

ALASKA STATE LEGISLATURE
SENATE LABOR & COMMERCE COMMITTEE

March 21, 2002
1:37 p.m.

MEMBERS PRESENT

Senator Ben Stevens, Chair
Senator Alan Austerman
Senator Loren Lemam
Senator John Torgerson
Senator Bettye Davis

MEMBERS ABSENT

All Members Present

COMMITTEE CALENDAR

SENATE BILL NO. 317

"An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; and providing for an effective date."

MOVED SB 317 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 418(L&C)

"An Act amending the Alaska Corporations Code as it relates to delivery of annual reports, notice of shareholders' meetings, proxy statements, and other information and items to shareholders, to voting, and to proxies, including electronic proxy voting and proxy signing; and providing for an effective date."

MOVED CSHB 418(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 262

"An Act relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness; establishing a building safety account; and providing for an effective date."

MOVED HB 262 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 281(JUD)

"An Act relating to civil liability for providing alcoholic beverages to a person under 21 years of age; and providing for an effective date."

MOVED CSHB 281(JUD) OUT OF COMMITTEE

SENATE BILL NO. 321

"An Act relating to the Board of Veterinary Examiners and the practice of veterinary medicine."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

SB 317 - No previous action to record.

HB 418 - No previous action to record.

HB 262 - No previous action to record.

HB 281 - No previous action to record.

SB 321 - No previous action to record.

WITNESS REGISTER

Senator Taylor
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Sponsor of SB 317.

Ms. Amy Erickson
Staff to Representative Lisa Murkowski
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Commented on HB 418 and HB 262 for sponsor.

Mr. Bud Simpson, Atty.
Sealaska Corporation
One Sealaska Plaza
Juneau AK 99801

POSITION STATEMENT: Commented on SB 317.

Mr. Ramond Henderson, Director
Division of Administrative Services
Department of Labor & Workforce
Development
PO Box 21149
Juneau, AK 99802-1149

POSITION STATEMENT: Commented on HB 262.

Mr. Dennis Bowden, Assistant Chief
Labor Standards
Department of Labor & Workforce
Development
PO Box 21149
Juneau, AK 99802-1149

POSITION STATEMENT: Supported HB 262.

Representative Kevin Meyers
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Sponsor of HB 281.

Ms. Cindy Cashen
Mothers Against Drunk Driving
Juneau AK

POSITION STATEMENT: Supported HB 281.

Ms. Pam Watts, Executive Director
Advisory Board on Alcoholism and Drug Abuse

POSITION STATEMENT: Supported HB 281.

Ms. Heather Peterson
PO Box 2855
Palmer AK 99645

POSITION STATEMENT: Opposed SB 321.

Ms. Merri Ann Noey
PO Box 110018
Anchorage AK 99511

POSITION STATEMENT: Commented on SB 321.

Deanna Jo Thornell, D.V.M., Chairman
Board of Veterinary Examiners
2702 Peger Road
Fairbanks, AK 99709-5319

POSITION STATEMENT: Supported SB 321.

Ms. Charlotte Ronin, Executive Director
American Association of Veterinary State Boards

POSITION STATEMENT: Commented on SB 321.

Ms. Tracie Audette
PO Box 2132
Palmer AK 99645

POSITION STATEMENT: Opposed SB 321.

Ms. Teresa Firmin
PO Box 220190

Anchorage AK 99522

POSITION STATEMENT: Opposed SB 321.

Ms. Jan Wrentmore

Skagway AK

POSITION STATEMENT: Opposed SB 321.

Mr. Bill McDonald

Lay Member

Alaska State Board of Veterinary Examiners

POSITION STATEMENT: Supported SB 321

Ms. Catherine Reardon, Director

Division of Occupational Licensing

Department of Community and Economic Development

P.O. Box 110806

Juneau AK 99811

POSITION STATEMENT: Commented on SB 321.

ACTION NARRATIVE

TAPE 02-13, SIDE A

Number 001

#SB317

SB 317-NAT'L FOREST INCOME AND REGS OF DCED

CHAIRMAN BEN STEVENS called the Senate Labor & Commerce Committee meeting to order at 1:37 p.m. and announced SB 317 to be up for consideration.

SENATOR TAYLOR, sponsor of SB 317, said that Senators Larry Craig from Idaho and Ron Wyden from Oregon introduced legislation in Congress a few years ago that Southeast Alaska strongly supported. They passed a bill that basically provided that for each of the communities impacted by the Forest Receipts Program, which was a bill passed in the early part of this century providing that 25% of all receipts that came into the U.S. government from the sale of timber on national forests would be conveyed back to the counties and in our instances, the boroughs, who are affected by those forest receipts, basically, those proceeds were to go towards education or roads with the decision being made by the local counties and boroughs. The Clinton administration cancelled the long-term timber sale contracts on the Tongass and our communities were suddenly not receiving very much money off of timber receipts. No timber was being sold.

