

LEG. FINANCE - BILLS 1983 - 1984 1986

HB 716 cont. - HB 717

3. (continued)

resulting in the application from a psychiatrist, a radiologist, an ophthalmologist and a response from a member (professional member) of the medical board. The president of the board, with the help of the regulation specialist, designed an application form to be used by these professionals. The professionals filled the forms out and sent them to the president of the board, who presented them at the June meeting. All were approved for appointment and the president of the board (attested to by the secretary) mailed official letters of appointment to the four physicians. As soon as promulgations are finalized, this Patient Qualification Review Committee will meet and the program will be initiated.

C. The board is still pursuing with vigor the attempt to bring an executive secretary on board at DOL.

D. Controlled substance license forms are being designed with the help of the regulation specialist. The concept, if not the actual form, was approved at the June meeting. This form will speed up the licensure of those that are required to be licensed under AS 30, as soon as all regulations are promulgated, hopefully early FY '84.

E. The president of the board did write a qualification paper for an executive secretary and also a job description (see Addendum #1).

F. Regulations as evidenced by Addendum # 5 are being promulgated, after approval at June meeting of the board.

G. In summary, a great deal has been done and a great deal of it by individual action by dedicated board members. A great deal more could have been accomplished with the help of qualified personnel.

4. Promulgate regular regulations (other than those mandated by AS 30 & AS 35). The board at a regular meeting voted on the need for regulations that would specifically allow the secretary of the board to keep "copies" of applications for registration and back up material copies to aid all board members in the issuing of temporary permits. A board member assumes a great responsibility when he/she issues one of these permits. The board member needs to be able to verify that all material submitted is factual and all necessary requirements are met. The personnel at DOL have demonstrated a lack of knowledge to look at documents and verify facts. A board member, assuming the responsibility for the qualifications of an applicant, when a temporary permit is issued, would be remiss indeed if all material is not checked by a professional member of the board. This person should be the secretary, who should have copies of all documents, so the proper information can be transmitted to the issuing board member. The board member is responsible, not a member of DOL staff, who might interpret information wrong and result in a license being issued without proper qualification. The director of DOL told the regulation specialist to put that regulation "on the back burner" and not do anything about it. Result.....no regulation, even though voted on

5. News letter in cooperation with the National Association of Boards of Pharmacy (NABP). The NABP in cooperation with most of the 50 states, prints a news letter and mails it to pharmacists within the states. The NABP, uses 50 % of the space in the . . . letter for national news, and the boards of pharmacy of participating states send in state news, thus supplying the other 50 % of the news letter. The NABP puts this together and mails each state the news letter pertaining to their individual states. This usually is mailed from the NABP after approval of the participating state. The board in regular session unanimously approved participation in this program. The secretary was instructed to obtain all the details and if it could be done within the budget, to proceed with the letter. The director of DOL had a ten or fifteen minute telephone conversation with a member of the attorney general's office, and as a result nixed the letter. Result No news letter, although it is greatly needed to make regulons aware of ANP and PA licensure as well as regulation changes and board actions. Most states, if they have the financial means (board's budget prived funds) participate in this very worth while project. Alaska does not and the board wonders why, when it was passed in regular session and funds budgeted for it.
6. Department news letter. (DOL). The board was told that the DOL was planning a department news letter that could and would contain news items from all boards that are associated with DOL. The board (or boards) were to submit news items when this publication was to go to press. To the boards knowledge no such letter was published in FY '83 and if it was, no news was solicited from the pharmacy board.
7. Conduct three regular board meetings during FY '83. The board did conduct three meetings during FY'83. The dates and location of these meetings was: October 7 & 8, 1982 in Fairbanks; February 24 & 25, 1983 in Juneau; June 28 & 29, 1983 in Anchorage. Most material covered in those meetings is reported in the "Narrative Report", so will not be repeated here other than to note that the goal of holding three meetings was met.
8. Board response to sunset. The members of the board of pharmacy were made aware of the provisions of sunset legislation by the receipt of a letter written February 24, 1983, from the Legislative Audit Committee. The letter asked that the board respond to a questionnaire. The board did. The next communication from the Legislative Audit Committee was in the form of "Interim Letter No. 1" that was written April 12, 1983 and addressed to each board member. Most board members answered this letter. Documents, letters, and facts were submitted by some board members. The board stands ready, willing, and able to testify, within the budget, or board members individual means, when so asked by the Legislative Audit Committee. The board welcomes the opportunity to present it's argument as to why the board should stay in existance.

1. Inspections:

Inspections of pharmacies was at a minimum during FY '83 due to the pressing demand on the board's time and funds. It is believed that a full scale state wide inspection of pharmacies will be initiated in FY '84. The two professional board members from South Eastern Alaska will team up to cover all of South Eastern. These board members will take advantage of super saver fares when possible and will schedule their inspection so the entire area is covered on one trip . Ideally the board likes to have a professional member team with a non-professional, but there is no non-professional in South Eastern Alaska. This mandates that two professionals conduct that portion of the state wide inspections. Central and North Western Alaska can be covered by having the non-professional member from Anchor Point travel to Fairbanks and team with the professional member there. The two can then inspect all of the Fairbanks area, fly on to Nome and other areas in Central and cover all pharmacies in those areas. The two professional members in the Anchorage area can team with the non-professional member in Anchorage and cover all of the Anchorage area as well as the Matanuska Valley , and areas along the highway . The non-professional member from Anchor Point will be met on the Kenai by one of the professional members from Anchorage to cover all of the Kenai Peninsula . One of the professional members from Anchorage will join with the non-professional from Anchorage and inspect Cordova, Valdez and Kodiak. This plan should effectively cover the state in FY '84, and within the budgeted amount of \$ 5,000.00 (requested).

2. Continuing Education Requirements for Licensure in 1984 and the Future. All regulations will be coming up for re-licensure during 1984 . The board has adopted a program that will allow continuing education credits to be used to satisfy the requirements for competency under AS 08.80.040(8). The board has adopted regulation that will be in force during the registration and re-registration of regulations in 1984 and following years. The board will follow these regulations in 1984 and re-register all applicants who submit the required hours of continuing education and pay the fee. A system for spot checking requirements is established and will be in effect utilizing personnel from the DOL and board members .

3. Establish, by Regulation , the Procedure for Administration of the Controlled Substance Act AS 17 35 and the Marijuana Therapeutic Research Program, AS 17 35 and Proceed to Administer the Acts: The Federal Controlled Substance Act of 1970 as ammended was put in place in 1970. From that time until January 1 , 1983 , Alaska did not have a workable state controlled substance act. All other 49 states did pass controlled substance acts . Alaska was the last. When the legislature was considering a controlled substance act in the many years between 1970 and 1983 , they always ran into problems and for one reason or another always aborted the efforts . The legitimate industry must have an Alaskan State Controlled Substance Act to exist in harmony with

3. (continued)

Federal Statutes. During 1982 a serious effort by the legislature resulted in the passage of an Alaskan Controlled Substance Act AS 17.30 and a companion act The Marijuana Therapeutic Research Program, AS .35. The board of pharmacy attended hearings with the legislative committees and contributed information and expert testimony. In doing so they worked, with the help of those in state government who desired the passage of the act, to write the legitimate industry portion of the act. This portion is known as AS 17 30. The legislature was in doubt as to what board or commission or department should administer the act. During the hearings the board of pharmacy demonstrated knowledge, both in writing the legitimate industry portion, and in an understanding of how it would relate and function with the Federal Act. The question was asked "Does the Board of Pharmacy have the ability and knowledge to administer AS 17 30 and AS 17 35?". The answer given by board members who testified was a resounding "YES", but a qualified "YES". The board has knowledge as to how Washington, Oregon and Wyoming administer their controlled substance acts and the board knew that it could do the same....given the proper tools and funds. One of the qualifications was that qualified personnel, be hired within the DOL, to assist the board. This qualified personnel should be in the form of an executive-secretary, who should be a pharmacist, and if not registered in the state, be required to become registered in the state. With this qualified and experienced help, the board would be able to properly and promptly put in place all the requirements of AS 17 30 & AS 17 35. The board believed that this would take place, and investigated the availability of qualified people, and found at least three people who qualified. These people had many years (from 5 to 8 years) of experience with pharmacy boards from our neighboring states to the south. The board planned to bring one of these people on line at an early date. The board, as outlined in Section 4 of this report, ran into difficulties, not of their doing, but brought on by the erroneous submission of the request for two investigators instead of the one executive-secretary that the board, in documented minutes, requested. It is the board's goal for FY '84, to have the executive-secretary position placed in the personnel division of the state, so this position may be filled. It can be done by special exception, and done rather rapidly, or it can be done by legislative action early in 1984. It must be done to assure proper implementation of AS 17 30 & AS 17 35 and at the earliest date possible. The board has submitted FY '84 budget as part 6 of this report and has budgeted \$ 35,000.00 for what remains of FY '84, and \$ 52,000.00 in FY '85 and \$ 56,000.00 in FY '86. These budget requests are reasonable and are necessary to get the job done. One person does the job in Washington, in Oregon and in Wyoming. Two investigators are not needed. The board has submitted a budget of \$15,000.00 per year for each of the years FY'84, FY '85 and FY '86, as a travel expense item for the executive-secretary. The executive-secretary, in future years, could take over

3 (continued)

much of the inspection of pharmacies , in conjunction with board members in the various geographic areas of the state. The executive-secretary could also do most of the investigation work , with the help of investigators now employed by the DOL, without hiring additional investigators. This is how the program works in the three states referred to previously in this report. It is effective and it is cost effective. The board has requested \$ 35,000.00 for a regulation specialist for the FY '84 and reduced this to \$ 33,000.00 in FY '85 and to zero in FY'86. Most of the regulations needed should be in place by the end of FY '85. The board has requested that no money be spent or put in the board's budget for investigators for FY 84. The licenses must be issued and in place prior to being able to investigate license violations . The board has requested \$ 45,000.00 a year for investigator hire in FY 85 and again in FY' 86 , as by that time investigations will be in order and indeed needed. The board has requested \$15,000.00 for licensing regulons in each year of FY'84, FY '85 and FY '86., and this amount of money represents the board's share of the expense for a licensing examiner that is shared by other boards. The board has submitted the amount of \$ 1,000.00 per year for each of FY '84, FY '85 and FY '86 for the production of a news letter. It is one of the board goals that this be done in conjunction with the NABP news letter . The board has requested the sum of \$18,000.00 to conduct three board meetings in FY '84 and the sum of \$ 20,000.00 for FY '85 and the sum of \$22,000.00 for FY '86 . The board has requested the sum of \$ 5,000.00 to help defray the cost of board members being represented at hearings during sunset . In 1979 board members paid their own way to these hearings at a considerable out of pocket expense that should not be a responsibility of board members. Total budget requests for FY '84 is \$158,400.00, for FY '85 it is \$ 194,000.00 and for FY '86 it is \$163,000.0

4. Promulgate Regulations to Carry Out the Purpose of AS 80, That Have Not Been Previously Considered Due to Work Loads
The board is projecting an expense (budget request) of \$3,000.00 for each year, FY '84, FY '85, and FY '86. This amount should cover actual costs ,not including salary for the regulation specials ,that is submitted elsewhere in budget request.

5. News Letter:

Although the board has been temporarily stopped by action of the director of DOL , from a cooperative effort with the NABP in the production of a news letter, the board has as a goal in FY '84 the establishment of the news letter. The board has asked the attorney general representative ,. who gave an unofficial negative response to the request the first time, to take an indepth look at the legal problems that are imagined ,to determine that they really do not exist. Most other states have this program with no problems. Alaska should also benefit from the cooperation of NABP in supplying a good news letter to all regulons.

6. The Board Plans Three Regularly Scheduled Meetings for FY' 84 and is Projecting a Like Amount for Each year FY'85 & FY'86
The board will continue to hold at least one meeting a year in Juneau and for FY '84 , has scheduled the fall 1983 meeting in Juneau on October 27 & 28 , 1983. There will probably also be a meeting in Juneau in February 1984 and the June meeting will be held (at an undecided location) and at the time the NABPLEX (national) examination is scheduled nationwide . The board may also hold telephone teleconferences , in FY '84 , in an attempt to expedite implimentation of AS 30 & AS 35 and as a necessity due to limited funds and time. Projected costs are FY'83-'84 & '85 is \$18,20, and \$22,000.

7. The Board Will Respond to Legislative audit Under "Sunset" Legislation to Justufy the Existance of the Board.
The board strongly feels that the board system is the best method of administering pharmacy laws and regulations, and to this end will present testimony to the legislative audit committee and the various committees of the legislature, when this is necessary . The pharmacy board was given a vote of confidence , when the Controlled Substance Act was implemented . The legislature felt at that time that the pharmacy board could administer the Act in a knowledgable and cost effective way. The board in reacting to that confidence is attempting to do just that and to conduct the duties of the board in a responsive and effective manner. Costs are projected as \$ 5,000.00 for FY'84 and no costs for FY '85 & FY' 86 as the two later years are non-sunset years.

