

ALASKA LEGISLATURE

2628

HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004

194

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HJR20(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title Constitutional amendment relating to repealing RDU Elections
the prohibition on dedicated funds. Component Elections
Sponsor Representatives Masek, Wilson
Requestor House Finance Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing of an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Leonard G. Jones Phone 465-3051
Division: Division of Elections Date/Time 2/12/04 3:23 PM
Approved by: Laura A. Glaiser, Director Date 2/12/2004
Agency: Office of the Lt. Governor, Division of Elections

R/O

2.25.03

23-LS0889\1

CS FOR HOUSE JOINT RESOLUTION NO. 20(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/9/03
Referred: Finance

Sponsor(s): REPRESENTATIVES MASEK, Wilson

A RESOLUTION

1 Proposing amendme... o the Constitution of the State of Alaska creating a highway
2 fund.

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

4 * Section 1. Article IX, sec. 7, Constitution of the State of Alaska, is repealed and
5 readopted to read:

6 Section 7. Dedicated Funds. The proceeds of any State tax or license shall not
7 be dedicated to any special purpose. This provision shall not prohibit the continuance of
8 any dedication for special purposes existing on April 24, 1956, and shall not prohibit the
9 dedication of revenue under Sections 15 or 18 of this article, or when required by the
10 federal government for State participation in federal programs.

11 * Sec. 2. Article IX, Constitution of the State of Alaska, is amended by adding a new section to
12 read:

13 Section 18. Highway Fund. (a) The revenue received after December 1, 2004,
14 from State taxes on fuel used for the propulsion of motor vehicles designed for and
15 ordinarily used on highways or roads, less refunds, credits, and the costs of collection of
16 those taxes ns provided by law, shall be placed in a highway fund. The legislature shall

1 appropriate money from the highway fund only for maintenance of roads and highways.

2 (b) The legislature shall provide by law for the management and investment of the
3 highway fund balance. The income earned from the management and investment of the
4 highway fund shall be deposited into the fund.

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

Alaska State Legislature

Committees:

Vice-Chair
Legislative Counsel
Resources
Military & Veterans
Affairs

Co-Chair:
Transportation



During Interim: (June-Dec)
Mat-Su LIO
600 E. Railroad Ave.
Wasilla, AK 99654
(907) 376-2679
Fax: 373-4745

During Session: (Jan-May)
State Capitol, Room 403
Juneau, AK 99801-1182
(907) 465-2679
Fax: 465-4822
1-800-505-2678

Representative Beverly Masek

SPONSOR STATEMENT

HJR-20 (JUD)

DEDICATED FUEL TAX

HJR 20 (JUD) would add a new section 18 to Article IX of the Constitution.

Specifically, if passed by the legislature and adopted at the November 2004 general election, a dedicated fund would be established requiring all taxes generated through the sale of motor fuels to be placed in it for the express purpose of maintaining Alaska's roads and highways.

Alaska's constitution prohibits dedicated funds except for the Permanent Fund, Constitutional Budget Reserve, and for dedicated funds in existence prior to statehood.

Amending Alaska's constitution should not be taken lightly. However, as our state revenues continue their decline, I believe Alaskans would be more amenable to contributing to the effort to maintain our road and highway infrastructure if they had assurances the motor fuel taxes levied were utilized for that express purpose.

Motor fuels taxes in all states are dedicated in some fashion for road and highway maintenance. Currently, in Alaska, motor fuels taxes are deposited in a special highway fuel tax account within the general fund allowing them to be appropriated for any budget expense.

HJR

26

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 8, 2003

FURTHER REFERRALS:

Date of Committee Action: 4-6-04

The FINANCE Committee considered:

HJR 26

HOUSE JOINT RESOLUTION NO. 26

CONST. AM: PF APPROPS/INFLATION-PROOFING

Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from and inflation-proofing the Alaska permanent fund by establishing a percent of market value spending limit.

Recommends it be replaced with HCS or CS for HJR 26 (740)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
OFLT 900V				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DOR	#2			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>[Signature]</i>	Hawker	X			
<i>[Signature]</i>	STOLTZ				X
<i>[Signature]</i>	Joule				✓
<i>[Signature]</i>	CROFT			✓	
<i>[Signature]</i>	Chenault		✓		
<i>[Signature]</i>	Foster		✓		
<i>[Signature]</i>	FOSTER	X			
Chair: <i>[Signature]</i>	Harris				X
Chair: <i>[Signature]</i>	Williams			X	

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR26(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Constitutional Amendment RDU AK Permanent Fund Corporation
Permanent Fund Appropriations Component AK Permanent Fund Corporation
 Sponsor House Rules Committee
 Requester House Finance Component No. 109

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HJR 26 would ask the voters at the next general election whether to approve an amendment to the Constitution of the State of Alaska that would limit appropriations from the Permanent Fund to no more than 5% of the average year-end market values of the fund for the preceding five years.

HJR 26 would not affect the budgeted costs to manage and invest the Permanent Fund, nor would it change the amount of income earned by Permanent Fund investments.

See the attached schedules for financial projections and analysis of the Fund comparing the "Status Quo" to a 5% percent-of-market-value (POMV) spending limit.

Prepared by: Robert D. Storer, Executive Director Phone (907) 465-2047
 Division Alaska Permanent Fund Corporation Date/Time 1/21/04 8:39 AM
 Approved by: Steve Porter, Deputy Commissioner Date 1/21/2004
 Agency Department of Revenue



Alaska Permanent Fund Corporation
 HJR 26 - Financial projection comparison of the Alaska Permanent
 Fund under status quo versus POMV spending limit beginning in
 \$ millions

Status Quo	-----projected-----												
	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	
Total Return	15.25%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Contributions & appropriations (after payouts)	23,300	24,179	25,042	25,922	26,824	27,748	28,688	29,652	30,628	31,623	32,668	33,725	
Unrealized appreciation/depreciation on Invested assets	3,451	3,898	4,284	4,634	4,958	5,262	5,546	5,824	6,105	6,391	6,682	6,978	
Realized earnings account (after payouts)	850	1,341	1,943	2,516	3,041	3,591	4,180	4,809	5,480	6,200	6,974	7,802	
Total market value end of year (after payouts)	<u>27,601</u>	<u>29,417</u>	<u>31,268</u>	<u>33,072</u>	<u>34,823</u>	<u>36,600</u>	<u>38,414</u>	<u>40,245</u>	<u>42,133</u>	<u>44,084</u>	<u>46,087</u>	<u>48,165</u>	
Annual realized income	1,311	1,602	1,796	1,969	2,129	2,280	2,430	2,586	2,743	2,909	3,089	3,274	
Dividend (lump sum) - status quo	561	499	560	739	925	1,027	1,113	1,226	1,297	1,367	1,477	1,542	
Transfer status quo Inflation-proofing (ER to principal)	0	613	635	657	680	703	727	751	776	801	828	855	

POMV - 5% (beginning in FY05)	-----projected 5% POMV beginning in FY05-----											
	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Total Return		7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Total Market Value End of Year (after payouts)	<u>27,601</u>	<u>28,605</u>	<u>29,621</u>	<u>30,654</u>	<u>31,686</u>	<u>32,710</u>	<u>33,739</u>	<u>34,782</u>	<u>35,840</u>	<u>36,912</u>	<u>38,025</u>	<u>39,153</u>
5 year average market value lagged one year		26,224	26,669	27,674	29,191	30,843	32,061	33,146	34,243	35,346	36,453	37,572
POMV Payout available for appropriation in lump sum		1,311	1,333	1,384	1,460	1,542	1,603	1,657	1,712	1,767	1,823	1,879

Assumptions:

- Both scenarios show payouts net of inflation.
- POMV payout assumes calculation methodology is 5% of the ending market value (pre payout) for the first five of the last six fiscal years.
- Callan Associates 2003 Capital Market Assumptions, APFC 2003 asset allocation, Fall 2003 revenue forecast, financial statements through 12/31/03. All payouts are assumed to happen at fiscal year end, all dollar values in millions.
- Per SB 100, currently there is no FY04 inflation-proofing appropriation, and \$354 million of FY04's projected inflation-proofing of \$523 was pre-funded in FY03.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HJR 26
() Publish Date: _____

Revision Date/Time (Note if correction): _____
Title Constitutional amendment relating to and Depl. Affected: OOG
limiting appropriations from and inflation-proofing APF RDU Elections
Sponsor Rules Component Elections
Requester House Finance Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This figure includes the cost of providing information about this issue in a Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing of an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Leonard G. Jones Phone 465-3051
Division: Division of Elections Date/Time 1/16/04 9:06 AM
Approved by: Laura A. Glaiser, Director Date 1/16/2004
Agency: Office of the Lt. Governor, Division of Elections

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
 Bill Version: CSHB298(W&M)
 () Publish Date:

Revision Date/Time (Note if correction): Dept. Affected: Revenue
 Title Dist. Of Approps from Perm Fund RDU AK Permanent Fund Corporation
 Component AK Permanent Fund Corporation
 Sponsor Ways and Means Committee
 Requester Ways and Means Committee Component No. 109

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 298 would change the amount available to distribute from the Permanent Fund to conform to a Percent of Market Value payout limit. HB 298 would not change the management or the cost of operations of the Fund.

Prepared by: Robert D. Storer, Executive Director Phone 465-2047
 Division Alaska Permanent Fund Corporation Date/Time 3/16/04 8:12 AM
 Approved by: Steve Porter, Deputy Commissioner Date 3/16/2004
 Agency Department of Revenue

23-LS1006\Z
Cook
4/6/04

adopted 4-6-04

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to and limiting**
2 **appropriations from the Alaska permanent fund based on an averaged percent of the**
3 **fund market value.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

6 **Section 15. Alaska Permanent Fund. (a)** At least twenty-five per cent of all
7 mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing
8 payments and bonuses received by the State shall be placed in a permanent fund.
9 Except as appropriated under (b) of this section, money in the permanent fund [
10 THE PRINCIPAL OF WHICH] shall be used only for those income-producing
11 investments specifically designated by law as eligible for permanent fund investments.
12 [ALL INCOME FROM THE PERMANENT FUND SHALL BE DEPOSITED IN
13 THE GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW.]

