

Leg. Finance - Finance Comte Files (1971-72) 8879

SB 318 cont., 319, 324, 325, 329

1 come voluntarily to an approved public treatment facility for emergency
2 treatment. A person who appears to be intoxicated in a public place
3 and to be in need of help, if he consents, may be assisted by a peace
4 officer or the emergency service patrol to his home, an approved public
5 treatment facility, an approved private treatment facility, or another
6 appropriate health facility.

7 (b) A person who appears to be incapacitated by alcohol shall be
8 taken into protective custody by a peace officer or a member of the
9 emergency service patrol and immediately brought to an approved public
10 treatment facility for emergency treatment. If no approved public
11 treatment facility is readily available he shall be taken to an
12 emergency medical service customarily used for incapacitated persons.
13 The peace officer or a member of the emergency service patrol, in
14 detaining the person and in taking him to an approved public treatment
15 facility, is taking him into protective custody and he shall make every
16 reasonable effort to protect his health and safety. In taking the
17 person into protective custody, the detaining officer may take reason-
18 able steps to protect himself. Protective custody does not constitute
19 an arrest under this section and no entry or other record shall be made
20 to indicate that the person has been arrested or charged with a crime.

21 (c) A person who voluntarily appears or is brought to an approved
22 public treatment facility shall be examined by a licensed physician as
23 soon as possible. After the examination, he may be admitted as a
24 patient or referred to another health facility. The approved public
25 treatment facility who refers him shall arrange for his transportation.

26 (d) No person who, after medical examination, is found to be
27 incapacitated by alcohol at the time of his admission or to have
28 become incapacitated at any time after his admission, may be detained
29 at a facility after he is no longer incapacitated by alcohol. No person

1 written application for commitment under this section, directed to the
2 administrator of the approved public treatment facility. The applica-
3 tion shall state facts to support the need for emergency treatment and
4 be accompanied by a physician's certificate supporting the need for
5 emergency treatment and stating that the physician has examined the
6 person sought to be committed within two days before the certificate's
7 date.

8 (c) Upon approval of the application by the administrator in
9 charge of the facility, the person may be brought to the facility by a
10 peace officer, a health officer, a member of the emergency service
11 patrol, the applicant for commitment, the patient's spouse, the
12 patient's guardian, or any other interested person. The person shall
13 be retained at the facility to which he was admitted, or transferred
14 to another appropriate public or private treatment facility, until
15 discharged under (e) of this section.

16 (d) The administrator in charge of an approved public treatment
17 facility may refuse an application if in his opinion the application
18 and certificate fail to sustain the grounds for commitment.

19 (e) When on the advice of his medical staff the administrator
20 determines that the grounds for commitment no longer exist, he shall
21 discharge a person committed under this section. No person committed
22 under this section may be detained in a treatment facility for more
23 than five days. If a petition for involuntary commitment under sec.
24 130 of this chapter has been filed within the five days and the adminis-
25 trator in charge of an approved public treatment facility finds that
26 grounds for emergency commitment still exist, he may detain the person
27 until the petition has been heard and determined, but no longer than
28 10 days after filing the petition.

29 (f) A copy of the written application for commitment and of the

1 considers appropriate. A copy of the petition and certificate shall
2 be delivered to each person notified.

3 (c) If, not less than two days before the date fixed for the
4 hearing, the person sought to be committed or his counsel or advisor
5 files a written request with the superior court, the court shall
6 summon and impanel a jury of six adult residents of the judicial dis-
7 trict in which the court officiates, preferably from the court's jury
8 list or the last voters list, if available, to hear and consider
9 evidence concerning the condition of the person sought to be committed.

10 Sec. 47.37.140. HEARING ON PETITION FOR INVOLUNTARY COMMITMENT
11 OF ALCOHOLICS. (a) At the hearing required under sec. 130(b) of this
12 chapter, the court or the jury, if requested under sec. 130(c) of this
13 chapter, shall hear all relevant testimony, including, if possible,
14 the testimony of at least one licensed physician who has examined the
15 person whose commitment is sought. The person whose commitment is
16 sought shall be present unless the court believes that his presence
17 is likely to be injurious to him, in which case the court shall appoint
18 a guardian ad litem to represent him throughout the proceeding. The
19 court may examine the person in open court, or if advisable, examine
20 him out of court. If the person has refused to be examined by a
21 licensed physician, he shall be given an opportunity to request examina-
22 tion by a court-appointed licensed physician. If he fails to request
23 a medical examination and there is sufficient evidence to believe that
24 the allegations of the petition are true, or if the court believes that
25 more medical evidence is necessary, the court may issue a temporary
26 order committing him to the office for a period of not more than five
27 days for purposes of a diagnostic examination.

28 (b) If after hearing all relevant evidence, including the results
29 of any diagnostic examination by the office, the court or the jury

1 finds that grounds for involuntary commitment have been clearly estab-
2 lished, the court shall issue an order of commitment to the office.
3 No court may order the commitment of a person unless it determines that
4 the office is able to provide adequate and appropriate treatment for
5 him.

6 (c) A person committed under secs. 130 - 140 of this chapter
7 shall remain in the custody of the office for treatment for a period
8 of up to 30 days. At the end of the 30-day period, he shall be dis-
9 charged automatically unless the office, before the expiration of the
10 period, obtains a court order for his recommitment upon the grounds
11 set out in sec. 130(a) of this chapter for a further period of up to
12 90 days. If a person has been committed because he is an alcoholic
13 likely to inflict physical harm on another, the office shall apply for
14 recommitment if after examination it is determined that the likelihood
15 still exists.

16 (d) A person recommitted under (c) of this section who has not
17 been discharged by the office before the end of the 90-day period
18 shall be discharged at the expiration of that period unless the office,
19 before expiration of the period, obtains a court order on the grounds
20 set out in sec. 130(a) of this chapter for recommitment for a further
21 period not to exceed 90 days. If a person has been committed because
22 he is an alcoholic likely to inflict physical harm on another, the
23 office shall apply for recommitment if after examination it is deter-
24 mined that the likelihood still exists. No more than two recommitment
25 orders may be permitted under (c) and (d) of this section.

26 (e) Upon the filing of a petition for recommitment under (c) or
27 (d) of this section, the court shall fix a date for hearing no later
28 than 10 days after the date the petition was filed. A copy of the
29 petition and of the notice of hearing, including the date fixed by the

1 court, shall be served on (1) the petitioner; (2) the person whose com-
2 mitment is sought; (3) the next of kin of the person whose commitment
3 is sought; (4) the original petitioner under sec. 130(a) of this
4 chapter, if different from the petitioner for recommitment; (5) any
5 other person the court considers appropriate. Sec. 120(c) of this
6 chapter applies to hearings for recommitment under this section. At
7 the hearing the court or the jury shall proceed as provided in (a)
8 of this section.

9 (f) The office shall provide adequate and appropriate treatment
10 for a person in its custody. The office may transfer a person in its
11 custody from one approved public treatment facility to another if the
12 transfer is medically advisable.

13 (g) A person committed to the custody of the office for treatment
14 shall be discharged at any time before the end of the period for which
15 he has been committed if either of the following conditions are met:

16 (1) when an alcoholic committed on the grounds of likelihood
17 of infliction of physical harm on another is no longer considered an
18 alcoholic or the likelihood of his infliction of physical harm no longer
19 exists; or

20 (2) when, in the case of an alcoholic committed on the
21 grounds of the likelihood of infliction of physical harm on another,
22 either

23 (A) further treatment will not be likely to bring about
24 significant improvement in the person's condition, or

25 (B) treatment is no longer adequate or appropriate.

26 (h) The court shall inform the person whose commitment or recom-
27 mitment is sought of his right to contest the application, be repre-
28 sented by counsel at every stage of the proceedings relating to his
29 commitment and recommitment, to have counsel appointed by the court

1 or provided by the court, if he is unable to obtain counsel, and to a
2 jury trial, if requested, as specified in sec. 130(c) of this chapter.
3 If the court believes that the person needs the assistance of counsel,
4 the court shall require, by appointment if necessary, counsel for him
5 regardless of his objection. The person whose commitment or recom-
6 mitment is sought shall be informed of his right to be examined by a
7 licensed physician of his choice. If the person is unable to obtain
8 a licensed physician and requests examination by a physician, the court
9 shall employ a licensed physician for the examination.

10 (i) If a private treatment facility agrees with the request of
11 a competent patient or his parent, sibling, adult child, or guardian to
12 accept the patient for treatment, the administrator of the public
13 treatment facility shall transfer him to the private treatment facility.

14 (j) A person committed under this chapter may at any time seek
15 discharge from commitment by writ of habeas corpus under AS 12.75.

16 Sec. 47.37.150. RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS.

17 (a) The registration and other records of treatment facilities shall
18 remain confidential and are privileged to the patient.

19 (b) Notwithstanding (a) of this section, the director may make
20 available information from patients' records for purposes of research
21 into the causes and treatment of alcoholism. No information may dis-
22 close a patient's name.

23 Sec. 47.37.160. VISITATION AND COMMUNICATION OF PATIENTS. (a)
24 Patients in any approved treatment facility under this chapter shall be
25 granted reasonable opportunities for adequate consultation with counsel,
26 and for continuing contact with family and friends including the use
27 of telephone facilities, consistent with an effective treatment program.

28 (b) No mail or other communication to or from a patient in any
29 approved treatment facility may be intercepted, read, or censored.

1 Sec. 47.37.170. ESTABLISHMENT OF EMERGENCY SERVICE PATROL. (a)

2 The office and cities and boroughs may establish emergency service
3 patrols. An emergency service patrol consists of persons trained to
4 give assistance in public places to persons who are intoxicated. Mem-
5 bers of an emergency service patrol shall be capable of providing first
6 aid in emergency situations and shall be capable of transporting intoxi-
7 cated persons to their homes and to and from public treatment facilities

8 (b) The director shall promulgate regulations for the establish-
9 ment, training, and conduct of emergency service patrols.

10 Sec. 47.37.180. PAYMENT FOR TREATMENT. (a) A patient in an

11 approved treatment facility, or the person obligated to provide for the
12 cost of treatment of a person committed under this chapter, is liable
13 to the office for cost of maintenance and treatment of the patient
14 in accordance with rates established by the director.

15 (b) The director shall promulgate regulations governing financial
16 ability that take into consideration the income, savings and other
17 personal and real property of the person liable for the cost and
18 maintenance of the patient.

19 Sec. 47.37.190. NONAPPLICABILITY. (a) Nothing in this chapter

20 affects a statute, ordinance, or regulation relating to (1) drunken
21 driving, driving under the influence of alcohol, or other similar
22 offenses involving alcohol and the operation of a vehicle, aircraft,
23 boat, machinery, or other equipment, or (2) the sale, purchase, dis-
24 pensation, possession, or use of alcoholic beverages at specified times
25 and places or by a particular class of persons.

26 (b) Nothing in this chapter affects AS 11.70.030, relating to the
27 defense of voluntary intoxication.

28 Sec. 47.37.200. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

29 Except as otherwise provided in this chapter, the Administrative

1 Procedure Act (AS 44.62) applies to and governs all administrative
2 action taken by the director under this chapter.

3 Sec. 47.37.110. DEFINITIONS. In this chapter

4 (1) "alcoholic" means a person who habitually lacks self-
5 control in using alcoholic beverages, or uses alcoholic beverages to
6 the extent that his health is substantially impaired or endangered, or
7 his social or economic function is substantially disrupted;

8 (2) "approved private treatment facility" means a private
9 agency meeting the standards prescribed in sec. 80(a) of this chapter
10 and approved under sec. 80(c) of this chapter;

11 (3) "approved public treatment facility" means a treatment
12 agency operating under the direction and control of the office or pro-
13 viding treatment under this chapter through a contract with the office
14 under sec. 70(g) of this chapter and meeting the standards prescribed
15 in sec. 80(a) of this chapter and approved under sec. 80(c) of this
16 chapter;

17 (4) "commissioner" means the commissioner of health and
18 social services;

19 (5) "department" means the Department of Health and Social
20 Services;

21 (6) "director" means the director of the office of alcohol-
22 ism;

23 (7) "emergency service patrol" means a patrol established
24 under sec. 170 of this chapter;

25 (8) "incapacitated by alcohol" means a person who is
26 unconscious or has his judgment otherwise so impaired that he is
27 incapable of realizing and making a rational decision with respect to
28 his need for treatment, as evidenced objectively by extreme physical
29 debilitation, physical harm or threats of harm to others or chronic

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inability to hold regular employment;

(9) "incompetent person" means a person who has been adjudged incompetent by the appropriate court;

(10) "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

(11) "office" means the office of alcoholism within the Department of Health and Social Services;

(12) "treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care which may be extended to alcoholics and intoxicated persons, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling.

