

LEG. FINANCE - BILLS 1977 - 1978 628

Fiscal Notes cont., Committee Library, Indexes 628

1 board is in session.

2 Sec. 21.88.050. POWERS AND DUTIES OF THE BOARD. The board shall  
3 make a determination of liability with respect to all claims of medical  
4 injury against a health care provider. In cases where the board deter-  
5 mines the health care provider liable, the board shall award compensa-  
6 tory damages consistent with the provisions of this chapter. The board  
7 may employ staff necessary to carry out the provisions of this chapter  
8 including a full-time executive director, issue subpoenas, require the  
9 production of documents and graphic material of any sort, require the  
10 appearance of witnesses and administer oaths.

11 Sec. 21.88.060. BASIS OF LIABILITY. The board may find liability  
12 against a health care provider only upon clear and convincing evidence  
13 that an injury or death was proximately caused by the provider's act or  
14 omission arising out of or in the course of the rendering of professional  
15 service by the provider, and that the health care provider (1) was  
16 negligent in failing to conform to the standard of treatment prevailing  
17 at the time of the asserted act or omission, (2) breached a written  
18 warranty of performance or result, or (3) failed to secure informed  
19 consent as defined in sec. 200 of this chapter.

20 Sec. 21.88.070. ADVISORY EXPERT PANELS. The board shall appoint,  
21 for the purpose of determining medical facts relevant to the liability of  
22 a health care provider against whom a claim has been made, a three-  
23 member expert advisory panel. One of the panelists appointed to the  
24 panel shall be nominated by the claimant. One of the panelists appointed  
25 to the panel shall be nominated by the health care provider against  
26 whom a claim has been made. The third member shall be a person licensed  
27 under AS 08.64, who is practicing in the state, and selected by the other  
28 two panelists. If the board determines that the panelists are unable  
29 to agree upon a third member, the board shall appoint a qualified person

1 as the third member. The panel may conduct a physical examination of  
2 the person on whose behalf the claim was made. If the board makes or  
3 denies an award in a manner inconsistent with the report of the advisory  
4 panel, the board shall include in its decision a written statement  
5 setting out the specific reasons why the advice of the panel was not  
6 followed.

7 Sec. 21.88.080. FILING OF A CLAIM. (a) A person asserting a  
8 claim against a health care provider may present his claim before the  
9 board by submitting to the board a written statement of the claim  
10 including

11 (1) the name, address, and date of birth of the person whose  
12 injury or death gave rise to the claim;

13 (2) the general nature of the injury suffered or the cause of  
14 death;

15 (3) the name of the medical care provider against whom lia-  
16 bility is asserted for the injury or death;

17 (4) a statement of expenses incurred for medical care, re-  
18 habilitation, and custodial care arising from the injury or death, an  
19 estimate of loss of income arising from the injury or death and a state-  
20 ment of any other damage claimed to be compensable under this chapter;

21 (5) a complete list of sources of income or benefits, other  
22 than life insurance policies, which have been paid or will be paid to  
23 claimant by reason of the injury or death.

24 (b) Every claim filed under this section shall be verified.

25 (c) The board within 10 days of the filing of a claim shall notify  
26 the health care provider against whom a claim has been made and shall  
27 include in the notification a copy of the claimant's statement of claim.

28 (d) The health care provider against whom a claim has been made  
29 shall file, within 60 days from the date of personal notification of the

1 claim, a verified answer to the claim. .

2 Sec. 21.88.090. PERIOD OF LIMITATION. A claim of liability  
3 arising under this chapter against a health care provider may not be  
4 brought after two years from the date of the act or omission alleged to  
5 have caused the injury or death, or, in the case of a child six years of  
6 age or less, after his eighth birthday.

7 Sec. 21.88.100. SUMMARY DISMISSAL OF CLAIM. If, upon examination  
8 of a statement of claim, the board finds that the claim on its face is  
9 patently unmeritorious, it may summarily dismiss the claim with a  
10 written explanation of the grounds for the dismissal. In the event of  
11 summary dismissal, a claimant may proceed in superior court as provided  
12 in sec. 170 of this chapter.

13 Sec. 21.88.110. PROCEDURE. Hearings before the board shall be  
14 conducted in accordance with the provisions of AS 44.62 for adjudicative  
15 procedures of administrative agencies. On completion of a hearing, the  
16 board shall enter its decision in writing as to whether or not the medi-  
17 cal care provider is liable for the injury or death, and the amount of  
18 damages recoverable under this chapter. If the board finds liability it  
19 shall enter an award for the damage recoverable.

20 Sec. 21.88.120. CALCULATION OF AWARD. (a) An award based on  
21 liability of a health care provider may include the following elements  
22 of damage

- 23 (1) death or disability, not to exceed \$75,000;  
24 (2) medical and hospital expenses reasonably incurred;  
25 (3) actual or prospective loss of earnings, not to exceed  
26 \$1,200 a month for a period not exceeding 120 months; and  
27 (4) reasonable funeral and burial expenses.

28 (b) If an award is made for prospective loss of earnings, the  
29 board may direct that payments shall be made at designated intervals, be

1 subject to modification based upon a material change in the physical  
2 condition of the person damaged, and as a condition of the right to  
3 receive periodic payments, the person damaged submit himself to an  
4 examination by an independent physician as the board may require. A  
5 report of an examination under this subsection shall be filed with the  
6 board.

