4-15-92

HB 301

HB 18

HR 10 - HR 11

Professional

... Contracts

Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMBERS:

REP. ELLIS, CHAIR
REP. DAVIDSON, VICE-CHAIR
REP. DONLEY
REP. GRUSSENDORF
REP. GRUENBERG
REP. MARTIN
REP. TAYLOR

HOUSE RULES COMMITTEE MEETING
WEDNESDAY, APRIL 15, 1992
CAPITOL ROOM 208
8:00 A.M.

AGENDA:

HB 301	REGULAR LEGISLATIVE SESSIONS
HB 18	MARRIAGE AND FAMILY THERAPISTS
HR 10	NAME HOUSE GALLERY "A" THE TAYLOR GALLERY
HR 11	NAME HOUSE GALLERY "B" THE PERATROVICH GALLERY

PROFESSIONAL SERVICES CONTRACT APPROVAL

Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

House Rules Committee
Schedule

April 13-18

Wednesday, April 15 8:00 am Speaker's Chambers

HB 301	Regular Legislative Sessions
HB 18	Marriage and Family Therapists
HR 10	Name House Gallery "A" the Taylor Gallery
HR ??	Name House Gallery "B" the Peratrovich Gallery (pending introduction)

Professional Services Contract Approval

7-LS1102\P
Cook
3/23/92

CS FOR HOUSE BILL NO. 301 (RULES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act providing that the legislature shall convene in regular session each year on the third Monday in January and conforming terms of legislators to that date."

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

* Section 1. AS 24.05.080 is amended to read:

Sec. 24.05.080. TERMS. The term of each member of the legislature begins on the [SECOND MONDAY IN JANUARY FOLLOWING A PRESIDENTIAL ELECTION YEAR; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION YEAR, THE TERM OF EACH MEMBER BEGINS ON THE] third Monday in January. The term of representatives is two years, and the term of senators is four years. One-half of the senators shall be elected every two years.

* Sec. 2. AS 24.05.090 is amended to read:

Sec. 24.05.090. LEGISLATIVE [REGULAR] SESSIONS. The legislature shall convene at the capital each year on the third [SECOND] Monday in January at 11:00 [10:00] a.m. Each [; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION YEAR THE LEGISLATURE

SHALL CONVENE ON THE THIRD MONDAY IN JANUARY AT 10:00 A.M. EXCEPT AS PROVIDED IN THIS SECTION, EACH] legislature shall have a duration of two years and shall consist of a "First Regular Session" **that** [WHICH] shall meet in the odd-numbered years and a "Second Regular Session" **that** [WHICH] shall meet in the even-numbered years and any special session or sessions **that** [WHICH] the governor or legislature may find necessary to call.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: HB 301

Revision Date:
Title: "An Act relating to regular sessions of the legislature."
Sponsor: House Judiciary
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component:

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director — Phone: 465-3850
Division: Administrative Services — Date: 1/23/92

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency — Date: 1/23/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

FISCAL NOTE

1

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHB 301(STA)
(H) Publish Date: 2/7/92

Revision Date:
Title: "An Act relating to regular sessions of the legislature."
Sponsor: House Judiciary
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component:

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director — Phone: 465-3850
Division: Administrative Services — Date: 1/23/92

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency — Date: 1/23/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

COMMITTEE COPY

Alaska State Legislature

House of Representatives

House Judiciary Committee

Chairman Dave Donley

State Capitol
Juneau, Alaska 99801-1182
(907) 465-4990

SPONSOR STATEMENT

FOR

CSHB 301 (JUD), "An Act relating to terms of legislators and providing that the legislature shall convene in regular session each year on the third Monday in January."

CSHB 301 (JUD), introduced by the House Judiciary Committee, changes the time for the convening of the legislature from the second to the third Monday of January at 11:00 a.m. The bill repeals the third Monday convening date following a gubernatorial election as unnecessary. Finally the bill conforms the terms of members of the legislature to the new starting date.

The state constitution originally set the beginning of the legislative session for the fourth Monday of January. As the legislative sessions grew longer and began to impinge on the fishing seasons, the date was moved back by statute to the third Monday in January in gubernatorial election years and the second Monday in other years. However, the session limit of 120 days has removed conflicts between the session and the fishing season.

On the other hand, there are definite difficulties with the current schedule. Those who have to travel to Juneau have to take care of their packing and travel arrangements on the heels of the holiday season. It means that those who are driving to the capitol must do so in the harshest winter weather. And finally, the present starting date means that we are here an extra two weeks before we receive the March revenue forecasts which are so crucial in shaping the budget.