* Sec. 2. AS 11.45.032, AS 44.29.030 - 44.29.090, and AS 47.30.500(3) are repealed.

SENATE FINANCE COMMITTEE

March 20, 1972

11:30 a.m.

Present: Senators Butrovich and Ray; Mr. David Eldred, Director of the Alcoholic Rehabilitation Center and Acting Coordinator of the Juneau Borough Alcoholic Program.

SB 318 Senator Butrovich called the meeting to order and brought out SENATE BILL NO. 318 (An Act adopting the Uniform Alcoholism and Intoxication Treatment Act) and asked that Mr. Eldred state his views on the bill and be ready to answer any questions either he or Senator Ray might have.

Mr. Eldred began by saying that he objected to the bill and that his first objection was in the title; he said that it implied what he strongly felt to be a misconception of the philosophy on treatment of alcoholics. He said that the alcoholic and the merely intoxicated must be considered separately. He continued by saying that being intoxicated is much different than being an alcoholic, which is a disease, a physiological and mental addiction. He said that the intoxication entity is basically a police problem and the alcoholism entity requires those professional in the field. He pointed out that in the bill these two entities were mistakenly lumped together and that this would also mean the appropriation of even more money.

Mr. Eldred then directed attention to Sec. 47.37.040. DUTIES OF DIVISION of the bill and stated that these seventeen sections or duties could not be done by anything less than 15 or 20 people, who must, because of the situation, be in the upwards of the \$15,000 a year bracket. He said that an entire department would have to be set up. He stressed that the alcoholic must not be put in the hands of non-professional people, but that this is what SB 318 is advocating.

Senator Butrovich asked Mr. Eldred if he thought that this act was drawn up this way in order to get federal money and Mr. Eldred answered that he could not see where any of the money was coming from. He went on to say that there is a present office of alcoholism which has a Coordinator, an Assistant Coordinator, two secretaries and an Anthropologist and he stated some discontent as he has been trying to get his program going for some four or five months. He said that the present time lag is costing them local money and is driving out the use of federal matching fund money. He added that if the present people want to accept this bill they will have to add at least a dozen people to their staff and if they want to extend their operation to other towns in Alaska, it will cost a lot more.

Mr. Eldred stated that the bill is not set up right, it is poorly written and that there is not enough staff at present if it is passed. He then went on to the subject of the director, who in the bill, must make evaluations and final decisions concerning his patients. He said that there should be a director who does psychological and sociological evaluations on his patients, who knows his patient better than anyone else, but he pointed out that in the bill it is nowhere stated that the director must be a professional figure. He said that as a man with degrees in psychology and sociology and as a 23 year member of AA, he could not concede to a layman filling the position of director. He wondered why a man who had been drinking month after month should be put into jail at the discretion of a policeman. He added here that a talk with Senator Miller brought out the question of this bill excluding legal rights.

Senator Ray asked how a man could be taken off the street and contained for 90 or 180 days and Mr. Eldred answered that this decision falls into the hands of the director.

Senator Ray stated that Senator Josephson's argument is going to be that it is a model bill and Senator Butrovich added that Senator Josephson would say that this bill is patterned for federal conformity, to which Mr. Eldred replied that national levels get to "all-embracing."

The idea of de-toxification centers was discussed and Mr. Eldred pointed out that it had saved lives many times. Discussion followed on problems particular to Alaska relating to the alcoholic. Mr. Eldred pointed out that as a professional he could not say that the fisherman, the lumberjack, the fire fighter, etc., coming into town after many months of work and going on a two week "bender" could be honestly diagnosed as an alcoholic.

The particular problem of the Alaska native drinker was discussed, along with the theory of their searching for a religious transcendental experience as they do with peyote buttons, etc. Their possible physiological difference and tolerance to liquor was discussed.

Mr. Eldred returned to the bill at hand and said that passed, it would set up a bureaucratic empire. He said that if he were in the position to write a commitment bill, he would confine his efforts to the specific person and would not just be concerned with the clearing of streets to make them look a little prettier for the purpose of tourism, etc. He said that the bill was obviously a political one, and Senators Ray and Butrovich agreed. SB 318 was returned to the file.

Adjourned: The meeting adjourned at 11:50 a.m.

Introduced: 2/3/72
Referred: Health, Welfare &
Education

1 IN THE SENATE

BY JOSEPHSON, THOMAS AND YOUNG

2 SENATE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Uniform Alcoholism and Intoxica-
7 tion Treatment Act."

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

9 * Section 1. AS 47 is amended by adding a new chapter to read:

10 CHAPTER 37. UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT.

11 Sec. 47.37.010. DECLARATION OF POLICY. It is the policy of the
12 state that alcoholics and intoxicated persons should not be criminally
13 prosecuted for their consumption of alcoholic beverages and that they
14 should be afforded a continuum of treatment so they may lead normal lives
15 as productive members of society.

16 Sec. 47.37.020. DIVISION OF ALCOHOLISM. A division of alcoholism
17 is established in the department. The division shall be headed by
18 a director appointed by the commissioner. The director shall be a
19 qualified professional who has training and experience in the organiza-
20 tion and administration of treatment services for persons with medical-
21 social problems.

22 Sec. 47.37.030. POWERS OF DIVISION. The division may

23 (1) plan, establish, and maintain treatment programs as
24 appropriate;

25 (2) make contracts necessary or incidental to the performance
26 of its duties and the execution of its powers, including contracts with
27 public and private agencies, organizations, and individuals, to pay them
28 for services rendered or furnished to alcoholics or intoxicated persons;

29 (3) solicit and accept for use a gift of money or property

1 or a grant of money, services, or property from the federal government,
2 the state, or a political subdivision of it or a private source, and do
3 all things necessary to cooperate with the federal government or any
4 of its agencies in making an application for a grant;

5 (4) administer or supervise the administration of the pro-
6 visions relating to alcoholics and intoxicated persons of any state plan
7 submitted for federal funding under federal health, welfare, or treat-
8 ment legislation;

9 (5) coordinate its activities and cooperate with alcoholism
10 programs in this and other states, and make contracts and other joint
11 or cooperative arrangements with state, local, or private agencies for
12 the treatment of alcoholics and intoxicated persons and for the common
13 advancement of alcoholism programs in this and other states;

14 (6) keep records and engage in research and the gathering
15 of relevant statistics;

16 (7) do other acts necessary to implement the authority ex-
17 pressly granted to it;

18 (8) acquire, hold, or dispose of real property or any
19 interest in it, and construct, lease, or otherwise provide treatment
20 facilities for alcoholics and intoxicated persons.

21 Sec. 47.37.040. DUTIES OF DIVISION. The division shall

22 (1) develop, encourage, and foster statewide, regional, and
23 local plans and programs for the prevention of alcoholism and treatment
24 of alcoholics and intoxicated persons in cooperation with public and
25 private agencies, organizations, and individuals, and provide technical
26 assistance and consultation services for these purposes;

27 (2) coordinate the efforts and enlist the assistance of all
28 public and private agencies, organizations, and individuals interested
29 in prevention of alcoholism and treatment of alcoholics and intoxicated

1 persons;

2 (3) cooperate with the state board of parole in establishing
3 and conducting programs to provide treatment for alcoholics and intoxi-
4 cated persons in or on parole from penal institutions;

5 (4) cooperate with the Department of Education, school
6 boards, schools, police departments, courts, and other public and private
7 agencies, organizations and individuals in establishing programs for the
8 prevention of alcoholism and treatment of alcoholics and intoxicated
9 persons, and preparing curriculum materials for use at all levels of
10 school education;

11 (5) prepare, publish, evaluate, and disseminate educational
12 material dealing with the nature and effects of alcohol;

13 (6) develop and implement, as an integral part of treatment
14 programs, an educational program for use in the treatment of alcoholics
15 and intoxicated persons which includes the dissemination of information
16 concerning the nature and effects of alcohol;

17 (7) organize and foster training programs for all persons
18 engaged in treatment of alcoholics and intoxicated persons;

19 (8) sponsor and encourage research into the causes and nature
20 of alcoholism and treatment of alcoholics and intoxicated persons, and
21 serve as a clearing house for information relating to alcoholism;

22 (9) specify uniform methods for keeping statistical informa-
23 tion by public and private agencies, organizations, and individuals, and
24 collect and make available relevant statistical information, including
25 number of persons treated, frequency of admission and readmission, and
26 frequency and duration of treatment;

27 (10) advise the governor in the preparation of a comprehen-
28 sive plan for treatment of alcoholics and intoxicated persons;

29 (11) review all state health, welfare, and treatment plans

1 to be submitted for federal funding, and advise the governor on pro-
2 visions to be included relating to alcoholism and intoxicated persons;

3 (12) assist in the development of, and cooperate with,
4 alcohol education and treatment programs for employees of state and
5 local governments and businesses and industries in the state;

6 (13) utilize the support and assistance of interested persons
7 in the community, particularly recovered alcoholics, to encourage
8 alcoholics to voluntarily undergo treatment;

9 (14) cooperate with the Department of Public Safety and the
10 Department of Highways in establishing and conducting programs designed
11 to deal with the problem of persons operating motor vehicles while
12 intoxicated;

13 (15) encourage hospitals and other appropriate health
14 facilities to admit without discrimination alcoholics and intoxicated
15 persons and to provide them with adequate and appropriate treatment;

16 (16) encourage all health and disability insurance programs
17 to include alcoholism as a covered illness;

18 (17) submit to the governor an annual report covering the
19 activities of the division.

20 Sec. 47.37.050. INTERDEPARTMENTAL COORDINATING COMMITTEE. (a)

21 An interdepartmental coordinating committee is created, composed of the
22 director and the commissioners of health and social services, education,
23 highways, and public safety. The committee shall meet at least twice
24 annually at the call of the commissioner of health and social services
25 who is its chairman. The committee shall provide for the coordination
26 and exchange of information on all programs relating to alcoholism, and
27 act as a permanent liaison among state departments engaged in activities
28 affecting alcoholics and intoxicated persons. The committee shall assist
29 the commissioner of health and social services and the director in

1 formulating a comprehensive plan for prevention of alcoholism and for
2 treatment of alcoholics and intoxicated persons.

3 (b) In exercising its coordinating functions, the committee shall
4 assure that the appropriate state agencies

5 (1) provide all necessary medical, social, treatment, and
6 educational services for alcoholics and intoxicated persons and for the
7 prevention of alcoholism, without unnecessary duplication of services;

8 (2) cooperate in the use of facilities and in the treatment
9 of alcoholics and intoxicated persons;

10 (3) adopt approaches for the prevention of alcoholism and the
11 treatment of alcoholics and intoxicated persons consistent with the
12 policy of this chapter.

13 Sec. 47.37.060. CITIZENS ADVISORY COUNCIL ON ALCOHOLISM. (a)
14 The governor shall appoint a citizens advisory council on alcoholism
15 composed of 15 members. The members shall serve for overlapping terms
16 of five years each; however the initial appointments shall be three
17 members for one year, three members for two years, three members for
18 three years, three members for four years, and three members for five
19 years. Members shall have professional, research, or personal interests
20 in alcoholism problems. The council shall meet at least once every
21 three months and report on its activities and make recommendations to
22 the director at least once a year.

23 (b) The council shall advise the director on policies, goals, and
24 the operation of the alcoholism program and on other matters the
25 director refers to it, and shall encourage public understanding and
26 support of the alcoholism program.

27 (c) Members of the council serve without compensation but shall
28 receive reimbursement for travel expenses and per diem as provided for
29 other boards and commissions.

1 Sec. 47.37.070. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL
2 FACILITIES. (a) The division shall establish a comprehensive and
3 coordinated program for the treatment of alcoholics and intoxicated
4 persons. Subject to the approval of the commissioner, the director
5 may divide the state into appropriate regions to conduct the program
6 and establish standards for the development of the program on the
7 regional level. In establishing the regions, consideration shall be
8 given to the city and borough lines and population concentrations.

9 (b) The program of the division shall include:

10 (1) emergency treatment provided by a facility affiliated
11 with or part of the medical service of a general hospital;

12 (2) inpatient treatment;

13 (3) intermediate treatment; and

14 (4) outpatient and followup treatment.

15 (c) The division shall provide adequate and appropriate treatment
16 for alcoholics and intoxicated persons admitted under secs. 100 - 130
17 of this chapter. No treatment may be provided at a correctional
18 institution other than for inmates.