7 (c) In determining the amount of an award for disability or pro-  
8 spective loss of earnings, the board shall take into consideration the  
9 life expectancy of the claimant and the earning capacity of a person of  
10 similar age and occupation of the claimant.

11 (d) In computing damages, the board shall employ the disability  
12 tables of the American Medical Association or other similar tables. In  
13 the case of disability, the award shall be diminished by the proportion,  
14 if any, of the disability which the board finds would have existed if  
15 the act or omission upon which liability is based had not occurred.

16 (e) The award will specify by category the method of compensating  
17 damages and the amount awarded for each category of compensation. The  
18 board may not award damages for pain and suffering, nonorganic psychic  
19 injury, or loss of consortium, and may not award punitive damages.

20 Sec. 21.88.130. COLLATERAL SOURCES. The total award made by the  
21 board shall be decreased by the amount received by the claimant, or  
22 which the claimant is entitled to receive, from any source described in  
23 sec. 80(5) of this chapter. Any decrease of an award shall be set out  
24 in the decision of the board identifying each collateral source and the  
25 deduction attributable to each source.

26 Sec. 21.88.140. PAYMENT OF AWARDS. Awards made by the board up  
27 to \$25,000 are payable by the health care provider or providers against  
28 whom the award is made. If an award is payable by two or more providers,  
29 the board shall determine for each the proportion of the liability for

1 which he is responsible. Awards in excess of \$25,000 against a health  
2 care provider are payable from the patient compensation fund established  
3 under sec. 120 of this chapter if the health care provider contributes  
4 to the fund. Payments from the fund shall be made by the commissioner  
5 upon presentation by the claimant of a certified copy of the board's  
6 order indicating an award in excess of \$25,000 against a health care  
7 provider. Payments shall be made not later than January 31 of each year  
8 on awards made during the preceding calendar year. If awards payable  
9 from the patient compensation fund in any year exceed the balance in the  
10 the fund for that year, the awards shall be prorated. The unsatisfied  
11 portion of an award shall become a claim against the fund for the year  
12 next following the year that the award is first payable. Awards for peri-  
13 odic payments shall be made from the fund each year the payment is due.

14 Sec. 21.88.150. ATTORNEY FEES. The prevailing party in a proceed-  
15 ing before the board is entitled to recover from the opposing party  
16 costs and attorney fees in the amount allowable in Rule 82 of the Alaska  
17 Rules of Civil Procedure.

18 Sec. 21.88.160. EFFECT OF AWARD. An award of the board, whether  
19 in favor of the claimant or health care provider, has the same effect as  
20 a judgment of the superior court, except as to amounts payable from the  
21 patient compensation fund.

22 Sec. 21.88.170. APPEAL TO SUPERIOR COURT. A party may, within  
23 60 days of the date of an award by the board, bring an action in the  
24 superior court for a trial de novo. The decision of the board and the  
25 findings of the advisory expert panel are admissible as evidence in the  
26 trial de novo. The provisions of secs. 60, 90, 120, 130 and 140 of  
27 this chapter apply in any trial under this section.

28 Sec. 21.88.180. ARBITRATION. Nothing in this chapter may be  
29 construed to prohibit agreements to submit claims against a physician to

1 arbitration in accordance with an applicable statutory provision, rule  
2 of court, or arbitration procedure agreed to in writing.

3 Sec. 21.88.190. REVIEW OF MEDICAL CARE PROVIDER'S LICENSE. (a)  
4 Within 90 days after the date a person licensed under AS 08.64, AS 08.36,  
5 or AS 08.68 is found by the board to have been negligent within the  
6 meaning of sec. 60 of this chapter, the appropriate licensing board  
7 shall review the qualifications of that person. The board may censure  
8 or reprimand him, restrict the practice, place him on professional  
9 probation, require him to undergo further formal training approved by  
10 the board, revoke or suspend his license, or take any other action that  
11 the licensing board finds appropriate.

12 (b) Within 90 days after the date when an institution licensed  
13 under AS 18.20 is found by the board to have been negligent within the  
14 meaning of sec. 60 of this chapter, the Department of Health and Social  
15 Services shall review the qualifications of the institution. It may  
16 conduct special inspections, require changes of procedure, suspend or  
17 revoke the license, or take any other appropriate action.

18 Sec. 21.88.200. INFORMED CONSENT. (a) A health care provider  
19 is not liable for failure to obtain the informed consent of a patient  
20 unless the claimant establishes by clear and convincing evidence that  
21 the provider, in violation of prevailing medical custom, has failed to  
22 inform the patient of common risks and reasonable alternatives to the  
23 proposed treatment or procedure, and that, but for this failure, a  
24 reasonable person would not have consented to the proposed treatment or  
25 procedure. A claim based upon lack of informed consent is limited to  
26 those cases involving either nonemergency treatment, procedure or  
27 surgery, or a diagnostic procedure which involves invasion or disruption  
28 of the integrity of the body.