This bill stands for the proposition that a date closer to the one set by the drafters of our constitution remains the best date for beginning legislative sessions.

DD/hk

DD

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 7, 1992 FURTHER REFERRALS: Rules

Date of Committee Action: 2-21-92

The JUDICIARY Committee considered: HB 301

HOUSE BILL NO. 301 REGULAR LEGISLATIVE SESSIONS

"An Act relating to regular sessions of the legislature."

RECOMMENDATIONS: [ ] the same title
be replaced with CSHB 301 (JUD) [X] a new title

[ ] have attached amendments(s)
[√] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal impact _____

[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____

[ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Dave Donley		Terry Martin		✓	
[illegible]	—	Mark Hanley		X	
[illegible]	✓				
Gloria Pat Parnell					

Dave Donley
CHAIRMAN'S SIGNATURE

(7)

HOUSE COMMITTEE REPORT

Date Referred: April 26, 1991

FURTHER REFERRALS: Judiciary
Rules

Date of Committee Action: 2/5/92

The STATE AFFAIRS Committee considered: HB 301

HOUSE BILL NO. 301

REGULAR LEGISLATIVE SESSIONS

"An Act relating to regular sessions of the legislature."

RECOMMENDATIONS: [✓] the same title
be replaced with CSHB 301 (STA) [ ] a new title
[ ] have attached amendments(s)
[✓] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal impact _____

[X] zero fiscal note LAA

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____

[ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eugene H. Kubina	E	Tom Moyer		✓	
[illegible]	—	Jamy Baker		✓	
Max E. Greenberg II	✓	Fred Miller	✓		

Eugene H. Kubina
CHAIRMAN'S SIGNATURE

Representative Loren Leman

Alaska State Legislature

Anchorage Alaska

P O Box V
Juneau, Alaska 99
465-2095

M E M O R A N D U M

TO: Representative Dave Donley

FROM: Representative Loren Leman

SUBJECT: Starting Day for Legislative Session

DATE: April 16, 1991

Thank you for your inquiry regarding my opinions about the appropriate starting day for the legislative session.

I agree that a later starting date reduces some of the conflicts with the Christmas and New Year's post-holiday" syndrome. However, establishing the starting date as the fourth Monday of January causes even greater conflicts with seasonal employment if the legislative session lasts the full 121 days.

I suggest that the fourth Monday in January is an appropriate starting date only if the legislative session length can be reduced to 90 days. HJR 6, which I introduced earlier this session, proposes this reduction. If the session length is not reduced, I prefer to leave the starting dates as they are now, with a possible revision that the starting day be the third Monday in January (following non-gubernatorial years) if the first day in January is a Sunday or Monday.

ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln

HESS Committee, Co-Chair
Resources Committee, Vice-Chair

Budget Subcommittees
Health and Social Services
Revenue

P.O. Box V
Juneau, Alaska 99811

Phone: (907) 465-3732
FAX: (907) 465-2652

Alatna
Allakaket
Aniak
Anvik
Arctic Village
Beaver
Bettles
Birch Creek
Chalkyitsik
Chuathbaluk
Crooked Creek
Evansville
Fort Yukon
Galena
Grayling
Holy Cross
Hughes
Huslia
Kaltag
Koyukuk
Lake Minchumina
Lime Village
Lower Kalskag
Manley Hot Springs
Marshall
McGrath
Minto
Mountain Village
Nikolai
Nulato
Pilot Station
Pitkas Point
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Sleetmute
St. Mary's
Stevens Village
Stony River
Takotna
Tanana
Telida
Tuluksak
Tyonek
Venetie
Wiseman

M E M O R A N D U M

TO: Representative Dave Donley, Chair
House Judiciary Committee

FROM: Representative Georgianna Lincoln
House District 24

DATE: February 3, 1992

RE: HB 301

****

I polled my staff in regards to HB 301, with the result being an overwhelming support for a later start date for the very reasons you stated in your memo dated January 16, 1992. Since I am "driven" by my wonderful staff, my vote too is a later start date.

Thank you for allowing <u>all</u> to have a say in this important suggested change.