19 (d) The division shall maintain, supervise, and control all
20 facilities operated by it subject to the regulations of the department.
21 The administrator of each facility shall make an annual report of its
22 activities to the director in the form and manner the director specifies.

23 (e) If possible, the division shall coordinate the activities of
24 the program with all appropriate public and private resources;

25 (f) The director shall prepare, publish, and distribute annually
26 a list of all approved public and private treatment facilities.

27 (g) The division may contract for the use of any facility as an
28 approved public treatment facility if the director, subject to the
29 regulations of the department, considers this an effective and economical

1 course to follow.

2 Sec. 47.37.080. PUBLIC AND PRIVATE TREATMENT FACILITIES. (a)

3 The division shall establish standards for facilities prior to their
4 approval as a public or private treatment facility, and fix the fees
5 to be charged for the required inspections of those facilities. The
6 standards shall concern only the health conditions to be met and
7 standards of treatment to be afforded patients.

8 (b) The division shall inspect, on a regular basis, approved
9 public and private treatment facilities at reasonable times and in a
10 reasonable manner.

11 (c) The division shall maintain a list of approved public and
12 private treatment facilities.

13 (d) Each approved public and private treatment facility shall
14 file with the division on request, data, statistics, schedules, and
15 information which the division reasonably requires. An approved public
16 or private treatment facility that without good cause fails to furnish
17 any data, statistics, schedules, or information as requested, or files
18 fraudulent returns of them, shall be removed from the list of approved
19 treatment facilities.

20 (e) The director, after holding a hearing under the provisions of
21 the Administrative Procedure Act (AS 44.62), may suspend, revoke, limit,
22 restrict, or refuse to grant an approval for a treatment facility, for
23 failure to meet its standards.

24 (f) Upon petition of the division and after a hearing held upon
25 reasonable notice to the facility, the district court may issue a
26 warrant to an officer or employee of the division authorizing him to
27 enter and inspect at reasonable times, and examine the books and accounts
28 of an approved public or private treatment facility refusing to consent
29 to inspection or examination by the division or which the division has

1 course to follow.

2 Sec. 47.37.080. PUBLIC AND PRIVATE TREATMENT FACILITIES. (a)
3 The division shall establish standards for facilities prior to their
4 approval as a public or private treatment facility, and fix the fees
5 to be charged for the required inspections of those facilities. The
6 standards shall concern only the health conditions to be met and
7 standards of treatment to be afforded patients.

8 (b) The division shall inspect, on a regular basis, approved
9 public and private treatment facilities at reasonable times and in a
10 reasonable manner.

11 (c) The division shall maintain a list of approved public and
12 private treatment facilities.

13 (d) Each approved public and private treatment facility shall
14 file with the division on request, data, statistics, schedules, and
15 information which the division reasonably requires. An approved public
16 or private treatment facility that without good cause fails to furnish
17 any data, statistics, schedules, or information as requested, or files
18 fraudulent returns of them, shall be removed from the list of approved
19 treatment facilities.

20 (e) The director, after holding a hearing under the provisions of
21 the Administrative Procedure Act (AS 44.62), may suspend, revoke, limit,
22 restrict, or refuse to grant an approval for a treatment facility, for
23 failure to meet its standards.

24 (f) Upon petition of the division and after a hearing held upon
25 reasonable notice to the facility, the district court may issue a
26 warrant to an officer or employee of the division authorizing him to
27 enter and inspect at reasonable times, and examine the books and accounts
28 of an approved public or private treatment facility refusing to consent
29 to inspection or examination by the division or which the division has

1 shall, if possible, refer the person to another approved public treat-
2 ment facility.

3 (c) If a patient receiving inpatient care leaves an approved
4 public treatment facility, he shall be encouraged to consent to appro-
5 priate outpatient or intermediate treatment. If it appears to the
6 administrator in charge of the treatment facility that the patient is
7 an alcoholic who requires help, the division shall arrange for assistance
8 in obtaining supportive services and residential facilities.

9 (d) If a patient leaves an approved public treatment facility, with
10 or against the advice of the administrator in charge of the facility,
11 the division shall make reasonable provisions for his transportation
12 to another facility or to his home. If he has no home he shall be
13 assisted in obtaining shelter. If he is a minor or an incompetent
14 person the request for discharge from an inpatient facility shall be
15 made by a parent, legal guardian, or other legal representative or by
16 the minor or incompetent if he was the original applicant.

17 Sec. 47.37.110. TREATMENT AND SERVICES FOR INTOXICATED PERSONS
18 AND PERSONS INCAPACITATED BY ALCOHOL. (a) An intoxicated person may
19 come voluntarily to an approved public treatment facility for emergency
20 treatment. A person who appears to be intoxicated in a public place
21 and to be in need of help, if he consents, may be assisted by a peace
22 officer or the emergency service patrol to his home, an approved public
23 treatment facility, an approved private treatment facility, or another
24 appropriate health facility.

25 (b) A person who appears to be incapacitated by alcohol shall be
26 taken into protective custody by a peace officer or a member of the
27 emergency service patrol and immediately brought to an approved public
28 treatment facility for emergency treatment. If no approved public
29 treatment facility is readily available he shall be taken to an

1 emergency medical service customarily used for incapacitated persons.
2 The peace officer or a member of the emergency service patrol, in
3 detaining the person and in taking him to an approved public treatment
4 facility, is taking him into protective custody and he shall make every
5 reasonable effort to protect his health and safety. In taking the
6 person into protective custody, the detaining officer may take reasonable
7 steps to protect himself. Protective custody does not constitute an
8 arrest under this section and no entry or other record shall be made
9 to indicate that the person has been arrested or charged with a crime.

10 (c) A person who voluntarily appears or is brought to an approved
11 public treatment facility shall be examined by a licensed physician as
12 soon as possible. After the examination, he may be admitted as a patient
13 or referred to another health facility. The approved public treatment
14 facility who refers him shall arrange for his transportation.

15 (d) No person who, after medical examination, is found to be
16 incapacitated by alcohol at the time of his admission or to have
17 become incapacitated at any time after his admission, may be detained
18 at a facility after he is no longer incapacitated by alcohol. No person
19 may be detained at a facility if he remains incapacitated by alcohol
20 for more than 48 hours after admission as a patient, unless he is
21 committed under sec. 120 of this chapter. A person may consent to remain
22 in the facility as long as the physician in charge considers it appro-
23 priate.

24 (e) A person who is not admitted to an approved public treatment
25 facility, is not referred to another health facility, and has no funds,
26 may be taken to his home, if any. If he has no home, the approved
27 public treatment facility shall assist him in obtaining shelter.

28 (f) If a patient is admitted to an approved public treatment
29 facility, his family or next of kin shall be promptly notified. If an

1 adult patient who is not incapacitated requests that there be no notifi-
2 cation of next of kin, his request shall be granted.

3 (g) Peace officers or members of the emergency service patrol who
4 comply with this section are acting in the course of their official
5 duty and are not criminally or civilly liable for it.

6 (h) If the physician in charge of the approved public treatment
7 facility determines it is for the patient's benefit, an attempt shall
8 be made to encourage the patient to submit to further diagnosis and
9 appropriate voluntary treatment.

10 Sec. 47.37.120. EMERGENCY COMMITMENT. (a) An intoxicated person
11 who (1) has threatened, attempted to inflict, or inflicted physical
12 harm on another or is likely to inflict physical harm on another unless
13 committed, or (2) is incapacitated by alcohol, may be committed to an
14 approved public treatment facility for emergency treatment. A refusal
15 to undergo treatment does not constitute evidence of lack of judgment
16 as to the need for treatment.

17 (b) The certifying physician, spouse, guardian, or relative of the
18 person to be committed, or any other responsible person, may make a
19 written application for commitment under this section, directed to the
20 administrator of the approved public treatment facility. The application
21 shall state facts to support the need for emergency treatment and be
22 accompanied by a physician's certificate supporting the need for
23 emergency treatment and stating that the physician has examined the
24 person sought to be committed within two days before the certificate's
25 date. A physician employed by the admitting facility or the division
26 is not eligible to be the certifying physician for purposes of this
27 section.

28 (c) Upon approval of the application by the administrator in
29 charge of the facility, the person may be brought to the facility by a

1 peace officer, a health officer, a member of the emergency service
2 patrol, the applicant for commitment, the patient's spouse, the
3 patient's guardian, or any other interested person. The person shall
4 be retained at the facility to which he was admitted, or transferred
5 to another appropriate public or private treatment facility, until
6 discharged under (e) of this section.

7 (d) The administrator in charge of an approved public treatment
8 facility may refuse an application if in his opinion the application
9 and certificate fail to sustain the grounds for commitment.

10 (e) When on the advice of his medical staff the administrator
11 determines that the grounds for commitment no longer exist, he shall
12 discharge a person committed under this section. No person committed
13 under this section may be detained in a treatment facility for more
14 than five days. If a petition for involuntary commitment under sec. 130
15 of this chapter has been filed within the five days and the administra-
16 tor in charge of an approved public treatment facility finds that
17 grounds for emergency commitment still exist he may detain the person
18 until the petition has been heard and determined, but no longer than
19 10 days after filing the petition.

20 (f) A copy of the written application for commitment and of the
21 physician's certificate, and a written explanation of the person's
22 right to legal counsel, shall be given to the person within 24 hours
23 after commitment by the administrator, who shall provide a reasonable
24 opportunity for the person to consult with legal counsel.

25 Sec. 47.37.130. INVOLUNTARY COMMITMENT OF ALCOHOLICS. (a) After
26 a hearing initiated by petition of his spouse or guardian, a relative,
27 the certifying physician, or the administrator in charge of an approved
28 public treatment facility, a person may be committed to the custody of
29 the division by the superior court. The petition shall allege that the

1 person is an alcoholic who habitually lacks self-control in using
2 alcoholic beverages and that he (1) has threatened, attempted to
3 inflict, or inflicted physical harm on another and that unless committed
4 is likely to inflict physical harm on another; or (2) is incapacitated
5 by alcohol. A refusal to undergo treatment does not constitute evidence
6 of lack of judgment as to the need for treatment. The petition shall
7 be accompanied by a certificate of a licensed physician who has
8 examined the person within two days before submission of the petition,
9 unless the person whose commitment is sought has refused to submit to
10 a medical examination, in which case the fact of refusal shall be
11 alleged in the petition. The certificate shall set forth the physician's
12 findings in support of the allegations of the petition. A physician
13 employed by the admitting facility or the division is not eligible
14 to be the certifying physician for purposes of this section.

15 (b) After the petition is filed, the court shall fix a date for
16 a hearing no later than 10 days after the date the petition was filed.
17 A copy of the petition and of the notice of the hearing, including
18 the date fixed by the court, shall be served on (1) the petitioner;
19 (2) the person whose commitment is sought; (3) the next of kin of the
20 person whose commitment is sought; (4) a parent of the person whose
21 commitment is sought, or his legal guardian if he is a minor; (5) the
22 administrator in charge of the approved public treatment facility in which
23 the committed person has been committed for emergency care, and any
24 other person the court considers appropriate. A copy of the petition
25 and certificate shall be delivered to each person notified.

26 Sec. 47.37.140. HEARING ON PETITION FOR INVOLUNTARY COMMITMENT
27 OF ALCOHOLICS. (a) At the hearing required under sec. 130(b) of this
28 chapter, the court shall hear all relevant testimony, including, if
29 possible, the testimony of at least one licensed physician who has

1 examined the person whose commitment is sought. The person whose
2 commitment is sought shall be present unless the court believes that
3 his presence is likely to be injurious to him, in which case the court
4 shall appoint a guardian ad litem to represent him throughout the
5 proceeding. The court may examine the person in open court, or if
6 advisable, examine him out of court. If the person has refused to be
7 examined by a licensed physician, he shall be given an opportunity to
8 request examination by a court-appointed licensed physician. If he
9 fails to request a medical examination and there is sufficient evidence
10 to believe that the allegations of the petition are true, or if the
11 court believes that more medical evidence is necessary, the court may
12 issue a temporary order committing him to the division for a period of
13 not more than five days for purposes of a diagnostic examination.

14 (b) If after hearing all relevant evidence, including the results
15 of any diagnostic examination by the division, the court finds that
16 grounds for involuntary commitment have been clearly established,
17 it shall issue an order of commitment to the division. No court may
18 order the commitment of a person unless it determines that the division
19 is able to provide adequate and appropriate treatment for him.