To correct that problem, communities dependent upon forest receipts for their schools and their roads were going broke. That is why Senators Wyden and Craig introduced legislation that

basically said that whatever your highest and best three years were of forest receipts, the federal government would pay that to the counties and boroughs for a period of seven years. When the legislation passed, Alaska actually got 85% of the highest and best three year average. Fifteen percent was given over so that environmental concerns could be addressed. He noted that the Forest Service is still trying to figure out how to spend that 15% here.

SENATOR TAYLOR said the only reason this legislation is before them is that the Department of Community and Economic Development did not have sufficient statutory authority to actually make the conveyance of the money. "This bill is nothing more than clean up language that will enable the Department of Community and Economic Development to disburse these timber receipts."

SB 317 gives the department the authority to adopt regulations necessary to implement the revised federal program in a manner consistent with federal law. It also provides general regulation adoption authority for the department to carry out its statutory functions created by the merger of the former Department of Commerce and Economic Development and the former Department of Community and Regional Affairs.

SENATOR AUSTERMAN moved to pass SB 317 from committee with individual recommendations with the attached fiscal note. There were no objections and it was so ordered.

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#HB418

HB 418-ELECTRONIC PROXY VOTING & NOTIFICATION

CHAIRMAN STEVENS announced HB 418 to be up for consideration.

MS. AMY ERICKSON, Staff to Representative Murkowski, said that HB 418 is modeled after existing corporate statutes approved by the Federal Securities Exchange Commission and gives Alaskan corporations the explicit ability to offer electronic proxy voting and receive electronic delivery notice of meeting materials to its shareholders.

Approximately 25 states already offer this proxy voting. Corporations that elect to implement electronic voting will establish secured processes in which a PIN is issued to each shareholder and shareholders will still have the option of paper and person voting. In addition to electronic voting.

HB 418 also includes provisions that permit corporations to send one copy of an annual report and proxy materials to multiple shareholders at the same address and to stop sending annual reports and statements to shareholders whose mailing address is invalid.

Passage of HB 418 will result in cost savings and added convenience for Alaskan corporations and provide faster tabulation and higher accuracy of voting results. Because Alaska households have the highest computer ownership and Internet access, electronic voting will greatly improve access to shareholder participation. This act has been modeled from existing law and has been reviewed by the Division of Administrative Securities and there is no known controversy surrounding the bill.

MR. BUD SIMPSON, Sealaska Corporation, said that they view this bill as a corporate matter and not a Native corporation issue. He said he would be happy to address any questions. He didn't see that there would be any controversy.

CHAIRMAN STEVENS asked in addition to the regional corporations and the village corporations, how many other corporations are registered in the state of Alaska.

MR. SIMPSON replied that his impression is that within Alaska the larger business corporations tend to be from Outside and within Alaska, there are about 300 of mostly Native corporations.

SENATOR LEMAN moved to pass HB 418 from committee with individual recommendations. There were no objections and it was so ordered.
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#HB262

HB 262-BUILDING SAFETY ACCOUNT

CHAIRMAN STEVENS announced HB 262 to be up for consideration.

MS. AMY ERICKSON, Staff to Representative Murkowski, sponsor of HB 262, said that it was introduced at the request of the Department of Labor's Mechanical Inspections Program.

It is a fees for service measure establishing a building safety account to allow the department to collect fees to support its mechanical inspections program. The measure provides a mechanism and proper funding to hire three new positions to catch up on the

sizeable backlog of boiler and elevator inspections. Currently, the mechanical inspection section generates just over \$1 million in general funds and is allotted about \$695,000. This has been a nagging public safety concern for many years and has reached a level of about 6,000 boilers and about 300 elevators need inspection. The Americans With Disabilities Act has caused the number of elevators to double in the state in the last eight years.

In the mid 1990s there were five electrical inspectors, two elevator inspectors and five boiler inspectors. Now there are just two electrical inspectors, one elevator inspector and three boiler inspectors to inspect the enormous backlog of boilers in addition to the ADA elevators.

Passage of 262 will give the Mechanical Inspections Program the ability to restore the three new positions to eliminate the sizeable backlog in about two years.

She said there was a new fiscal note.

SENATOR AUSTERMAN asked what fees would be charged for boilers.

MS. ERICKSON replied that she thought it would be \$40 per boiler.

SENATOR AUSTERMAN asked if the fees would be the same for elevators.

MR. RAMOND HENDERSON, Director, Administrative Services, Department of Labor and Workforce Development, said there is no increase or decrease in the amount of fee level. The fee that's charged depends on the kind of inspection and varies from \$40 - \$105.

SENATOR AUSTERMAN asked if they already have the ability to collect fees, what is the objective of this bill.

MR. HENDERSON replied that they have the ability to collect the fees, but they don't have the authority to spend all the money to address the backlog by hiring the three additional positions, which will generate enough proceeds to pay for themselves.

SENATOR AUSTERMAN asked him to explain the fiscal note.

