

**ALASKA LEGISLATURE**

**2053**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000**

200

**SB**

**27**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/25/99

FURTHER: REPORTED OUT OF  
SFC 3/17/99

DATE TURNED  
IN TO OFFICE: 3/17/99

Finance Committee considered

SENATE BILL NO. 27

"An Act relating to school records and driver license records of certain children."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 27 ( FIN )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Paul E. Kieja</i>	✓	<i>Ed Adams</i>	X		
<i>Linda Green</i>	✓				
<i>Thomas D. Leman</i>	✓				
<i>Gary Wilkie</i>	✓				
Co-Chair: <i>John Ferguson</i>	✓	Co-Chair:			
Co-Chair: <i>Sean P. Parnell</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date              Zero              Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date              Zero              Fiscal

Education	2/19/99	P	
Admin	2/19/99	O	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE No. 2

3/17/99

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: SB 27  
(S) Publish Date: 2-25-99

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Education  
 Title School Records and Driver BRU Teaching and Learning Support  
 License Records of Certain Children \_\_\_\_\_ Component \_\_\_\_\_  
 Sponsor Senator Leman \_\_\_\_\_  
 Requester \_\_\_\_\_ Component Serial No. \_\_\_\_\_

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	*	*	*	*	*	*
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: 0.0

#### POSITIONS

Full-time						
Part-time						
Temporary						

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

Section 1 of this bill directs districts to provide a copy of a child's record, upon the request of a parent or guardian of a child under 18 years of age currently, or previously, enrolled in a school district.

\* It is impossible to determine what the cost to the school districts will be.

Prepared by Barbara Thompson Phone 465-8727  
 Division Teaching and Learning Support Date/Time 2/12/99 1:43 PM  
 Approved by Commissioner: Shirley J. Holloway, Ph.D. Date 2/19/99  
 Agency Department of Education

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# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

No. 1 3/17/99  
 Bill Version: SB 27  
 (S) Publish Date: 2-25-99

Revision Date: \_\_\_\_\_  
 Title: An Act relating to school records and driver license  
records of certain children  
 Sponsor: Senator Leman  
 Requestor: (S) HES

Department Affected: Administration  
 BRU: Motor Vehicles  
 Component: \_\_\_\_\_  
 COMPONENT SERIAL NO. 2348

Expenditures/Revenues: (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 99) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill allows parents who are financially responsible for the actions of a minor driver to obtain the driving record of that minor.  
 This bill has no fiscal impact on DMV.

Prepared by: Charles R. Hosack  
 Division: Motor Vehicles

Phone: 269-5559  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.  
 Agency: Department of Administration

Date: 2/19/99

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SENATE FINANCE  
COMMITTEE

Amendment Number: 2  
Bill Number: CS SB 27(HES)  
Sponsor: Torgerson Date: 3/17/99  
Logger In By: Mindy

AMENDMENT

OFFERED IN THE SENATE  
TO: CSSB 27(HES)

BY SENATOR TORGERSON  
*moved by Wilken  
w/o obj. ADOPTED*

1 Page 1, following line 12:

2 Insert a new bill section to read:

3 **“\*Sec. 2. AS 14.30.710 is amended to read:**

4 **Sec. 14.30.710. Required records upon transfer.** Within 14 days after  
5 enrolling a child as a transfer student from this or another state in an elementary or  
6 secondary school, the school or school district shall request directly from the child's  
7 previous school a certified copy of the child's record. An elementary or secondary  
8 school or a school district in this state requested to forward a copy of a transferring  
9 child's record to another school shall comply with the request within 10 days after  
10 receiving the request unless the record has been flagged under AS 14.30.700. Upon  
11 receipt of a request for a record that has been flagged, the school or school district shall  
12 immediately notify the Department of Public Safety. Unless directed to do so by the  
13 Department of Public Safety, a school or a school district may not forward a copy of a  
14 flagged record. **In this section, “record” includes information about the child’s**  
15 **commission of an offense that is punishable as a felony or that involved the use of**  
16 **a deadly weapon, as that term is defined in AS 11.81.900(b).”**

17 Renumber the following <sup>to 11</sup> ~~but~~ section accordingly.

*Sen. Leman - latitude for tech. title change*

SENATE FINANCE COMMITTEE  
**1999 COMMITTEE ACTION**

<b>Bill Number</b>	SB 27
<b>Amendment</b>	# 2
<b>Motion</b>	adopt
<b><u>Motion by</u></b>	Wilken
<b><u>Objection</u></b>	none
<b><u>Objection by</u></b>	
<b><u>Removed</u></b>	
<b><u>Second Objection by</u></b>	
<b><u>Committee Member</u></b>	<b><u>Vote</u></b>
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<b><u>Tally</u></b>	
Yea	0
Nay	0
Absent	0
<b><u>MOTION</u></b>	adopt



# A FAX

## Alaska State Legislature

Date: 3/17/99

To: Peggy, Legal Services

Fax #: 2029 Phone #: 2450

From: Terry, SFC Secretary

Phone #: 2618

Re: your work number 1-L0102\G please incorporate  
attached amend. #2 for final FIN ES SB 27.

Committee agreed to tech. title change if necessary.

Thanks &  
Happy St. Paddy's!

Following this page, please find 1 pages(s). If this does not reach you in full, please inform us ASAP.



# THANK YOU

OFFERED IN THE SENATE  
TO: CSSB 27(HES)

BY SENATOR TORGERSON  
*Withdrawn by Wilken*

1 Page 1, line 1, following "children":

2 Insert "; and relating to the disclosure of information about delinquent minors"

3 Page 2, following line 10:

4 Insert a new bill section to read:

5 "\* Sec. 3. AS 47.12.310(b) is amended to read:

6 (b) A state or municipal agency or employee shall disclose

7 (1) [SHALL DISCLOSE] information regarding a case to a federal,  
8 state, or municipal law enforcement agency for a specific investigation being  
9 conducted by that agency; and

10 (2) [SHALL DISCLOSE] appropriate information regarding a case to

11 (A) a guardian ad litem appointed by the court;

12 (B) a person or an agency requested by the department or the  
13 minor's legal custodian to provide consultation or services for a minor who is  
14 subject to the jurisdiction of the court under this chapter as necessary to enable  
15 the provision of the consultation or services;

16 (C) school officials at the school where the minor is enrolled  
17 and at the school to which the minor transfers as may be necessary to  
18 protect the safety of the minor who is the subject of the case and the safety  
19 of school students and staff or to enable the school to provide appropriate  
20 counseling and supportive services to meet the needs of a minor about whom  
21 information is disclosed; information about the minor's alleged commission  
22 of an offense that is punishable as a felony or that involved the use of a  
23 deadly weapon, as that term is defined in AS 11.81.900(b), must be  
24 disclosed under this subparaph:

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(D) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a minor;

(E) a law enforcement agency of this state or another jurisdiction as may be necessary for the protection, rehabilitation, or supervision of any minor or for actions by that agency to protect the public safety;

(F) a victim or to the victim's insurance company as may be necessary to inform the victim or the insurance company about the arrest of the minor, including the minor's name and the names of the minor's parents, copies of reports, or the disposition or resolution of a case involving a minor;

(G) the state medical examiner under AS 12.65 as may be necessary to perform the duties of the state medical examiner; and

(H) foster parents or relatives with whom the child is placed by the department as may be necessary to enable the foster parents or relatives to provide appropriate care for the child who is the subject of the case, to protect the safety of the child who is the subject of the case, and to protect the safety and property of family members and visitors of the foster parents or relatives."

SENATE FINANCE COMMITTEE  
**1999 COMMITTEE ACTION**

Bill Number	SB 27
Amendment	#1
Motion	<del>Adopt</del> - fadopt
<u>Motion by</u>	Wilken
<u>Objection</u>	
<u>Objection by</u>	
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	Withdrawn

3/16 moved for adoption  
Sen. Torgerson explained  
meeting adjourned for conference committee

3/17 W/drawn



# SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189  
Web Site: <http://www.akrepublicans.org/Leman.htm>

Session: State Capitol, Juneau, AK 99801 (907) 465-2095  
Email: [Senator\\_Loren\\_Leman@legis.state.ak.us](mailto:Senator_Loren_Leman@legis.state.ak.us)

## Sponsor Statement - CS for SB 27 (HES)

### **"An Act relating to school records and driver license records of certain children."**

Senate Bill 27 ensures parents will have access to important records about their minor children, specifically driving records and school records.

The Division of Motor Vehicles will not allow a parent or legal guardian to review a minor's driving record. AS 28.15.151(f) declares that "information and records under this section are... confidential and private." An exception in the law allows DMV to provide a certified abstract of an individual's driving record to a municipal, state, or federal administrative or judicial agency. However, no exception exists to allow parental access.

Denying parents this information is unfair and nonsensical given that state law requires a parent or legal guardian to sign the minor's application for a driver's license. Furthermore, state law holds the parent or guardian who signed the application liable for any damage caused by negligence or wilful misconduct of the minor while operating a motor vehicle [AS 28.15.071(b)].

A driving record includes information that could help parents determine whether their child is driving safely: accident reports; convictions of vehicle, driver, and traffic offenses; and any actions taken upon the driver's license, such as suspension.

SB 27 also requires school districts to make copies of a minor child's school record available to parents. Although most districts in Alaska voluntarily make school records available, parents have no explicit right under state law to review this information. However, it is the federal government's policy to deny funding to any educational agency or institution that denies parental access to school records. SB 27 adds clarity to Alaska law by clearly stating that parents have this right.

Policymakers are constantly urging parents to become more involved in the lives of their children. By removing a legal impediment, SB 27 takes a small step toward helping parents meet their responsibilities.