Part 6. Budget Recommendations FY '84 With Estimates Budget
Recommendations for FY '85 and FY'86:

ITEM	BUDGET FY '84	BUDGET FY'85	BUDGET FY '86
1. Inspections	\$5,000.00	\$ 5,500.00	\$ 6,000.00
2. Continuing Education	5,000.00	-0-	-0-
3. Controlled Substance Act. AS 30 & AS .35			
A. Executive Secretary	\$35,000.00	\$52,000.00	\$56,000.00
B. Travel for Ex-Sect.	\$15,000.00	\$15,000.00	\$15,000.00
C. Regulation Specialist	\$35,000.00	\$33,000.00	-0-
D. Investigator	-0-	\$45,000.00	\$45,000.00
E. Licensing Examiner (Shared expense)	\$15,000.00	\$15,000.00	\$15,000.00
4. Registration Of Regulons	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
5. News Letter	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
6. Board Meetings (3 a year)	\$18,000.00	\$20,000.00	\$22,000.00
7. Response to Sunset	\$ 5,000.00	-0-	-0-
TOTALS	\$158,400.00	\$194,000.00	\$163,000.00

William Sheffield,
~~XXXXXXXXXXXX~~ Governor

DEPARTMENT OF COMMERCE &
 ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D

JUNEAU, ALASKA 99811

5 March 1983

Eldon R. Ulmer , R.Ph.
 President, Board of Pharmacy
 P.O. Box 101420
 Anchorage, Alaska 99510

Mr. Harry Treager
 Director
 Division of Occupational Licensing
 Pouch "D"
 Juneau , Alaska 99811

Dear Mr. Treager:

Please consider this letter and supportive information attached , as an official request for action by you , from the Board of Pharmacy

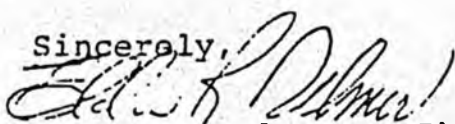
When you met with the Board in Juneau on February 25, 1983, you requested that I write to you asking your help in obtaining changes in the "designation of personnel" portion of the budgeted line items for implementation of AS 17.30 and AS 17.35 by the Board of Pharmacy.

You also asked for a job description for the Boards designation of "EXECUTIVE-SECRETARY-INSPECTOR". In the five pages, attached, stating purpose , and including narrative , conclusion , and an addendum, I have attempted to do that . It is complex , to say the least, but I do believe it conveys the intent of the legislature and a means of implementing that intent.

Please expedite your request for the line item change so we may proceed at once. We are already two months into 1983 , and need to go at full speed in the next month or two .

Let me know as soon as you have hired the regulation specialist that you promised to hire and base in Anchorage. I have five pages of suggested regulations covering not only AS 17.30, but also AS 17.35 . I have a commitment from all four of the physicians to serve in the various categories on the Patient Qualification Review Committee and need the specialist to aid in getting my proposed applications for those positions into printed form, so letters of appointment may be sent. :

Sincerely,



Eldon R. Ulmer, R.Ph.
 President, Board of Pharmacy

William Sheffield,
Governor

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D

JUNEAU, ALASKA 99811

5 March 1983

Eldon R. Ulmer, R.Ph.
President, Board of Pharmacy
P.O. Box 101420
Anchorage, Alaska 99510

Mr. Harry Treager
Director, Division of Occupational Licensing.....

Enclosure: Five pages of supportive material.

COPY TO: Honorable William Sheffield,
Governor, State of Alaska
Pouch "A" State Capitol Building
Juneau, Alaska 99811

Richard A. Lyon, Commissioner Commerce & Econ. Dev.
Pouch "D"
Juneau, Alaska 99811

Honorable Joe Hayes, Speaker of House of Representatives
Pouch "V"
Juneau, Alaska 99811

Honorable Jalmar Kerttula, President of the Senate
Pouch "V"
Juneau, Alaska 99811

Norman Gorsuch, Attorney General
Department of Law
Pouch "K"
Juneau, Alaska 99811

Dan Hickey, Chief Prosecutor,
Department of Law
Pouch "K"
Juneau, Alaska 99811

ALL MEMBERS OF ALASKA BOARD OF PHARMACY

Gerald Wilkerson, CPA
Legislative Auditor
Pouch "W"
Juneau, Alaska 99811

ALASKA STATE BOARD OF PHARMACY

IMPLEMENTATION

CONTROLLED SUBSTANCE STATUTE AS.17.30
AND

MARIJUANA THERAPEUTIC RESEARCH
PROGRAM STATUTE AS.17.35

The Legislature passed the CONTROLLED SUBSTANCE STATUTE AS 17.30 AND THE MARIJUANA THERAPEUTIC RESEARCH PROGRAM STATUTE AS 17.35 IN 1982 with an effective date of January 1, 1983.

Much of the responsibility for the implementation of these two statutes rests with the Board of Pharmacy. The legislation did not specifically address the funding for the implementation, nor the number or type of personnel that would be needed for implementation.

The Board of Pharmacy has been planning, since 1981, for the responsibilities that many believed would be vested with the Board, but could make no definite plans until enactment was accomplished and an effective date established.

The Board is now faced with problems of selecting and funding personnel to insure a timely implementation of its responsibility.

N A R R A T I V E:

Under Sec 17.30.010 Regulations must be promulgated.

Under Sec 17.30.020, (a), (b), (c), (d), (e) & (f) Registration requirements must be met.

Under Sec 17.30.030 (a), (b), & (c) Registration must be accomplished.

Under Sec 17.35 Marijuana Therapeutic Research, a program must be established, physicians interviewed and appointed to the Patient Qualification Review Committee and regulations must be adopted to assure this program is administered at a state level that is compatible with Federal Statutes.

All of above can not be accomplished in three meetings of two days each presently budgeted for the Board.

Competent, qualified and experienced personnel must be hired, and fast, to accomplish the mandate of the legislature.

With this in mind the Board as early as June 1981, started setting up a proposed budget and establishing goals and objectives, even though no law was on the books at that time.

At two of its three meetings in 1982, after the enactment of the legislation, but still prior to the effective date, the Board again established goals and an accompanying proposed budget. This fact may be verified by the minutes of all of the above cited meetings and the attached goals and objectives to those minutes.

Throughout the meetings, evidence of the Board's intent can be clearly identified. Never did the Board waver from its intent to hire a "Executive-Secretary" type person to come on board in a full time position. Various budget figures were submitted in the range of \$ 85,000.00 for the period January 1, 1983 through June 30, 1983 (a half year) to fit the fiscal budget time frame from effective date of January 1, 1983.

The Board does not enjoy budget-bypass privileges and must submit a budget through the Division of Occupational Licensing. It is the Board's understanding that this budget is then submitted through the Division of Commerce and Economic Development and on to the House and Senate Budget Committees.

The Board DID submit a budget, both for the fiscal year 1983 and again for the half-fiscal year 1983 (January 1, 1983 through June 30, 1983). The 1983-84 Fiscal year budget was submitted to the Division of Occupational Licensing also, and it is presently in the process.

With each budget request, a breakdown was also submitted. In every request there is an audit trail established in the minutes of meetings and in letters. The Board always included expenses for a position that was labeled various ways, but either was called "Executive-Secretary" or a combined position of "Executive-Secretary-Investigator-Examiner."

The Board realized that a regulation specialist would be needed to promulgate all of the regulations mandated by statute and budgeted for that position also. The Board also realized that, although it has always been assigned an inspector, by the DOL, that a full time inspector would also be needed, in addition to sharing the one used in the past. This would then amount to an investigator and a half (the half one being shared with other boards) and the full time one being used in the extensive investigatory work anticipated in the drug enforcement area.

Somewhere, in the translation from Board minutes and vocal requests, made by the Board to the Director of Occupational Licensing, MUCH WAS LOST. The Board recently was made aware that line item budget items were requested OR AT LEAST GRANTED in the budget, TIED to specific personnel. This personnel is defined, according to the DOL for two regulation specialists and two investigators. These people are in addition to the regular licensing examiner that is assigned to each board and usually shared by at least one other board. The regulation specialists and the two investigators were to be the people that would aid the Board in implementing its work.

This will just NOT WORK. The Board needs an Executive-Secretary type person, comparable to those in the employee of other states, such as Washington, Oregon, and Wyoming, where state pharmacy boards have full responsibility for their states controlled substance statutes. The Board has in mind at least three people, two of which would be excellent, and who have indicated a desire to come to Alaska. These people have been employed for at least five years as executive-secretaries, and also have investigate experience, and have been involved in the administration of both controlled substance legislation and marijuana research programs. Just the type of person with just the type of experience needed in the initial

NARRATIVE : (continued)

stage of the program in Alaska . Unfortunately ,no such position is specifically listed in the job classification program of the state, directly identified with the Pharmacy Board . Similiar positions do exist with the Board of Nursing and others, but not Pharmacy.

The Board of Pharmacy does not need, in the initial organization , two investigators . The Board does desperately need an experienced executive-secretary type, on a day-by-day basis to get the programs initiated and then properly administrated .

The Director of the Division of Occupational Licensing has agreed to submit the Boards desires as to changing the budget line item identification from two regulation specialists and two investigators to the personnel that could do the job , as long as the Board stays within the budgeted dollars. The Board has been informed that it has budgeted dollars covering the four people mentioned above, in the amount of \$ 75,000.00 for the period January 1, 1983 through June 30 , 1983 . The Board has asked the director of DOL to make the following request:

Investigator /	
Executive-Secretary-Inspector	range of \$45,000.00/
Estimated 30 % of salary for office etc	13,500.00/
One full time regulation specialist	33,000.00/
Estimated 30% of salary for office	9,900.00/
Licensing Examiner(or secretar type)	28,000.00/
Estimated 30 % for office etc.	8,400.00/
<u>TOTAL FOR ONE YEAR</u>	<u>\$ 137.800.00/</u>

This would break down to \$ 68,900.00 for the remainder of fiscal year 1983(half year Jan 1 through June 30 , 1983) and well under the \$75,000.00 budgeted . The figures above may be slightly off , but should be fairly close and definitely on the conservative side considering the licensing examiner budgeted above for full time Pharamcy Board work , when she would probably be used part time with another board.

The Director of The Division of Occupational Licensing has asked that the President of The Board Of Pharmacy write him a letter asking for his cooperation in requesting the change and in addition attempt to write a job experience qualification requirements and a job description For the position of Executive-Secretary-Investigator .

The letter has been written and will be sent to the Director along with this narrative and a conclusion statement. Copies of all material will also be sent to The Governor, The Commissioner of Commerce & Economic Development, The Speaker of the House of Representatives, The President of the Alaska State Senate. all Board of Pharmacy Members, and Legislative Sunset Review Committee, and The Attorney General , and Department of Law.

C O N C L U S I O N :

EXECUTIVE-SECRETARY-INVESTIGATOR FOR BOARD OF PHARMACY:

Qualifications:

1. Five years experience with another Board of Pharmacy, of which three years must be in the position of executive-secretary and the remainder in the position of investigator.
2. Experienced in administering controlled substance law of a state, under direction and supervision of a pharmacy board.
3. Experience in administering a marijuana therapeutic research program under the direction and supervision of a board of pharmacy.
4. Experience maintaining files and registration and licensing pharmacists and controlled substance registrants at the direction and under the supervision of a board of pharmacy.
5. Be a registered pharmacist in a state recognized by the National Association of Boards of Pharmacy and be required to become registered as a pharmacist in the State of Alaska within six months of being hired as Executive-Secretary-Investigator by the State of Alaska.

JOB DESCRIPTION:

UNDER THE SUPERVISION AND AT THE DIRECTION OF THE BOARD OF PHARMACY AND UNDER THE MANDATES OF AS.08.01., CENTRALIZE licensing statute and AS 08.80 PHARMACY ACT.:

1. Assist Board in process of registration of all Drug enforcement registrants under the Federal Law under the AS 17.30 Alaska State Statute, including design of application form and license.
2. Maintain record of registration and licensure under AS 17.30 with such records properly maintained at the Division of Occupational Licensing.
3. INVESTIGATE violations of any state or federal law under the jurisdiction of the Board of Pharmacy and at the direction of the Board of Pharmacy and the Division of Occupational Licensing.
4. Aid Board in the administration of the Marijuana Therapeutic Research Program AS.17.35, including maintaining records at the Division of Occupational Licensing, and aiding the Patient Qualification Review Committee in processing applicants under that program.
5. Cooperate with all state and federal law enforcement agencies at direction of Board of Pharmacy.

C O N C L U S I O N : (continued)

6. Follow direction of DOL in maintaining records, issuing licenses , receiving fees and any other job requirements assigned to licensing examiners , including:
 - (a) Collecting fees & issuing receipts;
 - (b) Maintaining records and files ;
 - (c) Issuing & receiving application forms;
 - (d) Notifying applicants of acceptance or rejection of applicants as determined by Board;
 - (e) At direction of DOL & Board, notifying applicants for any licensure under AS 08.80 or AS 17.30 of examination dates or license renewal dates.
 - (f) Arrange soace for holding examinations
 - (g) Notify applicants of results of examinations;
 - (h) Issue licenses & certificates or temporary licenses or certificates as authorized by Board
 - (i) Answer routine inquires ;
 - (j) Maintain a current registry of all licenses issued under AS 08.80 & AS 17.30
 - (k) Perform other services as requested by board consistant with requirements of AS 08.80 & AS -7.30 & As 17.35.

7. Perform the following job description duties as mandated by and established by investigative procedures of DOL & Board.
 - (a) (b) (c) etc.....to be inserted by DOL & consistant with job description duties of INVESTIGATORS .

NOTE: It is the intent of the Board of Pharmacy that the above person be employed, under state employment laws , by the Division of Occupational Licensing . The Director would, in effect , be the person's boss , and would direct the duties and performance of the person, at the request and with direct input , from the Board of Pharmacy. The person would reside in the Anchorage area , working out of the Division of Occupational License office in Anchorage.

ADDENDUM:

The above job decription, narrative, and conclusion solves the problem temporarily., however the problem may ultimately have to be addressed by the legislature . The Board of Pharmacy in offering the solution , listed here, is attempting to carry out the wishes of the Legislature, so the important programs may be started at once and carried out to the best of the ability of all involved.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 29, 1983

Mr. Eldon R. Ulmer, R.Ph.
President, Board of Pharmacy
P.O. Box 101420
Anchorage, AK 99510

Dear Mr. Ulmer:

Thank you for a copy of your recent correspondence to Mr. Harry Treager regarding your request in obtaining changes in the "designation of personnel" portion of the budgeted line items for implementation of AS 17.30 and AS 17.35 by the Board of Pharmacy. You may be assured that I will give serious consideration to your comments on this important issue.

