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Additionally, officials from both these States expressed the opinion that the workload of legislative fiscal staffs would be affected by a change to an annual budget. They felt that such a change would require greater detail, greater analysis of budget requests, and overall greater control being exercised by the general assembly. There was a difference of opinion, however, concerning whether the altered workload would necessitate a larger staff.

Regarding the State's willingness to undertake planning beyond the budget period when operating on an annual cycle, Georgia and Iowa respondents indicated that the proclivity to look beyond one year would either be reduced or unaffected. While they felt that annual budgets would lead to more accuracy of revenue estimates, they indicated that inaccuracies resulting from biennial budgets could be remedied in the annual legislative sessions. Georgia and Iowa officials contended that the rate of increase in budgets is more controllable in a biennial cycle. The primary argument in Iowa was that the pressure for increase is reduced during the second session when additional appropriations will be made only in the case of emergencies or unforeseeable changes. One Iowa official summarized as follows: "It seems to us that really we have the 'best of both worlds' 1) less time consumed in preparation/hearings, yet 2) the ability to review and make changes in the second session."

The Switch from Annual to Biennial Budgets - Hawaii

Hawaii abandoned an annual system in favor of a biennial one, effective July 1, 1971. Since this change was so recent, few definite results or effects were available for analysis at the time the questionnaire was sent out. In addition to the change to biennial budgeting, Hawaii

was in the process of implementing a planning-programming-budget system. The combination of these changes resulted in a change of focus from more detailed management control to an emphasis on planning and analysis. This new approach was intended to allow the state legislature to devote more attention during the second year of the biennium to an examination of the progress and effectiveness of various programs. In fact, under the new budget act annual reports to the legislature are required "reflecting the deviations of actual from planned levels of program effectiveness, program size, and program expenditures."

As far as could be determined, the change to a biennial budget had alleviated the burden of the executive budget staff and freed the staff members for more analytical assignment on the PPBS implementation project. In addition, it was predicted that the budget workload of other executive agencies and the legislative fiscal staff would be reduced substantially.

Although Hawaiian officials admitted that revenue estimates for the biennium period would probably be less accurate than on an annual cycle, they apparently felt that the difference would not cause significant problems. The officials also recognized that additional problems could arise in projecting matching requirements for federal grants and aid, but were hopeful that the legislature would be amenable to supplemental budget requests for this purpose during the second year of the biennium. Some hoped also that the rate of annual increase in state expenditures would be less under the biennial system.

Responses to the followup request reiterated the difficulty involved in determining the effect of the switch to biennial budgeting, because that switch was made coincidentally with a change to a planning-programming

budget. One official, commenting on the budget agency workload, pointed out that a change to a biennial budget might have substantially decreased the time spent in budget preparation, yet the amount of time allotted to this function actually increased due to the demands of the planning-programming budget.

One legislator noted that the change afforded committees the opportunity to scrutinize more closely various program accomplishments and problems, "the point being that there was 'extra' time to review programmatic matters and accomplishments because the committee was not straddled with the urgency or necessity of passing an annual budget."

A legislator also noted that the 1971-73 budget could have been legislatively reduced to realign expenditures with anticipated revenues. However, he added that such action deserves careful scrutiny when the effect would impose a restrictive ceiling for expenditures while the possibility of an upturn in revenues remains.

Despite the fact that the second legislative session under Hawaii's biennial budget is now history, the general feeling is that the State has not as yet experienced the full impact of the switch from an annual to a biennial budget.

Annual Budget Review - Wisconsin

Responses concerning the Wisconsin annual review process for the second year of the biennium were received from six officials -- two executive, three legislators and one legislative staff. According to a 1971 joint resolution the Governor was to submit to the Legislature by January 18, 1972 any budget changes he deemed desirable for the second year of the biennium. An executive respondent estimated that the amount of work this

entailed for the central budget office was approximately one-third of that associated with full budget preparation. This additional work was absorbed by existing staff, at the expense of fewer daily agency contacts and policy development and management improvement work. On the legislative side, one respondent hailed the process as allowing legislative review of selected programs without waiting for a full budget cycle to elapse. The budget change also altered the duties of administrative agencies which respond only to specific questions raised by the budget staff rather than being required to submit new budgets.

In discussing any change in ability to meet matching requirements for federal grants in aid, one respondent noted that most agencies more than adequately budgeted to cover any such requirements. However, he cited one instance where the annual review remedied a situation of under-estimation and was subsequently the cause of critical comment from some legislators because the review allowed agencies to be "bailed out" of their errors. The respondent also predicted that the annual review process would accelerate the rate of increase in state expenditures. This position was contradicted, however, by another respondent, who reported that the rate of increase was substantially lower in 1971-73 than in the previous three biennia.

Five of the six responding Wisconsin officials expressed satisfaction with the annual review process, because it possessed the advantages of both the annual and biennial budget. The only dissatisfied official expressed the fear that the second year budget bill would consistently become "a grab-bag for everyone's pet project with considerable log rolling."

One factor preventing a full trial of the annual review process was that the 1972 budget was not adopted until November 1971, over five months

after the beginning of the fiscal year. Thus there was little time under the first year's budget before recommendations had to be made on the second. Partly for this reason most respondents felt that it is too soon for a full evaluation of the annual review process.

Conclusion: Which way to go?

It is not surprising that most respondents from States which have shifted from biennial to annual budgets support the change. This support among most categories of officials is strong, ranging from 75 percent for legislators to 100 percent for executive officials outside of the budget office. Only budget officers made a contest of the issue - three favored retention of annual budgets and three favored returning to biennial budgets. In no case were all respondents from a State unanimous in favoring a return to biennial budgeting.

The difference in point of view can occur because of differences in conception of the budget process and differences in experience undergone by each participant in the budget process in each State. In reality, a State can develop a good system of executive and legislative fiscal and program planning and controls under either an annual or biennial budget. The system would work differently with the alternate time-spans, but could be effective under either approach.

To illustrate the contention just stated, let us examine the major selling points of both annual and biennial budgets.

Annual budgets permit more frequent and probably more accurate estimating of revenues and financial requirements of state programs. Corrections on both the expenditure and revenue sides of the balance sheet can more readily be made. Adjustments because of sudden availability or loss of federal funds can be made sooner.

Annual budgeting assures that action will be taken which reflects the above occurrences. Yet action can be taken under biennial budgeting too, if the Legislature meets annually. The Wisconsin budget review process was established for this purpose, and there appears to be nothing in the Wisconsin procedure that could not be adapted to the needs of any other State.

A fundamental reason why most responding legislators favor annual budgeting is that legislative control over spending is more easily attained; the Legislature can more frequently review the spending programs it previously authorized and ascertain whether legislative intent is being carried out.

This review is a basic function of the legislature, and any system should contain built-in procedures to accomplish it. It can be done with biennial budgets as well as annual. Of course, certain conditions must be met. If the legislature meets annually, if the legislature and its committees are continuing bodies throughout the biennium, if legislators are adequately paid and staffed so that they can devote time to the task and make productive use of their time, then the task of review can be carried out effectively, and corrective actions can be taken.

Now let us look at reasons in support of biennial budgeting. Biennial budgets force a longer range planning than annual budgets simply because appropriations must be made for a longer time span; they provide more time for long range planning; and they save the time of agencies, Governor, budget staff, legislature and legislative staff in compiling, presenting, explaining and defending the myriad details that go into the making of a budget. This would allow more time for program review and evaluation.

But these activities are not excluded under annual budgeting. Most budget procedures as established by budget offices require submission and analysis of much detail, but a number of States have been struggling with ways to reduce this burden. Many details, such as replacement of equipment, are better handled through concentration on good management as part of budget execution rather than as items to be spelled out in budgets. Detailed budget items imply a specific knowledge of needs that cannot be that accurately estimated months in advance of expenditure. Concentration on management analysis and program evaluation would be more productive in the long run, and can be fitted in with annual budgets as well as biennial.

Not, simply because appropriations must be made annually, must legislatures necessarily examine the fine print in every budget every year. Legislatures can find time for program evaluation if they adjust their procedures accordingly, such as concentrating on major issues and unusual changes along with a periodic careful review of all other programs. This is a variation of a suggestion made by one respondent that major programs such as education and welfare be budgeted annually, while lesser and more routine ones such as civil defense and licensing boards be budgeted biennially.

Good decision-making encompasses, among other things, defining state program needs, determining the most effective method of accomplishing the program, providing the resources to get the job done, and evaluating the operation of the program to see whether its aims were accomplished. The budget process is but one aspect, although a most crucial one, of this larger process.

Both executive and legislative officials in many States are seeking ways to accomplish this decision-making task more effectively. The job can be done with either an annual or biennial budget. Which way a State goes depends on its existing system of budget decision-making and a realistic assessment of what can be done soon to fashion the budget process to better serve its purpose. If institutions such as the budget cycle get in the way, then a decision must be made on whether to change the institution, find a way around it, or adjust it to better accomplish the job to be done.

ATTACHMENT D

Table 1
STATE BUDGETARY PRACTICES

<i>State or other jurisdiction</i>	<i>Budget-making authority</i>	<i>Official or agency preparing budget</i>	<i>Date estimates must be submitted by dept. or agencies</i>	<i>Date submitted to legislature</i>	<i>Power of legislature to change budget*</i>	<i>Power of item veto by governor</i>	<i>Fiscal year begins</i>	<i>Frequency of budget</i>	
Alabama	Governor	Div. of the Budget, Dept. of Finance	Oct. 15 for Jan. session; Nov. 15 for Feb. session	By the 5th day regular business session	Unlimited	Yes	Oct. 1	Annual	1
Alaska	Governor	Div. of Budget & Management, Office of the Governor	Oct. 1	3rd legislative day of session	Unlimited	Yes	July 1	Annual	1
Arizona	Governor	Finance Div., Dept. of Administration	Sept. 1 each year	By the 5th day of regular session	Unlimited	Yes	July 1	Annual	1
Arkansas	Governor	Office of Budget, Dept. of Finance & Administration	Sept. 1 in even years	Date of convening session	Unlimited	Yes	July 1	Biennial, odd yr.(a)	1
California	Governor	Dept. of Finance	Specific date for each agency set by Dept. of Finance	Jan 10	Unlimited	Yes	July 1	Annual	1
Colorado	Governor	Executive Director, Office of State Planning & Budgeting	Aug. 1-15	Dept. budgets submitted Nov. 1; governor's full recommendation submitted within first 10 days of legislative session	Unlimited	Yes	July 1	Annual	1
Connecticut	Governor	Div. of Budget & Financial Management, Office of Policy & Management	Sept. 1	1st session day after third of Feb. in odd years, except if change in governor; then 1st session day after Feb. 14. In even years, on the Wed. following the 1st Mon. in Feb.	Unlimited	Yes	July 1	Annual	1
Delaware	Governor	Office of Budget Director, Office of the Governor	Sept. 15; schools, Oct. 15	By Feb. 1	Unlimited	Yes	July 1	Annual	1
Florida	Governor	Office of Planning & Budget, Office of the Governor	Nov. 1 each year	45 days prior to regular	Unlimited	Yes	July 1	Biennial	1
Georgia	Governor	Office of Planning & Budget	Sept. 1	By 5th day of session or sooner	Unlimited	Yes	July 1	Annual	1
Hawaii	Governor(b)	Budget, Planning & Management Div., Dept. of Budget & Finance	Aug. 31	20 days prior to convening of session on 3rd Wed. in Jan.	Unlimited	Yes	July 1	Biennial, odd yr.(a,c)	1
Idaho	Governor	Office of the Governor	Sept. 1 before Jan. session	Not later than 5th day of session	Unlimited	Yes	July 1	Annual	1
Illinois	Governor	Bureau of the Budget, Office of the Governor	Specific date for each agency set by Bureau of the Budget	First Wed. in March	Unlimited	Yes	July 1	Annual	1
Indiana	Governor	Budget Agency(d)	Sept. 1 in even years, flexible policy	Within the 1st two weeks after the session convenes(e)	Unlimited	No	July 1	Biennial, odd yr.(a)	1
Iowa	Governor	Comptroller	Sept. 1	Feb. 1 or before	Unlimited	Yes	July 1	Biennial, odd yr.(a)	1
Kansas	Governor	Div. of the Budget, Dept. of Administration	Not later than Oct. 1	Within 3 weeks after convening of session in odd years and within 2 days after convening of session in even years	Unlimited	Yes	July 1	Annual	1
Kentucky	Governor	Office for Policy & Management, Dept. of Finance	Specific date set by administrative action but may not be later than Nov. 15 of each	As governor desires	Unlimited	Yes	July 1	Biennial, even yr.(a)	1

Louisiana	Governor	State Executive Budget Director, Div. of Administration	Dec. 15	Not later than 1st day of each regular session	Unlimited	Yes	July 1	Annual
Maine	Governor	Bureau of the Budget, Dept. of Finance & Administration	Sept. 1 in even years	Not later than the Fri. following the first Mon. in Jan. of the 1st regular legislative session. Governor-elect to 1st term, not later than Fri. following 1st Mon. in Feb. of 1st regular legislative session	Unlimited	No	July 1	Biennial, odd yr. (a)
Maryland	Governor	Secretary, Dept. of Budget & Fiscal Planning	Sept. 1	3rd Wed. of Jan. annually	Limited: legislature may decrease but not increase, except appropriations for legislature and judiciary	No	July 1	Annual
Massachusetts	Governor	Budget Director, Div. of Fiscal Affairs, Executive Office for Administration & Finance	Set by administrative action	Within 3 weeks after convening of the legislature	Unlimited	Yes	July 1	Annual
Michigan	Governor	Office of the Budget, Dept. of Management & Budget	Set by administrative action	10th day of session	Unlimited	Yes	Oct. 1	Annual
Minnesota	Governor	Budget Div., Dept. of Finance	Oct. 1 preceding convening of legislature	Within 3 weeks after the 1st Mon. in Jan. in each odd year	Unlimited	Yes	July 1	Biennial, odd yr. (a)
Mississippi	Commission of Budget & Accounting (f)	Commission of Budget & Accounting	Aug. 1 preceding convening of legislature	Dec. 15	Unlimited	Yes	July 1	Annual
Missouri	Governor	Div. of Budget & Planning, Office of Administration	Oct. 1	By the 30th day	Unlimited	Yes	July 1	Annual
Montana	Governor	Director, Office of Budget & Program Planning, Governor's Office	Sept. 1 of year before each session	1st day of session	Unlimited	Yes	July 1	Biennial, odd yr.
Nebraska	Governor	Budget Div., Dept. of Administrative Services	Not later than Sept. 15	Jan. 15	Limited: three-fifths vote required to increase governor's recommendations; majority vote required to reject or decrease such items	Yes	July 1	Annual
Nevada	Governor	Budget Director, Budget Div., Dept. of Administration	Sept. 1	10th day of session or before	Unlimited	No	July 1	Biennial, odd yr. (a)
New Hampshire	Governor	Comptroller, Dept. of Administration & Control	Oct. 1 in even years	Feb. 15 in odd years	Unlimited	No	July 1	Biennial, odd yr. (a)
New Jersey	Governor	Director, Div. of Budget & Accounting, Dept. of the Treasury	Oct. 1	Third Tues. after opening of session	Unlimited	Yes	July 1	Annual
New Mexico	Governor	Budget Div. Dept. of Finance & Administration	Sept. 1	On or before 25th day of regular session	Unlimited	Yes	July 1	Annual
New York	Governor	Div. of Budget, Executive Dept.	Early in Sept.	Second Tuesday following the first day of the annual session, except on or before Feb. 1 in years following gubernatorial election	Limited: may strike out items, reduce items, or add separate items of expenditure	Yes	April 1	Annual

<i>State or other jurisdiction</i>	<i>Budget-making authority</i>	<i>Official or agency preparing budget</i>	<i>Date estimates must be submitted by dept. or agencies</i>	<i>Date submitted to legislature</i>	<i>Power of legislature to change budget*</i>	<i>Power of item veto by governor</i>	<i>Fiscal year begins</i>	<i>Frequency of budget</i>
North Carolina	Governor	Office of State Budget	Sept. 1 preceding session	1st week of session	Unlimited	No	July 1	Biennial, odd yr. (a)
North Dakota	Governor	Office of Management & Budget	July 15 in even years; may extend 45 days	Dec. 1, prior to biennial session	Unlimited	Yes	July 1	Biennial, odd yr.
Ohio	Governor	Office of Budget & Management	Nov. 1; Dec. 1 when new governor is elected	Within four weeks of convening in odd years unless change in governor; then March 15	Unlimited	Yes	July 1	Biennial, odd yr. (a)
Oklahoma	Governor	Director of State Finance, Div. of Budget	Sept. 1	Immediately after convening of regular legislative session; an incoming governor, following inaugural	Unlimited	Yes	July 1	Annual
Oregon	Governor	Budget & Management Div., Executive Dept.	Sept. 1 in even year preceding legislative year	Dec. 1 in even year preceding legislative year	Unlimited	Yes	July 1	Biennial, odd yr.
Pennsylvania	Governor	Secretary of Budget & Administration, Governor's Office of Budget & Administration	Nov. 1 each year	As soon as possible after organization of legislature, but no later than 1st full week in Feb. Governor-elect to 1st term, no later than 1st week in March	Unlimited	Yes	July 1	Annual
Rhode Island	Governor	Div. of Budget, Dept. of Administration	Oct. 1	24th day of session	Unlimited	No	July 1	Annual
South Carolina	State Budget & Control Board (g)	Finance Div., State Budget & Control Board	Sept. 15 or discretion of board	2nd Tues. in Jan.	Unlimited	Yes	July 1	Annual
South Dakota	Governor	Commissioner, Bureau of Finance & Management, Dept. of Executive Management	Sept. 1	1st Tues. after 1st Mon. in Dec.	Unlimited	Yes	July 1	Annual
Tennessee	Governor	Budget Div., Dept. of Finance & Administration	Oct. 1	Prior to Feb. 1, except prior to March 1 in first year of governor's term	Unlimited	Yes	July 1	Annual
Texas	Governor, Legislative Budget Board	Budget & Planning Office, Office of Governor; Legislative Budget Board	Date set by budget director and legislative board	7th day of session or before	Unlimited	Yes	Sept. 1	Biennial, odd yr. (a)
Utah	Governor	State Budget Office	Sept. 1-30(th)	After convening of legislature, 3 days regular session; 1 day budget session	Unlimited	Yes	July 1	Annual
Vermont	Governor	Commissioner, Dept. of Budget & Management; Agency for Administration	Sept. 1	3rd Tues. in Jan.	Unlimited	No	July 1	(i)
Virginia	Governor	Director, Dept. of Planning & Budget, Office of Administration & Finance	1st Sept. in odd years	Within 5 days after convening of regular session on 2nd Wed. in Jan. in even years	Unlimited	Yes	July 1	Biennial, even yr. (a)
Washington	Governor	Director, Office of Financial Management	Date set by governor	20th day of Dec. prior to session	Unlimited	Yes	July 1	Biennial, odd yr. (a)

West Virginia	Governor	Planning Div. & Div. of Budget, Dept. of Finance & Administration	Aug. 15	1st day of session except for 1st year of new gov. when it may be submitted 1 month after convening of session	Limited: may not increase items of budget bill except appropriations for legislature and judiciary	Yes	July 1	Annual	1
Wisconsin	Governor	Div. of State Executive Budget & Planning, Dept. of Administration	Dates as set by secretary, Department of Administration	On or before the last Tues. in Jan. in odd-numbered years	Unlimited	Yes	July 1	Biennial, odd yr.(a)	1
Wyoming	Governor	Budget Div., Dept. of Administration & Fiscal Control	Sept. 15 preceding session in Feb.	Jan. 1	Unlimited	Yes	July 1	Biennial, even yr.(a)	1
Dist. of Col.	Mayor	Office of Budget & Management Systems	Date set by mayor	(j)	Unlimited	Yes	Oct. 1	Annual	
American Samoa (k)	Governor	Planning & Budget Office	July 1	August	Unlimited (local funds)	Yes	Oct. 1	Annual	
Guam	Governor	Bureau of Budget & Management Research	Date set by director, Bureau of Budget & Management Research. Usually not later than Feb. 15	By April 30	Unlimited	Yes	Oct. 1	Annual	
Puerto Rico	Governor	Bureau of the Budget, Office of the Governor	Oct. 15	2nd Mon. in Jan.; opening day of regular session	Unlimited	Yes	July 1	Annual	
Virgin Islands	Governor	Director of the Budget, Office of the Governor	Dec. 30	Upon convening	Unlimited	Yes	Oct. 1	Annual	

*Limitations listed in this column relate to legislative power to increase or decrease budget items generally. Specific limitations, such as constitutionally earmarked funds or requirement to enact revenue measures to cover new expenditure items, are not included.