29 (b) It is a defense to any action for medical malpractice based

1 upon an alleged failure to obtain informed consent that

2 (1) the risk not disclosed is too commonly known, or is too  
3 remote, to warrant disclosure;

4 (2) the patient stated to the medical practitioner that he  
5 would undergo the treatment or procedure regardless of the risk involved,  
6 or that he did not want to be informed of the matters to which he would  
7 be entitled to be informed;

8 (3) consent by or on behalf of the patient was not reasonably  
9 possible; or

10 (4) the provider, after considering all of the facts and  
11 circumstances regarding the case, used reasonable discretion as to the  
12 manner and extent to which alternatives or risks were disclosed to the  
13 patient because he reasonably believed that the manner and extent of  
14 the disclosure could reasonably be expected to adversely and substan-  
15 tially affect the patient's condition.

16 Sec. 21.88.210. IMPLIED CONSENT. A person who submits to the  
17 care and treatment of a health care provider licensed by the state, and  
18 a health care provider rendering this care and treatment, is considered  
19 to consent to disposition in accordance with this chapter of any claim  
20 or defense which one may have against the other that arises out of or  
21 during the course of the care and treatment rendered.

22 Sec. 21.88.220. REGULATIONS. The commissioner may enact regula-  
23 tions necessary for the implementation of this Act.

24 Sec. 21.88.230. INTERIM STUDY COMMISSION. The governor shall ,  
25 appoint, subject to confirmation by the legislature, a commission to  
26 study and report annually to the governor on problems of medical mal-  
27 practice in Alaska. The commission consists of five persons and shall  
28 be known as the Governor's Interim Study Commission on Medical Malprac-  
29 tice. The commission shall submit its last annual report on December 31,

1 1980. The annual reports of the commission shall include information  
2 concerning the experience of the state in the implementation of this Act  
3 recommendations, if any, for modification or amendment of this Act, the  
4 status of the patient compensation fund, and current approaches to  
5 medical malpractice problems in other jurisdictions. The commission  
6 shall receive expenses and per diem as provided by law.

7 Sec. 21.88.240. DEFINITIONS. In this chapter

8 (1) "board" means the Medical Injury Compensation Board;

9 (2) "commissioner" means the commissioner of commerce;

10 (3) "fund" means the patient compensation fund;

11 (4) "health care provider" means a person licensed under  
12 AS 08.36, a person licensed under AS 08.68, a person licensed under  
13 AS 08.64, and an institution licensed under AS 18.20.

14 \* Sec. 2. AS 08.64.200 is amended by adding a new paragraph to read:

15 (6) demonstrate financial responsibility as required under  
16 sec. 201 of this chapter.

17 \* Sec. 3. AS 08.64.205 is amended to read:

18 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each  
19 osteopath applicant shall meet the qualifications prescribed in sec.  
20 200(1), (4), [AND] 5 and 6 of this chapter and shall

21 (1) submit a certificate of graduation from the legally  
22 chartered school of osteopathy approved by the board;

23 (2) submit a certificate from a hospital approved by the  
24 American Medical Association or the American Osteopathic Association  
25 which certifies that he has satisfactorily completed and performed the  
26 duties of intern or resident physician for one year;

27 (3) take the examination required by sec. 210 of this chapter  
28 or be certified to practice by the National Board of Examiners for  
29 Osteopathic Physicians and Surgeons.

1 \* Sec. 4. AS 08.64.225 is amended to read:

2 Sec. 08.64.225. FOREIGN MEDICAL GRADUATES. Applicants who are  
3 graduates of medical colleges not accredited by the American Medical  
4 Association or one of its agencies shall meet the requirements of sec.  
5 200(1), (3), (4), [AND] (5), and (6) of this chapter and must have  
6 passed an examination and be certified by the Education Council on For-  
7 eign Medical Graduates, or be licensed by examination in another state  
8 or territory of the United States or province of Canada.

9 \* Sec. 5. AS 08.64.311 is amended to read:

10 Sec. 08.64.311. BIENNIAL LICENSE RENEWAL. Licenses shall be re-  
11 newed biennially if the licensee has complied with continuing education  
12 requirements established by the board.

13 \* Sec. 6. AS 08.64 is amended by adding a new section to read:

14 Sec. 08.64.201. FINANCIAL RESPONSIBILITY OF LICENSEES. As a  
15 condition of obtaining or renewing a license under this chapter, a per-  
16 son shall demonstrate to the board financial responsibility as follows:

17 (1) persons who participate in the patient compensation fund  
18 under AS 21.88.020 shall have \$25,000 in the form of an approved zero  
19 deductible liability insurance policy or in the form of other assets  
20 approved by the board; or

21 (2) persons not participating in the patient compensation  
22 fund shall have an approved zero deductible liability insurance policy  
23 for at least \$500,000 coverage per policy year.

24 \* Sec. 7. AS 08.68.170 is amended by adding a new subsection to read:

25 (b) An applicant for a license or renewal of a license to practice  
26 professional nursing shall also submit to the board evidence that he  
27 has \$25,000 in the form of an approved zero deductible liability in-  
28 surance policy or in the form of other assets satisfactory to the  
29 board.

1 \* Sec. 8. AS 08.36.110 is amended by adding a new subsection to read:

2 (b) as a condition of obtaining or renewing a license under this  
3 chapter a person shall demonstrate to the board financial responsibility  
4 as follows:

5 (1) persons who participate in the patient compensation fund  
6 under AS 21.88.020 shall have \$25,000 in the form of an approved zero  
7 deductible liability insurance policy or in the form of other assets  
8 approved by the board; or

9 (2) persons not participating in the patient compensation  
10 fund shall have an approved zero deductible liability insurance policy  
11 for at least \$100,000 coverage per policy year.