I appreciate your personally informing me of your views, and I have copied the Department of Commerce & Economic Development for Commissioner Richard Lyon's review.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

ADDENDUM # 3

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

(two part)

DIVISION OF OCCUPATIONAL LICENSING

DATE: June 15, 1983

TO: Board of Pharmacy

FROM: *Harry D. Treager*
Harry D. Treager, Director
Division of Occupational Licensing

SUBJECT: Personnel Position

The attached memorandum was received from the personnel officer.

HDT/jarH4
61583a

Attachment

MEMORANDUM

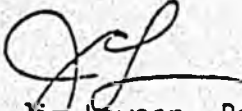
State of Alaska

to: Harry D. Treager, Director
Division of Occupational Licensing

DATE: April 13, 1983

FILE NO:

TELEPHONE NO:


FROM: Jim Lawson, Personnel Officer
Division of Administrative Services

SUBJECT: Requested Change of
Authorized Position
and Function

In response to your memo of April 7, 1983 requesting a change in title for two Investigator III positions to "Executive Officers."

These positions were budgeted for and authorized in the classified service subject to the rules of the classified personnel system. There is no classification for Executive Officer and I am, therefore, unable to effect the requested change.

JL/cw#23Q13

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

ADDENDUM # 4

DIVISION OF OCCUPATIONAL LICENSING

WILL STEFFIELD, GOVERNOR
POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

July 29, 1983

Eldon Ulmer, R.Ph.
Chairman
Board of Pharmac,
P.O. Box 101420
Anchorage, Alaska 99510

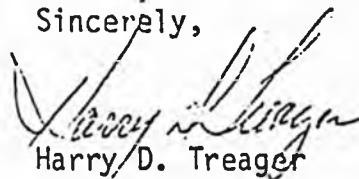
Dear Mr. Ulmer:

Re: Executive Officer Position

This correspondence is to advise you that efforts of Mr. Jim Lawson, personnel officer, Department of Commerce and Economic Development, were to no avail in changing the position of the investigator to an executive officer.

We should proceed immediately to fill the position as mandated by legislation.

Sincerely,



Harry D. Treager
Director

HDT/cw#2707
72983A
cc: Dick Long

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF PHARMACY

Notice is hereby given that the Department of Commerce and Economic Development, Board of Pharmacy, under authority vested by AS 08.80.030, AS 17.30.010, and AS 17.35.020, proposes to adopt regulations in Title 12 of the Alaska Administrative Code, Chapter 52, dealing with regulation of manufacture, distribution, prescription and dispensing controlled substances, marijuana therapeutic research program and definitions to implement AS 17.30.020, AS 17.30.030, AS 17.30.040 and AS 17.35.030 as follows:

Article 5, General Provisions is renumbered to Article 7, General Provisions, with Article 5 being assigned to the "Regulation of Manufacture, Distribution, Prescription and Dispensing of Controlled Substances," and Article 6 being assigned to the "Marijuana Therapeutic Research Program."

12 AAC 52 is amended by adding a new article to read:

ARTICLE 5
REGULATION OF MANUFACTURE, DISTRIBUTION, PRESCRIPTION
AND DISPENSING OF CONTROLLED SUBSTANCES

Section

- 400. Registration requirements
- 405. Registration
- 410. Application forms for registration
- 415. Fee for registration and renewal
- 420. Exemption from registration and fees
- 425. Separate registration for independent activities and locations
- 430. Certificate of registration
- 435. Termination of registration
- 440. Denial, revocation and suspension of registration

12 AAC 52.400 provides that every person who manufactures, distributes, or dispenses any controlled substance, or who proposes to do so, must obtain a certificate of registration for such activity with the Board of Pharmacy.

12 AAC 52.405 provides for the effective date and expiration dates of all certificates of registration.

12 AAC 52.410 provides for the application forms for registration and procedures for an applicant applying for registration.

12 AAC 52.415 provides for an annual fee of \$10.00 for each certificate of registration issued.

12 AAC 52.420 provides for the exemption from registration and fees for any person exempted from registration under the Federal Controlled Substance Act of 1970, as amended.

12 AAC 52.425 provides that a separate registration shall be required for any person engaging in more than one group of independent activities and sets forth the categories of independent activities.

12 AAC 52.430 provides for the issuance of the Certificate of Registration by the board, the information contained on the certificate, and other requirements the board may impose on an applicant to determine if a certificate should be issued or denied.

12 AAC 52.435 provides for the termination of any registration in the event of the death of the registrant, or ceases legal existence or discontinues business or professional practice.

12 AAC 52.440 provides for the procedures for the denial, revocation or suspension of any registration and sets forth the procedures for the board, and the applicant or registrant, to follow in the event of any such action to ensure all parties' rights are protected.

12 AAC 52 is amended by adding a new article to read:

ARTICLE 6
MARIJUANA THERAPEUTIC RESEARCH PROGRAM

Section

- 600. Patient Qualification Review Committee
- 610. Application for appointment
- 620. Term of appointment
- 630. Duties of committee

12 AAC 52.600 establishes a Patient Qualification Review Committee of four members to oversee the marijuana therapeutic research program.

12 AAC 52.610 sets forth the application for appointment to the Patient Qualification Review Committee by the Board of Pharmacy.

12 AAC 52.620 provides for the term of appointment for each of the four members appointed and designating which appointee will be the chairman of the committee.

12 AAC 52.630 sets forth the duties of the committee in the management of the marijuana therapeutic research program.

12 AAC 52.900 DEFINITIONS (ARTICLE 7) is amended by adding new paragraphs to provide definitions for "compounder" and "committee."

Notice is also given that any person interested may present written statements or arguments, relevant to the action proposed by mailing or delivering them so they are received by 4:30 p.m., September 30, 1983 to:

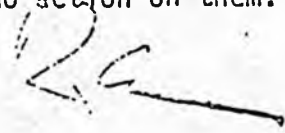
Department of Commerce and Economic Development
Division of Occupational Licensing
Board of Pharmacy - Regulations
Century Plaza
142 East 3rd Avenue
Anchorage, Alaska 99501

Copies of the proposed regulations may be obtained by writing to the above address, or by telephoning (907) 276-7969.

This action is expected to require an increased appropriation to implement and maintain the registration requirements, as specified in 12 AAC 52.400-.440. It is anticipated that the additional funding required for one-half of Fiscal Year 1984 will amount to \$17,500.00 to cover personal services, contractual, commodities and equipment (the equipment is a one-time cost). Fiscal Year 1985 is estimated to require \$26,700.00 and Fiscal Year 1986 is estimated to require \$27,900.00.

The action in regard to 12 AAC 52.600-.630 and 12 AAC 52.900(16) and (17) is not expected to require an increased appropriation.

The Department of Commerce and Economic Development, Board of Pharmacy, upon its own motion or at the instance of any interested persons, may thereafter adopt the proposals substantially as described above without further notice, or may decide to take no action on them.



Richard A. Lyon, Commissioner

DATE: JULY 13, 1983

Chapter 35. Marijuana Therapeutic Research Program.

Section	Section
10. Legislative purpose	40. Sources, distribution and possession of marijuana
20. Marijuana therapeutic research program	50. Report to the governor and legislature
30. Patient qualification review committee	500. Definitions

—

Cross references. — For declaration for legislative purpose, see § 1, ch. 45, SLA 1982 in the 1982 Temporary and Special Acts and Resolves.

—

Sec. 17.35.010. Legislative purpose. The legislature finds that recent research has shown that the use of marijuana may alleviate the nausea and ill effects of cancer chemotherapy and radiology, and, additionally, may alleviate the ill effects of glaucoma. The legislature further finds that there is a need for further research and experimentation regarding the use of marijuana under strictly controlled circumstances. (§ 5 ch 45 SLA 1982)

Sec. 17.35.020. Marijuana therapeutic research program. (a) A therapeutic research program is established in the Board of Pharmacy. The program shall be administered by the board. The board shall adopt regulations necessary for the proper administration of this chapter. Before adopting regulations, the board shall consider pertinent regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the federal Food and Drug Administration, and the National Institute on Drug Abuse.

(b) Except as provided in AS 17.35.030(e), the therapeutic research program is limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the Patient Qualification Review Committee by a practitioner. A patient may not be admitted to the therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment.

(c) The board shall provide by regulation for a program of registration of therapeutic research projects. (§ 5 ch 45 SLA 1982)

Sec. 17.35.030. Patient qualification review committee. (a) The board shall appoint a Patient Qualification Review Committee to serve at its pleasure. The committee shall consist of four members with the following qualifications:

(1) two physicians licensed to practice medicine in the state, one of whom specializes in the practice of ophthalmology;

(2) a physician licensed to practice medicine in the state who specializes in the practice of psychiatry; and

(3) a physician licensed to practice medicine in the state who specializes in the practice of radiology.

(b) Members of the Patient Qualification Review Committee receive no salary but are entitled to per diem for travel and expenses authorized by law for boards and commissions.

(c) The Patient Qualification Review Committee shall review all applicants for the therapeutic research program and their licensed practitioners and certify their participation in the program.

(d) The Patient Qualification Review Committee and the board shall protect the privacy of individuals who participate in the therapeutic research program by withholding the names and other identifying characteristics of those individuals from all persons who are not connected with the research. Persons authorized to engage in research under the therapeutic research program may not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted unless necessary to permit the board to determine whether the research is being conducted in accordance with the authorization.

(e) The Patient Qualification Review Committee may include other disease groups for participation in the therapeutic research program. However, a practitioner must present pertinent medical data to both the committee and the board before a disease group may be added. The participation of a disease group must be approved by the board consistent with applicable regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the federal Food and Drug Administration, and the National Institute on Drug Abuse. (§ 5 ch 45 SLA 1982)

Sec. 17.35.040. Sources, distribution and possession of marijuana. (a) A patient who is certified to participate in the therapeutic research program by the Patient Qualification Review Committee may obtain and possess marijuana, its derivatives, or its active ingredients, whether synthetic or natural, for the patient's own use.

(b) The board shall establish procedures by which a person authorized under this section to possess marijuana, its derivatives or active ingredients, whether synthetic or natural, may do so, subject to applicable regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the United States Food and Drug Administration, and the National Institute on Drug Abuse. (§ 5 ch 45 SLA 1982)

Sec. 17.35.050. Report to the governor and legislature. The board, in conjunction with the Patient Qualification Review Committee, shall report its findings and recommendations to the governor and the legislature regarding the effectiveness of the therapeutic research program by March 1, 1984. (§ 5 ch 45 SLA 1982)

Article 1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances.

Section

- 10. Regulations
- 20. Registration requirements
- 30. Registration
- 40. Denial, revocation, and suspension of registration
- 50. Order to show cause

Section

- 60. Records of registrants
- 70. Order forms; prescriptions
- 80. Unlawful administration, prescription and dispensation of controlled substances

Collateral references. — 25 Am. Jur. 2d, Drugs, Narcotics, and Poisons, §§ 7 et seq., 28 et seq.

Sec. 17.30.010. Regulations. (a) The Board of Pharmacy shall adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary for the administration of this chapter, and may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances as authorized by federal law in the state.

(b) Regulations adopted under this chapter by the board shall be patterned after federal law so that the legitimate manufacture, distribution, and dispensing of controlled substances is subject to regulations regarding registration, record keeping, order forms and prescription requirements that are identical to those required by federal law or regulations. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from any application, report, record, or other document required to be kept or filed under this chapter, see AS 11.71.040(a)(8). For penalty for failure to make, keep, or furnish any record, notification, order form, statement, invoice, or information

required under this chapter, see AS 11.71.050(a)(4).

Editor's notes. — Section 24, ch. 45, SLA 1982 provides: "Orders issued and regulations adopted under a law amended or repealed by this Act and in effect on January 1, 1983, and not in conflict with this Act continue until amended or repealed."

Sec. 17.30.020. Registration requirements. (a) A person who manufactures, distributes, dispenses, or conducts research with a controlled substance in the state or who proposes to manufacture, distribute, or dispense a controlled substance in the state, shall register annually with the board in accordance with regulations adopted under AS 17.30.010.

(b) A person registered under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by the person's registration and in conformity with the other provisions of this chapter.

(c) The following persons may lawfully possess controlled substances under this chapter without registration:

(1) an agent or employee of a registered manufacturer, distributor, dispenser, or researcher of a controlled substance so long as the possession is incidental to the usual course of the agent's or employee's business or employment;

(2) a common or contract carrier or warehouseman, or the carrier's or warehouseman's employee, whose possession of a controlled substance is in the usual course of the carrier's, warehouseman's, or employee's business or employment;

(3) an ultimate user or a person in possession of a controlled substance under a lawful order of a registered practitioner or in lawful possession of a schedule VA controlled substance.

(d) The board may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with public health and safety.

(e) A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or application for registration in accordance with regulations adopted by the board. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for refusal of entry into a premises for an inspection authorized under this chapter, see AS 11.71.060(a)(5); for schedule VA substance, see AS 11.71.180.

Sec. 17.30.030. Registration. (a) The board shall register an applicant to manufacture, distribute, or dispense controlled substances listed in the schedules established under federal law unless it finds that the registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) a conviction of the applicant under federal or state laws relating to controlled substances;

(4) past experience in the manufacture, distribution, or dispensing of controlled substances and the existence in the applicant's establishment of effective controls against diversion of controlled substances

into other than legitimate medical, scientific, or industrial channels;

(5) furnishing by the applicant of false information in an application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) A practitioner registered under federal law to conduct research with controlled substances shall be issued a registration to conduct research with these substances in the state if the practitioner furnishes the board with evidence of the federal registration.