SENATE FINANCE COMMITTEE

SIGN-IN

SB 27-ACCESS TO DRIVING/SCHOOL RECORDS OF CHILD

NAME: John Gyo Subject/Bill No: SB 27  
Co./Dept./Title: NEA-AR Phone: 586-3090  
Address: Juman Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: George Buhite Subject/Bill No: SB 27  
Co./Dept./Title: Youth Corrections DFYS Phone: 465 2201  
Address: A Avenue Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

SB 27-ACCESS TO DRIVING/SCHOOL RECORDS OF CHILD

NAME: Parroll Hargraves Subject/Bill No: SB-27  
Co./Dept./Title: Executive Director Phone: 586-9702  
Address: Junction Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

SJR 27-CONST. AM: REVISIONS OF CONSTITUTION

NAME: MARK REYNOLDS Subject/Bill No: SJR 27

Co./Dept./Title: ATTORNEY Phone: 364-2374

Address: B77 S35 DOUGLAS MC Zip: 44824

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions



**SB**

**28**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 1, 1999

FURTHER REFERRALS:

Date of Committee Action: 2/5/99

The FINANCE Committee considered:

CSSB 28(FIN)

CS FOR SENATE BILL NO. 28(FIN)

**INCREASE IN PROGRAM RECEIPTS**

"An Act relating to the increase of an appropriation item based on additional federal or other program receipts."

recommends it be replaced with the following committee substitute \_\_\_\_\_

the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) leg finance 1/26/99

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Luc Therriault</i>	Therriault	X			
<i>Alan Mulder</i>	Mulder	X			
<i>Alan Kolahing</i>	Kolahing	X			
<i>Alan Austerman</i>	Austerman			X	
<i>Jul. A. Davis</i>	J. Davis		X		
<i>Bar Gussendorf</i>	Gussendorf		X		
<i>Alan Moses</i>	Moses		X		
<i>Alan Davis</i>	A. Davis			X	
<i>Alan Bando</i>	A. Bando	X			

CO CHAIR'S SIGNATURE

*Luc Therriault* *Alan Mulder*

# FISCAL NOTE N 1

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: CSSB 38(FIN)  
(S) Publish Date: 1-26-99

Revision Date/Time (Note if correction)		Dept. Affected	Legislature
Title	Program Receipts	BRU	Budget and Audit Committee
Sponsor	Senate Finance Committee	Component	Legislative Finance
Requester		Component Serial No.	Committee Expenses

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

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

Estimate of any current year (FY99) cost: 0.0

POSITIONS						
Full-time						
Part-time						
Temporary						

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

The legislation will have no fiscal impact on either the Legislative Finance Division or the Legislative Budget & Audit Committee operations

Prepared by <u>David Teal, Legislative Fiscal Analyst</u>	Phone <u>465-3002</u>
Division <u>Legislative Finance</u>	Date/Time <u>1/22/99 12:00 AM</u>
Approved by Commissioner _____	Date <u>1/22/99</u>
Agency _____	

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Official Business

# Alaska State Legislature

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

State Capitol  
Juneau, Alaska 99801-1182

### SPONSOR STATEMENT / SENATE BILL 28

#### **"An Act relating to the increase of an appropriation item based on additional federal or other program receipts"**

Senate Bill 28 revises the procedures the Governor must follow when the Legislative Budget and Audit Committee does not approve or does not take under consideration a revised program request. The need for revisions to what is commonly called the 45-day rule stem from recent actions by the Governor and the Committee's strong desire to protect the appropriation power of the legislature. Last December the Committee directed Legislative Finance and Legal Services to explore options to address these concerns. This legislation is the result of those efforts.

The legislature typically places front section language in appropriation bills granting an open appropriation to the Governor to proceed with the expenditure of federal or other program receipts not specifically appropriated by the legislature. The Governor is required to submit revised program requests to the L.B.&A. Committee. If the request is approved, the Governor may proceed immediately. If the request is disapproved, under current law the Governor must wait 45 days and provide a statement of reasons to the Committee prior to the commencement of any expenditure.

Revisions to the 45-day rule set as forth in Senate Bill 28 do not stop the Governor from ultimately proceeding with an expenditure that has been disapproved or not considered by the Committee. Instead, Senate Bill 28 strengthens the legislature's appropriation power by delaying the commencement of any expenditure until after the full legislature has been in regular session for at least 30 days.

This 30 day period is designed to provide for additional discussions between the Governor and the full legislature and will allow the full legislature to consider any action deemed appropriate concerning the Governor's determination to proceed with any expenditure.

Senate Bill 28 does not create any major obstacles for the Governor in terms of proceeding with an expenditure. This legislation merely allows the full legislature to consider the issue and provides for additional safeguards to the legislature's appropriation power.

# FISCAL NOTE N 1

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: CSSB 28(FIN)  
(S) Publish Date: 1-26-99

Revision Date/Time (Note if correction)	Dept. Affected	Legislature
Title	BRU	Budget and Audit Committee
Program Receipts	Component	Legislative Finance
Sponsor	Senate Finance Committee	Committee Expenses
Requester	Component Serial No.	

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

POSITIONS	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Full-time						
Part-time						
Temporary						

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

The legislation will have no fiscal impact on either the Legislative Finance Division or the Legislative Budget & Audit Committee operations

Prepared by <u>David Teal, Legislative Fiscal Analyst</u>	Phone <u>465-3002</u>
Division <u>Legislative Finance</u>	Date/Time <u>1/22/99 12:00 AM</u>
Approved by Commissioner _____	Date <u>1/22/99</u>
Agency _____	

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Subject: RPLs and LB&A

Date: Mon, 20 Jul 1998 16:23:15 -0800

From: Fred Fisher <Fred.Fisher@legis.state.ak.us>

Organization: Legislative Finance, State of Alaska

To: Llewellyn Lutchansky@legis.state.ak.us

i Llewellyn,

finally located Mike's SB 347 file; I knew there had to be one around  
somewhere... In any case, according to the file there have five  
instances in which the "45 day rule" has been invoked by the executive:

- ) ADF&G - Red Sea Urchin test fishery receipts *F+G 6/91*
  - ) DOT&PF - Sitka Airport program receipts *DOT 6/94*
  - ) DC&ED - ASMI overobligation of GF program receipts *CEP 3/96*
  - ) DC&ERA - payment in lieu of taxes (PILT) *DNR DCRA 10/97*
  - ) DNR/EVOS Trustee Council - Homer Spit land parcel acquisition *1/96*
- As I recall, the first two occurred in 1993, the phase out of the second  
Wickel administration, all others have occurred during the current  
administration.

+ 2 recent EVOS Adognak I. land  
Kenai River land

You had also asked for some examples of questionable RPLs that have  
submitted by the administration. Item 4 above is one of those and is  
illustrative one of the issues that often arises in the RPL venue. AS  
37.07.080(h) states, in part, that "The increase of an appropriation  
item based on additional federal or other program receipts not  
specifically appropriated by the full legislature...." our  
interpretation of this language is that an appropriation (or allocation)  
must exist in the budget in order for an RPL to submitted/approved by  
the Committee. In the case of the PILT RPL there was a question as to  
whether there was an existing appropriation to increase. This has been  
the case in a number of RPLs over the years. In other words, some of  
the RPLs submitted to the Committee have requested the creation of new  
appropriation and/or allocation items.

Another of the major issues has to do with the definition of  
"additional" for the purposes of 37.07.080(h). Again, our  
interpretation of this requirement is that the amounts involved consist  
of "new or previously unanticipated receipts." There have been a number  
of RPLs over the years that sought authority to receive and spend  
receipts that were neither new nor previously unanticipated and that had  
in some cases already been appropriated for other purposes.

The last issue that comes to mind is the deliberate misclassification  
of the designation of receipts so that the item in question could be  
presented to the committee. This began to occur when the legislature  
limited the kinds of program receipts that could be brought to LB&A. An

**SB**

**28**



**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 1/20/99

FURTHER: 1/26/99

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 26 Jan 99

Finance Committee considered

SENATE BILL NO. 28

"An Act relating to the increase of an appropriation item based on additional federal or other program receipts."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 28 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Bill E. Hill</i>	✓	<i>Bill Adams</i>		X	
<i>Rudolph Green</i>	✓				
<i>John Kelly</i>	✓	<i>Pete Kelly</i>	✓		
<i>John D. Herman</i>	✓				
<i>John Kelly</i>	✓	<i>Gary Lee</i>	✓		
<del>_____</del>	✓				
Co-Chair: <i>John D. Herman</i>	✓	Co-Chair:			
Co-Chair: <i>Alan R. Parnell</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Leg. Finance	-		
Zero Fiscal note forthcoming			

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

1/26/98

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. SB 28**

Revision Date/Time (Note if correction) _____	Dept. Affected _____	Legislature _____
Title <u>Program Receipts</u>	BRU _____	Budget and Audit Committee _____
Sponsor _____	Component _____	Legislative Finance _____
Requester <u>Senate Finance Committee</u>	Component Serial No _____	Committee Expenses _____

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The legislation will have no fiscal impact on either the Legislative Finance Division or the Legislative Budget & Audit Committee operations

Prepared by <u>David Teal, Legislative Fiscal Analyst</u>	Phone <u>465-3002</u>
Division <u>Legislative Finance</u>	Date/Time <u>1/22/99 12:00 AM</u>
Approved by Commissioner _____	Date <u>1/22/99</u>
Agency _____	

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SENATE FINANCE COMMITTEE  
1999 COMMITTEE ACTION

1/26/98

<b>Bill Number</b>	CS SB 27
<b>Amendment</b>	
<b>Motion</b>	
<b><u>Motion by</u></b>	Phillips
<b><u>Objection</u></b>	
<b><u>Objection by</u></b>	Adams
<b><u>Removed</u></b>	
<b><u>Second Objection by</u></b>	
<b><u>Committee Member</u></b>	<b><u>Vote</u></b>
Senator Loren Lemar	Y
Senator Al Adams	N
Senator Gary Wilken	Y
Senator Pete Kelly	Y
Senator Lyda Green	Y
Senator Randy Phillips	Y
Senator Dave Donley	Y
Co-Chair Sean Parnell	Y
Co-Chair John Torgerson	Y
<b><u>Tally</u></b>	
Yea	0 8
Nay	0 1
Absent	0
<b><u>MOTION</u></b>	Pass from Committee

SENATE FINANCE COMMITTEE  
**1999 COMMITTEE ACTION**

1/26/98

<b>Bill Number</b>	SB 28
<b>Amendment</b>	Adopt CS "D"
<b>Motion</b>	
<b><u>Motion by</u></b>	Parnell
<b><u>Objection</u></b>	
<b><u>Objection by</u></b>	Adams
<b><u>Removed</u></b>	yes
<b><u>Second Objection by</u></b>	
<b><u>Committee Member</u></b>	<b><u>Vote</u></b>
Senator Dave Donley	/
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Senator Randy Phillips	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<b><u>Tally</u></b>	
Yea	0
Nay	0
Absent	0
<b><u>MOTION</u></b>	Adopt w/out Objection

1-LS0236\D ✓  
Cook  
1/26/99

**CS FOR SENATE BILL NO. 28(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the increase of an appropriation item based on additional**  
2 **federal or other program receipts."**

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

4 **\* Section 1.** AS 37.07.080(h) is amended to read:

5 (h) The increase of an appropriation item based on additional federal or other  
6 program receipts not specifically appropriated by the full legislature may be **obligated**  
7 **and** expended in accordance with **an appropriation that is conditioned upon**  
8 **compliance with this subsection and in accordance with** the following procedures:

9 (1) the governor shall submit a revised program to the Legislative  
10 Budget and Audit Committee for review;

11 (2) **if** [45 DAYS SHALL ELAPSE BEFORE COMMENCEMENT OF  
12 EXPENDITURES UNDER THE REVISED PROGRAM UNLESS] the Legislative  
13 Budget and Audit Committee [EARLIER] recommends that the state take part in the  
14 federally or otherwise funded activity **under the revised program, obligations of the**

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program receipts may be incurred and expenditures of the program receipt; may commence at any time after the recommendation is received by the governor;

(3) if [SHOULD] the Legislative Budget and Audit Committee recommends [RECOMMEND WITHIN THE 45-DAY PERIOD] that the state not initiate the additional activity or if the committee makes no recommendation within 90 days after the governor submits the revised program to the committee, the governor shall again review the revised program, and, if the governor determines to authorize the revised program,

(A) [EXPENDITURE,] the governor shall provide the Legislative Budget and Audit Committee with a statement of the governor's reasons; and

(B) [BEFORE COMMENCEMENT OF EXPENDITURES] under the revised program obligations may be incurred and expenditures may commence only after the legislature has been convened in regular session for at least 30 days after the committee receives the governor's statement of reasons for authorizing the revised program.