12 \* Sec. 9. AS 18.20.040 is amended by adding a new subsection to read:

13 (b) As a condition to obtaining or renewing a license to practice  
14 or operate, a hospital shall demonstrate to the department financial  
15 responsibility as follows:

16 (1) hospitals which participate in the patients compensation  
17 fund established under AS 21.88.020 shall have \$25,000 in the form of an  
18 approved zero deductible liability insurance policy or in the form of  
19 other assets approved to the department; or

20 (2) hospitals which do not participate in the patient compen-  
21 sation fund shall have an approved zero deductible liability insurance  
22 policy for at least \$1,000,000 coverage per policy year.

23 \* Sec. 10. AS 08.64.330 is repealed and re-enacted to read:

24 Sec. 08.64.330. GROUNDS FOR REVOCATION OF LICENSE. (a) A license  
25 may be revoked or suspended for failure to pay the license renewal fee  
26 prescribed in sec. 315 of this chapter or to satisfy the financial re-  
27 sponsibility requirements of sec. 201 of this chapter. If the license  
28 renewal fee is not paid within the time provided, the board shall give  
29 written notice to the licensee that he is in default. Notice may be

1 served on the licensee personally or by registered mail addressed to his  
2 last known residence. If the licensee fails to pay the fee within  
3 three months after notice of default, the board shall revoke the license  
4 and notify the licensee of the revocation by mail or by personal service  
5 of the revocation.

6 (b) A license may be revoked for unprofessional or dishonorable  
7 conduct as defined in sec. 380(3) of this chapter, for professional in-  
8 competence, or revoked or suspended for failure to complete at least 20  
9 hours of continuing education programs or courses of study approved by  
10 the board within the two calendar years immediately preceding; however,  
11 the board may waive these requirements if it finds that exceptional  
12 circumstances such as prolonged illness, disability or other similar  
13 circumstances have prevented a person from meeting the requirements.

14 \* Sec. 11. AS 08.64.365 is repealed and re-enacted to read:

15 Sec. 08.64.365. PHYSICIANS ACTING UNDER CIRCUMSTANCES REQUIRING  
16 IMMEDIATE CARE. A physician licensed in this state or any other state,  
17 who voluntarily attempts to aid an ill or injured person in this state  
18 who is in need of immediate medical care, and under circumstances that  
19 reasonably suggest to the physician that the giving of aid is the only  
20 alternative to death or serious bodily injury or harm, or that the ren-  
21 dering of aid will substantially reduce the risk of death or of serious  
22 bodily injury or harm is not liable except for wilful wrongs committed in  
23 rendering the aid.

24 \* Sec. 12. AS 08.64 is amended by adding a new section to read:

25 Sec. 08.64.369. HEALTH SCIENCES LIBRARY. It is the duty of the  
26 board to administer a health sciences library. Administration of the  
27 library shall include preparation of lists of publications available to  
28 users of the library, provision for circulation of requested publica-  
29 tions to medical care practitioners and the establishment of policies.

1 and criteria for the acquisition of publications.

2 \* Sec. 13. AS 09.55.530, 09.55.540 and 09.55.550 are repealed.

3 \* Sec. 14. This Act takes effect immediately in accordance with AS 01.10  
4 070(c).

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Introduced: 1/23/76  
Referred: Commerce and  
Finance

1 IN THE SENATE

BY COLLETTA BY REQUEST

2 SENATE BILL NO. 571

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the patient  
7 compensation fund; and providing for an effective date."

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

9 \* Section 1. The sum of \$2,000,000 is appropriated from the general fund to  
10 the patient compensation fund as an interest free loan. The loan shall be  
11 repaid to the general fund in annual amounts of \$500,000, or the amount by  
12 which the fund exceeds \$1,000,000 on February 2 of each year, whichever is  
13 smaller.

14 \* Sec. 2. This Act takes effect on the effective date of an Act entitled  
15 "An Act relating to health care; and providing for an effective date."  
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THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 667+SB 574  
 Title: Study of the High Cost of Living in Alaska  
 Requested by: State Affairs Committee Date: 2/23/76  
 Return Date Requested: \_\_\_\_\_  
 Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \$110,000

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000					
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

The Department of Commerce & Economic Development will reach a written agreement with the authors of the bill and legislative committees as to the intent of the study. The study would be contracted out to a private firm or university group on a competitive bid basis. The Division of Economic Enterprise would negotiate the contract and terms, monitor and co-direct the study effort and give approval on final study report when acceptable as meeting the terms of the contract. The Division of Economic Enterprise will absorb the necessary costs internally for accomplishing the above. Contractual agreement will contain provisions for preparing and publishing the final study report.

IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

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

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill #599  
 Title: \_\_\_\_\_  
 Requested by: Senate HESS Committee Date: Feb. 3, 1976  
 Return Date Requested: ASAP  
 Agency: Education Program: Pre, elementary and secondary Education

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Financial Programs  
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		10,240.2	10,547.4	10,863.8	11,189.7	11,525.4
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND		10,240.2	10,547.4	10,863.8	11,189.7	11,525.4
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

See attached for district analysis

Assume 3% growth in succeeding fiscal years.

