

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9447 HOUSE STATE AFFAIRS

Feb. 3, 1998

TO: House State Affairs Committee
 FAX: 1-907-465-2381
 ATTN: BARBARA
 PLEASE DISTRIBUTE TO ALL COMMITTEE MEMBERS

RE: Republican Task Forces Deferred Maintenance List

I am concerned about the Deferred Maintenance List. I understand the schools first on this list are in districts that are able to assist in the funding of new construction and/or maintenance or have the political clout to vote in a bond proposal. However, not all districts in Alaska that need schools replaced can be financially or politically helpful.

Within the Copper River School District, our school, Kenny Lake Elementary, is one such school. Our elementary children are in desperate need of better facilities. We are thankful that we made the Deferred Maintenance list, but please consider inter-mixing some of the C.I.P. list's most needy schools into the first year (FY 99) of the Deferred Maintenance List. Don't make the "needy" districts wait behind the "already have" districts.

I am also concerned about the C.I.P. list that the legislature commissioned the Dept. of Ed. to create. This list should not be disregarded since it was painstakingly put together to rank the needs of Alaska's schools.

Sincerely,

Patrick J. Moore
 Signature

2-3-98
 Date

Patrick J. Moore
PO Box 335
Copper Center, AK.
99573
 Address

Feb. 3, 1998

TO: House State Affairs Committee
 FAX: 1-907-465-2381
 ATTN: BARBARA
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Sincerely,

Patti Barr
 Signature

Feb. 3, 1998
 Date

PATTI BARR
HC 60 Box 233
Copper Center
AK 99573
 Address

Feb. 3, 1998

TO: House State Affairs Committee
FAX: 1-907-465-2381
ATTN: BARBARA
PLEASE DISTRIBUTE TO ALL COMMITTEE MEMBERS

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Sincerely,

Diane K. Ellsworth

Signature

2/4/98

Date

P.O. 14
Chitina
Alaska 99566

Address

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FAX: 1-907-465-2381
ATTN: BARBARA
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Sincerely,

Carla Schuenholt
Signature

2-3-98
Date

HC 60 Box 211 S
Mile. 5 Edgerton Hwy
Copper Center, AK
99573
Address

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ATTN: BARBARA
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Very important!!
[Signature]

Sincerely,

[Handwritten Signature]
Signature

2/3/98
Date

HC60 Box 227A
Copper Center, AK
99573

Address

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Sincerely,


Signature

2/3/97
Date

Helen Box 299 M
Copper Center, AK
99573

Address

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Sincerely,

Daniel E. Stevens
Signature

2-3/98
Date

P.O. Box
5-6221 N. Hwy 4
99562
Address

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Sincerely,

Linda Alexander

Signature

2-2-98

Date

LINDA ALEXANDER
P.O. BOX 112
CHITINA ALASKA
99566

Address

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FAX: 1-907-465-2381
ATTN: BARBARA
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Sincerely,

Larry N. Vark
Signature

2-4-98
Date

Box 278
Copper Center, AK
99573

Address

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Sincerely,

John Gilbert
Signature

2-4-98
Date

JOHN GILBERT
Box 64
Chitina AK
99566

Address

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Sincerely,

Felicia Riedel
Signature

2/3/98
Date

HC 60 BOX 335-P
COPPER CENTER AK
99573

Address

Feb. 3, 1998

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FAX: 1-907-465-2381
ATTN: BARBARA
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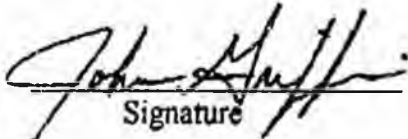
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Signature

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Copper Center
Alaska 99573

Address

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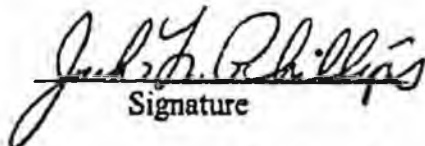
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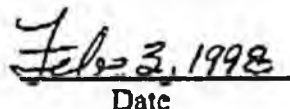
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Date

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COPPER CENTER
ALASKA 99573

Address

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Sincerely,

Mary Sumner
Signature

2-4-98
Date

PO Box 6
Chitina, AK
99566

Address

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Sincerely,

Rhonda Y. Surskve
Signature

2/4/98
Date

HC 60 Box 340
mile 4.8 Old Edgerton Hwy.
Copper Center, AK 99573

Address

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Sincerely,

Charles P. Oatman

Signature

2-4-98

Date

Charles P. Oatman
HC 60 Box 215
Copper Center AK
99573

Address

Feb. 3, 1998

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FAX: 1-907-465-2381
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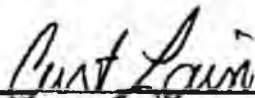
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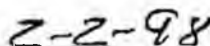
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Sincerely,



Signature



Date

CURT LAIN
HC 60 BOX 2486
COOPER CRTS AK
99573

Address

Feb. 3, 1998

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ATTN: BARBARA
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Sincerely,

Betty Van Allen
Signature

2-3-98
Date

PO Box 86 Chitina
AK 99566

Address

Feb 3, 1998

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 ATTN: BARBARA
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Sincerely,


 Signature

2-3-98
 Date

WILLIAM H. DANIEL COOLEY
HCGO BOX 142
COPPER CENTER AK 99573

Address

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ATTN: BARBARA
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Sincerely,



Signature

2-4-98

Date

Kim A. Bardo-Nicholson
Hc 60 Box 241
Copper Center, AK 99573
Kenny Lake
Address

Feb. 3, 1998

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ATTN: BARBARA
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Signature

2. 4. 98

Date

P.O. Box 213
Copper River, AK
99-579
822.5717

Address

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Sincerely,

Mary Dummer
Signature

2-4-98
Date

MARY DUMMER
PO BOX 6
CHITINA, AK
99566
Address

Fcb. 3, 1998

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Harbor Stanton
Signature

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Feb. 3, 1998

TO: House State Affairs Committee
FAX: 1-907-465-2381
ATTN: BARBARA
PLEASE DISTRIBUTE TO ALL COMMITTEE MEMBERS

RE: Republican Task Forces Deferred Maintenance List

I am concerned about the Deferred Maintenance List. I understand the schools first on this list are in districts that are able to assist in the funding of new construction and/or maintenance or have the political clout to vote in a bond proposal. However, not all districts in Alaska that need schools replaced can be financially or politically helpful.

Within the Copper River School District, our school, Kenny Lake Elementary, is one such school. Our elementary children are in desperate need of better facilities. We are thankful that we made the Deferred Maintenance list, but please consider inter-mixing some of the C.I.P. list's most needy schools into the first year (FY 99) of the Deferred Maintenance List. Don't make the "needy" districts wait behind the "already have" districts.

I am also concerned about the C.I.P. list that the legislature commissioned the Dept. of Ed. to create. This list should not be disregarded since it was painstakingly put together to rank the needs of Alaska's schools.

Sincerely,

CR Hart

Signature

2/3/98

Date

Cena Hart

HG 60 Box 145

Mi 81 Rich Hwy.

Copper Center, AK 99573

Address

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Sincerely,

Kate Butler
Signature

2/3/98
Date

H.C. 60 Box 335-R
Copper Center, AK
99573

Address

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Sincerely,

Christine S. Taylor
 Signature

2-3-98
 Date

H.C. 60 Box 140
Copper Center, AK 99573

Address

Kathryn Krui
 HC 60 Box 247
 Copper Center, AK 99573

Julie Krutson
Andrea Krutson
 HC 60 Box 229K
 Copper Center, AK
 99573

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Sincerely,

Marian Lightwood
 Signature

2-4-98
 Date

Marian Lightwood
HC 60 Box 229
Papier Center AK
99573
 Address

Feb. 3, 1998

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FAX: 1-907-465-2381
ATTN: BARBARA
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Sincerely,

Margo Hanson
Signature

2-3-98
Date

Margo Hanson
Hc 60 Box 56
Mile 93.5 Richardson
Copper Center, AK 99573
Address

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Sincerely,

Mary Dummer
 Signature

2-4-98
 Date

MARY DUMMER
PO BOX 6
CHISTINA, AK
99566
 Address

Feb. 3, 1998

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FAX: 1-907-465-2381
ATTN: BARBARA
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Sincerely,

Dave Niemi
Signature

2-3-98
Date

P.O. BOX 35
CHITINA, AK. 99566

Address

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ATTN: BARBARA

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Sincerely,

Fred T. Drew

Signature

Mrs. Drew
P.O. Box 246
Copper Center
AK 99573

Address

2/3/98

Date

Donna Petillo

HC60 Box 34B

Copper Center AK 99573

Pamela Sencibaugh

HC 60 B. 342 B

Copper Center
99573James C. Petillo

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 12, 1998

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/17/98

The STATE AFFAIRS Committee considered:

HB 312

HOUSE BILL NO. 312

PUBLIC FACILITIES FINANCING CORP

"An Act relating to the Public Facilities Financing Corporation; authorizing an advisory vote on whether the legislature should appropriate \$1,500,000,000 from the constitutional budget reserve fund to capitalize the build Alaska fund; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 312 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) DOE, REV fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Shannette James</i>	✓			
<i>K. J. [Signature]</i>			✓	
<i>Alvin [Signature]</i>				✓
<i>[Signature]</i>	✓			
<i>[Signature]</i>		✓		
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *Shannette James*

ALASKA STATE LEGISLATURE

Rep. Eldon Mulder, Co-Chair
Rep. Kim Elton
Rep. Richard Foster
Rep. Jeannette James
Rep. Beverly Masek
Rep. Gail Phillips



Sen. Tim Kelly, Co-Chair
Sen. Loren Leman
Sen. Georgianna Lincoln
Sen. Robin Taylor
Sen. Gary Wilken
Sen. Mike Miller

DEFERRED MAINTENANCE TASK FORCE

Capitol Building, Room 501 • Juneau, Alaska 99801 • Phone (907) 465-2647 • FAX (907) 465-3518

Sponsor Statement

House Bill 312

Public Facilities Financing Corporation and Advisory Vote

The Deferred Maintenance Task Force was charged to develop a financing mechanism for the funding of deferred maintenance for public facilities. The Task Force recommends that the Legislature establish a public corporation similar to the Alaska Housing Finance Corporation and the Alaska Industrial Development and Export Authority.

