorf, Hudson,
Ivan, Jacko, Koponen, Kubina,
Larson, Lincoln, Mackie, MacLean,
Moyer, Navarre, Parnell, G.Phillips,
Sharp, Ulmer

Nays: 13 Baker, Barnes, Brown,
Choquette, Gonzales, Hanley, Leman,

Martin, M.A.Miller, M.W.Miller,
R.Phillips, Taylor, Zawacki

Excused: 0

Absent: 0

And so, CSSB 483(2d FIN) am passed the House.

Representative Gruenberg moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

~~Representative Gruenberg moved and asked unanimous consent that the following House Letter of Intent by Representatives Gruenberg, Grussendorf, Donley, Ulmer, Brown, Navarre, Kubina, Larson, C.Davis, Ellis, Parnell, Moyer, Barnes, Bruckman, Carney, Davidson, B.Davis, Finkelstein, Hudson, Ivan, Jacko, Leman, Lincoln, Mackie and R.Phillips be adopted:~~

House Letter of Intent
for

CSSB 483 (2d FINANCE) am

~~"It is the intent of the House that all money deposited to~~

the constitutional budget reserve remain in the constitutional budget reserve, unless appropriated by the legislature.

Future monies obtained from administrative settlements and the deposit of those monies into the general fund or the constitutional budget reserve fund shall be reviewed by legislative legal counsel.

4402

HOUSE JOURNAL

May 16, 1992

CSSB 483(2d-FIN) am

It is the intent of the House that court action be initiated to contest the attorney general's opinion on this subject."

There being no objection, it was so ordered.

CSSB 483(2d FIN) am was signed by the Speaker and the Chief Clerk and returned to the Senate.

UNFINISHED BUSINESS

CSHB 596(FIN) am

Representative Gruenberg moved and asked unanimous consent that the House consider the Senate message (page 4391) on the following at this time:

CS FOR HOUSE BILL NO. 596 (FINANCE) am

STATE OF ALASKA

OFFICE OF THE GOVERNOR
OFFICE OF MANAGEMENT AND BUDGET

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110020
JUNEAU, ALASKA 99811-0020
PHONE: (907) 465-3568

June 19, 1992

The Honorable Ron Larson
Chair
Legislative Budget and Audit Committee
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Larson:

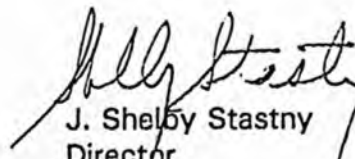
As a follow-up to our meeting this morning, the Administration has agreed that the administrative settlements which the Attorney General previously identified as erroneously deposited in the constitutional budget reserve fund will be placed in a separate account. Future administrative settlements will also be deposited into this account and its interest earnings will be accounted for separately.

This action is taken with the following understanding:

1. The Administration will access these funds should the Commissioner of Revenue determine it is necessary to do so because the cash available in the general fund is insufficient to meet the state's obligations; and
2. The Legislative Budget and Audit Committee and Administration will work on legislation during the interim for introduction next session which will clarify implementation of the constitutional amendment.

On behalf of the Governor, I look forward to working with you and the committee in finding common ground through which we can meet our mutual goals.

Sincerely,



J. Shelby Stastny
Director

cc: Walter J. Hickel, Governor
Legislative Budget and Audit Committee Members
Charles Cole, Attorney General
Commissioner Darrel Rexwinkel

October 20, 1992

DIRECTORY OF
STATE FUNDS AND ACCOUNTS
ESTABLISHED BY STATUTE

IN ALPHABETICAL ORDER
BY PROPER NAME (including capitalization)

abandoned motor vehicle fund AS 28.11.110(a)

agricultural revolving loan fund AS 03.10.040(a)

Alaska advance college tuition payment fund AS 14.40.803(a)

Alaska Aerospace Development Corporation reserve fund
AS 14.40.951(a)

Alaska Aerospace Development Corporation revolving fund
AS 14.40.841

Alaska amateur sports fund AS 05.35.150

Alaska children's trust fund AS 37.14.200(a)

Alaska clean water fund AS 46.03.032(a)

Alaska debt retirement fund AS 37.15.011(a)

Alaska energy efficient home grant fund AS 18.56.410(a)

Alaska heritage endowment fund AS 37.14.400

Alaska Historical Commission receipts account AS 41.35.380(a)