14 *** Sec. 2.** Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding a
15 new subsection to read:

1 (b) Appropriations from the permanent fund for a fiscal year may not exceed
2 five percent of the average of the market values of the fund on June 30 for the first
3 five of the six fiscal years immediately preceding that fiscal year.

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

6 **Section 30. Transition.** (a) On the effective date of the 2004 amendment
7 relating to the Alaska permanent fund (art. IX, sec. 15), the unencumbered,
8 unappropriated balance of the earnings reserve account established under
9 AS 37.13.145(a) is added to the balance in the Alaska permanent fund.

10 (b) The 2004 amendment relating to the Alaska permanent fund first applies to
11 appropriations for fiscal year 2006. Appropriations from the permanent fund for fiscal
12 year 2005 are subject to Section 15 of Article IX as that section read on June 30, 2004.

13 * **Sec. 4.** The amendments proposed by this resolution shall be placed before the voters of
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

moved 3/29/04

WORK DRAFT

WORK DRAFT

WORK DRAFT

Amendment 3

23-LS10061V
Cook
3/22/04

3.22.04

CS FOR HOUSE JOINT RESOLUTION NO. 26()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

JH MOVED
BW OBJECT
NO VOTE 3/29 am
Withdrawn
H-6-04

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the Alaska
2 permanent fund, establishing the earnings reserve account, and permitting distribution
3 from the account only for permanent fund dividends, costs of administering the
4 permanent fund, and public education.

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

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

7 Section 15. Alaska Permanent Fund. (a) At least twenty-five per cent of all
8 mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing
9 payments and bonuses received by the State shall be placed in a permanent fund, the
10 principal of which shall be used only for those income-producing investments
11 specifically designated by law as eligible for permanent fund investments. The
12 earnings reserve account is established as a separate account in the fund. All
13 income from the permanent fund shall be deposited in the earnings reserve account
14 as soon as it is received. Appropriations may only be made from the earnings
15 reserve account as provided in (b) of this section [GENERAL FUND UNLESS

1 OTHERWISE PROVIDED BY LAW].

2 * Sec. 2. Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding a
3 new subsection to read:

4 (b) Appropriations from the earnings reserve account for a fiscal year may not
5 exceed five percent of the average of the market values of the fund on June 30 for the
6 first five of the . . . fiscal years immediately preceding that fiscal year. Appropriations
7 from the earnings reserve account may be made only for the following purposes:

- 8 (1) costs of administering the permanent fund;
- 9 (2) a program of dividend payments for State residents established by
10 law together with costs of administering that program; and
- 11 (3) public education.

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

14 **Section 30. Transition.** (a) On the effective date of the 2004 amendments
15 relating to the Alaska permanent fund (art. IX, sec. 15), the unencumbered,
16 unappropriated balance of the earnings reserve account established under
17 AS 37.13.145(a) is added to the earnings reserve account established in the Alaska
18 permanent fund.

19 (b) Section 15(b) of Article IX first applies to appropriations for fiscal year
20 2006. Appropriations from the permanent fund for fiscal year 2005 are subject to
21 Section 15 of Article IX as that section read on June 30, 2004.

22 * Sec. 4. The amendments proposed by this resolution shall be placed before the voters of
23 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
24 State of Alaska, and the election laws of the state.

Alaska Permanent Fund Corporation

P.O. Box 25500 Juneau, Alaska 99802-5500
(907) 465-2047

March 31, 2004

Representative Bill Williams
Co-Chair, House Finance Committee
Alaska State Legislature
Capitol Room 515

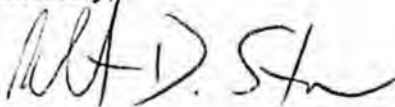
Representative Williams:

The Alaska Permanent Fund Corporation would like to withdraw our requests for additional authority and funding for a Percent of Market Value outreach program. These requests are contained in HB 375 and SB 313, and in the fiscal notes for SJR 18 and HJR 26.

We would like to continue our discussions with the members of the Legislature regarding the guidance we have received from the Alaska Public Offices Commission and our own legal counsel on our ability to educate the public on a ballot initiative. Then legislators will be aware of what APFC's restrictions are if you choose to place POMV on the ballot, and will be able to provide us guidance on the role you would like us to take.

We look forward to working with you on this issue. Please contact me with any questions or concerns that you have.

Sincerely,



Robert D. Storer
Executive Director

23-LS1006U
Cook
3/19/04

Adopted 3.22

CS FOR HOUSE JOINT RESOLUTION NO. 26()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND COMMITTEE

Am # 1
is in this

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to and limiting
2 appropriations from the Alaska permanent fund based on an averaged percent of the
3 fund market value.

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

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

6 Section 15. Alaska Permanent Fund. (a) At least twenty-five per cent of all
7 mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing
8 payments and bonuses received by the State shall be placed in a permanent fund,
9 Except as appropriated under (b) of this section, money in the permanent fund [
10 THE PRINCIPAL OF WHICH] shall be used only for those income-producing
11 investments specifically designated by law as eligible for permanent fund investments.
12 [ALL INCOME FROM THE PERMANENT FUND SHALL BE DEPOSITED IN
13 THE GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW.]

14 * Sec. 2. Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding a
15 new subsection to read:

1 (b) Appropriations from the permanent fund for a fiscal year may not exceed
2 five percent of the average of the market values of the fund on June 30 for the first
3 five of the six fiscal years immediately preceding that fiscal year.

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

6 Section 30. Transition. On the effective date of the 2004 amendment relating
7 to the Alaska Permanent Fund (art. IX, sec. 15), the unencumbered, unappropriated
8 balance of the earnings reserve account established under AS 37.13.145(a) is added to
9 the balance in the Alaska Permanent Fund.

10 * Sec. 4. The amendments proposed by this resolution shall be placed before the voters of
11 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
12 State of Alaska, and the election laws of the state.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHJR26(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title Constitutional Amendment RDU AK Permanent Fund Corporation
Permanent Fund Appropriations Component AK Permanent Fund Corporation
Sponsor House Rules
Requester House Finance Component No. 109

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual			0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	700.0					
TOTAL OPERATING	700.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

100 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1105 PF Receipts	700.0		0.0	0.0	0.0	0.0
TOTAL	700.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HJR 26 would ask voters in the next general election whether to approve a constitutional amendment that would limit annual appropriations to no more than 5% of the average year-end market value of the Fund for the preceding five years.

If HJR 26 passes, APFC will need to conduct a public education program on how the Fund is structured and how it would change under POMV.

See the attached schedule for financial projections of the Fund comparing the "Status Quo" to a 5% POMV spending limit.

Prepared by: Robert D. Storer Phone 465-2047
Division Alaska Permanent Fund Corporation Date/Time 3/16/04 8:48 AM
Approved by: William Corbus, Commissioner Date 3/16/2004
Agency Department of Revenue

would replace

1/21 Rev

note if

Adopted:

Committee will need
to move one or the
other



Alaska Permanent Fund Corporation
 HJR 26 - Financial projection comparison of the Alaska Permanent
 Fund under status quo versus POMV spending limit beginning in
 \$ millions

Status Quo	-----projected-----											
	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Total Return	15.25%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Contributions & appropriations (after payouts)	23,300	24,179	25,042	25,922	26,824	27,748	28,688	29,652	30,628	31,623	32,668	33,725
Unrealized appreciation/depreciation on invested assets	3,451	3,898	4,284	4,634	4,958	5,262	5,546	5,824	6,105	6,391	6,682	6,978
Realized earnings account (after payouts)	850	1,341	1,943	2,516	3,041	3,591	4,180	4,809	5,480	6,200	6,974	7,802
Total market value end of year (after payouts)	<u>27,601</u>	<u>29,417</u>	<u>31,268</u>	<u>33,072</u>	<u>34,823</u>	<u>36,600</u>	<u>38,414</u>	<u>40,245</u>	<u>42,133</u>	<u>44,084</u>	<u>46,087</u>	<u>48,165</u>
Annual realized income	1,311	1,602	1,796	1,969	2,129	2,280	2,430	2,586	2,743	2,909	3,089	3,274
Dividend (lump sum) - status quo	561	499	560	739	925	1,027	1,113	1,226	1,297	1,367	1,477	1,542
Transfer status quo inflation-proofing (ER to principal)	0	613	635	657	680	703	727	751	776	801	828	853

POMV - 5% (beginning in FY05)	-----projected 5% POMV beginning in FY05-----											
	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Total Return		7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Total Market Value End of Year (after payouts)	<u>27,601</u>	<u>28,605</u>	<u>29,621</u>	<u>30,654</u>	<u>31,686</u>	<u>32,710</u>	<u>33,739</u>	<u>34,782</u>	<u>35,840</u>	<u>36,912</u>	<u>38,025</u>	<u>39,153</u>
5 year average market value lagged one year		26,224	26,669	27,674	29,191	30,843	32,061	33,146	34,243	35,346	36,453	37,572
POMV Payout available for appropriation in lump sum		1,311	1,333	1,384	1,460	1,542	1,603	1,657	1,712	1,767	1,823	1,879

Assumptions:

- Both scenarios show payouts net of inflation.
- POMV payout assumes calculation methodology is 5% of the ending market value (pre payout) for the first five of the last six fiscal years.
- Callan Associates 2003 Capital Market Assumptions, APFC 2003 asset allocation, Fall 2003 revenue forecast, financial statements through 12/31/03. All payouts are assumed to happen at fiscal year end, all dollar values in millions.
- Per SB 100, currently there is no FY04 inflation-proofing appropriation, and \$354 million of FY04's projected inflation-proofing of \$523 was pre-funded in FY03.