The Public Facilities Financing Corporation (PFFC) is established in the Department of Revenue. It is authorized to sell bonds to finance projects authorized by legislative action. The legislature will annually appropriate to the Corporation funds to pay the debt service on the bonds. Thus, the legislature maintains the control of identifying projects and the amount of funding. Thus it will also control the amount of annual debt service it will be exposed to.

The PFFC will function in the Department of Revenue similar to the state bond committee. It will have an executive director. The remainder of the staff work will be done by hiring consultants and including their fees in the bond package. This will minimize the need for new employees and is the normal practice.

Section 1. Legislative findings that there is a need for deferred maintenance to existing public facilities and for new public facilities and a Corporation to finance those needs.

Section 2. Adds Chapter 45 to AS 35 titled the Public Facilities Financing Corporation

Sponsor Statement
HB 312

35.45.010 Establishes the Public Facilities Financing Corporation in the Department of Revenue. The Corporation is independent, but subject to the Executive Budget Act.

35.45.020 Sets the board of directors as the commissioners of Revenue, Education, and Transportation and Public Facilities, the executive directors of AHFC and AIDEA.

35.45.030 Deals with officers, quorums, and employment of staff.

35.45.040 Sets out the powers and duties of the corporation. The Corporation is given routine operating powers, is allowed to acquire and hold property, issue revenue bonds, collect rents and fees, and accept gifts and grants.

35.45.050 Allows the Corporation to issue bonds for projects approved by the legislature, and payment of the bonds is made by funds appropriated by the legislature. Authorizes state departments to enter into agreements with the Corporation. Agencies receiving funds from these bonds must have preventive maintenance programs in place and must be energy efficient. Bonds sold by the corporation may be "moral obligation bonds", they will not be secured by the full faith and credit of the state.

35.45.060 Provides the details of the bonds that may be issued by the Corporation. It requires that the Corporation notify the legislature prior to bond sales and inform the legislature amounts necessary of appropriation to maintain the necessary reserves and to service debt.

35.45.070 Limits the bonding allowed to \$2 Billion. This is a level unlikely to be reached in the foreseeable future, but allows the Corporation to be useful in future capital funding activities, as directed by future legislatures.

35.45.080 Limits personal liability of directors and employees.

35.45.090 Exempts these bonds from state taxation.

35.45.100 States that the state will not alter the terms under which the bonds are issued or impair the rights of the bond holders. This is not a guarantee or promise of repayment or performance of the Corporation.

35.45.110 Establishes the Build Alaska Fund. Funding and amount is considered in HB 314.

Sponsor Statement
HB 312

35.45.120 Requires an annual audit.

35.45.130 requires an annual report to the governor and legislature.

35.45.140 provides for adoption of regulations by the Corporation.

35.45.900 Defines terms for Chapter 45

Section 3 Makes the state procurement applicable to the Corporation.

Section 4 Makes the executive director exempt from classified service.

Section 5. Makes the Corporation a state board or commission for purposes of the administrative Conflict of Interest statutes.

Section 6 This provides for an advisory vote on moving funds from the Constitutional Budget Reserve to the Build Alaska Fund. The amount will be amended to follow the amount the Finance committees recommend in HB 314. The likely recommendation will be less than the current number, as the anticipated draw on the CBRF will be greater than estimated when this proposal was drafted in the December 1997.

Section 7 Provides an immediate effective date.

0-LS1243L
Cook
2/13/98

CS FOR HOUSE BILL NO. 312()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE DEFERRED MAINTENANCE
TASK FORCE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Public Facilities Financing Corporation; authorizing an
2 advisory vote on whether the legislature should appropriate \$1,500,000,000 from
3 the constitutional budget reserve fund to capitalize the build Alaska fund; and
4 providing for an effective date."

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

6 * Section 1. FINDINGS. The legislature finds that

7 (1) there is an urgent need for deferred maintenance to existing public facilities
8 in the state and for new public facilities throughout the state;

9 (2) the establishment of the Public Facilities Financing Corporation
10 (AS 35.45.010) will provide an affordable and effective means of financing deferred
11 maintenance and new construction of these facilities.

12 * Sec. 2. AS 35 is amended by adding new sections to read:


13 Chapter 45. Public Facilities Financing Corporation.

14 Sec. 35.45.010. Public Facilities Financing Corporation. The Public

1 Facilities Financing Corporation is created as a public corporation of the state in the
2 Department of Revenue. The corporation is an instrumentality of the state but has a
3 legal existence independent of and separate from the state and has continuing
4 succession until its existence is terminated by law. The corporation is subject to
5 AS 37.07 (Executive Budget Act).

6 **Sec. 35.45.020. Board of directors.** The corporation is governed by a board
7 of five directors, consisting of the commissioner of revenue, the commissioner of
8 transportation and public facilities, the commissioner of education, the executive
9 director of the Alaska Housing Finance Corporation, and the executive director of the
10 Alaska Industrial Development and Export Authority.

11 **Sec. 35.45.030. Officers and quorum.** (a) The board of directors shall elect
12 one of their number as chair. The board shall elect a secretary and a treasurer who
13 need not be directors. The same person may be elected to serve both as secretary and
14 treasurer. The powers of the corporation are vested in the board of directors, and three
15 directors of the corporation constitute a quorum. Action may be taken and motions
16 and resolutions adopted by the corporation at any meeting by the affirmative vote of
17 at least three directors. A vacancy in the directorship of the corporation does not
18 impair the right of a quorum to exercise all of the powers and perform all of the duties
19 of the corporation.

20  (b) The corporation may ~~employ an executive director but may not employ any~~
21 ~~other~~ staff. The executive director is in the exempt service under AS 39.25.110.

22 **Sec. 35.45.040. Powers of the corporation.** The corporation may
23 (1) sue and be sued;
24 (2) adopt and alter an official seal;
25 (3) make and enforce bylaws and regulations for the conduct of its
26 business and for the use of its services and facilities;
27 (4) maintain one office at any place in the state;
28 (5) subject to other provisions of this chapter, acquire, hold, use, and
29 dispose of its income, revenue, funds, and money;
30 (6) acquire, rent, lease, hold, use, and dispose of property for its
31 purposes;

1 (7) subject to AS 35.45.070, issue revenue bonds or notes and provide
2 for and secure payment of the revenue bonds or notes, provide for the rights of their
3 holders, and purchase, hold, and dispose of any of its revenue bonds or notes;

4 (8) fix and revise from time to time and charge and collect fees and
5 charges for the use of its services or facilities;

6 (9) accept gifts or grants from the United States, or from any
7 governmental unit or person, carry out the terms or provisions or make agreements
8 with respect to the gifts or grants, and do all things necessary, useful, desirable, or
9 convenient in connection with procuring, accepting, or disposing of the gifts or grants;

10 (10) do anything authorized by this chapter through its officers, agents,
11 or employee, or by contracts with a person;

12 (11) make, enter into, and enforce all contracts necessary, convenient,
13 or desirable for the purposes of the corporation or pertaining to a purchase or sale of
14 bonds or other investments, or the performance of its duties and execution of any of
15 its powers under this chapter;

16 (12) purchase or hold bonds at prices and in a manner the corporation
17 considers advisable;

18 (13) adopt and amend regulations by motion, by resolution, or in
19 another manner permitted under the bylaws of the corporation;

20 (14) procure insurance against any losses in connection with its
21 property, operations, or assets in amounts and from insurers it considers desirable, or
22 obtain bond insurance or other credit enhancement with the reimbursement, security,
23 interest, remedy, and other provisions the corporation may determine;

24 (15) to the extent permitted under its contracts with the holders of
25 bonds or notes of the corporation, consent to modification of the rate of interest, time
26 and payment of installment of principal or interest, security, or any other term of a
27 bond or note, contract, or agreement of any kind to which the corporation is a party;
28 and

29 (16) do all acts and things necessary, convenient, or desirable to carry
30 out the powers expressly granted or necessarily implied in this chapter.

31 **Sec. 35.45.050. Issuance of bonds and notes.** (a) Subject to AS 35.45.070,

1 the corporation may issue its bonds or notes in principal amounts sufficient to provide
2 funds for acquisition, construction, repair, major maintenance, and renovation of public
3 facilities or school facilities that are projects approved under AS 14.11.015(a).

4 (b) Bonds or notes may be issued for a facility under (a) of this section only
5 when

6 (1) the project and the amount of the project cost to be borne by the
7 corporation, if any, are authorized by law;

8 (2) the commissioner of administration, or the supreme court for a court
9 facility, or the Board of Regents for a University of Alaska facility, has certified that
10 a computerized maintenance management plan, cardex system, or formal systematic
11 means of tracking the timing and costs associated with planned and completed
12 maintenance activities, including scheduled preventive maintenance, is in place for the
13 facility; and

14 (3) the commissioner of transportation and public facilities, or the
15 supreme court for a court facility, or the Board of Regents for a University of Alaska
16 facility, has determined that a project or element of a project will be designed in
17 accordance with the energy performance standards adopted under AS 44.42.020(a).