STATE OF ALASKA — FISCAL NOTE — Version: 2dCSHB 18(2dHES)

1992 LEGISLATIVE SESSION — Publish Date: 3-13-92

Revision Date. — Department Affected: Commerce & Economic Development

Title: An Act relating to professional licencing and amending Alaska Rule of Evidence 504(a)(3);... — BRU: Occupational Licensing

Component: Administration

Sponsor: Reps. Grussendorf, et al

Requestor: House HES — COMPONENT SERIAL NO. 0356

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	3.8	3.8	3.8	3.8	3.8	3.8
TRAVEL	9.8	9.8	7.4	7.4	7.4	7.4
CONTRACTUAL	10.9	10.9	10.9	10.9	10.9	10.9
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	25.5	25.5	23.1	23.1	23.1	23.1
CAPITAL						
REVENUE	51.0		46.2		46.2	

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - GF/PR	25.5	25.5	23.1	23.1	23.1	23.1
TOTAL	25.5	25.5	23.1	23.1	23.1	23.1

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

2d CSHB 18(2d HES) establishes a five-member Board of Marital and Family Therapy for one year to establish examination, training and education requirements for entry into the profession, and to license qualified individuals. The bill also extends the Board of Psychology and Psychological Associates for one year and amends AS 08.86.162.

Prepared By: Jennifer Strickler — Phone: 465-2144

Division: Occupational Licensing — Date: 03/11/92

Approved by Commissioner: Glenn A. Olds

Agency: Commerce & Economic Development — Date: 3/11/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Rev 10/90 COMMITTEE COPY

This fiscal note represents the cost of licensing marital and family therapists with a five-member board, and based on an estimated 40 practitioners who would seek and qualify for licensure. Program costs are based on the number of licensees and statutory requirements in the bill. The following is an explanation of program-related costs:

PERSONAL SERVICES $ 3.8

To provide administrative staff support.

TRAVEL $ 9.8

In FY 93, this funding will provide two face-to-face meetings, one in Anchorage and one in Juneau, assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting. This funding will also provide for administration of licensing examinations in various locations.

(This cost is lower than the amount shown on previous fiscal notes as a result of changes in State per diem policies, mainly that travellers are now entitled only to a prorated per diem on the first and last day of travel.)

Because of the newness of the licensing program, the FY 94 funding continues to provide for two board meetings if needeed and travel to administer licensing examinations.

In FY 95 forward, the licensing program will have been in operation for two years, and therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to one meeting each year. This funding will also provide travel to administer the licensing examination in various locations. ($7.4)

CONTRACTUAL $ 10.9

This funding provides for printing, advertising, postage and communication costs.

SUPPLIES $ 1.0

Funding will provide standard office supplies.

Grand Total: $ 25.5

COMMITTEE COPY

no. 3
2d CSHB 18 (2d Hes)

Since the estimated number of practitioners are small (40 individuals), licensing fees will be high if this program is expected to entirely fund its activities with general fund/program receipts. The division will work with supporters of the program to ensure licensing fees support entire costs of this program. Licenses are issued for a two-year period and therefore, revenues are shown every other year. Because of the staggered renewal cycle of all licensing programs, costs incurred in a non-renewal year will be covered by occupations renewing in that year. Likewise, revenues generated by this program during a renewal year will do the same for other licensing programs not renewing that year. The main objective is to ensure that fees collected from this program is sufficient to cover the average program costs.

AS 08.01.065(c), Fees established by regulation provide that the "department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee."

COMMITTEE COPY

FISCAL NOTE No. 1

Bill Version: CSHB 18(HES)

(H) Publish Date: 2/20/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: February 6, 1991 Department Affected: Commerce & Economic Dvlp.

Title: Regulating the practice of marital and family therapy;.... BRU: Occupational Licensing

Componen.: Administration

Sponsor: Reps. Gruenberg and Cerney

Requestor: House HESS COMPONENT SERIAL NO. 0 3 5 6

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	3.6	3.6	3.6	3.6	3.6	3.6
TRAVEL	19.7	16.5	11.6	11.6	11.6	11.6
CONTRACTUAL	10.7	10.7	10.7	10.7	10.7	10.7
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	35.0	31.8	26.9	26.9	26.9	26.9
CAPITAL	0	0	0	0	0	0
REVENUE	24.0	0	24.0	0	24.0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	11.0	31.8	2.9	26.9	2.9	26.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER GF/PR	24.0	0	24.0	0	24.0	0
TOTAL	35.0	31.8	26.9	26.9	26.9	26.9

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) HB 18 establishes a five-member Board of Marital and Family Therapy to establish examination, training and education requirements for entry into the profession, and to issue licenses to qualified individuals. Information on file indicates there are approximately 40 practitioners who would be affected by this legislation upon passage.