(a) Budget is adopted biennially, but appropriations are made for each year of the biennium separately. Maine—budget is reviewed annually. Minnesota and Wisconsin—a few appropriations are made for the biennium. Virginia—amendments to current budget can be made in any year, but there is no formal provision for annual review of the entire biennial appropriation. North Carolina, Washington and Wyoming—biennial appropriations with annual review. Wisconsin—statutes authorize an annual budget review, and the governor may in even years recommend changes.

(b) Governor has budget-making authority for executive branch only. Judiciary and legislative branch budgets are the responsibility of the respective branches, and the governor may only veto the budget bills as a whole, not by item.

(c) Increases or decreases may be made in even-year sessions.

(d) Budget Committee serves in advisory capacity.

(e) Convenes on first Thursday after first Monday in January in odd years.

(f) Composition of commission: governor as ex officio chairman, lieutenant governor, chairman House Ways and Means Committee, chairman House Appropriations Committee, chairman Senate Finance Committee, president pro tem of senate, chairman Senate Appropriations Committee, one member of senate appointed by lieutenant governor, speaker of house, two house members appointed by the speaker.

(g) Composition of board: governor as chairman, treasurer, comptroller general, chairman Senate Finance Committee, chairman House Ways and Means Committee.

(h) Thirty days prior to each department or agency hearing before the governor.

(i) 1981 legislature authorized annual or biennial budget at governor's discretion. Submission of annual budget began with fiscal 1982.

(j) Budget submitted to both council and Congress. Council sets date of submission for its review; the Office of Management and Budget, Executive Office of the President, sets the date for submission to Congress.

(k) Information from: 1980-81 *Book of the States*.

electronic or other medium approved for such purpose by the governing board or officer having jurisdiction or control of such public funds.

(5) **PROCEDURES FOR WIRE TRANSFER OF FUNDS.**—Notwithstanding any other provision of law, the governing board or officer of any local government who has the authority to deposit or withdraw funds is authorized to transfer funds from one depository to another or within a depository or to another institution, and may transfer funds wherein the transfer does not represent an expenditure, advance, or reduction of cash assets. Such transfer may be made by electronic, telephonic, or other medium; and each transfer shall be confirmed in writing and signed by the designee of the governing board or officer of the local government.

(6) **INVESTMENT OF PUBLIC FUNDS.**—Notwithstanding any other provision of law, the governing board or officer of any local government who has the authority to invest funds is authorized to transfer funds by electronic or other medium for purposes of investment to any depository authorized by law to receive funds or in the Local Government Surplus Funds Trust Fund. A written record shall be kept of all transfers made pursuant to this section.

History.—s. 1, 2, 3, 4, 5, ch. 78-406; s. 1, ch. 82-104.

215.96 Coordinating council.—[Repealed effective October 1, 1989, by s. 1, ch. 82-46, and scheduled for review pursuant to s. 11.611 in advance of that date.]

CHAPTER 216

PLANNING AND BUDGETING

216.031 Budgets for operational expenditures.

216.031 Budgets for operational expenditures.—The legislative budget requests submitted by the head of each state agency, showing the amounts requested for operational expenditures during the next biennium, shall contain the following:

(1) For each budget entity, a summary exhibit showing, for each appropriation category, for each fund, 2 prior years' appropriations for general revenue, 1 prior year's actual and 1 current year's estimated expenditures, and the requested expenditures for each year of the next biennium. The total number of positions for the budget entity shall be shown for each fiscal year of data for which positions are authorized, fixed, or requested. However, the agency budget request for the State University System shall be expressed in terms of the amount for the various programs as prescribed in s. 240.27, and in terms of the specified appropriation categories, including the special units' budgets, prescribed in the prior appropriations act.

(2) For each program component within the budget entity, an exhibit showing, for each appropriation category, the summary explanation of expenditures for each detail issue describing the amounts and positions for each year of the next biennium to continue

current programs, for improved programs, and for new programs, with a summary showing totals by fund for each year of the biennium.

(3) For each trust fund within the budget entity, a schedule showing the trust funds available, providing the source of receipts, detail of nonoperating disbursements, operating disbursements, fixed capital outlay, and unencumbered cash balances, for 2 prior years' actual, the current year's estimated, and the request for each year of the biennium.

(4) For each budget entity, a schedule showing detail of positions, providing for each class of positions within discrete organizational activities, by the collective bargaining unit and program component for each year of the next biennium, the number of full-time equivalent positions, the estimated rate of salary, the number of months to be employed, the amounts requested for new positions, and the number of new positions requested.

(5) Detailed information for each year of the biennium necessary for the Legislature and the Governor to evaluate:

(a) The effectiveness of current programs, including justification for those programs.

(b) The justification for increasing costs to continue the operations of current programs.

(c) The justification for proposed improvements in existing programs.

(d) The justification for proposed new programs.

(6) Additional information providing a detailed description of the agency's request and the corresponding calculations needed to support the request.

(7) A schedule and other such detailed information as may be necessary to identify the federal grants-in-aid portion of the agency's legislative budget request, as may be prescribed by the Executive Office of the Governor, in consultation with the appropriations committees of the Legislature.

(8) Workload and other performance indicators, as prescribed by the Executive Office of the Governor pursuant to s. 216.023.

(9) The sum of money actually expended for contractual services, as defined in s. 287.012, by the agency for the previous year.

(10) A schedule listing each committee, however created; council; coordinating council; commission; and board of trustees that is adjunct to the executive agency. The schedule shall show the name, number of meetings held in the past fiscal year, number of members, and expenses of each committee, council, coordinating council, commission, or board of trustees. The schedule shall further state the purpose of each committee, council, coordinating council, commission, or board of trustees and the statutory basis for each one's creation.

The legislative appropriations committees and the Executive Office of the Governor may require the agency to address major issues for inclusion in the agency's requests. The issues shall be submitted to the agency no later than August 30 of each even-numbered year and shall be displayed in the agency's requests as provided in the budget instructions.

History.—s. 11, ch. 88-106; s. 7, ch. 71-354; s. 1, ch. 77-62; s. 40, ch. 72-15; s. 3, ch. 82-16; s. 11, ch. 82-186.

Note.—As amended by s. 3, ch. 80-45, paragraph (e) is added to subject to the effective July 1, 1983, to read:

(e) The projected cost of the requested program budget cycle.

CHAPTER 216

FINANCIAL MATTERS PER POLITICAL SUBDIVISIONS

PART II REVENUE SHARING OF 1972

PART III LOCAL FINANCE MANAGEMENT AND REVENUE

PART IV INVESTMENT GOVERNMENT SURPLUS

PART VI PARTICIPATION IN SALES TAX PROCEEDINGS

PART II

REVENUE SHARING AGREEMENTS

218.23 Revenue sharing with uniformity.

218.23 Revenue sharing with government.—

(1) To be eligible to participate beyond the minimum entitlement year, a unit of local government is entitled to:

(a) Reported its finances for completed fiscal year to the Department of Finance, pursuant to s. 218.31.

(b) Made provisions for annual financial accounts in accordance with law.

(c) Levied, as shown on its millage report pursuant to s. 218.32, an ad valorem tax of taxes levied for debt service millages authorized by the voters, revenue equivalent to a millage rate dollar based on the 1973 taxable value by the property appraiser pursuant to s. 218.31, or, in order to produce revenue which would otherwise be produced by a millage rate, levied a millage rate tax, or received revenue from county pursuant to s. 125.01(6)(a), a special license tax or a utility tax, or received revenue from these four sources. If a new millage rate is levied, the provisions of this part shall apply to the taxable values for the year certified by the property appraiser. The minimum amount required for inclusion in the agency's requests shall be raised from the ad valorem tax, the special license tax, and the utility tax. It shall be the minimum millage rate.

(d) Certified that persons in its enforcement officers, as defined in s. 218.31, meet the qualifications for employment under the Police Standards and Training Act, and that its salary structure and salary plan

CHAPTER NO. 666

AN ACT TO CLARIFY THE INFORMATION REQUIRED TO BE SUBMITTED TO THE BUDGET DIRECTOR AND THE LEGISLATIVE FISCAL ANALYST FOR THE PREPARATION OF AGENCY BUDGET ESTIMATES; PROVIDING A DATE BY WHICH THE BUDGET OFFICE WILL PREPARE AN AGENCY REQUEST; AND SPECIFICALLY INCLUDING THE UNIVERSITY SYSTEM UNDER THE BUDGET REQUIREMENTS; AMENDING SECTIONS 17-7-111 AND 17-7-112, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-7-111, MCA, is amended to read:

"17-7-111. Agency program budgets — form distribution and contents. (1) In the preparation of a state budget, the budget director shall, not later than July 1 in the year preceding the convening of the legislature, distribute to all state offices and departments, including the judicial branch and the legislative branch, the proper forms necessary for the preparation of budget estimates. These forms shall be prescribed by the budget director to procure the information required by subsection (2).

(2) *The agency budget requests, when completed by the budget office, must set forth a balanced financial plan for the agency completing the forms for each fiscal year of the ensuing biennium. The plan must consist of:*

(a) *a consolidated agency budget summary for current level expenditures and for each modification request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget in such manner as to show a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by schedules classifying receipts and disbursements contained therein by fund and, where applicable, organizational unit.*

(b) *a schedule of the actual and projected receipts, disbursements, and solvency of each accounting entity within each fund for the current and subsequent biennium;*

(c) *a detailed schedule of receipts, by accounting entity within each fund, indicating classification and source of funds;*

(d) *an agency schedule summarizing past and proposed spending plans and the means of financing the proposed plan. Information presented shall include the following:*

(i) *a statement of agency goals and objectives and a statement of goals and objectives for each program of the agency;*

(ii) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated FTE and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by program; and

(iii) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and agency's recommendations for the ensuing biennium, by disbursement category;

(e) any other information the budget director feels is necessary for the preparation of a budget.

(3) The budget director must also prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:

(a) detailed recommendations for the state long-range building program. Each recommendation shall be presented by department, institution, agency, or branch by funding source, with a description of each proposed project; and

(b) the proposed pay plan schedule for all executive branch employees with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401."

Section 2. Section 17-7-112, MCA, is amended to read:

"17-7-112. Submission deadline. (1) It shall be the duty of each department, agency, and office, including the Montana university system, to submit the information required under 17-7-111 to the budget director on or before September 1 in the even year preceding the convening of the legislature.

(2) Between August 15 and September 30 in the year preceding the convening of the legislature, the director must submit each state agency's budget request required under 17-7-111(2) to the legislative fiscal analyst. The transfer of budget information shall be done on a schedule mutually agreed to by the budget director and the legislative fiscal analyst in a manner that facilitates an even transfer of budget information during the month of September and which allows each office to maintain a reasonable staff workflow.

(3) If any department, institution, university unit, or agency shall fail to present such information within the time herein specified, the budget director shall note that fact in the budget submitted to the governor and the budget director shall prepare and submit to the legislative fiscal analyst and the governor by October 30 a budget request on behalf of such department, institution, university unit, or agency, based upon his studies of the operations, plans, and needs thereof.

(4) The proposed pay plan schedule required by 17-7-111(3) must be submitted to the legislative fiscal analyst no later than November 15 in the year preceding the convening of the legislature."

Approved April 28, 1983.

AN ACT TO COUPLE :
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54-42-07. Transfer of records and other materials. The North Dakota merit system council as created by agreement of the social service board of North Dakota, the North Dakota unemployment compensation division, the North Dakota state employment service, and North Dakota state department of health shall transfer all records and other material to the possession of the North Dakota merit system council as created by this chapter.

Source: S.L. 1957, ch. 332, § 7; R.C. 1943, 1957 Supp., § 54-1207. **Cross-References.**

Records of council transferred to central personnel division, see § 54-44.3-27.

54-42-08. Transfer of employees under merit system. All employed personnel having status under the merit system as created by agreement of the social service board of North Dakota, the North Dakota unemployment compensation division, the North Dakota state employment service, the North Dakota merit system council, and the North Dakota state department of health, shall have like status and pay under the North Dakota merit system council as created by this chapter.

Source: S.L. 1957, ch. 332, § 8; R.C. 1943, 1957 Supp., § 54-4208.

CHAPTER 54-43

THEODORE ROOSEVELT CENTENNIAL COMMISSION

[Omitted as a statute not of a general and permanent nature]

Note.

Not repealed but omitted as a chapter not

of a general and permanent nature. For the provisions of this chapter, see S.L. 1957, ch. 333, §§ 1, 2.

CHAPTER 54-44

OFFICE OF MANAGEMENT AND BUDGET

Section

- 54-44-01. Responsibility of the office of management and budget.
- 54-44-02. State office of management and budget.
- 54-44-03. Director of the office of management and budget.
- 54-44-04. Powers and duties of the director of the office of management and budget.
- 54-44-04.1. The director of the office of management and budget shall have authority to withhold or deduct certain amounts from employees' compensation.
- 54-44-04.2. Unemployment compensation assessments to departments and institutions.
- 54-44-04.3. Appropriation of unemployment compensation assessments.
- 54-44-04.4. Payment of unemployment compensation claims.
- 54-44-04.5. Federal surplus property — Office of management and budget responsible for distribution — Powers and duties of director.
- 54-44-04.6. State surplus property — Department heads to inform director — Disposition of property — Proceeds — Exchange of property.
- 54-44-04.7. Responsibility to administer unassigned statutory functions of state government.
- 54-44-05. Warrants — Numbered — Show funds on which drawn — Not drawn unless authorized.
- 54-44-06. Duties as to school fund.
- 54-44-07. Office to set up account against person who fails to render account.
- 54-44-08. Director to institute suits in name of state.

- 54-44-09. Supplies for institutions under contr
- 54-44-10. Legislative inspection of books of off
- 54-44-11. Office's operating funds creation.
- 54-44-12. Deposit and disbursement of fund
Appropriation.
- 54-44-13. Failure of political subdivisions to
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54-44-01 Responsibility of the off office of management and budget is t the control and supervision of the fi branch of the government, and is dire office of the state auditor has the pr true independent post audit of all the The responsibility of collecting additi in the office of the state tax commissio This chapter shall be liberally cons ment this section.

Source: S.L. 1959, ch. 372, § 1; 1981, ch. 534, § 5.

Note.

Section 1, chapter 534, S.L. 1981, provides: "Wherever the terms department of accounts and purchases, director of the department of accounts and purchases, director of the state department of accounts and purchases, director of accounts and purchases, and department when referring to the department of accounts and purchases, appear in this code, the term office of management and budget, director of the office of management and budget, director of the state office of management and budget, or office, as the case may be, shall be substituted therefor. The director of the

54-44-02. State office of manage office of management and budget vests abilities necessary to supervise and the various state departments, agencie

Source: S.L. 1959, ch. 372, § 1.

54-44-03. Director of the office shall be a director of the office of n appointed by and serve at the will of t shall be set by the governor within t for salaries by the legislative assemb ees of the office shall be reimbursed the duties of their office at the same state officials. The director shall be er ent with law or rules established by of the office of management and bud

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- 54-44-09. Supplies for institutions under control of the office of management and budget.
54-44-10. Legislative inspection of books of office of management and budget.
54-44-11. Office's operating funds creation.
54-44-12. Deposit and disbursement of funds of occupational and professional boards —
Appropriation.
54-44-13. Failure of political subdivisions to repay natural disaster overpayments — Office
of management and budget authorized to withhold funds.

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54-44-01. Responsibility of the office of management and budget. The office of management and budget is to be a central authority, vested with the control and supervision of the fiscal administration of the executive branch of the government, and is directly responsible to the governor. The office of the state auditor has the primary responsibility of conducting a true independent post audit of all the executive departments and agencies. The responsibility of collecting additional taxes is consolidated and vested in the office of the state tax commissioner.

This chapter shall be liberally construed in a manner which will implement this section.

Source: S.L. 1959, ch. 372, § 1; 1981, ch. 534, § 5.

Note.

Section 1, chapter 534, S.L. 1981 provides: "Wherever the terms department of accounts and purchases, director of the department of accounts and purchases, director of the state department of accounts and purchases, director of accounts and purchases, and department when referring to the department of accounts and purchases, appear in this code, the term office of management and budget, director of the office of management and budget, director of the state office of management and budget, or office, as the case may be, shall be substituted therefor. The director of the

office of management and budget is to be substituted for, and take any action previously to be taken by, and shall perform any duties previously to be performed by the director of the department of accounts and purchases".

Cross-References.

Federal aid coordinator office created in office of management and budget, see § 54-27.1-01.

Collateral References.

States ⇔ 85, 121, 122, 136.
72 Am. Jur. 2d, States, Territories, and Dependencies, §§ 75-77.
81A C. J. S. States, §§ 145, 146, 223 to 229, 242.

COMMISSION

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BUDGET

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54-44-02. State office of management and budget. There shall be an office of management and budget vested with the duties, powers, and responsibilities necessary to supervise and administer the fiscal transactions of the various state departments, agencies, boards, and commissions.

Source: S.L. 1959, ch. 372, § 1.

54-44-03. Director of the office of management and budget. There shall be a director of the office of management and budget who shall be appointed by and serve at the will of the governor. The salary of the director shall be set by the governor within the limits of the amount appropriated for salaries by the legislative assembly, and the director and other employees of the office shall be reimbursed for expenses incurred in carrying out the duties of their office at the same rate and in the same manner as other state officials. The director shall be empowered to adopt rules, not inconsistent with law or rules established by the governor, for the administration of the office of management and budget, the conduct of its employees, the

distribution and performance of its business, and the custody, use, and preservation of the records, documents, and property pertaining thereto. He shall be empowered to set up such divisions or other internal organization within the office that he shall deem necessary in order to efficiently carry out the duties, powers, and responsibilities of the office.

The director of the office of management and budget shall execute an official bond in the sum of one hundred thousand dollars.

Source: S.L. 1959, ch. 372, § 1; 1981, ch. 535, § 16.

54-44-04. Powers and duties of the director of the office of management and budget. The director of the office of management and budget, or such subordinate officer as he shall designate:

1 to 4. Repealed by S.L. 1965, ch. 358, § 20.

5. Shall examine the budget affecting the legislative and judicial branches of the state government, but only for the purpose of determining the sufficiency of funds to meet the contemplated expenditures of these branches of state government or their officers or agencies.

6 and 7. Repealed by S.L. 1965, ch. 358, § 20.

8. Shall keep the general accounts, reflecting for each fund the resources and balance, together with current revenues and expenditures, and shall provide for an accrual accounting system.

9. Shall, acting as director of the office of the budget, process all claims for submittal to the office of management and budget, which may conduct the preaudit of all claims from the executive branch of the government before payment and the director shall conduct the current audit of all revenues, which shall include the supervision of the collection of all moneys due the state.

10. Repealed by S.L. 1979, ch. 541, § 2.

11. Except as otherwise provided by law, shall prepare warrants for payment of all claims from the executive branch of government, when approved by the office of the budget, and for payment of all claims from the judicial and legislative branches.

12. Shall be vested with the duties, powers, and responsibilities involved in the development and installation of financial records and procedures for all state departments and agencies.

12.1. Shall coordinate the development of accounting and financial related systems.

12.2. Shall create an accounting manual and provide sufficient training of current and potential users concerning the functions and use of a statewide accounting and reporting system.