18 (c) The corporation may issue its bonds or notes in principal amounts that it
19 considers necessary to provide funds for

20 (1) payment, funding, or refunding of the principal of, or interest or
21 redemption premiums on, bonds or notes issued by it, whether the bonds or notes or
22 interest to be funded or refunded have become due;

23 (2) the establishment or increase of reserves to secure or pay bonds or
24 notes or interest on bonds or notes and all other costs or expenses of the corporation
25 incident to and necessary or convenient to carry out its corporate purposes and powers;

26 (3) capitalized interest for any expected construction or improvement
27 period and for up to one year after that period ends.

28 (d) Bonds may be authorized only by resolution of the corporation and shall
29 be dated and mature as the resolution may provide, except that a bond may not mature
30 more than 25 years from the date of its issue. Bonds shall bear interest at rates, be in
31 the denominations, be in the form, either coupon or registered, carry the registration

1 privileges, be executed in the manner, be payable in the medium of payment, at the
2 place or places, and be subject to the terms of redemption that the resolution or a
3 subsequent resolution may provide. Bonds or notes may be sold at a public or private
4 sale.

5 (e) Bonds issued by the corporation are payable only from revenue and other
6 funds of the corporation, as provided in the resolution authorizing issuance of the
7 bonds, excluding the build Alaska fund and any income of the fund. Bonds are
8 payable from revenue generated by projects financed with bonds, lease rents, or
9 installment purchase payments received by the corporation. Unless the use of the
10 money is restricted by the terms of the grant, appropriation, or agreement, bonds are
11 payable from money received by the corporation under a grant, appropriation, or other
12 agreement with the state. Except for money in the build Alaska fund and income of
13 the fund, the corporation may pledge its assets to secure bonds, including proceeds of
14 its bonds, revenue, and rights under any lease, installment sale, or other agreement or
15 arrangement.

16 (f) For the purpose of securing the financing for projects through the issuance
17 of bonds by the corporation, the state or a department or an agency of the state may
18 buy or lease property or facilities from the corporation, sell or lease property or
19 facilities to the corporation, or enter into other agreements or arrangements with the
20 corporation. The installment purchase, rental, or other payment provisions, term,
21 interest, payment, prepayment, security, default, remedy, and other terms or provisions
22 may be specified in the installment sale, purchase, lease, or other agreement or
23 arrangement between the corporation and the state or a department or an agency of the
24 state. This subsection provides a complete, additional, and alternative method for
25 performing the acts authorized by this subsection, and a sale or lease of property or
26 facilities of the state to the corporation, a purchase or lease of property or facilities
27 from the corporation, and other agreements or arrangements with the corporation, need
28 not comply with the requirements of any other law.

29 (g) Neither bonds issued by the corporation, nor leases, installment sales, or
30 other agreements or arrangements entered into by the state or a department or an
31 agency of the state securing or providing the source of payment for the bonds are

1 obligations for which the full faith and credit of the state is pledged. No person has
2 a claim or lien on any money of the state for the repayment of any obligation of the
3 corporation. The legislature may appropriate money to pay the leases, installment
4 sales, or other agreements or arrangements entered into by the state or a department
5 or an agency of the state with the corporation; however, the legislature is under no
6 obligation to appropriate money for these purposes or to make payments on any bonds
7 or other obligations of the corporation. The bonds of the corporation shall recite in
8 substance that they are not a debt or liability of the state or a political subdivision of
9 the state, except the corporation, that bondholders have no claim or lien on any money
10 of the state, except money appropriated by the state for the purpose of paying the
11 leases, installment sales, or other agreements or arrangements entered into by the state
12 or a department or an agency of the state with the corporation, that the state is not
13 obligated to appropriate money for these purposes or to pay the bonds, and that
14 issuance of bonds by the corporation does not directly, indirectly, or contingently
15 obligate the state or a political subdivision of the state to apply money from, levy, or
16 pledge any form of taxation to the payment of the bonds.

17 **Sec. 35.45.060. Trust indentures and trust agreements.** (a) In the
18 discretion of the corporation, an issue of bonds may be secured by a trust indenture
19 or trust agreement between the corporation and a corporate trustee, including a trust
20 company, bank, or national banking association, with corporate trust powers, located
21 inside or outside the state, or by a secured loan agreement or other instrument or under
22 a resolution giving powers to a corporate trustee by means of which the corporation
23 may

24 (1) make and enter into any and all the covenants and agreements with
25 the trustee or the holders of the bonds that the corporation may determine to be
26 necessary or desirable, including, without limitation, covenants, provisions, limitations,
27 and agreements as to

28 (A) the application, investment, deposit, use, and disposition of
29 the proceeds of bonds of the corporation or of money or other property of the
30 corporation, excluding the build Alaska fund and income from the fund;

31 (B) the terms and conditions upon which additional bonds of the

1 corporation may be issued; and

2 (C) the vesting in a trustee of rights, powers, duties, funds, or
3 property in trust for the benefit of bondholders, including the right to enforce
4 payment, performance, and all other rights of the corporation or of the
5 bondholders, under an agreement of the corporation;

6 (2) pledge, mortgage, or assign money, agreements, property, or other
7 rights or assets of the corporation either presently in hand or to be received in the
8 future, or both, but excluding the build Alaska fund and income from the fund; and

9 (3) provide for other matters of like or different character that in any
10 way affect the security or protection of the bonds.

11 (b) For the purpose of securing one or more issues of its bonds, the
12 corporation may establish one or more special funds, called "public facility reserve
13 funds," and shall pay into the reserve funds the proceeds of the sale of its bonds and
14 other money that may be made available to the corporation for the purposes of those
15 reserve funds from another source. The reserve funds shall be established only if the
16 corporation determines that the establishment would enhance the marketability of the
17 bonds. Money held in a reserve fund, except as provided in this section, shall be used
18 as required solely for (1) the payment of the principal of and interest on bonds or of
19 the sinking fund payments with respect to those bonds, (2) the purchase or redemption
20 of bonds, or (3) the payment of a redemption premium required to be paid when those
21 bonds are redeemed before maturity. However, money in a reserve fund may not be
22 withdrawn from it at any time in an amount that would reduce the amount of that
23 reserve fund to less than the public facilities reserve fund requirement under (c) of this
24 section except for the purpose of making, with respect to those bonds, payment, when
25 due, of principal, interest, redemption premiums, and the sinking fund payments for
26 the payment of which other money of the corporation is not available. Income or
27 interest earned by, or increment to, a reserve fund, due to the investment of the reserve
28 fund or other amounts in it, may be transferred by the corporation to other funds or
29 accounts of the corporation to the extent that the transfer does not reduce the amount
30 of the reserve fund below the public facilities reserve fund requirement under (c) of
31 this section.

1 (c) If the corporation decides to issue bonds secured by a public facilities
2 reserve fund, the bonds may not be issued if the amount in the reserve fund is less
3 than an amount that may be established by resolution of the corporation, called the
4 "public facilities reserve fund requirement," unless the corporation, at the time of
5 issuance of the obligations, deposits in the reserve fund from the proceeds of the
6 obligations to be issued or from other sources, an amount that, together with the
7 amount then in the reserve fund, is not less than the public facilities reserve fund
8 requirement.

9 (d) In computing the amount of a public facilities reserve fund for the purpose
10 of this section, securities in which all or a portion of the funds are invested shall be
11 valued by a reasonable method established by the corporation by resolution. Valuation
12 on a particular date shall include the amount of any interest earned or accrued to that
13 date.

14 (e) The chair of the corporation shall annually, not later than January 2, make
15 and deliver to the governor and the legislature a certificate stating the amount, if any,
16 required to restore a public facilities reserve fund to the public facilities reserve fund
17 requirement. That amount may be appropriated by the state for deposit by the
18 corporation in the proper reserve fund. Nothing in this subsection creates a debt or
19 liability of the state.

20 (f) If the corporation decides to covenant to issue bonds secured by a public
21 facilities reserve fund, the bonds may not be issued until 10 days after the corporation
22 has mailed notification to the state bond committee and the Legislative Budget and
23 Audit Committee by certified mail of its intention to establish a public facilities
24 reserve fund to secure the bond issue. The notification must include the amount of the
25 reserve fund to be established and the amount of bonds proposed to be issued. The
26 notification must be accompanied by an estimate by the corporation of the need to
27 withdraw money from the reserve fund during the term of the bond issue, the amount
28 that it may be necessary to withdraw, and the time at which withdrawals are estimated
29 to be needed. The corporation shall annually prepare a revised estimate, considering
30 the same factors, and a statement of all withdrawals that have occurred from the date
31 of issuance of the bonds to the end of the calendar year. The revised estimate and

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statement shall be submitted to the state bond committee and the Legislative Budget and Audit Committee by January 30 of the year following preparation of the revised estimate.

Sec. 35.45.070. Bonding limitations. The total amount of bonds of the corporation that may be outstanding at any time may not exceed \$2,000,000,000, excluding bonds for which money or securities in the amount necessary to redeem the principal of and interest on the bonds, and to pay any redemption premium on the bonds, has been deposited in trust for that purpose.