(c) A manufacturer, distributor, or dispenser who complies with federal law pertaining to registration requirements other than fees is entitled to be registered under this chapter. (§ 4 ch 45 SLA 1982)

Sec. 17.30.040. Denial, revocation, and suspension of registration. (a) A registration applied for or issued under AS 17.30.030 to manufacture, distribute, dispense, or conduct research with a controlled substance may be denied, suspended, or revoked by the board upon a finding that

(1) the registrant has furnished false or fraudulent material information in an application filed under this chapter;

(2) the registrant has been convicted of a felony offense under state or federal law; or

(3) the registrant's federal registration to manufacture, distribute, dispense, or conduct research with controlled substances has been denied, suspended, or revoked.

(b) The board may limit the denial, revocation, or suspension of a registration to a particular controlled substance with respect to which grounds for denial, revocation, or suspension exist.

(c) If the board denies, suspends, or revokes a registration, all controlled substances owned or possessed by the registrant at the time of the denial or suspension or the effective date of the revocation order may be placed under seal by the board or the Department of Public Safety and remain in the custody of the department, subject only to the orders and decrees of a court having jurisdiction over the property. A disposition may not be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. After a revocation order is final, all controlled substances held by the registrant are forfeited to the state.

(d) The board shall promptly notify the Drug Enforcement Administration of the United States Department of Justice of all orders denying, suspending, or revoking registrations and of all forfeitures of controlled substances. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from application, see AS 11.71.040(a)(8).

Sec. 17.30.050. Order to show cause. (a) Before denying, suspending, or revoking a registration, or refusing a renewal of a registration, the board shall serve upon the applicant or registrant an order to show cause why a registration should not be denied, revoked, or suspended, or why a renewal should not be refused. The order to show cause shall contain a statement of the basis for issuance of the order and shall require the applicant or registrant to appear before the board at a time and place not less than 30 days after the date of service of the order. For a refusal of renewal of registration the show cause order must be served not later than 30 days before the expiration of the registration. These proceedings must be conducted in accordance with procedures for administrative adjudication under AS 44.62.330 — 44.62.630 without regard to criminal prosecution or other proceeding. Proceedings to refuse renewal of registration do not make the existing registration void. The existing registration remains in effect pending the outcome of the administrative hearing.

(b) The board may, without an order to show cause, suspend a registration simultaneously with the institution of proceedings under AS 17.30.040 if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension continues in effect until the conclusion of the proceedings, including judicial review of the proceedings, unless withdrawn by the board or dissolved by a court of competent jurisdiction. (§ 4 ch 45 SLA 1982)

Sec. 17.30.060. Records of registrants. A person registered to manufacture, distribute, dispense, or conduct research with controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and in conformance with additional regulations adopted by the board. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from records required to be kept under this chapter, see AS 11.71.040(a)(8); for penalty for failure to make, keep, or furnish records required by this chapter, see AS 11.71.050(a)(4).

Sec. 17.30.070. Order forms; prescriptions. (a) A controlled substance may be distributed by one registrant to another registrant only if the distribution is in accordance with federal requirements for order forms.

(b) A controlled substance may not be dispensed by a practitioner other than in accordance with federal requirements regarding prescriptions for controlled substances.

(c) If the classification of a controlled substance in a schedule set out in AS 11.71.140 — 11.71.190, or by a regulation adopted in accordance

with AS 11.71.120(a), is different from its corresponding classification under federal law, the requirements of (a) and (b) of this section are determined by the classification of the substance under federal law. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for failure to make, keep, or furnish order forms required under this chapter, see AS 11.71.050(a)(4).

Editor's notes. — AS 11.71.120(a), referred to in subsection (c), does not

authorize adoption of regulations classifying controlled substances. AS 11.71.120(a) does, however, authorize recommendations for legislation to classify controlled substances.

Sec. 17.30.080. Unlawful administration, prescription and dispensation of controlled substances. A controlled substance classified under federal law or in a schedule set out in AS 11.71.140 — 11.71.190 or by regulations adopted in accordance with AS 11.71.120(a) may not be administered, prescribed, dispensed, or distributed other than for a medical purpose. (§ 4 ch 45 SLA 1982)

Editor's notes. — See editor's note to AS 17.30.070.

Article 2. Enforcement Forfeiture and Review Provisions.

Section

- 100. Cooperative arrangements
- 110. Items subject to forfeiture
- 112. Proceedings resulting in forfeiture
- 114. Seizure and custody of property
- 116. Procedure for forfeiture action
- 118. Petition for release of seized items

Section

- 120. Petition for sale of seized item
- 122. State disposal of forfeited property
- 124. Remittance to claimant
- 126. Forfeiture of controlled substances
- 130. Judicial review

Collateral references. — 25 Am. Jur. 2d, Drugs, Narcotics, and Poisons, §§ 27, 40 et seq.

Sec. 17.30.100. Cooperative arrangements. (a) The commissioner of public safety shall cooperate with other state and federal agencies in the discharge of their responsibilities pertaining to illicit traffic in controlled substances and in suppressing the abuse of controlled substances. Under this section, the powers of the commissioner of public safety include but are not limited to the following:

- (1) arranging for the exchange of information among government officials concerning illicit traffic in and abuse of controlled substances;
- (2) coordinating training programs pertaining to controlled substances at both local and state levels; and

(3) cooperating with the Drug Enforcement Administration of the United States Department of Justice by establishing a centralized unit to accept, catalog, file, and collect statistics, including records of persons who have violated the provisions of this chapter or AS 11.71 in the state and making the information available for federal, state, and local law enforcement purposes.

(b) The commissioner of public safety may not furnish the name or identity of a patient or research subject whose identity could not be obtained under AS 17.30.155. (§ 4 ch 45 SLA 1982)

Sec. 17.30.110. Items subject to forfeiture. The following may be forfeited to the state:

(1) a controlled substance which has been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or AS 11.71;

(2) raw materials, products, and equipment which are used or intended for use in manufacturing, distributing, compounding, processing, delivering, importing, or exporting a controlled substance which is a felony under this chapter or AS 11.71;

(3) property which is used or intended for use as a container for property described in (1) or (2) of this section;

(4) a conveyance, including but not limited to aircraft, vehicles or vessels, which has been used or is intended for use in transporting or in any manner in facilitating the transportation, sale, receipt, possession, or concealment of property described in (1) or (2) of this section in violation of a felony offense under this chapter or AS 11.71; however,

(A) a conveyance may not be forfeited under this paragraph if the owner of the conveyance establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the owner was neither a consenting party nor privy to the violation;

(B) a forfeiture of a conveyance encumbered by a valid security interest at the time of seizure is subject to the interest of the secured party if the secured party establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the secured party was neither a consenting party nor privy to the violation;

(5) books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used in violation of this chapter or AS 11.71;

(6) money, securities, negotiable instruments, or other things of value used in financial transactions derived from activity prohibited by this chapter or AS 11.71; and

(7) a firearm which is visible, carried during, or used in furtherance of a violation of this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

Article 1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances.

Section

- 10. Regulations
- 20. Registration requirements
- 30. Registration
- 40. Denial, revocation, and suspension of registration
- 50. Order to show cause

Section

- 60. Records of registrants
- 70. Order forms; prescriptions
- 80. Unlawful administration, prescription and dispensation of controlled substances

Collateral references. — 25 Am. Jur. 2d, Drugs, Narcotics, and Poisons, §§ 7 et seq., 28 et seq.

Sec. 17.30.010. Regulations. (a) The Board of Pharmacy shall adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary for the administration of this chapter, and may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances as authorized by federal law in the state.

(b) Regulations adopted under this chapter by the board shall be patterned after federal law so that the legitimate manufacture, distribution, and dispensing of controlled substances is subject to regulations regarding registration, record keeping, order forms and prescription requirements that are identical to those required by federal law or regulations. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from any application, report, record, or other document required to be kept or filed under this chapter, see AS 11.71.040(a)(8). For penalty for failure to make, keep, or furnish any record, notification, order form, statement, invoice, or information

required under this chapter, see AS 11.71.050(a)(4).

Editor's notes. — Section 24, ch. 45, SLA 1982 provides: "Orders issued and regulations adopted under a law amended or repealed by this Act and in effect on January 1, 1983, and not in conflict with this Act continue until amended or repealed."

Sec. 17.30.020. Registration requirements. (a) A person who manufactures, distributes, dispenses, or conducts research with a controlled substance in the state or who proposes to manufacture, distribute, or dispense a controlled substance in the state, shall register annually with the board in accordance with regulations adopted under AS 17.30.010.

(b) A person registered under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by the person's registration and in conformity with the other provisions of this chapter.

(c) The following persons may lawfully possess controlled substances under this chapter without registration:

(1) an agent or employee of a registered manufacturer, distributor, dispenser, or researcher of a controlled substance so long as the possession is incidental to the usual course of the agent's or employee's business or employment;

(2) a common or contract carrier or warehouseman, or the carrier's or warehouseman's employee, whose possession of a controlled substance is in the usual course of the carrier's, warehouseman's, or employee's business or employment;

(3) an ultimate user or a person in possession of a controlled substance under a lawful order of a registered practitioner or in lawful possession of a schedule VA controlled substance.

(d) The board may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with public health and safety.

(e) A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or application for registration in accordance with regulations adopted by the board. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for refusal of entry into a premises for an inspection authorized under this chapter, see AS 11.71.060(a)(5); for schedule VA substance, see AS 11.71.180.

Sec. 17.30.030. Registration. (a) The board shall register an applicant to manufacture, distribute, or dispense controlled substances listed in the schedules established under federal law unless it finds that the registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) a conviction of the applicant under federal or state laws relating to controlled substances;

(4) past experience in the manufacture, distribution, or dispensing of controlled substances and the existence in the applicant's establishment of effective controls against diversion of controlled substances

into other than legitimate medical, scientific, or industrial channels;

(5) furnishing by the applicant of false information in an application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) A practitioner registered under federal law to conduct research with controlled substances shall be issued a registration to conduct research with these substances in the state if the practitioner furnishes the board with evidence of the federal registration.

(c) A manufacturer, distributor, or dispenser who complies with federal law pertaining to registration requirements other than fees is entitled to be registered under this chapter. (§ 4 ch 45 SLA 1982)

Sec. 17.30.040. Denial, revocation, and suspension of registration. (a) A registration applied for or issued under AS 17.30.030 to manufacture, distribute, dispense, or conduct research with a controlled substance may be denied, suspended, or revoked by the board upon a finding that

(1) the registrant has furnished false or fraudulent material information in an application filed under this chapter;

(2) the registrant has been convicted of a felony offense under state or federal law; or

(3) the registrant's federal registration to manufacture, distribute, dispense, or conduct research with controlled substances has been denied, suspended, or revoked.

(b) The board may limit the denial, revocation, or suspension of a registration to a particular controlled substance with respect to which grounds for denial, revocation, or suspension exist.

(c) If the board denies, suspends, or revokes a registration, all controlled substances owned or possessed by the registrant at the time of the denial or suspension or the effective date of the revocation order may be placed under seal by the board or the Department of Public Safety and remain in the custody of the department, subject only to the orders and decrees of a court having jurisdiction over the property. A disposition may not be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. After a revocation order is final, all controlled substances held by the registrant are forfeited to the state.

(d) The board shall promptly notify the Drug Enforcement Administration of the United States Department of Justice of all orders denying, suspending, or revoking registrations and of all forfeitures of controlled substances. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from application, see AS 11.71.040(a)(8).

Sec. 17.30.050. Order to show cause. (a) Before denying, suspending, or revoking a registration, or refusing a renewal of a registration, the board shall serve upon the applicant or registrant an order to show cause why a registration should not be denied, revoked, or suspended, or why a renewal should not be refused. The order to show cause shall contain a statement of the basis for issuance of the order and shall require the applicant or registrant to appear before the board at a time and place not less than 30 days after the date of service of the order. For a refusal of renewal of registration the show cause order must be served not later than 30 days before the expiration of the registration. These proceedings must be conducted in accordance with procedures for administrative adjudication under AS 44.62.330 — 44.62.630 without regard to criminal prosecution or other proceeding. Proceedings to refuse renewal of registration do not make the existing registration void. The existing registration remains in effect pending the outcome of the administrative hearing.

(b) The board may, without an order to show cause, suspend a registration simultaneously with the institution of proceedings under AS 17.30.040 if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension continues in effect until the conclusion of the proceedings, including judicial review of the proceedings, unless withdrawn by the board or dissolved by a court of competent jurisdiction. (§ 4 ch 45 SLA 1982)

Sec. 17.30.060. Records of registrants. A person registered to manufacture, distribute, dispense, or conduct research with controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and in conformance with additional regulations adopted by the board. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from records required to be kept under this chapter, see AS 11.71.040(a)(8); for penalty for failure to make, keep, or furnish records required by this chapter, see AS 11.71.050(a)(4).

Sec. 17.30.070. Order forms; prescriptions. (a) A controlled substance may be distributed by one registrant to another registrant only if the distribution is in accordance with federal requirements for order forms.

(b) A controlled substance may not be dispensed by a practitioner other than in accordance with federal requirements regarding prescriptions for controlled substances.

(c) If the classification of a controlled substance in a schedule set out in AS 11.71.140 — 11.71.190, or by a regulation adopted in accordance

with AS 11.71.120(a), is different from its corresponding classification under federal law, the requirements of (a) and (b) of this section are determined by the classification of the substance under federal law. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for failure to make, keep, or furnish order forms required under this chapter, see AS 11.71.050(a)(4).

Editor's notes. — AS 11.71.120(a), referred to in subsection (c), does not

authorize adoption of regulations classifying controlled substances. AS 11.71.120(a) does, however, authorize recommendations for legislation to classify controlled substances.