13. Shall conduct such interval audits of accounts in the several departments of the state as he shall deem necessary.

14. Shall issue current reports to administrative officials concerning the status of revenue, expenditures, and appropriation accounts, and shall make periodic financial reports to the governor, administrative officials, the legislative assembly, and the public.

14.1. Shall prepare on an annual basis comprehensive financial statements of the state of North Dakota.

15. Shall submit a biennial report to the governor and the legislative assembly concerning the activities of all the departments established by law and include a statement of revenues and public expenditures and public expenditures.

16. Shall accompany his report to the governor and the legislative assembly the amount of each department, the amount expended of revenue chargeable to the department, and the amount unpaid.

17. Shall, when requested by the legislative assembly, report to the administration the amount of each department, the amount expended of revenue chargeable to the department, and the amount unpaid.

18. Shall submit to the governor and the legislative assembly at such times as the governor shall determine the present condition of each department.

19. Shall keep an account of the revenues of each county shall be credited to the state, and with the amount of such taxes, and shall be credited to the account of such taxes.

20. Shall keep an account of the revenues of each county when he came into office as treasurer, and credit to the account of such taxes.

21. Shall be vested with the duties, powers, and responsibilities involved in the operation of a county treasurer.

22. Shall maintain and operate a system of accounts receivable to supply the several departments commonly used commonly used commonly used construed as authorizing the several departments.

22.1. Shall distribute federal funds in accordance with sections 54-44-04.5 and 54-44-04.6.

23. Shall establish and operate a system of mechanical or electronic records.

24. Shall perform such other duties as may be required by law.

Source: S.L. 1959, ch. 372, § 1; 1965, ch. 358, § 20; 1969, ch. 346, § 67; 1973, ch. 403, § 51; 1975, ch. 466, § 5; 1979, ch. 541, §§ 1, 2; 1979, ch. 560, § 1; 1979, ch. 560, § 10; 1981, ch. 1, §§ 9, 10; 1981, ch. 535, § 16.

Cross-References.

Communications advisory committee membership of director, see § 54-23.1-03.

Departmental payrolls expenditures of subdivision of subdivision § 54-14-04.2.

Director of office of management and budget ex officio director of the budget § 54-44.1-02.

d the custody, use, and property pertaining thereto. He shall see that the other internal organization in order to efficiently carry out the office. The budget shall execute an annual budget of one million dollars.

Director of the office of management and budget.

Director of legislative and judicial administration for the purpose of determining contemplated expenditures of their officers or agencies.

Director for each fund the resources, revenues and expenditures, and items.

Director of the budget, process all claims and budget, which may come to the executive branch of the government shall conduct the current supervision of the collection.

Director shall prepare warrants for payment of government, when needed for payment of all claims.

Director and responsibilities involved in financial records and procedures, accounting and financial related.

Director shall provide sufficient training regarding the functions and use of equipment.

Director shall account in the several departments.

Director shall advise legislative officials concerning the appropriation accounts, and shall advise the governor, administrative officials.

Director shall submit comprehensive financial statements

15. Shall submit a biennial report as prescribed by section 54-06-04 to the governor and the office of management and budget covering the activities of all the divisions of the office. In addition to any requirements established pursuant to section 54-06-04, the report shall include a statement of the funds of the state, the revenues of the state, and public expenditures during the two preceding fiscal years.
16. Shall accompany his biennial report with tabular statements showing the amount of each appropriation for the two preceding fiscal years, the amount expended, and the balance, if any, and also the amount of revenue chargeable to each county for such years, the amount paid, and the amount unpaid or due therefrom.
17. Shall, when requested, give information in writing to either house of the legislative assembly relating to the fiscal affairs of the state or to the administration of his office.
18. Shall submit to the governor at the close of each business day, or at such times as the governor may request, a report showing the current condition of each fund and appropriation.
19. Shall keep an account with each organized county of the state in which each county shall be charged with the amount of delinquent taxes due to the state, and with all sums levied in such county for state purposes, and shall be credited with all sums paid into the state treasury on account of such taxes.
20. Shall keep an account between the state and state treasurer, and charge the state treasurer therein with the balance in the treasury when he came into office, and with all moneys received by the state treasurer, and credit him with all warrants drawn on and paid by him.
21. Shall be vested with the duties, powers, and responsibilities involved in the operation of a centralized purchasing service.
22. Shall maintain and operate such supply rooms as may be found desirable to supply the several departments with office supplies and other commonly used commodities; however, this subsection shall not be construed as authorizing the establishment of a warehousing system.
- 22.1. Shall distribute federal and state surplus property pursuant to sections 54-44-04.5 and 54-44-04.6.
23. Shall establish and operate a central duplicating service and central mechanical or electronic data processing facilities.
24. Shall perform such other duties as are or may be prescribed by law.

Source: S.L. 1959, ch. 372, § 1; 1963, ch. 346, § 67; 1965, ch. 358, § 20; 1969, ch. 452, § 1; 1973, ch. 403, § 51; 1975, ch. 466, § 54; 1979, ch. 541, §§ 1, 2; 1979, ch. 560, § 1; 1979, ch. 568, § 10; 1981, ch. 1, §§ 9, 10; 1981, ch. 537, § 1.

Cross-References.

Communications advisory committee membership of director, see § 54-23.1-03.

Departmental payrolls exempt from requirements of subdivision 11, see § 54-14-04.2.

Director of office of management and budget ex officio director of the budget, see § 54-44.1-02.

State purchasing practices, see ch. 54-44.4.

Institutions under Board of Administration.

This chapter did not relieve the board of administration (predecessor to director of institutions) of all responsibility for overseeing accounts and purchases of institutions under its control; rather, the department of accounts and purchases (predecessor to office of management and budget) is to work through the board of administration with respect to such institutions. State ex rel. Joos v. Guy (1963) 125 NW 2d 468.

54-44-04.1. The director of the office of management and budget shall have authority to withhold or deduct certain amounts from employees' compensation. The director of the office of management and budget, in addition to other deductions or withholdings authorized or permitted by law, shall be authorized to withhold or deduct from the employees' monetary compensation such amounts as may be determined by the employer and employees to participate in tax-favored or tax-sheltered annuity programs which are authorized by the federal Internal Revenue Code.

Source: S.L. 1969, ch. 453, § 1.

54-44-04.2. Unemployment compensation assessments to departments and institutions. Beginning July 1, 1979, all departments and institutions of the state of North Dakota shall pay to the office of management and budget one percent of the first six thousand dollars of each employee's earnings. Such assessments shall be paid to the office of management and budget in accordance with guidelines established by the office of the budget, from the general fund and special funds appropriated for salaries and wages to the individual departments and institutions. The moneys received from such assessments shall be deposited by the office of management and budget into a fund for the purpose of paying unemployment compensation claims. The director of the office of management and budget may decrease or suspend the assessments provided for in this section upon determination that the funds deposited pursuant to this section are sufficient to offset anticipated obligations.

Source: S.L. 1979, ch. 582, § 2; N.D.C.C., § 54-44-04.3.

54-44-04.3. Appropriation of unemployment compensation assessments. All assessments received by the office of management and budget and deposited into the fund for unemployment compensation claims are hereby appropriated.

Source: S.L. 1979, ch. 58, § 3; N.D.C.C., § 54-44-04.4; S.L. 1981, ch. 536, § 1.

54-44-04.4. Payment of unemployment compensation claims. The office of management and budget from the appropriations made in section 54-44-04.3 shall quarterly reimburse the job service North Dakota for the amount of actual claims paid by the job service North Dakota to eligible recipients previously employed by state departments and institutions. It shall be the responsibility of each department and institution to verify and certify the validity of each unemployment claim prior to the reimbursement of funds to the job service North Dakota.

Source: S.L. 1979, ch. 58, § 4; N.D.C.C., § 54-44-04.5.

54-44-04.5. Federal surplus property — Office of management and budget responsible for distribution — Powers and duties of director.

1. The office of management equitable distribution, the property transferred to the state and Administrative Service 40 U.S.C. 484 (j)], hereinafter referred to as the federal surplus property.
2. The director of the office of management shall have the following powers and duties:
 - a. May receive, investigate, and report on the disposition of federal surplus property.
 - b. May acquire any federal surplus property under the federal Act.
 - c. May distribute any federal surplus property to:
 - (1) Any public agency or institution for the benefit of the residents of a state for public purposes; or
 - (2) Nonprofit educational institutions or organizations with 501(c)(3) status under the federal Internal Revenue Code.
 - d. May store the federal surplus property.
 - e. Shall develop, submit, and recommend to the legislature the distribution of federal surplus property under the federal Act and rules and regulations thereunder; the director may control the distribution of federal surplus property by the department of public safety.
 - f. May cooperate and enter into agreements with other state agencies and federal agencies and federal agencies for the exchange of federal surplus property.
 - g. May provide information regarding federal surplus property to entities.
 - h. May assess and collect fees and charges to cover direct and indirect costs of the service charge in a surplus property fund. The state treasurer shall reimburse the fund if the director requests.
 - i. Adopt rules and regulations for the management of federal surplus property pursuant to the federal Act.

Source: S.L. 1981, ch. 537, § 2.

54-44-04.6. State surplus property — Disposition of property.

1. The person in charge of a state department shall inform the director whenever that department has federal surplus property, whether original or transferred to the state.

management and budget certain amounts from the office of management and budget. The amounts authorized or permitted to be deducted from the employee's salary shall be determined by the director or tax-sheltered annuity plan under the Internal Revenue Code.

assessments to departments and institutions of the office of management and budget. The director of each employee's salary shall be determined by the office of the budget, and the director of the office of the budget shall be responsible for salaries and wages. The director of the office of management and budget shall be responsible for compensation claims. The director of the office of management and budget may decrease or suspend any determination that is sufficient to offset anti-

to compensation assessments. Management and budget compensation claims are

compensation claims. The provisions made in section 54-44-04.6 of the North Dakota Code for the North Dakota to eligible persons and institutions. It is the duty of the institution to verify and report to the director of management and budget.

office of management and budget. The duties of the director of management and budget are:

1. The office of management and budget is responsible for the fair and equitable distribution, through donation, of all federal surplus property transferred to the state in accordance with the Federal Property and Administrative Services Act of 1949, as amended [33 Stat. 378; 40 U.S.C. 484 (j)], hereinafter referred to as the federal Act.
2. The director of the office of management and budget, or such subordinate officer as the director shall designate:
 - a. May receive, investigate, and make recommendations on applications for federal surplus property available under the federal Act.
 - b. May acquire any federal surplus property transferred to the state under the federal Act.
 - c. May distribute any federal surplus property pursuant to the federal Act to:
 - (1) Any public agency for use in carrying out or promoting for the residents of a given political subdivision one or more public purposes; or
 - (2) Nonprofit educational institutions, public health institutions, or organizations which are exempt from taxation under section 501 of the federal Internal Revenue Code, for purposes of education or public health or research for those purposes.
 - d. May store the federal surplus property.
 - e. Shall develop, submit, and implement a state plan of operation for distribution of federal surplus property and comply with the federal Act and rules and regulations adopted thereunder. Provided, the director may continue the state plan of operation developed by the department of public instruction.
 - f. May cooperate and enter into agreements with other surplus property agencies and federal agencies to screen and acquire surplus property and exchange property, facilities, personnel, and services.
 - g. May provide information and assistance for acquiring federal surplus property to entities listed in subdivision c.
 - h. May assess and collect service charges from participating recipients to cover direct and reasonable cost of services under this section. The service charges shall be deposited with the state treasurer in a surplus property special fund and used pursuant to the federal Act. The state treasurer shall credit all interest earned to the fund if the director requests the state treasurer to invest portions of the fund.
 - i. Adopt rules and take other action necessary to distribute federal surplus property pursuant to the federal Act.

Source: S.L. 1981, ch. 537, § 2.

54-44-04.6. State surplus property — Department heads to inform director — Disposition of property — Proceeds — Exchange of property.

1. The person in charge of any department, agency, or institution of the state shall inform the director of the office of management and budget whenever that department, agency, or institution possesses surplus property, whether originally obtained with state or federal funds, and

the person in charge believes that the state surplus property may be used by any other department, agency, institution, or political subdivision of the state.

2. The director of the office of management and budget shall dispose of the state surplus property in the following manner:
 - a. By transferring it to other state departments, institutions, or agencies without cost other than transportation expenses which shall be paid by the receiving agency. Provided, when the state surplus property was originally purchased pursuant to an appropriation other than from the general fund of the state, the agency receiving that state surplus property shall pay an amount equal to the fair market value of the property. Moneys received pursuant to this subdivision shall be deposited in the fund from which the original purchases were made.
 - b. If not disposed of under subdivision a, then by sale on sealed bids or at public auction to the highest and best bid for property valued at more than three thousand dollars, with no money deposit required prior to sale, or by sealed bids, public auction, or negotiation at fair value for property valued at less than three thousand dollars.
 - c. If not disposed of under subdivision a or b, title to the property shall be transferred to political subdivisions without cost, except transportation expenses.
3. All proceeds of property sold under this section, less sales costs, shall be deposited in the general fund except as provided in subdivision a of subsection 2.
4. No department, agency, or institution may exchange items as part of a purchase price of new items until a detailed statement of the value of the items to be exchanged and request for approval have been submitted to the director of the office of management and budget. The director shall approve the exchange only if the director has determined that the item has been valued at fair value.

Source: S.L. 1981, ch. 537, § 3.

54-44-04.7. Responsibility to administer unassigned statutory functions of state government. The office of management and budget shall administer all statutory functions assigned to the executive branch of state government but not statutorily placed with any specific state entity.

Source: S.L. 1981, ch. 534, § 6.

54-44-05. Warrants — Numbered — Show funds on which drawn — Not drawn unless authorized. Warrants drawn by the office of management and budget and signed by the state auditor on the state treasurer shall be numbered consecutively in the order in which they are drawn. Every warrant shall be drawn upon the fund out of which it is payable. A warrant shall not be drawn by the office of management and budget and signed by the state auditor unless authorized by law, and unless there are funds in the treasury applicable to the payment thereof to meet the same. In case of an emergency, and in anticipation of taxes already levied and

in the process of collecting warrants to be signed vouchers even though warrants. Warrants so of any funds in his hands the Constitution of North

Source: S.L. 1959, ch. 37
345, § 2.

54-44-06. Duties as get shall keep a separate and income thereof, together tax or otherwise for sale with reference to the a 15.

Source: S.L. 1959, ch. 372.

54-44-07. Office to account. Whenever any personal property which has been entrusted with any moneys, bonds, or in trust by the state, a settlement with the office scribed by law, or when account and make such money by the office of management belonging to the state an account with a percent per annum from shall be prima facie evidence the office of management an account, that fact n property which is due or

Source: S.L. 1959, ch. 372.

54-44-08. Director of the office of management of the state against:

1. Officials for all collection, and payment
2. Persons who by a or property and wh
3. All persons indebted

Source: S.L. 1959, ch. 372.

54-44-09. Supplies of agement and budget.

in the process of collection, the office of management and budget may prepare warrants to be signed by the state auditor in payment of duly authorized vouchers even though funds at such time do not exist to honor the warrants. Warrants so issued shall be payable by the state treasurer out of any funds in his hands other than sinking funds, or funds dedicated by the Constitution of North Dakota for other purposes.

Source: S.L. 1959, ch. 372, § 1; 1965, ch. 345, § 2.

54-44-06. Duties as to school fund. The office of management and budget shall keep a separate account of the school fund and of the interest and income thereof, together with such moneys as may be raised by special tax or otherwise for school purposes. The office shall perform such duties with reference to the apportionment of such fund as are described in title 15.

Source: S.L. 1959, ch. 372, § 1.

54-44-07. Office to set up account against person who fails to render account. Whenever any person has received moneys or has moneys or other personal property which belongs to the state by escheat or otherwise, or has been entrusted with the collection, management, or disbursement of any moneys, bonds, or interest accruing therefrom, belonging to or held in trust by the state, and fails to render an account thereof to and make settlement with the office of management and budget within the time prescribed by law, or when no particular time is specified, fails to render such account and make such settlement, or fails, within twenty days after request by the office of management and budget to pay into the state treasury any money belonging to the state, the office of management and budget must state an account with such person, charging interest at the rate of twelve percent per annum from the time of the failure. A copy of such account shall be prima facie evidence in any suit of the things therein stated. If the office of management and budget, for want of information, cannot state an account, that fact may be alleged and the amount of money or other property which is due or which belongs to the state may be stated generally.

Source: S.L. 1959, ch. 372, § 1.

54-44-08. Director to institute suits in name of state. The director of the office of management and budget shall institute suit in the name of the state against:

1. Officials for all official delinquencies in relation to the assessment, collection, and payment of the revenue.
2. Persons who by any means have become possessed of public moneys or property and who fail or neglect to pay for or deliver the same.
3. All persons indebted to the state.

Source: S.L. 1959, ch. 372, § 1.

54-44-09. Supplies for institutions under control of the office of management and budget. The office of management and budget shall make

all purchases of goods and materials on behalf of the various state institutions, departments, and agencies in accordance with the standards and specifications of the United States bureau of standards.

Source: S.L. 1959, ch. 372, § 1.

54-44-10. Legislative inspection of books of office of management and budget. Whenever required the office of management and budget shall submit its books, accounts, and vouchers to the inspection of the legislative assembly, or any committee thereof authorized to request such documents.

Source: S.L. 1959, ch. 372, § 1.

54-44-11. Office's operating funds creation.

1. The office of management and budget shall establish a state purchasing operating fund to be used for the procurement and maintenance of an inventory of equipment and supplies for the state departments and agencies. Any surplus in this fund in excess of one hundred thousand dollars on June thirtieth of each year shall be transferred to the state general fund.
2. The office of management and budget shall establish a state printing operating fund to be used for the procurement and maintenance of an inventory of printing equipment and supplies for the state departments and agencies.
3. The office of management and budget shall establish a state central data processing operating fund to be used for the procurement and maintenance of data processing equipment and supplies and for providing data processing services to state departments and agencies.
4. Each office, agency, or institution provided with purchasing, printing, or data processing services, unless exempted by law, shall pay to the office of management and budget a proportionate share of the cost of such service as determined by the director of the office of management and budget, based on actual costs and actual usage. The amounts paid to the office of management and budget by the various offices, agencies, and institutions shall be deposited in the appropriate operating fund and shall be expended in accordance with legislative appropriations.

Source: S.L. 1959, ch. 214, § 2; 1967, ch. 392, § 1; 1969, ch. 454, § 7; 1975, ch. 486, § 1; 1979, ch. 561, § 1; 1981, ch. 534, § 7; 1981, ch. 538, § 1.

Note.

Section 54-44-11 was amended twice by the 1981 Legislative Assembly. Section 7 of chapter 534, S.L. 1981, changed the name of the

department of accounts and purchases to the office of management and budget in subsection 1. Section 1 of chapter 538, S.L. 1981, deleted language concerning transfer of surplus funds in subsections 2 and 3. Pursuant to section 1-02-09.1, the section is printed above to harmonize and give effect to the changes made by both acts.

54-44-12. Deposit and disbursement of funds of occupational and professional boards — Appropriation. All occupational and professional boards, associations, and commissions created by law shall deposit all fees and other moneys received in any bank selected by the majority vote of the governing body of the board, association, or commission. Checks may

be drawn against the bank on the authority of the authorized expenditure signature or signatures of the governing body. All moneys are hereby appropriated to the board, association, or commission.

Source: S.L. 1971, ch. 510, § 1.

54-44-13. Failure of payment — Overpayments — Office of management and budget. Whenever an overpayment is made under the Disaster Relief Act and all acts amendatory thereof, following July first, the state

1. Upon certification from the office of management and budget that a political subdivision has withheld all federal moneys due the subdivision either the federal or state representative certifies that the subdivision is in default.
2. Cease to withhold federal moneys until the representative certifies that the subdivision is in compliance with the Disaster Relief Act.

Source: S.L. 1971, ch. 511, § 1.

Note.

The Disaster Relief Act of 1974

Section

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| 54-44.1-01. | Definition. |
| 54-44.1-02. | Office of the budget — |
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54-44.1-01. Definition. This section defines the term "board, commission, agency, or distinct appropriation" as used in the Disaster Relief Act.