Sec. 35.45.080. Nonliability on bonds. A member of the board of directors or an employee of the corporation or a person executing bonds of the corporation is not personally liable on the bonds or subject to personal liability or accountability as a result of the issuance of the bonds.

Sec. 35.45.090. Exemption from taxation. All bonds of the corporation are declared to be issued by a political subdivision of the state and for an essential public and governmental purpose, and the bonds, the interest on them, the income from them, the transfer of the bonds, and all assets, income, and receipts pledged to pay or secure the payment of the bonds, or the interest on them, shall at all times be exempt from taxation by or under the authority of the state, except for inheritance and estate taxes and taxes on transfers by or in contemplation of death.

Sec. 35.45.100. Pledge of the state. (a) The state pledges to and agrees with the holders of bonds issued under this chapter that the state will not limit or alter the rights and powers vested in the corporation by this chapter to fulfill the terms of a contract made by the corporation with the holders, and that the state will not in any way impair the rights and remedies of the holders until the bonds, together with the interest on them with interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met and discharged. The corporation is authorized to use this pledge and agreement of the state in agreements involving holders of bonds of the corporation.

(b) It is the intention of the legislature that a pledge made with respect of bonds shall be valid and binding from the time the pledge is made, that the money and property so pledged and thereafter received by the corporation shall immediately be

1 subject to the lien of the pledge without physical delivery or further act, and that the
2 lien of the pledge shall be valid and binding against all parties having claims of any
3 kind in tort, contract, or otherwise against the corporation, irrespective of whether the
4 parties have notice. The resolution, trust agreement, or another instrument by which
5 a pledge is created need not be recorded nor filed under the provisions of the Uniform
6 Commercial Code to be valid, binding, or effective against the parties.

7 (c) The pledge of the state is limited to the express provisions of (a) of this
8 section and is not a guarantee, surety, promise, undertaking, or assurance of repayment
9 or performance of any obligation of the corporation.

10 **Sec. 35.45.110. Build Alaska fund.** (a) The build Alaska fund is established
11 in the corporation. The build Alaska fund consists of appropriations made to it. The
12 build Alaska fund shall be invested by the Department of Revenue as agent of the
13 corporation. Income from investments shall be deposited into the general fund.

14 (b) The build Alaska fund and income of the fund may not be pledged or used
15 to pay the principal or interest due on bonds issued by the corporation or to pay any
16 obligations of the state or a state department or agency that secure payment of any
17 bonds of the corporation.

18 (c) Money in the build Alaska fund may be used only in accordance with an
19 appropriation. Money may be appropriated from the fund

20 (1) to pay costs of issuing bonds of the corporation or the costs of any
21 guaranty, insurance, or other credit enhancement for the bonds;

22 (2) for acquisition, construction, repair, major maintenance, or
23 renovation of public facilities or school facilities that are projects approved under
24 AS 14.11.015(a).

25 **Sec. 35.45.120. Annual audit.** The corporation shall have its financial records
26 audited annually by a certified public accountant. The legislative auditor may
27 prescribe the form and content of the financial records of the corporation and may
28 have access to the records at any time.

29 **Sec. 35.45.130. Annual report.** Before October 1 of each year, the
30 corporation shall submit to the governor a comprehensive report describing operations,
31 income, and expenditures for the preceding 12-month period. The corporation shall

1 notify the legislature that the report is available.

2 **Sec. 35.45.140. Regulations.** The corporation may adopt regulations necessary
3 to carry out the purposes of this chapter. Except for AS 44.62.310 and 44.62.312
4 regarding public meetings, AS 44.62 (Administrative Procedure Act) does not apply
5 to regulations adopted by the corporation. The corporation shall make available to
6 members of the public copies of the regulations it adopts. Within 45 days after its
7 adoption, the chair of the board shall the submit regulation to the chair of the
8 Administrative Regulation Review Committee (AS 24.20.400).

9 **Sec. 35.45.900. Definitions.** In this chapter, unless the context requires
10 otherwise,

11 (1) "bonds" means revenue bonds, notes, or other obligations of the
12 corporation issued under this chapter;

13 (2) "corporation" means the Public Facilities Financing Corporation
14 established under AS 35.45.010;

15 (3) "public facility" means a building or other structure that serves a
16 public purpose and is constructed or maintained in whole or in part with state money,
17 and includes a highway, an airport, and a facility or vessel of the Alaska marine
18 highway system.

19 * **Sec. 3.** AS 36.30.850(b) is amended by adding a new paragraph to read:

20 (38) contracts of the Public Facilities Financing Corporation
21 (AS 35.45.010).

22 * **Sec. 4.** AS 39.25.110 is amended by adding a new paragraph to read:

23 (33) the executive director of the Public Facilities Financing
24 Corporation.

25 * **Sec. 5.** AS 39.50.200(b) is amended by adding a new paragraph to read:

26 (56) Public Facilities Financing Corporation (AS 35.45.010).

27 * **Sec. 6.** The lieutenant governor shall place before the qualified voters of the state at the
28 next general election a question advisory to the legislature of whether the legislature should
29 appropriate \$1,500,000,000 from the constitutional budget reserve fund (art. IX, sec. 17,
30 Constitution of the State of Alaska) to capitalize the build Alaska fund (AS 35.45.110). The
31 question shall appear on the ballot in the following form:

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QUESTION

Shall the Legislature of the State of Alaska appropriate \$1,500,000,000 from the constitutional budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to capitalize the build Alaska fund (AS 35.45.110)?

Yes []

No []

* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT # 4

OFFERED IN THE HOUSE

by Representative Berkowitz

TO: HB 312 (work draft 0-LS1243\H dated 01/29/98)

1 Page 2, line 20 through page 2, line 21:

Delete all material



Failed 5-1

Seton:

5

Insert: The Corp. may not employ ~~any~~ staff.

Passed 4-2

AMENDMENT #1

OFFERED IN THE HOUSE

by Representative Berkowitz

TO: HB 312 (work draft 0-LS1243\H dated 01/29/98)

- 1 Page 4, line 2, following "for":
- 2 Delete "acquisition, construction"
- 3 Insert "replacement"
- 4 Page 10, line 29, following "for":
- 5 Delete "acquisition, construction"
- 6 Insert "replacement"

Failed 3-2

AMENDMENT #2

OFFERED IN THE HOUSE

by Representative Berkowitz

TO: HB 312 (work draft 0-LS1243\H dated 01/29/98)

- 1 Page 1, line 7, following "for":
- 2 Delete "deferred"
- 3 Page 1, line 10, following "financing":
- 4 Delete "deferred"

Failed 3-3

AMENDMENT #3

OFFERED IN THE HOUSE

by Representative Berkowitz

TO: HB 312 (work draft 0-LS1243\H dated 01/29/98)

- 1 Page 2, line 7, following "of" through page 2, line 10:
- 2 Delete all material
- 3 Insert: "directors consisting of
 - (a) the commissioner of revenue
 - (b) the commissioner of transportation and public facilities
 - (c) the commissioner of education
 - (d) the executive director of the Alaska Housing Finance Corporation
 - (e) the executive director of the Alaska Industrial Development and Export Authority
 - (f) two public members appointed by the governor, as follows:
 - (1) one member who has expertise in energy efficient building and weatherization; and
 - (2) one member who is a rural resident of the state and has experience in building or maintaining public facilities.

Failed 4-2

0-LS1243VH

Cook

1/29/98

CS FOR HOUSE BILL NO. 312()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE DEFERRED MAINTENANCE
TASK FORCE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Public Facilities Financing Corporation; authorizing an
2 advisory vote on whether the legislature should appropriate \$1,500,000,000 from
3 the constitutional budget reserve fund to capitalize the build Alaska fund; and
4 providing for an effective date."

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

6 * Section 1. FINDINGS. The legislature finds that

7 (1) there is an urgent need for deferred maintenance to existing public facilities;
8 in the state and for new public facilities throughout the state;

9 (2) the establishment of the Public Facilities Financing Corporation
10 (AS 35.45.010) will provide an affordable and effective means of financing deferred
11 maintenance and new construction of these facilities.

12 * Sec. 2. AS 35 is amended by adding new sections to read:

13 Chapter 45. Public Facilities Financing Corporation.

14 Sec. 35.45.010. Public Facilities Financing Corporation. The Public

1 Facilities Financing Corporation is created as a public corporation of the state in the
2 Department of Revenue. The corporation is an instrumentality of the state but has a
3 legal existence independent of and separate from the state and has continuing
4 succession until its existence is terminated by law. The corporation is subject to
5 AS 37.07 (Executive Budget Act).

6 **Sec. 35.45.020. Board of directors.** The corporation is governed by a board
7 of five directors, consisting of the commissioner of revenue, the commissioner of
8 transportation and public facilities, the commissioner of education, the executive
9 director of the Alaska Housing Finance Corporation, and the executive director of the
10 Alaska Industrial Development and Export Authority.

11 **Sec. 35.45.030. Officers and quorum.** (a) The board of directors shall elect
12 one of their number as chair. The board shall elect a secretary and a treasurer who
13 need not be directors. The same person may be elected to serve both as secretary and
14 treasurer. The powers of the corporation are vested in the board of directors, and three
15 directors of the corporation constitute a quorum. Action may be taken and motions
16 and resolutions adopted by the corporation at any meeting by the affirmative vote of
17 at least three directors. A vacancy in the directorship of the corporation does not
18 impair the right of a quorum to exercise all of the powers and perform all of the duties
19 of the corporation.