Sec. 17.30.080. Unlawful administration, prescription and dispensation of controlled substances. A controlled substance classified under federal law or in a schedule set out in AS 11.71.140 — 11.71.190 or by regulations adopted in accordance with AS 11.71.120(a) may not be administered, prescribed, dispensed, or distributed other than for a medical purpose. (§ 4 ch 45 SLA 1982)

Editor's notes. — See editor's note to AS 17.30.070.

Article 2. Enforcement Forfeiture and Review Provisions.

Section

- 100. Cooperative arrangements
- 110. Items subject to forfeiture
- 112. Proceedings resulting in forfeiture
- 114. Seizure and custody of property
- 116. Procedure for forfeiture action
- 118. Petition for release of seized items

Section

- 120. Petition for sale of seized item
- 122. State disposal of forfeited property
- 124. Remittance to claimant
- 126. Forfeiture of controlled substances
- 130. Judicial review

Collateral references. — 25 Am. Jur. 2d, Drugs, Narcotics, and Poisons, §§ 27, 40 et seq.

Sec. 17.30.100. Cooperative arrangements. (a) The commissioner of public safety shall cooperate with other state and federal agencies in the discharge of their responsibilities pertaining to illicit traffic in controlled substances and in suppressing the abuse of controlled substances. Under this section, the powers of the commissioner of public safety include but are not limited to the following:

(1) arranging for the exchange of information among government officials concerning illicit traffic in and abuse of controlled substances;

(2) coordinating training programs pertaining to controlled substances at both local and state levels; and

(3) cooperating with the Drug Enforcement Administration of the United States Department of Justice by establishing a centralized unit to accept, catalog, file, and collect statistics, including records of persons who have violated the provisions of this chapter or AS 11.71 in the state and making the information available for federal, state, and local law enforcement purposes.

(b) The commissioner of public safety may not furnish the name or identity of a patient or research subject whose identity could not be obtained under AS 17.30.155. (§ 4 ch 45 SLA 1982)

Sec. 17.30.110. Items subject to forfeiture. The following may be forfeited to the state:

(1) a controlled substance which has been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or AS 11.71;

(2) raw materials, products, and equipment which are used or intended for use in manufacturing, distributing, compounding, processing, delivering, importing, or exporting a controlled substance which is a felony under this chapter or AS 11.71;

(3) property which is used or intended for use as a container for property described in (1) or (2) of this section;

(4) a conveyance, including but not limited to aircraft, vehicles or vessels, which has been used or is intended for use in transporting or in any manner in facilitating the transportation, sale, receipt, possession, or concealment of property described in (1) or (2) of this section in violation of a felony offense under this chapter or AS 11.71; however,

(A) a conveyance may not be forfeited under this paragraph if the owner of the conveyance establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the owner was neither a consenting party nor privy to the violation;

(B) a forfeiture of a conveyance encumbered by a valid security interest at the time of seizure is subject to the interest of the secured party if the secured party establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the secured party was neither a consenting party nor privy to the violation;

(5) books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used in violation of this chapter or AS 11.71;

(6) money, securities, negotiable instruments, or other things of value used in financial transactions derived from activity prohibited by this chapter or AS 11.71; and

(7) a firearm which is visible, carried during, or used in furtherance of a violation of this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

§ 17.30.112

FOOD AND DRUGS

§ 17.30.114

Revisor's notes. — AS 17.30.110(b) —
(q) were renumbered as AS 17.30.112 —
17.30.126 in 1983.

NOTES TO DECISIONS

Former forfeiture statute construed. 1265 (1977), decided under former AS
— See *One Cocktail Glass v. State*, Sup. 17.12.130.
Ct. Op. No. 1437 (File No. 2729), 565 P.2d

Collateral references. — Forfeiture of personal property used in illegal manufacture, processing, or sale of controlled substances under § 511 of Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 USCS § 881), 59 ALR Fed. 765.

Sec. 17.30.112. Proceedings resulting in forfeiture. (a) Property listed in AS 17.30.110 may be forfeited to the state either upon conviction of the defendant of a violation of this chapter or AS 11.71, or upon judgment of a court in a separate civil proceeding in rem. The court may order a forfeiture in the in rem proceeding if it finds that an item specified in AS 17.30.110 was used during or in aid of a violation of this chapter or AS 11.71.

(b) It is not a defense in an in rem proceeding brought under this section that a criminal proceeding has resulted in a conviction or conviction of a lesser offense for a violation of this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS
17.30.110(b) and (c). Renumbered in 1983.

Sec. 17.30.114. Seizure and custody of property. (a) Property listed in AS 17.30.110 may be seized by a peace officer upon an order issued by a court having jurisdiction over the property upon a showing of probable cause that the property may be forfeited under AS 17.30.110. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of an earlier judgment in favor of the state in a criminal proceeding or civil proceeding in rem under this chapter or AS 11.71; or

(3) there is probable cause that the property was used, is being used, or is intended for use, in violation of this chapter or AS 11.71 and the property is easily movable; property seized under this paragraph may not be held for more than 48 hours without a court order obtained to continue its detention.

(b) Property taken or detained under (a) of this section shall be held in the custody of either the commissioner of public safety or a munic-

ipal law enforcement agency authorized by the commissioner of public safety to retain custody of property listed in AS 17.30.110 subject only to the orders and decrees of the court having jurisdiction over any forfeiture proceedings. If property is seized under this chapter, the commissioner of public safety or an authorized municipal law enforcement agency may

- (1) place the property under seal;
- (2) remove the property to a place designated by the court; or
- (3) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(c) Within 10 days after a seizure under AS 17.30.110 — 17.30.126, the commissioner of public safety shall make an inventory of any property seized, including controlled substances, and shall appraise the value of any items seized other than controlled substances. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(d) — (f). Renumbered in 1983.

Sec. 17.30.116. Procedure for forfeiture action. (a) Within 20 days after a seizure under AS 17.30.110 — 17.30.126, the commissioner of public safety shall, by certified mail, notify any person known to have an interest in an item with an appraised value of \$500 or more, or who is ascertainable from official registration numbers, licenses, or other state, federal or municipal numbers on the item, of the pending forfeiture action. Additionally, the commissioner of public safety shall publish notice of forfeiture action of an item valued at \$500 or more in a newspaper of general circulation in the judicial district in which the seizure was made, or if no newspaper is published in that judicial district, in a newspaper published in the state and distributed in that judicial district. The notice shall be published once each week during four consecutive calendar weeks. The requirements of this subsection do not apply to the forfeiture of controlled substances which have been manufactured, distributed, dispensed, or possessed in violation of this chapter or AS 11.71, regardless of their value.

(b) Upon service or publication of notice of commencement of a forfeiture action under this section, a person claiming interest in the property shall file within 30 days after the service or publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the state's allegations. If a claim and answer is not filed within the time specified, the property described in the state's allegation must be ordered forfeited to the state without further proceedings or showings.

(c) Questions of fact or law raised by a notice of forfeiture action and answer of a claimant in an action commenced under this section must be determined by the court sitting without a jury. This proceeding may be held in abeyance until conclusion of any pending criminal charges

§ 17.30.118

FOOD AND DRUGS

§ 17.30.122

against the claimant under this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(g) — (i). Renumbered in 1983. **failure to furnish notification required under this chapter, see AS 11.71.050(a)(4).**
Cross references. — For penalty for

Sec. 17.30.118. Petition for release of seized items. (a) A claimant under AS 17.30.116(b) may at any time petition for release of a seized item as follows:

- (1) to a court in which a warrant for seizure has been issued;
- (2) to a court in which a criminal or civil action alleging forfeiture of the item has been filed; or
- (3) before an action is filed, or if no seizure warrant was issued, to a court in the judicial district in which the violation took place.

(b) An item may not be released by the court under (a) of this section unless the claimant gives adequate assurance that the item will remain subject to the court's jurisdiction and

- (1) the court finds that the release is in the best interests of the state, or
- (2) the claimant provides a bond or other valid and equivalent security equal to twice the assessed value of the item. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(j) and (k). Renumbered in 1983.

Sec. 17.30.120. Petition for sale of seized item. A claimant may petition the court for sale of an item before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interests of the state and the preservation and maintenance of the item seized. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(l). Renumbered in 1983.

Sec. 17.30.122. State disposal of forfeited property. Property forfeited under AS 17.30.110 — 17.30.126 other than controlled substances shall be disposed of by the commissioner of administration in accordance with applicable law. The commissioner of administration may

- (1) destroy property harmful to the public;
- (2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs;

(3) take custody of the property and authorize its use in the enforcement of this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;

(4) take custody of the property and remove it for disposition in accordance with law;

(5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition; or

(6) transfer ownership of an aircraft to the Alaska Wing, Civil Air Patrol. (§ 4 ch 45 SLA 1982; am § 2 ch 18 SLA 1983)

Revisor's notes. — Formerly AS 17.30.110(m). Renumbered in 1983.

Effect of amendments. — The 1983 amendment added paragraph (6).

Sec. 17.30.124. Remittance to claimant. (a) Upon a showing that a claimant is entitled to remittance under AS 17.30.110 — 17.30.126, the court shall order that

(1) if the claimant is entitled to the item, it shall be delivered to the claimant immediately;

(2) if the claimant is entitled to remittance of some value less than the total value of the item, the claimant is entitled, at the claimant's choice, to receive either the value of the claimant's interest or, upon receipt of payment of the difference in value by the claimant, the entire item.

(b) An offender who used an item subject to remission in violation of this chapter or AS 11.71 shall be assessed a fine which may not be less than the cost of any lien payment or remittance made by the state plus the reasonable costs of the seizure. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(n) and (o). Renumbered in 1983.

Sec. 17.30.126. Forfeiture of controlled substances. (a) A controlled substance manufactured, possessed, transferred, sold, or offered for sale in violation of this chapter or AS 11.71 is contraband and must be seized and summarily forfeited to the state. The commissioner of public safety or the commissioner's designee, including a municipal law enforcement agency authorized under AS 17.30.114(b) of this section to retain custody of controlled substances, is responsible for the disposal of controlled substances which have been forfeited. The controlled substances shall be disposed of in accordance with procedures and requirements prescribed by the commissioner.

(b) Plants from which controlled substances may be derived and which have been planted or cultivated in violation of this chapter or AS 11.71, or which are grown in the wild, may be seized and summarily forfeited to the state. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(p) and (q). Renumbered in 1983.

Sec. 17.30.130. Judicial review. A final determination, finding, or conclusion of the board under this chapter or a regulation adopted under it is a final decision of the matter involved. A person aggrieved by a decision may obtain review of the decision in the superior court in accordance with AS 44.62.560 — 44.62.570. However, a person is not entitled to a hearing de novo in the superior court. (§ 4 ch 45 SLA 1982)

Article 3. Education and Research.

Section

140. Education and research

Sec. 17.30.140. Education and research. (a) The commissioner of health and social services shall provide for educational programs designed to prevent and deter the abuse of controlled substances. In connection with these programs, the commissioner may

(1) assist the regulated industry and interested groups and organizations in contributing to the reduction of abuse of controlled substances;

(2) promote better recognition of the problems surrounding abuse of controlled substances within the regulated industry and among interested groups and organizations;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects and techniques conducted or proposed as part of educational programs on abuse of controlled substances;

(5) disseminate the results of research on abuse of controlled substances to promote a better public understanding of the problems which exist and their solutions; and

(6) with the cooperation of the Department of Law, assist in the education and training of state and local law enforcement officials in their efforts to prevent illicit traffic in and abuse of controlled substances.

(b) The commissioner of health and social services shall encourage research on controlled substances and may

(1) establish methods to assess the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake research to

(A) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter;

(B) determine patterns of abuse of controlled substances and their social effects; and

(C) improve methods for preventing, predicting, and understanding the abuse of controlled substances;

(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for conducting research, demonstrations, or special projects which bear directly on abuse of controlled substances and for related research and educational activities. (§ 4 ch 45 SLA 1982)

Article 4. General Provisions.

Section

- 150. Reliance on drug enforcement administration
- 155. Confidentiality of certain information
- 900. Definitions

Sec. 17.30.150. Reliance on drug enforcement administration. Results, information, and evidence received from the Drug Enforcement Administration of the United States Department of Justice relating to the regulatory functions of this chapter, including results of inspections conducted by it, may be relied on and acted on by the board in the exercise of its regulatory functions under this chapter. (§ 4 ch 45 SLA 1982)

Revisor's notes. — As enacted, this section contained a subsection (b), but the provisions of that subsection were renumbered as AS 17.30.155.

Sec. 17.30.155. Confidentiality of certain information. A practitioner engaged in medical practice or research may not furnish the name or identity of a patient or research subject to the board. The practitioner may not otherwise disclose the name or identity of an individual that the practitioner is required to keep confidential unless ordered by a court to disclose it within the context of a criminal investigation or proceeding. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Enacted as AS 17.30.150(b). Renumbered in 1982.

Sec. 17.30.900. Definitions. (a) Unless the context clearly requires otherwise, the definitions set out in AS 11.71.900 apply to this chapter.

(b) In this chapter, "board" means the Board of Pharmacy provided for in AS 08.80.010. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Enacted as AS 17.30.160. Renumbered in 1982.
Collateral references. — Marijuana, psilocybin, peyote or similar drugs of vegetable origin as narcotics for purposes of drug prosecution, 50 ALR3d 1164.

Chapter 35. Marijuana Therapeutic Research Program.

Section	Section
10. Legislative purpose	40. Sources, distribution and possession of marijuana
20. Marijuana therapeutic research program	50. Report to the governor and legislature
30. Patient qualification review committee	500. Definitions

Cross references. — For declaration 1982 in the 1982 Temporary and Special for legislative purpose, see § 1, ch. 45, SLA Acts and Resolves.