Failed 5-5
3.22.04

23-LS1006\S.2
Cook
3/17/04

AMENDMENT

2

OFFERED IN THE HOUSE
TO: CSHJR 26(JUD)

BY REPRESENTATIVE STOLTZE

- 1 Page 2, line 3:
- 2 Delete "five"
- 3 Insert "four"

May
still
be
active

★ line 2

2004 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3.22.04

Amendment: # 2 Stoltze

MEMBER	Favor	Oppose
FATE		X
FOSTER		X
HAWKER		X
JOULE	X	
MEYER		X
MOSES		
STOLTZE	X	
CHENA	X	
CROFT	X	
HARRIS	X	
WILLIAMS		X

Yea 5

Nay 5

Withdrawn

23-LS1006\S.1
Cook
3/17/04

AMENDMENT |

OFFERED IN THE HOUSE

BY REPRESENTATIVE STOLTZE

TO: CSHJR 26(JUD)

1 Page 1, lines 3 - 4:

2 Delete "to protect the fund from inflation and assure that the real value of the
3 fund will be preserved over the long term"

#4

3.22.04

AMENDMENT TO HJR 26

FATE

Page 2, Line 2-3

Fund 2-8

* Sec. 2. Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding a
01 new subsection to read:

02 (b) Appropriations from the permanent fund for a fiscal ye. all be
03 a percentage of [*on may not exceed five percent of*] the average of the
04 market values of the fund on June 30 for the first five of the six fiscal years
05 immediately preceding that fiscal year as determine by law.

2004 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3.22.04

Amendment: #4

CS HJR 26 Version U

MEMBER

Favor

Oppose

FOSTER	X	
HAWKER		X
JOULE		X
MEYER		X
MOSES		
STOLTZE		X
CHENAULT		X
CROFT		X
FATE	X	
WILLIAMS		X
HARRIS		X

Yea 2

Nay 8



**Alaska Permanent Fund Corporation
Analysis of House Joint Resolution (HJR) 26
March, 2004**

OVERVIEW

The Resolution proposes changes to the Alaska Constitution Article IX, Section 15, which governs the Alaska Permanent Fund. The latest version of the Resolution is CSHJR 26 (JUD).

SUMMARY OF CHANGES

- 1) Page 1, line 10. Adds a reference to the new subparagraph (b) being added to the constitution.
- 2) Page 1, line 11. Removes the words "the principal of which" from the constitution. This change removes the distinction between the principal and the earnings reserve. The Fund becomes one pool of money versus two.
- 3) Page 1, lines 13 & 14. Deletes the guidance for where income of the Fund should be deposited. The intent is for all income to remain in the Fund until appropriated by the Legislature.
- 4) Page 2, lines 2 - 4. Adds a new subparagraph (b) that establishes an annual payout limit of 5% of the total market value of the Fund. The market value will be based on a five-year average. This is to protect the Fund from inflation and preserve the real value over the long term. Additionally, this provision allows the legislature and the administration to know one year in advance the amount available for appropriation.
- 5) Page 2, line 7 - 10. Adds a transitional provision that makes clear the balance in the Fund's earnings reserve remains in the Permanent Fund. Some have argued that the earnings reserve belongs in the General Fund.
- 6) Page 2, lines 11 - 13. States that the amendments will be placed before the voters at the next general election.



Alaska Permanent Fund

House Finance Committee

A Fund overview and discussion of POMV

ACCOUNTABILITY

TO ALASKANS FOR ALASKANS



"To benefit all generations..."

AS 37.13.020 (1)

...the Fund should provide
a means of conserving a portion
of the state's revenue from mineral resources
to benefit all generations of Alaskans.

ACCOUNTABILITY

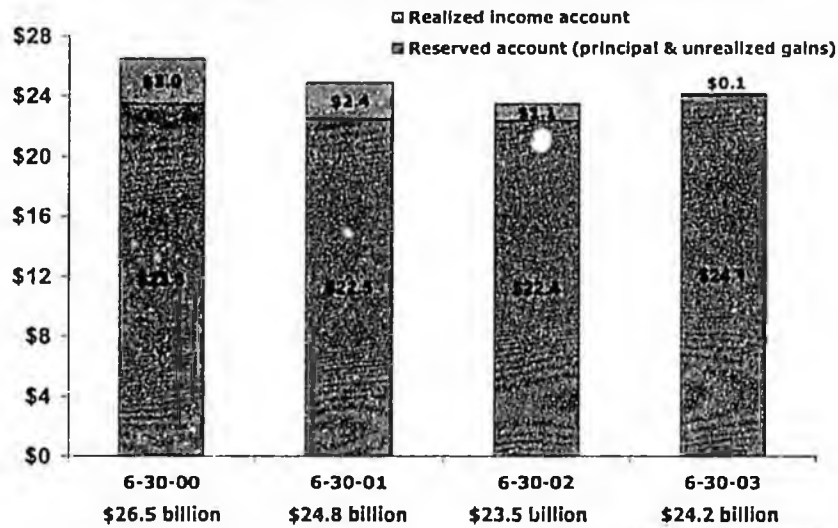
2

TO ALASKANS FOR ALASKANS



Permanent Fund market value

Four-year change in realized and reserved accounts

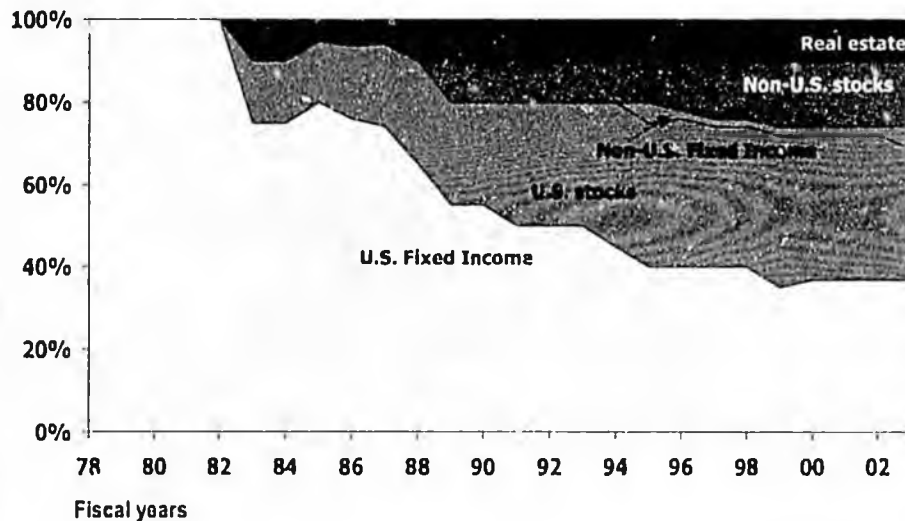


ACCOUNTABILITY

FOR ALASKANS FOR NATURAL



Fund's historical asset allocation



ACCOUNTABILITY

FOR ALASKANS FOR NATURAL



Trustees' proposal

The APFC Board of Trustees propose
a constitutional amendment
to limit annual fund spending
to five percent
of the Fund's total market value.

POMV

ACCOUNTABILITY

TO ALASKANS FOR ALASKANS



What is POMV?

POMV, or "Percent of Market Value," is a formula that limits spending to a set percent of a fund's total market value.

The set percent is based on the expected difference between total annual return on investments and the rate of inflation.

8% projected average annual return

-3% projected average annual inflation

5% maximum annual sustainable payout

retained in the Fund for inflation proofing

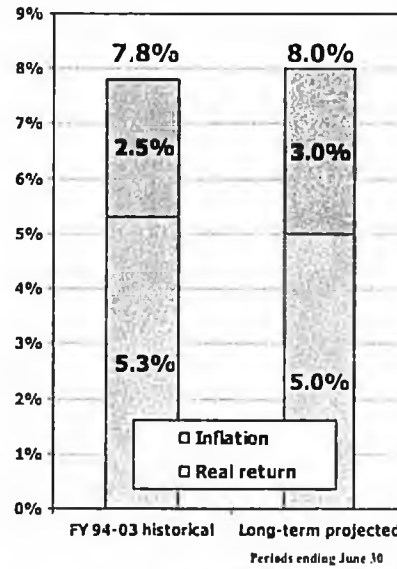
ACCOUNTABILITY

TO ALASKANS FOR ALASKANS



Fund performance

- Historically, Fund returns would have hit their long-term real rate of return target.
- Fund returns going forward, after adjusting for inflation, are expected to meet the target payout rate over time.

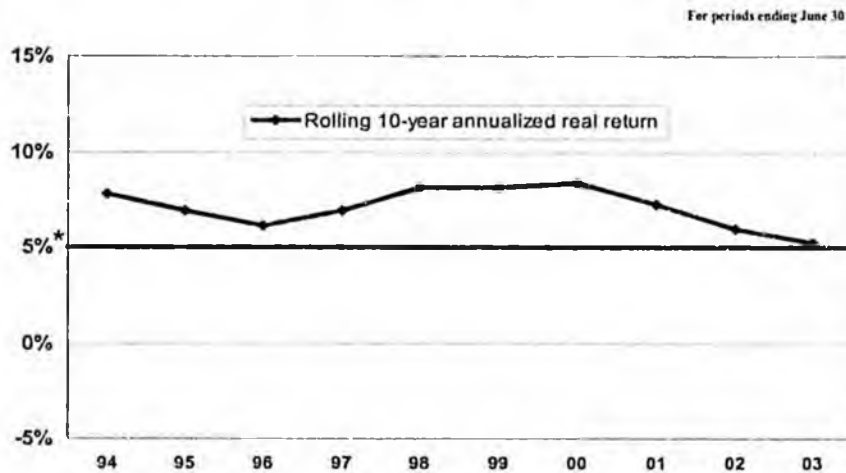


ACCOUNTABILITY 8

TO ALASKANS FOR ALASKANS



Rolling 10-year real return

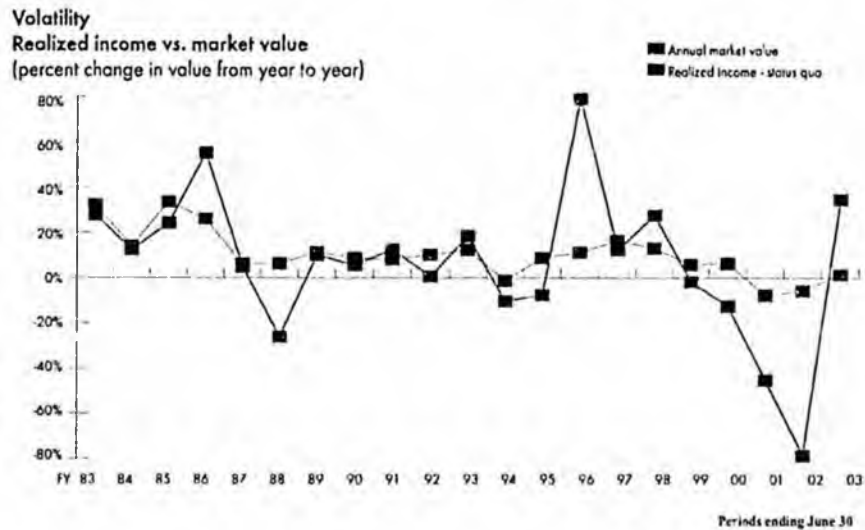


ACCOUNTABILITY

TO ALASKANS FOR ALASKANS



Realized income v. market value



ACCOUNTABILITY

TO ALASKANS FOR ALASKANS



Why do we need POMV?