20 (b) The corporation may employ an executive director but may not employ any
21 other staff. The executive director is in the exempt service under AS 39.25.110.

22 **Sec. 35.45.040. Powers of the corporation.** The corporation may
23 (1) sue and be sued;
24 (2) adopt and alter an official seal;
25 (3) make and enforce bylaws and regulations for the conduct of its
26 business and for the use of its services and facilities;
27 (4) maintain one office at any place in the state;
28 (5) subject to other provisions of this chapter, acquire, hold, use, and
29 dispose of its income, revenue, funds, and money;
30 (6) acquire, rent, lease, hold, use, and dispose of property for its
31 purposes;

1 (7) subject to AS 35.45.070, issue revenue bonds or notes and provide
2 for and secure payment of the revenue bonds or notes, provide for the rights of their
3 holders, and purchase, hold, and dispose of any of its revenue bonds or notes;

4 (8) fix and revise from time to time and charge and collect fees and
5 charges for the use of its services or facilities;

6 (9) accept gifts or grants from the United States, or from any
7 governmental unit or person, carry out the terms or provisions or make agreements
8 with respect to the gifts or grants, and do all things necessary, useful, desirable, or
9 convenient in connection with procuring, accepting, or disposing of the gifts or grants;

10 (10) do anything authorized by this chapter through its officers, agents,
11 or employee, or by contracts with a person;

12 (11) make, enter into, and enforce all contracts necessary, convenient,
13 or desirable for the purposes of the corporation or pertaining to a purchase or sale of
14 bonds or other investments, or the performance of its duties and execution of any of
15 its powers under this chapter;

16 (12) purchase or hold bonds at prices and in a manner the corporation
17 considers advisable;

18 (13) adopt and amend regulations by motion, by resolution, or in
19 another manner permitted under the bylaws of the corporation;

20 (14) procure insurance against any losses in connection with its
21 property, operations, or assets in amounts and from insurers it considers desirable, or
22 obtain bond insurance or other credit enhancement with the reimbursement, security,
23 interest, remedy, and other provisions the corporation may determine;

24 (15) to the extent permitted under its contracts with the holders of
25 bonds or notes of the corporation, consent to modification of the rate of interest, time
26 and payment of installment of principal or interest, security, or any other term of a
27 bond or note, contract, or agreement of any kind to which the corporation is a party;
28 and

29 (16) do all acts and things necessary, convenient, or desirable to carry
30 out the powers expressly granted or necessarily implied in this chapter.

31 **Sec. 35.45.050. Issuance of bonds and notes.** (a) Subject to AS 35.45.070,

1 the corporation may issue its bonds or notes in principal amounts sufficient to provide
2 funds for acquisition, construction, repair, major maintenance, and renovation of public
3 facilities or school facilities ~~that are~~ projects approved under AS 14.11.015(a).

4 (b) Bonds or notes ^{including} may be issued for a facility under (a) of this section only
5 when

6 (1) the project and the amount of the project cost to be borne by the
7 corporation, if any, is authorized by law;

8 (2) the commissioner of administration has certified that a computerized
9 maintenance management plan is in place for the facility; and

10 (3) the commissioner of transportation and public facilities has certified
11 that

12 (A) the facility is designed in accordance with the energy
13 performance standards adopted under AS 44.42.020(a);

14 (B) the designer and constructor of the facility have certified
15 that the facility will be designed and constructed in accordance with the energy
16 performance standards adopted under AS 44.42.020(a); or

17 (C) if construction of the facility began before July 1, 1980, the
18 facility meets or, upon completion of the project, will meet the energy
19 performance standards that are substantially equivalent to those adopted under
20 AS 44.42.020(a). *(should be only the component fixed by the project.)*

21 (c) The corporation may issue its bonds or notes in principal amounts that it
22 considers necessary to provide funds for

23 (1) payment, funding, or refunding of the principal of, or interest or
24 redemption premiums on, bonds or notes issued by it, whether the bonds or notes or
25 interest to be funded or refunded have become due;

26 (2) the establishment or increase of reserves to secure or pay bonds or
27 notes or interest on bonds or notes and all other costs or expenses of the corporation
28 incident to and necessary or convenient to carry out its corporate purposes and powers;

29 (3) capitalized interest for any expected construction or improvement
30 period and for up to one year after that period ends.

31 (d) Bonds may be authorized only by resolution of the corporation and shall

1 be dated and mature as the resolution may provide, except that a bond may not mature
2 more than 25 years from the date of its issue. Bonds shall bear interest at rates, be in
3 the denominations, be in the form, either coupon or registered, carry the registration
4 privileges, be executed in the manner, be payable in the medium of payment, at the
5 place or places, and be subject to the terms of redemption that the resolution or a
6 subsequent resolution may provide. Bonds or notes may be sold at a public or private
7 sale.

8 (e) Bonds issued by the corporation are payable only from revenue and other
9 funds of the corporation, as provided in the resolution authorizing issuance of the
10 bonds, excluding the build Alaska fund and any income of the fund. Bonds are
11 payable from revenue generated by projects financed with bonds, lease rents, or
12 installment purchase payments received by the corporation. Unless the use of the
13 money is restricted by the terms of the grant, appropriation, or agreement, bonds are
14 payable from money received by the corporation under a grant, appropriation, or other
15 agreement with the state. Except for money in the build Alaska fund and income of
16 the fund, the corporation may pledge its assets to secure bonds, including proceeds of
17 its bonds, revenue, and rights under any lease, installment sale, or other agreement or
18 arrangement.

19 (f) For the purpose of securing the financing for projects through the issuance
20 of bonds by the corporation, the state or a department or an agency of the state may
21 buy or lease property or facilities from the corporation, sell or lease property or
22 facilities to the corporation, or enter into other agreements or arrangements with the
23 corporation. The installment purchase, rental, or other payment provisions, term,
24 interest, payment, prepayment, security, default, remedy, and other terms or provisions
25 may be specified in the installment sale, purchase, lease, or other agreement or
26 arrangement between the corporation and the state or a department or an agency of the
27 state. This subsection provides a complete, additional, and alternative method for
28 performing the acts authorized by this subsection, and a sale or lease of property or
29 facilities of the state to the corporation, a purchase or lease of property or facilities
30 from the corporation, and other agreements or arrangements with the corporation, need
31 not comply with the requirements of any other law.

1 (g) Neither bonds issued by the corporation, nor leases, installment sales, or
2 other agreements or arrangements entered into by the state or a department or an
3 agency of the state securing or providing the source of payment for the bonds are
4 obligations for which the full faith and credit of the state is pledged. No person has
5 a claim or lien on any money of the state for the repayment of any obligation of the
6 corporation. The legislature may appropriate money to pay the leases, installment
7 sales, or other agreements or arrangements entered into by the state or a department
8 or an agency of the state with the corporation; however, the legislature is under no
9 obligation to appropriate money for these purposes or to make payments on any bonds
10 or other obligations of the corporation. The bonds of the corporation shall recite in
11 substance that they are not a debt or liability of the state or a political subdivision of
12 the state, except the corporation, that bondholders have no claim or lien on any money
13 of the state, except money appropriated by the state for the purpose of paying the
14 leases, installment sales, or other agreements or arrangements entered into by the state
15 or a department or an agency of the state with the corporation, that the state is not
16 obligated to appropriate money for these purposes or to pay the bonds, and that
17 issuance of bonds by the corporation does not directly, indirectly, or contingently
18 obligate the state or a political subdivision of the state to apply money from, levy, or
19 pledge any form of taxation to the payment of the bonds.

20 **Sec. 35.45.060. Trust indentures and trust agreements.** (a) In the
21 discretion of the corporation, an issue of bonds may be secured by a trust indenture
22 or trust agreement between the corporation and a corporate trustee, including a trust
23 company, bank, or national banking association, with corporate trust powers, located
24 inside or outside the state, or by a secured loan agreement or other instrument or under
25 a resolution giving powers to a corporate trustee by means of which the corporation
26 may

27 (1) make and enter into any and all the covenants and agreements with
28 the trustee or the holders of the bonds that the corporation may determine to be
29 necessary or desirable, including, without limitation, covenants, provisions, limitations,
30 and agreements as to

31 (A) the application, investment, deposit, use, and disposition of

1 the proceeds of bonds of the corporation or of money or other property of the
2 corporation, excluding the build Alaska fund and income from the fund;

3 (B) the terms and conditions upon which additional bonds of the
4 corporation may be issued; and

5 (C) the vesting in a trustee of rights, powers, duties, funds, or
6 property in trust for the benefit of bondholders, including the right to enforce
7 payment, performance, and all other rights of the corporation or of the
8 bondholders, under an agreement of the corporation;

9 (2) pledge, mortgage, or assign money, agreements, property, or other
10 rights or assets of the corporation either presently in hand or to be received in the
11 future, or both, but excluding the build Alaska fund and income from the fund; and

12 (3) provide for other matters of like or different character that in any
13 way affect the security or protection of the bonds.