20 (c) A person committed under secs. 130 - 140 of this chapter shall
21 remain in the custody of the division for treatment for a period of up to
22 30 days. At the end of the 30-day period, he shall be discharged
23 automatically unless the division, prior to the expiration of the period
24 obtains a court order for his recommitment upon the grounds set forth
25 in sec. 130(a) of this chapter for a further period of up to 90 days.
26 If a person has been committed because he is an alcoholic likely to
27 inflict physical harm on another, the division shall apply for recom-
28 mitment if after examination it is determined that the likelihood still
29 exists.

1 (d) A person recommitted under (c) of this section who has not
2 been discharged by the division before the end of the 90-day period shall
3 be discharged at the expiration of that period unless the division,
4 before expiration of the period, obtains a court order on the grounds
5 set forth in sec. 130(7) of this chapter for recommitment for a further
6 period not to exceed 90 days. If a person has been committed because
7 he is an alcoholic likely to inflict physical harm on another, the
8 division shall apply for recommitment if after examination it is
9 determined that the likelihood still exists. No more than two recommit-
10 ment orders may be permitted under (c) and (d) of this section.

11 (e) Upon the filing of a petition for recommitment under (c) or
12 (d) of this section, the court shall fix a date for hearing no later than
13 10 days after the date the petition was filed. A copy of the petition
14 and of the notice of hearing, including the date fixed by the court,
15 shall be served on (1) the petitioner; (2) the person whose commitment
16 is sought; (3) the next of kin of the person whose commitment is sought;
17 (4) the original petitioner under sec. 130(a) of this chapter, if
18 different from the petitioner for recommitment; (5) one of the parents
19 or the legal guardian of the person whose commitment is sought if he is
20 a minor, and any other person the court considers appropriate. At the
21 hearing the court shall proceed as provided in (a) of this section.

22 (f) The division shall provide adequate and appropriate treatment
23 for a person in its custody. The division may transfer a person in
24 its custody from one approved public treatment facility to another if
25 the transfer is medically advisable.

26 (g) A person committed to the custody of the division for treat-
27 ment shall be discharged at any time before the end of the period for
28 which he has been committed if either of the following conditions are
29 met:

1 (1) when an alcoholic committed on the grounds of likelihood
2 of infliction of physical harm on another is no longer considered an
3 alcoholic or the likelihood of his infliction of physical harm no longer
4 exists; or

5 (2) when, in the case of an alcoholic committed on the ground
6 of the likelihood of infliction of physical harm on another, either

7 (A) further treatment will not be likely to bring about
8 significant improvement in the person's condition, or

9 (B) treatment is no longer adequate or appropriate.

10 (h) The court shall inform the person whose commitment or recom-
11 mitment is sought of his right to contest the application, be represented
12 by counsel at every stage of the proceedings relating to his commitment
13 and recommitment, and have counsel appointed by the court or provided
14 by the court, if he is unable to obtain counsel. If the court believes
15 that the person needs the assistance of counsel, the court shall
16 require, by appointment if necessary, counsel for him regardless of his
17 objection. The person whose commitment or recommitment is sought shall
18 be informed of his right to be examined by a licensed physician of his
19 choice. If the person is unable to obtain a licensed physician and
20 requests examination by a physician, the court shall employ a licensed
21 physician for the examination.

22 (i) If a private treatment facility agrees with the request of a
23 competent patient or his parent, sibling, adult child, or guardian to
24 accept the patient for treatment, the administrator of the public
25 treatment facility shall transfer him to the private treatment facility.

26 (j) A person committed under this chapter may at any time seek
27 discharge from commitment by writ of habeas corpus under AS 12.75.

28 Sec. 47.37.150. RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS.

29 (a) The registration and other records of treatment facilities shall

1 remain confidential and are privileged to the patient.

2 (b) Notwithstanding (a) of this section, the director may make
3 available information from patients' records for purposes of research
4 into the causes and treatment of alcoholism. No information may disclose
5 a patients name.

6 Sec. 47.37.160. VISITATION AND COMMUNICATION OF PATIENTS. (a)
7 Patients in any approved treatment facility under this chapter shall be
8 granted reasonable opportunities for adequate consultation with counsel,
9 and for continuing contact with family and friends including the use
10 of telephone facilities, consistent with an effective treatment program.

11 (b) No mail or other communication to or from a patient in any
12 approved treatment facility may be intercepted, read, or censored.

13 Sec. 47.37.170. ESTABLISHMENT OF EMERGENCY SERVICE PATROL. (a)
14 The division and cities and boroughs may establish emergency service
15 patrols. An emergency service patrol consists of persons trained to
16 give assistance in public places to persons who are intoxicated. Members
17 of an emergency service patrol shall be capable of providing first aid
18 in emergency situations and shall be capable of transporting intoxicated
19 persons to their homes and to and from public treatment facilities.

20 (b) The director shall promulgate regulations for the establishment,
21 training, and conduct of emergency service patrols.

22 Sec. 47.37.180. PAYMENT FOR TREATMENT. (a) A patient in an
23 approved treatment facility, or the person obligated to provide for the
24 cost of treatment of a person committed under this chapter, is liable
25 to the division for cost of maintenance and treatment of the patient
26 in accordance with rates established by the director.

27 (b) The director shall promulgate regulations governing financial
28 ability that take into consideration the income, savings and other
29 personal and real property of the person liable for the cost and

1 maintenance of the patient.

2 Sec. 47.37.190. NONAPPLICABILITY. (a) Nothing in this chapter
3 affects a statute, ordinance, or regulation relating to (1) drunken
4 driving, driving under the influence of alcohol, or other similar
5 offenses involving alcohol and the operation of a vehicle, aircraft,
6 boat, machinery, or other equipment, or (2) the sale, purchase, dis-
7 pensation, possession, or use of alcoholic beverages at specified times
8 and places or by a particular class of persons.

9 (b) Nothing in this chapter affects AS 11.70.030, relating to the
10 defense of voluntary intoxication.

11 Sec. 47.37.200. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.
12 Except as otherwise provided in this chapter, the Administrative
13 Procedure Act (AS 44.62) applies to and governs all administrative
14 action taken by the director under this chapter.

15 Sec. 47.37.210. DEFINITIONS. In this chapter

16 (1) "alcoholic" means a person who habitually lacks self-
17 control in using alcoholic beverages, or uses alcoholic beverages to
18 the extent that his health is substantially impaired or endangered, or
19 his social or economic function is substantially disrupted;

20 (2) "approved private treatment facility" means a private
21 agency meeting the standards prescribed in sec. 80(a) of this chapter
22 and approved under sec. 80(c) of this chapter;

23 (3) "approved public treatment facility" means a treatment
24 agency operating under the direction and control of the division or
25 providing treatment under this chapter through a contract with the
26 division under sec. 70(g) of this chapter and meeting the standards
27 prescribed in sec. 80(a) of this chapter and approved under sec. 80(c)
28 of this chapter;

29 (4) "commissioner" means the commissioner of health and

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social services;

(5) "department" means department of health and social services;

(6) "director" means the director of the division of alcoholism;

(7) "division" means the division of alcoholism within the department of health and social services;

(8) "emergency service patrol" means a patrol established under sec. 170 of this chapter;

(9) "incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment;

(10) "incompetent person" means a person who has been adjudged incompetent by the appropriate court;

(11) "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

(12) "treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care which may be extended to alcoholics and intoxicated persons, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling.

* Sec. 2. AS 11.45.032, AS 44.29.030 - 44.29.090, and AS 47.30.470 - 47.30.500 are repealed.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James D. Smith
Signature of Camera Operator

4/4/89
Date

Committee Report

S E N A T E

4/11/72 Date

Mr. President:

The Committee on Finance has had SB 319
(Tax exemption on motor fuel)
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for SB 319 and that
CS for SB 319 do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	_____
_____	<u>[Signature]</u>	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ CHAIRMAN

The Legislature of the State of Alaska
FISCAL NOTE
Second Session - Seventh Stat: Legislature

I. REQUEST

Bill Identification: CSSB 319 "An Act Relating to an Exemption from the Tax on Title: Transfers or Consumption, etc."
 Requested by: Legislative Finance Date: April 26, 1972
 Return Date Requested: As soon as possible
 Agency: _____ Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	-0-					
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	-0- /	/	/	/	/	/
MAN MONTHS (P./T.)	-0- /	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum dated April 27, 1972 from Steffen Andersen, Director, Excise Tax Division, Department of Revenue indicating loss of tax revenue due to exemption for fuel used for heating and cooking aboard watercraft and loss of revenue due to exemption from tax for liquid petroleum gas.

IV. ATTACHMENTS

V. DATE: April 28, 1972

PREPARED BY: _____

R. D. Stevenson
Deputy Commissioner

Original: Legislative Finance
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

MEMORANDUM

DEPT. OF REVENUE
MAR 27 2 40 PM '72
JUNEAU, ALASKA

TO: R. D. Stevenson
Deputy Commissioner

DATE: April 27, 1972 FILE _____

FROM: *Steffen Andersen*
Steffen Andersen, Director
Excise Tax Division

SUBJECT: Committee Substitute for
Senate Bill No. 319
Watercraft Fuel Tax

Following are the watercraft tax collection figures comparing fiscal year 1970-71 to fiscal year 1971-72. These comparisons are for the period July through March. It should be noted that the month of July for FY 1971-72 figure is at the .03¢ rate.

Fiscal Year	Rate	Revenue	% Increase
1970-71 July thru March	.03¢	\$690,142	
1971-72 July thru March	.03¢ & .04¢	\$864,080	

Percent of Increase over 1970-71 25.2%

It is obvious from the above figures that the tax rate increase from .03¢ to .04¢ or 33-1/3%, plus the elimination of the exemption of tax on heating and cooking fuel, has not accelerated the increased revenues to Treasury that was anticipated. Attached are cumulative revenue sheets for the 9 month period for FY 1970-71 and FY 1971-72.

Listed below are some of the reasons that revenues have not increased as anticipated:

- (1) The attached chart shows a decided decrease in salmon catch and an increase in shellfish catch. The salmon decrease would indicate less activity by the salmon fleet and consequently a decrease in the consumption of watercraft fuel. Although this shellfish catch increased from 152 million pounds in 1970 to 240 million pounds in 1971, larger vessels were used with greatly increased yield per trip. Due to the fact the boats had to make less trips to port decreased their fuel consumption.
- (2) 1970 Commercial boats registered - 10,837
1971 Commercial boats registered - 10,710

The decrease of 1.17% of boats operating during the 1971 fishing season would account for some decrease in fuel consumption.

- (3) Since the tax raise there have been cases where boats were buying diesel oil tax free. Boats were buying barreled stove oil at no tax and using it for the propulsion and other uses on their boats. Other boats were traveling to Prince Rupert and Seattle to beat the tax as there is no marine fuel tax at these ports.

Senate Bill 319 puts Section 1, AS 43.40.010(a)(2) and Section 2, AS 43.40.010(b)(2) of Chapter 40 back to the same status as prior to the passage of Ch. 124, SLA 1971 other than the affidavit requirement. The affidavit does not restrict the amount of fuel declared for heating and cooking. Past detailed surveys by the Department showed where boat operators were declaring 25% to 40% of their fuel purchased for heating and cooking.

The only administrative problem the subject bill will create is the design of an appropriate affidavit. The affidavit would be distributed to all petroleum distributors who would fill out the affidavit and have the customer sign at the time of purchase. These affidavits would be submitted with the motor fuel tax return. We would then know what percent of the purchased fuel they were declaring for heating and cooking.

The fact that the fine could be as much as \$5,000 would tend to discourage the purchaser from using exempt fuel for other purposes.

The attached chart indicates the loss of revenue if the exemption for heating and cooking fuel was at the percentage shown.

CSSB 319 am. adds to SB 319 a new subsection (k) to Section 3 of AS 43.40.010 which not only exempts liquified gas from taxation for watercraft but from highway use also. This past fiscal year there was no liquified gas reported for watercraft use, only highway. The approximate gallons of liquified gas used for highway use is less than three-tenths of one percent of the total gallons. See attached schedule for loss to Treasury. You will also note by the attached state motor fuel tax schedule that all but one state taxes propane.

There could be some concern that truckers might convert their truck engines to propane for propulsion and thus not pay any tax for highway use fuel.

I contacted knowledgeable people who advise that the use of propane for the propulsion of engines in Alaska is not economically feasible. There are approximately 100 trucks now using propane for fuel.

The reason propane is not used as a fuel for the propulsion of engines in Alaska is that the conversion is extremely costly. On large truck tractors there is an appreciable loss of horsepower, although the unit cost of fuel is cheaper. Propane liquifies at ten degrees below zero and only approximately 50% is usable. Mr. Sanders of the Alaska Carriers Association advises that the trend in Alaska, for the foreseeable future is a decrease of the use of any liquified gas for the propulsion of engines.