Prepared By: Barbara Gabler, Licensing Supervisor Phone: 465-3262

Division: Occupational Licensing Date: February 6, 1991

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: February 6, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Rev 10/90

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of 40 practitioners who would seek and qualify for licensure. Costs of the program are projected based on the number of licensees and mandates in the bill. Therefore, costs associated with the marital and family therapy licensing program are projected as follows:

Personal Services:	$ 3.6
To provide administrative staff support.	
Travel:	$ 19.7
In FY 92, this funding will provide for four face-to-face meetings, two in Anchorage and two in Juneau, assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting.	
In FY 93, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. ($16.5)	
In FY 94 forward, the licensing program will have been in operation for two years, and therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to two meetings each year. This funding also provides for travel to administer the licensing examination in various locations. ($11.6)	
Contractual:	$ 10.7
This funding provides for printing, advertising, postage and communication costs.	
Supplies:	$ 1.0
Funding will provide standard office supplies.	
Grand Total:	$ 35.0

8843D-2

COMMITTEE COPY

REVENUE:

The revenues are based on 40 practitioners paying a licensing fee of $300 per
Because licenses are issued on a biennial cycle, revenues are doubled every ot
year. As indicated, 40 practitioners will not support a licensing program wi
five-member board unless licensees are willing to pay incredibly high annual
fees. As an alternative, the licensing program may have to be supplemented by
funds or fees from other licensing areas.

AS 08.01.065(c), Fees established by regulation provide that the "department r
establish a fee that is less than the cost of the activity for which the fee
charged if the department determines that it is not reasonable to impose the
of the activity on the applicant or licensee."

No. 2
Bill Version: CSHB 18(Fin)
(H) Publish Date: 2/19/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____ Department Affected: Commerce & Economic Development

Title: An Act regulating the practice of marital and family therapy; ... BRU: Occupational Licensing

Component: Administration

Sponsor: Reps. Greenberg, et al

Requestor: Rep. Greenberg COMPONENT S'TRIAL NO. 0 3 5 6

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	3.6	3.6	3.6	3.6	3.6	3.6
TRAVEL	19.7	16.5	11.6	11.6	11.6	11.6
CONTRACTUAL	10.7	10.7	10.7	10.7	10.7	10.7
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	35.0	31.8	26.9	26.9	26.9	26.9
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	24.0	0.0	24.0	0.0	24.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	11.0	31.8	2.9	26.9	2.9	26.9
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER - GF/PR	24.0	0.0	24.0	0.0	24.0	0.0
TOTAL	35.0	31.8	26.9	26.9	26.9	26.9

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

CSHB 18(FIN) establishes a five-member Board of Marital and Family Therapy to establish examination, training and education requirements for entry into the profession, and to issue licenses to qualified individuals.

Prepared By: Jennifer Steichen Phone: 465-2544

Division: Occupational Licensing Date: 02/18/92

Approved by Commissioner: Glenn A. Olds

Agency: Commerce & Economic Development Date: 2.18.92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Rev 10/90

CONTINUATION OF FISCAL NOTE ANALYSIS - CSHB 18(FIN)

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of 40 practitioners who would seek and qualify for licensure. Costs of the program are projected based on the number of licensees and mandates in the bill. Therefore, costs associated with the marital and family therapy licensing program are projected as follows:

PERSONAL SERVICES $ 3.6

To provide administrative staff support.

TRAVEL $ 19.7

In FY 93, this funding will provide for four face-to-face meetings, two in Anchorage and two in Juneau, assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting.

In FY 94, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. ($16.5)

In FY 95 forward, the licensing program will have been in operation for two years, and therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to two meetings each year. This funding also provides for travel to administer the licensing examination in various locations. ($11.6)

CONTRACTUAL $ 10.7

This funding provides for printing, advertising, postage and communication costs.

SUPPLIES $ 1.0

Funding will provide standard office supplies.

Grand Total: $ 35.0

REVENUE

The revenues are based on 40 practitioners paying a licensing fee of $600 for a two-year license. Because licenses are issued on a biennial cycle, revenues are doubled every other year. As indicated, 40 practitioners will not support a licensing program with a five-member board unless licensees are willing to pay incredibly high licensing fees. As an alternative, the licensing program may have to be supplemented by general funds or fees from other licensing areas.

AS 08.01.065(c), Fees established by regulation provide that the "department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee."

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

DATE: April 27, 1992

TO: Members of the House

FROM: Representative Max Gruenberg

RE: Support for 2d CSHB 18 (Rules), "The of Licensing of Marital and Family Therapists Bill."