Official Business

# Alaska State Legislature

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

State Capitol

Juneau, Alaska 99801-1182

### SPONSOR STATEMENT / SENATE BILL 28

#### **“An Act relating to the increase of an appropriation item based on additional federal or other program receipts”**

Senate Bill 28 revises the procedures the Governor must follow when the Legislative Budget and Audit Committee does not approve or does not take under consideration a revised program request. The need for revisions to what is commonly called the 45-day rule stem from recent actions by the Governor and the Committee's strong desire to protect the appropriation power of the legislature. Last December the Committee directed Legislative Finance and Legal Services to explore options to address these concerns. This legislation is the result of those efforts.

The legislature typically places front section language in appropriation bills granting an open appropriation to the Governor to proceed with the expenditure of federal or other program receipts not specifically appropriated by the legislature. The Governor is required to submit revised program requests to the L.B.&A Committee. If the request is approved, the Governor may proceed immediately. If the request is disapproved, under current law the Governor must wait 45 days and provide a statement of reasons to the Committee prior to the commencement of any expenditure.

Revisions to the 45-day rule set as forth in Senate Bill 28 do not stop the Governor from ultimately proceeding with an expenditure that has been disapproved or not considered by the Committee. Instead, Senate Bill 28 strengthens the legislature's appropriation power by delaying the commencement of any expenditure until after the full legislature has been in regular session for at least 30 days.

This 30 day period is designed to provide for additional discussions between the Governor and the full legislature and will allow the full legislature to consider any action deemed appropriate concerning the Governor's determination to proceed with any expenditure.

Senate Bill 28 does not create any major obstacles for the Governor in terms of proceeding with an expenditure. This legislation merely allows the full legislature to consider the issue and provides for additional safeguards to the legislature's appropriation power.



**Subject: RPLs and LB&A**

**Date: Mon, 20 Jul 1998 16:23:15 -0800**

**From: Fred Fisher <Fred.Fisher@legis.state.ak.us>**

**Organization: Legislative Finance, State of Alaska**

**To: Llewellyn.Lutchansky@legis.state.ak.us**

Hi Llewellyn,

I finally located Mike's SB 347 file, I knew there had to be one around somewhere... In any case, according to the file there have five instances in which the "45 day rule" has been invoked by the executive:

- 1) ADF&G - Red Sea Urchin test fishery receipts *F+G 6/91*
- 2) DOT&PF - Sitka Airport program receipts *DOT 6/94*
- 3) DC&ED - ASMI overobligation of GF program receipts *CEP 2/96*
- 4) DC&RA - payment in lieu of taxes (PILT) *DVR DCRA 10/97*
- 5) DNR/EVOS Trustee Council - Homer Spit land parcel acquisition *1/96*

As I recall, the first two occurred in 1993, the phase out of the second Hickel administration, all others have occurred during the current administration.

You had also asked for some examples of questionable RPLs that have submitted by the administration. Item 4 above is one of those and is illustrative one of the issues that often arises in the RPL venue. AS 37.07.080(h) states, in part, that "The increase of an appropriation item based on additional federal or other program receipts not specifically appropriated by the full legislature...." our interpretation of this language is that an appropriation (or allocation) must exist in the budget in order for an RPL to submitted/approved by the Committee. In the case of the PILT RPL there was a question as to whether there was an existing appropriation to increase. This has been the case in a number of RPLs over the years. In other words, some of the RPLs submitted to the Committee have requested the creation of new appropriation and/or allocation items.

Another of the major issues has to do with the definition of "additional" for the purposes of 37.07.080(h). Again, our interpretation of this requirement is that the amounts involved consist of "new or previously unanticipated receipts." There have been a number of RPLs over the years that sought authority to receive and spend receipts that were neither new nor previously unanticipated and that had in some cases already been appropriated for other purposes.

The last issue that comes to mind is the deliberate misclassification of the designation of receipts so that the item in question could be presented to the committee. This began to occur when the legislature limited the kinds of program receipts that could be brought to LB&A. An

+ 2 recent EVOS ASognak Island  
Kenai River land

SENATE FINANCE COMMITTEE

SIGN-IN

SB INCREASE IN PROGRAM RECEIPTS

NAME: Jim Spencer Sub./Bill No: \_\_\_\_\_

Co./Dept./Title: OLYB Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions

NAME: Jim Baldwin Sub./Bill No: \_\_\_\_\_

Co./Dept./Title: LAW Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions

NAME: \_\_\_\_\_ Sub./Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions

NAME: \_\_\_\_\_ Sub./Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions

**SB**

**29**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/26/99

FURTHER: 4/29/99

DATE TURNED  
IN TO OFFICE: 29 April 99

Finance Committee considered SENATE BILL NC. 29

"An Act relating to licensure of physicians; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS SB 29 (L&C)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>		Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
OCED/occ. license	4/28/99	✓	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

NC 1  
 Bill Version: SB 29  
 (S) Publish Date: 2/26/99

STATE OF ALASKA  
 1999 LEGISLATIVE SESSION

4/29/99

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Commerce & Econ Dev.  
 Title An act relating to the licensure of physicians. BRU Occupational Licensing  
 Component Occupational Licensing  
 Sponsor Senator Ward  
 Requester Senate Labor and Commerce, Finance Component Serial No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

SB 29 increases the minimum requirement for physician and osteopath applicants. New funds are not required to implement this bill.

Prepared by Jennifer Stricklor, Administrative Manager *KT for Ops.* Phone 465-2144  
 Division Occupational Licensing *OR* Date/Time 1/28/99 4:12 PM  
 Approved by Commissioner Deborah B. Sedwick *[Signature]* Date 1/28/99  
 Agency Commerce & Economic Development

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RECEIVED

MAR 22 1999

Division of Occupational Licensing

Shirley A. Saucerman, M.D.  
Neuropsychiatric Research  
336 W. 10th Avenue  
Anchorage, Alaska 99501-3501  
Phone (907) 229-6360  
Fax & Voice Mail (907) 279-4393  
e-mail: ssaucerman@aol.com  
March 21, 1999

State Medical Board-Anchorage  
3601 "C" Street, Suite 722  
Anchorage, Alaska 99503  
Fax 269-8196



RE: Physician Licensure Bills

Dear State Medical Board Members:

Would it be possible to clarify the wording in the physician licensure bills so that it is clear that the proposed increase in the years of residency training requirements does not affect physicians who are currently licensed in Alaska, particularly the wording in regard to foreign medical school graduates. If the residency training requirements are increased for initial applicants who are foreign medical school graduates could it be stated in the bills that this applies for those licensed after a certain date.

I have been licensed in Alaska since 1984. I graduated from a foreign medical school and have completed two years of postgraduate residency training. I first moved to Alaska in 1958 and plan to remain in Alaska.

I will greatly appreciate your consideration of this.

Respectfully submitted,

*Shirley A. Saucerman, M.D.*

Shirley A. Saucerman, M.D.

SB 29

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

### DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

3601 C STREET, SUITE 722  
ANCHORAGE, ALASKA 99503-5934  
PHONE: (907) 269-8160  
FAX: (907) 269-8156  
TDD: (907) 465-5437

April 9, 1999

Shirley A. Saucerman, MD  
336 West Tenth Avenue  
Anchorage AK 99501-3501

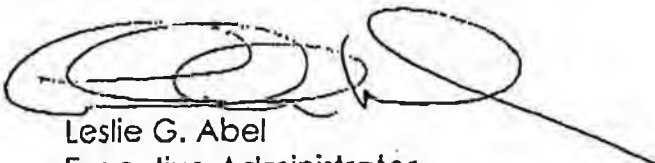
Dr. Saucerman, I received your letter of March 21 in which you express your concern about the change in licensure requirements for foreign medical school graduates. Dr. Sarah Isto, chair, State Medical Board, also forwarded to me the letter you sent her on the same subject. Dr. Isto has asked me to respond to your letters.

As you and I discussed on the telephone, the impact of SB 29, should it pass the legislature and become law, will only affect license applicants who apply **after** the effective date of the law. It was not the board's intention to make this requirement retroactive to apply to current license holders in Alaska such as yourself.

This bill only applies to applicants for **initial licensure**. It does not apply to existing license holders. As I mentioned to you in our telephone call, even if an Alaska licensed physician allowed his/her license to lapse for up to five years, the license would be **reinstated** under the laws in effect at the time of the initial licensure. The individual would not be an initial applicant but a reinstatement of a previously issued license.

I have forwarded a copy of your letter to Senator Jerry Ward's office for his consideration. Senator Ward is the sponsor of SB 29.

Thank you, Dr. Saucerman, for your thoughtful remarks regarding this bill. I hope I have been able to assuage your concerns about its effect.