Source: S.L. 1965, ch. 358, § 1.

Collateral References.

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be drawn against the bank account, opened pursuant to this section, for the authorized expenditures of the board, association, or commission on the signature or signatures of the person or persons authorized to so act by the governing body. All moneys in accounts opened pursuant to this section are hereby appropriated for the use of the occupational or professional board, association, or commission opening the account.

Source: S.L. 1971, ch. 510, § 14.

54-44-13. Failure of political subdivisions to repay natural disaster overpayments — Office of management and budget authorized to withhold funds. Whenever an overpayment made to any state political subdivision under the Disaster Relief Act of 1970 [Pub. L. 91-606; 84 Stat. 1744], and all acts amendatory and supplemental thereto, is not repaid by the following July first, the state office of management and budget shall:

1. Upon certification from the governor's natural disaster representative that a political subdivision is delinquent in repaying such overpayment, withhold all funds, grants-in-aid, tax shares, and other similar moneys due the subdivision from the state until the subdivision repays either the federal or state government.
2. Cease to withhold funds when the governor's natural disaster representative certifies that the subdivision has repaid the overpayment.

Source: S.L. 1971, ch. 511, § 1.

88 Stat. 143, 42 U.S.C. § 5121 et seq.) substantially repealed the Disaster Relief Act of 1970 referred to in this section.

Note.

The Disaster Relief Act of 1974 (P.L. 93-288,

CHAPTER 54-44.1

OFFICE OF THE BUDGET

Section

- 54-44.1-01. Definition.
 54-44.1-02. Office of the budget — Director — Employees — Powers.
 54-44.1-03. Powers and duties of the director of the budget.
 54-44.1-04. Budget estimates of budget units filed with the office of the budget — Deadline.
 54-44.1-05. Federal aid budget requests — Filed with the office of the budget.
 54-44.1-06. Preparation of the budget data — Contents.
 54-44.1-07. Presentation of budget data — How presented to the legislative assembly.
 54-44.1-08. Budget report — Contents — When submitted to legislative assembly.
 54-44.1-09. All expenditures must be appropriated.
 54-44.1-10. Payments made pursuant to law only.
 54-44.1-11. Office of management and budget to cancel unexpended appropriations — When they may continue.
 54-44.1-12. Control over rate of expenditures.
 54-44.1-13. Budget requests for legislative and judicial branches.
 54-44.1-14. Biennial report to legislative assembly.

54-44.1-01. Definition. As used in this chapter, unless the context otherwise requires, the term "budget unit" means a department, institution, board, commission, agency, or other unit of government for which separate or distinct appropriations are made.

Source: S.L. 1965, ch. 358, § 1.

72 Am. Jur. 2d, States, Territories, and Dependencies, § 75.
 81A C. J. S. States, § 203.

Collateral References.

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54-44.1-02. Office of the budget — Director — Employees — Powers. The office of the budget is hereby established in the office of management and budget, for the purpose of promoting economy and efficiency in the fiscal management of the state government. The director of the office of management and budget shall be ex officio director of the budget.

The director of the budget shall appoint a budget analyst who shall hold a baccalaureate degree from a recognized institution of higher learning and such appointment shall be based upon the qualifications of eligible persons, without reference to partisan politics. Special consideration shall be given to persons who hold a degree in law, political science, business administration, or a combination thereof and who are experienced in governmental processes. The budget analyst shall serve at the pleasure of the director of the budget. The budget director shall employ such other professional, technical, and clerical personnel as he may deem necessary to carry out the duties prescribed in this chapter and shall fix the salary of all employees within the office of the budget and within the limits of the legislative appropriations. All personnel within the office of the budget shall be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

Source: S.L. 1965, ch. 358, § 2.

assume functions of auditing board, see § 54-14-01.1.

Cross-References.

Claims against state, budget office to

54-44.1-03. Powers and duties of the director of the budget. The director of the budget, or such subordinate officer as he shall designate shall:

1. Be vested with the duties, powers, and responsibilities involved in securing budget estimates and work programs from the several departments and agencies of the state government.
2. Be vested with the duties, powers, and responsibilities involved in the preparation of revenue and fixed expense estimates.
3. Develop financial policies and plans as the basis for budget recommendations to the legislative assembly, and prepare detailed documents in accordance with such financial policies and plans for presentation to the legislative assembly.
4. Coordinate the fiscal affairs and procedures of the state to assure the carrying out of the financial plans and policies approved by the legislative assembly.
5. Exercise continual control over the execution of the budget affecting the departments, institutions, and agencies of the executive branch of the state government involving approval of all commitments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and control of the rate of expenditures through a system of semiannual, quarterly, or monthly allotments.
6. Investigate, examine, and make exhaustive studies:
 - a. Of the structure and operation of the entire executive branch of government and of every office, institution, and agency thereof.
 - b. Of all the functions, duties, and services of all executive branch offices, departments, institutions, industries, boards, bureaus, and commissions.

c. Of all the books, reports, or agency of the state, whether their policy is sound, necessary, or otherwise.

7. Develop a long-term budget by the legislative assembly.
8. Have the authority to review the operations of all agencies, and employ the preparation and execution of the budget.
9. Provide such assistance as is available to assist in the preparation of information or material available at all times to the legislature.
10. Perform all other necessary duties prescribed in this chapter and of chapter 54-44.1-01.

Source: S.L. 1965, ch. 358, § 110, § 10.

54-44.1-04. Budget estimates — Deadline. The director of the budget shall submit to the office of management and budget of his budget unit for the fiscal year as is required by the office of management and budget as is required by the office of management and budget. The director of the budget shall bear the approval of the board of budget and finance. The board or commission is created by the legislature. In some circumstances which may extend the filing of the budget estimates. If a budget unit has requirements by the required date, the director of the budget, the director of the budget unit's estimate of financial needs shall not exceed ninety percent of such amount. The director of the budget shall examine the estimates and shall have a reasonable opportunity for comment. If requested, shall grant to the public, shall be open to the public.

Source: S.L. 1965, ch. 358, § 539, § 1.

Cross-References.

Budget of North Dakota firemen, see § 18-03-05.

Budget of state highway department, see § 24-02-09.

54-44.1-05. Federal aid for the budget. Every agency or

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- c. Of all the books, records, and methods of accounting of each office or agency of the executive branch to ascertain and determine whether their policies, practices, and systems of accounting are sound, necessary, practical, and efficient.
7. Develop a long-term capital improvements budget for consideration by the legislative assembly.
8. Have the authority to procure from the various officers, departments, agencies, and employees such information as may be necessary for the preparation and execution of the budget.
9. Provide such assistance as the legislative assembly may request and be available to assist its appropriations committees with any needed information or material and make its records and information available at all times to the legislative assembly and its committees and designees.
10. Perform all other necessary duties to carry out the provisions of this chapter and of chapter 54-14.

Source: S.L. 1965, ch. 358, § 3; 1973, ch. 110, § 10.

54-44.1-04. Budget estimates of budget units filed with the office of the budget — Deadline. The head of each budget unit, not later than July fifteenth of each year next preceding the session of the legislative assembly, shall submit to the office of the budget, estimates of financial requirements of his budget unit for the next two fiscal years, on the forms and in the manner prescribed by the office of the budget, with such explanatory data as is required by the office of the budget and such additional data as the head of the budget unit wishes to submit. The estimates so submitted shall bear the approval of the board or commission of each budget unit for which a board or commission is constituted. The director of the budget in his discretion may extend the filing date for any budget unit if he finds there is some circumstance which makes it advantageous to authorize the extension. If a budget unit has not submitted its estimate of financial requirements by the required date or within a period of extension set by the director of the budget, the director of the budget shall prepare such budget unit's estimate of financial requirements except such estimate shall not exceed ninety percent of such budget unit's previous biennial appropriation. The director of the budget or such subordinate officer as he shall designate shall examine the estimates and shall afford to the heads of budget units reasonable opportunity for explanation in regard thereto and, when requested, shall grant to the heads of budget units a hearing thereon which shall be open to the public.

Source: S.L. 1965, ch. 358, § 4; 1981, ch. 539, § 1.

Cross-References.

Budget of North Dakota firemen's association, see § 18-03-05.

Budget of state highway department, see § 24-02-09.

Decisions under Prior Law.

Heads of state hail insurance fund, state bonding fund, state fire and tornado fund, and workmen's compensation fund had duty of filing statements of funds needed as prescribed by former section 54-15-05. *Langer v. State* 1939) 69 ND 129, 284 NW 233.

54-44.1-05. Federal aid budget requests — Filed with the office of the budget. Every agency of the state government when making requests

for budgets to be submitted to the federal government for funds, equipment, material, or services shall have such request or budget filed in the office of the budget before submitting it to the proper federal authority. When such federal authority has approved the request or budget, in whole or in part, the agency of the state government shall resubmit it to the office of the budget for recording before any allotment or encumbrance of the federal funds can be made.

Source: S.L. 1965, ch. 358, § 5.

from treasurer of agricultural college, see § 15-12-06.1.

Cross-References.

Budget director to receive quarterly reports

54-44.1-06. Preparation of the budget data — Contents. The director of the budget, through the office of the budget, shall prepare budget data which shall contain and include the following:

1. Summary statements of the financial condition of the state, accompanied by such detailed schedules of assets and liabilities as the director of the budget deems desirable, which shall include, but not be limited to, the following:
 - a. Summary statements of fund balances and assets showing in detail for each fund the surplus or deficit at the beginning of each of the two fiscal years of the previous biennium and the first fiscal year of the present biennium, the actual revenue for those years, the total appropriations for the previous and present biennium, and the total expenditures for those fiscal years; and
 - b. Similar summary statements of the estimated fund balances and assets for the current fiscal year and each of the fiscal years of the next biennium.

Summary statements may include, but not be limited to, a comparative consolidated balance sheet showing all the assets and liabilities of the state and the surplus or deficit, as the case may be, at the close of the first fiscal year of the current biennium.

2. Statements of actual revenue for the previous biennium, the first year of the present biennium, and the estimated revenue of the current fiscal year and of the next biennium, and a statement of unappropriated surplus expected to have accrued in the state treasury at the beginning of the next fiscal year. The statements of revenue and estimated revenue shall be classified by sources and by budget unit collecting them. Existing sources of revenue shall be analyzed as to their equity, productivity, and need for revision, and any proposed new sources of revenue shall be explained.
3. Summary statements of expenditures of the previous biennium and first year of the present biennium, itemized by budget units and classified as prescribed by the director of the budget.
4. Detailed comparative statements of expenditures and requests for appropriations by funds, budget units and classification of expenditures, showing the expenditures for the previous biennium, the first fiscal year of the present biennium, the budget of the current biennium, and the governor's recommendation for appropriations for each budget unit for the next biennium, all distributed according to the

prescribed classification and proposed expenditure explanation of the funds and plans and on any recommended, with such data as to work done, considered necessary or designing construction project there shall be shown the amount thereof expended in each ensuing period covered by the Capital outlay needs of the period covered by the

5. A detailed statement shall be raised or appropriate debt of the state and amount of money required fiscal years to the generation and payment of the
6. A summary statement shall be available at the estimated revenue of the recommended amounts of for the next biennium, exceeds the total as to how the deficiency additional revenue.
7. Drafts of a proposed general revenue acts embodying the governor for appropriate revenues and other acts effect the proposed financing for each budget unit the general appropriation
8. Such other information or as is required by law.

Source: S.L. 1965, ch. 358, § 6; 562, § 1.

54-44.1-07. Presentation to the legislative assembly. The director shall present the budget data to the budget and revenue committee of the legislative assembly. Sufficient copies of the budget data shall be available to the council. The budget data shall be acceptable to it by December 15 of the legislative assembly, or

nment for funds, equipment, or budget filed in the office per federal authority. When st or budget, in whole or in l resubmit it to the office of r encumbrance of t federal

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enditures and requests for nd classification of expendi- previous biennium, the first budget of the current bien- n for appropriations for each distributed according to the

prescribed classification of expenditures. Following the lists of actual and proposed expenditures of each budget unit there shall be a brief explanation of the functions of the unit and comments on its policies and plans and on any considerable differences among the amounts recommended, with such descriptive, quantitative, comparative, and other data as to work done, unit costs, and like information as may be considered necessary or desirable. For capital outlay expenditures involving construction projects to be completed in two or more fiscal years, there shall be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project. Capital outlay needs may be projected for at least two years beyond the period covered by the budget.

5. A detailed statement showing the estimate of all moneys required to be raised or appropriated for the payment of interest upon the funded debt of the state and its other obligations bearing interest, and the amount of money required to be contributed in the two next ensuing fiscal years to the general sinking funds maintained for the redemption and payment of the debts of the state.
6. A summary statement of the unappropriated fund balance estimated to be available at the beginning of the next biennium, and the estimated revenue of the next biennium, as compared with the total recommended amounts of appropriation for all classes of expenditures for the next biennium, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of any proposed additional revenue.
7. Drafts of a proposed general appropriations act and special appropriations acts embodying the budget data and recommendations of the governor for appropriations for the next biennium, and drafts of such revenues and other acts recommended by the governor for putting into effect the proposed financial plan. The recommended general appropriation for each budget unit shall be specified in a separate section of the general appropriations act.
8. Such other information as the director of the budget deems desirable or as is required by law.

Source: S.L. 1965, ch. 358, § 6; 1979, ch. 562, § 1.

54-44.1-07. Presentation of budget data — How presented to the legislative assembly. The director of the budget or his designated subordinate shall present the budget data information in section 54-44.1-06, including the budget and revenue proposals recommended by the governor, and make available sufficient copies thereof to the budget section of the legislative council. The budget data shall be completed and made available to the budget section of the legislative council, or its designee, in such form as may be acceptable to it by December first of each year next preceding the session of the legislative assembly, or at such later date as may be set by the budget

section chairman. The chairman of the budget section shall set the time and place at which such budget data is to be presented.

Source: S.L. 1965, ch. 358, § 7; 1969, ch. 448, § 26; 1981, ch. 540, § 1.

Decisions under Prior Law.

The budget of appropriations prepared by

the auditor was an official record of which the courts would take judicial notice. State ex rel. Wallace v. Jorgenson (1916) 3 ND 527, 159 NW 35.

54-44.1-08. Budget report — Contents — When submitted to legislative assembly. The official budget report shall be transmitted by the governor to all holdover legislators and legislators-elect not later than three days after the commencement of the session of the legislative assembly. Such report is not a third-class item under section 46-02-05. The budget director shall provide for the duplication or other satisfactory reproduction or printing of the official budget report, so as to ensure delivery of same as provided in this section. Such reports shall contain the budget and revenue proposals recommended by the governor and the information required in subsections 1, 2, 3, 5, and 6 of section 54-44.1-06 and all other data and information as the governor shall decide. The budget director shall make available any and all information regarding budget data to the governor, the legislative assembly and its designees, legislators, and to the governor-elect as may be requested. The governor may present any additional budget information in any manner to the legislative assembly as he may desire.

Source: S.L. 1965, ch. 358, § 8; 1967, ch. 393, § 1; 1973, ch. 430, § 1.

54-44.1-09. All expenditures must be appropriated. All expenditures of the state and of its budget units of moneys drawn from the state treasury shall be made under authority of biennial appropriations acts, which shall be based upon a budget as provided by law, and no money shall be drawn from the treasury, except by appropriation made by law as required by section 12 of article X of the Constitution of North Dakota.

Source: S.L. 1965, ch. 358, § 9.

54-44.1-10. Payments made pursuant to law only. No payment shall be made and no obligation shall be incurred against any appropriation unless such payment or obligation has been authorized as provided by law. Every official authorizing payments in violation of this chapter shall be subject to the penalties and provisions of chapter 12.1-23.

Source: S.L. 1965, ch. 358, § 10; 1977, ch. 496, § 1.

54-44.1-11. Office of management and budget to cancel unexpended appropriations — When they may continue. The office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations, which shall have remained undrawn after the expiration of the biennial period during which they became available under the law. The chairman of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations

or balances in force for not more than the biennial period during which the appropriation was made by the action of the director of the budget.

1. New construction project
2. Major repair or improvement
3. Purchases of new equipment per unit if it was ordered during the biennial period in which the funds were expended
4. The purchase of land by the state where the total purchase price is not more than \$10,000

Source: S.L. 1965, ch. 358, § 11; 1973, ch. 563, § 1.

54-44.1-12. Control over expenditures. The budget director shall exercise continual control over the expenditures of the departments and agencies of the state government. Execution shall conform to the budget for conformity with the budget. The budget director shall compare actual revenue with the budget and these analyses and comparisons shall be a part of a system of semiannual departmental reports. If a department is made which will reduce expenditure pursuant to an appropriation expenditure is made, the director shall determine the circumstances to exist:

1. The moneys and estimates of expenditures appropriated is made are not in accordance with the appropriations from the fund.
2. The payment or the obligation is not in accordance with the appropriation.
3. The expenditure or obligation is not recorded in any reliable and verifiable evidence available.
4. Circumstances or available evidence seen by the legislative assembly which indicate that the purpose of the appropriation is not being appropriated.

Source: S.L. 1965, ch. 358, § 12; 1973, ch. 394, § 1.

54-44.1-13. Budget requests. The budget requests and expenditures of the branches of this state shall not exceed the budget and such budget requests shall be submitted to the legislative assembly with informational reports of the budget not later than the beginning of a session of the legislative assembly.

Source: S.L. 1965, ch. 358, § 13.

54-44.1-14. Biennial report. The budget director shall submit a report on the budget or such member of the

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r was an official record, of which the old take judicial notice. State ex rel. Jorgenson (1916) 34 ND 527, 159

When submitted to legisla- be transmitted by the gover- ect not later than three days e legislative assembly. Such 6-02-05. The budget director ctory reproduction or print- delivery of same as provided udget and revenue proposals tion required in subsections other data and information or shall make available any the governor, the legislative o the governor-elect as may dditional budget information may desire.

ropriated. All expenditures arn from the state treasury rropriations acts, which shall id no money shall be drawn ade by law as required by th Dakota.

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or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommenda- tion of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the bien- nium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase where the total purchase price is within the authorized appropriation.

Source: S.L. 1965, ch. 358, § 11; 1979, ch. 563, § 1.

54-44.1-12. **Control over rate of expenditures.** "The director of the bud- get shall exercise continual control over the execution of the budget affect- ing the departments and agencies of the executive branch of the state government. Execution shall mean the analysis and approval of all commit- ments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and on the basis of these analyses and comparisons control the rate of expenditures through a system of semiannual, quarterly, or monthly allotments. Before an allot- ment is made which will reduce the amount of funds which can be disbursed pursuant to an appropriation or before an allotment disallowing a specific expenditure is made, the director must find one or more of the following circumstances to exist:

1. The moneys and estimated revenues in a specific fund from which the appropriation is made are insufficient to meet all legislative appropria- tions from the fund.
2. The payment or the obligation incurred is not authorized by law.
3. The expenditure or obligation is contrary to legislative intent as recorded in any reliable legislative records, documents, or other reli- able evidence available.
4. Circumstances or availability of facts not previously known or fore- seen by the legislative assembly which make possible the accomplish- ment of the purpose of the appropriation at a lesser amount than that appropriated.

Source: S.L. 1965, ch. 358, § 12; 1967, ch. 394, § 1.

54-44.1-13. **Budget requests for legislative and judicial branches.** The budget requests and expenditures for the legislative and judicial branches of this state shall not be subject to the provisions of this chapter and such budget requests shall be submitted directly to the legislative assembly with informational copies of such budgets provided to the director of the budget not later than November fifteenth in each year preceding a session of the legislative assembly.

Source: S.L. 1965, ch. 358, § 13.