Sec. 17.35.010. Legislative purpose. The legislature finds that recent research has shown that the use of marijuana may alleviate the nausea and ill effects of cancer chemotherapy and radiology, and, additionally, may alleviate the ill effects of glaucoma. The legislature further finds that there is a need for further research and experimentation regarding the use of marijuana under strictly controlled circumstances. (§ 5 ch 45 SLA 1982)

Sec. 17.35.020. Marijuana therapeutic research program. (a) A therapeutic research program is established in the Board of Pharmacy. The program shall be administered by the board. The board shall adopt regulations necessary for the proper administration of this chapter. Before adopting regulations, the board shall consider pertinent regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the federal Food and Drug Administration, and the National Institute on Drug Abuse.

(b) Except as provided in AS 17.35.030(e), the therapeutic research program is limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the Patient Qualification Review Committee by a practitioner. A patient may not be admitted to the therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment.

(c) The board shall provide by regulation for a program of registration of therapeutic research projects. (§ 5 ch 45 SLA 1982)

Sec. 17.35.030. Patient qualification review committee. (a) The board shall appoint a Patient Qualification Review Committee to serve at its pleasure. The committee shall consist of four members with the following qualifications:

(1) two physicians licensed to practice medicine in the state, one of whom specializes in the practice of ophthalmology;

(2) a physician licensed to practice medicine in the state who specializes in the practice of psychiatry; and

(3) a physician licensed to practice medicine in the state who specializes in the practice of radiology.

(b) Members of the Patient Qualification Review Committee receive no salary but are entitled to per diem for travel and expenses authorized by law for boards and commissions.

(c) The Patient Qualification Review Committee shall review all applicants for the therapeutic research program and their licensed practitioners and certify their participation in the program.

(d) The Patient Qualification Review Committee and the board shall protect the privacy of individuals who participate in the therapeutic research program by withholding the names and other identifying characteristics of those individuals from all persons who are not connected with the research. Persons authorized to engage in research under the therapeutic research program may not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted unless necessary to permit the board to determine whether the research is being conducted in accordance with the authorization.

(e) The Patient Qualification Review Committee may include other disease groups for participation in the therapeutic research program. However, a practitioner must present pertinent medical data to both the committee and the board before a disease group may be added. The participation of a disease group must be approved by the board consistent with applicable regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the federal Food and Drug Administration, and the National Institute on Drug Abuse. (§ 5 ch 45 SLA 1982)

Sec. 17.35.040. Sources, distribution and possession of marijuana. (a) A patient who is certified to participate in the therapeutic research program by the Patient Qualification Review Committee may obtain and possess marijuana, its derivatives, or its active ingredients, whether synthetic or natural, for the patient's own use.

(b) The board shall establish procedures by which a person authorized under this section to possess marijuana, its derivatives or active ingredients, whether synthetic or natural, may do so, subject to applicable regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the United States Food and Drug Administration, and the National Institute on Drug Abuse. (§ 5 ch 45 SLA 1982)

Sec. 17.35.050. Report to the governor and legislature. The board, in conjunction with the Patient Qualification Review Committee, shall report its findings and recommendations to the governor and the legislature regarding the effectiveness of the therapeutic research program by March 1, 1984. (§ 5 ch 45 SLA 1982)

Offered: 4/25/84
Referred: Finance

Original sponsor: Labor and Commerce Committee

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 716 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Board of Pharmacy; and providing for an effective date."

7

8

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

9

* Section 1. AS 08.03.010(c)(4) is amended to read:

10

(4) Board of Pharmacy (AS 08.80.010) -- June 30, 1988

11

[1984].

12

* Sec. 2. AS 08.80.030 is amended to read:

13

Sec. 08.80.030. POWERS OF THE BOARD. The board may

14

(1) elect a president and secretary from its membership and

15

adopt rules for the conduct of its business;

16

(2) examine applicants for registration as pharmacists;

17

(3) investigate individually, collectively, or through its

18

agent, for violations of this chapter, or of any other state or

19

federal statute relating to the practice of pharmacy;

20

(4) adopt regulations [AND DO WHATEVER ELSE IS NECESSARY

21

AND ADVISABLE] to carry out the purposes of this chapter;

22

(5) [PROMULGATE REGULATIONS TO CARRY OUT THE PURPOSES OF

23

THIS CHAPTER;

24

(6) Repealed

25

(7)] register intern pharmacists and adopt regulations

26

[PROMULGATE RULES] relating to their minimum experience requirements;

27

(6) adopt [(8) PROMULGATE] regulations to ensure adequate

28

security for all dangerous drugs;

29

(7) [(9)] adopt requirements for licensing in addition to

1 the requirements set out in this chapter.

2 * Sec. 3. AS 08.80 is amended by adding new sections to read:

3 Sec. 08.80.095. EXECUTIVE SECRETARY. The board may hire an
4 executive secretary to assist in implementing this chapter. The
5 executive secretary shall be a member of the partially exempt service
6 under AS 39.25.120.

7 Sec. 08.80.097. INVESTIGATIONS. (a) The executive secretary
8 may inspect pharmacies and investigate complaints to determine whether
9 any person has violated this chapter or AS 17.30 or a regulation
10 adopted under either chapter or to secure information useful in the
11 administration of either chapter.

12 (b) If the executive secretary believes that a person may have
13 engaged in or be about to engage in an act or practice in violation of
14 this chapter or AS 17.30 or a regulation adopted under either chapter,
15 the executive secretary shall investigate the matter in accordance
16 with this chapter or AS 17.30 and immediately send written notice of
17 the investigation to each board member and to the department.

18 * Sec. 4. AS 39.25.120(c) is amended to read:

19 (c) The following positions in the state service constitute the
20 partially exempt service:

21 (1) deputy and assistant commissioners of the principal
22 departments of the executive branch, including the assistant adjutant
23 general of the Department of Military Affairs;

24 (2) the directors of the major divisions of the principal
25 departments of the executive branch and the regional directors of the
26 Department of Transportation and Public Facilities;

27 (3) attorney members of the staff of the Department of Law
28 and of the public defender agency;

29 (4) one private secretary for each head of a principal

1 department in the executive branch;

2 (5) employees of councils, boards, or commissions
3 established by statute in the Office of the Governor or the office of
4 the lieutenant governor, unless a different classification is provided
5 by statute;

6 (6) the executive director, deputy director, hearing
7 officers, and administrative law judges of the Alaska Public Utilities
8 Commission;

9 (7) the director, deputy director, staff legal counsel, and
10 hearing officers of the Alaska Transportation Commission;

11 (8) not more than two special assistants to the
12 commissioner of each of the principal departments of the executive
13 branch, but the number may be increased if the partially exempt
14 service is extended under AS 39.25.130 to include the additional
15 special assistants;

16 (9) the principal executive officer of the following
17 boards, councils, or commissions:

- 18 (A) Alaska Public Broadcasting Commission;
- 19 (B) Professional Teaching Practices Commission;
- 20 (C) Parole Board;
- 21 (D) Board of Nursing;
- 22 (E) Real Estate Commission;
- 23 (F) Alaska Royalty Oil and Gas Development Advisory
24 Board;
- 25 (G) Alaska Historical Commission;
- 26 (H) Alaska State Council on the Arts;
- 27 (I) Alaska Police Standards Council;
- 28 (J) Council on Science and Technology;
- 29 (K) Older Alaskans Commission;

- 1 (L) Board of Pharmacy;
2 (10) Alaska Pioneers' Home managers;
3 (11) hearing examiners in the Department of Revenue;
4 (12) the comptroller in the division of treasury, Department
5 of Revenue;
6 (13) investment officers in the Department of Revenue;
7 (14) airport managers in the Department of Transportation
8 and Public Facilities employed at the Anchorage and Fairbanks
9 International Airports;
10 (15) the deputy director of the division of tourism and the
11 deputy director of the division of insurance in the Department of
12 Commerce and Economic Development;
13 (16) the executive director and staff of the Alaska Public
14 Offices Commission;
15 (17) the director, deputy director, personnel analysts II,
16 labor relations analysts I, labor relations analysts II, senior
17 negotiators, and research directors of the division of labor relations
18 in the Department of Administration;
19 (18) the rehabilitation administrator of the Workers'
20 Compensation Board.

21 * Sec. 5. This Act takes effect immediately in accordance with AC 01.-
22 10.070(c).

Introduced: 4/9/84
Referred: Labor & Commerce
and Finance

HD
TTC
T/S
TTC

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 716

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Board of Pharmacy; and pro-
viding for an effective date."

7

8

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

9

* Section 1. AS 08.03.010(c)(4) is amended to read:

10

(4) Board of Pharmacy (AS 08.80.010) -- June 30, 1988

11

[1984].

12

* Sec. 2. AS 08.80.030 is amended to read:

13

Sec. 08.80.030. POWERS OF THE BOARD. The board may

14

(1) elect a president and secretary from its membership and

15

adopt rules for the conduct of its business;

16

(2) examine applicants for registration as pharmacists;

17

(3) investigate individually, collectively, or through its

18

agent, for violations of this chapter, or of any other state or

19

federal statute relating to the practice of pharmacy;

20

(4) adopt regulations [AND DO WHATEVER ELSE IS NECESSARY

21

AND ADVISABLE] to carry out the purposes of this chapter;

22

(5) [PROMULGATE REGULATIONS TO CARRY OUT THE PURPOSES OF

23

THIS CHAPTER;

24

(6) Repealed

25

(7)] register intern pharmacists and adopt regulations

26

[PROMULGATE RULES] relating to their minimum experience requirements;

27

(6) adopt [(8) PROMULGATE] regulations to ensure adequate

28

security for all dangerous drugs;

29

(7) [(9)] adopt requirements for licensing in addition to

1 the requirements set out in this chapter;

2 (8) hire an executive secretary.

3 * Sec. 3. AS 08.80 is amended by adding new sections to read:

4 Sec. 08.80.095. EXECUTIVE SECRETARY. The board may hire an
5 executive secretary to assist in implementing this chapter. The
6 executive secretary shall be a member of the partially exempt service
7 under AS 39.25.120.

8 Sec. 08.80.097. INVESTIGATIONS. (a) The executive secretary
9 may inspect pharmacies and investigate complaints to determine whether
10 any person has violated this chapter or a regulation adopted under
11 this chapter or to secure information useful in the administration of
12 this chapter.

13 (b) If the executive secretary believes that a person may have
14 engaged in or be about to engage in an act or practice in violation of
15 this chapter or a regulation adopted under it, the executive secretary
16 shall refer the matter to the department and immediately send written
17 notice to each board member of the referral.

18 (c) The department shall begin to investigate each matter re-
19 ferred by the executive secretary within five working days after the
20 referral and shall report the results of its investigation to the
21 board.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 717

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the longevity bonus program; and
7 providing for an effective date."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds and
10 declares that

11 (1) the high cost of goods and services in Alaska and the
12 state's remoteness and harsh environment, make it difficult for many elder-
13 ly Alaskans to remain in the state after retirement;

14 (2) when a person is forced to live out retirement years away
15 from home, family, and friends, that person suffers an irreparable loss;

16 (3) Alaska's elderly are a precious human resource, and it is in
17 the public interest to provide a financial incentive for them to remain in
18 the state after retirement; and

19 (4) it is in the public interest to continue the longevity bonus
20 program for elderly Alaskans irrespective of need.

21 (b) The longevity bonus program is not a form of welfare and is not a
22 substitute for or supplement to public assistance. Other programs are
23 available to provide the basic necessities of life. The longevity bonus
24 program is intended to encourage elderly Alaskans to spend their retirement
25 years in the comfort of their homes.

26 * Sec. 2. AS 47.45.010 is amended to read:

27 Sec. 47.45.010. PERSONS WHO MAY QUALIFY FOR LONGEVITY BONUS.

28 (a) A person who is 65 years of age or over, who resides in the state
29 for at least one year immediately preceding application for a

1 longevity bonus under this chapter [WAS DOMICILED IN THE TERRITORY ON
2 OR BEFORE JANUARY 3, 1959 AND WHO HAS MAINTAINED A CONTINUOUS DOMICILE
3 IN THE TERRITORY OR STATE FOR 25 YEARS] may apply to the commissioner
4 of administration for qualification to receive a monthly bonus of
5 \$250.

6 (b) When the commissioner of administration determines that an
7 applicant qualifies under AS 47.45.010 -- 47.45.170 the commissioner
8 [HE] shall immediately begin payment of the bonus.

9 (c) A person who otherwise qualifies to receive a bonus provided
10 for in AS 47.45.010 -- 47.45.170 may continue to do so only as long as
11 that person continues to be a resident of [HE CONTINUOUSLY RETAINS A
12 DOMICILE IN] the state.

13 * Sec. 3. AS 47.45.030 is amended to read:

14 Sec. 47.45.030. ABSENCE FROM THE STATE. After qualification, a
15 [A] recipient shall notify the commissioner of administration when the
16 recipient [HE] expects to be absent from the state if the absence is
17 for a continuous period that exceeds 30 days. After that notifica-
18 tion, the recipient may [SHALL] no longer receive bonuses from the
19 Department of Administration after the [HIS] last regularly approved
20 monthly application. Upon returning [HIS RETURN] to the state, the
21 recipient [HE] may again make application for a bonus. Whenever the
22 absence is for a continuous period that exceeds 180 days the recipient
23 shall be disqualified from receiving bonuses for the next 12 calendar
24 months after returning [HIS RETURN] to the state. However, when the
25 commissioner of administration determines a period of absence is
26 beyond the control of the recipient, the recipient [HE] may not be
27 disqualified [,] if the recipient [HE] still otherwise qualifies upon
28 returning [HIS RETURN] to the state. Continual absences from the
29 state, even though reported, and failure to notify the commissioner of

1 an expected absence may be grounds for disqualification.

