

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 8, 2007

1:31 p.m.

MEMBERS PRESENT

Senator Johnny Ellis, Chair
Senator Bettye Davis
Senator Con Bunde

MEMBERS ABSENT

Senator Gary Stevens, Vice Chair
Senator Lyman Hoffman

COMMITTEE CALENDAR

SENATE BILL NO. 93

"An Act relating to licensed professional counselors; and relating to the unlicensed use of the title 'professional counselor.'"

MOVED SB 93 OUT OF COMMITTEE

SENATE BILL NO. 97

"An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices."

HEARD AND HELD

SENATE BILL NO. 101

"An Act relating to private professional conservators and private and public guardians."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 93

SHORT TITLE: PROFESSIONAL COUNSELORS

SPONSOR(S): SENATOR(S) DAVIS

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| 02/22/07 | (S) | READ THE FIRST TIME - REFERRALS |
| 02/22/07 | (S) | L&C |
| 03/06/07 | (S) | L&C AT 1:30 PM BELTZ 211 |
| 03/06/07 | (S) | Heard & Held |
| 03/06/07 | (S) | MINUTE(L&C) |

BILL: SB 97

SHORT TITLE: ALASKA NATIVE ART IDENTIFICATION SEALS

SPONSOR(S): SENATOR(S) STEVENS

02/26/07 (S) READ THE FIRST TIME - REFERRALS
02/26/07 (S) L&C, FIN
03/08/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 101

SHORT TITLE: GUARDIANSHIP AND CONSERVATORS

SPONSOR(S): LABOR & COMMERCE

02/28/07 (S) READ THE FIRST TIME - REFERRALS
02/28/07 (S) L&C, STA, FIN
03/08/07 (S) L&C AT 1:30 PM BELTZ 211

WITNESS REGISTER

RICK URION, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community & Economic Development
Juneau, Alaska

POSITION STATEMENT: Spoke in favor of SB 93 and SB 101.

TIM LAMKIN, Staff
to Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 97 on behalf of Senator Stevens, sponsor.

SAUNDERS MCNEILL, Director
Community and Native Arts Program
Alaska State Council on the Arts
Anchorage, Alaska

POSITION STATEMENT: Spoke in favor of SB 97.

CHARLOTTE FOX, Executive Director
Alaska State Council on the Arts
Anchorage, Alaska

POSITION STATEMENT: Spoke in favor of SB 97.

SVEN HAAKANSON, Executive Director
Alutiiq Museum
Chair of the Alaska Council on the Arts
Kodiak, Alaska

POSITION STATEMENT: Spoke in favor of SB 97.

JOSH FINK, Director
Office of Public Advocacy
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Spoke in favor of SB 101.

ACTION NARRATIVE

CHAIR JOHNNY ELLIS called the Senate Labor and Commerce Standing Committee meeting to order at [1:31:15 PM](#). Senators Bunde, Davis and Ellis were present at the call to order.

SB 93-PROFESSIONAL COUNSELORS

CHAIR ELLIS announced SB 93 to be up for consideration.

[1:32:06 PM](#)

RICK URION, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community & Economic Development (DCCED), said he supports SB 93 and noted that the testimony was complete during the last hearing.

SENATOR BUNDE asked about the zero fiscal note, and if the department has the resources to carry out investigations of people who have falsely claimed to be professional counselors.

MR. URION said claims of fraudulent activity are investigated, and the costs get charged to licensees in the next licensing period. So it is self-supporting, he explained.

[1:33:52 PM](#)

SENATOR DAVIS moved SB 93 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 93 moved from committee.

SB 97-ALASKA NATIVE ART IDENTIFICATION SEALS

[1:35:14 PM](#)

CHAIR ELLIS announced the consideration of SB 97.

TIM LAMKIN, staff to Senator Gary Stevens, said that the senator introduced SB 97 on behalf of the Alaska State Council on the Arts. Despite its existence for decades, many Alaskans don't recognize the emblem called the silver hand. It is a marketing tool that represents a piece of art made by an Alaskan Native.

Its origins date back until at least the 1930s when demand for Alaskan art was increasing. There has been an ongoing effort to bring credibility to the silver hand program in honor of Native Alaskan artists. The effort has been thwarted by fraud, he stated. SB 97 is a housekeeping bill with no motivation except to modernize the statutes and rejuvenate the program. He said he is in the tourism business and gets requests daily for authentic Alaskan art, so he believes the bill could make it a more recognized emblem to the public and a beacon of help and inspiration for artists in Alaska.