14 (b) For the purpose of securing one or more issues of its bonds, the
15 corporation may establish one or more special funds, called "public facility reserve
16 funds," and shall pay into the reserve funds the proceeds of the sale of its bonds and
17 other money that may be made available to the corporation for the purposes of those
18 reserve funds from another source. The reserve funds shall be established only if the
19 corporation determines that the establishment would enhance the marketability of the
20 bonds. Money held in a reserve fund, except as provided in this section, shall be used
21 as required solely for (1) the payment of the principal of and interest on bonds or of
22 the sinking fund payments with respect to those bonds, (2) the purchase or redemption
23 of bonds, or (3) the payment of a redemption premium required to be paid when those
24 bonds are redeemed before maturity. However, money in a reserve fund may not be
25 withdrawn from it at any time in an amount that would reduce the amount of that
26 reserve fund to less than the public facilities reserve fund requirement under (c) of this
27 section except for the purpose of making, with respect to those bonds, payment, when
28 due, of principal, interest, redemption premiums, and the sinking fund payments for
29 the payment of which other money of the corporation is not available. Income or
30 interest earned by, or increment to, a reserve fund, due to the investment of the reserve
31 fund or other amounts in it, may be transferred by the corporation to other funds or

1 accounts of the corporation to the extent that the transfer does not reduce the amount
2 of the reserve fund below the public facilities reserve fund requirement under (c) of
3 this section.

4 (c) If the corporation decides to issue bonds secured by a public facilities
5 reserve fund, the bonds may not be issued if the amount in the reserve fund is less
6 than an amount that may be established by resolution of the corporation, called the
7 "public facilities reserve fund requirement," unless the corporation, at the time of
8 issuance of the obligations, deposits in the reserve fund from the proceeds of the
9 obligations to be issued or from other sources, an amount that, together with the
10 amount then in the reserve fund, is not less than the public facilities reserve fund
11 requirement.

12 (d) In computing the amount of a public facilities reserve fund for the purpose
13 of this section, securities in which all or a portion of the funds are invested shall be
14 valued by a reasonable method established by the corporation by resolution. Valuation
15 on a particular date shall include the amount of any interest earned or accrued to that
16 date.

17 (e) The chair of the corporation shall annually, not later than January 2, make
18 and deliver to the governor and the legislature a certificate stating the amount, if any,
19 required to restore a public facilities reserve fund to the public facilities reserve fund
20 requirement. That amount may be appropriated by the state for deposit by the
21 corporation in the proper reserve fund. Nothing in this subsection creates a debt or
22 liability of the state.

23 (f) If the corporation decides to covenant to issue bonds secured by a public
24 facilities reserve fund, the bonds may not be issued until 10 days after the corporation
25 has mailed notification to the state bond committee and the Legislative Budget and
26 Audit Committee by certified mail of its intention to establish a public facilities
27 reserve fund to secure the bond issue. The notification must include the amount of the
28 reserve fund to be established and the amount of bonds proposed to be issued. The
29 notification must be accompanied by an estimate by the corporation of the need to
30 withdraw money from the reserve fund during the term of the bond issue, the amount
31 that it may be necessary to withdraw, and the time at which withdrawals are estimated

1 to be needed. The corporation shall annually prepare a revised estimate, considering
2 the same factors, and a statement of all withdrawals that have occurred from the date
3 of issuance of the bonds to the end of the calendar year. The revised estimate and
4 statement shall be submitted to the state bond committee and the Legislative Budget
5 and Audit Committee by January 30 of the year following preparation of the revised
6 estimate.

7 **Sec. 35.45.070. Bonding limitations.** The total amount of bonds of the
8 corporation that may be outstanding at any time may not exceed \$2,000,000,000,
9 excluding bonds for which money or securities in the amount necessary to redeem the
10 principal of and interest on the bonds, and to pay any redemption premium on the
11 bonds, has been deposited in trust for that purpose.

12 **Sec. 35.45.080. Nonliability on bonds.** A member of the board of directors
13 or an employee of the corporation or a person executing bonds of the corporation is
14 not personally liable on the bonds or subject to personal liability or accountability as
15 a result of the issuance of the bonds.

16 **Sec. 35.45.090. Exemption from taxation.** All bonds of the corporation are
17 declared to be issued by a political subdivision of the state and for an essential public
18 and governmental purpose, and the bonds, the interest on them, the income from them,
19 the transfer of the bonds, and all assets, income, and receipts pledged to pay or secure
20 the payment of the bonds, or the interest on them, shall at all times be exempt from
21 taxation by or under the authority of the state, except for inheritance and estate taxes
22 and taxes on transfers by or in contemplation of death.

23 **Sec. 35.45.100. Pledge of the state.** (a) The state pledges to and agrees with
24 the holders of bonds issued under this chapter that the state will not limit or alter the
25 rights and powers vested in the corporation by this chapter to fulfill the terms of a
26 contract made by the corporation with the holders, and that the state will not in any
27 way impair the rights and remedies of the holders until the bonds, together with the
28 interest on them with interest on unpaid installments of interest, and all costs and
29 expenses in connection with an action or proceeding by or on behalf of the holders,
30 are fully met and discharged. The corporation is authorized to use this pledge and
31 agreement of the state in agreements involving holders of bonds of the corporation.

1 (b) It is the intention of the legislature that a pledge made with respect of
2 bonds shall be valid and binding from the time the pledge is made, that the money and
3 property so pledged and thereafter received by the corporation shall immediately be
4 subject to the lien of the pledge without physical delivery or further act, and that the
5 lien of the pledge shall be valid and binding against all parties having claims of any
6 kind in tort, contract, or otherwise against the corporation, irrespective of whether the
7 parties have notice. The resolution, trust agreement, or another instrument by which
8 a pledge is created need not be recorded nor filed under the provisions of the Uniform
9 Commercial Code to be valid, binding, or effective against the parties.

10 (c) The pledge of the state is limited to the express provisions of (a) of this
11 section and is not a guarantee, surety, promise, undertaking, or assurance of repayment
12 or performance of any obligation of the corporation.

13 **Sec. 35.45.110. Build Alaska fund.** (a) The build Alaska fund is established
14 in the corporation. The build Alaska fund consists of appropriations made to it. The
15 build Alaska fund shall be invested by the Department of Revenue as agent of the
16 corporation. Income from investments shall be deposited into the general fund.

17 (b) The build Alaska fund and income of the fund may not be pledged or used
18 to pay the principal or interest due on bonds issued by the corporation or to pay any
19 obligations of the state or a state department or agency that secure payment of any
20 bonds of the corporation.

21 (c) Money in the build Alaska fund may be used only in accordance with an
22 appropriation. Money may be appropriated from the fund

23 (1) to pay costs of issuing bonds of the corporation or the costs of any
24 guaranty, insurance, or other credit enhancement for the bonds;

25 (2) for acquisition, construction, repair, major maintenance, or
26 renovation of public facilities or school facilities that are projects approved under
27 AS 14.11.015(a).

28 **Sec. 35.45.120. Annual audit.** The corporation shall have its financial records
29 audited annually by a certified public accountant. The legislative auditor may
30 prescribe the form and content of the financial records of the corporation and may
31 have access to the records at any time.

1 **Sec. 35.45.130. Annual report.** Before March 1 of each year, the corporation
2 shall submit to the governor a comprehensive report describing operations, income, and
3 expenditures for the preceding 12-month period. The corporation shall notify the
4 legislature that the report is available.

5 **Sec. 35.45.140. Regulations.** The corporation may adopt regulations necessary
6 to carry out the purposes of this chapter. Except for AS 44.62.310 and 44.62.312
7 regarding public meetings, AS 44.62 (Administrative Procedure Act) does not apply
8 to regulations adopted by the corporation. The corporation shall make available to
9 members of the public copies of the regulations it adopts. Within 45 days after its
10 adoption, the chair of the board shall the submit regulation to the chair of the
11 Administrative Regulation Review Committee (AS 24.20.400).

12 **Sec. 35.45.900. Definitions.** In this chapter, unless the context requires
13 otherwise,

14 (1) "bonds" means revenue bonds, notes, or other obligations of the
15 corporation issued under this chapter;

16 (2) "corporation" means the Public Facilities Financing Corporation
17 established under AS 35.45.010;

18 (3) "public facility" means a building or other structure that serves a
19 public purpose and is constructed or maintained in whole or in part with state money,
20 and includes highways and facilities and vessels of the Alaska marine highway system.

21 * **Sec. 3.** AS 36.30.850(b) is amended by adding a new paragraph to read:

22 (38) contracts of the Public Facilities Financing Corporation
23 (AS 35.45.010).

24 * **Sec. 4.** AS 39.25.110 is amended by adding a new paragraph to read:

25 (33) the executive director of the Public Facilities Financing
26 Corporation.

27 * **Sec. 5.** AS 39.50.200(b) is amended by adding a new paragraph to read:

28 (56) Public Facilities Financing Corporation (AS 35.45.010).

29 * **Sec. 6.** The lieutenant governor shall place before the qualified voters of the state at the
30 next general election a question advisory to the legislature of whether the legislature should
31 appropriate \$1,500,000,000 from the constitutional budget reserve fund (art. IX, sec. 17,

1 Constitution of the State of Alaska) to capitalize the build Alaska fund (AS 35.45.110). The
2 question shall appear on the ballot in the following form:

3 Q U E S T I O N

4 Shall the Legislature of the State of Alaska appropriate \$1,500,000,000 from
5 the constitutional budget reserve fund art. IX, sec. 17, Constitution of the State
6 of Alaska) to capitalize the build Alaska fund (AS 35.45.110)?

7 Yes [] No []

8 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

cc:Mail for: Denny DeWitt

Subject: Amends to HB 313
From: Denny DeWitt 2/8/98 2:01 PM
To: Tom Biss at LAA_SKEL
To:

*Bob Lyle
Denny*

Tom,

We agreed to amends to SB 226 in Sen State Affairs. I am sure they have gotten them drafted in a new CS for SB 226. We need to get a copy of that CS and have Leg Legal, Tam Cook, do an identical draft CS to HB 313 for the House State Affairs meeting Tues. Morning At 8:00 AM

Could you please make sure this gets done.