2 * Sec. 4. AS 47.45.150 is amended to read:

3 Sec. 47.45.150. DEFINITIONS. In this chapter

4 (1) "bonus" means a monthly Alaska longevity bonus payment
5 made to a person or the person's [HIS] beneficiary who qualifies under
6 this chapter;

7 (2) "resident" or "resident of the state" means an indi-
8 vidual who is physically present in the state with the intent to
9 remain in the state indefinitely and to make a home in the state; a
10 person demonstrates the requisite intent by maintaining a principal
11 place of abode in the state for one year and by providing other proof
12 of intent the commissioner may require by regulation, including proof
13 that the person is not claiming residency outside the state or obtain-
14 ing benefits under a claim of residency outside the state ["DOMICILE"
15 MEANS THE PLACE WITH WHICH A PERSON HAS A SETTLED CONNECTION FOR
16 DETERMINATION OF HIS CIVIL STATUS OR OTHER LEGAL PURPOSES BECAUSE IT
17 IS ACTUALLY OR LEGALLY HIS PERMANENT AND PRINCIPAL HOME].

18 * Sec. 5. Section 2, ch. 205, SLA 1972, and AS 47.45.170 are repealed.

19 * Sec. 6. SPECIAL COMMITTEE. The State Special Committee on the Alaska
20 Longevity Bonus Program is created, consisting of two members of the Alaska
21 Senate appointed by the president of the senate, two members of the Alaska
22 House of Representatives appointed by the speaker of the house, two members
23 of the executive branch selected by the governor, and three public members
24 appointed by the governor. The committee shall determine the feasibility
25 of replacing the longevity bonus program, as amended by this Act, with an
26 annuity program, a needs-based program, or other longevity program. In
27 making the determination of feasibility required by this section, the
28 committee shall consider (1) the format and structure of alternative pro-
29 grams; (2) the cost of alternative programs as compared to the cost of the

1 longevity bonus program, as amended by this Act; (3) opinions of recipients
2 of longevity bonus payments on the question of replacing the longevity
3 bonus program with an alternative program; and (4) sources of funding for
4 the alternative programs. The committee shall report its findings on the
5 feasibility of alternative programs, together with draft legislation to
6 implement the alternative programs if the committee finds that one or more
7 programs are feasible, to the legislature and the governor by February 1,
8 1985.

9 * Sec. 7. If any provision of this Act, or the application of this Act
10 to any person or circumstance is held invalid, the remainder of this Act
11 and the application of this Act to other persons or circumstances is not
12 affected by that holding.

13 * Sec. 8. (a) A person who was qualified to receive a monthly longevi-
14 ty bonus under AS 47.45 on March 30, 1984 is presumed to be qualified to
15 receive a monthly bonus under AS 47.45 as amended by this Act. Payments
16 under AS 47.45, as amended by this Act, may be made to that person as long
17 as the person continues to qualify for payments under those provisions.

18 (b) A person (1) who is eligible to receive a monthly longevity bonus
19 under AS 47.45, as amended by this Act, for which that person was not
20 eligible under AS 47.45 on March 30, 1984, and (2) whose application for a
21 longevity bonus for a month beginning on or after May 1, 1984 is received
22 by July 1, 1984, may be paid for each month for which that person is qual-
23 ified and for which such an application was filed, notwithstanding any
24 other provision of law to the contrary.

25 * Sec. 9. Sections 1 -- 8 of this Act are retroactive to May 1, 1984.

26 * Sec. 10. This Act and AS 47.45 are repealed June 30, 1985.

27 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).

29

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 717
Title: Longevity Bonus Program

FISCAL DETAIL

Agency Affected: Dept. of Administration
Program Category Affected: Social Services

Sponsor: Rules by request of Gov.
Requestor: House Finance
Date of Request: 4/17/84

BRU, Program or Subprogram(s) Affected:
Longevity Bonus Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	11.8	49.9	---	---	---	---
200 TRAVEL						
300 CONTRACTUAL	10.2	60.9	---	---	---	---
400 SUPPLIES	1.0	3.0	---	---	---	---
500 EQUIPMENT	3.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	2750.5	15350.0	---	---	---	---
800 MISCELLANEOUS						
TOTAL OPERATING	2776.5	15463.8	---	---	---	---
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	2776.5	15463.8	---	---	---	---
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	---	---	---	---
PART-TIME	3	2	---	---	---	---
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Rep. Al Adams, Chair ^{APA} Phone: 465-3706
Division: House Finance Committee Date: 4/17/84

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

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

12/1/83

1. FY 84 Costs

The amount provided for administration of the Alaska Longevity Bonus program is the same as that requested by the Department without providing funds for the study. It is the intent of the committee that the study be paid for within the Department's existing budget.

The breakdown of funds is as follows:

Personal Services		\$11,836
Clerk V, PFT (2 months)	\$4,785	
Clerk II, PPT (2 pos, 2 mos)	7,051	
Contractual Services		10,156
Added postage, bonus warrants, printing of new regulations and application forms and increased telephone tolls		
Commodities		1,000
Office Supplies		
Equipment		3,000
Office furniture		

The amount provided for bonus clerks is based on House Research Agency projections. The population count for FY 84 is based on data provided in the 2/24/84 memorandum from House Research to Representative Al Adams.

2. FY 85 Costs

The amount provided for administration of the Alaska Longevity Bonus program is the same as that requested by the Department without providing funds for the study.

The breakdown of funds is as follows:

Personal Services		\$49,862
Clerk V, PFT	\$28,710	
Clerk II, PPT (2 pos., 6 mos)	21,152	
Contractual Services		60,937
Added postage, bonus warrants, printing of new regulations and application forms and increased telephone tolls		
Commodities		3,000
Office Supplies		

The amount provided for payment of bonuses (shown in the grants line item) is based on House Research Agency calculations of the number of ALB recipients in the first year after establishing a program that pays bonuses of \$250/month to each person 65 and older who has lived in the state for a year. The figure shown under the grants column in the fiscal note is only for those costs above the \$32.5 million in the House budget for longevity bonuses. Please refer to the House Research memorandum to Representative Adams (dated 2/24/84) for further details on the amount in the grants line item. The total program costs in FY 85 are approximately \$47-48 million.

3. Years beyond FY 85

The bill has fiscal impact in years beyond FY 85. However, the fiscal impact is entirely dependent on the work of the special committee and legislative action in the 1985 session. Hence, the hatch marks shown on the fiscal note for years beyond FY 85 indicate that the fiscal impact is indeterminate at this time.

HB 717

Amendment #2

Page 4 line 26

change 1985 to 1986.

HB 717

Amendment #1

Page 3 line 11.

change "one" to "Two"

Given to Rep. Adams by Commissioner Rudd: 4/17/84

Proposed "a" ~~attached~~
Attached

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 717
Title: _____

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Social Services
Longevity Bonus Program
BRU, Program or Subprogram(s) Affected: _____

Sponsor: _____
Requestor: _____
Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	23.5	120.0				
200 TRAVEL		113.9				
300 CONTRACTUAL	10.2	110.9				
400 COMMODITIES	1.0	3.0				
500 EQUIPMENT	3.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	3,225.0	19,350.0				
800 MISCELLANEOUS						
TOTAL OPERATING	3,262.7	19,697.8				
CAPITAL	0	0				
REVENUE	0	0				

FUNDING: (Thousands of Dollars)

GENERAL FUND	3,262.7	19,697.8				
FEDERAL FUNDS						
OTHER						
TOTAL	3,262.7	19,697.8				

POSITIONS:

FULL-TIME (FTE)	.5	3.0				
PART-TIME (FTE)	.3	1.0				
TEMPORARY	0	0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not indicated by sponsor.

ANALYSIS: Attach a separate page for analysis

Prepared By: E. Louis Keller, Director Phone: 465-4400
Division: Pioneers' Benefits Date: April 17, 1984

Approved by Commissioner: Lisa Rudd Date: _____
Agency: DEPARTMENT OF ADMINISTRATION

Distribution (by Agency preparing fiscal note):

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

Fiscal Note Analysis
Prepared By Division of Pioneers' Benefits
Department of Administration
April 17, 1984

This bill would increase the number of persons eligible for the Longevity Bonus Program.

ASSUMPTIONS

- a. All persons who are age 65 and older who have been residents of Alaska for at least one year would be eligible.
- b. It is believed that there are approximately 16,500 persons now living in Alaska who will qualify under new eligibility requirements, and that there will be approximately 10,050 persons on the program by July 1, 1984. Therefore, it is assumed that an additional 6,450 persons will be enrolled on the program under the bill.
- c. The amount of the bonus would be \$250 per month.
- d. No retroactive payments would be paid.
- e. It is assumed that this program will end on June 30, 1985.
- f. A nine-member committee would be appointed to determine the feasibility of replacing the longevity bonus program with another type of program. It is assumed that in order to solicit citizens' input, travel to various cities in Alaska will be required.
- g. An increase in the Longevity Bonus staff would be needed to process the flood of new applications, and support staff will be required for the nine-member commission.
- h. All expenses would be paid from the State General Fund.
- i. The Act would become effective on May 1, 1984.

Fiscal Note Analysis
 Prepared By Division of Pioneers' Benefits
 Department of Administration
 April 17, 1984

Additional funds needed for FY 84 are computed as follows:

	<u>Annual Cost</u>
Personal Services	\$ 23,532
Clerk V, PFT (2 months)	\$4,785
Clerk II, PPT (2 positions, 2 months)	7,051
Administrative Asst. III PFT (2 months)	6,797
Secretary I, PFT (2 months)	4,899
 Contractual Services	 10,156
Added postage, bonus warrants, printing of new regulations and application forms and increased telephone tolls	
 Commodities	 1,000
Office supplies	
 Equipment	 3,000
Office furniture	
 Grants	 3,225,000
Additional funds needed for Bonus payments to additional persons who will be eligible (6,450 x 2 x \$250)	 <hr/>
 Total additional funds required for FY 84	 \$ 3,262,688

Fiscal Note Analysis
 Prepared By Division of Pioneers' Benefits
 Department of Administration
 April 17, 1984

Additional funds needed for FY 85 are computed as follows:

	<u>Annual Cost</u>
Personal Services	\$ 120,036
Clerk V, PFT	\$28,710
Clerk II, PPT (2 positions, 6 months)	21,152
Administrative Asst. III, PFT (12 mos.)	40,781
Secretary I, PFT (12 months)	29,393
Travel for Commission and staff	113,850
Transportation	77,000
Per Diem	36,850
Contractual Services	110,937
Added postage, bonus warrants, printing of new regulations and application forms and increased telephone tolls	60,937
Actuarial consultant	50,000
Commodities	3,000
Office supplies	
Grants	19,350,000
Additional funds needed for Bonus payments to additional persons who will be eligible (6,450 x 12 x \$250)	<hr style="width: 100%;"/>
Total additional funds required for FY 85	\$ 19,697,823

A BILL - Y

Travel

Travel for nine committee members and two-member staff from Juneau round-trip coach class to the following cities:

Cost For
Each Person

Anchorage	\$ 352.00
Barrow	876.00
Bethel	592.00
Cordova	258.00
Dillingham	490.24
Fairbanks	422.00
Haines	114.00
Ketchikan	180.00
Kodiak	536.00
Kotzebue	664.00
Nome	664.00
Palmer	352.00
Petersburg	146.00
Seward	448.00
Sitka	120.00
Valdez	460.00
Wrangell	166.00
Yakutat	158.00
Total	<u>\$6,998.24</u> each

\$7,000 x 11 persons = \$77,000

Per Diem

(Based on three days each to far northern areas, and two days to all others)

Barrow, Fairbanks, Kotzebue, and Nome @ \$90/day x 3 days x 11 persons	\$ 11,880
Bethel, Dillingham and Kodiak @ \$85/day x 2 days x 11 persons	5,610
Anchorage, Cordova, Haines, Ketchikan, Palmer, Petersburg, Seward, Sitka, Valdez, Wrangell and Yakutat @ \$80/day x 2 days x 11 persons	<u>19,360</u>
Total per diem	<u>\$ 36,850</u>

1.	POSITION TITLE Administrative Assistant III				RANGE/STEP 16A	BARC. UNIT G	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY 4	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>The State Special Committee on the Longevity Bonus Program will need support staff to assist in conducting public hearings and special studies to determine the feasibility of replacing the Longevity Bonus Program with another type of program.</p> <p>The Administrative Assistant III will provide organizational and fiscal support for the Committee and act as coordinator for the efforts of the group.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	2.573/mo.	30.876							
6.	Benefits		5.132							
7.	Supplemental Benefits		1.893							
8.	Fixed Benefits		2.880							
9.	TOTAL PERSONAL SERVICES	01		40,781						
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST			40,781						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		40,781						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Administration
Social and Economic
PROGRAM Assistant for the Aged
BRU Longevity Bonus Program
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 85

1.	POSITION TITLE Secretary I				RANGE/STEP 10B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY 5	LOCATION Juneau	ELECTION DISTRICT 4	LEC.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	1,803/mo.	21,636							
6.	Benefits		3,551							
7.	Supplemental Benefits		1,326							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01	29,393						
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST			29,393						
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.	100	G.F. Match 1003								
19.		General Funds 1004		29,393						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

The State Special Committee on the Longevity Bonus Program will need support staff to assist in conducting public hearings and special studies to determine the feasibility of replacing the Longevity Bonus Program with another type of program.

The Secretary I position will provide office management and clerical support for the group, reporting to and providing personal support to the chairman of the committee.