Alaska housing finance revolving fund AS 18.56.082

Alaska Industrial Development and Export Authority revolving fund
AS 44.88.060

Alaska longevity bonus fund AS 47.45.090(a)

Alaska marine highway system fund AS 19.65.060(a)

Alaska marine highway system vessel replacement fund
AS 37.05.550(a)

Alaska municipal bond bank authority reserve fund AS 44.85.270

Alaska municipal land account AS 29.65.080(a)

community legal assistance grant fund AS 44.47.200
community schools grant fund AS 14.36.020
community solid waste management planning grant account
AS 46.06.041(a)
cooperative arrangement grant fund AS 14.14.115(b)
correctional industries fund AS 33.32.020(a)
crime victim compensation fund AS 18.67.162
disaster relief fund AS 26.23.300(a)
dividend fund AS 43.23.045(a)
earnings reserve account AS 37.13.145
economic development account AS 44.88.172(a)
electrical service extension fund AS 44.83.370(a)
employment security administration fund AS 23.20.155(a)
enterprise development account AS 44.88.155(a)
escheated real property trust account AS 38.95.250(a)
export insurance account AS 44.88.390(a)
family education loan account AS 14.43.720(a)
Federal Transitional Grants Account AS 37.20.020
FICA administration fund AS 39.30.050
fire suppression fund AS 41.15.210
Fish and Game Fund AS 16.05.100
fisheries enhancement revolving loan fund AS 16.10.505(a)
fishermen's fund AS 23.35.060
fishery product revolving loan guarantee fund AS 45.92.010
forest products business loan guarantee fund AS 45.94.010
fuel emergency fund AS 26.23.400
fund for the improvement of school performance AS 14.03.125(a)

October 20, 1992

DIRECTORY OF
STATE FUNDS AND ACCOUNTS
ESTABLISHED BY STATUTE

IN ALPHABETICAL ORDER
BY PROPER NAME (including capitalization)

abandoned motor vehicle fund AS 28.11.110(a)

agricultural revolving loan fund AS 03.10.040(a)

Alaska advance college tuition payment fund AS 14.40.803(a)

Alaska Aerospace Development Corporation reserve fund
AS 14.40.951(a)

Alaska Aerospace Development Corporation revolving fund
AS 14.40.841

Alaska amateur sports fund AS 05.35.150

Alaska children's trust fund AS 37.14.200(a)

Alaska clean water fund AS 46.03.032(a)

Alaska debt retirement fund AS 37.15.011(a)

Alaska energy efficient home grant fund AS 18.56.410(a)

Alaska heritage endowment fund AS 37.14.400

Alaska Historical Commission receipts account AS 41.35.380(a)

Alaska housing finance revolving fund AS 18.56.082

Alaska Industrial Development and Export Authority revolving fund
AS 44.88.060

Alaska longevity bonus fund AS 47.45.090(a)

Alaska marine highway system fund AS 19.65.060(a)

Alaska marine highway system vessel replacement fund
AS 37.05.550(a)

Alaska municipal bond bank authority reserve fund AS 44.85.270

Alaska municipal land account AS 29.65.080(a)

Alaska permanent fund AS 37.13.010(a)
Alaska Pioneers' Home Trust Fund AS 47.55.060
Alaska school activities fund AS 14.07.059(a)
Alaska school counseling program grant fund AS 14.30.750(a)
Alaska science and technology endowment AS 37.17.020(a)
Alaska student leadership development fund AS 14.30.510
Alaska Winter Olympics account AS 05.35.100(a)
Alaska World War II veterans' revolving fund AS 26.15.090(a)
alcoholism and drug abuse revolving loan fund AS 44.29.210(a)
alternative energy revolving loan fund AS 45.88.010(a)
art in public places fund AS 44.27.060
aviation fuel tax account AS 43.40.010(e)
benefit account (((in the unemployment compensation fund)))
AS 23.20.135(a)
BIDCO fund AS 37.17.210
bilingual-bicultural education fund AS 14.30.410(a)
budget reserve fund AS 37.05.540(a)
bulk fuel revolving loan fund AS 44.83.600(a)
bulk fuel storage facilities grant fund AS 44.47.145(a)
business assistance fund AS 44.88.500(a)
child care facility revolving loan fund AS 44.33.240(a)
clearing account (((in the unemployment compensation fund)))
AS 23.20.135(a)
commercial fishing revolving loan fund AS 16.10.340(a)
community action against substance abuse grant fund
AS 47.37.045(a)
community college fund of the University of Alaska AS 14.40.610(a)
community health aide grant account AS 18.28.030(a)