MR. HENDERSON replied that \$234.6 K is for the three new positions for the first 10 months and 10 months in 2003, as it would take them a couple of months to get the positions on board and project that they will generate revenues of \$242.8 K.

CHAIRMAN STEVENS asked if they had projected finishing the backlog in 2007.

MR. HENDERSON said yes and that's when they would eliminate one of the positions.

CHAIRMAN STEVENS asked if they figured the program would stay consistent from that point on for the receipts to fund the program from after that.

MR. HENDERSON said that was correct.

SENATOR LEMAN commended him for actually showing in the fiscal note that they would actually finish something and eliminate a position.

SENATOR AUSTERMAN asked how many inspectors are in the program right now that are charging the fees.

MR. HENDERSON answered a total of four. They estimate that they are going to be able to perform 1,250 inspections per inspector.

CHAIRMAN STEVENS asked if there were any other sources of revenue in the program except for the work performed.

MR. HENDERSON replied yes, that there is a fee for a certificate for electricians and plumbers.

CHAIRMAN STEVENS said the point Senator Austerman was trying to make was that they were increasing their workforce by three quarters, but they would only increase their revenue by one quarter.

SENATOR AUSTERMAN said he thought this question could be answered in the Finance Committee and he wouldn't object to passing the bill.

MR. DENNIS BOWDEN, Assistant Chief of Labor Standards, explained that one of the constant revenues they have is sales of licenses, which runs about \$400,000 per year. That amount would not change with the increase of personnel.

SENATOR LEMAN moved to pass HB 262 from committee with individual recommendations with the accompanying fiscal note. There were no objections and it was so ordered.

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#HB281

HB 281-CIVIL LIABILITY FOR PROVIDING ALCOHOL

CHAIRMAN STEVENS announced HB 281 to be up for consideration.

REPRESENTATIVE KEVIN MEYER, sponsor of HB 281, said under this bill an adult who knowingly furnishes alcohol to a person under the age of 21 can be held civilly liable for the resulting damages.

Under current statute right now we can only hold civilly liable the licensees that sell alcohol. This bill holds the general public to a similar standard as they are currently holding their licensee. However, this bill only impacts those adults who are knowingly furnishing alcohol to the minors. They are not going after the kid who sneaks a glass of champagne at the wedding reception or the parents who give their kids a glass of wine at dinner. This bill is after those who are waiting out in the parking lots on a Saturday night and buying alcohol for kids.

This bill will deter some adults from furnishing alcohol to kids and will give kids less options to get the alcohol and it would provide recourse for the victims' families.

The tragedy that happened last July in Anchorage, which took the lives of three teenagers and Anchorage Police Officer Justin Williams has once again highlighted the problem of underage drinking and the consequences of adults who knowingly provide the alcohol to minors. In this case, two adults were found guilty. I believe one was 30 and the other one was 31.

MS. CINDY CASHEN, Mothers Against Drunk Driving - Juneau/Anchorage, supported HB 281, which will impact those without proper license who give to minors.

By making this action a civil crime, victims from underage drinking may take action and receive due compensation from the illegal gift of alcohol. Now, its mission includes the prevention of underage drinking and this bill will assist in decreasing the availability of it to minors.

MS. PAM WATTS, Executive Director, Advisory Board on Alcoholism and Drug Abuse, supported HB 281 saying they appreciate Representative Meyers' recognition of the seriousness of adults furnishing alcohol to persons under the age of 21 and the need to hold those people accountable for the damages that might result from underage drinking.

I think many adults who furnish alcohol to minors fail to realize the potential life threatening problems in providing alcohol to this population. Research

indicates that drinking is associated with increased risk taking and sensation seeking on the part of adolescents who drink and, of course, it has disinhibiting effects that can increase the likelihood of engaging in unsafe activities. In 1997, 21% of young drivers 15 - 20 years of age who were killed in automobile accidents were intoxicated. Twenty-five percent of those were male and 12% were female. Research also shows that people who began drinking before the age of 15 are four times more likely to develop alcohol dependence than people who wait until they are 21. Each additional year of delaying the onset of drinking reduces the probability of alcohol dependence by 14%. Adolescents who drink heavily assume the same health risks that adults do and the adolescents who use alcohol earlier are more likely to become sexually active at an early age, have sex more often and engage in unprotected sex, which places them at greater risk for HIV infection and other sexually transmitted diseases.

I think it's significant that 95% of the violent crime on college campuses is alcohol related and 90% of the college rapes involve alcohol use by the victim or the assailant.

Suicide among Alaska youth is a very serious problem and alcohol use among adolescents has been associated with considering, planning and completing suicide. We know that the prevention programs are working that are in place, but we need your continued support and advocacy for resources to support those programs and to meet the community needs for appropriate levels of intervention and treatment for underage drinking problems.

But the bottom line for this piece of legislation is that those adults who provide alcohol to underage drinkers assume a heavy responsibility and this legislation makes it clear what that responsibility is and the consequences associated with it. So, the Advisory Board strongly encourages your support for passage of this bill.