SA:dw

Attachments

WATERCRAFT FUEL TAX ESTIMATES
 (including taxing fuel used
 for heating & cooking - present
 statutes)

<u>Fiscal Year</u>	<u>Revenue Estimates</u>	<u>5% Reduction for Exemption for Heating and Cooking</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>
FY 1973	\$1,100,600	\$55,030	\$110,060	\$165,090	\$220,120	\$275,150
FY 1974	1,144,600	57,230	114,460	171,690	228,920	286,150
FY 1975	1,190,400	59,520	119,040	178,560	238,080	297,600
FY 1976	1,238,000	61,900	123,800	185,700	247,600	309,500
FY 1977	1,287,500	64,375	128,750	193,125	257,500	321,875

LOSS OF REVENUE BY EXEMPTION OF
 TAXATION ON LIQUIFIED PETROLEUM

FY 1973	FY 1974	FY 1975	FY 1976	FY 1977
\$21,525	\$22,205	\$23,191	\$23,386	\$24,620

STATE MOTOR FUEL TAX RATES
November 30, 1971
(¢ per gallon)

<u>STATE</u>	<u>GASOLINE</u>	<u>DIESEL</u>	<u>LIQUID PETROLEUM GAS</u>
Alabama	7	7	7
Alaska	8	8	8
Arizona	7	7	7
Arkansas	7.5	8.5	7.5
California	7	7	6
Colorado	7	7	7
Connecticut	8	8	8
Delaware	7	7	7
Florida	7	7	7
Georgia	7.5	7.5	7.5
Hawaii	5	5	5
Idaho	7	7	7
Illinois	7.5	7.5	7.5
Indiana	8	8	8
Iowa	7	8	7
Kansas	7	8	7
Kentucky	7	7	7
Louisiana	8	8	8
Maine	8	8	8
Maryland	7	7	7
Massachusetts	6.5	6.5	6.5
Michigan	7	7	7
Minnesota	7	7	7
Mississippi	8	10	8
Missouri	5	5	5
Montana	7	9	7
Nebraska	8.5	8.5	8.5
Nevada	6	6	6
New Hampshire	9	9	9
New Jersey	7	7	7
New Mexico	7	7	7
New York	7	9	7
North Carolina	9	9	9
North Dakota	7	7	7
Ohio	7	7	7
Oklahoma	6.58	6.58	6.58
Oregon	7	7	7
Pennsylvania	8	8	8
Rhode Island	8	8	8
South Carolina	7	7	7
South Dakota	7	7	6
Tennessee	7	8	7
Texas	5	6.5	5
Utah	7	7	7
Vermont	9	no tax	no tax
Virginia	7	7	7
Washington	9	9	9
West Virginia	8.5	8.5	8.5
Wisconsin	7	7	7
Wyoming	7	7	5*
Washington D. C.	7	7	7

*Plus a ton-mile fee

SOURCE OF STATISTICS: Tax Administrators News

The Legislature of the State of Alaska
FISCAL NOTE
Second Session - Seventh State Legislature

I. REQUEST

Bill Identification: SB 319
 Title: exemption from tax on transfers/consumption of motor fuel
 Requested by: Legislative Finance Date: 2/4/72
 Return Date Requested: 2/11/72
 Agency: Dept. of Revenue Program: Fiscal Services

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-					

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER	-0-					

C. POSITIONS:

PERMANENT/TEMPORARY	-0- /	/	/	/	/	/
MAN MONTHS (P./T.)	-0- /	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum and charts and schedules from Steffen Andersen, Director, Excise Tax Division, Department of Revenue concerning effect on Treasury upon allowance for exemption for fuel used aboard watercraft for heating and cooking relative to the 4¢ per gallon watercraft fuel tax.

IV. ATTACHMENTS

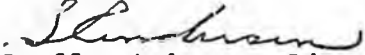
V. DATE: 2-10-72

PREPARED BY: R. D. Stevenson
 R. D. Stevenson, Deputy Commissioner
 Department of Revenue

Original: Legislative Finance
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

STATE
of ALASKA

MEMORANDUM

TO: R. D. Stevenson
Deputy CommissionerFROM: 
Steffen Andersen, Director
Excise Tax Division

DATE: February 10, 1972

SUBJECT: Senate Bill No. 319

Following are the watercraft tax collection figures comparing fiscal year 1970-71 to fiscal year 1971-72. These comparisons are for the period July through January. It should be noted that the month of July for FY 1971-72 figure is at the .03¢ rate. There is a third set of figures reflecting revenues if all seven months had been at the .04¢ rate for FY 1971-72.

Fiscal Year	Rate	Revenue	% Increase
1970-71 July thru January	.03¢	\$610,507	
1971-72 July thru January	.03¢ & .04¢	\$792,431	
Percent of Increase over 1970-71			29.80%
1971-72 July thru January	.04¢	\$807,624	
Percent of Increase <u>if</u> 7 months @ .04¢			32.29%

It is obvious from the above figures that the tax rate increase from .03¢ to .04¢ or 33-1/3% plus the elimination of the exemption of tax on heating and cooking fuel has not accelerated the increased revenues to Treasury that was anticipated. Attached are cumulative revenue sheets for the 7 month period for FY 1970-71 and FY 1971-72.

Listed below are some of the reasons that revenues have not increased as anticipated:

- (1) The attached chart shows a decided decrease in salmon catch and an increase in shellfish catch. The salmon decrease would indicate less activity by the salmon fleet and consequently a decrease in the consumption of watercraft fuel. Although this shellfish catch increased from 152 million pounds in 1970 to 240 million pounds in 1971, larger vessels were used with greatly increased yield per trip. Due to the fact the boats had to make less trips to port decreased their fuel consumption.
- (2) 1970 Commercial boats registered - 10,837
1971 Commercial boats registered - 10,710
The decrease of 1.17% of boats operating during the 1971 fishing season would account for some decrease in fuel consumption.
- (3) Since the tax raise there have been cases where boats were buying diesel oil tax free. Boats were buying barreled stove oil at no tax and using it for the propulsion and other purposes on their boats.

R. D. Stevenson

February 10, 1972

Other boats were traveling to Prince Rupert and Seattle to beat the tax as there is no marine fuel tax at such ports.

Senate Bill 319 puts Section 1, AS 43.40.010(a)(2) and Section 2, AS 43.40.010(b)(2) of Chapter 40 back to the same status as prior to the passage of Ch. 124, SLA 1971 other than the affidavit requirement. The affidavit does not restrict the amount of fuel declared for heating and cooking. Past detailed surveys by the Department showed where boat operators were declaring 25% to 40% of their fuel purchased for heating and cooking.

The only administrative problem the subject bill would create would be to design an appropriate affidavit and keep a record of the affidavits that are issued. There will also be a minimal cost for having the form printed.

The attached chart indicates the loss of revenue if the exemption for heating and cooking fuel was at the percentages shown.

SA:dw

Attachments

WATERCRAFT FUEL TAX ESTIMATES
 (including taxing fuel used
 for heating & cooking - present
 statutes)

<u>Fiscal Year</u>	<u>Revenue Estimates</u>	<u>5% Reduction for Exemption for Heating and Cooking</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>
FY 1973	\$1,100,600	\$ 55,030	\$110,060	\$165,090	\$220,120	\$275,150
FY 1974	1,144,600	57,230	114,460	171,690	228,920	286,150
FY 1975	1,190,400	59,520	119,040	178,560	238,080	297,600
FY 1976	1,238,000	61,900	123,800	185,700	247,600	309,500
FY 1977	1,287,500	64,375	128,750	193,125	257,500	321,875

CUMULATIVE SUMMARY OF REVENUES
COLLECTED 7/1/71 through 1/31/72
7/12 or 58.33%

Code No.	Type of Tax	Receipts	Refunds	Net Receipts	Estimated	Net Receipts % of Estimate
101	Alcohol Tax	\$ 3,215,563.20	\$ 32,616.48	\$ 3,182,946.72	\$ 5,293,000.00	60.14%
102	Cigarette Tax GF	729,143.27	370.08	728,773.19	1,233,609.38	59.08%
103	Cigarette Tax SF	1,215,239.44	616.72	1,214,622.72	2,056,000.00	59.07%
105	Business License	703,081.08	7,160.91	695,920.17	5,929,662.49	11.74%
106	nd. Income Tax	24,044,581.48	1,269,478.59	22,775,102.89	37,710,739.11	60.39%
107	Fiduciary Tax	6,009.28	341.16	5,668.12	25,000.00	22.67%
108	Corporation Tax	3,355,519.99	450,047.25	2,905,472.74	6,525,356.00	44.53%
109	Mines & Mining	-0-	-0-	-0-	17,000.00	-0-
110	Inheritance Tax	45,101.85	3,023.08	42,078.77	50,000.00	84.16%
111	Estate Tax	7,928.88	324.58	7,604.30	7,000.00	108.63%
112	Raw Fish Tax	7,673.26	210.19	7,463.07	2,182,214.37	.34%
113	Cold Storage	18,190.26	22.97	18,167.29	302,329.49	6.01%
114	Freezer Ship	6,874.07	1,232.07	5,642.00	306,678.14	1.84%
115	Oil & Gas Prod.	7,580,986.09	-0-	7,580,986.09	10,880,000.00	69.68%
117	Disaster	1,560.00	-0-	1,560.00	1,600.00	97.50%
118	School Tax	422,653.71	-0-	422,653.71	1,399,370.00	30.20%
120	Elec. & Tel.	159,465.31	-0-	159,465.31	425,000.00	37.52%
131	Highway Fuel	7,088,604.73	1,224,013.41	5,864,591.32	8,974,436.49	65.35%
132	Aviation Fuel	1,046,087.61	-0-	1,046,087.61	1,673,100.00	62.52%
133	Marine Fuel	792,431.94	-0-	792,431.94	1,042,100.00	76.04%
217	Embalmers' License	950.00	-0-	950.00	1,600.00	59.38%
220	Motor Vehicle Dealer	3,150.00	-0-	3,150.00	3,925.00	80.25%
224	Motor Freight Carrier	42,563.00	801.70	41,761.30	276,118.50	15.12%
226	Amusement & Gaming	29,952.50	110.20	29,842.30	58,127.40	51.34%
227	Lottery Permits	1,870.00	-0-	1,870.00	4,200.00	44.52%
285	Liq. Lic. Appli.	27,650.00	-0-	27,650.00	32,200.00	85.87%
289	Beverage Disp.	355,000.00	10,250.00	344,750.00	394,000.00	87.50%
290	Club	18,600.00	200.00	18,400.00	21,600.00	85.19%
291	Common Carrier	7,500.00	-0-	7,500.00	8,700.00	86.21%
292	Restaurant	10,800.00	-0-	10,800.00	10,000.00	108.00%
293	Roadhouse	2,925.00	-0-	2,925.00	3,300.00	88.64%
294	Retail	200,700.00	13,500.00	187,200.00	190,000.00	98.53%
295	Retail Stock Sale	-0-	-0-	-0-	100.00	-0-
296	Wholesale General	6,500.00	-0-	6,500.00	71,500.00	9.09%
297	Wholesale Malt Bev.	1,100.00	100.00	1,000.00	9,800.00	10.20%
299	Misc. License	6,549.00	-0-	6,549.00	13,000.00	50.38%
440	M/V Drivers	166,822.28	3,190.01	163,632.27	352,254.00	46.45%
441	M/V Plates	1,030,330.78	21,036.63	1,009,294.15	5,720,079.82	17.64%
442	M/V Titles	178,566.00	-0-	178,566.00	353,356.00	50.53%
652	Misc Revenue	11,722.45	2.30	11,720.15	22,168.94	52.87%
962	Prepaid Tax	(53,040.49)	137,142.96	(190,183.45)	-0-	-0-
	Sub-Total	\$52,496,905.97	\$3,175,791.29	\$49,321,114.68	\$ 93,580,425.13	52.70%
	<u>Fish & Game Licenses</u>					
270-280	Vessel & Gear	\$ 68,684.00	\$ 2,704.14	\$ 65,979.86	\$ 511,248.74	12.91%
281	Comm. Fish Res.	60,330.00	2,300.52	58,029.48	136,812.99	42.41%
282	Comm. Fish Non-Res.	111,600.00	4,343.78	107,256.22	198,502.06	55.04%
286	Comm. Fish Ext. Fees	2,160.00	-0-	2,160.00	2,400.00	90.00%
401-419	Sport Fish & Hunt	1,159,039.00	59,482.38	1,099,556.62	1,621,220.83	67.82%
	Sub-Total	\$53,898,718.97	\$3,244,622.11	\$50,654,096.86	\$ 96,050,609.75	52.73%
	<u>Interest</u>					
644	Int. on Loans	\$ 229,521.74	\$ -0-	\$ 229,521.74	\$ 372,900.00	61.55%
645	Int. on Deposits	3,651,935.33	-0-	3,651,935.33	7,003,400.00	52.14%
646	Int. on Investments	41,780,994.62	-0-	41,780,994.62	62,962,600.00	66.35%
	Total Interest	\$45,662,451.69	\$ -0-	\$45,662,451.69	\$ 70,338,900.00	64.91%
	TOTAL REVENUES	\$99,561,170.66	\$3,244,622.11	\$96,316,548.55	\$166,389,509.75	57.88%