Leslie G. Abel  
Executive Administrator  
Alaska State Medical Board

Xc: Board Members  
Mark Hodgins  
A:\saucerma.doc\4/9/99disc



# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

### DIVISION OF OCCUPATIONAL LICENSING

**TONY KNOWLES, GOVERNOR**

3601 C STREET, SUITE 722  
ANCHORAGE, ALASKA 99503-5934  
PHONE: (907) 269-8160  
FAX: (907) 269-8156  
TDD: (907) 465-5437

April 7, 1999

Senator Jerry Ward  
Alaska State Legislature  
Mail Stop 3100 - Room 423  
Juneau AK 99801-1182

Senator Ward, on behalf of the Alaska State Medical Board, I wish to extend to you the board's continuing support for the change in the U.S. residency requirement for foreign medical graduates. The proposed language in the bill for AS 08.64.200(a)(5) would allow the licensure of physicians who are admitted to this country lawfully but are not permanent residents of the United States.

The board also strongly supports the change to AS 08.64.225 adding paragraph (1) which requires that foreign medical graduates must document to the board evidence of three years of postgraduate training.

The board has gone on the record recommending the following changes in the postgraduate training requirements for U.S. and Canadian medical graduates:

- 1) One year of postgraduate training required for applicants who graduated from medical school before January 1, 1995; and
- 2) Two years of postgraduate training if the applicant graduated on or after January 1, 1995.

Thank you, Senator Ward, for your hard work on this important bill and for your interest and support of the board's activities.



Leslie G. Abel  
Executive Administrator  
Alaska State Medical Board

xc: Board Members  
Catherine Reardon, Director, Div Of Occ Lic

Eyal Herzog M.D.  
Ronit Herzog M.D.  
(907) 272-0633 home phone and fax  
(907) 231-3310 (beeper)

March 24, 1999

Honorable Senator John Torgerson  
State Capital  
Room 516  
Juneau, AK 99801

RE: SB-29

Dear Senator Torgerson:

I am writing this letter on behalf of myself and for my wife, as well as about 100,000 veterans, active duty military personnel and their dependents, and other federal beneficiaries, who reside in the state of Alaska, and I am asking for your support of state bill SB-29.

I am Board Certified in Cardiology, having completed my training in Internal Medicine, Cardiology and an additional fellowship in Advanced Cardiac Imaging at Columbia University in New York, at St. Luke's-Roosevelt Hospital Center. My wife is Board Certified in Pediatrics, and completed her training at Albert Einstein College of Medicine at Schneider's Children Hospital- Long Island Jewish Hospital Center in New York. She also trained in Medical Genetics at Mount Sinai School of Medicine in New York.

While in training, I was holding a J-1 visa, which allowed me to obtain my training in this country, and I am now holding an H-1b visa, which allows me to be employed by the Alaska VA.

A physician with a J-1 visa would normally return to his home country for a period of at least 2 years before being able to return to the United States to practice medicine. This requirement may be waived however, by service in a medically underserved area, or an area that meets particular needs and is in the interest of the United States Government, like the Alaska VA.

About a year ago, I interviewed with the Alaska VA Medical Center in Anchorage, and I was offered a position as a staff Cardiologist, which was critical to the success of the Joint Venture between the VA and Elmendorf AFB hospital. I became part of the ICU team providing Critical Care and Cardiology services to veterans and other federal beneficiaries including active duty military service men and women and their dependents. In addition, as a staff Cardiologist, I provide inpatient and outpatient services to veterans and other federal beneficiaries at the Alaska VA outpatient clinic and Elmendorf AFB hospital.

VA hospitals, and other government facilities, generally only hire American citizens. The Alaska VA, after an extensive recruitment effort lasting over a year, could not successfully recruit an American citizen Cardiologist. They applied for and received a special waiver to recruit and hire a physician who holds a J-1 visa to fill this need. The U.S. Department of Veterans Affairs waived the two years of home residency requirement for me. I believe that I am the first case like this in Alaska.

Until recently, the immigration process was quite simple. Physicians holding J-1 visas would change their status directly to that of permanent resident and were granted green cards. However, new immigration law (Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Sec. 622) requires that physicians now need to obtain an H-1b visa for a period of 3 years prior to obtaining

permanent residence status. Based on this new law, I and my wife will need to work first on an H-1b visa for a period of 3 years, and only after that will we be qualified for permanent residency status.

I decided to accept the Alaska VA offer and committed myself for a period for at least 3 years. We relocated to Anchorage in August 1998.

Unfortunately, while reviewing the "Statutes and Regulations" of the state medical board of Alaska, I was surprised to find that in order to be licensed in Alaska, one needs to be a citizen of the United States or to be lawfully admitted for permanent residence. (Sec. 8.64.200 paragraph 5). None of the other 49 states now has this requirement, only Alaska. Since the recent changes in the immigration rules regarding physicians on J-1 visas, other states modified their regulations and now allow physicians and their families who obtained a waiver to be licensed, even though they are not permanent residents. The lack of any provision for international physicians to obtain a license to practice medicine in the state of Alaska prevents both my wife and I from obtaining a license in this state.

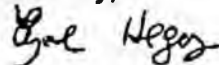
I am currently holding an unrestricted license from the states of Michigan and Indiana. Believing that in the state of Alaska, "The Great Land," flexibility and open mindedness to the new active changes in the immigration regulation should prevail, I appeared before the Alaska State Medical Board on May 25, 1998 and presented this matter. The members of the Board discussed this issue during their subsequent meetings and in their subcommittees, and in November 1998, they unanimously voted in favor of deleting the requirement of citizenship and permanent residency as a requirement for a medical license. The current recommendation for the new law will read "lawfully residing in the United States" instead of "lawfully admitted for permanent residency."

I would like to focus now on the real people who are going to benefit from this bill; these are the residents of the State of Alaska. The people I have known the best are the veterans who live here, many of them on the Kenai Peninsula. Since I moved to Alaska, I have had the privilege to provide Cardiology and Critical Care services to these wonderful people. Unfortunately, while I can provide service to them in a federal facility (a federal facility requires a license from any State in the U.S., for which I am using my Michigan and Indiana licenses), I cannot offer a medical care to them when they require hospitalization at any other local facility. Instead, I am often forced to transfer these patients out of State to Seattle, Washington or Portland, Oregon, which may be a considerable inconvenience for the patients. I could offer these patients services at local facilities here in Alaska for certain services not supported by Elmendorf AFB hospital, but a license to practice medicine in the State of Alaska is required for privileges at all of these other hospitals. Without an Alaska State Medical License, I will continue to have to send these patients and this business outside the State.

The expertise that both my wife and me bring can benefit others as well. I believe I am the only Cardiologist in the State that has completed an additional fellowship in Advanced Cardiac Imaging. This includes applications in Nuclear Cardiology and Advanced Transthoracic and Transesophageal Echocardiography. My wife as mentioned is board certified in Pediatrics trained in Medical Genetics and can apply this expertise in practice here if she can be licensed.

In summary, I am asking for your support for SB-29 to make this possible, and I would be most appreciative if it could be heard as soon as possible. Please don't hesitate to call me at home in the evening or page me at work during the day or weekend if I can be of any assistance. Thank-you very much.

Sincerely,



Eyal Herzog M.D.

# Perinatology Associates



March 10, 1999

Senator John Torgerson  
Finance Committee  
State Capital  
Room 516  
Juneau, Alaska 99801

MAR 15 1999

Dear Senator John Torgerson:

Alaska Perinatology Associates is in support of Senate Bill No. 29. We are satisfied with the Version H language and encourage you to press this bill forward. Although we are only one organization we are encouraging the passing of this bill to benefit all Alaskans. Our case is a perfect example of how Senate Bill No. 29 will further the quality of healthcare in our state.

Drs. Sherrie Richey and Nelson Isada are the only two perinatologists in Alaska. Perinatology is a subspecialty of obstetrics and gynecology. Two additional years of training in a fellowship program are required in addition to the residency training of obstetrics and gynecology. Our recruiting efforts started in June of 1997 when Dr. David Burrus left Alaska for a position in Minnesota. Since that time we have been looking for another perinatologist. It has been extremely difficult for us to fill this position. There are currently fewer than 800 practicing board-certified perinatologists in the United States. This gives us a notably small group of candidates to begin with.

The establishment of managed care allows sub-specialists to form large organizations. For example, a perinatologist can join a larger group in the lower 48, contract with larger hospitals, earn more money, and work fewer hours because of a higher population area. In Alaska, especially in our practice, we are asking a highly qualified sub-specialist to join a practice where they will be on emergency call a minimum of every third day, 9 to 11 days per month, knowing call days will increase when one doctor is out of town or ill. Dr. Burrus left Alaska to join a practice where he is on call one week-end a month, which includes the maximum of 5 to 7 call days per month. Dr. Burrus joined a typical perinatology practice in the lower 48. Convincing a perinatologist to move to Alaska is difficult enough without clarification on the extensive call schedule and willingness on behalf of the perinatologist to serve so diligently.

In February of 1998 we interviewed a strong candidate, Dr. Juan Martinez-Poyer, a J-1 visa holder, with excellent qualifications. Unfortunately, we have not been successful in offering him employment because of the "permanent residency" requirements. We applied for a permanent labor certificate with the State of Alaska Dept. of Labor in March of 1998. As of today, there are still 11 cases in front of ours. Federal statute dictates the order the labor certificates must be processed, temporary first, then permanent cases. Now we must wait again while the department continues to cycle through the temporary applications again with the onset of another fishing season. Waiting one year for our case to move up only slightly is unacceptable, especially when we are dealing with the life or death issues in healthcare.

The H-1B visa is a temporary visa which we could have received in a timely manner, however, the statute as it is currently written does not allow a medical license to be issued in the state of Alaska unless the applicant has "permanent residency." If Senate Bill No. 29 is passed we may be able to use a H-1B visa for Dr. Martinez-Poyer. His J-1 visa will expire at the end of June and he will be forced to leave the country. We are hopeful this bill will move forward quickly and enable Alaska to retain a highly qualified specialist.

So far I have addressed the reasons why Senate Bill No. 29 would be beneficial for our practice. Now, let me take a minute to explain the benefits to the population as a whole. Again, I am using one specialty as an example of how passing this bill would benefit the entire state. The existence of perinatologists in Alaska has saved the state literally hundreds of thousands of dollars. Before perinatologists came to



Alaska in 1994, Medicaid transported many high-risk patients to Seattle for care. Another benefit to the state of Alaska is the overall quality of care available in Alaska. Over the last 3 years we have significantly reduced the child mortality rate with the combination and availability of neonatologists and perinatologists.