SENATOR AUSTERMAN said he understands that right now you can file a liability against someone that provides alcohol under the same scenario and this bill just codifies it in law.

REPRESENTATIVE MEYERS clarified that right now you can take a

civil action against a licensee, but not adults.

SENATOR AUSTERMAN asked if he gives alcohol to an underage person who then goes out and kills himself, can his parents sue him for that.

REPRESENTATIVE MEYERS answered there could be criminal charges, but no civil action.

CHAIRMAN STEVENS said that section 2 combined with subsection d on page 2, line 22, is the component that allows the individual recourse from the person that gave the alcohol to the minor.

REPRESENTATIVE MEYERS said that was correct; it allows them to take civil action. He said that the drafting wasn't the clearest.

SENATOR TORGERSON moved to pass HB 281 with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

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#SB321

SB 321-REVISION OF VETERINARY STATUTES

CHAIRMAN STEVENS announced SB 321 to be up for consideration.

SENATOR WILKEN, sponsor of SB 321, said it is an act relating to the Board of Veterinary Examiners and the practice of veterinary medicine. He said there are 22 changes in the bill.

SB 321 is the product of considerable discussion and preparation to update the statutes relating to the practice of veterinary medicine. The Board of Veterinary Examiners has reviewed the American Association of Veterinary State Boards (AAVSB) model veterinary practice act and has used it as a guide for revising the state's statutes.

The purpose of changing the statutes that regulate the practice of veterinary medicine is to create a statute which reflects a national perspective and one that was developed professionally by an association which shares the Board's public protection mission. Guided by this mission, the proposed statute changes reflect the most current thinking on professional regulation in veterinary medicine.

Revising the veterinary practice statutes will facilitate standardization of terminology and regulation among states. Such developments are

advantageous by clarifying the role of veterinary medical regulatory boards while creating valid and accurate expectations for veterinary medical services. the proposed revision would also facilitate mobility of veterinarians from jurisdiction to jurisdiction through the licensing process, providing the public with greater access to qualified veterinarians to perform important services.

With the availability of electronic medical advice and the advances made in the field of veterinary medicine, the Board of Veterinary Examiners needs to have a concise and thorough statute to insure the citizens of Alaska have qualified professionals accessible for their veterinary needs.

SENATOR TORGERSON asked if they were getting into a turf war.

SENATOR WILKEN replied, "I believe there needs to be a revision of the veterinary statutes to make them more current and if that involves a turf war, that's why we have the committee process."

MS. HEATHER PETERSON, small business owner, strongly opposed SB 321 as written. She is in the animal husbandry industry, boarding and training horses and giving riding instruction and would be grossly affected with its adoption. "The definition of veterinary medicine as defined in SB 321 limits owners only to possession of their animals, but not the ability to legally care for them. This is unacceptable."

MS. PETERSON said it would also limit anyone employed as a trainer or instructor from giving advice as to the physical or mental well being of an animal. Trainers and instructors are the very people who are also providing a foundation of education in all-round horse care for their clients.

Large animal veterinarians are in demand in Alaska and small injuries are not a priority. Many vets give instructions and recommend treatment over the phone without ever seeing an injury, the same veterinarians who produced SB 321, making it illegal for her to treat her own animal or any other animal under her care. This bill would be a state sanctioned monopoly and would limit animal owners to what veterinarians choose to offer as services.

She said there are many alternative medical treatments available that are illegal to engage in unless they're provided by a veterinarian. Sometimes they are not taught in veterinary schools and are not available from the veterinarians. She pointed out that she could use alternative therapy for herself without consulting a doctor, but not for her animals.

Section 09.198.990 4, 7, (c) limits the use of complimentary and alternative veterinary procedures and does not define complimentary and alternative procedures. Any complimentary and alternative procedures should in no way be defined as veterinary medicine. Complimentary and alternative procedures are taking healing arts to new levels in regards to animal well being and veterinarians are turning a blind eye to this choosing to deal with sickness rather than opening their eyes to the possibility of wellness.

SENATOR LEMAN said she delivered a good statement and asked her to get it to them in writing. She agreed.

MS. MERRI ANN NOEY said she has many pure bred animals that this bill would affect. She thought there were several places where the new text needed to be underlined.

CHAIRMAN STEVENS asked her to go to page 14, line 18, which would clarify the section 21 insert.

TAPE 02-13, SIDE B

MS. NOEY said the bill was confusing and asked them to withdraw it until it could be presented in a clearer manner so the average person could understand it.

SENATOR WILKEN said he would have his staff call her and walk her through sections 21 and 22.

She said the bill looks like it would allow sending euthanasia drugs to the villages to be used by persons who are not veterinarians.

CHAIRMAN STEVENS commented that this is the first hearing this bill has had and it has a long road to go through the legislative process and she would have several opportunities to speak on it.