[1:37:35 PM](#)

SAUNDERS MCNEILL, Director, Community and Native Arts Program, Alaska State Council on the Arts, said the silver hand program is the only Native arts authentication program in the state and the nation. The program serves people from 143 communities and includes all Alaska Native groups. The proposed changes embodied in SB 97 represent decades of feedback offered and gathered from a multitude of Native artists and Alaska businesses. The changes will accomplish the following: retire the agent arm of the permit program; remove reference to blood quantum and replace it with federally-recognized Alaska Native tribes; add civil penalties for the misuse of the silver hand; link the consumer protection fair-trade statutes and silver hand statutes; include Alaska Native artists producing contemporary work; expand allowable materials for artists; expand the definition section; and define eligible art mediums. The council is in full support of the bill, she concluded.

[1:40:27 PM](#)

CHARLOTTE FOX, Executive Director, Alaska State Council on the Arts, said the previous comments cover her testimony.

SVEN HAAKANSON, Executive Director, Alutiiq Museum and Chair of the Alaska Council on the Arts, said he was on the task force and has no further testimony.

SENATOR DAVIS asked about page 2, line 8. There is a significant change from "Native arts" to "Alaska arts", she noted.

MR. LAMKIN said the new language shall read: identification seals for authentic Alaska Native art created or crafted.

[1:43:30 PM](#)

SB 97 was held over.

SB 101-GUARDIANSHIP AND CONSERVATORS

CHAIR ELLIS announced that the next order of business is SB 101.

[1:44:04 PM](#)

JOSH FINK, Director, Office of Public Advocacy, Department of Administration, said SB 101 is greatly appreciated. The bill will help assure that private, professional guardians are adequately regulated, and it will encourage the development of this industry in Alaska as the aging population and the need for guardianship services grows. This is primarily a clean up bill, he stated. In 2004 the legislature passed HB 280, which enacted licensure requirements for private, professional guardians and conservators, but prior to that it was unregulated. There were notorious cases in Alaska where guardians spent their wards' estates down to nothing and engaged in fraud. HB 280 intended that guardians get one license and pay one fee to the Division of Occupational Licensing, but the division said it requires numerous and duplicative licenses. That is an impediment to encouraging the growth of this industry, he stated. Currently, applicants need a license to be a guardian, another to be a conservator, and a third license is required for the company or corporation. The bill removes the organizational license so that it will be required only for the individual. Also, someone with a guardianship license will not need a conservatorship license.

MR. FINK said the bill specifies the type of crime that would preclude someone from obtaining this license. It will focus on crimes of dishonesty within the past 10 years. The other change will be that public guardians will be required to go through the same criminal background check and obtain the same national certification that private guardians require. He noted that the director of the Division of Occupational Licensing has concerns with the language regarding insurance and bonding ability, but that can be resolved, he stated.

[1:49:19 PM](#)

CHAIR ELLIS said the committee was happy to introduce this bill, and he heard there were some concerns with the language.

RICK URION, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community & Economic Development, said the bill is a work in progress. He appreciates its sponsorship, because it is a high priority for some people. He said he is working on the issue of concern.

[1:50:41 PM](#)

CHAIR ELLIS asked for it to be ready on Tuesday, and Mr. Urion and Mr. Fink said that would be fine. He asked if there are a lot of complaints around the state.

MR. FINK said there are occasional complaints, and the probate court has some concerns with some private guardians. He believes that the major bad players are gone, but there are issues he has heard about.

CHAIR ELLIS said he has heard frequent complaints from families with elderly people whose wills get changed to benefit a new person that was recently befriended.

[1:52:47 PM](#)

MR. FINK said that only professional guardians need the license. Last year Representative Chenault introduced a bill creating the Office of Elder Fraud and Abuse that addresses those issues. When his office is aware of exploitation of a senior, it can sue on the senior's behalf for civil remedy.

CHAIR ELLIS asked for information, because he does receive complaints.

MR. FINK said he has a new brochure with contact numbers. The office is overwhelmed and has backed off on seeking new cases. "We just don't have the staff," he stated.

SB 101 was held over.

The Senate Labor and Commerce Committee adjourned at [1:55:05 PM](#).