54-44.1-14. **Biennial report to legislative assembly.** The director of the budget or such member of that office as he shall designate may prepare

and transmit to the governor and upon approval by him may transmit to the members of the legislative assembly at least sixty days prior to the commencement of an ensuing legislative session a report which shall contain definite and specific proposals and recommendations to accomplish the following purposes:

1. To simplify the governmental structure of the state so as to render it more economical and efficient.
2. To eliminate all obsolete and unnecessary offices, departments, institutions, boards, bureaus, and commissions of the state.
3. To consolidate the functions, services, and activities of state offices and agencies thereof so as to eliminate duplication of service and expense wherever it exists.
4. To correlate the functions and services of the several offices and agencies of the state government.
5. To eliminate obsolete methods, unnecessary functions and services carried on by the state government and to render those functions and services which are determined to be absolutely essential and more economical and efficient.

Source: S.L. 1985, ch. 358, § 14.

CHAPTER 54-44.2

OFFICE OF CENTRAL DATA PROCESSING

Section

- 54-44.2-00.1. Definitions.
 54-44.2-01. Office of central data processing — Creation.
 54-44.2-02. Office of central data processing — Powers and duties.
 54-44.2-03. Acquisition of data processing equipment.
 54-44.2-04. Appointment of data processing coordinators.
 54-44.2-05. Repealed by S.L. 1979, ch. 565, § 1.
 54-44.2-06. Secrecy provision.

54-44.2-00.1. Definitions. As used in this chapter:

1. "Data processing" or "electronic data processing" means the systematic sequencing of operations performed by data processing equipment or programs, or both, upon data stored or entered in alphabetic, numeric, or alphanumeric format.
2. "Data processing equipment" means an electronic device or associated devices, except calculators and stand-alone noncommunicating word processors, which perform logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses and includes all compiling and related input, output, and storage, equipment, programs and procedures, and data processing communications facilities.
3. "Word processing" means the textual formatting, correcting, editing, and rearranging of language elements, designed to convey full messages in English syntax, through manipulation of electronic or magnetic impulses. "Word processors" are devices on which word processing can be carried out.

Source: S.L. 1981, ch. 539, § 2.

54-44.2-01. Office of central data processing and budget. The director appoint a director of central data processing shall supervise of all of the executive branches, except the job service general. The office of central data processing center which by all executive branch state the institutions under the service North Dakota, and central data processing executive and judicial branches processing is unable to fulfill judicial branch of government or judicial branch with

The director of central data processing shall be appointed by the legislature, and shall have the education, experience, and administration, without the pleasure of the director of central data processing, technical, and clerical personnel, and shall perform the duties prescribed in the legislative appropriation, for the office of central data processing shall be allowed the same rate as for other employees.

Source: S.L. 1969, ch. 454, § 539, § 3.

54-44.2-02. Office of central data processing. The office of central data processing shall be created.

1. Provide systems design services.
2. Design, plan, justify within and between offices of central data processing.
3. Have the authority to hire, fire, or replace, including the authority to be necessary to carry out the duties of the office, under the control of the director of central data processing, and to submit a written request for data processing applications to existing data processing applications to increase the cost of

condition and results of operation of the State of Oregon in accordance with current, generally accepted accounting principles and such other financial and statistical information as may be necessary to completely and accurately disclose the financial condition and financial operations of the state and its various agencies. The financial statements shall include, but not be limited to, such information as may be found in a balance sheet, a statement of changes in fund balances, statement comparing budgeted and actual revenues and expenditures, statement of changes in financial position and a statement of operations. The financial statements shall compare the current fiscal year and, if it is the second year of the biennium, the first year thereof, and each fiscal year of the preceding biennium.

(2) As used in subsection (1) of this section, generally accepted accounting principles shall mean those accounting principles sanctioned by recognized authoritative bodies such as the National Council on Governmental Accounting, the American Institute of Certified Public Accountants, the Financial Accounting Standards Board or their successors.

(3) The first financial report required by subsection (1) of this section shall be prepared for the biennium ending June 30, 1979. [1977 c.897 §1]

Note: 291.040 and 291.042 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 291 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

291.042 Use of data processing programs, information and materials; approval by legislature. (1) Subject to the approval of the Joint Legislative Committee on Data Processing, the Data Systems Division of the Executive Department:

(a) May obtain copyrights and patents on copyrightable or patentable data processing programs, information or materials developed, published or produced by state agency staff.

(b) May cause to have sold, leased, or otherwise made available such data processing programs, information or materials to any agency or legislative body of any state or the Federal Government under such terms and conditions as may be agreed to by the committee and the agencies.

(2) Moneys collected under this section shall be credited to the General Fund and are available for general governmental purposes. [1979 c.740 §3]

Note: See note under 291.040.

STATE BUDGET; BUDGET REPORT

291.202 Budget report of Governor; department to assist Governor in preparation. Except as otherwise provided in ORS 291.222, the Governor shall prepare in each even-numbered year a budget report for the biennium beginning July 1 of the following year. The Executive Department shall advise and assist the Governor in the preparation of his budget report and shall perform such duties in connection therewith as the Governor requires. [Amended by 1969 c.464 §2]

291.204 Prescribing forms for submitting budget estimates and requests for appropriations; furnishing budget forms to agencies. The department, by July 1 of each even-numbered year, shall furnish every state agency with a sufficient number of forms for its use in preparing for submission to the Governor the information required by the Governor in the preparation of his budget report. The Governor shall prescribe the forms to be used by the agencies in submitting their budget estimates and requests for appropriations as required by ORS 291.208.

291.206 Guidance of agencies in completing budget forms. (1) The Governor shall prescribe such rules and regulations as he deems necessary for the guidance of agencies in the preparation of the budget estimates and requests. The Governor, with the approval of the Secretary of State, shall prepare and prescribe classifications of expenditures and revenue for the purpose of budget-making and accounting.

(2) In so far as practicable, agency budget estimates and requests and appropriation measures shall be prepared in a manner that reflects state governmental organization and state agency duties, functions and powers under the law in effect on January 1 of the following year. The Executive Department shall maintain agency budget estimates and requests in the form in which they are submitted. [Amended by 1969 c.173 §1]

291.208 Filing budget forms with department; preparing requests for agencies failing to file. Each state agency shall file with the department, before September 1 in each even-numbered year, on the form and in the manner required, its budget forms

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containing the information required. The department shall prepare budget estimates and requests for appropriations for all agencies that fail to file requests.

291.210 Preparing tentative budget plan. The department, in connection with its direct studies of the operations, plans and needs of state agencies and of the existing and prospective sources of income, shall prepare a tentative budget plan for the two fiscal years for which a budget report is required to be prepared.

291.212 Revising budget plan; transmitting budget forms and tentative budget report to Governor. Upon receipt of the budget forms, the department shall check the agencies' estimates in the light of the tentative budget plan and shall make such further inquiries and investigations as the Governor requires and revise its tentative budget plan accordingly. The department then shall transmit to the Governor the budget forms filed with it by the state agencies and the revised tentative budget report.

291.214 Governor to examine budget forms and revise tentative budget report. The Governor, during the preparation of the budget report and before its submission to the Legislative Assembly, shall examine the budget forms filed by the various agencies. He may make or cause to be made such further investigations by the department, with such hearings before him or any state agency, as he deems advisable, and may make such changes or revisions in policy and program and in specific details of the tentative budget report as he finds warranted.

291.216 Governor's budget report. (1) Not later than November 10 of each even-numbered year the Governor shall cause the budget report to be compiled and prepared for printing.

(2) The budget report shall include a budget message prepared by the Governor, including his recommendations with reference to the fiscal policy of the state government for the coming biennium, describing the important features of the budget plan, embracing a general budget summary setting forth the aggregate figures of the budget report so as to show a balanced relation between the total proposed expenditures and the total anticipated income, with the basis and factors on which the estimates are made, the amount to be borrowed, and other means of financing the

estimated expenditures for the ensuing biennium, compared with the corresponding figures for at least the last completed biennium and the current biennium.

(3) The budget plan shall be supported by explanatory schedules or statements, classifying the expenditures reported therein, both past and proposed, by organization units, objects and funds, and the income by organization units, sources and funds, and the proposed amount of new borrowing as well as proposed new tax or revenue sources.

(4) The budget plan shall be submitted for all dedicated funds, as well as the state General Fund, and shall include the estimated amounts of federal and other aids or grants to state agencies or activities provided for any purpose whatever, together with estimated expenditures therefrom.

(5) The budget report shall embrace the detailed estimates of expenditures and revenues. It shall include statements of the bonded indebtedness of the state government, showing the actual amount of the debt service for at least the past biennium, and the estimated amount for the current biennium and the ensuing biennium, the debt authorized and unissued, the condition of the sinking funds and the borrowing capacity. It shall also contain any statements relative to the financial plan which the Governor may deem desirable or which may be required by the legislature.

291.218 Printing budget report; transmitting to members of legislature; distribution. Except when the Governor under whose supervision the budget report has been prepared will be succeeded in office in January next following:

(1) The department shall have as many copies of the approved budget report printed as the Governor directs.

(2) Not later than December 1 of each even-numbered year, the Governor shall transmit a copy thereof to each member of the legislature who is to serve during the next session.

(3) Upon request, the Governor shall distribute copies free of charge, under such regulations as he may establish, to public libraries, schools and state officials. He shall make copies available to the general public at a reasonable charge for each copy. (Amended by 1959 c.140 §1; 1967 c.302 §1)

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291.220 Furnishing information and assistance to legislature. The Governor, upon request, shall furnish the Legislative Assembly any further information required concerning the budget report. The department, upon request, shall furnish a representative to assist the Legislative Assembly, its Joint Committee on Ways and Means, appointed under ORS 171.555, and the Legislative Revenue Officer in the consideration of the budget report and any accompanying measures. (Amended by 1969 c.173 §2; 1975 c.789 §8)

291.222 Furnishing information and assistance to Governor-elect; revision of budget report. If the Governor under whose supervision the budget report has been prepared will be succeeded in office in January next following:

(1) The department shall make available to the Governor-elect so much as he requests of the information upon which the tentative budget report is based, and upon completion of the tentative budget report shall supply him with a copy thereof but shall not cause the tentative budget report to be printed and distributed. The department shall also make available to him all facilities of the department reasonably necessary to permit him to review and familiarize himself with the tentative budget report.

(2) After a review of the tentative budget the Governor-elect may prepare revisions and additions thereto. The department shall assist, upon request, in the preparation of such revisions or additions.

(3) The department shall have as many copies of the revised budget report printed as the Governor-elect requests.

(4) Not later than the convening of the next Legislative Assembly the department shall transmit a copy of a summary of the revised budget report containing the revenue and expenditure recommendations of the Governor-elect and not later than February 1 shall transmit a copy of the revised budget report to each member of the Legislative Assembly.

(5) Upon request, the department shall distribute copies of the revised budget report free of charge, under such regulations as it may establish, to public libraries, schools and state officials. It shall make copies of the revised budget report available to the general public at a reasonable charge for each copy. (Amended by 1967 c.302 §2; 1969 c.464 §3)

291.223 Furnishing agency budget estimates to Legislative Fiscal Officer and Legislative Revenue Officer; confidentiality of estimates. (1) Not later than November 10 of each even-numbered year the Governor shall cause the agency budget estimates and requests as described in ORS 291.206 to be made available to the Legislative Fiscal Officer and to the Legislative Revenue Officer.

(2) Before December 1 of the year in which they were made available under subsection (1) of this section, the Legislative Fiscal Officer or his staff and the Legislative Revenue Officer or his staff shall not reveal to any other person the contents or nature of the budget reports and other materials, except with the written consent of the Governor. (1969 c.173 §4; 1975 c.789 §9)

291.224 Capital construction program to be included in budget report; recommendation of Capitol Planning Commission. (1) A capital construction program containing estimated capital construction needs, irrespective of how financed, shall be included with the budget report required by ORS 291.216. The capital construction program shall contain the estimated physical construction requirements for each biennium of a period to be determined by the Governor, which period shall not be less than six years. The department shall assist the Governor in the preparation of the capital construction program.

(2) Except as otherwise provided in subsection (3) of this section and in accordance with regulations prescribed by the department, state agencies shall submit to the department their anticipated capital construction requirements for the period specified by the Governor. The department shall prescribe the basic assumptions relating to population changes, economic trends and other factors which might generally affect capital construction requirements and these basic assumptions shall be used by the state agencies in preparing their anticipated capital construction requirements. Each state agency is responsible for the basic assumptions which affect only its own program. The department shall prepare estimated capital construction requirements for any necessary capital construction not covered by the capital construction requirements submitted by the state agencies under this section.

(3) Each state agency, including the department, required under subsection (2) of

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this section to submit or prepare anticipated or estimated capital construction requirements, shall submit a copy of such requirements that relate to construction or improvements within the areas described in ORS 276.028 to the Capitol Planning Commission at a time specified by the Capitol Planning Commission, but not later than August 1 of each even-numbered year. The Capitol Planning Commission shall review capital construction requirements submitted as required by this subsection and, not later than November 1 of each even-numbered year, make recommendations to the department with respect to such capital construction proposals.

(4) In accordance with regulations prescribed by the department, each state agency shall separately submit its estimated office space requirements for the period specified by the Governor; and the department shall consolidate those needs and make an estimate for all state office buildings to be included in the capital construction program.

(5) The Governor shall consolidate the estimates, review all of them and make such revisions as he finds warranted.

(6) The budget report shall include the proposed expenditures for the capital construction program for the ensuing biennium and the proposed expenditures for preliminary planning of the construction projects included in the capital construction program for the biennium following the ensuing biennium. The budget report shall also include dollar estimates of the cost of the capital construction projects included in the capital construction program for the succeeding years of the period determined by the Governor under subsection (1) of this section and the recommendations submitted to the department pursuant to subsection (3) of this section.

(7) As used in this section, "capital construction program" does not include the acquisition, repair, improvement, enlargement, construction or maintenance of highways and highway bridges, or park improvements, by the Department of Transportation. [1959 c.500 §1; 1973 c.129 §5]

291.226 Budget item to replace lost and unrecovered public funds or property. When there has been a failure to recover a loss of public funds or property pursuant to ORS 297.120, the state agency sustaining the loss shall include the amount of the loss in its budget estimate and request for the following biennium clearly marked as to purpose, and

the Governor shall include such item in his budget report for the consideration of the Legislative Assembly. [1963 c.617 §3]

ALLOTMENTS

291.232 Declaration of policy. It is declared to be the policy and intent of the Legislative Assembly that the total appropriations made by it, or the total of any budget approved by it, for any state agency, shall be deemed to be the maximum amount necessary to meet the requirements of such agency for the biennium, excepting as may otherwise be provided by law, and that the Governor and the Executive Department are given the powers granted by ORS 291.202 to 291.222 and 291.232 to 291.260 in order that savings may be effected by careful supervision throughout each biennium, with due regard to changing conditions, and by promoting more economic and efficient management of state agencies.

291.234 Department to make allotments to state officers and agencies of appropriations and funds; allotment period. (1) The department shall make allotments to state officers and agencies of appropriations and funds pursuant to the allotment system provided for in ORS 291.234 to 291.260.

(2) For the purposes of the allotment system, each fiscal year shall be divided into four quarterly allotment periods, beginning, respectively, on the first days of July, October, January and April. However, in any case where the quarterly allotment period is impracticable, the department may prescribe a different period suited to the circumstances, not exceeding six months nor extending beyond the end of the biennium.

291.236 Allotment system applicable to all appropriations; controlling expenditures and encumbering of emergency, contingent, revolving and trust funds. (1) The provisions of ORS 291.234 to 291.260 relating to the allotment system shall apply to all appropriations for state officers and agencies. For this purpose "appropriation" includes standing, continuing and annual appropriations, and dedicated funds. In those cases where periodical allotments are impracticable, the department may dispense therewith and prescribe such regulations as will insure proper application and encumbering of funds.

(2) Subject to ORS 291.238, emergency or contingent funds, revolving funds and trust funds shall be subject to such regulations as

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the department may prescribe for controlling the expenditures and encumbering of such funds.

291.238 Expenditures without allotment prohibited; expenditures from dedicated, revolving and trust funds. (1) Except as expressly authorized in this section or ORS 291.236, no person shall incur, or order or vote to incur, any obligation against the state in excess of, or make or order or vote to make any expenditure not authorized by, an allotment. Any such obligation so incurred shall not be binding against the state, but where the obligation violates this section only for having been made in excess of an allotment, the department may authorize payment thereof from unallotted funds.

(2) Excepting as to administrative expenditures from dedicated, revolving and trust funds and to revolving funds established to provide services rendered by any state agency to other state agencies or to any body politic of the State of Oregon, expenditures from dedicated funds, revolving funds and trust funds may be made by any state agency without appropriation or allotment.

(3) No person shall make or order or vote to make any expenditure from or chargeable to a revolving fund or trust fund in excess of the amount standing to the credit of such fund or for any purpose for which such fund may not lawfully be expended.

291.240 [Repealed by 1953 c.168 §4]

291.242 Allotment required before expenditure of appropriation; submitting estimates. No appropriation to which the allotment system is applicable shall become available to any state agency for expenditure thereby during any allotment period until:

(1) The agency submits to the department an estimate, in such form as the department prescribes, for such allotment period, of the amount required for each activity to be carried on during that period; and

(2) The estimate is approved, increased or decreased by the department and funds allotted therefor.

291.244 Department action on estimates. The department shall act promptly upon all estimates required by ORS 291.242. If the estimate is within the terms of the appropriation as to amount and purposes, having due regard for the probable further needs of the agency for the remainder of the

term for which the appropriation was made, and if the department determines that there is a need for the estimated amount for the allotment period, the department shall approve the estimate and allot the estimated amount for expenditures. Otherwise the department shall modify the estimate so as to conform with the terms of the appropriation and the prospective needs of the agency, and shall reduce the amount allotted accordingly.

291.246 Allotments to be made for purpose or classification of expenditure prescribed in appropriation measure. Allotments shall be made according to purpose and classification of expenditures prescribed in the appropriation measure as enacted by the Legislative Assembly; provided, however, that the department may make allotments for agencies by purposes or by other classification of expenditures of amounts appropriated or authorized to be expended in appropriation measures enacted by the Legislative Assembly, whether or not such measures establish classification of expenditures. In making allotments, the department shall not authorize the expenditure of moneys for any purpose not authorized by the Act appropriating the money or authorizing it to be expended, and the funds allotted for each purpose or classification of expenditure shall be used for no other purpose or classification of expenditure. [Amended by 1963 c.182 §7]

291.248 Notice of allotment. Upon the granting of any allotment, the department shall transmit a notice of the allotment to the agency concerned.

291.250 Claims and encumbrances limited by amount and purpose of allotment. The agency shall not create any claim or encumbrance for the future disbursement of appropriated moneys unless the proposed expenditure as estimated, together with expenses theretofore paid from or encumbered against such allotment, is within the total amount and for the purposes specified in the notice of allotment transmitted to such agency.

291.252 Modifying allotment previously made. The department may at any time modify or amend any allotment previously made by it, upon application of, or upon notice to, the agency concerned, but no such modification or amendment shall reduce an allotment below the amount required to meet

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valid obligations or commitments previously incurred against the allotted funds.

291.254 Reducing allotment to prevent deficit. If the department determines at any time that the probable receipts from taxes or any other sources for any appropriation will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, the department shall, with the approval of the Governor, and after notice to the agency or agencies concerned, reduce the amount allotted or to be allotted so as to prevent a deficit.

291.256 [Repealed by 1959 c.608 §1]

291.258 Approval of department required for establishment of new personnel position or classification. A new personnel position or classification, not provided in the budget of an agency upon which appropriations have been based, shall not be established without prior approval of the department.

291.260 Approving, modifying or disapproving requests and budgets to be submitted to the Federal Government. Every state agency, when making requests or preparing budgets to be submitted to the Federal Government for funds, equipment, materials or services, other than for highway purposes, and purposes for which the state was legally committed on August 2, 1951, shall, upon completion of such request or budget, first submit it to the department. The department shall have authority to approve, disapprove, modify or amend any such request or budget before it is submitted to the proper federal authority.