DR. THORNELL, Chairman, Board of Veterinary Examiners, said their purpose in changing some of the statutes was for a couple of different reasons. One was to clarify current statutes. The language in the revision is not much different than what they have the power to do under current language. Many of the sections were very general and open to interpretation. A legislative audit suggested that the bill was a little biased toward the veterinarians in the state and suggested that they stay very open and nonbiased in statutes. Three years ago they looked at their statutes objectively and consulted with the American Association of Veterinary State Boards, the national organization that looks

over the public protection mission for the whole United States. They helped delineate some of the language so it wasn't too far out of line with national standards. They really want to avoid setting barriers to veterinarians applying for licensure in Alaska and they want to also make sure there is enough room in the statutes to accommodate species-specific examinations. She said that alternative and complimentary medicines are now recognized in veterinary schools and taught extensively. There is a vet in Fairbanks who practices and specializes in acupuncture and complimentary medicine.

In current statute, you are not allowed to be an acupuncturist unless you are licensed. They have created a euthanasia technician position in an effort to stop HB 306, because it was a public protection issue. It uses a very dangerous drug and it should be overseen by someone who knows how to use it. There was a lot of criticism from outlying villages that they need some way to humanely euthanise unwanted pets.

SENATOR LEMAN asked why veterinarians used "licensure by license transfer" on page 9, line 11 instead of the term, 'comity' as other professions use.

DR. THORNELL replied at the national level it was suggested that they stay with terminology that all veterinarians adhere to in each state, which is basically licensing by credential. It does not mean that you have to give up your license in the other state; it means you can get a license in this state through that process.

2:25 p.m.

SENATOR LEMAN asked if that was a standard term in veterinary medicine.

DR. THORNELL answered that is what they are using at the national level.

MS. CHARLOTTE RONIN, Executive Director, American Association of Veterinary State Boards, said when they drafted the model act, they chose that term as a compromise. It is not used universally, however, nothing is universal. They hope to come to an agreement on what that term is. Some states use endorsement or reciprocity or credentialing. The bottom line is that it's a process that enables veterinarians who are licensed and in good standing in one jurisdiction to be able to transfer that license and be also licensed in a new jurisdiction.

She said it is critical that boards have authority to enforce the laws that they have and do so with enough flexibility to make changes. Veterinary boards are to protect the public and that's

the most important thing to keep in mind. They are not there to restrict individuals.

CHAIRMAN STEVENS asked if her organization gave them the language.

MS. RONIN explained that they are a voluntary organization and the boards belong to their association. "We don't dictate to them; we just provide this as a tool for them to use if they choose."

CHAIRMAN STEVENS asked how many states recently have this proposed legislation before them or how many have adopted changes and definitions like these.

MS. RONIN replied that it's slow going. A number of states are working on it.

SENATOR LEMAN said on page 12, regarding the grounds for disciplinary sanctions, item #6 says, "failed to comply with a federal law or regulation or fail to comply with another state's applicable laws or regulations" and asked why would an Alaskan board want to take it on themselves to enforce the federal laws or the laws of another state.

MS. RONIN replied:

Because an Alaskan licensed veterinarian who may have violated either a federal law or a law in another jurisdiction, but many veterinarians are licensed in more than one state. It would simply be a tool for the board to use in their disciplinary process. It's not an attempt to enforce the other state or the federal law.

She said there is a need for specific grounds to be listed so in a hearing they can be supported in statute.

DR. THORNELL said the board needs to know if someone violated a DEA law so they can decide if discipline is needed.

SENATOR LEMAN said his concern is that in Alaska, while we have great respect for animals, in general we may have a different attitude than another state.

DR. THORNELL said they actually had an instance where this happened with someone in this state who also had a license in Illinois. When they heard what had happened, they would not let him have a license to practice in Illinois unless he went through continuing education. They outlined that and it was similar to what the Alaska board already imposed. "For the public protection, we need to know when individuals are doing something

that might not conform to our standards..."

SENATOR AUSTERMAN asked if language on page 4, line 25 says that this board will have to approve every college that has veterinary programs before they will accept that college's programs or those people graduating from that school to be licensed in Alaska.

DR. THORNELL replied that is already something they are doing. They look at schools the American Veterinary Medical Association has accredited. They would also look at European schools that are not accredited and now are able to set up different processes. That is why they need general language in their statute.

SENATOR AUSTERMAN said it appears to him that this gives them an arbitrary decision to accept or not accept.

DR. THORNELL said this is such a dynamic area. One year it could be the AVMA and another year it changes to AAVFD. That's in regulation and it's difficult to have statutes catch up. They hope to put what they expect in regulation as far as which particular organization is following through on that.

MS. TRACIE AUDETTE, concerned citizen and small business owner, strongly opposed SB 321. She said that other states are looking at this, but that doesn't mean that it has been passed in any state. To her knowledge, in most states the citizenry is very concerned as to how this would affect the animal industry. She didn't know that a board could possibly show the will of the public. She thought there might be the need for another board for animal issues for non veterinary professionals so that they have some sort of say in areas that are borderline or absolutely not veterinary medicine.