If you need any authorization I'll send Tam a note to let her know you will be following up on this.

Thanks

Denny

*To Tam Cook
from Denny DeWitt
Re HB 313
1 page*

FAX

TO: Tam Cook, Leg Legal
FAX # 907-

FROM: Denny DeWitt, Legislative Assistant
Representative Eldon Mulder
Phone # 907-465-2647
FAX # 907-465-3518
E-mail: Denny_DeWitt@legis.state.ak.us

DATE: February 8, 1998

PAGES: 3, including cover

SUBJECT: Amends to Proposed CS for HB 312
Work Draft 0-LS1243\H

COMMENTS: Could you add the attached set of Amends to the CS for HB 312.

There are two pages. Thanks for the help.

Amendment to HB 312

on Page 4 line 9 after "plan" insert

", cardex system, or formal systematic means of tracking the timing and costs associated with planned and completed maintenance activities, including scheduled preventive maintenance,"

on Page 4 line Line 12 strike "the facility" and insert

"a new facility or the repair or renovated component of an existing facility"

on Page 4 line Line 14 strike "the facility" and insert

"a new facility or the repair or renovated component of an existing facility"

on Page 4 line Line 18 strike "the facility" and insert

"a new facility or the repair or renovated component of an existing facility"

on Page 11 line 1 strike "March 1" and insert

"October 1"

Didn't work!

AMENDMENT

TO: HB 312

Page 4, line 9

Insert after "administration":

*", or the supreme court in the case of court facilities," or The Board of Regents
for University of ALASKA facilities,*"

Page 4, line 11

Insert after "facilities":

*", or the supreme court in the case of court facilities," or The Board of Regents
for University of ALASKA facilities*

AMENDMENT

TO: HB 312

Page 4, line 9

Insert after "administration":

", or the supreme court in the case of court facilities,"

*or the Board of Regents in the case of the University
of Alaska*

Page 4, line 11

Insert after "facilities":

", or the supreme court in the case of court facilities,"

Revision Date: January 30, 1998 Dept. Affected: Revenue
 Title: Public Facilities Financing Corp BRU: Revenue Operations
 Component: Treasury
 Sponsor: Rules
 Requestor: (H) STA COMPONENT SERIAL NO. 121

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	37.2	63.8	63.8	63.8	63.8	63.8
TRAVEL	5.8	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	43.7	75.0	75.0	75.0	75.0	75.0
SUPPLIES	0.6	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
DEBT SERVICE		14,825.0	41,922.0	66,563.0	91,207.0	113,376.0
TOTAL OPERATING	93.3	14,974.8	42,071.8	66,712.8	91,356.8	113,525.8
CAPITAL EXPENDITURES						
CHANGE IN REVENUES BAF	-62,650.0	-107,400.0	-107,400.0	-107,400.0	-107,400.0	-107,400.0
CHANGE IN REVENUES GF	62,650.0	107,400.0	107,400.0	107,400.0	107,400.0	107,400.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		14,825.0	41,922.0	66,563.0	91,207.0	113,376.0
1001 CBRF						
1048 University of AK receipts						
PFFC/BAF *	93.3	149.8	149.8	149.8	149.8	149.8
TOTAL	93.3	14,974.8	42,071.8	66,712.8	91,356.8	113,525.8

* A technical amendment is required in HB 312 to pay DOR-Treasury's investment management and debt management expenses.

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Establishes the Public Facilities Finance Corporation (PFFC) and the Build Alaska Fund (BAF) and authorizes an advisory vote on whether to appropriate \$1.5 billion from the Constitutional Budget Reserve Fund (CBRF) to the BAF. It is assumed that these become effective December 1, 1998.

(See attached analysis and summary mechanics of operation and the fiscal note regarding the \$1.5 billion appropriation to the BAF.)

Prepared by: Forrest Browne
 Division: Treasury
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 465-3750
 Date: January 30, 1998
 Date: January 30, 1998

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**DEPARTMENT OF REVENUE'S FISCAL NOTE
PUBLIC FACILITIES FINANCING CORPORATION
January 30, 1998**

PURPOSE OF THE CORPORATION

The purpose of the corporation is to serve as a conduit for financing the state's share of capital expenditures approved by the legislature. These capital expenditures include acquisition, construction, repair, major maintenance and renovation of public facilities or school facilities.

MECHANICS OF OPERATION

1. The build Alaska fund ("BAF") is established within the corporation through a \$1.5 billion appropriation from the constitutional budget reserve fund. The BAF is invested by the Department of Revenue, with all income deposited into the state's general fund. Principal of the BAF may be appropriated for cost of issuance of the corporation's bonds or for capital expenditures approved by the legislature.
2. The legislature authorizes capital expenditures to be funded by conduit financing to be arranged by the state bond committee ("SBC") and issued by the corporation. The debt service on this financing will be subject to annual appropriation from the state's general fund and/or from the school fund.
3. The SBC will structure financing agreements between the state and the corporation. These financing agreements will create a stream of revenue between the state and the corporation sufficient to pay debt service on the corporation's bonds. The payments required in these financing agreements are subject to annual appropriation from the state's General Fund.
4. Upon the sale of the corporation's bonds, the bond proceeds will be deposited with a Trustee, will be invested in short-term Treasury securities and will be disbursed as required for the approved capital expenditures.
5. Annually, the SBC will request an appropriation from the state's General Fund and/or from the school fund, to the debt retirement fund, and an appropriation from the debt retirement fund to the SBC for debt service payments to the Public Facilities Financing Corporation.
6. The SBC will continuously review interest rates and will refinance the state's loan agreements with the corporation when it is possible to reduce interest expense.

PROJECTED OPERATING EXPENDITURES / FUND SOURCES

Projected operating expenditures, funded from the corporation, are based on the following assumptions:

- The corporation and the \$1.5 billion Build Alaska Fund are established December 1, 1998.

- The Deferred Task Force's recommended six-year, \$1.42 billion plan of financing is approved and implemented, with the first bond sale occurring on July 1, 1999, and annually thereafter.
- Staff support for the corporation is provided by the Department of Revenue – Treasury Division ("DOR-Treasury").

Projected debt issuance and debt service is as follow:		\$(Millions)				
	FY 00	F/Y 01	F/Y 02	F/Y 03	FY 04	F/Y 05
New Debt Issued	300.0	250.0	250.0	250.0	200.0	170.0
Total Debt Issued	300.0	550.0	800.0	1,050.0	1,250.0	1,420.0
New Debt Service**						
FY 00	14.825	29.569	29.570	29.572	29.574	29.573
F/Y 01		12.353	24.640	24.642	24.638	24.639
F/Y 02			12.353	24.640	24.642	24.638
F/Y 03				12.353	24.640	24.642
FY 04					9.882	19.711
F/Y 05						8.402
Total Debt Service	14.825	41.922	66.563	91.207	113.376	131.605

** (New Debt Service assumes 5% interest, with a 15 year term.)

INVESTMENT MANAGEMENT EXPENDITURES – There will be a reduction of expenses for managing the Constitutional Budget Reserve Fund ("CBRF") and a corresponding increase in expenses for managing the Build Alaska Fund. It is assumed that the FY 99 budget for managing the CBRF is \$600 thousand and that 50% of that amount, or \$300 thousand per year, will be required for investment management of the Build Alaska Fund. Additional expenses (principally debt management and bond issuance costs) of the PFFC are summarized below.

PERSONAL SERVICES – Starting in FY 00, an assistant investment officer position (Range 19, Exempt) will be required for DOR-Treasury, to be funded by the corporation. This new position will assist the state debt manager in providing staff support to the Public Facilities Financing Corporation. Specific duties will include preparation of financing documents; contact with bond rating services, underwriters, bond counsel, financial advisor, trustee and other professionals involved in the sale of the corporation's bonds; accounting for the investment and disbursement of bond proceeds, and preparation of data for the corporation's board, independent auditors and legislative appropriation of debt service.

The state debt manager in DOR-Treasury is staff to the state bond committee and also is staff (executive director) of the Alaska Municipal Bond Bank Authority. It is anticipated that the state debt manager will also serve as staff to the corporation.

To summarize, it is projected that an assistant investment officer position will be added to DOR-Treasury and will be funded by corporate receipts of the Public Facilities Finance Corporation. Estimated annual expense for personal services is \$63,800. The corporation will have no employees.

TRAVEL – Annual travel expense of \$10,000 is projected for bond closings, bond rating presentations, trustee performance review meetings and board meetings.

CONTRACTUAL – A financial advisor and bond counsel will be retained to structure financing agreements in preparation for bond sales, estimated at \$60,000 per year. Additional audit and custody fees will be required, estimated at \$15,000 per year. These expenses are estimated to be \$75,000 annually.

COSTS OF ISSUING FINANCING – These include underwriter, credit enhancement, printing, trustee, bond counsel, financial advisor and related costs of issuance. As these costs will be funded from bond proceeds and are directly related to the size and timing of bond sales, they will not be included in this fiscal note.