IV. ATTACHMENTS

V. DATE: 2/9/76 PREPARED BY: William D. Thomas

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

Projected  
FY77 ADM Units Cost

Northwest	590	2	70220
Bering Strait	181	2	66282
Lower Yukon	260	2	68250
Lower Kuskokwim	1285	6	204750
Upper Kuskokwim	279	2	70220
Nushagak-Bristol Bay	532	2	66282
Lake Peninsula Bristol Bay	347	2	66282
Aleutian	221	2	66282
Pribilof	180	2	66282
Adak	650	3	99423
ME Croth	277	2	70220
Middle Yukon	59	1	70408
	673	3	105320
Upper Yukon	14	1	33408
	281	2	70220
Upper Kribolt	357	2	70220
Southeast	404	2	52500
Southern Peninsula	428	2	52500
Northern Peninsula	112	2	53750
Cooper River	772	3	86250
Upper Tanana West	891	4	111252
Upper Tanana East	373	2	55626
Chugach	52	2	52500
		53	1676517

Prepared by: [illegible]  
 Date: [illegible]

DISTRICT SCHOOLS	F177 ADM	Units	Cost
Anchorage	36,274	145	3,668,332
	3,010	12	
Bristol Bay	276	2	62,112
Cordova	557	2	55,351
Craig	151	2	52,723
Dillingham	407	2	64,944
Fairbanks N. S.	2670 2849	37 11	1,298,232
Galena	146	2	69,652
Haines	469	2	50,954
Hoonah	255	2	53,256
Hydaburg	129	2	53,359
Juneau	4492	18	427,918
Kake	205	2	53,761
Kenai Peninsula	5703	23	571,856
Ketchikan Gateway	2658	11	256,602
King Cove	127	2	63,604
Klawock	57	2	53,714
Kodiak Island	2208	9	231,930
Matanuska-Susitna	3459 13	14 1	361,680
Nenana	210	2	65,962
Nome	856	2	98,099
North Slope	4024	4	130,809
Pelican	39	2	53,724
Petersburg	630	3	74,677
Selawik	197	2	69,943
Sitka	1790	7	171,517
Skagway	235	2	50,283
St. Mary's	111	2	67,970
Unalaska	123	2	63,970
Valdez	4181	5	133,687
Wrangell	617	2	50,365
Yakutat	190	2	55,985
		<u>343</u>	<u>8,543,697</u>

DISTRICT SCHOOL	Units	Cost
	145	
	12	
Anchorage	36,274	3,668,332
	3,010	
Bristol Bay	276	62,112
Cordova	557	55,751
Craig	151	52,723
Dillingham	407	64,944
Fairbanks N. S.	39	4,297,232
	11	
Galena	146	69,658
Haines	469	50,954
Hoona	255	53,256
Hydaburg	129	53,359
Juneau	18	427,918
Kake	205	53,761
Kenai Peninsula	23	574,856
Ketchikan Gateway	11	256,602
King Cove	2	65,604
Klawock	2	53,774
Kodiak Island	9	231,930
Matanuska-Susitna	14	364,680
	1	
Nenana	210	65,962
Nome	3	98,099
North Slope	4	130,009
Pelican	2	53,724
Petersburg	3	74,677
Selawik	2	69,543
Sitka	7	171,517
Skagway	2	50,283
St. Mary's	2	67,970
Unalaska	2	67,970
Valdez	5	133,687
Wrangell	2	50,365
Yakutat	2	55,985
	343	8,543,697

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. S.B. #610  
 Title: relating to school aid to local school districts  
 Requested by: Senate HESS Committee Date: \_\_\_\_\_  
 Return Date Requested: ASAP  
 Agency: Education Program: Pre, elementary & secondary education

II. FISCAL DET.

Budget Request Unit(s) Affected: Financial Support Programs

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		6,306.2	6,495.4	6,690.3	6,891.0	7,097.7
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND		6,306.2	6,495.4	6,690.3	6,891.0	7,097.7
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

Assume 3% growth in succeeding fiscal years.

IV. ATTACHMENTS Attached is impact on district for FY 77.

V. DATE: 2/11/76 PREPARED BY: William A. Thomas

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

## DISTRICT SCHOOLS 1000

## FISCAL NOTE BACK-UP FOR SENATE BILL-610

Anchorage*	I.U. Inc. 1,923,407
Bristol Bay	34,101
Cordova	52,423
Craig	17,935
Dillingham	48,321
Fairbanks N. S.	638,176
Galena	21,237
Haines	37,392
Hoonah	24,696
Hydaburg	14,938
Juneau	279,594
Kake	22,407
Kenai Peninsula	370,140
Ketchikan Gateway	175,423
King Cove	18,210
Klawock	6,378
Kodiak Island	177,332
Matanuska-Susitna	234,011
Nenana	26,922
Nome	89,810
North Slope	131,152
Pelican	6,042
Petersburg	47,808
Selawik	28,938
Sitka	127,530
Skagway	21,126
St. Mary's	19,425
Unalaska	19,275
Valdez	89,880
Wrangell	50,400
Yakutat	23,807
REAA'S & CONTR.	1,527,964
SCHOOLS	6,306,200
TOTAL	

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5 - JUNEAU 99811

February 23, 1976

Honorable Kathryn Poland  
Chairman  
Senate Resources Committee  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska

Re: Senate Bill No. 612

Dear Senator Poland:

Senate Bill No. 612, an Act relating to the Kachemak Bay critical habitat was introduced in the Senate on February 6, 1976 by the Resources Committee by request.