Regarding section 22, she did not agree that euthanasiation of animals should be done except by the animal's owner or by a licensed veterinarian and the lethal drugs should be stored under strict security.

The farrier exemption, number seven, needs a lot of work and this is another example of a non-medical professional board that needs to be developed for Alaska. Farriers have an exemption with this state. Anyone who can buy tools and business cards can be a horse shoer, which involves cutting with a knife, rasping and trimming, after which nails are driven in by hammer to the wall of the hoof. This procedure if done improperly can permanently disable a horse. The Veterinary Board allows them to work totally unsupervised and with no certification, understudy or completion of course work required.

There is no requirement for proof of insurance. The Farriers Association at the national level has

certification programs within their industry, but in Alaska, you're a farrier because you say you are and the Veterinary Board agrees. If this exemption is to remain in place, then all complimentary holistic therapists and all blue collar animal industry entrepreneurs should enjoy the same right to do business. These have much less potential for harm than does horse shoeing.

She didn't feel the reporting requirements, especially in small villages without veterinarians, where if an animal needs help even in routine things that the veterinarian should have to report if a health nurse of someone else helps out. She also strongly objected to saying that her religious practitioner needs to be reported if she chooses to have a prayer or religious ceremony done for her animal. "I don't think my spiritual practices should constitute veterinary medicine."

The definition in section 1 defines accredited veterinary schools and what is required to become a veterinarian in our state. This should also serve as a definition of the Veterinary Board's scope of jurisdiction. Areas of practice not taught in traditional veterinary colleges should not be regulated by the Veterinary Board. The Board was put in place to monitor the conduct of veterinarians and they should not be allowed to have a monopoly on all the other areas of animal care.

I don't think that in the definitions, (4), lines 12 through 15, they're saying that areas that diverge from the practices taught at veterinary schools will be covered by the Veterinary Board. Simply stated, if they diverge from what's taught at veterinary schools, they're not veterinary medicine. There again, this would be another place where I feel a board for animal wellness or animal issues should be set up to look into some of this.

She said another definition, 7(a), would prevent the neighbor to neighbor exchange of health and ideas regarding animal health issues and that would be unconstitutional. "We all depend on each other to increase our awareness of animal health and we need to look at that."

MS. AUDETTE said this bill doesn't at any point acknowledge that the animals have owners, much less than the animals owners' right to choose what they feel is appropriate treatment. "The rights of property owners should never be superceded by the veterinarians..."

MS. TERESA FIRMIN, animal owner, said she didn't have any business interests relating to this and opposed SB 321. She wanted to correct Senator Wilken's sponsor statement as to what other states are doing this. This bill reflects the theories of a national association, but it doesn't reflect the common interests of the animal owner. "It's being met with just as much puzzle in this state as it is in all the other ones."

In regards to the Board being formed for the public's protection she said that she and her family have been animal owners in the state of Alaska for their entire lives and she has never been able to give public testimony to the Veterinary Board. She was raised in rural Alaska and had to perform many animal care tasks herself. Many of the things listed in the bill make those tasks illegal for her to perform on her own animals, let alone other individual's animals if they needed help.

Another concern she had was that animal husbandry is not further defined and is a very gray area.

According to the American Heritage Dictionary "animal husbandry" is defined as "the care and breeding of domestic animals, such as cattle, hogs, sheep and horses...In closing, until I feel assurance that the practicing body of veterinarians in the state of Alaska qualify for the care of my animals in a manner that meets my standards of excellence I will oppose further restrictions of my rights to find other sources of care, such as complimentary alternative medicine.

MS. JAN WRENTMORE, Skagway business owner, said she is testifying as a pet owner. She has a friend in Fairbanks, Donna Perry, who asked her to read her testimony.

SENATOR LEMAN noted that they had already received a copy of her testimony.

CHAIRMAN STEVENS said he thought the intent was for the other people listening on-line to hear the letter and asked her to read it.

MS. WRENTMORE said that she has two miniature donkeys, a pot bellied Vietnamese pig and five huskies and has had lots of creatures in the 30 years she has lived in Alaska. She asked the committee to look very closely at this bill and the ramification it has for rural Alaska. She lives in a community that has no vet. She will do whatever she has to do to care for her animals, but often a vet is not available and she has relied on the advise of friends and trainers, saving the lives of animals. She read

Ms. Perry's testimony as follows:

My name is Donna Perry. I am the owner of Northern Quest Kennel, which I established in 1989. My family and I live at 300 Front Street, Fairbanks, Alaska. I have a self-financed project to keep the aboriginal, sub-arctic, northern breed husky, commonly called the Mackenzie River Husky from extinction. I personally have four of these huskies as pets who live with me. My "kennel" is the over 300 huskies I have produced from my breeding program who belong to and live with other families. My project works from the cooperation both verbally and contractually between these people and myself. I personally breed, birth, place and follow each of these dogs for life. My huskies come with a lifetime warranty. This project takes my total dedication, commitment and devotion both emotionally and financially.