291.262 [1963 c.182 §6; 1965 c.111 §1; repealed by 1969 c.488 §3]

ALLOCATION OF GOVERNMENTAL SERVICE EXPENSES

291.272 Definitions for ORS 291.272 to 291.280. As used in ORS 291.272 to 291.280, unless the context requires otherwise:

- (1) "Administrative expenses" has the meaning defined by ORS 291.305.
(2) "Department" means the Executive Department
(3) "Governmental service expenses" means the expenses of state government that

are attributable to the operation, maintenance, administration and support of state government generally, and includes the following:

(a) Expenditures of the State Treasurer supported out of the General Fund incurred in the administration of the duties of his office, but not including the Inheritance and Gift Tax Divisions.

(b) Expenditures of the Department of Justice incurred in the administration of its duties, other than those of the Support Enforcement Division.

(c) Administrative expenses of the Executive Department supported out of the General Fund.

(d) One-half of the expenditures of the Legislative Assembly out of moneys appropriated from the General Fund, and all of the expenditures incurred in the administration of the duties of the Emergency Board.

(e) One-half of the expenditures incurred in the administration of the duties of the Joint Committee on Ways and Means and the Emergency Board.

(f) One-half of the expenditures incurred out of moneys appropriated from the General Fund in the administration of the duties of the Legislative Counsel Committee.

(g) Expenditures of the Secretary of State in the administration of the office of the State Archivist.

(4) "State agency" means every state officer, board, commission, department, institution, branch or agency of the state government, whose costs are paid wholly or in part from funds held in the State Treasury, and includes the Legislative Assembly, the courts and their officers and committees. [1967 c.637 §2; 1973 c.439 §9]

291.274 Determination of funds and appropriations to be assessed. The department shall determine and may at any time redetermine which state funds or appropriations shall be assessed a reasonable share of governmental service expenses. In determining or redetermining the funds that shall be so assessed:

- (1) A fund consisting of moneys the use of which is restricted by the Oregon Constitution shall be assessed only those governmental service expenses ascertained as being necessarily incurred in connection with the purposes set forth in the Oregon Constitution.

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(2) Trust funds shall be assessed only those governmental service expenses ascertained as being necessarily incurred in connection with the purposes for which the trust fund was established. [1967 c.637 §3]

291.276 Department to allocate governmental service expenses among state agencies. (1) With respect to each biennium beginning on July 1 of an odd-numbered year, commencing July 1, 1971, the department shall allocate among all state agencies the governmental service expenses, as determined by the department in accordance with ORS 291.272, for the biennium ending two years prior to the beginning of the biennium for which the allocation is made.

(2) The department, in accordance with the procedures and methods prescribed under subsection (3) of this section, shall determine and may at any time redetermine the reasonable share of governmental service expenses to be assessed against any fund or appropriation. Such expenses shall be a charge against any fund so designated and be considered an administrative expense of the agency administering the fund or appropriation.

(3) The department, with the approval of the Governor, shall prepare and prescribe the procedures and methods used in determining and redetermining the reasonable share of governmental service expenses assessed against any fund or appropriation.

(4) The department, with the approval of the Governor, may make rules necessary or proper to carry out the duties imposed upon it by ORS 291.272 to 291.280.

(5) The computation required by subsection (1) of this section shall be made by the department in advance of the biennium with respect to which the allocation is to be made. [1967 c.637 §4; 1969 c.105 §1]

291.278 Transfer of allocated amounts to General Fund. (1) Upon completion of the determination by the department under ORS 291.274 and 291.276, the department shall transfer to the General Fund, with appropriate notice to the State Treasurer, out of moneys appropriated to each state agency, the amount of governmental service expenses so certified for the agency.

(2) In the case of a state agency that collects or receives moneys for fees, fines, licenses or taxes not by law made a part of the General Fund available for general governmental purposes, if moneys available to such

state agency are not sufficient to permit the transfer under subsection (1) of this section, the department shall notify the state agency of the amount certified with respect to the state agency under ORS 291.274 and 291.276, less any amount transferred out of moneys appropriated to such state agency under subsection (1) of this section. Thereafter, until such balance has been paid into the General Fund, 10 percent of all moneys collected or received by the state agency for fees, fines, licenses or taxes not by law made a part of the General Fund available for general governmental purposes shall be:

(a) Transferred by the department to and made a part of the General Fund available for general governmental purposes if such moneys are paid to the State Treasurer by the state agency; or

(b) Paid to the State Treasurer by the state agency receiving such moneys at the time when they are received by the state agency if such moneys are authorized by law to be kept and disbursed other than by and through the State Treasurer, and be credited by the State Treasurer to and made a part of the General Fund available for general governmental purposes.

(3) The transfer and payment to the General Fund required by this section shall be made notwithstanding any law that appropriates such moneys or any of them to any other purposes, and such portion so paid and transferred is not subject to any special uses thereby provided. [1967 c.637 §5]

291.280 Receipts by State Treasurer for transferred moneys. In receipting for moneys paid and transferred under ORS 291.278 (2), the State Treasurer shall make his receipt in duplicate, showing the amount credited to the General Fund available for general governmental purposes as well as the amount credited to any special fund or account. He shall file one of the duplicate receipts with the department. [1967 c.637 §6]

291.302 [Repealed by 1953 c.386 §9]

291.304 [Repealed by 1953 c.386 §9]

ACTS APPROPRIATING MONEY OR LIMITING EXPENDITURES

291.305 Meaning of "administrative expenses" in law appropriating money or limiting expenditures; limitation not ap-

appropriation of money otherwise unavailable to agency. (1) As used in the laws enacted by the Legislative Assembly appropriating money or limiting expenditures, the term "administrative expenses" means, unless the context requires otherwise, those expenditures that are included under the classifications of expenditures, except debt service and special payments expenditure categories, which are prepared and prescribed, pursuant to ORS 291.206, for the purpose of budget-making and accounting during the biennium for which such laws appropriating money or limiting expenditures are enacted.

(2) In the laws enacted by the Legislative Assembly, the establishment of maximum limits for expenditures from, or for the payment of administrative expenses from, fees, moneys or other revenues collected or received by any agency is not intended as an appropriation of moneys not otherwise available to such agency. (1963 c.182 §51, 3)

291.306 [Repealed by 1953 c.386 §9]

291.307 Appropriation from General Fund to constitute a credit only. An appropriation of any sum of money from the General Fund by any law shall not be considered as segregating or setting aside the amount of such appropriation from the moneys constituting the General Fund, but shall be considered and construed as constituting a credit in favor of the appropriation for the amount stated in the law making the appropriation, subject to allotment as provided in ORS 291.232 to 291.260. (Formerly 291.376)

291.308 [Repealed by 1953 c.386 §9]

291.310 [Repealed by 1953 c.386 §9]

EMERGENCY EXPENDITURES; EMERGENCY BOARD

291.322 Definitions for ORS 291.322 to 291.334. As used in ORS 291.322 to 291.334:

(1) "Emergency" means any catastrophe, disaster or unforeseen or unanticipated condition or circumstance, or abnormal change of conditions or circumstances, affecting the functions of a state agency and the expenditure requirements for the performance of these functions.

(2) "State agency" means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government. (1953 c.386 §1)

291.324 Emergency Board created. There hereby is created a joint committee composed of members of both houses of the Legislative Assembly, to be known as the Emergency Board. (1953 c.386 §2)

291.326 Powers of board concerning expenditures by state agencies. (1) The Emergency Board, during the interim between sessions of the Legislative Assembly, may exercise the following powers:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the Emergency Board for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.

(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.

(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.

(2) No allocation, authorization or approval under paragraph (a), (b) or (c) of subsection (1) of this section shall be effective unless made at a meeting at which 10 members of the board were present.

(3) The laws enacted by the Legislative Assembly making appropriations and limiting expenditures, or either, are not intended to limit the powers of the Emergency Board.

(1953 c.386 §3; subsection (3) enacted as 1963 c.182 §2, 1973 c.201 §2)

291.328 Board may require presentation of evidence to support requests for action; board to report its action to agencies concerned. Before the Emergency Board makes any allocation, grants any authorization or approves any budget under ORS 291.326, it may require the state agency in question to submit written evidence to justify the allocation, authorization or approval and

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may require the head of the agency to appear before it in support thereof. The Emergency Board may also require the Director of the Executive Department to submit a written report as to the need and justification for the allocation, authorization or approval. Upon making an allocation, granting an authorization or approving a budget, the Emergency Board shall file with the department, the Secretary of State and the state agency in question a copy of the order of allocation, grant of authorization or approved budget. (1953 c.386 §4)

291.330 Members of board; confirmation. The Emergency Board shall be composed of the President of the Senate, the Speaker of the House of Representatives, the chairmen of the Senate and House Ways and Means Committees, six members of the Senate, at least three of whom shall have had some previous experience on the Ways and Means Committee, to be appointed by the President of the Senate and confirmed by a majority of all the members elected to the Senate, and seven members of the House, at least four of whom shall have had some previous experience on the Ways and Means Committee, to be appointed by the Speaker and confirmed by a majority of all the members elected to the House. (1953 c.386 §5; 1973 c.201 §1; 1979 c.324 §1)

291.332 Meetings of board; terms of members; filling vacancies on board. (1) The Emergency Board shall meet immediately upon adjournment of each Legislative Assembly and elect a chairman from their number. The board shall meet thereafter at such times as it may determine.

(2) The term of members of the board shall run from the adjournment of one regular session to the organization of the next regular session.

(3) If a vacancy occurs in the board, either the Speaker, if the legislator previously filling the position was a member of the House, or the President, if the legislator previously filling the position was a member of the Senate, shall fill such vacancy by appointment for the unexpired term. However, such appointment, before becoming effective, shall be confirmed by the remaining members of the board, sitting as such board. (1953 c.386 §6)

291.334 Board authorized to secure assistance; payment of board expenses. (1) The Director of the Executive Department, upon request of the board, shall furnish neces-

sary assistance to the board, or the board may employ such assistance as they may deem necessary.

(2) The expenses of the board, the cost of employed assistance, and other necessary expenses of the board shall be paid out of funds appropriated to the board specially for such purpose or, if no such appropriation is made, out of any emergency fund that may be appropriated to the board. All claims for those expenses and cost shall be approved by the chairman or other person authorized to approve claims, and warrants shall be drawn on the State Treasurer for the payment thereof in the same manner as other expenses are paid. (1953 c.386 §7; 1967 c.454 §96; 1975 c.530 §7)

291.336 Appropriation bills requiring approval of board before project commenced or contract let; how requirement met. (1) As used in this section, "appropriation bill" means a legislative Act which appropriates money or authorizes the expenditure of dedicated or continuously appropriated moneys or otherwise makes moneys available for expenditure.

(2) In all cases where an appropriation bill heretofore or hereafter passed provides that a state agency shall not commence any project or allow any contract to be let for any project without having the approval of the Emergency Board, such requirement may be met:

(a) During any period when the Legislative Assembly is in session, by the adoption of a resolution by each house approving the proposed action; or

(b) During any period when the Legislative Assembly is not in session, either by approval of the Emergency Board as provided in the appropriation bill, or by the elapse of 45 days without adverse action of the Emergency Board after notice of the proposed action has been given to each member of the Emergency Board at his last-known address. (1957 c.382 §1)

ESTIMATES OF STATE REVENUES

291.342 Annual estimation of state revenues; apportionment among counties of any state property tax levy necessary to make up deficiency; quarterly estimates. (1) By August 15 of each year, but not earlier than 90 days from the end of the regular session, if any, of the Legislative Assembly held in that calendar year, the Executive

Department, with the assistance of the Department of Revenue, shall:

(a) Ascertain by computation and estimate the total amount of revenue available for state purposes for the current fiscal year; and

(b) Apportion the state tax levy on property, if any, among the several counties in the manner provided in ORS 291.344.

(2) In addition to the requirement in subsection (1) of this section, the Executive Department with the assistance of the Department of Revenue shall for each calendar quarter of the year ascertain by computation and estimate the total amount of revenue available for state purposes for the current fiscal year, as well as the amount of revenue received quarterly, cumulated throughout the biennium, and report its estimate to the Legislative Revenue Officer and to the Emergency Board, or if the Legislative Assembly is in session, to the Joint Committee on Ways and Means.

(3) In carrying out its duties under subsection (2) of this section, the Executive Department shall issue quarterly a statement setting forth the methodology and assumptions used in making the revenue estimate. Nothing in this subsection requires the statement to set forth procedures used or methods used to determine either the methodology or the assumptions. [Formerly 309.510; 1971 s.s. c.5 §3; 1975 c.789 §10; 1980 c.11 §1]

291.344 Procedure for computation, levy, offset and apportionment of state property tax levy. (1) The department shall proceed as prescribed in this section.

(2) The department shall prepare a statement, summarizing:

(a) All the items of expense or deficiency, including interest on unpaid warrants left over from the previous year, to which the state will be subject under existing laws for the fiscal year next after that year or period for which the last preceding levy of state revenues was computed and declared; and

(b) When the levy is made on the assessment of an even year, the estimated expense of one biennial session of the Legislative Assembly.

(3) There shall be segregated from the total of the items tabulated in accordance with subsection (2) of this section the amount necessary for the payment of bonded indebtedness and interest thereon, and this amount shall constitute the state tax levy on property.

(4) From the total of the items summarized in accordance with subsection (2) of this section, after the amounts segregated pursuant to subsection (3) of this section have been deducted, there shall be deducted, in the order listed in subsection (5) of this section, all miscellaneous receipts, including any surplus remaining in the State Treasury from all funds, however derived, excepting only the following:

(a) Funds whose use is restricted to particular purposes by the Constitution of Oregon.

(b) Funds whose use is restricted to particular purposes by federal law.

(c) All trust funds, as defined in ORS 291.002.

(5) (a) The department shall deduct first those miscellaneous receipts not excluded by paragraphs (a), (b) and (c) of subsection (4) of this section and not includable in the definitions of dedicated or revolving funds in ORS 291.002.

(b) If necessary, in order to provide revenue for all of the items summarized in subsection (2) of this section, the department shall then deduct as much as is necessary or available from any fund remaining in the State Treasury and not excluded by subsection (4) of this section. The department shall list these deductions in its records.

(6) The state tax levy on property segregated and levied pursuant to subsection (3) of this section shall be offset first by the application of miscellaneous receipts to the extent that they are not applied in accordance with subsection (4) of this section. Subject to the limitations of ORS 311.660, the amount of the state tax levy on property not offset by the foregoing application shall be apportioned among and charged to the several counties in that proportion which the total assessed value of all the taxable property in each county bears to the total assessed value of all the taxable property of the state as equalized.

(7) Immediately after the department has completed the computation, levy, offset and apportionment of the state tax levy on property in accordance with this section, a certificate thereof, signed by the director of the department, shall be filed in the office of the department. [Formerly 309.520; 1967 c.454 §97; 1981 c.804 §83]

291.348 Biennial estimate of General Fund revenues; certification to Secretary of State. (1) The department, with the assis-

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tance of the Secretary of State, as soon as possible after June 30, 1966, and each even-numbered year thereafter, shall ascertain the total of General Fund revenues obtained from all sources during the preceding fiscal year, so far as is practicable.

(2) The Director of the Executive Department shall certify to the total of General Fund revenues during the preceding fiscal year as determined under subsection (1) of this section.

(3) As used in this section, "General Fund revenues" means all payments of money credited to the State Treasury that are placed or to be placed by the State Treasurer to the credit of the General Fund of the State of Oregon for general governmental purposes. [1965 c.615 §12; 1967 c.454 §98]

291.349 Revenue estimate; effect of revenue in excess of estimate. (1) As soon as practicable after adjournment sine die of the regular session of the Legislative Assembly, the Executive Department shall report to the Emergency Board the estimate as of July 1 of the first year of the biennium of General Fund revenues that will be received by the state during that biennium. The Executive Department shall base its estimate on the last forecast given to the Legislative Assembly before adjournment sine die of the regular session on which the printed, adopted budget prepared in the Executive Department is based, adjusted only in so far as necessary to reflect changes in laws adopted at that session. The report shall contain the estimated revenues from corporate income and excise taxes separately from the estimated revenues from other General Fund sources. The Executive Department may revise the estimate if necessary following adjournment sine die of any special or emergency session of the Legislative Assembly but any revision does not affect the basis of the computation described in subsection (3) or (4) of this section.

(2) As soon as practicable after the end of the biennium, the Executive Department shall report to the Emergency Board or the Legislative Assembly if it is in session, the amount of General Fund revenues collected as of the last June 30 of the preceding biennium. The report shall contain the collections from corporate income and excise taxes separately from collections from other sources.

(3) If the revenues received from the corporate income and excise taxes during the biennium exceed the amounts estimated to be

received from such taxes for the biennium, as estimated after adjournment sine die of the regular session, by two percent or more, the total amount of that excess shall be credited to corporate income and excise taxpayers in a percentage amount of corporate excise and income tax liability as determined under subsection (5) of this section. However, no credit shall be allowed against tax liability imposed by ORS 317.090.

(4) If the revenues received from General Fund revenue sources, exclusive of those described in subsection (3) of this section, during the biennium exceed the amounts estimated to be received from such sources for the biennium, as estimated after adjournment sine die of the regular session, by two percent or more, the total amount of that excess shall be credited in a percentage amount of income tax liability as determined under subsection (5) of this section.

(5) If there is an excess to be credited under either subsection (3) or (4) of this section, or both, on or before October 1, following the end of each biennium, the Executive Department shall determine and certify to the Department of Revenue the percentage amount of credit for purposes of subsection (3) or (4) of this section. The percentage amount determined shall be a percentage amount to the nearest one-tenth of a percent that will distribute the excess to be credited to either the corporate excise and income taxpayers or personal income taxpayers for taxable years beginning in the calendar year during which such excess is determined. The credit shall be computed after the allowance of any credit allowed or allowable under ORS chapter 316, 317 or 318, whichever may be applicable, and before the application of estimated tax payments, withholding or other advance tax payments. [1979 c.241 §30; 1981 c.885 §1]

Note: 291.349 and 291.355 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 291 or any series therein by legislative action. See the preface to Oregon Revised Statutes for further explanation.

291.350 [1965 c.615 §13; repealed by 1971 c.544 §7]

291.352 [Renumbered 293.105]

291.354 [Amended by 1959 c.273 §7; 1961 c.280 §3; 1961 c.308 §2; renumbered 293.110]

ADMINISTRATION
291-305

RATE OF GROWTH OF APPROPRIATIONS

291.355 Rate of growth of appropriations for general governmental purposes.

(1) Each biennium, growth of state governmental appropriations for general governmental purposes shall be no greater than the rate of growth of personal income in Oregon in the two preceding calendar years. The rate of growth shall be computed based on the U.S. Department of Commerce reports for the two preceding calendar years.

(2) For the 1979-1981 biennium, the base to which the rate of growth applies shall equal state governmental appropriations for general governmental purposes in the 1977-1979 biennium plus expenditures from non-General Fund sources that are to be funded in 1979-1981 out of the General Fund and less any General Fund expenditures in 1977-1979 that are to be funded in 1979-1981 from non-General Fund sources.

(3) In bienniums subsequent to the 1979-1981 biennium, the base shall be adjusted as necessary to reflect transfer of funding sources between General Fund sources and non-General Fund sources in order to maintain a base used for general governmental purposes.

(4) Debt service and tax relief other than that provided under ORS 310.330 to 310.690 shall not be considered appropriations for general governmental purposes. (1979 c.241 §29)

Note: See note under 291.349.

291.356 [Amended by 1963 c.333 §2; renumbered 293.115]

291.358 [Renumbered 293.120]

291.360 [Renumbered 293.125]

291.362 [Renumbered 293.130]

291.364 [Renumbered 293.135]

291.366 [Renumbered 293.140]

291.368 [Renumbered 293.145]

291.370 [Renumbered 293.150]

**FISCAL MATTERS;
LEGISLATIVE REVIEW**

291.371 Approval of salary plan changes and unbudgeted new positions by legislative review agency required. (1) As used in this section, "legislative review agency" means the Joint Committee on Ways

and Means during the period when the Legislative Assembly is in session and the Emergency Board during the interim period between sessions.