For the consideration of the Senate Resources Committee, I am enclosing a memorandum dated February 20, 1976 from Mr. Thomas K. Williams, Director, Petroleum Revenue Division, Department of Revenue, Anchorage, Alaska, concerning effect on Treasury and problems of administration.

If you or any members of the Senate Resources Committee have any questions on the material submitted, please telephone the writer at 465-2397 and I will contact Mr. Williams in Anchorage for further information.

Very truly yours,

R. D. Stevenson  
Special Assistant

Enclosure

cc: The Honorable Bill Ray  
Chairman  
Senate Finance Committee  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska

Thomas K. Williams  
Director  
Petroleum Revenue Division  
Department of Revenue  
Anchorage, Alaska

# MEMORANDUM

## State of Alaska

TO: R. D. Stevenson  
Special Assistant  
Department of Revenue

DATE: February 20, 1976

FILE NO:

TELEPHONE NO:

FROM: Thomas K. Williams  
Director  
Petroleum Revenue Division  
Department of Revenue

SUBJECT: Senate Bill 612

Senate Bill 612 has two features: first, the Commissioner of Fish and Game is given a veto over any future oil and gas leasing in the Kachemak Bay critical habitat area. Second, the Commissioner of Natural Resources is authorized to buy back oil and gas leases already issued in the Kachemak Bay critical habitat area. He may do so either by payment or by authorizing credits against oil and gas income to the State from other interests of the seller on state land. The Department of Revenue is empowered to specify by regulation the procedures for granting these credits and for administering them.

The bill speaks of "oil and gas taxes under chs. 55, 56, 57 and 58 of this title". In the context of the bill, "this title" is AS 16, while the taxes are in AS 43. This should be corrected.

The bill should not allow credits against the reserves tax (AS 43.58). Because of the credits against later production tax that accrue from reserves tax payments, the reserves tax can be analogized to an interest-free loan to the State equal to the reserves tax actually paid. Crediting a repurchase price for Kachemak properties against reserves tax would simply reduce the amount that the State "borrows" under the reserves tax. The "payment" to the property owner under this proposal would therefore be highly illusory.

Repurchase of Kachemak leases could cost over \$35 million. Depending on the regulations adopted, this could occur all in one fiscal year or could be spread out over several years' time. No expansion of the Petroleum Revenue Division or its budget would be needed, assuming the Commissioner of Natural Resources negotiates or determines the repurchase price.

Frankly, I worry that the bill's failure to provide guidelines for the regulations may amount to an impermissible delegation of the legislative power to an executive agency. Regulations are to interpret and apply legislative policies and put them into action; the latitude given the Department under the bill seems to go beyond this.

The bill fails to provide for an effective date.

TKW:dh

cc: Frederick P. Boetsch  
Deputy Commissioner - Taxation

Introduced: 2/6/76  
Referred: Resources and  
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 612

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Kachemak Bay critical habitat  
7 area."

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

9 \* Section 1. AS 16.20 is amended by adding new sections to read:

10 Sec. 16.20.235. OIL AND GAS EXPLORATION OR PRODUCTION WITHIN  
11 KACHEMAK BAY. In addition to the other requirements of this chapter re-  
12 lating to critical habitat areas, an application for a permit or a lease  
13 to develop land or water for oil and gas exploration or production with-  
14 in the area specified in sec. 230(9) of this chapter, shall be submitted  
15 by the Department of Natural Resources to the commissioner of fish and  
16 game for approval. Before approval by the commissioner of fish and  
17 game, a public hearing shall be held, upon not less than 15 days notice,  
18 within the area to be affected. If, after the hearing, the commissioner  
19 determines that the activity, action, or use for which the permit or  
20 lease is sought will or is likely to seriously alter or endanger the  
21 environment or the fish or wildlife resources of the area specified in  
22 sec. 230(9) of this chapter, he shall disapprove the application and, if  
23 appropriate, return it to the Department of Natural Resources. Upon  
24 disapproval by the commissioner of fish and game, the lease or permit  
25 may not be issued.

26 Sec. 16.20.237. AUTHORIZATION FOR KACHEMAK BAY LEASE PURCHASES  
27 AND CREDIT. (a) The commissioner of natural resources may acquire, by  
28 purchase, title to or interests in real property, including leasehold  
29 interests, lying within the area specified in sec. 230(9) of this chap-

1 ter.

2 (b) In lieu of payment for a lease or other interest purchased  
3 under (a) of this section, the commissioner may authorize a credit to be  
4 granted the seller to be applied against lease rental payments, permit  
5 fees, or other oil and gas taxes under chs. 55, 56, 57, and 58 of this  
6 title which may be owed or are owing on other leases or property on  
7 state land held by the seller for oil and gas development.

8 (c) The procedure for granting and administering the credit  
9 specified in (b) of this section shall be specified by regulation of the  
10 Department of Revenue.  
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# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5 -- JUNEAU 99911

February 26, 1976

The Honorable Jalmar Kerttula  
Chairman  
Senate Finance Committee  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska

Re: Senate Bill No. 642

Dear Senator Kerttula:

Senate Bill No. 642, an Act relating to the Alaska Business License Act was introduced in the Senate on February 13, 1976 and was referred to the Senate Commerce and Finance Committees.