For the present

- Ensure the option of an annual payout
- Make payout amounts more stable from year to year
- Make payout method compatible with investment strategy

For the future

- Prevent overspending in the good years
- Maintain purchasing power for the entire Fund

ACCOUNTABILITY

TO ALASKANS FOR ALASKANS



What are Alaskans asking?

- **Will this change leave the principal unprotected?**
- **How will POMV affect my dividend?**
- **Is POMV a raid on the Permanent Fund?**
- **Why fix the Permanent Fund if it isn't broken?**

ACCOUNTABILITY

FOR ALASKANS FOR ALASKANS

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE



Division of Legislative Finance

P.O. Box 113200
Juneau, AK 99811-3200
(907) 465-3795
FAX (907) 463-4885

MEMORANDUM

DATE: February 17, 2004
TO: Senator Lyman Hoffman
FROM: David Teal, Director
SUBJECT: Potential Impact of POMV on Dividends and Government Operations

Some time ago, we discussed the impact the Percent of Market Value (POMV) approach to managing the Permanent Fund might have on Permanent Fund Dividends (PFDs) and the state's fiscal gap. As you know, the POMV plan proposes an annual payout of up to five percent of the market value of the Permanent Fund but does not specify how that payout would be divided between dividends and government operations. I suggested that the split between uses did not have to be set in concrete; in fact, POMV did not require any change in calculation of the dividend. You asked me to describe the impact POMV might have on dividends and government operations.

The issue is less technical than philosophical. A guarantee that the legislature will follow the plan appears to be the key goal of POMV proponents. The POMV approach could be implemented by statute rather than by Constitutional amendment, but only a Constitutional amendment can guarantee the results desired by proponents of the plan. The desired result appears to be growth (not merely protection of the existing balance) of the Permanent Fund. Legislative Finance cannot answer the philosophical questions associated with a change to POMV, but we can discuss the technical impact. From a budgetary perspective, analysis of proposals affecting the Permanent Fund boils down to three questions

1. What happens to the Earnings Reserve account?
2. What happens to PFDs?
3. What happens to the fiscal gap?

Although the POMV proposal appears simple, each of the above questions raises some complex points to consider.

1. What happens to the Earnings Reserve Account (ERA) under POMV?

Future Earnings—under existing statutes, earnings accumulate in the ERA and are used for dividends and inflation proofing. Surplus earnings (that is, the remaining balance of the ERA) are available for appropriation for any purpose. Under POMV, Permanent Fund earnings would remain in the Permanent Fund and would not be available for appropriation except as discussed below.

The Balance—under POMV, the ERA will no longer be available as budget reserves because the account will be merged with Permanent Fund principal and the only money that can flow from the Permanent Fund is the 5% annual payout. The ERA balance would not be available to reload the Constitutional Budget Reserve Fund or otherwise fill the fiscal gap.

Limiting access to future earnings and the ERA balance has huge implications. The Permanent Fund would cease being a Trust with untouchable principal and would become an endowment. Fund principal would be less protected under POMV than under the Trust approach.¹ Endowment principal might be subject to erosion under POMV, but proponents of POMV appear willing to trade that protection for a probable increase in Fund growth.

The Permanent Fund Trustees refer to POMV as a management tool. POMV appears to have less value as an asset management tool than as a tool to enlarge the Fund. As the fiscal gap grows and the CBR shrinks, the Fund Trustees undoubtedly perceive the ERA as endangered because it offers one of the few viable means of filling the fiscal gap. The key to Fund growth under POMV is that earnings in excess of 5% of market value would not be available for appropriation, but would remain in the Fund.

Inflation Proofing—under existing statute, inflation proofing is appropriated from the ERA to principal. Under POMV, earnings in excess of the payout can be considered inflation proofing. Inflation proofing under POMV could be substantially higher than under the current system because the market value of the entire Fund (not just principal) will be inflation proofed and any "extra" earnings beyond the payout remain in the Permanent Fund as inflation proofing, regardless of the actual rate of inflation.

From the Fund's perspective, inflation proofing may be a more important issue than the disposition of the ERA; inflation-proofing transfers under existing statutes are far larger than the expected share

¹ Footnote added March 16, 2004. Any Trust that invests in equities is subject to loss of principal (because equities can lose value). This discussion applies to *appropriation* of principal. No money can now be appropriated from the Permanent Fund itself. Under POMV, principal could be appropriated from the Fund. The implications are more theoretical than practical; no principal will be lost under Trust or Endowment if investment returns are within historical norms.

of POMV payout that would be available for government operations. If the fiscal gap can no longer be filled with draws from the Constitutional Budget Reserve Fund (CBR), there will be increased pressure to use the ERA to fill the gap. At some point, it will be argued that simultaneously adding to the Fund (via inflation proofing) and removing money from the Fund (for government operations) makes little sense.

Discontinuing (or reducing) inflation-proofing appropriations is the most painless means available to obtain money to fill fiscal gaps. Reducing inflation proofing would make money available for government operations while removing no money from the economy (as increased taxes or reductions of PFDs would do).

Arguably, the legislature has vastly over-inflation-proofed the Fund by making large transfers from the ERA to principal when ERA balances were high. About one third of the market value of the Fund is attributable to these special deposits.

No inflation-proofing appropriation is necessary under POMV. By making inflation proofing automatic (and self-adjusting to "grab" all earnings in excess of the 5% payout), POMV protects the Fund (more accurately, protects *growth* of the Fund) by eliminating an attractive tool for filling future fiscal gaps.

2. What happens to PFDs under POMV?

The key point regarding PFDs is that any reduction in the Permanent Fund balance (including the ERA) reduces future dividends. This applies to use of earnings for any purpose other than inflation proofing (which simply moves money from the ERA to principal). As Fund balances are used, market value and future earnings potential decline, reducing the amount available for funding future PFDs.

If we replace the current dividend formula with a fixed split of the 5% payout, dividends would not necessarily be lower than under the current method of calculation. The amount of dividends would, of course, depend on the split between dividends and government operations. Returning to the key point: any portion of the payout used for government operations would reduce future dividends (relative to a scenario in which Fund earnings are used only for dividends and inflation proofing).

Stopping this decay of dividend payments would require that a growing share of the total payout go to dividends. Unfortunately, a growing fiscal gap and a shrinking share of the payout available for government operations would make POMV an uncertain means of filling the fiscal gap.

The more likely scenario is that filling the fiscal gap would become the driving force in decisions regarding use of the payout; there would be pressure to use an increasing share of the payout for government operations as the size of the gap increases. The most obvious way to reduce this pressure is to specify provisions for the dividend in the Constitution.

In any case, the issue is not so much a technical problem as a political and a marketing issue. The marketing aspect is important because public acceptance of POMV may depend on how the public perceives the proposal's impact on dividends.

The marketing aspect of dividend calculation prompted the suggestion that the current formula for computing dividends could be retained under POMV. The statutory formula simply specifies that about half of average realized net income may be used for dividends. POMV would not affect the ability to calculate this amount. Note, however, that POMV might limit the ability to pay the calculated dividend, just as existing law limits the dividend to the balance of the ERA.

The advantage to retaining the current formula is that doing so would end arguments about how (and how fairly) the payout would be split between dividends and government operations. The dividend would be calculated exactly as it is now, and the portion of the 5% payout not used for dividends would be available for government operations. Higher Permanent Fund earnings would generate higher dividends (taking a larger share of the 5% payout) while poor earnings would reduce dividends and leave more of the payout for government operations. If earnings were very high, the dividend calculation could produce an amount that exceeds the 5% payout. In that case, dividends would consume the entire payout.

A variable split of the POMV payout would provide a less stable cash flow for government operations than would a fixed split. Variability is not a particularly severe problem; the variations would be fairly predictable and pose no fiscal problem if the Constitutional Budget Reserve Fund held balances sufficient to absorb the variability.

When considering the option of retaining the existing dividend formula, it is important to differentiate between the *formula* and *money-in-pocket*. Retaining the formula is no guarantee that dividends won't change. Returning again to the key point: using the current formula *will* reduce dividends if money is diverted from the Fund balance (because a lower balance will generate lower earnings). Although POMV by itself does not divert money, the proposal is being marketed as a partial solution to the fiscal gap, implying that some money would be used for government operations.

3. What happens to the fiscal gap under POMV?

There can be no certain answer to this question until all elements of the plan are clearly specified. The fiscal gap was discussed above, but there are a few more points to ponder.

The impact on the fiscal gap depends on how much of the POMV payout goes to the general fund and how much to dividends. It appears unlikely that the payout will be sufficient to fill future fiscal gaps completely if current dividend levels are retained.

If inflation is higher than the real rate of return on Fund investments, the "payout of up to five percent of market value" clause becomes interesting. There may be some pressure to appropriate less than 5% of the market value if a full payout meant less-than-full inflation proofing. This would leave less money to fill the fiscal gap.