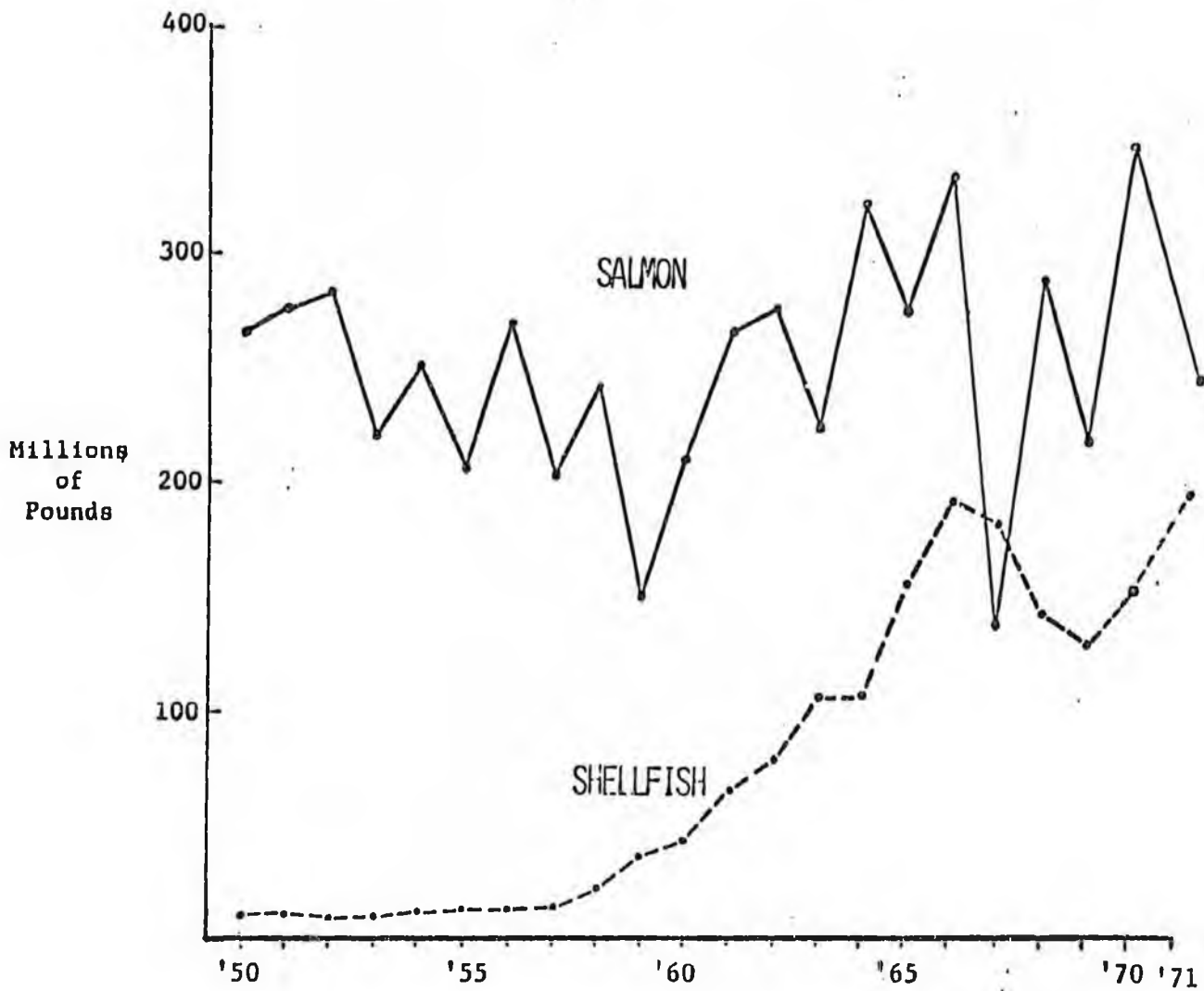
NOTE- The Division of Finance has initiated an accrual program which incorporates the cash receipts. The increase in many of the estimated receipts amounts is due to the application of estimated cash in transit as of June 30, 1972.

CUMULATIVE SUMMARY OF REVENUES
COLLECTED 7/1/70 THROUGH 1/31/71
7/12 or 58.33%

Code No.	Type of Tax	Receipts	Refunds	Net Receipts	Estimated	Net Receipts % of Estimate
101	Alcohol Tax	\$ 3,102,985.02		\$ 3,102,985.02	\$ 4,481,400.00	69.24
102	Cigarette Tax - GF	655,283.19	362.40	654,920.79	1,066,500.00	61.41
103	Cigarette Tax	1,092,138.68	604.00	1,091,534.68	1,777,500.00	61.41
105	Business License	535,339.36	16,286.34	519,053.02	5,300,000.00	9.79
106	Individual Income Tax	22,862,003.42	1,333,828.71	21,528,174.71	36,870,000.00	58.39
107	Fiduciary Tax	8,593.45	846.25	7,747.20	13,000.00	59.59
108	Corporation Income	2,517,087.63	500,730.93	2,016,356.70	4,948,300.00	40.75
109	Mines & Mining Tax				50,000.00	
110	Inheritance Tax	93,000.58	1,371.97	91,628.61	110,000.00	83.30
112	Raw Fish Tax	7,119.39		7,119.39	4,515,300.00	.16
113	Cold Storage Tax	20,740.19	2,100.00	18,640.19	265,000.00	7.03
114	Freezer Ship	19,909.52		19,909.52	110,000.00	18.10
115	Oil & Gas Production	4,396,712.69		4,396,712.69	5,471,000.00	80.36
116	Disaster Severance	538,843.99		538,843.99	1,823,000.00	29.56
117	Disaster Relief Tax	42,472.96	20.00	42,452.96		
118	School Tax	445,614.59		445,614.59	1,428,400.00	31.20
120	Electric & Tele. Co-op				360,000.00	
131	Highway Fuel Tax	6,535,120.15	859,170.62	5,675,949.53	7,506,000.00	75.62
132	Aviation Fuel	1,035,379.92		1,035,379.92	3,205,000.00	32.31
133	Marine Fuel	610,507.38		610,507.38	832,000.00	73.38
217	Embalmer's License	1,300.00		1,300.00	1,300.00	100.00
220	Motor Vehicle Dealers	1,975.00		1,975.00	3,700.00	53.38
224	Motor Freight Carrier	22,754.00	241.20	22,512.80	59,800.00	37.65
226	Amusement & Gaming	27,041.28	300.00	26,741.28	50,000.00	53.48
227	Lottery Permits	1,130.00		1,130.00	4,500.00	25.11
285	Liquor License Appli.	27,050.00		27,050.00	32,400.00	83.49
289	Beverage Dispensary	364,750.00	9,100.00	355,650.00	396,300.00	89.74
290	Club	20,000.00		20,000.00	17,800.00	112.36
291	Common Carrier	6,750.00		6,750.00	20,000.00	33.75
292	Restaurant	7,950.00	150.00	7,800.00	6,600.00	118.18
293	Roadhouse	2,775.00	75.00	2,700.00	3,900.00	69.23
294	Retail	193,800.00	7,800.00	186,000.00	179,700.00	103.51
295	Retail Stock Sale				200.00	
296	General Wholesale	6,500.00		6,500.00	70,900.00	9.17
297	Wholesale Malt Beverage	900.00		900.00	9,200.00	9.78
299	Miscellaneous Licenses	13,254.00		13,254.00	14,000.00	94.67
440	Motor Vehicle Drivers	202,342.25	3,495.51	198,846.74	277,400.00	71.68
441	Motor Vehicle Plates	919,082.41	22,113.48	896,968.93	5,236,200.00	17.13
442	Motor Vehicle Titles	157,506.00		157,506.00	334,200.00	47.13
516	Oil & Gas Conservation	61,939.17		61,939.17	297,300.00	20.83
652	Miscellaneous Revenue	11,015.79	3.40	11,012.39	20,500.00	53.72
962	Prepaid Tax	1,849.53	7,058.81	(5,209.28)		
	Sub-Total	<u>\$46,570,516.54</u>	<u>\$2,765,658.62</u>	<u>\$43,804,857.92</u>	<u>\$ 87,168,300.00</u>	<u>50.25</u>
	Fish & Game Licenses					
281	Comm. Fish - Res.	\$ 54,060.00	\$ 2,105.57	\$ 51,954.43	\$ 126,200.00	41.17
282	Comm. Fish - Non-Res.	125,130.00	4,795.25	120,334.75	204,900.00	58.73
270-280	Vessel & Gear Lic.	70,373.00	2,707.01	67,665.99	468,700.00	14.44
286	Comm. Fish Ext. Fees	1,665.00		1,665.00		
401-417	Sport Fish & Hunting	1,126,570.50	56,179.88	1,070,390.62	1,433,825.00	74.65
	Sub-Total	<u>\$ 1,377,798.50</u>	<u>\$ 65,787.71</u>	<u>\$ 1,312,010.79</u>	<u>\$ 2,233,325.00</u>	<u>58.75</u>
	Total Tax	<u>\$47,948,315.04</u>	<u>\$2,831,446.33</u>	<u>\$45,116,868.71</u>	<u>\$ 89,402,225.00</u>	<u>50.46</u>
	Interest					
644	Int. on Loans	\$ 17,400.00		\$ 17,400.00	\$ 77,400.00	22.48
645	Int. on Deposits	3,521,313.37		3,521,313.37	7,048,200.00	49.96
646	Int. on Investments	31,426,591.09		31,426,591.09	55,006,000.00	57.13
	Total Interest	<u>\$34,965,304.46</u>	<u>\$</u>	<u>\$34,965,304.46</u>	<u>\$ 62,131,300.00</u>	<u>56.27</u>
	TOTAL REVENUES	<u>\$82,913,619.50</u>	<u>\$2,831,446.33</u>	<u>\$80,082,173.17</u>	<u>\$151,533,525.00</u>	<u>52.84</u>

PART I

CATCH STATISTICS



1971 salmon statistics not available - figure arrived at by using average weight by species of last years catch.

ALASKA SALMON AND SHELLFISH CATCH 1950-1970 - (1971 approximate)

The Legislature of the State of Alaska
FISCAL NOTE
Second Session - Seventh State Legislature

I. REQUEST

Bill Identification: SB 319
 Title: exemption from tax on transfers/consumption of motor fuel
 Requested by: Legislative Finance Date: 2/4/72
 Return Date Requested: 2/11/72
 Agency: Public Works Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Water and Harbors Facilities

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	0	(211.3) ^①	(220.4)	(230.1)	(238.2)	(247.8)
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	(211.3)	(220.4)	(230.1)	(238.2)	(247.8)

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0	(211.3)	(220.4)	(230.1)	(238.2)	(247.8)
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

Not affected. See Analysis.

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Water and Harbors program is funded with revenues received from the tax imposed on the sale of marine fuel in the State. Because the program is primarily one of capital construction, fluctuations in funding affect contractual rather than personal services. For example, except for direct project supervision, the cost of administering a \$300,000 project is normally no more than a \$30,000 one. Naturally this premise is valid only within certain limits. However, the change in revenues which would be generated by SB 319 are not expected to be significant enough to affect any expenditures other than contractual services.

① See attachment

IV. ATTACHMENTS

1. Additional information requested.

V. DATE: February 9, 1972

PREPARED BY: _____

Don Statter
 Don Statter, Director
 Division of Water and Harbors

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

(1) Contact Department of Revenue to determine effect upon watercraft fuel tax construction account.

Revenue was contacted February 8, 1972. They indicated that field audits conducted by personnel of the Excise Tax Division in 1966 and 1968 confirmed that diesel fuel exemption from the marine fuel tax, for non-propulsion purposes, amounted to approximately 25% of the fuel sold. Since SB 319 would, for all practical purposes, allow an exemption identical to that taken prior to CH 124, SLA 1971, the 25% figure should be valid for purposes of this fiscal note.