community legal assistance grant fund AS 44.47.200
community schools grant fund AS 14.36.020
community solid waste management planning grant account
AS 46.06.041(a)
cooperative arrangement grant fund AS 14.14.115(b)
correctional industries fund AS 33.32.020(a)
crime victim compensation fund AS 18.67.162
disaster relief fund AS 26.23.300(a)
dividend fund AS 43.23.045(a)
earnings reserve account AS 37.13.145
economic development account AS 44.88.172(a)
electrical service extension fund AS 44.83.370(a)
employment security administration fund AS 23.20.155(a)
enterprise development account AS 44.88.155(a)
escheated real property trust account AS 38.95.250(a)
export insurance account AS 44.88.390(a)
family education loan account AS 14.43.720(a)
Federal Transitional Grants Account AS 37.20.020
FICA administration fund AS 39.30.050
fire suppression fund AS 41.15.210
Fish and Game Fund AS 16.05.100
fisheries enhancement revolving loan fund AS 16.10.505(a)
fishermen's fund AS 23.35.060
fishery product revolving loan guarantee fund AS 45.92.010
forest products business loan guarantee fund AS 45.94.010
fuel emergency fund AS 26.23.400
fund for the improvement of school performance AS 14.03.125(a)

furbearer management account AS 16.05.130(c)
group health and life benefits fund AS 39.30.095(a)
handicap and mental illness charitable account (((in the self-
sufficiency trust fund))) AS 47.80.240(a)
hazardous waste reduction grant account AS 46.03.317(a)
highway fuel tax account AS 43.40.010(g)
highways equipment working capital fund AS 44.68.210
historical district revolving loan fund AS 45.98.010(a)
home ownership assistance fund AS 18.56.430(a)
housing assistance loan fund AS 18.56.420(a)
housing development fund AS 18.56.100(a)
housing insurance fund AS 18.56.093(a)
information services fund AS 44.21.045(a)
International Airports Construction Fund AS 37.15.420(a)
International Airports Revenue Bond Redemption Fund AS 37.15.440
International Airports Revenue Fund AS 37.15.430(a)
investment loss trust fund ((SBS bail out))) AS 37.14.300(a)
judicial retirement trust fund AS 22.25.048(a)
library assistance grant fund AS 14.56.300
low cost and low income multiple family housing development fund
AS 18.56.650(a)
medical facilities special bond guarantee account AS 18.26.260(a)
memorial scholarship revolving loan fund AS 14.43.255(a)
mental health trust fund AS 37.14.031
mental health trust income account (((current account)))
AS 37.14.011(a)
mental health trust income account (((new account)))
AS 37.14.036(a)

military retirement trust fund AS 26.05.228(a)
mineral resource revolving fund AS 41.98.015
mining loan fund AS 27.09.010(a)
miscellaneous services account AS 29.60.170
municipal assistance fund AS 29.60.350(a)
National Petroleum Reserve - Alaska special revenue fund
AS 37.05.530(a)
neighborhood revitalization and development fund AS 44.33.436
net income account ((in the Alaska heritage endowment fund))
AS 37.14.410
nonpublic use highway account AS 43.40.010(j)
nursing facility resident security fund AS 18.20.350(a)
oil and hazardous substance release mitigation account
AS 46.04.010 (see also, AS 46.08.020(b))
oil and hazardous substance release response fund AS 46.08.010(a)
older Alaskans service programs account AS 47.65.010
operating loss reserve account AS 18.56.450(a)
organization grant fund AS 29.05.200(a)
outdoor recreational, open space, and historic properties
development fund AS 41.98.170
power cost equalization fund AS 44.83.162(a)
power development fund AS 44.83.382(a)
power development revolving loan fund AS 44.83.500(a)
power project fund AS 44.83.170(a)
public access fund AS 38.05.874(a)
public school foundation account AS 14.17.010(a)
public school trust fund AS 37.14.110(a)
Railbelt energy fund AS 37.05.520