For the consideration of the Senate Commerce Committee, I am enclosing a copy of a Fiscal Note and accompanying memorandum prepared by Darrell D. Knox, Deputy Director, Audit Division for Gary L. Jenkins, Director, Audit Division, Department of Revenue concerning estimated loss of tax and shared revenues and reduced cost of administration and some suggested technical changes.

If you or any of the members of the Senate Commerce Committee have any questions on the material submitted, please telephone the writer at 465-2397 and I will contact Mr. Knox for further information or testimony at a hearing.

Very truly yours,

R. D. Stevenson  
Special Assistant

Enclosure

cc: The Honorable Bill Ray  
Chairman  
Senate Finance Committee

The Honorable Jalmar Kerttula

-2-

February 26, 1976

The Honorable Joe Orsini  
Sponsor - Senate Bill No. 642

Darrell D. Knox  
Deputy Director, Audit Division  
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill 642  
 Title: Act relating to the Alaska Business License Act; and providing for eff. date.  
 Requested by: Senate Comm. on Commerce & Finance Date: February 14, 1976  
 Return Date Requested: February 26, 1976  
 Agency: Revenue Program: Audit

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Administrative Services Div., Dept. of Revenue

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES				(19.2)	(42.3)	(46.5)
200 TRAVEL						
300 CONTRACTUAL				(6.5)	(7.2)	(7.9)
400 COMMODITIES				(.3)	(.3)	(.3)
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>				(26.0)	(49.8)	(54.7)

B. FUNDING: (Thousands of dollars)

GENERAL FUND				(26.0)	(49.8)	(54.7)
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	1 / 0	2 / 0	2 / 0
MAIL MONTHS (D / M)	/	/	/	12 / 0	24 / 0	24 / 0

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill 642  
 Title: Act relating to the Alaska Business License Act; and providing for eff. date.  
 Requested by: Senate Comm. on Commerce & Finance Date: February 14, 1976  
 Return Date Requested: February 26, 1976  
 Agency: Revenue Program: Audit

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Administrative Services Div., Dept. of Revenue

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES				(19.2)	(42.3)	(46.5)
200 TRAVEL						
300 CONTRACTUAL				(6.5)	(7.2)	(7.9)
400 COMMODITIES				(.3)	(.3)	(.3)
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL				(26.0)	(49.8)	(54.7)

B. FUNDING: (Thousands of dollars)

GENERAL FUND				(26.0)	(49.8)	(54.7)
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	1 / 0	2 / 0	2 / 0
MAN MONTHS (P./T.)	/	/	/	12 / 0	24 / 0	24 / 0

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

N/A

IV. ATTACHMENTS

See attached memorandum dated February 26, 1976.

V. DATE: 2-26-76 PREPARED BY for Danell D Knorr Gary L. Jenkins, Director, Audit Division

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

## MEMORANDUM

State of Alaska

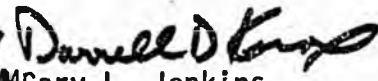
TOR. D. Stevenson  
 Assistant to the Commissioner,  
 Department of Revenue

DATE: February 26, 1976

FILE NO:

TELEPHONE NO:

SUBJECT: Senate Bill 642

*for*   
 Gary L. Jenkins  
 Director  
 Audit Division

This bill would eliminate the taxing divisions of the Alaska Business License Act on all businesses except banks and other financial institutions. The bill would retain the requirement for every business to obtain a \$25 business license.

It is anticipated that this tax would generate approximately 21.5 million dollars in fiscal year 79. Of that total, based on our current sharing percentages, 11.6 million would be shared back with the various communities, while the State would retain 9.9 million. The State obviously will have to concern itself with finding another source for not only its share of the revenue, but more critically, the amount shared with the local communities. It should be noted that the total gross is up in anticipation of the gross receipts tax being collectible on the oil pipeline. We anticipate that the pipeline would generate approximately 5 million dollars per year.

If this legislation is to be enacted by the Legislature, I would suggest that additional changes to the law be made. I would suggest that Section 43.70.030(d) be re-written as follows:

"(d) The initial fee of \$25 [applies to all of the provisions of this section, and] shall accompany the application. [The balance is due and payable on December 31st of each year and shall be paid before the first day of March following, except that the department may extend the time until the 30th of the following April upon application showing that the extension is necessary to enable the applicant to ascertain the amount of license money due.] To enable accurate determination of the balance of the tax due at the end of each year, each person to whom this chapter applies shall keep records, give statements under oath, and make returns which the department requires. Returns are made under penalty of perjury."

These changes are suggested to clarify the law as it will be applicable only to banks and financial institutions, and their filing dates of returns are already specified in Section 43.70.030(b) in the law.

In the proposed re-draft of Section 43.70.040(a) and (b) the phrase "under section 30(b) of this chapter" is included as a possible insert. This addition would appear to be unnecessary since the only tax payable under Chapter 70 will be the tax specified in Section 30(b). Further, there are many references relating to the tax throughout the chapter which do not have this modifying phrase on it. From an enforcement point of view, we would have no difficulty in enforcing the law without a phrase being inserted.

R. D. Stevenson  
Senate Bill 642  
Page Two  
February 26, 1976

I would further suggest that the revenue sharing provisions in Section 43.70.080 be deleted from this law as the amount of revenue which will now be collected will be about 5 percent of what is collected under the current law and it would seem to be hardly worth the effort to share approximately one half of that with the communities when it is anticipated that a whole new sharing program will be established to replace the monies that will be lost as a result of this law change.