Based on Revenue Projections made by the Department of Revenue (Revised November 22, 1971), modified by a factor of .75 applied to diesel fuel, the estimated watercraft fuel tax revenues for Fiscal Year 1973 through Fiscal Year 1977 are as follows:

Fiscal Year 1973	\$888.7
Fiscal Year 1974	\$924.2
Fiscal Year 1975	\$960.3
Fiscal Year 1976	\$999.8
Fiscal Year 1977	\$1,039.7

(1) Comment - The Division of Water and Harbors does not necessarily agree with the 25% exemption figure proposed by the Department of Revenue. The change in revenue that will result from an amendment as proposed in SB 319 is very difficult to predict, however, we feel that the actual decrease will be affected by the following conditions.

a. Under the former system of tax exemptions, the boat owner verbally declared a certain % of his total fuel was used for non-propulsion purposes. Under this "honor system" there were undoubtedly cases of abuse which an "affidavit system" will tend to eliminate thereby reducing the overall % of non-taxable fuel delivered.

b. SB 319 does not specifically grant an exemption on non-propulsion fuels such as used in generating systems. In many of the larger boats this may amount to a large part of the total fuel taken aboard. If an exemption is not allowed on fuels such as this, the overall % would be reduced significantly.

(1) Based on these two conditions and recognizing, again, that the actual net change in revenue will be very difficult to predict, we feel that a factor of between 10% and 15% for non-taxable diesel fuel is more likely. This will result in an average of \$100,000 per year increase over the figure shown above.

(2) Proposed construction schedule for Fiscal Year 1973 if AS 43.40.010 (a) (2) remains unchanged - by location, project, and cost.

<u>Project</u>	<u>Total Cost</u>
Nome Maintenance Dredging	\$ 2.5
Tenakee Harbor Facilities	73.0
Kasaan Smallcraft Facilities	31.0
Hoonah Harbor Facilities	37.5
Hollis-Craig Harbor Facilities	90.5
Kodiak Harbor Facilities	336.5
Dillingham Dock	141.0
Angoon Harbor Facilities	100.0
Gustavus Dock	113.0
Haines Harbor Dredging	111.0
Kotzebue Harbor Needs Study	25.0
Emergency Repairs	39.0
TOTAL	<u>\$1,100.0</u>

(3) Probable construction schedule revisions if SB 319 were enacted into law - by location, project, and cost.

- a. Reduce Kodiak project by \$50.0.
- b. Eliminate Gustavus project.
- c. Eliminate Haines project.

STATE OF ALASKA

STATE OF ALASKA
DEPT. OF
PUBLIC WORKS

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF — STATE CAPITOL

JUNEAU 99801

Init.	
	Commissioner
	Deputy Commissioner
	Administrative Director
	Aviation
	Buildings
	Communications
	Marine Transportation
	Water & Harbors
	Fiscal
	Leasing
	Personnel
	Property & Supply
	Payroll
	Mail & Records

MEMORANDUM

TO: Tracy Kaldor, Admin. Dir.
Department of Public Works

DATE: February 4, 1972

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 319,
AND RETURN IT TO OUR OFFICE BY 2/11/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

- ✓ 1. Contact Dept. of Revenue to determine effect upon Watercraft Fuel Tax Construction account.
2. Proposed construction schedule for FY 73 if AS 43.40.010 (a) (2) remains unchanged--by location, project, and cost.
3. Probable construction schedule revisions if SB 319 were enacted into law -- by location, project, and cost.

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

Introduced: 2/3/72
Referred: Finance

1 IN THE SENATE

BY POLAND

2 SENATE BILL NO. 319

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to an exemption from the tax on
7 transfers or consumption of motor fuel."

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

9 * Section 1. AS 43.40.010(a)(2) is amended to read:

10 (2) the tax on motor fuel used in engines for the propulsion
11 of boats and watercraft of all descriptions, except [INCLUDING] that
12 motor fuel which may be used for heating and cooking aboard boats and
13 watercraft, is four cents a gallon; if a person claims the heating and
14 cooking fuel exemption under this paragraph, he shall sign an affidavit
15 at the time of the sale or transfer attesting to the fact that the
16 amount of fuel for which he claims the exemption will be used only for
17 heating and cooking aboard a boat or watercraft, and

18 * Sec. 2. AS 43.40.010(b)(2) is amended to read:

19 (2) the tax on motor fuel used in engines for the propulsion
20 of boats and watercraft of all descriptions, except [INCLUDING] that
21 motor fuel which may be used for heating and cooking aboard boats and
22 watercraft, is four cents a gallon; if a person claims the heating
23 and cooking fuel exemption under this paragraph, he shall sign an
24 affidavit at the time of purchase attesting to the fact that the amount
25 of fuel for which he claims the exemption will be used only for heating
26 and cooking aboard a boat or watercraft, and

STATE OF ALASKA

STATE DEPARTMENT OF REVENUE

BUDGET AND FISCAL CONTROL

FORM 100-1
FISCAL NOTE REQUEST

FORM 100-1
FISCAL NOTE REQUEST

JANUARY 1972

MEMORANDUM

TO: Bob Stevenson, Dep. Comm. DATE: February 4, 1972
Department of Revenue

FROM: LEGISLATIVE FINANCE SUBJ: FISCAL NOTE REQUEST
ROOM 407
CAPITOL BUILDING

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 319,
AND RETURN IT TO OUR OFFICE BY 2/11/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. Determine the effect upon the watercraft fuel tax account.
2. Effect of present law (as amended by CH 124, SLA 1971) upon watercraft fuel tax collections to date for FY 1971-72 as compared to the same period for FY 1970-71. How much of any change is attributable to:
 - a. Historical trends; and
 - b. Size of harvest and fishing fleet for each year?

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEGISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT
Public Works

STATE OF ALASKA

THE INTERDEPARTMENTAL

GROUP AND JOINT COMMITTEE

ALASKA DEPARTMENT OF PUBLIC WORKS
ALASKA GOVERNMENT BUILDINGS

ALASKA DEPARTMENT OF REVENUE
ALASKA GOVERNMENT BUILDINGS

ALASKA GOVERNMENT BUILDINGS

MEMORANDUM

TO: Tracy Kaldor, Admin. Dir.
Department of Public Works

DATE: February 4, 1972

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 319,
AND RETURN IT TO OUR OFFICE BY 2/11/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. Contact Dept. of Revenue to determine effect upon Watercraft Fuel Tax Construction account.
2. Proposed construction schedule for FY 73 if AS 43.40.010 (a) (2) remains unchanged--by location, project, and cost.
3. Probable construction schedule revisions if SB 319 were enacted into law --- by location, project, and cost.

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

POUCH Z — JUNEAU 99801

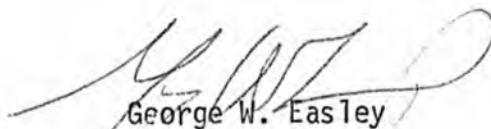
February 10, 1972

Legislative Finance
Room 407
Capitol Building
Juneau, Alaska 99801

Gentlemen:

Responding to your request of February 4, 1972, attached is the completed Fiscal Note with attachments pertaining to Senate Bill 319.

Sincerely,



George W. Easley
Commissioner

Attachments

cc: Division of Budget & Management
Pouch C
Juneau, Alaska 99801

Senator Kathryn Poland
Alaska State Senate
Pouch V, State Capitol Bldg.
Juneau, Alaska 99801



RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James D. Smith
Signature of Camera Operator

4/4/89
Date

STATE
of ALASKA

MEMORANDUM

TO: [State of Alaska - Legislative Finance
Room 407
Capitol Building
Juneau, Alaska 99801

DATE : March 20, 1972

FROM: G. Lee Hayes *GLH*
Plant Facilities &
New Construction Supervisor

SUBJECT: Fiscal Note Request SB #324

I. Present status of Fort Yukon facility:

- A. Present building - frame construction houses K-12 with multipurpose room available.
- B. New construction ready to bid approximately 6,888 sq. ft. addition for primary and lower elementary grades at estimated cost of \$500,000. To be completed fall of 1972.

II. Proposed Capital Construction for Fort Yukon.

- A. FY 73
50,000 addition of two trailers - teacher housing.
- B. FY 74
250,000 addition to elementary school section.
- C. FY 75
200,000 remodel existing classrooms for secondary program.
- D. FY 76
200,000 4 units teacher housing.
- E. FY 77
None

III. The funding proposed by SB 324 would enable the substantial part of the FY 73, 74 & 75 programs to be accomplished simultaneously. This consolidation would provide a savings in total cost and provide an improvement in educational program.

The FY 73 housing has the highest priority in the Statewide program.

FY 74 addition is consistent with the priority listing #4 for Statewide planning for rural schools.

FY 75 remodeling is consistent with #3 priority for area high schools.

Conclusion: This funding would provide a savings in cost for constructing planned and needed facilities at Fort Yukon. Alaska State-Operated Schools has considered (3) (on the bill) as the highest priority. (1) (on the bill) as second priority and (2) (on the bill) as third priority.

GLH/hs
360 Fort Yukon

G. L. H.

10
FY 78

CAPITAL BUDGET
PROPOSED FIVE-YEAR
CAPITAL PROGRAM
FY 78-77

AGENCY: Education

PROJECT: Area and Regional Schools for unspecified locations.

PRIORITY	TITLE AND LOCATION		YEAR IN WHICH FUNDING IS REQUESTED			
			FY 78	FY 79	FY 80	FY 81
	Area and Regional Schools for unspecified locations.	TOTAL COST	1,000.0	4,240.0		
		STATE FUNDS	1,000.0	3,200.0		
		OTHER FUNDS				
	Scope, Location and Fund Allocation pending further study by State Board of Education.	TOTAL COST				
	Indicated funding is balance of Ch 170/70 appropriation of 11,100,000.	STATE FUNDS				
		OTHER FUNDS				
		TOTAL COST				
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CAPITAL BUDGET
STATUS OF

CURRENTLY APPROVED PROJECTS

FY 73

Agency: Education

Fiscal Year: 1973

Project No.:

FY Auth.	TITLE AND LOCATION	Amount Authorized	Estimated Unexpended Authorization July 1, 1973	Planned Expenditures FY 73	Planned Expenditures FY 74	Planned Expenditures FY 75 Anticipated	Conditions		STATUS
							Open	Used	
8/3/66	Bethel Regional Sch	3,000.0	-0-						Under Development
12/1/65	Bethel Regional Sch	1,172.0	-0-						Under Development
1/8/70	Worcester Reg. Sch	2,000.0	-0-						Under Development
1/20/70	Bethel Regional Sch	750.0	-0-						Under Development
1/20/70	East Yonkers Middle Sch	500.0	-0-						Under Development
1/24/70	East Yonkers Area Sch	500.0	500.0	500.0					Under Development
1/26/70	Yonkers Area School	305.0	205.0	305.0					Under Development
1/27/71	Williamsville Reg. Sch	120.0	30.0	30.0					Under Development
1/27/71	Williamsville Reg. Sch	1,200.0	1,200.0	1,200.0					Under Development
1/27/70	Richmond Reg. Sch	1,500.0	1,500.0	1,500.0					Under Development
1/28/70	St. Albans Regional Sch	300.0	300.0	300.0					Under Development
1/28/70	Yonkers-Catharine Study	15.0	-0-	-0-					Under Development
3/9/70	St. Albans Regional Sch	1,100.0	100.0	1,100.0					Under Development

05072

FY 75

CAPITAL BUDGET
 PROPOSED FIVE-YEAR
 CAPITAL PROGRAM
 FY 75-77

AGENCY	<u>S.O.S</u>	CATEGORY	<u>I</u>
DIVISION		PROGRAM	<u>2</u>
		SUBJECT	<u>Travel Expenses</u>
		SUPPLEMENT	<u>to Sub 5</u>

PROJECT	TITLE AND LOCATION		YEAR IN WHICH FUNDING IS REQUESTED				
			FY 73	FY 74	FY 75	FY 76	FY 77
12	Nihoa Quarters	TOTAL COST	50.0				
		STATE FUNDS					
		OTHER SOURCES					
13	For the States watching share to go along with S.I.A. funding.	TOTAL COST		200.0			
		STATE FUNDS					
		OTHER SOURCES					
14	Pike's Point Quarters	TOTAL COST		50.0			
		STATE FUNDS					
		OTHER SOURCES					
14	For the River Quarters	TOTAL COST		20.0			
		STATE FUNDS					
		OTHER SOURCES					
15	For the State	TOTAL COST		50.0			
		STATE FUNDS					
		OTHER SOURCES					
16	For the State	TOTAL COST		80.0			
		STATE FUNDS					
		OTHER SOURCES					
17	For the State	TOTAL COST		130.0			
		STATE FUNDS					
		OTHER SOURCES					
18	For the State	TOTAL COST		200.0			
		STATE FUNDS					
		OTHER SOURCES					
19	For the State	TOTAL COST		700.0			
		STATE FUNDS					
		OTHER SOURCES					
20	For the State	TOTAL COST		200.0			
		STATE FUNDS					
		OTHER SOURCES					

STATE OF ALASKA

LEGISLATIVE COUNCIL

BUDGET AND FINANCE COMMITTEE

AN ACT TO
FOR THE YEAR 1973

LEGISLATIVE COUNCIL
ROOM 107 - STATE HOUSE

1-19-73

MEMORANDUM

TO: Don E. Breim
State Operated Schools
650 International Airport Road
Anchorage, Alaska 99502

DATE: 2/28/72

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 324,
AND RETURN IT TO OUR OFFICE BY 3/6/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. Present status of Fort Yukon facilities, including authorized construction
2. Proposed capital construction at Fort Yukon:
 - a. FY 1973
 - b. FY 1974-77
3. S.O.S. comments, suggestions, or recommendations (to include general comparative priority with other statewide needs)

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

fiscal note

Introduced: 2/7/72
Referred: Health, Welfare &
Education; Finance

1 IN THE SENATE

BY YOUNG

2 SENATE BILL NO. 324

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act appropriating to the board of directors of
7 the Alaska State-Operated School System; and providing
8 for an effective date."