Alaska Perinatology Associates does not advertise for business, nor do we take patients who simply want to be seen by a high-risk pregnancy maternal fetal medicine doctor. Our practice sees patients only by request from other physicians or midwives. Occasionally we will take over the care of an extremely high-risk patient, but more often than not we send the patient back to their doctor with a consultation. This informs the referring doctor of the best possible advice for the patient. The benefit is to both the patient and the continuing education of the referring doctor. Additionally, we are responsible for the care of all high risk maternity care of emergency transport patients coming in from all other urban and rural areas of Alaska, whether from the civilian, military, or native populations.

With only two perinatologists in the state, you can imagine the exhausting call schedule they are facing, 24 hours a day, one day off, one day on. When one of the perinatologists must leave town, the other perinatologist is forced to take continuous day and night call. Limiting the number of highly specialized physicians in Alaska only detracts from the best healthcare plan. We do not want overworked specialists deciding to leave the state because they can not receive adequate coverage from their peers.

I'm sure you can understand our desire to find another perinatologist. If making these positions available to physicians who are in the United States on visas will bring well qualified physicians to Alaska we are convinced it will increase, not detract from the quality of healthcare to which every Alaskan is entitled.

Sincerely,

Carrie L. Towner  
Administrator

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

P.O. BOX 110806  
JUNEAU, ALASKA 99811-0806  
PHONE: (907) 465-2534  
FAX: (907) 465-2974  
TDD: (907) 465-5437

E-mail address:  
License@commerce.state.ak.us

Dear Senator Mackie,

During last week's hearing on SB 29, members of the Senate Labor and Commerce Committee requested a Department of Commerce and Economic Development bill analysis and a response to public testimony. I have enclosed the analysis and will address in this letter issues raised in letters by Richard Anschuetz and Byron Perkins.

Dr. Perkins expressed concern that SB 29 would prevent many qualified physicians from obtaining Alaska licenses. Dr. Perkins based his testimony on the original SB 29, which required a three-year residency/internship of all applicants. As the department position paper indicates, the State Medical Board proposes a two-year residency/internship for all applicants who graduated from medical school after 1988.

The board believes a three-year residency became the norm in the early 1980's and the one-year rotating internship has been phased out in the United States. Of the 30 applicants considered during the January board meeting, 10 had graduated after 1988 and only one of those have less than two years of post-graduate training. That applicant had difficulties which required conditioning of the license. The board is attempting to increase the post-graduate training requirement because members believe they see deficiencies more frequently in applicants who do not complete residencies. Alaska, particularly rural Alaska, is a challenging place for new physicians to practice because there are fewer colleagues who can give guidance.

Dr. Anschuetz's primary concern appears to be the citizenship requirement. He makes a variety of disturbing assertions in his letter. The State Medical Board did not make its recommendations in "secrecy" or, "without any input from the medical community." In fact, the board sent a newsletter to all physicians in January SB 29 highlighting their consideration of new licensure requirements and asking for comments. I do not think the board intended to hide its support for licensure of lawful residents, which members openly discussed during the January board meeting. The change from "admitted for permanent residence" to "lawfully residing" appeared to be a relatively minor and non-controversial issue.

I am aware of only one other professional license issued by the Division of Occupational Licensing which has a citizenship, permanent residence, or even lawful residence requirement. A professional license is not intended to indicate that it is legal for an individual to work in the United States. It is not uncommon for nurses to apply for license before obtaining work visas and proof of a nursing license can be a requirement to qualify for the visa. A Canadian accountant or engineer may wish to maintain a U.S.

license so his work will be accepted here even though he remains in Canada. A physician may be legal at the time of license application, then over-stay his visa. I believe employers are required by federal law to check for proof of legal work status when they hire new employes, which is a better immigration enforcement tool than occupational licensing.

At the same time that the State Medical Board is advocating acceptance of physicians with a variety of visas, the board is requesting an increase in the length of U.S. internship or residency required of foreign graduates. This position demonstrates that the board wishes to protect public health and safety by ensuring adequate training of immigrant physicians. I do not think amending the citizenship requirement will result in a large influx of foreign physicians since no other state has a citizenship requirement for licensure.

Thank you for the opportunity to comment on SB 29.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reardon', written in a cursive style.

Catherine Reardon  
Director

**Department of Commerce and Economic Development  
Division of Occupational Licensing  
Analysis of SB 29, Licensure of Physicians**

The department concurs with the position of the State Medical Board on SB 29. The board is attempting to strengthen public protection by ensuring that applicants are adequately prepared to practice in Alaska and that qualified physicians are not unnecessarily blocked from obtaining physician licenses.

SB 29 makes two changes to the medical statutes and the draft CS adds a third change.

- 1) **SB 29 increases the length of residency or internship required, in order for a graduate of a U.S. or Canadian medical school to obtain a physician license, from one year to three years. The draft CS requires a two-year residency or internship.**

The Board proposes a two-year residency or internship for applicants who graduated from a U.S. or Canadian medical school after 1988. Applicants who graduated before 1989 would need the existing one-year residency or internship.

The board advocates making the identical change to both the physician (AS 08.64.200) and osteopath (AS 08.64.205) license qualifications.

**SB 29 and the draft CS do not distinguish between applicants who graduated before and after 1988. The department believes the bill should be amended to include the date distinction.** One-year internships were common before 1988 and many older physicians would be unable to qualify for an Alaska license if they were subject to the two-year requirement. It is not difficult for the board to evaluate the competence of earlier graduates because they have at least a 10-year work record to examine

The board sent a newsletter to all licensed physicians in January soliciting their comments on increased training requirements. The majority of those who responded supported a three-year residency/internship for both U.S. and foreign graduates. However, the board decided that two years was appropriate for Alaska at this time.

- 2) **Draft-CSSB 29 increases the length of residency or internship required of a foreign medical school graduate from one year to three years. The original bill does not address foreign graduates, leaving the one-year requirement.**

The board supports a three-year residency/internship for foreign graduates because it is difficult to assess the quality of foreign medical schools. Forty-three other states require three-years of post-graduate training for foreign graduates.

The board would like the statute worded so the three-year residency/internship may be performed at more than one facility. The board also advocates requiring passage of the board examination rather than allowing the option of licensure in another state.



- 3) **SB 29 and the draft CS replace the requirement that medical applicants be citizens or permanent residents with the requirement that they lawfully reside in the United States.**

The board supports this change to the law. There are now several types of VISA which authorize foreign citizens to train and work as physicians in the United States without granting permanent resident status. The current law has prevented well-qualified physicians from obtaining Alaska licenses. The department believes Alaska is the only state that requires citizenship or permanent residence for physicians.

**Although the board would prefer to delete reference to immigration status from the medical statutes, the board supports the change made by SB 29.**

In conclusion, the department supports the primary intent of SB 29, but believes amendments are necessary for the law to work smoothly.

YEARS REQUIRED FOR LICENSURE

STATE	US Grads	IMG's
Alabama	1	1
Alaska	1	1
Arizona	1	3
Arkansas	1	1
California	1	1
Colorado	1	3
Connecticut	2	2
Delaware	1	3
DC	1	3
Florida	1	3
Georgia	1	3
Guam	1	2
Hawaii	1	2
Idaho	1	3
Illinois	2	2
Indiana	1	2
Iowa	1	1
Kansas	1	1
Kentucky	1	3
Louisiana	1	3
Maine	2	3
Maryland	1	3
Massachusetts	1	2
Michigan	2	2
Minnesota	1	2
Mississippi	1	3
Missouri	1	3
Montana	1	3
Nebraska	1	3
Nevada	3	3
New Hampshire	2	2
New Jersey	1	3
New Mexico	2	2
New York	1	3
North Carolina	1	3
North Dakota	1	3
Ohio	1	2
Oklahoma	1	2
Oregon	1	3
Pennsylvania	2	3
Puerto Rico	1	1
Rhode Island	1	3
South Carolina	1	3
South Dakota	2	2
Tennessee	1	3
Texas	1	3
Utah	2	2
Vermont	1	3
Virgin Islands	1	1
Virginia	1	3
Washington	2	2
West Virginia	1	3
Wisconsin	1	1
Wyoming	1	2

	US	IMG
States Requiring 1Yr	43	9
States Requiring 2Yrs	10	16
States Requiring 3 Yrs	1	29

Dr. Isto:  
 My source is the latest edition  
 of the AMA's publication on  
 licensure statistics (1997 edition).

Let me know if you need more.

Leslie

Senator Leman,

#### Internship / Residency as per SB 29

There are two types of medical education required of physicians in this country: didactic and clinical. The didactic portion of their education is provided in medical school. The clinical aspect of the complete medical education is provided by postgraduate training programs; either internship or residency training programs.

**Internship:** Internship is typically a one year, post graduate education experience in which the doctor is exposed to a variety of medical disciplines on a rotating basis. There is exposure to family medicine, obstetrics/gynecology, pediatrics, internal medicine, and other "general" medicine disciplines. This one year of education is in a structured, highly supervised setting, at a recognized (accredited) hospital and is intended to serve as the clinical ("hands on") training of the physician. Because it is broadly general in nature, and of only one year's duration, there is exposure to a variety of medical experiences but no great depth in any one field.

**Residency:** A residency training program is post-graduate clinical training which focuses on one particular medical discipline. Most accredited residency training programs are three years in duration; however, physicians may serve only one or two years in a residency program and be credited with only as many months as they successfully complete. Residency programs are structured, supervised educational experiences in which there are preceptor physicians who teach and supervise the activities of the resident physicians. As the resident works through the program, he/she is afforded greater responsibility and less supervision.

**Board Certification:** There are 24 medical specialty boards which fall under the umbrella of the American Board of Medical Specialties (ABMS). In order to become "board certified" in one of these specialties, the physician must have completed a three year residency and pass a rigorous examination. To maintain current certification, the physician must attain required hours of continuing medical education and re-certify by examination, usually every ten years. A three year residency program prepares the physician to be board certified in their chosen specialty. Additionally, there are 131 self-designated medical specialty boards for which there are varying requirements for eligibility from as little as paying membership fees to qualify to actual education requirements.

There is another category of postgraduate education: the fellowship. Fellowships are usually one or more years of clinical training in a loosely structured environment. The fellow works under the guidance and tutelage of a recognized expert in a specific discipline, specialty, or subspecialty. There is no "program" as such; each fellowship is peculiar to the individual who is training the fellow.

In this country, medical school education and clinical training are fairly standard and are closely monitored to remain accredited. In 67% of the nations of the world (statistic from the Education Council of Foreign Medical Graduates), there is no requirement for clinical

(postgraduate) training for physicians before they are allowed to practice following their medical school education. Also, quality and substance of medical education varies widely around the world – there is no single standard.