I would suggest one final change in Section 43.70.110(1). In defining "business" this reads in part "but excluding fisheries businesses, fishermen, liquor licenses, insurance businesses, mining and ...". I would suggest the wording be changed to read as follows, "but excluding businesses required to obtain a fish processors license, commercial fishermen, businesses required to obtain a liquor license, insurance businesses, mining and ...".

GLJ/bjm

Attachment



Introduced: 2/13/76  
Referred: Commerce and  
Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 642

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Business License Act;  
7 and providing for an effective date."

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

9 \* Section 1. AS 43.70.010 is repealed.

10 \* Sec. 2. AS 43.70.030(a) is amended to read:

11 (a) The license fee for each business is \$25 [PLUS A SUM EQUAL TO  
12 ONEHALF OF ONE PER CENT OF THE GROSS RECEIPTS IN EXCESS OF \$20,000 FROM  
13 THE BUSINESS DURING THE YEAR FOR WHICH THE LICENSE IS ISSUED, EXCEPT  
14 THAT ALL GROSS VOLUME IN EXCESS OF \$100,000 A YEAR IS TAXED AT THE RATE  
15 OF ONE-QUARTER OF ONE PER CENT. THE ANNUAL LICENSE FEE PAID BY A PRO-  
16 FESSIONAL PERSON TO HIS PROFESSIONAL BOARD SHALL BE CREDITED AGAINST THE  
17 INITIAL FEE REQUIRED UNDER THIS CHAPTER].

18 \* Sec. 3. AS 43.70.030(c) is amended to read:

19 (c) The license for the privilege of taking orders through use of  
20 catalogs and by mail order offices in the state is the same as set out  
21 in this chapter for business generally [AND GROSS VOLUME OF BUSINESS OF  
22 THOSE OFFICES INCLUDES ALL ORDERS TAKEN AT THEM WHETHER DELIVERY OF THE  
23 MERCHANDISE IS MADE THROUGH THE OFFICES OR NOT].

24 \* Sec. 4. AS 43.70.040(a) is amended to read:

25 (a) As soon as practicable after the final payment of the tax  
26 under sec. 30(b) of this chapter, the department shall examine the  
27 return and determine the correct amount of the tax and, if an error is  
28 found, shall notify the taxpayer of the error and examine the taxpayer's  
29 records as authorized in AS 43.05.040, and take other proper steps to

determine the amount due.

\* Sec. 5. AS 43.70.040(b) is amended to read:

(b) If an agreement cannot be reached with the taxpayer as to the amount of a license tax due under sec. 30(b) of this chapter, the department may set a time and place of hearing on the question, upon at least 60 days' notice of the hearing by mail to the taxpayer. At the hearing a person may be required to appear and testify and produce records and other papers as provided in AS 43.05.040.

\* Sec. 6. AS 43.70.110(2) is repealed.

\* Sec. 7. This Act takes effect January 1, 1979.



THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

I. REQUEST

Bill No. SB 645 & HB 392  
 Title: Acts relating to the licensing of Social Workers & Rehabilitation  
 Requested by: House HESS Date: 3/1/76 Counselor  
 Return Date Requested: \_\_\_\_\_  
 Agency: Commerce Program: Licensing Professions

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Regulating and Licensing of Professions

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		16.0	17.6	19.4	21.3	23.4
200 TRAVEL		7.0	7.7	8.5	9.3	10.2
300 CONTRACTUAL		3.0	3.3	3.6	4.0	4.4
400 COMMODITIES		.5	.6	.6	.7	.7
500 EQUIPMENT		1.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>27.5</b>	<b>29.2</b>	<b>32.1</b>	<b>35.3</b>	<b>38.7</b>

B. FUNDING: (Thousands of dollars)

GENERAL FUND		27.5	29.2	32.1	35.3	38.7
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	1 /	1 /	1 /	1 /	1 /
MAN MONTHS (P./T.)	/	12 /	12 /	12 /	12 /	12 /

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

personal services - one license examiner for two boards, R-10  
 travel - 3 meetings per year per board including examiner  
 contractual - primary communications & printing & typewriter

Assumes 10% inflation per year. Testimony indicates there are approximately 80 social workers to be effected. Assume same number of rehabilitation counselors, cost of regulation is \$172.00 per licensee per year.

IV. ATTACHMENTS

V. DATE: March 1, 1976 PREPARED BY: Sharon Andrew, Director

*Sharon Andrew*

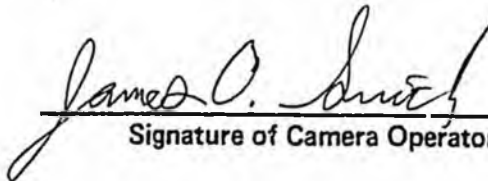
Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

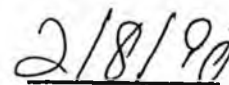


# RECORDS CERTIFICATION



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\_\_\_\_\_  
Signature of Camera Operator

  
\_\_\_\_\_  
Date

5B 226

EMPTY



# 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 O. Smith  
Signature of Camera Operator

2/8/90  
Date

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ADMINISTRATION OF JUSTICE

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ADMINISTRATION OF JUSTICE

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