I would very much appreciate your support for 2d CSHB 18 (Rules), "The Licensing of Marital and Family Therapists Bill".

2d CSHB 18 (Rules) will protect the public by providing standards and regulation for those who wish to become licensed marital and family therapy practitioners in this state.

The Marital and Family provisions in this new draft of HB 18 are exactly the same as the version of SB 40 which passed the legislature and was vetoed last year, except that under this bill the Board of Marital and Family Therapists has been given a one year sunset date.

The House Hess Committee amended the bill to extend the Board of Psychologists for one year. The title of the bill has been broadened, and the House Rules added a provision to delete an impractical requirement in the acupuncturist licence renewal statutes.

The primary purpose for moving this new draft is to provide a vehicle for marital and family therapists to become licensed regardless of what is finally worked out regarding the extension or merger of other behavioral science boards.

If you have any questions, please call me or my Legislative Assistant, Mark Handley, at 465-4968.

Thank you very much.

HB18.SUP\MTH

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

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465-4968/4986
(SESSION)

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M E M O R A N D U M

TO: Representative Max Gruenberg

FROM: Mark Handley

DATE: April 24, 1992

RE: Sectional Analysis of CSHB 18 (Rules), "An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

Following is a sectional analysis of 2d CSHB 18 (Rules):

Sec. 1. Amends the acupuncturist renewal of licence statues to delete the requirement that applicants be certified by the National Council for Certification of Acupuncturists.

Sec. 2. Article 1 establishes the Board of Marital and Family Therapy and sets out its powers and duties.

Article 2 describes the various types of licenses that can be issued by the board and sets out the requirements that must be met for each type of license.

Article 3 contains general provisions relating to fees, confidentiality of communications, and imposition of disciplinary sanctions. It also provides that, unless a person is licensed by the board, the person may not hold himself of herself out to be a licensed marital and family therapist. The bill does not require a person to be licensed in order to practice in the profession.

Sec. 3. Adds the Board of Marital and Family Therapists to the list of boards in AS 08.01.010, which controls the applicability of the central licensing chapter.

Sec. 4. Adds licensed marital and family therapists to the listing in AS 8.02.010, which provides for professional designation requirements.

Sec. 5. Extends the Board of Psychologists until June 30 1993.

Sec. 6. Adds the Board of Marital and Family Therapists to the list of boards in AS 08.03.010, sunsetting it in 1993.

Sec. 7. Increases the graduate credit hour equivalency requirement for psychological associates from 24 to 48 hours.

Sec. 8. Adds the Board of Marital and Family Therapists to the list of agencies governed by the Administrative Procedure Act.

Sec. 9. Adds licensed marital and family therapists to the list of persons required to report suspected child abuse.

Sec. 10. Adds licensed marital and family therapists to the list of persons required to report suspected elder abuse.

Sec. 11. Adds licensed marital and family therapists to the list of persons required to report suspected abuse of a disabled adult.

Sec. 12. Adds communications between a patient and a marital and family therapist to the privileged communications excluded under Evidence rule 504(a)(3).

Sec. 13. Provides for initial appointees to the Board of Marital and Family Therapists.

Sec. 14. The Board of Marital and Family Therapists "Grandfather" provision.

Sec. 15. Exempts this bill from the requirements of a statute relating to legislation regarding occupational boards.

Sec. 16. Provides for an immediate effective date for the sections of the bill that relate to the Board of Psychologists.

HB18SEC.LEG\MTH

AMENDMENT

OFFERED IN THE HOUSE

TO: 2d CSHB 18(2d HES)

Page 1, following line 3:

Insert a new bill section to read:

"* Section 1. AS 08.06.040 is amended to read:

Sec. 08.06.040. RENEWAL OF LICENSE. The department may not renew a license under this chapter unless the applicant

[(1)] demonstrates continued competence as an acupuncturist in a manner established by the department in regulations [; AND

(2) SUBMITS PROOF THAT THE APPLICANT MAINTAINS CERTIFICATION BY THE NATIONAL COUNCIL FOR THE CERTIFICATION OF ACUPUNCTURISTS AS A DIPLOMATE OF ACUPUNCTURE]."

Page 1, line 4:

Delete "* Section 1."

Insert "* Sec. 2."

Renumber the following bill sections accordingly.