The argument for increasing the minimum number of years for foreign medical graduates is clear; there is no standard around the world which insures that the FMG has adequate training and education comparable to that provided in domestic schools and programs. We do not have, in Alaska, the resources to insure these graduates meet our minimum standards.

For U.S. and Canadian graduates, the argument rests mostly with the ever increasing technology facing medical school graduates today. Most physicians agree that the traditional one year of postgraduate training is inadequate to prepare today's doctor's for the demands of modern medical practice.

If you need further information on this subject, please contact me at 465-4522.

Mark Hodgins  
Legislative Aide to Senator Jerry Ward

SENATE FINANCE COMMITTEE

SIGN-IN

SB 29-REQUIREMENTS FOR PHYSICIAN'S LICENSE

NAME: Catherine Reardon Subject/Bill No: SB29  
Co./Dept./Title: Dirctor Dir of Phone: 465-2538  
Address: PO 110806 Tuleum Zip: 99801

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

04/29/99  
09:33:30

LEGISLATIVE TELCONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)

TCN: 90653 SCHEDULED FOR: 04/29/99 09:00 TO 11:00  
PUBLIC HEARING SENATE FINANCE

LOCATION: ANCHORAGE

SB 29	EYAL	HERZOG	M. D.	TESTIFY
SB 133	JUDY	BRADY	AOGCC	TESTIFY
SB 133	MARK	WORSTER	ARCO	TESTIFY
SB 133	TIM	COOK	APUC	TESTIFY
SB 133	STEVE	MULDER	ANS ?	TESTIFY
HB 94	DOUG	GRIFFIN	ABC	TESTIFY

LOCATION: GLENNALLEN

SB 133	MR.	DOUGLAS SY	NEELEY	TESTIFY
SB 133	MRS.	SHARON	DANIEL	TESTIFY

LOCATION: OFFNET 1 VANCOUVER, WA

LOCATION: OFFNET 2 PORTLAND OR

**SB**

**30**

**SFIN**

**FILE**



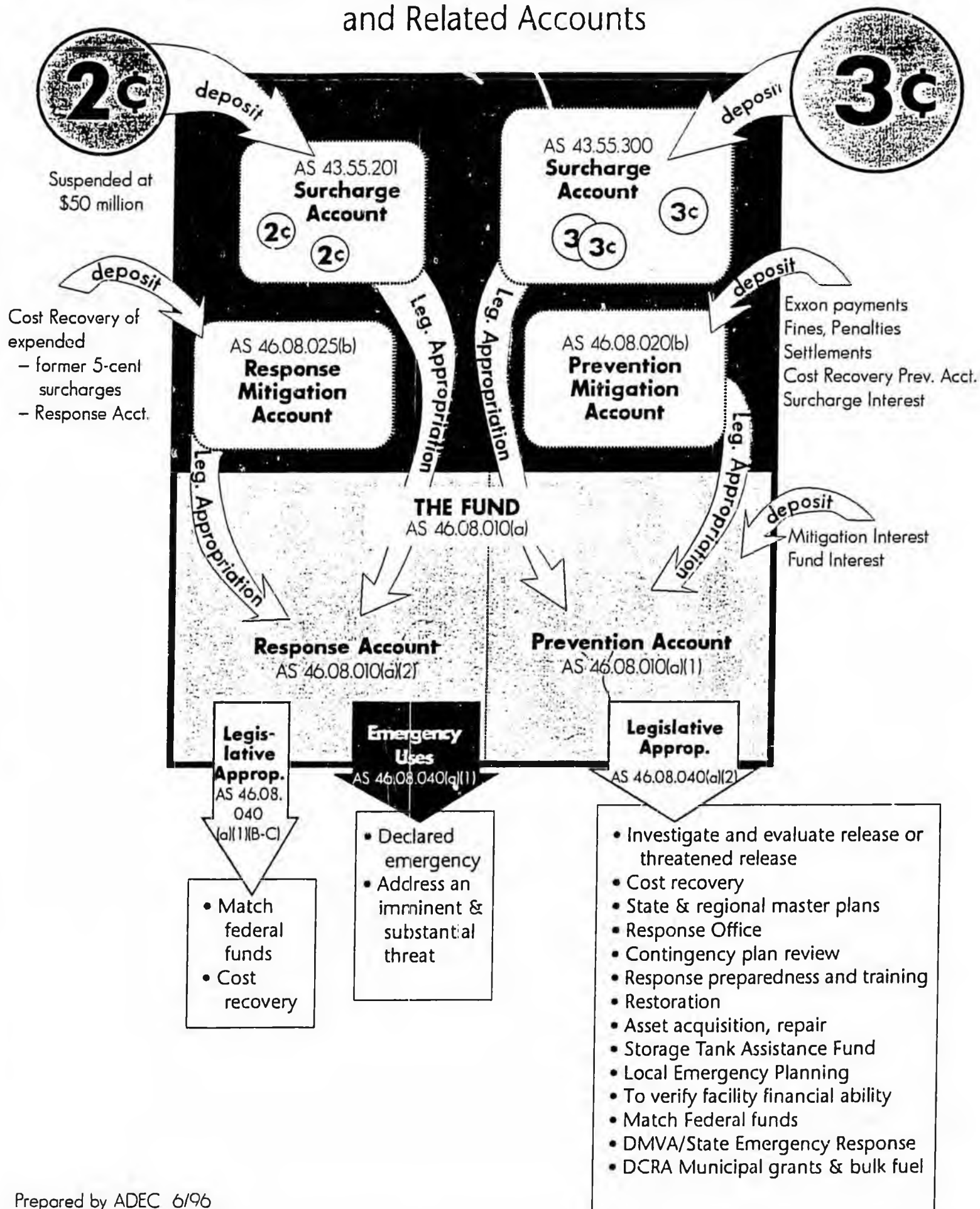
SB 30

was referred to the  
Senate Finance  
Committee

Hearing(s) were held

The bill did not move  
from Committee

# Oil & Hazardous Substance Release Prevention and Response Fund and Related Accounts



# FY00 Operating Budget - Front Section Analysis

## Alaska Housing Finance Corporation

Sec: **1 Governor**                                      **Total GF:**                                      **0.0**                                      **Total Non GF:**                                      **38,600.0**

AHFC Rcpts                      38,600.0

**Subsection (a)** transfers the unexpended and unobligated amount of AHFC unrestricted revenue available for appropriation, by the direction of the AHFC board, to the Alaska Debt Retirement Fund for (1) the fiscal year ending June 30, 1999; and (2) the fiscal year ending June 30, 2000. This differs from previous years where the balance was transferred to the general fund.

Chapter 117, SLA 96 transferred \$50 million

Chapter 98, SLA 97 transferred \$70 million

Chapter 137, SLA 98 is proposed to transfer \$24.0 million unless subsection (a) transfers the balance to the Alaska Debt Retirement Fund as proposed. FY00 would transfer \$14.6 million to the general fund. **See section 39 of this analysis.**

**Subsection (b)** appropriates earnings related to the AHFC (loan interest payments, mortgage loan commitment fees, and income earned on assets of the corporation) to the AHFC as corporate receipts. The receipts are then allocated to the AHFC revolving fund, housing assistance loan fund, and senior housing revolving fund in accordance with procedures adopted by the AHFC board of directors.

**Subsection (c)** identifies the amount of corporate receipts within the revolving loan fund to be used by the AHFC for housing loan programs not subsidized by AHFC corporate receipts = \$472 million and housing loan programs and projects subsidized by AHFC corporate receipts derived from arbitrage earnings = \$30 million. This language is the same in Chapter 117, SLA 96, Chapter 98, SLA 97, and Chapter 137, SLA 98.

## Alaska Permanent Fund Corporation

Sec: **2 Governor**                                      **Total GF:**                                      **0.0**                                      **Total Non GF:**                                      **1,252,500.0**

PFund Rcpt                      1,252,500.0

**Subsection (a)** appropriates from the Permanent Fund Earnings Reserve Account funds necessary for the dividend program and other uses. **\$975 million** (from the November 1998 financial projections of the PFC).

Corrections	1,047.3
Health and Social Services	18,688.9
Public Safety	2,905.2
Revenue	<u>4,881.3</u>
Sub Total	27,522.7
Dividends (October 2000)	947,477.3
<b>Total</b>	<b>975,000.0</b>

**Subsection (b)** appropriates the amount needed for inflation-proofing from the earnings reserve account to the principal of the permanent fund. **\$305.0 million**

**Subsection (c)** appropriates 25% or 50% of mineral lease rentals, royalties, royalty sales, etc., to the principal of the permanent fund.

**Subsection (d)** appropriates any interest earned in FY00 from mineral lease rentals, royalties, royalty sales, etc., while the revenue is held in trust, escrow, or otherwise before received by the state to the principal of the permanent fund.

## Alaska Public Utilities Commission

Sec: **3 Governor**                                      **Total GF:**                                      **0.0**                                      **Total Non GF:**                                      **400.0**

APUC Rcpts                      400.0

Reappropriates the June 30, 1999 balance of APUC receipts to the Alaska Public Utilities Commission for FY00 expenditures. The FY98 and FY99 carryforward amounts were \$444.7 and \$436.2 respectively. **FY00 estimate is \$400.0.**

# FY00 Operating Budget - Front Section Analysis

## Alaska Science and Technology Foundation - Reappropriation

<b>Sec: 4 Governor</b>	<b>Total GF:</b>	<b>0.0</b>	<b>Total Non GF:</b>	<b>9,539.8</b>
Sci/Tech	9,539.8			

Reappropriates the June 30, 1999 balance in the Alaska science and technology endowment earnings reserve to the Alaska Science and Technology Foundation to award as grants under AS 37.17.030(d) for FY00. The FY98 and FY99 carryforward amounts were \$17,319.0 and \$13,505.0 respectively. **FY00 estimate is \$9,539.8.**

## Alaska Seafood Marketing Institute - Reappropriation

**Sec: 5 Governor**

Reappropriates the June 30, 1999 balance of FY99 general fund receipts from the salmon marketing tax (AS 43.76.110) from the seafood marketing assessment (AS 16.51.120) for FY00 ASMI expenditures. The FY98 and FY99 carryforward amounts were \$200.0 and \$0 respectively. **FY00 amount unknown.**

## Budget Reduction Requiring Legislation - Longevity Bonus Eligibility

<b>Sec: 6 Governor</b>	<b>Total GF:</b>	<b>-8,000.0</b>	<b>Total Non GF:</b>	<b>0.0</b>
Gen Fund	-8,000.0			

Longevity Bonus Grant Program. If legislation introduced by the Governor (HB55 and SB40) to place income limits on longevity bonus eligibility were approved by the legislature, operating appropriations would be reduced by:

Longevity Bonus Grants	(\$6,000.0)
Old Age Assistance ALB hold harmless	(\$2,000.0)

## Constitutional Budget Reserve Fund

<b>Sec: 7 Governor</b>	<b>Total GF:</b>	<b>0.0</b>	<b>Total Non GF:</b>	<b>0.0</b>
CBR Fund				

**Subsection (a)** provides for the General Fund sub accounts to be repaid by the CBR and excludes pure GF (the sweep reversal language). **Estimated at \$95,000.0.**

**Subsection (b)** would allow the state to cover any shortfall in unrestricted revenues available for appropriation in FY00 from the CBR per Article IX, section 17. The amount of the GF revenues and appropriations would be appropriated to the general fund from the CBR (balancing language).