(2) Prior to making any changes in a salary plan, establishing any new positions specifically not provided for in the budget of the affected agency or reclassifying any positions specifically provided for in the budget of the affected agency, the Executive Department shall submit the proposed changes to the legislative review agency. The proposed change shall only be approved and take effect if the legislative review agency finds that the affected agency can finance the proposed change within the limits of its biennial budget and that the proposed change conforms to legislatively approved salary policies. The effective date of the change shall be the date prescribed by the Personnel Division. (1973 c.49 §1)

291.372 [Renumbered 293.155]

291.374 [Amended by 1955 c.133 §1; 1955 c.672 §1; 1957 c.460 §1; 1959 c.686 §39; 1961 c.268 §13; 1961 c.485 §27; renumbered 293.160]

291.375 Legislative review of applications for federal financial assistance; submission, approval required; exemptions.

(1) Prior to the submission of any application for financial assistance or grants from the United States or any agency thereof by or on behalf of any agency of this state, the application must be submitted for legislative review in the following manner:

(a) If the application is to be submitted to the Federal Government when the Legislative Assembly is in session, the application shall be submitted to the Joint Committee on Ways and Means for review.

(b) If the application is to be submitted to the Federal Government when the Legislative Assembly is not in session, the application shall be submitted to the Emergency Board for review.

(2) If the legislative agency authorized under subsection (1) of this section to review applications described therein approves the application, it may be submitted to the appropriate federal agency. If the legislative agency disapproves of the application, it shall not be submitted to any federal agency unless it is or can be modified to meet the objections of the legislative agency.

(3) Notwithstanding subsection (1) of this section, the Joint Committee on Ways and

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ADMINISTRATION
285-290

Means and the Emergency Board may exempt any state agency from the requirements of this section. Project grants for departmental research, organized activities related to instruction, sponsored research or other sponsored programs carried on within the Department of Higher Education, for which no biennial expenditure limitations have been established, are exempt from the requirements of this section.

(4) The review required by this section is in addition to and not in lieu of the requirements of ORS 293.550. [1973 c.44 §1]

291.376 (Renumbered 291.307)

291.378 [Amended by 1961 c.590 §1; renumbered 293.165]

291.380 [Amended by 1961 c.590 §2; renumbered 293.170]

291.385 Use of certain federal moneys for employment; legislative approval. Expenditures of moneys available to this state or any agency thereof under the Comprehensive Employment and Training Act (Public Law 93-203, 87 Stat. 839) and (Public Law 95-524, 92 Stat. 1909), the Emergency Job and Unemployment Assistance Act of 1974 (Public Law 93-567), and the Emergency Jobs Program Extension Act of 1976 (Public Law 94-444), as amended, are not limited by fixed sum appropriations or expenditure limitations imposed for the biennium beginning July 1, 1977, if authorized by the Joint Committee on Ways and Means after March 1, 1979. However, positions added under the provisions of the federal enabling legislation are subject to approval of the Emergency Board during the interim between sessions of the Legislative Assembly and by the Joint Committee on Ways and Means during a session of the Legislative Assembly. (1977 c.85 §1; 1979 c.93 §1)

Note: 291.385 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 291 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

COMMISSION ON OREGON STATE MANAGEMENT AND ORGANIZATION

Note: Sections 1 to 8, 10 and 12 of chapter 795, Oregon Laws 1979, provide:

Sec. 1. It is the purpose of this Act to improve the responsiveness and manage the growth of Oregon state government.

Sec. 2. (1) There is created a Commission on Oregon State Management and Organization consisting of nine members and four ex officio members.

(2) The Governor shall appoint four members of the commission; the President of the Senate and the Speaker of the House of Representatives shall each appoint two members of the commission; the Chief Justice of the Supreme Court shall appoint one member of the commission.

(3) The Governor, President of the Senate, Speaker of the House and Chief Justice of the Supreme Court shall serve as ex officio, nonvoting members of the commission.

(4) No person shall be eligible for appointment to the commission who is an elected or appointed official, or who has not been seven years a resident of the State of Oregon, nor shall any person be eligible for appointment to the commission who has not demonstrated excellent leadership or managerial ability prior to the person's appointment.

(5) Each member shall be appointed to serve for a term of two years and may be reappointed for one additional term.

(6) In case of a vacancy for any cause, the Governor, President of the Senate, Speaker of the House or Chief Justice of the Supreme Court, according to the position vacated, shall make an appointment to become effective immediately for the unexpired term.

Sec. 3. (1) The purpose of the Commission on Oregon State Management and Organization shall be to provide the greatest effectiveness of state government at the lowest possible cost.

(2) The commission shall advise and assist within the limits of its resources the legislative and executive branches of state government, including state agencies, to improve the responsiveness and manage the growth of Oregon state government through proposals for legislation or changes in administrative rules or policy.

(3) The commission shall select one or more comprehensive tasks to undertake each year from priority lists submitted to the commission by the Governor, President of the Senate, Speaker of the House and Chief Justice of the Supreme Court on or before July 1 of each year.

(4) In performing its duties, the commission within the limits of available funds may:

(a) Conduct hearings and conferences to ascertain facts, to comprehend state programs and activities and to obtain qualified opinions;

(b) Appoint subcommittees consisting of members of the commission and public members, if desired, and pay the reasonable and actual expenses thereof as provided in section 4 of this Act;

(c) Obtain from any state agency necessary assistance and data; and

(d) Perform all other necessary functions to carry out the purposes of the commission and this Act.

Sec. 4. A member of the Commission on Oregon State Management and Organization shall receive no

House Research Agency
Pouch Y
Juneau, Alaska 99811
465-3991

KEY WORD: _____

Research Request Number: _____

RESEARCH EVALUATION

TO: _____
FROM: Susan Brody, Director
RE: Evaluation of Research Products

To assist us in improving the quality of our research services, we would appreciate your response to the following questions.

- Was the information unbiased?
- Did it provide answers to (or, at least, useful information on) all the questions you posed?
- Was the research completed and delivered to you in a timely manner?
- Was it clearly written?
- May we release this information to the public?
 - I approve the release of this information.
 - I approve the release of this information, but please remove my name.
 - I do not approve the release of this information; maintain confidentiality.

Date

Signature

Please be assured that we will take your comments seriously in performing future research for you.

Please return to House Research Agency, Mail Stop 3100.

Thank you.

H B

4187

(Please note: This bill was heard by State Affairs
in January 1983.)

Funding Information

General Fund	\$ 8,100,000
Other Funds	-0-
	\$ 8,100,000

1 IN THE HOUSE

BY FURNACE

2

HOUSE BILL NO. 33

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Public Safety for a state trooper facility in Anchorage; and providing for an effective date."

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

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* Section 1. The sum of \$8,100,000 is appropriated from the general fund to the Department of Public Safety for construction of a state trooper crime laboratory and office facility in Anchorage.

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* Sec. 2. The appropriation made by this Act is for a capital project and is subject to AS 37.25.020.

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* Sec. 3. This Act takes effect July 1, 1983.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Support

Passage of this bill will result in an increase in the number and quality of arrests and convictions in felony cases statewide. Construction of this Capital Project will mark a major shift in direction for the State Troopers from a limited service Crime Lab to a full service professional Forensic Laboratory designated to serve all law enforcement agencies statewide. This project will consist of 17,000 square feet of space for testing and analysis, and equipment to establish a full-service Statewide Crime Laboratory.

Within the last decade a series of Supreme Court decisions relative to search and seizure, interrogation and confessions has had the effect of limiting the scope of permissible investigative activities by law enforcement agencies. This situation, in turn, has resulted in the increased attention to the use of physical evidence in criminal investigations, and the subsequent development of crime laboratories to analyze this evidence throughout the nation.

The application of the technologies and techniques of the natural and physical sciences to items of evidence found at a crime scene is an increasing part of modern investigations and courtroom trials. The expectation that these sciences are devoid of prejudice makes the results of crime laboratory tests and analyses an often critical part of judicial proceedings. It also confers upon crime laboratories the responsibility for the highest degree of professionalism in their work. The availability of physical facilities is the essential first step in making these services available to Alaska's state & local law enforcement agencies. All services performed will be at no cost to the Troopers and the 25 or so local departments throughout the state.

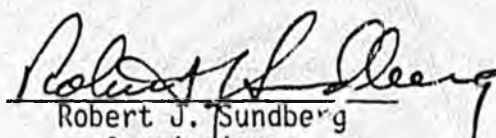
Beyond establishing drug identification and fingerprint comparisons within the existing limited Laboratory, Alaska has no crime laboratory with the broad capabilities needed to analyze clothing from a rape, compare shell casings to bullets found at a homicide, analyze carbon residue from a suspected arson fire for traces of accelerants, compare blood characteristics of blood on an assault victim to the blood of a suspect, compare pry marks on a window casing with a tire iron found in possession of a suspect, and the many additional tests required for modern, effective law enforcement investigations. The existing "crime lab" is located in crowded quarters in the basement of the State Troopers headquarters building in Anchorage.

Lack of additional personnel and physical limitations prevent its expansion. Alaska is the only state that does not yet have a full service lab to assist its local, as well as state, law enforcement agencies.

The greatest reason to develop a full service Crime Lab in Alaska is the increasingly longer time required to receive results of tests now routinely being sent to the FBI laboratory in Washington, D.C. The time required for laboratory tests of a routine nature from the FBI now require from four to six months. The reasons for this situation are a general budget tightening among federal agencies and an ever increasing number of requests nationwide for tests by the FBI laboratory. The problem of long turn-around sometimes conflicts with the Alaska Supreme Court Rule, which requires that the trial begin within 120 days following arrest, barring any delays by the judge as may be requested by either side. This problem is expected to increase in the future. Increasing turn-around time is also occurring with the very limited capabilities of the existing Trooper laboratory. Currently the average time required for test results is several weeks for just drug-related tests. No room for expansion within current facilities is available or practical.

During the 1983 Legislative session the legislative appropriated \$402.0 to cover the design and engineering costs of this project (Chapter 28, SLA 83). This stage of the project has proceeded on schedule and current cost estimates by the architects have confirmed our original estimate of \$5,603.0.

An extensive study was made during FY 82 and FY 83 concerning the needs for a Statewide Crime Laboratory by the Department of Public Safety personnel. This study is too exhaustive to be made part of this bill analysis, however, copies may be obtained by contacting Colonel Michael C. Kolivosky, Division of Alaska State Troopers, P.O. Box 6188 Annex, Anchorage, AK 99502 (269-5646), or through the Commissioner's office in Juneau.


Robert J. Sundberg
Commissioner

Background

The proper name for this bill is: "the second sponsor substitute for HB 487." The original sponsor substitute incorrectly gave Public Safety the responsibility for the construction of the crime lab. This was corrected by Rep. Furnace on January 12th in the bill before the committee today.

Last session State Affairs passed out HB 33, which called for an \$8.1 million dollar appropriation for the crime lab in Anchorage. I asked Commissioner Sundberg on your behalf, to explain the reasons why the bill is before the committee again -- and why HB 487 now calls for an adjusted appropriation of \$5.842 million. The Commissioner's response is in your file (and the members' files).

The Department of Public Safety is understandably anxious to see this bill greased through the system. It's a clean bill and no one expects any amendments.

Introduced: 1/9/84 ✓ *Deled*
Referred: Transportation,
Judiciary and Finance

Funding Information

General Fund	\$5,842,400
Other Funds	-0-
	<u>\$5,842,400</u>

1 IN THE HOUSE

SS HB 487

BY FURNACE, BARNES AND
SZYMANSKI

2

HOUSE BILL NO. 487

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making appropriations to the Department of
7 Transportation and Public Facilities for a statewide
8 crime lab facility in Anchorage; and providing for an
9 effective date."

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

11 * Section 1. The sum of \$5,603,000 is appropriated from the general
12 fund to the Department of Transportation and Public Facilities for con-
13 struction of a statewide crime lab facility in Anchorage.

14 * Sec. 2. The sum of \$239,400 is appropriated from the general fund to
15 the Department of Transportation and Public Facilities for operating ex-
16 penses of the statewide crime lab facility in Anchorage for fiscal year
17 1985.

18 * Sec. 3. The appropriation made by sec. 1 of this Act is for a capital
19 project and is subject to AS 37.25.020.

20 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

SSHB 487

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE:

January 12, 1984

The Honorable Mitch Abood
Alaska State House
Chairman
House State Affairs
Pouch V
Juneau, AK 99811

Dear Representative Abood:

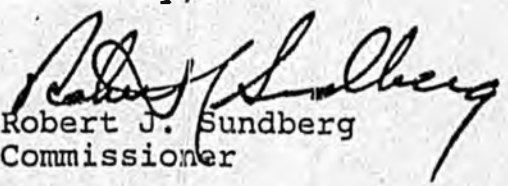
This letter will respond to your question about why HB-33 last year requested \$8.1 million, whereas HB 487 this year only requests \$5.603 million for construction of the Crime Lab.

HB-33 originally requested \$8.1 million for a Combined Facility to include office space for the local Posts of Alaska State Troopers, Fish and Wildlife Protection, Anchorage Metropolitan Drug Enforcement Unit and the Crime Lab. The former totaling about \$ 2 million, and the Crime Lab about \$6.1 million. Confusion because of the combined nature of the facility resulted in my decision to drop all non-lab costs leaving \$6.1 million for just the Crime Lab. Of that amount, we received \$402,000 for architectural and engineering costs. The remaining cost of construction is approximately \$5.6 million as in SSHB 487.

The Sponsor Substitute added \$239,400 at our request, so that we could staff the lab beginning in FY'85, for a total of \$5.842 million.

Please contact me if further information is needed.

Sincerely,


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSHB487
Title: Statewide Forensic Sciences Lab

Sponsor: Rep. Furnace
Requestor: House State Affairs
Date of Request: 1-12-84

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Justice

BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES		195.4	353.0	374.2	396.7	420.5
200 TRAVEL		7.5	10.6	11.2	11.9	12.6
300 CONTRACTUAL		22.5	71.8	76.1	80.7	85.5
400 SUPPLIES		14.0	14.8	15.7	16.6	17.6
500 EQUIPMENT					150.0	150.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL		239.4	450.2	477.2	655.9	686.2
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		239.4	450.2	477.2	655.9	686.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		7	7	7	7	7
PART-TIME						
TEMPORARY		7	7	7	7	7

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan *F.C.A.* *llt* Phone: 269-5691
Division: Alaska State Troopers Date: 01/06/84
Approved by Commissioner: Robert J. Sundberg *hms* Date: 1/13/84
Agency: Public Safety

Distribution (by Agency preparing fiscal note):

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

12/1/83

FISCAL NOTE
SECTION IV ANALYSIS

This legislation provides funds for the construction of a 17,000 square foot Statewide Crime Laboratory in Anchorage. The attached Schedule I details the Capital Cost and Schedule II details the Operating Costs. The vast majority of the Operating Costs represents a shift in direction for the Crime Lab from a limited service A.S.T. facility to becoming a full-service operation designed to meet the needs of all law enforcement agencies in the state. Personal Services costs for FY'85 reflect the hiring of the seven new staff members at various dates throughout the year. (See supporting schedules.) and other costs at 75% of a full years' cost.

FY'86 and each subsequent year reflect an anticipated 6% inflation rate and the cost of maintenance contracts on the new equipment.

By FY'88 it is anticipated that advances in technology will require replacement or new equipment to meet court evidence requirements each year.

ANCHORAGE COMBINED FACILITY

CAPITAL COSTS

1) Construction Costs

Crime Lab - 17,000 sq. ft. \$3,825.0

DOT/PF Overhead, Architect,
Planning Contingency, etc. \$1,147.0

CS SS HB 33 (402.0) 745.0

Subtotal \$4,570.0

2) Equipment 962.0

3) Commodities - Initial Stock 71.0

TOTAL \$5,603.0

ANCHORAGE COMBINED FACILITYFY'85 OPERATING COSTS100 Personnel Services

See attached schedule

\$195,403

200 TravelIn-state & out-of-state travel needed
to attain and maintain professional
expertise

\$10,000 per full year. x 75% =

7,500

300 Contractual Services

Telephone \$ 12,500

Electricity 9,100

Other Utilities 3,500

Building Repairs & Maintenance 4,900

Subtotal 30,000 X 75% 22,500

(Note: Costs of maintenance agreements
of an estimated \$40,000 yearly will
begin in FY'86.)

400 Commodities

Heating Fuel \$ 17,600

Miscellaneous 1,100

Subtotal 18,700 X 75% 14,025

TOTAL \$239,428

FISCAL YEAR 1985

100 Personal Services Increased Staff

Job Class Range	Trace Evidence Specialist Range 19	Firearms & Tool Marks Specialist Range 19	Forensic Chemist Range 19	Serologist Range 19	Fingerprint ID Specialist Range 17	Admin Ass't II Range 14	Questioned Documents Examiner Range 19	Total
Annual Salary	\$38,124	\$38,124	\$19,062	\$19,062	\$16,542	\$ 6,723	\$ 9,531	\$147,168
Overtime	-0-	-0-	-0-	-0-	-0-	1,552	-0-	1,552
Sub total	\$38,124	\$38,124	\$19,062	\$19,062	\$16,542	\$ 8,275	\$ 9,531	\$148,720
Benefits	6,833	6,833	3,416	3,416	2,965	1,483	1,708	26,654
SBS	2,337	2,337	1,169	1,169	1,014	507	584	9,117
Health Insurance	2,728	2,728	1,364	1,364	1,364	682	682	10,912
Total	\$50,022	\$50,022	\$25,011	\$25,011	\$21,885	\$10,947	\$12,505	\$195,403
Starting Date	7/1/84	7/1/84	1/1/85	1/1/85	1/1/85	4/1/85	4/1/85	

BASE YEAR

100 Personal Services Increased Staff

Job Class Range	Trace Evidence Specialist Range 19	Firearms & Tool Marks Specialist Range 19	Forensic Chemist Range 19	Serologist Range 19	Fingerprint ID Specialist Range 17	Admin Ass't II Range 14	Questioned Documents Examiner Range 19	Total
Annual Salary	\$38,124	\$38,124	\$38,124	\$38,124	\$33,084	\$26,892	\$38,124	\$250,596
Overtime	-0-	-0-	-0-	-0-	-0-	2,483	-0-	2,483
Sub total	\$38,124	\$38,124	\$38,124	\$38,124	\$33,084	\$29,375	\$38,124	\$253,079
Benefits	6,833	6,833	6,833	6,833	5,930	5,265	6,833	45,360
SBS	2,337	2,337	2,337	2,337	2,028	1,801	2,337	15,514
Health Insurance	2,728	2,728	2,728	2,728	2,728	2,728	2,728	19,096
Total	\$50,022	\$50,022	\$50,022	\$50,022	\$43,770	\$39,169	\$50,022	\$333,049

FISCAL YEAR 1986

100 Personal Services Increased Staff

Job Class Range	Trace Evidence Specialist Range 19	Firearms & Tool Marks Specialist Range 19	Forensic Chemist Range 19	Serologist Range 19	Fingerprint ID Specialist Range 17	Admin Ass't II Range 14	Questioned Documents Examiner Range 19	Total
Annual Salary	\$40,411	\$40,411	\$40,411	\$40,411	\$35,069	\$28,506	\$40,411	\$265,632
Overtime	-0-	-0-	-0-	-0-	-0-	2,632	-0-	2,632
Sub total	\$40,411	\$40,411	\$40,411	\$40,411	\$35,069	\$31,138	\$40,411	\$268,264
Benefits	7,243	7,243	7,243	7,243	6,286	5,581	7,243	48,082
SBS	2,477	2,477	2,477	2,477	2,150	1,909	2,477	16,444
Health Insurance	2,892	2,892	2,892	2,892	2,892	2,892	2,892	20,242
Total	\$53,023	\$53,023	\$53,023	\$53,023	\$46,397	\$41,520	\$53,023	\$353,032

1.	POSITION TITLE Trace Evidence Specialist *				RANGE/STEP 19/A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 1 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	38,124								
6.	Benefits	6,833								
7.	Supplemental Benefits	2,337								
8.	Fixed Benefits	2,728								
9.	TOTAL PERSONAL SERVICES	01	50.0							
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST		50.0							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003	50.0						
18.		General Funds	1004							
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								

The Trace Evidence Examiner can narrow the origin of minute bits of evidence such as human hair and fibers, that are exchanged during fight or rape, to a group that includes (or excludes) the suspect. The paint chips and broken headlights of a hit and run fatality may be analyzed to determine if they match the paint and headlight of the suspects car.