Page 11, line 11:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 12:

Delete "sec. 11"

Insert "sec. 12"

Page 11, line 15:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 17:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 21:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 29:

Delete "sec. 1"

Insert "sec. 2"

Page 12, line 4:

Delete "4, 6, and 14"

Insert "5, 7, and 15"

7-LS0268\P
Luckhaupt
3/5/92

2d CS FOR HOUSE BILL NO. 18 (2d)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, M.A.Miller, Carney, B.Davis

A BILL

FOR AN ACT ENTITLED

"An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3)."

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

* Section 1. AS 08 is amended by adding a new chapter to read:

CHAPTER 63. MARITAL AND FAMILY THERAPY.

ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

Sec. 08.63.010. BOARD ESTABLISHED. (a) There is established the Board of Marital and Family Therapy.

(b) The board consists of three persons licensed under this chapter and two members of the public.

Sec. 08.63.020. BOARD APPOINTMENTS. The governor shall appoint the members of the board subject to confirmation by the legislature.

Sec. 08.63.030. MEETINGS. The board shall hold an annual meeting and may hold special meetings at the call of the chair or a majority of the board members.

New Text Underlined [DELETED TEXT BRACKETED]

Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may only remove a member of the board for good cause.

Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall

(1) establish objective examination requirements and training and education requirements for persons who apply for a license to practice martial and family therapy;

(2) examine applicants and issue licenses to qualified applicants;

(3) establish continuing education requirements for license renewal;

(4) adopt a code of ethical practice for marital and family therapy;

(5) hold hearings and order the disciplinary sanction of a person who violates this chapter or a regulation of the board;

(6) ensure that licensees are aware of the requirements of AS 47.17.020;

(7) establish standards for supervisors and supervision under this chapter;

(8) report annually to the governor and the department on the board's proceedings each year; the report must include the number of licensure applicants, the number of examinations conducted, the failure rate for each examination, a financial report, and other information requested by the department;

(9) enforce the provisions of this chapter and adopt regulations necessary to carry out its duties under this chapter.

Sec. 08.63.060. PROCEDURES. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter.

ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a) The board shall issue a license to practice marital and family therapy to a person who

(1) applies on a form provided by the board;

(2) pays the fee established under AS 08.01.065;

(3) furnishes evidence satisfactory to the board that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210;

(B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction

substantially equivalent to the following:

(i) three courses or nine semester or 12 quarter hours of course work in marital and family therapy;

(ii) three courses or nine semester or 12 quarter hours of course work in marital and family studies;

(iii) three courses or nine semester or 12 quarter hours of course work in human development;

(iv) one course or three semester or four quarter hours of course work in professional studies or professional ethics and law;

(v) one course or three semester or four quarter hours of course work in research; and

(vi) one year of supervised clinical practice in marital and family therapy;

(C) after receiving a degree described in (B) of this paragraph, has

(i) practiced marital and family therapy within three years of the person's application, including 1,500 hours of direct clinical contact with couples and families; and

(ii) been supervised in the clinical contact for at least 200 hours, including 100 hours of individual supervision and 100 hours of group supervision approved by the board;

(D) has received training related to domestic violence; and

(E) has passed a written or oral examination administered by the board.

(b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of degree study did not include all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section.

(c) An applicant who fails an examination given under this section may not retake the examination for a period of six months from the date of the examination that the applicant failed.

(d) A license issued under this section shall be renewed biennially by the applicant on

a date set by the department and approved by the board. It shall be renewed by payment of the fee established under AS 08.01.065 and by satisfaction of the continuing education requirements established by the board for the renewal of licenses issued under this section.

Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board shall issue a four-year license for the supervised practice of marital and family therapy to a person who meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A) - (B).

(b) A licensee under this section may practice only

(1) under the direct supervision of a supervisor approved by the board under AS 08.63.120; and

(2) in a clinic, social service agency, or other setting approved by the board.

(c) A license for supervised practice expires four years from the date of issuance and may not be renewed.

(d) A licensee under this section shall submit to the board for its approval a proposed plan for satisfying the supervision requirements of AS 08.63.100(a)(3)(C).

(e) A licensee under this section shall use the title "marital therapy associate," "family therapy associate," or other title that is approved by the board.

(f) The board shall revoke a license for supervised practice if the person fails the examination required under AS 08.63.100 two or more times.

Sec. 08.63.120. AUTHORIZED SUPERVISORS. (a) A person may not supervise a person under this chapter unless approved by the board to be a supervisor.

(b) A person who supervises a licensee under this section must

(1) have practiced marital and family therapy for five years;

(2) be licensed under this chapter; and

(3) meet the minimum standards established by the board for approved supervisors.