If passed, the way I organize and facilitate this project would place me in violation of the law. This law says I cannot use the skills I have learned from over 25 years of owning this type of dog to help teach other people how to be the best owner they can be. Under this bill, I don't know if I can morally continue my project if I'm not allowed to give my dogs their best chance of success in this modern world. They come from a different century. This law thwarts my ability to pass on the knowledge and care needed for this rare aboriginal breed that helped settle the interior of Alaska. Under SB 321, Charly Boyd and John Schultz (God rest their souls), who taught me how to handle, feed, care for and practice "veterinarian medicine" would have been in violation of the law when they passed on to me traditional dog handling care and treatment.

Here are some specifics of my intended violations if this bill is passed. Last month I bred one of my bloodline huskies who I do not "own." I have illegally diagnosed her pregnancy by a physical examination. I have advised her owners of the due date, feeding supplements, behavioral changes that take place as a result of her pregnancy, requested and scheduled x-rays that I will attend before the due date so we know how many pups to expect. I will further violate the law when I advise her people to take her temperature rectally so I have the early warning of 12 - 24 hours before she goes into whelp. I will then illegally

deliver the pups, use my knowledge that comes from delivering over 30 litters without ever losing the mother dog. In doing so I will probably illegally save a pup with fluid in its lungs or euthanasia a pup who has been crushed in the birth canal rather than let it slowly die while the mother circles around stepping on and possibly damaging other puppies as she nuzzles the puppy and tries to comfort his death cries. If the mother dog gets in trouble that I cannot help her with, I will keep her and the pups warm and as comfortable as possible until we can get her to a clinic.

I will further violate the law when the potential owners sign my contract. "Condition of Sale: Donna Perry, retains the right to remove her bloodline dogs from any home or situation that jeopardizes the emotional and/or physical well-being of the dog." Since I'm the one who makes this judgment, I would be again practicing veterinary medicine without a license. My puppy instruction page is full of veterinary advice, the type of food to feed, vaccine schedules, supplements to reduce risk of panosteitis (growing Pains) and to promote overall well-being for the life of the dog. This includes instructions on dental care. I instruct the new owners to contact me with any health, behavior or psychological problems, questions or concerns.

I have a paying job, which helps to support my dog obsession so I could not be available for testimony today. My friend, Jan Wrentmore, graciously agreed to read my statement. She is familiar with my project and might be able to answer questions you may have on my behalf.

Please do not pass this bad bill that will not allow me to take care of the animals I have brought into this world. I will have to stop my husky project if I'm not allowed to keep my huskies safe. I cannot morally turn my back on them. Thank you for listening.

SENATOR AUSTERMAN asked about page 7, lines 14 - 19, administration of the examination, which talks about the board making contract and determining authority to determine what score is passed on a national exam. Normally, when you think of a national exam, they set up a criteria for failure or passing. If he reads this correctly, this board is going to have the discretion of changing that standard.

DR. THORNELL replied that right now they have their own state jurisprudence exam and they need to be able to determine what is a passing or failing grade on that test. The national level is the little bit of leniency that they suggest for boards across the United States. Some elect 70 percentile; some elect 75, etc.

MS. RONIN said the language is a state's right issue - that no one is dictating to the state of Alaska what the passing score will be. Currently, all of the states have adopted the same passing score on the national examination, which facilitates mobility. "It's all the same score."

CHAIRMAN STEVENS said they needed further clarification of that statement.

MS. RONIN said the National examination has a criteria based on a passing score of 425 agreed to in 1992. There is a formula that is used when transferring the score that can make 425 equal 70, because some state laws say it has to be 70 or they just like to call it that.

CHAIRMAN STEVENS said it sounds like it's a percentile mechanism.

MS. RONIN said it is called a "criterion reference."

SENATOR AUSTERMAN asked if a national exam that's taken in New Mexico and has a score of 70 or 75 and he passes and thinks he's coming to Alaska, could he come up here and find out that score doesn't apply.

MS. RONIN said that score would apply.

SENATOR AUSTERMAN asked if Alaska would retain the discretion of not accepting that.

MS. RONIN said that is right, but at this point, they have selected to use the same passing score as everyone else.

SENATOR TORGERSON said that the legislature doesn't normally get into this level of detail. "This is regulation being mixed in with statute - way too detailed. Somebody needs to go in and wipe this stuff out and get back to a regular bill for Occupational Licensing."

MR. BILL MCDONALD, Retired U.S. Air Force Colonel, said he is the Governor appointed lay member of the Alaska State Board of Veterinary Examiners. He wanted to express his support for the bill, although not necessarily all the detail that's in there. He thought that the intent was to standardize and specialize the veterinary practice in the state of Alaska. It is also meant to facilitate a seamless transition of bringing a veterinarian from

the Lower 48 up to Alaska to practice and to give the Board the opportunity to make critical judgments on what constitutes the practice of veterinary medicine in the state.