The position will function in the new expanded Statewide Forensic Science Laboratory and provide a new expertise capability which will expand the level of service that can be provided to law enforcement agencies in Alaska

* New classification pending.

FOR B&M USE ONLY

4A KEY NUMBER

AGENCY Department of Public Safety

PROGRAM Crime ID & Apprehension

BRU Alaska State Troopers/S&S

COMPONENT Laboratory Services

FY 85

13 REQUEST FOR
NEW POSITION

Page 1 of 7

Revised Date

1.	POSITION TITLE Firearms & Tool Marks Specialist *				RANGE/STEP 19	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 2 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		

3.	CONTINUATION LEVEL	ADDITION	X	
4.	TYPE OF EXPENDITURE			AMOUNT
	1	2		3
	PERSONAL SERVICES			
5.	Salary	38,124		
6.	Benefits	6,833		
7.	Supplemental Benefits	2,337		
8.	Fixed Benefits	2,728		
9.	TOTAL PERSONAL SERVICES	01		50.0
10.	Travel	02		
11.	Contractual	03		
12.	Commodities	04		
13.	Equipment	05		
14.	Other			
15.	TOTAL COST			50.0

JUSTIFICATION

The Firearms & Tool Marks Specialist can match a spent bullet to the gun that fired it by examination of the microscopic markings on the bullet caused by the irregularities on the inner surface of the gun barrel, among other capabilities. As a Tool Marks Specialist, he can identify the tire iron or other implement found in the suspect's car as the one that did or did not pry open the window or door of the victim's home by using a microscope to compare and match the nicks on the blade of the tire iron to the impressions left in the window sill.

	RECEIPT CODE	FUNDING SOURCE
16.		Federal Receipts 1002
17.		C.F. Match 1003
18.		General Funds 1004
19.		I-A Receipts 1005
20.		Program Receipts 1028
21.		Other

The position will function in the new expanded Statewide Forensic Science Laboratory and provide a new expertise capability which will expand the level of service that can be provided to law enforcement agencies in Alaska.

* New classification pending.

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Crime ID & Apprehension
BRU Alaska State Troopers/S&S
COMPONENT Laboratory Services

FY 85

Page 2 of 7
Revised Date _____

1.	POSITION TITLE Forensic Chemist *				RANGE/STEP 19	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 6.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 3 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL		ADDITION	X	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		19,062							
6.	Benefits		3,416							
7.	Supplemental Benefits		1,169							
8.	Fixed Benefits		1,364							
9.	TOTAL PERSONAL SERVICES	01			25.0					
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST				25.0					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004		25.0					
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

The Forensic Chemist tests and analyzes unknown substances. By testing substances thought to be illegal drugs, he can determine the type drug, its relative purity and the substances that may be mixed with the drug. He can also identify small amounts of accelerants from a suspected arson fire by testing charred and burned materials found at the fire, as well as other tasks requiring chemical analysis.

The position will function in the new expanded Statewide Forensic Science Laboratory and provide an additional expertise capability which will expand the level of service that can be provided to law enforcement agencies in Alaska.

* New classification pending.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

PROGRAM Crime ID. & Apprehension

BRU Alaska State Troopers/S&S

COMPONENT Laboratory Services

FY 85

Page 3 of 7
Revised Date _____

1.	POSITION TITLE Serologist/Toxicologist*				RANGE/STEP 19	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 6.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 4 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL	ADDITION	X		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>The Forensic Serologist/Toxicologist analyses of body fluids found at the crime scene, can limit the population group of the assailant to those within certain blood groups, thus eliminating persons with other blood groups and characteristics as suspects in a given crime. Toxicology detects and identifies the presence of drugs or poisons in body tissues, fluids and organs. These tests are used in determining the presence and extent of alcohol that may have contributed to a death, as one example.</p> <p>The position will function in the new expanded Statewide Forensic Science Laboratory and provide an additional expertise capability which will expand the level of service that can be provided to law enforcement agencies in Alaska.</p> <p>* New classification pending.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	19,062								
6.	Benefits	3,416								
7.	Supplemental Benefits	1,169								
8.	Fixed Benefits	1,364								
9.	TOTAL PERSONAL SERVICES	01		25.0						
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST			25.0						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	25.0						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER										

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 PROGRAM Crime ID & Apprehension
 BRU Alaska State Troopers/S&S
 COMPONENT Laboratory Services

FY 85

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 Revised Date _____

1.	POSITION TITLE Fingerprint ID Specialist *			RANGE/STEP 17	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 6.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 5 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	16,542		21.9					
6.	Benefits	2,965							
7.	Supplemental Benefits	1,014							
8.	Fixed Benefits	1,364							
9.	TOTAL PERSONAL SERVICES	01							
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04							
13.	Equipment	05							
14.	Other								
15.	TOTAL COST			21.9					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		21.9					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

The Fingerprint Examiner can compare fingerprints found on a gun or some other surface to those of the suspect based upon the matching of the characteristics of the fingerprint ridges that are unique to each individual. (The Automated Fingerprint Identification System, funded during the 1982 session of the legislature is now being developed and installed).

The position will function in the new expanded Statewide Forensic Science Laboratory and provide an additional expertise capability which will expand the level of service that can be provided to law enforcement agencies in Alaska.

* Rewrite of class specification in progress.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 PROGRAM Crime ID & Apprehension
 BRU Alaska State Troopers/S&S
 COMPONENT Laboratory Services

FY 85

Page 5 of 7
 Revised Date _____

1.	POSITION TITLE Questioned Document Examiner*				RANGE/STEP 19/A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 3.0	R? NUMBER	PCN NUMBER	BRU PRIORITY 6 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL		ADDITION	X	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	9,531								
6.	Benefits	1,708								
7.	Supplemental Benefits	584								
8.	Fixed Benefits	682								
9.	TOTAL PERSONAL SERVICES	01	12.5							
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL CGST		12.5							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	12.5						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER _____										

The Questioned Documents Examiner can ascertain the source or authenticity of a document through the many characteristics of an individual's handwriting, as well as through the variations in typewriter letters as a function of the use and wear to the machine's moving parts, and through the analyses of inks and different types of paper.

* New classification pending.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Crime ID & Apprehension
BRU Alaska State Troopers/S&S
COMPONENT Laboratory Services

FY 85

Page 6 of 7
Revised Date _____

1.	POSITION TITLE Administrative Assistant II				RANGE/STEP 14/A	BARG. UNIT SUPV.	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 3.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 7 of 7	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2		3						
PERSONAL SERVICES										
5.	Salary	inc O/T	8,275							
6.	Benefits		1,483							
7.	Supplemental Benefits		507							
8.	Fixed Benefits		682							
9.	TOTAL PERSONAL SERVICES		01	11.0						
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST			11.0						
RECEIPT CODE. FUNDING SOURCE										
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004								
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER										

This position is needed to support the six new professional positions being requested and part of this Capital Project and the two new additional professional positions added to the Crime Lab during FY'83 and FY'84 through RP. Without this additional administrative support the professional staff will loose much of its productive capacity performing administrative tasks that could more economically be done by this position.

This position will supervise the other clerks presently employed in the Crime Lab including those in the O/L Photo section.

13 REQUEST FOR NEW POSITION

AGENCY Department of Public Safety
PROGRAM Crime ID & Apprehension
BRU Alaska State Troopers/S&S
COMPONENT Laboratory Services

FY 85

Page 7 of 7
Revised Date _____

Alaska Association Chiefs of Police

RECEIVED
JAN 9 1984



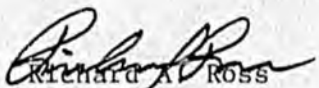
January 4, 1984

Honorable Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Abood,

The membership of the Alaska Association of Chiefs of Police has voted unanimously that establishment of a State Crime Lab is a priority for the State of Alaska.

Attached is a copy of the resolution passed in support of this project. We are requesting your assistance in the passage of a bill that would result in construction of a State Lab.


Richard A. Ross
Secretary/Treasurer

RAR/lo

ALASKA ASSOCIATION CHIEFS OF POLICE

RESOLUTION 84-1

WHEREAS, State and Federal Court decisions have required higher standards of evidence over the years, standards that require examination and testing of available physical evidence; and

WHEREAS, Alaska, the only State without its own crime laboratory, relies on the F.B.I. laboratory to process and analyze evidence; and

WHEREAS, increasing delays have been experienced in receiving results from the F.B.I. laboratory resulting in follow-up investigation and case prosecution delays; and

WHEREAS, it would be a waste of tax dollars for each law enforcement entity in the State of Alaska to attempt to provide its own laboratory resources, and would indeed be prohibitive for all but the very largest agencies to do so; and

WHEREAS, the 1983 legislature appropriated funding for the engineering and architectural designing of a State Crime Laboratory, which work is presently underway; and

WHEREAS, Representative Walt Furnace has prefiled an Appropriations Bill that would fund a full service crime laboratory that would provide for testing and analysis of crime scene evidence for all law enforcement agencies in the State of Alaska; NOW THEREFORE BE IT RESOLVED that,

The Alaska Association of Chiefs of Police requests that all legislators give their support to the passage of an appropriations bill that would provide for construction of a full-service crime laboratory to serve all law enforcement agencies in the State of Alaska.

HB 48C



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 24, 1983

MEMORANDUM

To: Representative Walt Furnace
From: Leonard Steinberg, Research Staff *L.S.*
Re: FBI Examination of Legal Evidence
Research Request 83-11

Steve Levi of your office requested the following information:

- 1) The number of Alaska criminal cases which made use of the FBI crime lab in Washington D.C.;
- 2) How many legal cases went to court with FBI assistance;
- 3) How often the FBI's time for analysis exceeded Alaska's 120 day limitation for court appearances; and
- 4) What specific evidence has been sent to the FBI for analysis.

Our attempts to answer these questions involved contacting: the Federal Bureau of Investigation in Anchorage and in Washington D.C.; the State of Alaska's Chief Prosecutor and the Anchorage District Attorney; the Alaska State Troopers; and the municipal police in Anchorage and Fairbanks.

Number of Alaska Criminal Cases Involving the FBI's Crime Lab

The table below lists the number of Alaska cases and the number of different examinations of Alaska evidence that were performed by the FBI's crime lab in federal fiscal years 1980, 1981, and 1982. (The federal fiscal year runs from October 1 to September 30; FY 80, for example began October 1, 1979 and ended September 30, 1980.) This information was obtained from Manuel Marquez, of the Federal Bureau of Investigation in Washington D.C.

The number of examinations performed is many times larger than the number of cases because each case often includes many different items and each item may undergo numerous different examinations.

<u>Year</u>	<u>Number of Cases</u>	<u>Number of Examinations</u>
1980	181	10,744
1981	209	13,531
1982	236	19,510

Number of Legal Cases Which Went to Court With FBI Assistance

There are no records of the number of times the FBI's crime lab analysis has actually been used in court. Though FBI crime lab examiners frequently travel to Alaska to testify in criminal proceedings, only rough estimates of the number of visits are available.

According to Larry Nelson, the FBI's chief agent in Alaska, not a month goes by without one of the FBI's crime lab examiners traveling to Alaska to make a court appearance. Captain Smith, of the Anchorage Police Department, said he knew of at least 6 FBI crime lab examiners that visited Alaska during the last year.

The FBI in Washington D.C. may maintain records on number of visits examiners make to testify in Alaska courts, but the FBI declined to make that information available to us. The use of FBI examiners or laboratory analysis could be reconstructed by reviewing all the criminal files of the District Attorneys in Alaska, but doing so would require a substantial amount of time.

Excessive Time Required For FBI Analysis

Law enforcement authorities in Alaska are concerned that the FBI's crime lab will not analyze and return the evidence to Alaska in time to meet the requirement, unless waived by the defendant, that criminal trials take place within 120 days of an arrest.

There is little evidence of the FBI's laboratory analysis failing to arrive in time for a trial. The State Troopers have described one case (Alaska vs. Lewis, 1981) in which the trial court suppressed use of the FBI's lab report received the morning of the trial, but that case was complicated by other factors and the suppression was overturned on appeal.¹

No other specific cases of laboratory analysis too late for use in court have been cited. However, Fairbanks Police Chief Matthew Kiernan estimated that perhaps in one percent of his cases he was unable to use the

¹ Department of Public Safety. The Development of a Full Service Forensic Laboratory for Law Enforcement in Alaska. September 1982. Page 11.

Representative Walt Furnace
January 24, 1983
Page Three

FBI's laboratory analysis in court because of delays. Other Alaska law enforcement authorities indicated that, to their knowledge, evidence has always arrived in time, but not without the use of personal contacts between the law enforcement authorities in Alaska and FBI examiners in Washington D.C. Estimates of amount of time normally required for an FBI analysis ranged from two to six months.²

Specific Evidence Sent To The FBI For Analysis

It was not possible to obtain a list of the specific legal evidence which has been sent from Alaska to the FBI for analysis in the time available to complete this research request. All law enforcement authorities were contacted but regular records of what has been submitted for analysis have not been maintained.

The FBI crime lab in Washington D.C. may maintain records of what it has analyzed for Alaska, but this information was not made available to us. A list of the specific evidence sent to the FBI for analysis could be reconstructed by going through all the criminal files of the law enforcement authorities in Alaska, but doing so would require a substantial amount of time.

The FBI's crime lab conducts all known types of criminal analysis. Examples of Alaskan criminal evidence currently analyzed by the FBI include: questioned documents, body fluids, firearms, trace metals, voice prints, hair, fibers, and fingerprints.

Additional Information

Currently, all FBI service (analysis and expert witnesses) are available free of charge. The FBI crime lab's work is well respected and the examiners make excellent witnesses. However, many of Alaska's law enforcement officials spoke of the federal government's intention to cease providing lab services for state and local police.

The FBI, while supporting the development of regional criminal analysis laboratories, denies any intention of reducing services to state and local law enforcement authorities.

* * * * *

We hope this information is useful to you. Please let us know if we can be of any further assistance.

² Captain Smith of the Anchorage Police Department estimated normal FBI turnaround time at two months while Major Korhonen of the Alaska State Troopers estimated normal turnaround times of five to six months.

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ADMINISTRATION COMPROMISE PROPOSAL

Olympic Trust Fund

- Overall - The Olympic Committee would establish a private fund at private institutions for private contributions.
- State - State would act as collector for employee contributions (voluntary). State would pass these on to Olympic Committee (like Share campaign).
- State would establish a reserve account in the general fund to account for employee contributions. Payments could be made to the Olympic Committee on a scheduled basis (annual, semi-annual, quarterly).
- State Match - State would make a direct appropriation (to named recipient Olympic Committee for a not to exceed amount).
- 10.0 cost of Administration - fiscal note on file.
- Labor Relations - Voluntary contributions are no problem.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____, 198

Page 1 of 2

REQUEST

Bill/Resolution No.: HB 488
 Title: An act creating the Alaska-US Olympic Trust Fund
 Sponsor: Bettisworth/Haves/Martin
 Requestor: State Affairs and Finance
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: General Government Centralized Administrative Services/Finance
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		10.0				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
800 MISCELLANEOUS						
TOTAL OPERATING		10.0				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		10.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Kenneth E. Bischoff *KES*
 Division: Finance

Phone: 465-2240
 Date: February 10, 1984

Approved by Commissioner: Lisa Rudd *To Myra Chiswick*
 Agency: DEPARTMENT OF ADMINISTRATION

Date: 2/10/84

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

House Bill 488
Fiscal Note Analysis
Prepared by Division of Finance
Department of Administration
February 10, 1984

This analysis does not attempt to address the cost of matching private donations or contribution of State employees.

The estimated cost of producing the payroll deduction authorization forms and administering the program is \$10,000.

MF

Position Paper

HB 488

The Department of Administration supports the bill in its intent, however, caution is advised concerning the open-ended appropriation to match all contributions. The salary deduction contribution from State employees, assuming a 20% participation, is estimated at \$45,000. The real concern, however, is that the potential amount of private donations is unlimited. Large donations from multi-national corporations could conceivably require the State to match millions of dollars. For this reason it is recommended that a "not-to-exceed" amount be inserted in Section 2(c).

The intent of House Bill 488 would not pose a major accounting difficulty. Contributions deducted from employee salaries would be accumulated in a miscellaneous deduction account and transferred to an agency trust account established for the Office of the Governor. Private donations would be deposited directly to the trust account. The Office of the Governor would periodically draw a warrant on the trust account, payable to the United States Olympic Committee in Alaska.

Although the payroll system has the ability to automatically deduct authorized contributions from employees' salaries it does have a limit as to the number of deductions that can be made for an employee. When the limit is exceeded for an employee the Payroll Section is required to manually intervene in order to properly apply the deductions.

Currently few employees have reached the deduction limit of the system. House Bill 488 will not severely increase the manual payroll effort required at this time. Caution must be used when considering additional legislation of this nature in order to assure that the automated deduction limits of the payroll system are not exceeded and the Payroll Section is not forced to a largely manual effort to properly account for and distribute the payroll deductions.

Based on our reading of this bill, its provisions are effective for FY 85 only and will cease June 30, 1985.

Kenneth E. Bischoff 2/10/84
Kenneth E. Bischoff
Division of Finance

for Eleanor Anderson
Commissioner Lisa Rudd
Department of Administration
5/3D1/0210-02



STATE OF ALASKA
OFFICE OF THE GOVERNOR

JUNEAU

May 11, 1984

The Honorable Joe Hayes
Speaker of the House
Alaska State House of Representatives
Pouch V
Juneau, AK 99811

Re: Sponsor Substitute for
Senate Bill No. 350 am
(An Act creating the
Alaska-United States Olympic
Trust Fund; and providing
for an effective date.)

Dear Representative Hayes:

Today I have vetoed SSSB 350 am, (creating the Alaska-United States Olympic Trust Fund.) My review of this bill has indicated that the problems associated with the implementation of this legislation outweigh the intended benefits.

This bill would authorize the State to withhold a part of an employee's pay as a contribution to the Olympic Trust Fund without direct authorization by the employee. This involuntary deduction violates the spirit of the current negotiated contracts which enables employees to request deductions or payments from their pay checks - even union dues cannot be deducted unless the employee signs a form authorizing the deduction ahead of time. In addition, as a matter of public policy, it is imprudent to make deductions from an employee's pay without the employee's consent. Charitable donations are a prerogative of the giver based on the giver's fundamental right of association.

This bill ^{would} ~~will~~ also create an unnecessary administrative burden. The Department of Administration ^{would} ~~will~~ have to notify all employees of the deduction and provide them with a form excluding them from the program.

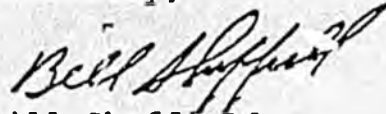
would

- 2 -

Finally, the creation of a trust fund raises some implementation and policy questions. The Office of the Governor will receive employee contributions, private donations and State match money and then transfer that money to a private organization. I do not believe a State agency would perform that kind of "banking" function on behalf of a private concern.

I do support the concept of an Olympic Trust Fund, but believe this proposed mechanism for obtaining contributions is unsuitable. I trust that a solution can be found which would allow voluntary contributions.

Sincerely,



Bill Sheffield
Governor

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____, 1984

Page 1 of 2

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700 GRANTS, CLAIMS, ETC						
800 MISCELLANEOUS						
TOTAL OPERATING		10.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		10.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Kenneth E. Bischoff *KES*
Division: Finance

Phone: 465-2240
Date: February 10, 1984

Approved by Commissioner: Lisa Rudd *To Nelson Christen*
Agency: DEPARTMENT OF ADMINISTRATION

Date: 2/10/84

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)