Revision Date: January 30, 1998 Dept. Affected: Revenue
 Title: Approp: Build Alaska Fund BRU: Revenue Operations
 Component: Treasury
 Sponsor: Rules
 Requestor: (H) FIN COMPONENT SERIAL NO. 121

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
DEBT SERVICE						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES CBRF	-62,650.0	-107,400.0	-107,400.0	-107,400.0	-107,400.0	-107,400.0
CHANGE IN REVENUES BAF	62,650.0	107,400.0	107,400.0	107,400.0	107,400.0	107,400.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1001 CBRF	-175.0	-300.0	-300.0	-300.0	-300.0	-300.0
1048 University of AK receipts						
PFFC/BAF *	175.0	300.0	300.0	300.0	300.0	300.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

* A technical amendment in HB 312 is required to pay investment management expenses for the BAF.

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Appropriates \$1.5 billion from the Constitutional Budget Reserve Fund (CBRF) to the Build Alaska Fund (BAF), which is established in the Public Facilities Financing Corporation (PFFC). It is assumed that the funds' transfer will occur December 1, 1998. The income from investments of the BAF will be deposited to the General Fund. Assuming a 7.16% return on such investments, this will reduce income in the CBRF by \$107.4 million per year and increase General Fund revenues by \$107.4 million per year. Investment management expenses will be reduced by \$300 thousand annually in the CBRF and increased by an equal amount in the BAF.

(See attached fiscal note regarding the PFFC.)

Prepared by: Forrest Browne Phone: 465-3750
 Division: Treasury Date: January 30, 1998
 Approved by Commissioner: Wilson L. Condon *[Signature]* Date: January 30, 1998
 Agency: Revenue

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 312

Revision Date (Note if correction) _____	Dept. Affected	Education
Title <u>Public Facilities Financing Corp.</u>	BRU	School Finance
	Component	Educational Facilities
Sponsor <u>House Rules-Deferred Maintenance Task Force</u>		Support
Requester <u>House State Affairs</u>	Component Serial No.	<u>1957</u>

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	*	*	*	*	*

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

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

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	*	*	*	*	*

Estimate of any current year (FY98) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Oversight and monitoring of the grants issued under this program will be conducted by the Department of Education's Division of Education Support Services, Facilities Section. This section is primarily budgeted through receipts from the capital grants and school debt reimbursement projects it administers. Over the term of this program it is anticipated that the school construction and major maintenance projects will begin to bear the cost of administration which occur during the life of the projects. This would begin in FY00 and continue over the life of the projects. The level of funding necessary under this program for administration will be determined by the completion of the existing projects, as well as the addition of projects funded under this program.

Prepared by <u>Michael Morgan, PMP</u>	Phone <u>465-1858</u>
Division <u>Education Support Services/Facilities Section</u>	Date <u>2/4/98</u>
Approved by <u>Shirley J. Holloway, Ph.D.</u>	Date <u>2/4/98</u>
Agency <u>Commissioner</u>	

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HB

313

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 12, 1998

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/21/98

The STATE AFFAIRS Committee considered:

HB 313

HOUSE BILL NO. 313

PREVENTATIVE MAINTENANCE REQUIREMENT

"An Act relating to preventive maintenance programs required for certain state grants; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 313 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) DOE fiscal note(s) _____

zero fiscal note(s) DOE zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Janette James</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE *Janette James*

Summary of Deferred Maintenance Bills in House State Affairs Committee

February 20, 1998

HCR 24: (MOVED from State Affairs 2/5/98)

Requests the Department of Education to develop prototype schools and incentives for districts to use them to save time and money, and requests a report to the legislature by March 1, 1998, of any statutory changes that may be needed to accomplish this goal.

HB 312: (MOVED from State Affairs 2/17/98)

Establishes the Public Facilities Financing Corporation (PFFC) in the Department of Revenue, as a public corporation to fund deferred maintenance of public facilities through the sale of bonds for projects authorized by the legislature.

Provides for an advisory vote on moving funds from the Constitutional Budget Reserve to the Build Alaska Fund in an amount recommended by the Finance Committee in HB 314.

HB 313: (Hearing in State Affairs 2/21/98)

Requires every state agency and school district to have a preventive maintenance program in place prior to being able to receive funding for deferred maintenance, renovation, or replacement funds from the state.

HB 315: (Hearing in State Affairs 2/21/98)

Amends the executive budget act to require that each proposed budget include a separate appropriation request for maintenance, repair, renewal, and replacement of public buildings and facilities.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION

EDUCATION SUPPORT SERVICES / FACILITIES

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

(907) 465-1858
FAX (907) 463-5279

TO: House State Affairs

FROM: Michael Morgan, PMP
Facilities Manager

DATE: February 4, 1998

SUBJECT: Amendments to HB 313, Preventive Maintenance Programs

The following amendments are suggested for HB 313:

Section 1

- 1) Add: (4)(A)(i) ...program, cardex system, or other formal systematic means of tracking the timing and costs associated with planned and completed maintenance activities, including scheduled preventive maintenance

This change allows districts an option other than computers to manage their maintenance/preventive maintenance and, renewal and replacement programs.

- 2) Delete: (4)(A)(ii) ...for [all] buildings ...
- 3) Delete: (4)(A)(iii) ...for [all] buildings ...

These changes remove this consideration from the position of "absolutely everything or nothing" when determining project eligibility for funding.

- 4) Change: (4)(A)(iv) ... facility mangers and maintenance employees [with maintenance duties]; ...

This change focuses on those with primary responsibility for maintenance, as opposed to those who may just have incidental maintenance duties, e.g. custodians.

5) Delete: (4)(A)(v) ...and other components of [all] facilities
Section 2 and 3

This change removes this requirement from the position of "absolutely everything or nothing" when determining project eligibility for funding.

If the intent of this is to require this on all school projects, then this change would be appropriate:

Change AS 37.06.010, AS 37.06.020, AS 37.05.315, 316, and 317 to match.

Section 4 Change the effective date to July 1, 1999.

The department's preference for this bill would be to move this entire section, with proposed changes, from AS 14.11.011 to a new sub-section of AS 14.11.013, (b)(7). This would move it from the eligibility consideration to the ranking arena. Practically, this would mean that if a district missed one of the criteria on a technicality or due to poor paperwork, their entire group of projects would not be rejected and omitted from the list, but they would just rank lower than they might have otherwise. This would also mitigate the fiscal impact currently forecast.

ALASKA STATE LEGISLATURE

Rep. Eldon Mulder, Co-Chair
Rep. Kim Elton
Rep. Richard Foster
Rep. Jeannette James
Rep. Beverly Masek
Rep. Gail Phillips



Sen. Tim Kelly, Co-Chair
Sen. Loren Leman
Sen. Georgianna Lincoln
Sen. Robin Taylor
Sen. Gary Wilken
Sen. Mike Miller

DEFERRED MAINTENANCE TASK FORCE

Capitol Building, Room 501 • Juneau, Alaska 99801 • Phone (907) 465-2647 • FAX (907) 465-3518

Sponsor Statement

House Bill 313

Required Preventive Maintenance Programs

HB 313 requires that every agency and school district have in place a preventive maintenance program prior to it being able to receive any funding for deferred maintenance, renovation or replacement funds from the state.

The preventive maintenance plan would include:

- a computerized maintenance management program,
- energy management,
- custodial care,
- training of facility managers and employees, and
- renewal and replacement schedules.

The Deferred Maintenance Task Force determined that the best way to prevent a reoccurrence of deferred maintenance was be proactive in maintenance. It recommended that the carrot for accomplishing this goal was withholding funds identified as needed by the Task Force until the preventive maintenance programs are in place and working.

Section 1 requires school districts and regional education attendance areas must have preventive maintenance programs in place prior to receiving maintenance or construction funds. The district is required to provide evidence to the Department of Education that the plan is in place and operating

Section 2 requires that a municipality must have a preventive maintenance program in place before it draws any state funds. The municipality is required to provide evidence of the preventive maintenance program to the Department of Administration.

Section 3 requires that an unincorporated community must have a preventive maintenance program in place before it can receive capital matching grant programs. The unincorporated community is required to provide evidence of the preventive maintenance program to the Department of Community and regional affairs.

Section 4 provides for an effective date of July 1, 1998.

ALASKA STATE LEGISLATURE

Rep. Eldon Mulder, Co-Chair
Rep. Kim Elton
Rep. Richard Foster
Rep. Jeannette James
Rep. Beverly Masek
Rep. Gail Phillips



Sen. Tim Kelly, Co-Chair
Sen. Loren Leman
Sen. Georgianna Lincoln
Sen. Robin Taylor
Sen. Gary Wilken
Sen. Mike Miller

DEFERRED MAINTENANCE TASK FORCE

Capitol Building, Room 501 • Juneau, Alaska 99801 • Phone (907) 465-2647 • FAX (907) 465-3518

Sponsor Statement

House Bill 313 *Proposed Committee Substitute*

Required Preventive Maintenance Programs

HB 313 requires that every agency and school district have in place a preventive maintenance program prior to it being able to receive any funding for deferred maintenance, renovation or replacement funds from the state.

The preventive maintenance plan would include:

- a computerized maintenance management program, *or other organized preventive maintenance program*
- energy management,
- custodial care,
- training of facility managers and employees, and
- renewal and replacement schedules.

The Deferred Maintenance Task Force determined that the best way to prevent a reoccurrence of deferred maintenance was be proactive in maintenance. It recommended that the carrot for accomplishing this goal was withholding funds identified as needed by the Task Force until the preventive maintenance programs are in place and working.

Section 1 requires school districts and regional education attendance areas must have preventive maintenance programs in place prior to receiving maintenance or construction funds. The district is required to provide evidence to the Department of Education that the plan is in place and operating

Section 2 requires that a municipality must have a preventive maintenance program in place before it draws any state funds. The