Some people think that pet ownership and care will be completely taken away from them in the conduct of their service because of this particular bill. As I have read the bill, I think services rendered for compensation that's outside the realm of veterinary medicine practice - that in the bill will become illegal. A personal pet owner's efforts to take care of their animals are not so restricted as I read it.

The importance to me about the bill is that [END OF TAPE]

TAPE 02-14, SIDE A

MR. MCDONALD continued:

...among veterinarians, themselves, on what constitutes a reasonable and assured special practice of their medicine without appropriate guidance. We have a variety of regulations out there. Some of them conflict each other and this bill I think is intended to try to standardize and define what constitutes this practice...I have seen some treatments that have been proposed by members who are outside the profession, which are not in conformance with standard veterinary practices. They may become so one day, but they are not now, i.e.: a treatment with magnets. These things should not be allowed if they are done for compensation. I believe this bill will help bring standardized and safe veterinary medicine practice to the state of Alaska. I personally think we need it.

SENATOR TORGERSON said he agreed with a lot of his testimony, but he thought the bill went too far. "If the bill isn't clear that pet owners can take care of their pets, then we have failed in writing the bill. We're going to have to make that very clear."

Also, people sometimes do things to animals that don't belong to them, but they do it in the normal course of duties as owning that business. He asked if they would still be able to do that.

MR. MCDONALD replied that he has had experience with animal husbandry and believes that some of those kinds of procedures are a matter of requirement for a person who operates the ranch, but it is sometimes a matter of necessity to save the life of the

animal. This would come in conflict with the way the legislation is currently written. On the other hand, there are people, as a side business, who are very good at one particular aspect of caring for an animal.

Because of their rural location, West Texas, they would go from one ranch to another as a neighbor and they would be compensated, but not as a professional conducting that type of business. They would pay for gas or reciprocate some kind of payment.

I think the essence of what the veterinarians are after is not to have something that conflicts with professional performance of veterinary duties for compensation and have that run into a problem with the local and private care of animals.

SENATOR TORGERSON said there is the same situation in Skagway with Ms. Wrentmore where they don't have a vet.

MR. MCDONALD said he thought they should make it clear in the legislation that veterinary services are performed for compensation.

DR. THORNELL noted that there is an exception in statute for emergency procedures.

SENATOR TORGERSON said they were not talking about emergencies. "We're talking about a way of life."

MS. CATHERINE REARDON, Director, Division of Occupational Licensing, said her division staffs the Veterinary Board.

CHAIRMAN STEVENS asked regarding the proposed definitions on page 18, specifically #7 - the practice of veterinary medicine - there is nothing there to suggest that a veterinarian does anything for compensation.

MS. REARDON replied that is a significant difference between the bill and current statute, which says you're only practicing veterinary medicine if you do those things for compensation. The new definition says if you do them, regardless of whether you get money or not.

CHAIRMAN STEVENS asked if there any other licenses with actual medical treatment that don't say they do it for compensation.

MS. REARDON replied that occupational licensing statutes are all different. "The human medical and nursing statutes say that you only need a license if you are doing it for compensation."

CHAIRMAN STEVENS asked, "Why do we need a license if you're not doing it for compensation?"

MS. REARDON said there are some professions where it's not linked, like chiropractic. Usually they say you can't assert that you are a doctor or a nurse or receive compensation.

I suppose an argument for taking away the compensation link would be that if we feel that it is dangerous to humans or animals or whatever to do this function without having certain qualifications or training, then you could say it's dangerous or harmful whether they got money or not and we want to stop that. It depends on what behavior you want to stop.

SENATOR LEMAN asked what was the definition of animal. The bill says it's any member of the animal kingdom excluding the human.

MS. REARDON replied that it is any animal other than a human being including mammals, birds, fish, reptiles, wild or domestic living or dead. The current definition is equally broad.

SENATOR LEMAN asked if that would extend to creatures that are relatively insignificant like insect and shrews.

MS. REARDON said she thought both definitions would include insects. "I imagine people have tarantulas, for example, as pets."

SENATOR AUSTERMAN said that a lot of the issues appear to be regulatory rather than statutory and asked the sponsor if he would rethink that.

SENATOR WILKEN responded that this is the first hearing and now is the time to talk about those issues and they need to work through them in a logical manner. "...This is really the first step."

SENATOR AUSTERMAN said on page 11, section 19, it talks about the board being able to levy a \$25,000 fine as a civil penalty for an unauthorized practice and it appears that this makes a judge and jury out of the board. Then it talks about the grounds for imposing disciplinary action and refers to AS 80.01.075, which has a \$5,000 maximum. This is an example of why he is having a hard time with this bill.

MS. REARDON explained that the increase to \$25,000 says notwithstanding the \$5,000 limit in .075. Similar language went through for dentists and doctors last year.

CHAIRMAN STEVENS encouraged people to submit questions to the committee so they could be addressed and adjourned the meeting at 3:35 p.m.

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