- ✦ POMV would affect access to the Constitutional Budget Reserve Fund (CBR). The primary reason simple majority access to the CBR has not been a viable option in most years is that a large ERA balance makes the simple majority trigger conditions impossible to meet. By eliminating the ERA and providing a relatively stable flow of revenue available for appropriation, POMV greatly increases the probability of filling the fiscal gap with a simple majority vote to access the CBR.
- ✦ POMV's primary impact is enhanced protection of growth of the Permanent Fund. All of POMV's impact on dividends, inflation proofing, and the fiscal gap can be accomplished without a Constitutional amendment.

Summary

The bottom line is that POMV is a promising option for those who want to ensure continued growth of the Permanent Fund, particularly for those who are convinced that the ERA and/or inflation proofing are endangered by the continuation/growth of the fiscal gap. POMV is less attractive to those who prefer maximum flexibility to use Permanent Fund earnings to fill the fiscal gap. Retaining the current dividend formula under POMV may be a useful marketing tool, but may be somewhat disingenuous if the purpose is to make people believe that retaining the formula is equivalent to retaining the same level of dividends. Any use of Fund earnings for government operations will reduce future dividends.



Alaska Permanent Fund Corporation
Analysis of House Joint Resolution (HJR) 26
March, 2004

OVERVIEW

The Resolution proposes changes to the Alaska Constitution Article IX, Section 15, which governs the Alaska Permanent Fund. The latest version of the Resolution is CSHJR 26 (JUD).

SUMMARY OF CHANGES

- 1) Page 1, line 10. Adds a reference to the new subparagraph (b) being added to the constitution.
- 2) Page 1, line 11. Removes the words "the principal of which" from the constitution. This change removes the distinction between the principal and the earnings reserve. The Fund becomes one pool of money versus two.
- 3) Page 1, lines 13 & 14. Deletes the guidance for where income of the Fund should be deposited. The intent is for all income to remain in the Fund until appropriated by the Legislature.
- 4) Page 2, lines 2 – 4. Adds a new subparagraph (b) that establishes an annual payout limit of 5% of the total market value of the Fund. The market value will be based on a five-year average. This is to protect the Fund from inflation and preserve the real value over the long term. Additionally, this provision allows the legislature and the administration to know one year in advance the amount available for appropriation.
- 5) Page 2, line 7 – 10. Adds a transitional provision that makes clear the balance in the Fund's earnings reserve remains in the Permanent Fund. Some have argued that the earnings reserve belongs in the General Fund.
- 6) Page 2, lines 11 - 13. States that the amendments will be placed before the voters at the next general election.

CONSTITUTION OF THE STATE OF ALASKA
(proposed amendment)

ARTICLE IX, SECTION 17 – BUDGET RESERVE FUND

- (a) The money deposited into it in accordance with (c) constitutes the Budget Reserve Fund.
- (b) Money in the fund shall be invested and reinvested, for income, in accordance with restrictions, prescribed by law, that emphasize the liquidity and and preservation of the fund's assets. No investment shall be made in obligations, properties and enterprises of the state.
- (c) The amount by which money actually available for appropriation in a fiscal year exceeds, or is less than, the amount appropriated for that year shall, correspondingly, be deposited into or withdrawn from the fund.
- (d) Money in any amount may be appropriated directly from the fund for meeting natural disasters.

ARTICLE XV, SECTION 31 – BUDGET RESERVE FUND (TRANSITION)

- (a) The assets and liabilities of the Budget Reserve Fund (Article IX, Section 17) that are in excess of three hundred million dollars in value, if any, shall be transferred to the Alaska Permanent Fund (Article IX, Section 15) on the effective date of this section.
- (b) The assets of the Budget Reserve Fund prior to the effective date of the amendment of Article IX, Section 17, in 2004, except those assets transferred to the Alaska Permanent Fund in accordance with (a), are assets of the fund after the amendment.
- (c) This section shall be effective July 1, 2005.

CONSTITUTION OF THE STATE OF ALASKA
(proposed amendment)

ARTICLE IX, SECTION 15 - ALASKA PERMANENT FUND

(a) The money derived by the state (A) from the disposition of minerals and land by the state or the United States and (B) from taxation of (1) production, transportation and reservation of minerals, (2) property used in exploring for, producing and transporting minerals and (3) income from production and transportation of minerals shall constitute the Alaska Permanent Fund.

(b) Money in the fund shall be invested and reinvested, for income and capital gains, in accordance with restrictions, prescribed by law, that emphasize preservation of the fund's assets. No investment shall be made in the obligations, properties and enterprises of the state.

(c) No money, or other asset, shall be removed from the fund except, in order to provide the state with revenue, a noncumulative amount of money that in a fiscal year does not exceed 4.30 percent of the average market value of the fund's net assets at the end of each of the six full calendar years immediately preceding that fiscal year. The revenue shall not be dedicated to any special purpose.

ARTICLE XV, SECTION 30 - ALASKA PERMANENT FUND (TRANSITION)

(a) The percentage prescribed in Article IX, Section 15, amended in 2004, for determining the amount of money that can be removed from the Alaska Permanent Fund, shall not apply until fiscal year 2016. The applicable percentage shall be 9.36 in fiscal year 2006 and, in each intermediate fiscal year, 0.9257 times the percentage in the immediately preceding fiscal year.

(b) The assets of the Alaska Permanent Fund prior to the effective date of the amendment of Article IX, Section 15, in 2004, are assets of the fund after the amendment.

(c) The amendment of Article IX, Section 15 in 2004 and this section shall be effective July 1, 2005.

**Testimony before the
House Special Committee on Ways & Means
Clark S. Gruening
April 22, 2003**

Mr. Chairman and members of the House Special Committee on Ways & Means, thank you for the opportunity to discuss with you HJR 26, a proposed constitutional amendment for inflation-proofing the Alaska Permanent Fund.

Before speaking to how this proposal changes the way the Permanent Fund is inflation-proofed, I'd like to make some brief comments about how the Board came to recommend this change.

For 23 of the Fund's 27 years of existence, the APFC has been governed by a six-member Board of Trustees. Protecting the Fund against inflation has been the highest public policy goal of the Trustees since the original Board was appointed in 1980. The first Board testified to the legislature that the greatest threat to the permanence of the Fund is inflation. In response, the legislature adopted statutory inflation-proofing in 1982.

In more recent years, the Board has examined the use by various large endowments and public funds of a formula approach to determine the method and size of payouts from these funds. This approach is generally referred to as "percentage of market value" payouts or "POMV" for short.

The purpose of placing this formula in the state constitution is to protect the long-term real value of the Fund and to provide consistent and predictable distributions for the long-term. After considerable review and discussion, the Board recommended in February of 2001, a constitutional change in the form of

HJR 15 and SJR 13 which received committee hearings but did not come to the floor for a vote.

As in the prior proposal, the language in HJR 26 provides a spending limit on what can be currently spent or, in legislative parlance, appropriated. The existing constitutional language establishing the Alaska Permanent Fund only prohibits the appropriation of principal. In other words, anything but "principal" is income and can be spent.

Since the first Board of Trustees, 23 years ago, the Permanent Fund corporation has calculated principal as a notational number that simply equals the sum of the constitutionally mandated 25 percent of mineral deposits and the non-mandated (or voluntary) deposits the legislature has chosen to make. Principal does not vary or move up or down with the market.

Unlike the present statutory provision for inflation-proofing, HJR 26 provides for inflation-proofing of the entire Fund. But clearly, one of the most important reasons to support the proposal is that it would maximize distributions over the long term by establishing a percent of market value spending limit. By eliminating the distinction between principal and income, this proposal would also avoid the situation where market volatility on the down side prevents any distribution from the fund for any purpose, whether for dividends or anything else.

This is significant because since 1982, Alaska's fiscal picture has changed dramatically. The Alaska Permanent Fund can be reasonably expected to produce more future state revenue than any single Alaska resource – more than oil or natural gas, more than fishing or any other natural resource.

Whatever future decisions are made by the legislature or the voters regarding the use of Fund earnings, the five percent payout of market value limit will assure complete and protected inflation-proofing while providing predictable and sustainable distributions over the long term.

In managing Alaska's fishery stocks, the only sensible choice is to avoid taking too much of any fish stock so that, over the long term, the harvest is maximized. Of course, over-harvesting can reap short-term rewards of more fish, but the inevitable result is, at best, fewer fish, and at worst, permanent impairment or destruction of a fisheries stock. The same is true for managing distributions from a large investment fund like the Alaska Permanent Fund.

I want to close by emphasizing two key points regarding the Board's proposed constitutional amendment. The first point is that if Alaska is going to have a Fund that is truly permanent, we must take those steps necessary to ensure permanence. This means investing for future generations as well as current generations. This will require commitment to basic principles of long-term investing.

But the critical flip side of a sound long-term investment strategy is a sound, sustainable, and predictable distribution plan – a plan that will sustain and provide benefits to each generation of Alaskans.

The second and last point I want to leave you with is that if the Permanent Fund is going to continue to serve each generation of Alaskans it has to be able to make distributions so that current generations receive some benefit while not

"over harvesting" the fund so that there is little or nothing left for future generations.

We all want to avoid, at all costs, defaulting to the position where the Constitutional Budget Reserve (or "CBR") is today. Within the next three to four years, the CBR is destined for extinction. As the investment horizon of the CBR steadily shortens, it will be necessary to keep the assets of the CBR in very short-term and less-profitable investments.

I believe that as the day of the CBR's demise grows near, the Trustees and staff of the Fund may have to seriously consider a shorter investment horizon for a significant portion of the Fund.

So, whether we liken the Alaska Permanent Fund to a resource industry like Alaska's fisheries, one thing is clear: the Alaska Permanent Fund can continue to import significant new money into our state year after year.

Properly invested and protected, the Alaska Permanent Fund will successfully convert the non-renewable petroleum wealth of our State into a permanent and substantial stream of revenue for generations after the last barrel of oil has been pumped.

Legislative passage and voter approval of the Board's proposed amendment would protect the ability of the Fund to be managed for the long-term and to continue to pour money into the Alaska economy over the long-term.