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

10 * Section 1. The sum of \$480,000 is appropriated from the general fund
11 to the board of directors of the Alaska State-Operated School System for
12 the purpose of providing funds for additional improvements to the state-
13 operated school at Fort Yukon, to be allocated according to the following
14 schedule:

15	(1) Completion of the K-6 addition	\$276,000
16	(2) Remodeling of the Fort Yukon school main	
17	building and annex for regional high school classes	150,000
18	(3) Purchase of additional trailers for teacher	
19	housing	54,000

20 * Sec. 2. This Act takes effect July 1, 1972.

MEMORANDUM

State of Alaska

TO: Honorable W. I. Palmer
Alaska State Senate

THRU: Richard W. Freer *WDF*
Deputy Commissioner

FROM: Mary-Jean Hackwood *MJH*
Benefit Supervisor *3/28/72*

DATE : March 28, 1972

SUBJECT: Senate Bill No. 325
Proposed Amendments

As requested I am presenting suggested changes to the Teachers' Retirement Act to permit teachers who are on leave of absence to receive retirement credit for their periods of leave.

In accordance with the provisions of As 14.20.345(d), prior to 7-1-71 a teacher is entitled to retirement credit for the period of the leave provided the teacher agrees to pay the appropriate members contributions, the district and State contributions, plus interest prescribed by regulation. There would be no cost only if the teachers agree to pay the total amount due including both the employer and State matching contributions as well as interest prescribed.

I have not established a date which interest begins nor the rate since the actuary will have to make appropriate recommendations and rate calculations in order to avoid a cost to the State.

BY YOUNG
IN THE SENATE

FINANCE COMMITTEE

C/S SENATE BILL NO. 325

A BILL

For an Act entitled: "An Act relating to the teachers' retirement system"

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

*Section 1. AS 14.20.345 is amended by the addition of a new subsection (e) to read:

(e) The governing body of the district may agree to receive teacher contributions to the retirement fund for each year of leave of absence taken prior to July 1, 1971. The teacher shall make contributions at the required per cent of the salary he would have received during his leave of absence, plus interest. The teacher shall reimburse the district for the district's required retirement contribution to cover the ~~present~~ period of leave of absence.

*Sec. 2. AS 14.25.169 is amended to read:

Sec. 14.25.169. DUPLICATE BENEFITS. If payments from this retirement system are due to a teacher or his spouse under more than one provision of this plan, the teacher or spouse shall elect under which provision and which benefit he wishes to receive and no payments may [SHALL] be made under any other provision. However, benefits under secs. 162 and 164 of this chapter shall be paid to a surviving spouse in addition to those benefits he is entitled to receive because of his own membership in the retirement system.

Committee Report

S E N A T E

4-1-72

Date

Mr. President:

The Committee on Finance has had SB 325
(Re duplicate benefits under teachers' retirement)
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for SB 325 and that
CS for SB 325 do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature]
CHAIRMAN

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
FOUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
FOUCH WF — STATE CAPITOL

JUHEAU 99001

M E M O R A N D U M

TO: Myrt Charney, Director
Budget and Management
Department of Administration

DATE: 2/10/72

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 325,
AND RETURN IT TO OUR OFFICE BY 2/17/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

Young

Introduced: 2/7/72
Referred: Health, Welfare &
Education; Finance

1 IN THE SENATE

~~XXXXXXXXXX~~
Finance

2 CS for SENATE BILL NO. 325

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to ~~duplicate benefits under~~ the
7 teachers' retirement system."

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

*Section 1. AS 14.20.345 is amended by adding a new subsection to read:

(f) A teacher may make contributions to the retirement fund for each year of leave of absence taken prior to July 1, 1971. The contribution shall include the required per cent of the salary he would have received plus the required employer and state contributions that would have been made. Compound interest at the rate prescribed by regulation shall be added as computed from the beginning date of the leave of absence to the date of payment.

* Section 2. AS 14.25.169 is amended to read:

Sec. 14.25.169. DUPLICATE BENEFITS. If payments from this retirement system are due to a teacher or his spouse under more than one provision of this plan, the teacher or spouse shall elect under which provision and which benefit he wishes to receive and no payments may [SHALL] be made under any other provision. However, benefits under secs. 162 and 164 of this chapter shall be paid to a surviving spouse in addition to those benefits he is entitled to receive because of his own membership in the retirement system.

MEMORANDUM

State of Alaska

TO: [] Honorable W. J. Palmer
Alaska State Senate

THRU: Richard W. Freer
Deputy Commissioner

FROM: Mary-Jean Hackwood
Benefit Supervisor

DATE: March 28, 1972

SUBJECT: Senate Bill No. 325
Proposed Amendments

As requested I am presenting suggested changes to the Teachers' Retirement Act to permit teachers who are on leave of absence to receive retirement credit for their periods of leave.

In accordance with the provisions of As 14.20.345(d), prior to 7-1-71 a teacher is entitled to retirement credit for the period of the leave provided the teacher agrees to pay the appropriate members contributions, the district and State contributions, plus interest prescribed by regulation. There would be no cost only if the teachers agree to pay the total amount due including both the employer and State matching contributions as well as interest prescribed.

I have not established a date which interest begins nor the rate since the actuary will have to make appropriate recommendations and rate calculations in order to avoid a cost to the State.

C/S SENATE BILL NO. 325

A BILL

For an Act entitled: "An Act relating to the teachers' retirement system"

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

*Section 1. AS 14.20.345 is amended ^{ex} by the ~~addition~~ of a ~~new subsection (e)~~ to read:

(f) ^{A teacher may make} ~~The governing body of the district may agree to~~ receive teacher contributions to the retirement fund for each year of leave of absence taken prior to July 1, 1971. The teacher shall ~~make~~ ^{shall include} contributions at the required per cent of the salary he would have received ^{plus district employer and state contributions.} during his leave of absence. ^(Add interest lang.) ~~The teacher shall reimburse the district for the district's required retirement contribution to cover the present period of leave of absence.~~

*Sec. 2. AS 14.25.169 is amended to read:

Sec. 14.25.169. DUPLICATE BENEFITS. If payments from this retirement system are due to a teacher or his spouse under more than one provision of this plan, the teacher or spouse shall elect under which provision and which benefit he wishes to receive and no payments may [SHALL] be made under any other provision. However, benefits under secs. 162 and 164 of this chapter shall be paid to a surviving spouse in addition to those benefits he is entitled to receive because of his own membership in the retirement system.

Introduced: 2/7/72
Referred: Health, Welfare &
Education; Finance

1 IN THE SENATE

BY YOUNG

2 SENATE BILL NO. 325

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to duplicate benefits under the
7 teachers' retirement system."

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

9 * Section 1. AS 14.25.169 is amended to read:

10 Sec. 14.25.169. DUPLICATE BENEFITS. If payments from this
11 retirement system are due to a teacher or his spouse under more than
12 one provision of this plan, the teacher or spouse shall elect under
13 which provision and which benefit he wishes to receive and no payments
14 may [SHALL] be made under any other provision. However, benefits
15 under secs. 162 and 164 of this chapter shall be paid to a surviving
16 spouse in addition to those benefits he is entitled to receive because
17 of his own membership in the retirement system.
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RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James D. Smith
Signature of Camera Operator

4/4/89
Date

SB 329 file

PROPOSED AMENDMENTS TO SB 278 *

Page 1, line 7: Delete \$10,000,000 and insert \$20,000,000

Page 1, line 9: After "control" insert: "and small boat harbor"

Page 1, line 13: After "AS 35.07" insert: "and for small boat harbor projects"

Page 1, line 15: Delete \$10,000,000 and insert \$20,000,000

Page 1, line 22: After "Control" insert: "and Small Boat Harbor"

Page 1, line 25: After "Control" insert: "and Small Boat Harbor"

Page 1, line 26: Delete \$10,000,000 and insert \$20,000,000

Page 1, line 27: After "governor" insert: "and apportioned to, but not limited to the following projects and estimates"

Page 1, between lines 27 and 28 insert the following:

- " (a) \$10,000,000 - flood control projects
- (b) \$10,000,000 - small boat harbor projects,

as follows:

- (1) \$300,000 - King Cove
- (2) \$850,000 - Sand Point
- (3) \$850,000 - Hoonah
- (4) \$300,000 - Kake
- (5) \$700,000 - Wrangell
- (6) \$700,000 - Metlakatla
- (7) \$800,000 - Haines
- (8) \$1,000,000 - Kodiak
- (9) \$400,000 - Unalaska
- (10) \$500,000 - Bethel
- (11) \$3,600,000 - other harbor projects under investigation by the Corps of Engineers, including but not limited to Ketchikan, Anchorage, Kenai, St. Paul and Port Lions."

Page 1, line 29: Delete \$35,000 and insert \$70,000

Page 2, line 11: After "Control" insert: "and Small Boat Harbor"

Page 2, line 12: Delete \$10,000,000 and insert \$20,000,000

Page 2, line 14: Delete \$10,000,000 and insert \$20,000,000

Page 2, line 16: After "control" insert: "and small boat harbor"

* (Note: Combines SB 329 + SB 278)

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH IV — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH IVF — STATE CAPITOL

JUNEAU 99801

MEMORANDUM

TO: Tracy Kaldor, Admin. Off.
Department of Public Works

DATE: 2/15/72

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 329,
AND RETURN IT TO OUR OFFICE BY 2/22/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. Small boat harbors
 - a. Furnish project cost estimates (state, federal, local shares), estimated completion dates.
 - b. Status of projects under investigation including information requested in (a) if available.

2. Flood Control projects
 - a. Coordinate with the Alaska Disaster Office, Dept. of Military

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT
Alaska Disaster Office, Military Affairs

Fiscal Note Request Instructions (Cont'd)

A Affairs.

- b. Furnish a tentative listing of projects including cost estimates (state, federal, local shares), estimated starting and completion dates.
- c. If (b) cannot be furnished, submit preliminary planning guidelines that would be followed in order to provide the requested information.
 - (1) Identify and describe the involvement of other state, federal and local agencies;
 - (2) Time and cost requirements

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER / POUCH Z — JUNEAU 99801

February 18, 1972

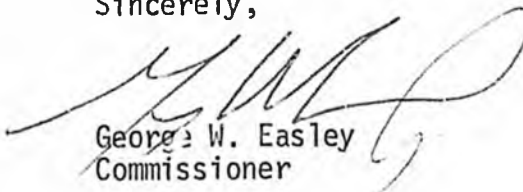
Re: Senate Bill 329

Legislative Finance
Room 407
State Capitol Building
Juneau, Alaska 99801

Gentlemen:

In reply to your request of February 15, 1972, attached is the completed Fiscal Note relating to Senate Bill 329. This information also covers Senate Bill 278.

Sincerely,



George W. Easley
Commissioner

Attachment

cc: Division of Budget and Management
Pouch C
Juneau, Alaska

*Note: SB 278 Reported out of Senate Finance Committee
on 2/8/72.
RG*