Sec. 08.63.130. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL AND FAMILY THERAPY. (a) The board shall issue a temporary license for the practice of marital and family therapy to an applicant who satisfies the requirements of AS 08.63.100(a)(1), (2) and (3)(A), (B), and (C) and has been approved by the board to take the marital and family therapy examination.

(b) A person may practice under a temporary license until the board issues the results

of the first marital and family therapy examination given after issuance of the person's temporary license and either issues or denies a license under AS 08.63.100 to the person.

(c) If a licensee under this section fails the marital and family therapy examination, the board may not renew the person's temporary license.

Sec. 08.63.140. LICENSURE BY CREDENTIALS. The board shall issue a license to practice marital and family therapy to a person who

(1) is licensed or certified for the practice of marital and family therapy in another state that has requirements for the license or certificate that are substantially equal to or greater than the requirements of this state; and

(2) meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A).

ARTICLE 3. GENERAL PROVISIONS.

Sec. 08.63.200. CONFIDENTIALITY OF COMMUNICATION. (a) A person licensed under this chapter may not reveal to another person a communication made to the licensee by a client about a matter concerning which the client has employed the licensee in a professional capacity. This section does not apply to

(1) a case conference or case consultation with other mental health professionals at which the patient is not identified;

(2) the release of information that the client in writing authorized the licensee to reveal;

(3) information released to the board as part of a disciplinary or other proceeding; or

(4) situations where the rules of evidence applicable to the psychotherapist-patient privilege allow the release of the information.

(b) Notwithstanding (a) of this section, a person licensed under this chapter shall report incidents of

(1) child abuse or neglect as required by AS 47.17;

(2) harm or assaults suffered by an elderly person or disabled adult as required by AS 47.24.

(c) Information obtained by the board under (a)(3) of this section is confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter when the board finds that the person

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or of another crime that affects the person's ability to practice competently and safely;

(5) failed to comply with a provision of this chapter or a regulation adopted under this chapter, or an order of the board;

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or another drug that impairs the person's ability to practice safely;

(7) engaged in unethical conduct in connection with the delivery of professional services to clients.

Sec. 08.63.220. LICENSE REQUIRED IF DESIGNATION USED. A person who is not licensed under this chapter or whose license is suspended or revoked, or whose license has lapsed, who knowingly uses in connection with the person's name the words or letters "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and Family Counselor," or other letters, words, or insignia indicating or implying that the person is licensed as a marital and family therapist by this state or who in any way, orally or in writing, directly or by implication, knowingly holds out as being licensed by the state as a marital and family therapist in this state is guilty of a class B misdemeanor.

Sec. 08.63.900. DEFINITIONS. In this chapter, unless the context indicates otherwise,

(1) "advertise" includes issuing or causing to be distributed a card, sign or device to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure, or in a newspaper, magazine, or directory, or on radio or television, or using other means designed to secure public attention;

(2) "board" means the Board of Marital and Family Therapy;

(3) "course" means a class of at least three credit hours in a graduate program at

an accredited educational institution or an institution approved by the board;

(4) "department" means the Department of Commerce and Economic Development;

(5) "practice of marital and family therapy" means the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy, whether cognitive, affective, or behavioral, within the context of human relationships, particularly marital and family systems; marital and family therapy involves

(A) the professional application of assessments and treatments of psychotherapeutic services to individuals, couples, and families for the purpose of treating the diagnosed emotional and mental disorders;

(B) an applied understanding of the dynamics of marital and family interactions, along with the application of psychotherapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships and family life;

(6) "supervision" means face-to-face consultation, direction, review, evaluation, and assessment of the practice of the person being supervised, including direct observation and the review of case presentations, audio tapes, and video tapes.

* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

(33) Board of Marital and Family Therapy (AS 08.63.010).

* Sec. 3. AS 08.02.010(a) is amended to read:

(a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name which represents that person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,

tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

* Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

(23) Board of Marital and Family Therapy (AS 08.63.010) -- June 30, 1993.

* Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

(57) Board of Marital and Family Therapy (AS 08.63.010).