The proposed constitutional change before you in the form of HJR 26 is more compatible with the Fund's diversified, long-term investment strategy of achieving a five percent real rate of return over time. The present constitutional

language was designed over a quarter century ago for a Fund that was invested 100 percent in bonds.

I believe that succeeding generations will rightly view this proposed amendment with the same degree of appreciation and admiration as the original one Alaskans overwhelmingly approved 27 years ago. The Trustees believe that this proposal for complete and protected inflation-proofing makes ultimate good sense for Alaska's Permanent Fund and for Alaska's future.

Methods to determine funds available for appropriation:

**Five key differences between the
Status quo and the proposed
Percent of Market Value (P.O.M.V.)**

A presentation by the Alaska Permanent Fund Corporation
to the House Ways and Means Committee
April 21, 2003



Five key differences between the status quo and POMV

1. POMV offers constitutional inflation-proofing protection of the entire Fund. The status quo statutorily inflation-proofs Fund principal.
2. POMV is a spending limit. It limits funds available for appropriations to real income over time. Under the status quo, the entire earnings reserve may be appropriated.
3. During volatile markets, POMV offers greatly improved stability in year-to-year amounts available for appropriation as compared to the status quo.



Differences between the status quo and POMV

4. POMV is compatible with the Fund's diversified, long-term investment strategy of achieving a 5% real rate of return over time. The status quo was designed a quarter century ago for a Fund invested 100% in bonds.
5. Predictable annual appropriations are provided under POMV. Under the status quo, it is not known whether funds will be available for appropriation in any given year.





Alaska Permanent Fund Corporation
 HJR 26 - Financial projection comparison of the Alaska Permanent Fund
 under status quo versus POMV spending limit, beginning in FY05.
 \$ millions

Status Quo	-----projected-----										
	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13
Total Return	-3.42%	7.38%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Principal - end of year (after payouts)	22,348	23,268	24,149	25,057	25,988	26,937	27,910	28,899	29,899	30,918	31,956
Realized earnings reserve (after payouts)	633	398	648	1,102	1,581	2,028	2,446	2,886	3,358	3,865	4,487
Unrealized earnings reserve	(632)	118	610	960	1,232	1,468	1,708	1,929	2,135	2,332	2,434
Total earnings reserve - end of year (after payouts)	0	516	1,258	2,062	2,813	3,496	4,154	4,816	5,493	6,197	6,921
Total Market Value End of Year (after payouts)	<u>22,349</u>	<u>23,784</u>	<u>25,407</u>	<u>27,118</u>	<u>28,801</u>	<u>30,433</u>	<u>32,065</u>	<u>33,715</u>	<u>35,392</u>	<u>37,115</u>	<u>38,876</u>
Annual net income	(851)	1,620	1,775	1,897	2,026	2,152	2,275	2,397	2,521	2,647	2,776
Dividend (lump sum) - Status Quo	686	510	409	442	597	766	887	979	1,059	1,131	1,209
Transfer status quo Inflation-proofing (ER to principal)	102	590	612	635	659	683	707	732	758	782	810

POMV - 5% (beginning in FY05)	-----projected 5% POMV beginning in FY05-----										
	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13
Total Return			7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Total Market Value End of Year (after payouts)		<u>23,784</u>	<u>24,581</u>	<u>25,429</u>	<u>26,307</u>	<u>27,186</u>	<u>28,078</u>	<u>28,978</u>	<u>29,881</u>	<u>30,795</u>	<u>31,717</u>
Annual net income			1,775	1,834	1,898	1,963	2,028	2,094	2,161	2,228	2,295
POMV Payout available for appropriation in lump sum			1,235	1,243	1,274	1,329	1,380	1,426	1,473	1,520	1,568
5 year average market value			24,706	24,854	25,480	26,576	27,608	28,526	29,463	30,409	31,363

Assumptions: Callan Associates 2003 Capital Market Assumptions, APFC 2003 asset allocation, Spring 2003 revenue forecast, financial statements through 3/31/03. All payouts are assumed to happen at fiscal year end, all dollar values in millions.



Alaska Permanent Fund Corporation

Calculation of annual effective rates of 5% POMV spending limit
\$ millions

	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>
Payout based on 5 year moving average	1,235	1,243	1,274	1,329	1,380	1,426	1,473	1,520	1,568
Ending market value (after payout)	24,581	25,429	26,307	27,186	28,078	28,978	29,881	30,795	31,717
Ending market value (pre payout)	25,816	26,672	27,581	28,515	29,458	30,404	31,354	32,315	33,285
Effective payout rate *	4.78%	4.66%	4.62%	4.66%	4.69%	4.69%	4.70%	4.71%	4.71%
Payout based on 5 year moving average	1,235	1,243	1,274	1,329	1,380	1,426	1,473	1,520	1,568
less APFC costs to manage the Fund	38	39	41	42	43	44	46	47	49
5% available for spending after deducting APFC costs	1,197	1,203	1,233	1,287	1,337	1,382	1,427	1,473	1,520
Effective rate after deducting APFC costs *	4.64%	4.51%	4.47%	4.51%	4.54%	4.55%	4.55%	4.56%	4.57%
APFC costs to manage the Fund in %	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%

* Note: The effective rate is defined as the payout over the ending market value of the Fund (pre-payout) expressed as a percentage.

ALASKA PERMANENT FUND CORPORATION

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
ALASKA PERMANENT FUND CORPORATION RELATING TO A
CONSTITUTIONAL AMENDMENT LIMITING APPROPRIATIONS FROM
AND INFLATION-PROOFING THE ALASKA PERMANENT FUND
BY ESTABLISHING A PERCENT OF MARKET VALUE SPENDING LIMIT

RESOLUTION 03-05

Preserving the real value of the money deposited into the Alaska Permanent Fund ("Fund") over the long term has been a public policy priority of the Board of Trustees ("Board") since the original Board was appointed over 20 years ago. In response to the Board's concerns in 1982 about the effects of inflation on the value of the Fund, the legislature adopted statutory inflation-proofing that same year. That change has successfully protected (by statute) the principal of the Fund for the past 20 years. After several years of review, the Board believes it is now time for the People of Alaska to make another decision that would: 1) constitutionally protect the current purchasing power of the whole Fund (both principal and income) against inflation; and 2) improve the rules governing distributions from the Fund.

To accomplish these goals, the Board has examined the use by various large endowment and public funds of a formula approach to establish appropriate limits on the size of payouts from those funds. This formula approach, generally referred to as a "percent of market value" ("POMV") spending limit, is applied by those funds in a manner that assures that, on average, only *real* income of a fund (i.e. income *net of inflation*) can be spent, thereby assuring that the real value of the contributions paid into the fund will not be touched. Because a POMV spending limit would provide for distributions from the Fund that are

predictable and limited, the Board believes that its use is in the best interest of the Fund and of the people of the State of Alaska.

The Board further believes that the best way to implement a POMV spending limit methodology for determining a level of distributions from the Fund that is predictable and limited is to amend the constitutional provision that established the Fund (Article IX, section 15 of the Alaska Constitution). Providing for a POMV spending limit in this manner would assure all Alaskans that the real value of the contributions to the Fund will be preserved for all time.

At the Board's request, APFC staff has presented a draft constitutional amendment for further discussion by the Board which, if adopted by the people of the State of Alaska, would provide for the following:

1. an annual limit on appropriations from the Fund of up to five percent of the total market value of the Fund, averaged over a period of five years;
2. using a five year period that allows the legislature and the governor to know before a fiscal year begins the exact amount that will be available for distribution from the Fund;
3. Fund income is part of the Fund, rather than being subject to appropriation by the legislature, as currently provided;
4. assures that the current statutory earnings reserve account established by AS 37.13.145 becomes part of the Fund when the constitutional amendment takes effect; and
5. the current references to "principal" and "income" are removed, as POMV ensures protection of the principal over the long-term through a constitutional spending limit.

The Board believes that this approach effectively balances the goal of providing for an annual distribution from the Fund that is predictable and limited with the long-term goal of protecting the real value of contributions to the Fund.

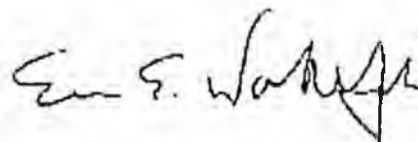
In addition, the Board believes strongly that implementing a POMV spending limit approach by constitutional amendment is such an important public policy goal that proposals for incorporating any other amendments to Article IX, section 15 which might in any way either lessen the chances of approval of such an amendment by the voters or undermine the legal status of the Fund should be rejected by the legislature.

Finally, the Board recognizes that implementation of a POMV spending limit methodology by constitutional amendment may necessitate changes to existing statutes that deal with the formula for determining and distributing the amount of the Fund that may be spent each year, including, but not necessarily limited to, payment of Permanent Fund Dividends and inflation-proofing the Fund. In anticipation of voter approval of a constitutional amendment providing for a POMV spending limit, the Board is hopeful that the legislature and the governor will work together to develop appropriate legislation to harmonize existing statutory provisions with the operation of the amendment and/or to adopt such new statutes as they may consider desirable. In this regard, the Board and APFC staff stand ready to provide any information or other assistance that may be helpful.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees that the legislature of the State of Alaska, in consultation with the governor and the Board, are urged to consider and approve the proposal (dated 4/14/03) for a constitutional amendment that would implement a POMV spending limit mechanism that would provide an annual distribution from the Fund that is predictable and limited.

BE IT FURTHER RESOLVED by the Board of Trustees that the proposal for such an amendment be limited solely to implementation of the foregoing goal.

PASSED AND APPROVED by the Board of Trustees of the Alaska Permanent Fund Corporation this 14th day of April 2003.