**Subsection (c)** stipulates that appropriations made by (a) and (b) of this section are made under Article IX, section 17(c). (Approved by an affirmative vote of at least three-fourths of the members of each house of the legislature.)

## FY00 Operating Budget - Front Section Analysis

### Disaster Relief

<b>Sec: 8 Governor</b>	<b>Total GF:</b>	<b>0.0</b>	<b>Total Non GF:</b>	<b>9,000.0</b>
Dis Relief				9,000.0

Appropriates federal receipts received for disaster relief to the disaster relief fund (AS 26.23.300). \$9,000.0 has been included in Federal Funds in the Department of Military and Veterans Affairs in the back section of this bill.

### Federal and Other Program Receipts

**Sec: 9 Governor**

**Subsection (a)** standard language that provides for additional funding authority for federal and other program receipts through the Legislative Budget and Audit Committee process. Note: this approach does not restrict the LB&A Committee to particular fund source consideration.

**Subsection (b)** standard language that if federal or other program receipts are greater than appropriated, then the appropriations from state funds (general funds) may be reduced if the reductions are consistent with applicable federal statutes.

**Subsection (c)** standard language that if federal and other receipts are less than the amount appropriated, the appropriation is reduced by the amount of the shortfall.

### Federal Subsistence Funds

<b>Sec: 10 Governor</b>	<b>Total GF:</b>	<b>0.0</b>	<b>Total Non GF:</b>	<b>11,000.0</b>
Fed Repts				11,000.0

**Subsection (a)** \$11,000.0 federal funding is appropriated to the US Department of the Interior and US Department of Agriculture for the State of Alaska. Alaskas receipt of the funding is contingent on the legislature adopting a constitutional amendment for ratification by Alaska voters to allow a rural subsistence priority.

\$11,000.0 is available to the state if the legislature satisfies the contingency by June 1, 1999.

\$10,000.0 is available to the state if the legislature satisfies the contingency after June 1, 1999 but before September 30, 1999.

**Subsection (b)** If subsection (a) is satisfied, the federal receipts are appropriated to the Department of Fish and Game to help implement a unified subsistence management system and provide support to decision-making groups in that effort. In the event Alaska meets the June 1, 1999 contingency as outlined in subsection (a), the appropriation made by this subsection is allocated as follows:

Support to the Board of Fisheries, Board of Game, regional advisory councils, and local advisory committees \$3,000.0  
 Biological research, monitoring, and management to ensure sustained yield and to improve utilization of fish and wildlife for subsistence, commercial and support purposes \$8,000.0

**Subsection (c)** if the June 1, 1999 contingency requirement is not met, the allocations outlined in subsection (b) are reduced proportionately.

# FY00 Operating Budget - Front Section Analysis

## Fish and Game Enforcement

Sec: 11 Governor                      Total GF:                      0.0                      Total Non GF:                      935.8

Fish/Game                      935.8

**Subsection (a)** appropriates to the Fish and Game Fund, the amount of criminal fines, penalties and forfeitures imposed and collected under AS 16.05.195 from the general fund.

Public Safety	810.0
Law	125.8
<b>Total</b>	<b>935.8</b>

**Subsection (b)** the Public Safety and Law amounts are for increased enforcement, investigation, and prosecution of state fish and game laws. If the receipts are less than the amount appropriated, the appropriations are reduced proportionately.

## Four Dam Pool Transfer Fund

Sec: 12 Governor                      Total GF:                      0.0                      Total Non GF:                      9,493.7

4 Dam Pool                      9,493.7

This section makes the necessary appropriation from the Four Dam Pool Transfer Fund to the Southeast Energy Fund, the Power Cost Equalization & Rural Electric Capitalization Fund, and the Power Project Fund. The amounts transferred in FY97 were zero, FY98 - \$5,177.8, FY99 - \$5,144.8, and the estimated amount available for transfer from the Four Dam Pool for FY00 is \$9,493.7.

## Information Services Fund

Sec: 13 Governor                      Total GF:                      0.0                      Total Non GF:                      55.0

Stat Desig                      55.0

Appropriates statutory designated program receipts to the Information Services Fund for the Department of Administration, Division of Information Services telecommunication services. The statutory designated program receipts are reflected in the Department of Administration budget as \$55.0 I/A Receipts.

## Insurance and Bond Claims - Catastrophe Reserve Account

Sec: 14 Governor

This section references the statute that allows up to \$5 million to be swept from lapsing general fund appropriations for the catastrophe reserve account and appropriates funds from the catastrophe reserve account to the Department of Administration to obtain insurance, establish reserves for the self-insurance program, and satisfy claims or judgements arising under the program.

# FY00 Operating Budget - Front Section Analysis

## Insurance Fees - Reappropriation

Sec: 15 Governor                      Total GF:              1,500.0                      Total Non GF:              0.0

GF/Prgm              1,500.0

Reappropriates the June 30, 1999 balance of FY99 general fund program receipts (insurance fees) under AS 21.06.250 for FY00 Department of Commerce and Economic Development, Division of Insurance operating costs. The FY98 and FY99 carryforward amounts were \$1,700.0 and \$2,665.0 respectively. A safe estimate for the FY00 carryforward is \$1,500.0.

## Land Disposal

Sec: 16 Governor                      Total GF:              250.0                      Total Non GF:              0.0

Gen Fund              250.0

Appropriates general fund receipts in the fiscal years ending June 30, 2000 and June 30, 2001 from land sales at Naukati Bay on Prince of Wales Island (not to exceed \$50.0) and Vallenar Bay on Gravina Island (not to exceed \$200.0) to the Department of Natural Resources for land sale preparation costs. **This appropriation amount was not included in the total amount of the appropriations bill.**

## Marine Highway System Fund

Sec: 17 Governor                      Total GF:              0.0                      Total Non GF:              27,509.5

Marine Hwy              27,509.5

General fund appropriation to the Alaska marine highway system fund. The amount of the transfer can be found in the Marine Highway Stabilization Fund component of the DOT/PF budget. FY99 - \$27,358.1 and FY00 - \$27,509.5.

## Motor Fuel Tax

Sec: 18 Governor                      Total GF:              28,324.5                      Total Non GF:              0.0

Gen Fund              28,324.5

This section appropriates estimated amounts from the unreserved special accounts in the general fund to the general fund to be available operating funding from the following sources:

Special highway fuel tax account      \$23,924.5

Special aviation fuel tax account      \$ 5,400.0

This income is based on the existing 8 cents per gallon tax.

# FY00 Operating Budget - Front Section Analysis

## Occupational Licensing - Reappropriation

Sec: 19 Governor Total GF: 1,000.0 Total Non GF: 0.0

GF/Prgm 1,000.0

Reappropriates the June 30, 1999 balance of FY99 general fund program receipts (occupational licensing fees) under AS 08.01.065 for FY00 Department of Commerce and Economic Development, Division of Insurance operating costs. The FY98 and FY99 carryforward amounts were \$1,386.4 and \$1,529.5 respectively. FY00 estimate \$1,000.0.

## Oil and Hazardous Substance Release Prevention Account

Sec: 20 Governor Total GF: 0.0 Total Non GF: 10,900.0

Oil/Haz Fd 10,900.0

Appropriates the balance of the unreserved special accounts in the general fund to the Oil and Hazardous Substance Release Prevention Account from:

**Subsection 1** Prevention mitigation account AS 46.08.020(b) Estimated to be \$5,618.8

The prevention mitigation account receives money recovered from parties responsible for containment and cleanup of oil or other hazardous substances, as well as fines, penalties or damages as a result of prevention measures. The Governor did not include this estimated amount.

**Subsection 2** Prevention surcharge levied under AS 43.55.300 Estimated to be \$10,900.0

The prevention account contains appropriations from the special account in the general fund to the OHSRPR fund from the 3 cent surcharge collected in the general fund during the prior year. (FY99 deposits are appropriated from the general fund for FY00 expenditures.)

## Oil and Hazardous Substance Release Response Account

Sec: 21 Governor Total GF: 0.0 Total Non GF: 0.0

Oil/Haz Fd 0.0

Appropriates the balance of the unreserved special accounts in the general fund to the Oil and Hazardous Substance Release Response Account from:

**Subsection 1** Response mitigation account AS 46.08.020(b) Estimated to be \$416.1

The response mitigation account receives money recovered from parties responsible for containment and cleanup of oil or other hazardous substances, as well as fines, penalties or damages as a result of emergency response measures. The Governor did not include this estimated amount.

**Subsection 2** Response surcharge levied under AS 43.55.300 Estimated to be \$0.0

The response account contains appropriations from the special account in the general fund to the OHSRPR fund from the 2 cent surcharge collected in the general fund during the prior year. This surcharge is only required when the balance of the OHSRRA drops below \$50 million.



# FY00 Operating Budget - Front Section Analysis

## Performance Measures

Sec: 22 Governor

The Governors intent language requests that the goals, strategies, and performance measures be stated in separate resolution. The concern is that the appropriations bill may not conform to Article II, Section 13 that requires that appropriations bills be confined to appropriations.

## Real Estate Surety Fund

Sec: 23 Governor

Total GF:

0.0

Total Non GF:

0.0

Surety Fnd 0.0

Per AS 08.88.450, the balance of the real estate surety fund that exceeds \$500.0 is appropriated to the Department of Commerce and Economic Development, Division of Occupational Licensing for purposes relating to the real estate surety fund for the fiscal year ending June 30, 2000. The statute clearly states that amounts in the fund may not exceed \$500.0 and amounts in excess of \$250.0 may be appropriated for real estate educational purposes. See section 39 of this analysis.