13 REQUEST FOR
NEW POSITION

AGENCY Administration
Social and Economic
PROGRAM Assistance for the Aged
BRU Longevity Bonus Program
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 85

1.	POSITION TITLE Clerk V				RANGE/STEP 11B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN. NUMBER	BRU PRIORITY 1	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>The program expects to receive applications from 4,450 persons who will meet the new eligibility requirements when the bill is effective. A Clerk V position is required to supervise two PPT Clerk II positions, who will be required to process the volume of applications. In addition, the Clerk V will be responsible for calculation of any retroactive benefits which may be due.</p> <p>At the end of eight months, it is expected that the receipt of applications will level off and the Clerk V position will then be required to assist with actions necessary for continuing eligibility of increased number of recipients, and added volume of data input.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	1,914/mo.	22,968							
6.	Benefits		1,454							
7.	Supplemental Benefits		1,408							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES	01	28,710							
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST		28,710							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		28,710						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Administration
Social and Economic Assistance
PROGRAM for the Aged
BRU Longevity Bonus Program
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 85

1.	POSITION TITLE Clerk II				RANGE/STEP 7B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 8	RP NUMBER	PCN-NUMBER	BRU PRIORITY 2	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	1,510/mo.			12,080					
6.	Benefits				2,022					
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	14,102						
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST			14,102						
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.	100				General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

The program expects to receive applications from 4,450 persons who will meet the new eligibility requirements when the bill is effective. Prior to approval, each application received must be date-stamped, registered, scrutinized for completeness, acknowledged and filed. In addition, documentation verifying applicant's completion of the requirements will be requested if not received with the application.

Two permanent part time Clerk II positions will be required to process the volume of applications in a timely manner. It is expected that the large volume of applications will level off at the end of eight months and the additional positions will no longer be required.

13 REQUEST FOR
NEW POSITION

AGENCY Administration
Social and Economic Assistance
PROGRAM for the Aged
BRU Longevity Bonus Program
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 85

1.	POSITION TITLE Clerk II				RANGE/STEP 7B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.					
2.	TYPE OF POSITION PPT	STAFF MONTHS 8	RP NUMBER	PCN. NUMBER	BRU PRIORITY 3	LOCATION Juneau	ELECTION DISTRICT 4	LEG.							
3.	CONTINUATION LEVEL				JUSTIFICATION										
4.	TYPE OF EXPENDITURE				<p>The program expects to receive applications from 4,450 persons who will meet the new eligibility requirements when the bill is effective. Prior to approval, each application received must be date-stamped, registered, scrutinized for completeness, acknowledged and filed. In addition, documentation verifying applicant's completion of the requirements will be requested if not received with the application.</p> <p>Two permanent part time Clerk II positions will be required to process the volume of applications in a timely manner. It is expected that the large volume of applications will level off at the end of eight months and the additional positions will no longer be required.</p>										
	1	2	3												
	PERSONAL SERVICES														
5.	Salary	1,510/mo.	12,080												
6.	Benefits		2,022												
7.	Supplemental Benefits														
8.	Fixed Benefits														
9.	TOTAL PERSONAL SERVICES		01	14,102											
10.	Travel		02												
11.	Contractual		03												
12.	Commodities		04												
13.	Equipment		05												
14.	Other														
15.	TOTAL COST			14,102											
	RECEIPT CODE	FUNDING SOURCE													
16.		Federal Receipts 1002													
17.		G.F. Match 1003													
18.	100	General Funds 1004		14,102											
19.		I-A Receipts 1005													
20.		Program Receipts 1028													
21.		Other													
FOR B&M USE ONLY 4A KEY NUMBER _____															

13 REQUEST FOR
NEW POSITION

AGENCY Administration
Social and Economic Assistance
PROGRAM for the Aged
BRU Longevity Bonus Program
COMPONENT _____

FY 85

Page _____ of _____
Revised Date _____

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 17, 1984

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

Dear Representative Hayes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the longevity bonus program. This bill will open up the program to all one-year residents who are 65 years of age or older, beginning May 1, 1984.

This bill also creates a special committee to study various alternative programs. The committee is to report on its findings by February 1, 1985.

Under this bill, the longevity bonus program (AS 47.45) and the provisions in the bill terminate June 30, 1985, allowing time in the 1985 session for action to either extend the bonus program or enact an alternative program.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

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A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

SECTIONAL ANALYSIS OF HB 717

Title: An Act relating to the longevity bonus program; and providing for an effective date.

Section 1: States the findings and purpose for continuation of the Alaska Longevity Bonus (ALB) program.

Section 2: Describes the new ALB program. A person must be 65 or older with one year of residency to enter the program, and continue to be a resident of Alaska to remain in the program. The bonus is \$250 per month.

Section 3: The changes here are technical. Neutral pronouns and grammar corrections are made to the existing language of the statute.

Section 4: Redefines resident to mean a person physically present in the state with the intent to remain in the state indefinitely and provides for proof of residency.

Section 5: Repeals the nonseverability clause of current law and the purpose section of the current statute.

Section 6: Establishes the State Special Committee on the Alaska Longevity Bonus Program. The committee consists of 2 representatives, 2 senators, 2 members of the executive branch selected by the governor and 3 public members appointed by the governor. The committee shall look at replacing the current program as amended by HB 717 with an annuity plan, a needs based plan, or another option. The committee shall consider alternative formats, costs, what the recipients think, and sources of funding for alternative plans. The committee must report back to the governor and the legislature by February 1, 1985. The report will include draft legislation, if appropriate.

Section 7 - 9. These sections are technical and only insure that all new recipients will be covered and paid and that a severability clause is included in the new act.

Section 10. Makes first 8 sections retroactive to May 1, 1984, in the event that the bill passes after May 1.

Section 11. Repeals the Act and AS 47.45 on June 30, 1985.

Section 12. Immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 16, 1984

SUBJECT: Hearing on Longevity Bonus Bill

TO: Representative Al Adams
Chairman
House Finance Committee

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

The House Finance Committee has given notice in the committee meeting schedule of the House for the week of April 16 - 22, 1984 that it will consider CSSB 347(Fin) relating to the Alaska Longevity Bonus. You have indicated there is a possibility that the Governor may introduce a new bill on the subject. You have asked what is necessary for immediate consideration of the new bill.

Rule 23(a) of the Uniform Rules of the Alaska State Legislature provides:

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

Representative Al Adams
Page 2
April 16, 1984

No provision for waiver of the requirement of written notice to the clerk by the Thursday preceding the meeting is contained in the Rule. The five day notice requirement may be waived by the body.

Rule 54 of the Uniform Rules provides:

RULE 54. SUSPENSION OF RULES. Unless otherwise provided for in the case of a particular rule, the Uniform Rules may be suspended by a concurrent resolution approved by a two-thirds vote of the full membership of each house. If either house violates a uniform rule a question of order may be raised in the other house. If it is decided by the other house that the Uniform Rules have been violated, the bill involved in that violation shall be returned to its house of origin without further action.

Under this Rule the notice requirement of Rule 23 of the Uniform Rules may be suspended by concurrent resolution adopted by a two-thirds vote of the full membership of each house. This is the only procedure in my opinion whereby the previous Thursday requirement may be waived.

A draft of the necessary resolution is enclosed. It is necessarily blank as to the bill number.

If you desire to follow this procedure please notify us and we will prepare the resolution when the bill number becomes available.

BGB:ojb
J6/049
Enclosure

Sample
Berrier
4/16/84 ✓

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 HOUSE CONCURRENT RESOLUTION NO.
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 Suspending Uniform Rule 23, of the
6 Alaska State Legislature concerning
7 House Bill No.

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

9 That under Rule 54 of the Uniform Rules of the Alaska State Legisla-
10 ture the provisions of Rule 23 of the Uniform Rules relating to notice of
11 meetings are suspended in the consideration of House Bill No.
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BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 717

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the longevity bonus program; and
7 providing for an effective date."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds and
10 declares that

11 (1) the high cost of goods and services in Alaska and the
12 state's remoteness and harsh environment, make it difficult for many elder-
13 ly Alaskans to remain in the state after retirement;

14 (2) when a person is forced to live out retirement years away
15 from home, family, and friends, that person suffers an irreparable loss;

16 (3) Alaska's elderly are a precious human resource, and it is in
17 the public interest to provide a financial incentive for them to remain in
18 the state after retirement; and

19 (4) it is in the public interest to continue the longevity bonus
20 program for elderly Alaskans irrespective of need.

21 (b) The longevity bonus program is not a form of welfare and is not a
22 substitute for or supplement to public assistance. Other programs are
23 available to provide the basic necessities of life. The longevity bonus
24 program is intended to encourage elderly Alaskans to spend their retirement
25 years in the comfort of their homes.

26 * Sec. 2. AS 47.45.010 is amended to read:

27 Sec. 47.45.010. PERSONS WHO MAY QUALIFY FOR LONGEVITY BONUS.

28 (a) A person who is 65 years of age or over, who resides in the state
29 for at least one year immediately preceding application for a

1 longevity bonus under this chapter [WAS DOMICILED IN THE TERRITORY ON
2 OR BEFORE JANUARY 3, 1959 AND WHO HAS MAINTAINED A CONTINUOUS DOMICILE
3 IN THE TERRITORY OR STATE FOR 25 YEARS] may apply to the commissioner
4 of administration for qualification to receive a monthly bonus of
5 \$250.

6 (b) When the commissioner of administration determines that an
7 applicant qualifies under AS 47.45.010 -- 47.45.170 the commissioner
8 [HE] shall immediately begin payment of the bonus.

9 (c) A person who otherwise qualifies to receive a bonus provided
10 for in AS 47.45.010 -- 47.45.170 may continue to do so only as long as
11 that person continues to be a resident of [HE CONTINUOUSLY RETAINS A
12 DOMICILE IN] the state.

13 * Sec. 3. AS 47.45.030 is amended to read:

14 Sec. 47.45.030. ABSENCE FROM THE STATE. After qualification, a
15 [A] recipient shall notify the commissioner of administration when the
16 recipient [HE] expects to be absent from the state if the absence is
17 for a continuous period that exceeds 30 days. After that notifica-
18 tion, the recipient may [SHALL] no longer receive bonuses from the
19 Department of Administration after the [HIS] last regularly approved
20 monthly application. Upon returning [HIS RETURN] to the state, the
21 recipient [HE] may again make application for a bonus. Whenever the
22 absence is for a continuous period that exceeds 180 days the recipient
23 shall be disqualified from receiving bonuses for the next 12 calendar
24 months after returning [HIS RETURN] to the state. However, when the
25 commissioner of administration determines a period of absence is
26 beyond the control of the recipient, the recipient [HE] may not be
27 disqualified [,] if the recipient [HE] still otherwise qualifies upon
28 returning [HIS RETURN] to the state. Continual absences from the
29 state, even though reported, and failure to notify the commissioner of

1 an expected absence may be grounds for disqualification.

2 * Sec. 4. AS 47.45.150 is amended to read:

3 Sec. 47.45.150. DEFINITIONS. In this chapter

4 (1) "bonus" means a monthly Alaska longevity bonus payment
5 made to a person or the person's [HIS] beneficiary who qualifies under
6 this chapter;

7 (2) "resident" or "resident of the state" means an indi-
8 vidual who is physically present in the state with the intent to
9 remain in the state indefinitely and to make a home in the state; a
10 person demonstrates the requisite intent by maintaining a principal
11 place of abode in the state for one year and by providing other proof
12 of intent the commissioner may require by regulation, including proof
13 that the person is not claiming residency outside the state or obtain-
14 ing benefits under a claim of residency outside the state ["DOMICILE"
15 MEANS THE PLACE WITH WHICH A PERSON HAS A SETTLED CONNECTION FOR
16 DETERMINATION OF HIS CIVIL STATUS OR OTHER LEGAL PURPOSES BECAUSE IT
17 IS ACTUALLY OR LEGALLY HIS PERMANENT AND PRINCIPAL HOME].

18 * Sec. 5. Section 2, ch. 205, SLA 1972, and AS 47.45.170 are repealed.

19 * Sec. 6. SPECIAL COMMITTEE. The State Special Committee on the Alaska
20 Longevity Bonus Program is created, consisting of two members of the Alaska
21 Senate appointed by the president of the senate, two members of the Alaska
22 House of Representatives appointed by the speaker of the house, two members
23 of the executive branch selected by the governor, and three public members
24 appointed by the governor. The committee shall determine the feasibility
25 of replacing the longevity bonus program, as amended by this Act, with an
26 annuity program, a needs-based program, or other longevity program. In
27 making the determination of feasibility required by this section, the
28 committee shall consider (1) the format and structure of alternative pro-
29 grams; (2) the cost of alternative programs as compared to the cost of the

1 longevity bonus program, as amended by this Act; (3) opinions of recipients
2 of longevity bonus payments on the question of replacing the longevity
3 bonus program with an alternative program; and (4) sources of funding for
4 the alternative programs. The committee shall report its findings on the
5 feasibility of alternative programs, together with draft legislation to
6 implement the alternative programs if the committee finds that one or more
7 programs are feasible, to the legislature and the governor by February 1,
8 1985.

9 * Sec. 7. If any provision of this Act, or the application of this Act
10 to any person or circumstance is held invalid, the remainder of this Act
11 and the application of this Act to other persons or circumstances is not
12 affected by that holding.

13 * Sec. 8. (a) A person who was qualified to receive a monthly longevi-
14 ty bonus under AS 47.45 on March 30, 1984 is presumed to be qualified to
15 receive a monthly bonus under AS 47.45 as amended by this Act. Payments
16 under AS 47.45, as amended by this Act, may be made to that person as long
17 as the person continues to qualify for payments under those provisions.

18 (b) A person (1) who is eligible to receive a monthly longevity bonus
19 under AS 47.45, as amended by this Act, for which that person was not
20 eligible under AS 47.45 on March 30, 1984, and (2) whose application for a
21 longevity bonus for a month beginning on or after May 1, 1984 is received
22 by July 1, 1984, may be paid for each month for which that person is qual-
23 ified and for which such an application was filed, notwithstanding any
24 other provision of law to the contrary.

25 * Sec. 9. Sections 1 -- 8 of this Act are retroactive to May 1, 1984.

26 * Sec. 10. This Act and AS 47.45 are repealed June 30, 1985.

27 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).

29