Eric E. Wohlforth

Chair, Board of Trustees

ATTEST:



Robert D. Storer, Corporate Secretary

HJR

26

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 06 2004
SENATE FINANCE COMMITTEE

DATE: 5/1/04

FURTHER:

DATE TURNED IN TO OFFICE: 05/06/04

Finance Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN)

HJR 26 CONST. AM: PF APPROPS/INFLATION-PROOFING

Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent fund based on an averaged percent of the fund market value.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title
 House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#
Revenue	4/13/04			✓	4

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Elections	1/16/04	1.5			3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			X	
COCHAIR: <i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>			✓	

1/16/04 2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3 SENATE FINANCE
Bill Version: CSHJR-26(FIN) COMMITTEE
(H) Publish Date: 4/7/04

Revision Date/Time (Note if correction): _____ Dept. Affected: GOV
Title Constitutional amendment relating to and RDU Elections
limiting appropriations from and inflation-proofing APF Component Elections
Sponsor Rules
Requester House Finance Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing of an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Leonard G. Jones
Division: Division of Elections
Approved by: Laura A. Glaiser, Director
Agency: Office of the Lt. Governor, Division of Elections

Phone 465-3051
Date/Time 1/16/04 9:06 AM
Date 1/16/2004

REPORTED OUT

MAY 06 2004

SENATE FINANCE
④ COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHJR 26(FIN)
() Publish Date: 5/6/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title Const. Am:PF Approps/Inflation-Proof RDU AK Permanent Fund Corporation
Component AK Permanent Fund Corporation
Sponsor House Rules Committee
Requester House Rules Committee Component No. 109

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1105 PF Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HJR 26 will not effect the budgeted costs to manage and invest the Permanent Fund.

HJR 26 will not change the amount of income earned by Permanent Fund investments.

See the attached schedule for financial projections of the Fund comparing the "Status Quo" to a 5% POMV spending limit.

Prepared by: Robert D. Storer Phone 465-2047
Division Alaska Permanent Fund Corporation Date/Time 4/13/04 12:00 AM
Approved by: William Corbus, Commissioner Date 4/13/2004
Agency Department of Revenue



Alaska Permanent Fund Corporation
 HJR 26 - Financial projection comparison of the Alaska Permanent
 Fund under status quo versus POMV spending limit beginning in
 \$ millions

Status Quo	-----projected-----											
	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Total Return	15.25%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Contributions & appropriations (after payouts)	23,300	24,179	25,042	25,922	26,824	27,748	28,688	29,652	30,628	31,623	32,668	33,725
Unrealized appreciation/depreciation on Invested assets	3,451	3,898	4,284	4,634	4,958	5,262	5,546	5,524	5,865	6,191	6,125	6,498
Realized earnings account (after payouts)	850	1,341	1,943	2,516	3,041	3,591	4,180	5,069	5,640	6,270	7,294	7,942
Total market value end of year (after payouts)	<u>27,601</u>	<u>29,417</u>	<u>31,268</u>	<u>33,072</u>	<u>34,823</u>	<u>36,600</u>	<u>38,414</u>	<u>40,245</u>	<u>42,133</u>	<u>44,084</u>	<u>46,087</u>	<u>48,165</u>
Annual realized income	1,311	1,602	1,796	1,969	2,129	2,280	2,430	2,866	2,643	2,799	3,329	3,044
Dividend (lump sum) - status quo	561	499	560	739	925	1,027	1,113	1,226	1,297	1,367	1,477	1,542
Transfer status quo Inflation-proofing (ER to principal)	0	613	635	657	680	703	727	751	776	801	828	855

POMV - 5% (beginning in FY05)	-----projected 5% POMV beginning in FY05-----											
	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Total Return		7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%	7.60%
Total Market Value End of Year (after payouts)	<u>27,601</u>	<u>28,605</u>	<u>29,621</u>	<u>30,654</u>	<u>31,686</u>	<u>32,710</u>	<u>33,739</u>	<u>34,782</u>	<u>35,840</u>	<u>36,912</u>	<u>38,025</u>	<u>39,153</u>
5 year average market value lagged one year		26,224	26,669	27,674	29,191	30,843	32,061	33,146	34,243	35,346	36,453	37,572
POMV Payout available for appropriation in lump sum		1,311	1,333	1,384	1,460	1,542	1,603	1,657	1,712	1,767	1,823	1,879

Assumptions:

- Both scenarios show payouts net of inflation.
- POMV payout assumes calculation methodology is 5% of the ending market value (pre payout) for the first five of the last six fiscal years.
- Callan Associates 2003 Capital Market Assumptions, APFC 2003 asset allocation, Fall 2003 revenue forecast, financial statements through 12/31/03. All payouts are assumed to happen at fiscal year end, all dollar values in millions.
- Per SB 100, currently there is no FY04 Inflation-proofing appropriation, and \$354 million of FY04's projected Inflation-proofing of \$523 was pre-funded in FY03.

SENATE FINANCE COMMITTEE
5/10/2004 COMMITTEE ACTION

Bill Number	HJR 26		
Amendment			
Motion	to Report		
<u>Motion by</u>	Bunde		
<u>Objection by</u>	" No Objection		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Hoffman			
Senator Olson			
Senator Stevens			
Senator Bunde			
Senator Dyson			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	PASSED		



Alaska Permanent Fund Corporation
Analysis of House Joint Resolution (HJR) 26
April, 2004

House Joint Resolution 26 proposes changing Alaska's Constitution to require inflation proofing of the entire Permanent Fund and to limit the payouts from the fund. This resolution was introduced at the request of the Permanent Fund Corporation's Board of Trustees.

Many large endowments and public funds use a system known as "percent of market value" payouts, or POMV, to provide payouts while still protecting both the principal and earnings of a fund. POMV limits payouts to a set percentage of the fund's market value, often 5 percent. This has shown to be the maximum sustainable payout rate that will still maintain a fund's real value over time.

However, under current law only the principal of the Permanent Fund is protected and inflation-proofed. The earnings reserve account is not considered part of the principal, is not inflation-proofed and is open to appropriation. In addition, payouts are computed as a portion of the Fund's earnings. This means that if the Fund were to have little or no earnings in a single year, a payout for dividends or other State spending would not be allowed.

Moving to a POMV system and adding the earnings reserve to the Fund would not only provide inflation proofing of the entire fund, but would provide a more reliable and predictable payout each year, regardless of the Fund's performance in an individual year. This would make it more likely that the State could continue the Permanent Fund Dividend program in the future, an outcome that is heartily supported by many Alaskans.

Making these changes in the Constitution, rather than in Alaska Statutes adds an additional layer of protection to the fund because the Constitution can only be changed with a vote of the people.

If passed, HJR 26 would place an initiative on the next statewide election ballot that would propose the following three changes to Alaska's Constitution:

- Remove the provision that "all income be deposited in the general fund unless otherwise provided by law"
- Add a provision that would not allow appropriations from the Fund to exceed 5 percent of the average market value of the Fund over five years
- Add a provision that would consider the money in the earnings reserve account to be part of the Permanent Fund



**Alaska Permanent Fund Corporation
Percent of Market Value talking points
April, 2004**

Realized income is the cash income from assets (rent, interest payments, stock dividends) and the net profits from the sale of assets.

Unrealized gains are the increases in the value of held assets.

Principal is comprised of the contributions to the Fund from mineral royalties and legislative appropriations. Unrealized gains are accounted for as principal until they are realized.

How is the current method broken?

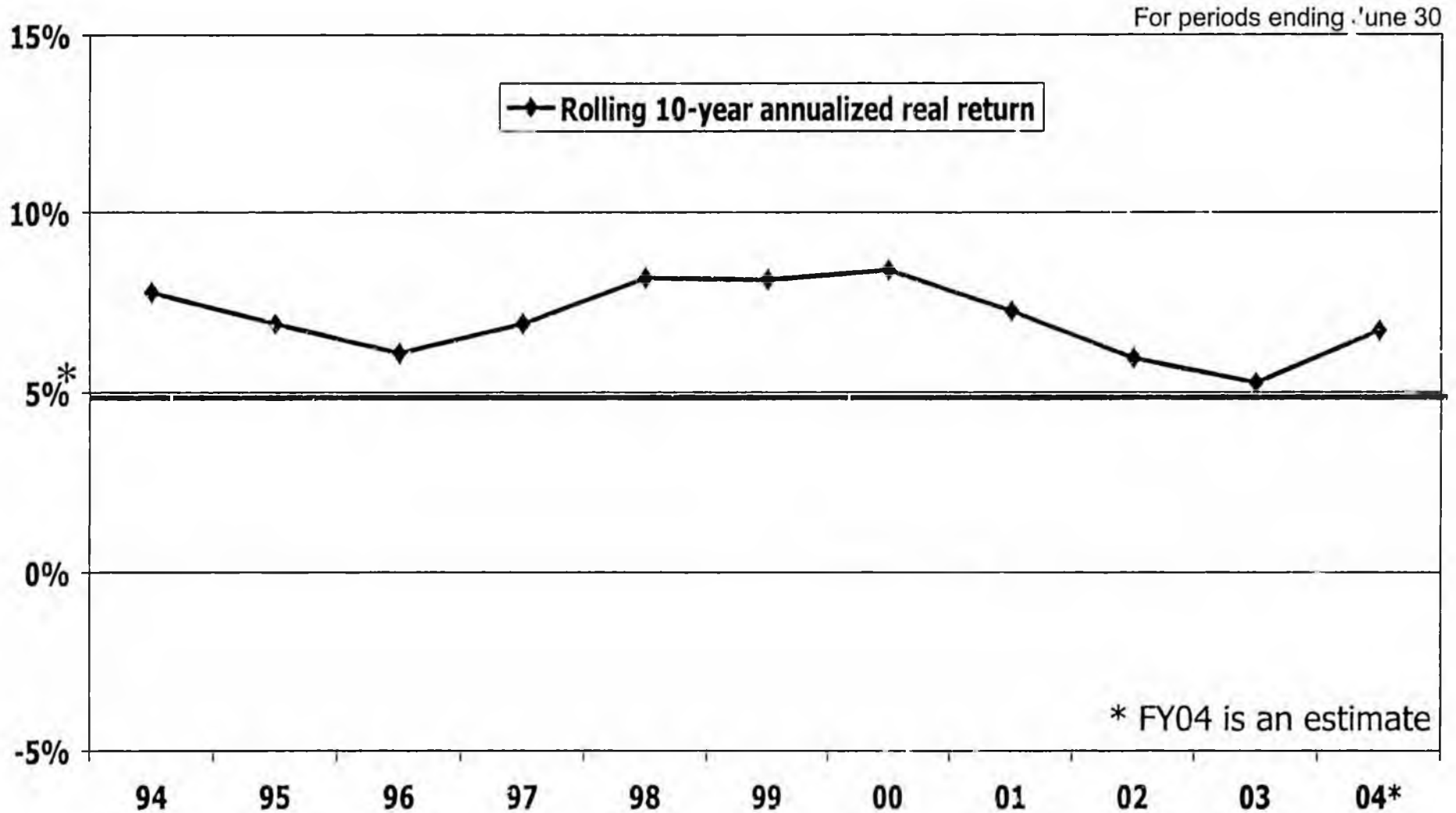
- It allows over-spending in good years (in some years up to 20% of the Fund has been available for appropriation).
- Only part of the principal is protected from spending.
 - Unrealized gains become realized income when an asset is sold, and move from principal to earnings.
- It creates the possibility of reduced or zero payouts for dividends or other purposes in bad years.
- Inflation proofing is optional, requiring an annual legislative appropriation.
- Payouts are now based on realized income and are incompatible with the Fund's current investments.
 - When the Fund was created it was invested entirely in bonds, and a payout method based on realized income made sense.
 - Now the Fund is invested in stocks and real estate in addition to bonds, assets that increase in value as well as providing some cash income, and that would be compatible with a POMV payout method.