## Retained Fees

Sec: 24 Governor

This language addresses the need to appropriate vendor compensation and/or bankcard services fees that are not directly appropriated by the state for vendors or banking institutions that collect fees on behalf of the state. This originated from fish and game fishing, hunting and trapping license sales where the vendor retained a portion of the sale instead of the vendor submitting the full collection and the state reimbursing the vendor for expenses related to selling licenses. Agencies should be directed to include these fees in their annual budget requests.

## Safety Advisory Council - Reappropriation

Sec: 25 Governor

Total GF:

100.0

Total Non GF:

0.0

GF/Prgm 100.0

Reappropriates Safety Council program receipts not expended in FY99 to be carried forward into FY00 for the governors safety conference. FY99 carryforward was \$130.0. FY00 estimated \$100.0.

# FY00 Operating Budget - Front Section Analysis

## Salary and Benefit Adjustments

**Sec: 26 Governor**

FY00 pay increases for University of Alaska employees. The amount (unknown) is the net amount for three items: salary adjustments, health benefit adjustments and changes in contribution rates for the Public Employees Retirement System.

## Salmon Enhancement Tax

**Sec: 27 Governor**

Appropriates general fund salmon enhancement tax receipts to the Department of Commerce and Economic Development for payment in FY00 to qualified regional aquaculture associations. This amount is not included in the operating budget general fund spending totals. FY98 - \$4,072.7, FY99 - \$4,100.0 and FY00 - \$4,100.0. This is "pass-through" money.

## Shared Taxes and Fees

**Sec: 28 Governor**

**Total GF: 22,000.0      Total Non GF: 0.0**

Gen Fund      22,000.0

Appropriates general funds to the Department of Revenue in the amounts necessary to refund local governments their share of taxes and fees collected for payment in FY99. FY98 \$22,199.6, FY99 and FY00 are anticipated to be a similar amount.

## State Debt and Other Obligations

**Sec: 29 Governor**

**Total GF: 5,739.1      Total Non GF: 93,471.4**

Gen Fund      5,739.1    Int Airprt      2,877.5    School Fnd      45,529.5    Debt Ret      45,064.4

This section provides for the states debt service obligations.

**Subsection (a)** interest on revenue anticipation notes is appropriated from the general fund to the Department of Revenue for payment of interest on notes.

**Subsection (b)** amount required to be paid by the state for principal and interest on state bonds is appropriated from the general fund to the state bond committee for payment on those bonds.

**Subsection (c)** \$5,739.1 from GF to Alaska Debt Retirement Fund

**Subsection (d)** \$16,287.8 from Debt Retirement Fund for trustee fees and lease payments related to certificates of participation for real property

**Subsection (e)** \$2,518.0 from Debt Retirement Fund for payment of debt service and trustee fees on general obligation bonds

**Subsection (f)** \$2,877.5 from International Airports Revenue Fund for payment of debt service and trustee fees on international airport revenue bonds

**Subsection (g)** \$71,788.1 from Debt Retirement Fund (\$26,258.6) and School Fund (\$45,529.5) to the Department of Education for state aid for costs of school construction

## State Debt and Other Obligations

### State Training and Employment Program

Sec: 30 Governor Total GF: 0.0 Total Non GF: 400.0

Empl Trng 400.0

The State Training and Employment Program is funded from the Employment and Training Program Account that is funded by a contribution of one-half of one percent from each employees wages. Unspent balances must be lapsed from this account into the unemployment compensation fund. For FY99 this language was changed so that unspent balances must be lapsed from this account into the employment assistance and training program account. FY00 estimated \$400.0.

### Statutory Budget Reserve

Sec: 31 Governor

In the event that unrestricted revenues are less than necessary for FY00 appropriations, the amount necessary to balance revenue and general fund appropriations is appropriated to the general fund from any balance that may be available from the Statutory Budget Reserve Fund.

### Storage Tank Assistance Fund

Sec: 32 Governor Total GF: 0.0 Total Non GF: 5,489.7

Storg Tank 5,489.7

Appropriates from the OHSRPR Fund, prevention account (non-general fund) to the Storage Tank Assistance Fund. FY98 - \$2,910.6, FY99 - \$4,364.8, FY00 - \$5,489.7. For FY98 language was included that allowed the legislature to capitalize the storage tank assistance fund with any general fund registration fees collected on underground petroleum storage tanks or storage tank systems. In SLA 98 the language was changed so that the fees collected would be considered unrestricted general fund revenue and are replaced with \$200.0 from the oil and hazardous substance release prevention account.

### Student Loan Program

Sec: 33 Governor

The amount from student loan borrowers of the Alaska Commission on Postsecondary Education that is assessed for loan origination fees for the fiscal year ending June 30, 2000, is appropriated to the origination fee account within the student loan fund of the Alaska Student Loan Corporation.

# FY00 Operating Budget - Front Section Analysis

## State Debt and Other Obligations

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# FY00 Operating Budget - Front Section Analysis

## Teacher Certification - Reappropriation

Sec: 34 Governor Total GF: 100.0 Total Non GF: 0.0

GF/Prgm 100.0

Reappropriates the June 30, 1999 balance of FY99 teacher certification general fund receipts from certification fees under AS 14.20.020(c) for FY00 teacher certification expenditures. This language was new for FY99. r'Y00 estimate \$100.0.

## Test Fishery Receipts

Sec: 35 Governor Total GF: 0.0 Total Non GF: 0.0

Test Fish

The FY99 balance of commercial fisheries test fishing operations receipts from the harvest and sale of crab are appropriated to the Department of Fish and Game or operations of the shellfish onboard observer program in the division of commercial fisheries management and development for FY00.

## Value-added Timber Sales

Sec: 36 Governor Total GF: 250.0 Total Non GF: 0.0

Gen Fund 250.0

Appropriation not to exceed \$250.0 general fund receipts generated in fiscal years ending June 30, 2000 and June 30, 2001 from value-added timber sales in Southeast and in the Tanana Valley to the Department of Natural Resources. **This appropriation amount is not included in the total of the Governors appropriation bill.**

## Lapse Date - Federal Subsistence Funds

Sec: 37 Governor Total GF: 0.0

Fed Rcpts

The unexpended and unobligated balance of the appropriation made by sec 10 of this act lapses June 30, 2001. Federal Subsistence Funds.

# FY00 Operating Budget - Front Section Analysis

## Nonlapse of Appropriations

Sec: 38 Governor

Sections (1) AHFC, (8) Disaster Relief, (11a) Fish and Game Enforcement, (12) Four Dam Pool Transfer Fund, (13) Information Services Fund, (17) Marine Highway System Fund, (20) OHSRPA, (21) OHSRRA, (29c) State Debt and Other Obligations, (30) State Training and Employment Program, and (33) Student Loan Program, are for the capitalization of funds and do not lapse.

## Retroactivity

Sec: 39 Governor

**Subsection (a)** section 23, Real Estate Surety Fund is retroactive to June 30, 1998. Two fiscal years retroactive would allow the Department of Commerce to receive and expend the balance greater than \$500.0 for FY98 and FY99, and unknown (see the language in section 23) for FY00.

**Subsection (b)** section 1(a)(1) AHFC is retroactive to June 30, 1999. Making this subsection retroactive to include FY99 deposits would decrease the amount deposited into the general fund (\$24.9 million) that is planned for FY99 expenditures. No AHFC receipts would be deposited into the general fund if the language in section 1 is approved for FY00.

**FY00 OPERATING BUDGET - FRONT SECTION ANALYSIS INDEX**

**Governor**

<b>Title</b>	<b>Sec</b>	<b>Gen Fund</b>	<b>Non-GF</b>	<b>Total</b>
Alaska Housing Finance Corporation	1	0.0	38,600.0	38,600.0
Alaska Permanent Fund Corporation	2	0.0	1,252,500.0	1,252,500.0
Alaska Public Utilities Commission	3	0.0	400.0	400.0
Alaska Science and Technology Foundation - Reappropriation	4	0.0	9,539.8	9,539.8
Alaska Seafood Marketing Institute - Reappropriation	5			0.0
Budget Reduction Requiring Legislation - Longevity Bonus Eligibility	6	-8,000.0	0.0	-8,000.0
Constitutional Budget Reserve Fund	7	0.0	0.0	0.0
Disaster Relief	8	0.0	9,000.0	9,000.0
Federal and Other Program Receipts	9			0.0
Federal Subsistence Funds	10	0.0	11,000.0	11,000.0
Fish and Game Enforcement	11	0.0	935.8	935.8
Four Dam Pool Transfer Fund	12	0.0	9,493.7	9,493.7
Information Services Fund	13	0.0	55.0	55.0
Insurance and Bond Claims - Catastrophe Reserve Account	14			0.0
Insurance Fees - Reappropriation	15	1,500.0	0.0	1,500.0
Land Disposal	16	250.0	0.0	250.0
Marine Highway System Fund	17	0.0	27,509.5	27,509.5
Motor Fuel Tax	18	28,324.5	0.0	28,324.5
Occupational Licensing - Reappropriation	19	1,000.0	0.0	1,000.0
Oil and Hazardous Substance Release Prevention Account	20	0.0	10,900.0	10,900.0
Oil and Hazardous Substance Release Response Account	21	0.0	0.0	0.0
Performance Measures	22			0.0
Real Estate Surety Fund	23	0.0	0.0	0.0
Retained Fees	24			0.0
Safety Advisory Council - Reappropriation	25	100.0	0.0	100.0
Salary and Benefit Adjustments	26			0.0
Salmon Enhancement Tax	27			0.0
Shared Taxes and Fees	28	22,000.0	0.0	22,000.0
State Debt and Other Obligations	29	5,739.1	93,471.4	99,210.5
State Training and Employment Program	30	0.0	400.0	400.0
Statutory Budget Reserve	31			0.0
Storage Tank Assistance Fund	32	0.0	5,489.7	5,489.7
Student Loan Program	33			0.0
Teacher Certification - Reappropriation	34	100.0	0.0	100.0
Test Fishery Receipts	35	0.0	0.0	0.0
Value-added Timber Sales	36	250.0	0.0	250.0
Lapse Date - Federal Subsistence Funds	37	0.0		0.0
Nonlapse of Appropriations	38			0.0
Retroactivity	39			0.0

FY00 OPERATING BUDGET - FRONT SECTION ANALYSIS INDEX

Governor

Title	Sec	Gen Fund	Non-GF	Total
		51,263.6	1,469,294.9	1,520,558.5