How does POMV provide the solution?

- An annual spending limit of no more than 5% of the total value of the Fund will protect the entire Fund from overspending.
- A POMV payout method would provide more stable and predictable payout amounts from year to year, even in down market years.
- Inflation proofing is inherent and no longer requires an appropriation.
 - The Fund is invested for a 5% real rate of return after inflation. If 5% is withdrawn, the increase in value due to inflation will remain in the Fund.
- A POMV payout method based on the total Fund value is compatible with Fund's current investments.



Rolling 10-year real return – Fiscal year



ACCOUNTABILITY

FOR ALASKANS, FOR ALASKANS

Provided by PFC 5/6/04



Alaska Permanent Fund Corporation

Financial projection of the Alaska Permanent Fund under a POMV spending limit and payouts designated in House Bill 298, beginning in FY05.

\$ millions (except per person dividend)

	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>
POMV - 5% (beginning in FY05)											
Contributions & appropriations (principal)	23,844	24,135	24,370	24,595	24,819	25,042	25,263	25,475	25,683	25,878	26,066
Unrealized appreciation/depreciation on assets	3,467	3,515	3,437	3,595	3,590	3,801	3,814	4,057	4,072	4,333	4,567
Realized earnings account (after payouts)	1,864	2,677	3,641	4,371	5,254	5,941	6,846	7,550	8,504	9,242	10,034
Total market value end of year (after payouts)	29,175	30,327	31,447	32,561	33,633	34,784	35,923	37,082	38,258	39,452	40,666
5 year average market value lagged one	26,323	26,875	28,015	29,684	31,507	32,814	33,999	35,188	36,385	37,590	38,807
Total available for appropriation	1,316	1,344	1,401	1,484	1,575	1,641	1,700	1,759	1,819	1,879	1,940
APFC management costs	43	44	45	47	48	50	51	53	54	56	57
Payout after APFC costs:											
payout 50% lump sum dividend	637	650	678	719	764	796	824	853	883	912	941
payout 45% for public education	573	585	610	647	688	716	742	768	795	821	847
payout 5% for municipal dividend	64	65	68	72	76	80	82	85	88	91	94
Per person dividend	\$ 1,010	\$ 1,030	\$ 1,070	\$ 1,130	\$ 1,200	\$ 1,240	\$ 1,280	\$ 1,320	\$ 1,360	\$ 1,400	\$ 1,440

SENATE FINANCE COMMITTEE

SIGN-IN

HJR 26-CONST. AM: PF APPROPS/INFLATION-PROOFING

✓ NAME: Bob Bartholomew Subject/Bill No: HJR 26
Co./Dept./Title: Permanent Fund Corp. Phone: 465-3663
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

HJR

27

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 18 2003

SENATE FINANCE
COMMITTEE

DATE: 5/17/03

FURTHER:

DATE TURNED IN TO OFFICE: 18 May 2003

Finance Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 27(STA)

HJR 27 SUPPORT ANCHORAGE JAIL EXPANSION

Relating to support for a federal appropriation for expansion of the Anchorage Jail.

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
Corrections	7/2/03		✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>				
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>				
COCHAIR: <i>[Signature]</i>			✓	

MAY 18 2003

SENATE FINANCE COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHJR 27(STA)
(H) Publish Date: 5/15/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Department of Corrections
Title: Support for a federal appropriation for BRU Administration & Operations
expansion of the Anchorage Jail Component: _____
Sponsor: _____ Component No.: _____
Requester: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The passage of this resolution would have no fiscal impact on the Department of Corrections. Should the funding be received for the expansion of the Anchorage Jail, it is expected that both construction and operation of the 200 additional beds will be paid for with federal funds.

Prepared by: Jerry D. Burnett, Director
Division: Administrative Services
Approved by: Portia C.K. Parkur, Deputy Commissioner
Agency: Department of Corrections

Phone 465-3339
Date/Time 5/12/03 2:56 PM
Date 5/12/2003

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement

CS HJR 27 (STA)

"Relating to support for a federal appropriation for expansion of the Anchorage Jail"

HCR 27 encourages the United States Congress to appropriate \$30,000,000 for a 200-bed expansion at the Anchorage Jail to house additional federal prisoners.

The United States Marshals Service contracts with the state to provide 50 federal prisoner beds in Alaska's correctional system – over the past few years, this contract has been met or exceeded at all times. Currently, the department has more than 100 federal prisoners incarcerated in state facilities, the overwhelming majority of whom are held in Anchorage. The US Marshals Service has requested an increase in the contract with the Department of Corrections (DOC) to meet the anticipated increased demand for bed space for federal prisoners; however, the DOC does not have the capacity to meet this increased demand without an expansion at the Anchorage Jail.

Recently, the Federal Bureau of Prisons (FBP) conducted a study on the feasibility of building a federal prison in Alaska. The study concluded that there were not enough Alaska prisoners within the FBP system to justify a separate federal correctional facility in Alaska. Therefore, the US Marshals Service requested that the DOC work with them to expand the Anchorage Jail to meet the increasing demand for federal prison beds.

The 200-bed expansion at the Anchorage Jail to house federal prisoners should not impact the state budget; all related construction costs and additional operating costs will be paid for with federal receipts.

It is in the best interest of all parties to expand the available prison bed space in the Anchorage area. This expansion will help reduce overcrowding on the current state system and will lower the cost to the federal government for transports between Seattle and Anchorage.

5/15/03

HJR

44

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 04 2004

SENATE FINANCE
COMMITTEE

DATE: 04/15/04

FURTHER:

DATE TURNED
IN TO OFFICE: 4 May 2004

Finance Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 44(RES) am

HJR 44 SEA OTTER RESEARCH/ENDANGERED SPECIES

Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H.RES	7/31/04			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	DO NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>				
COCHAIR: <i>[Signature]</i>	✓			

MAY 0 4 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHJR 44(RES)
(H) Publish Date: 4/1/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Sea Otter Research/Endangered BRU _____
Species _____ Component _____
Sponsor Rep. Ogg _____
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Rachel Essen Phone 465-3783
Division: House Resources Date/Time 3/31/04 3:00 PM
Approved by: Representative Nancy Dahlstrom, Co-Chairman Date 3/31/2004
Agency: House Resources Committee



Committee Assignments:

Member:

House Special Committee on Fisheries
House Special Committee on Education
House Transportation Committee
House Judiciary Committee

Dan Ogg
Representative

Session:
Room 409
Capitol Building
Juneau, Alaska 99801
Phone: 907-465-2487
Toll Free: 800-865-2487
Fax: 907-465-4956
Email: rep.dan.ogg@legis.state.ak.us

Interim:
112 Mill Bay Road
Kodiak, Alaska 99615
Phone: 907-486-8872
Fax: 907-486-5264

SPONSOR STATEMENT

House Joint Resolution 44

4/1/04

"Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska."

The Southwest Alaska population of Northern Sea Otters has declined as much as 65 percent since the mid-1970s. In response to this precipitous decline, the United States Fish and Wildlife Service recently proposed listing the sea otters in the Southwest region as threatened under the Endangered Species Act.

The U.S. Fish and Wildlife Service has said they do not currently anticipate commercial fishing closures due to the decline in sea otters. However, as we have witnessed with Steller sea lions, commercial fishing activity in Southwest Alaska could be curtailed if sea otters gain protected status. Our coastal communities, as well as the state as a whole, depend heavily on revenue generated by commercial fishing.

In an attempt to be proactive, this resolution asks the U.S. Fish and Wildlife Service and the U.S. Congress to provide \$5 million per year for five years for research into the abundance of Northern Sea Otters and the reasons behind their decline. Since Kodiak is uniquely situated in the Gulf of Alaska and is also a large commercial fishing port, the resolution asks that research into the sea otters' population decline be centered in Kodiak, with field stations in other western Alaska coastal communities.

Previous surveys of sea otter population levels have been sporadic and have not produced long-term reliable data. It is imperative that scientists immediately begin to consistently monitor and investigate the sea otters' decline to mitigate the potential negative effects on Alaska's commercial fishing industry.

SENATE COMMITTEE REPORT

DATE: 04/8/04

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4-14-04

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 44(RES) am

HJR 44 SEA OTTER RESEARCH/ENDANGERED SPECIES

Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska.

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H.RES	3/31/04			✓	1

APPROPRIATION - no fiscal note

Seekins
Wagoner
Dyson

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Joseph Deering</i>	✓			
<i>Thomas J. Wagoner</i>	✓			
<i>Frank Dyson</i>	✓			
CHAIR: <i>Bill Dyson</i>	✓			

Ogan