* Sec. 6. AS 47.17.290(13) is amended to read:

(13) "practitioner of the healing arts" includes chiropractors, mental health counselors, dental hygienists, dentists, health aides, nurses, nurse practitioners, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, **marital and family therapists licensed under AS 08.63,** religious healing practitioners, acupuncturists, and surgeons;

* Sec. 7. AS 47.24.010(a) is amended to read:

(a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours after first having cause for the belief, report the harm to the Department of Health and Social Services:

(1) a physician or other licensed health care provider;

(2) a mental health professional as defined in AS 47.30.915(11) **and including a marital and family therapist licensed under AS 08.63**;

(3) a pharmacist;

(4) an administrator of a nursing home, residential care or health care facility;

(5) a guardian or conservator;

(6) a police officer;

(7) a village public safety officer;

(8) a village health aide;

(9) a social worker;

(10) a member of the clergy;

(11) a staff employee of a project funded by the Older Alaskans Commission;

(12) an employee of a homemaker program or home health aide program;

(13) an emergency medical technician or a paramedic in the mobile intensive care program.

* Sec. 8. AS 47.24.110(a) is amended to read:

(a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 - 11.41.230 or sexual assault under AS 11.41.410 - 11.41.420, and that the disabled adult is unable to report the crime, shall promptly report the crime to the nearest law enforcement agency:

(1) a physician or other licensed health care provider;

(2) a mental health professional as defined in AS 47.30.915 **and including a marital and family therapist licensed under AS 08.63**;

(3) a pharmacist;

(4) an administrator or employee of a nursing home, residential care, or health care facility;

(5) a caretaker of the disabled adult;

(6) a guardian or conservator of the disabled adult;

(7) a police officer as defined in AS 18.65.290;

(8) a village public safety officer;

(9) a village health aide;

(10) a social worker;

(11) a member of the clergy;

(12) a staff employee of a program or project serving disabled adults;

(13) a licensed foster care provider;

(14) a paid employee of a domestic violence and sexual assault program or a crisis intervention and prevention program as defined in AS 18.66.900;

(15) an employee of a homemaker program or home health aide program;

(16) an emergency medical technician or paramedic in the mobile intensive care program.

* Sec. 9. Alaska Rule of Evidence 504(a) is amended to read:

(a) DEFINITIONS. As used in this rule:

(1) A patient is a person who consults or is examined or interviewed by a physician or psychotherapist.

(2) A physician is a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be.

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, [OR] (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged, or (C) a person licensed as a marital or family therapist under the laws of a state or nation or reasonably believed by the patient to so be, while similarly engaged.

(4) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

* Sec. 10. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license under sec. 11 of this Act. The Board of Marital and Family Therapy shall issue a license to practice marital and family therapy to the professional members appointed under this section.

(b) A license issued under this section is subject to the same renewal requirements as a license issued under AS 08.63.100, added by sec. 1 of this Act.

(c) The initial appointments to the board shall be staggered as provided in AS 39.05.055.

* Sec. 11. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100, added by sec. 1 of this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family therapy to a person who

(1) applies for a license before July 1, 1993;

(2) satisfies the requirements of AS 08.63.100(a)(1) - (3)(A), added by sec. 1 of this Act;

(3) holds a master's or doctorate degree from an accredited educational institution either in

(A) marital and family therapy or another mental health field; or

(B) an appropriate course of study approved by the board; and

(4) has practiced marital and family therapy in the state for at least two years preceding application.

(b) A license under this section is subject to the same renewal requirements as a license issued under AS 08.63.100, added by sec. 1 of this Act.

(c) The Board of Marital and Family Therapy shall liberally construe the requirements of (a) of this section for the purposes of licensing as a marital and family therapy professional every person who merits licensing by virtue of the person's education, training, and experience in the field of marital and family therapy.

7-LS0268\J
Luckhaupt
4/15/91

CS FOR HOUSE BILL NO. 18 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, M.A.Miller, Carney

A BILL

FOR AN ACT ENTITLED

"An Act regulating the practice of marital and family therapy; and amending Alaska Rule of Evidence 504(a)(3)."

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

* Section 1. AS 08 is amended by adding a new chapter to read:

CHAPTER 63. MARITAL AND FAMIL' THERAPY.

ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

Sec. 08.63.010. BOARD ESTABLISHED. (a) There is established the Board of Marital and Family Therapy.

(b) The board consists of three persons licensed under this chapter and two members of the public.

Sec. 08.63.020. BOARD APPOINTMENTS. The governor shall appoint the members of the board subject to confirmation by the legislature.

Sec. 08.63.030. MEETINGS. The board shall hold an annual meeting and may hold special meetings at the call of the chair or a majority of the board members.

New Text Underlined [DELETED TEXT BRACKETED]

Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may only remove a member of the board for good cause.

Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall

(1) establish objective examination requirements and training and education requirements for persons who apply for a license to practice martial and family therapy;

(2) examine applicants and issue licenses to qualified applicants;

(3) establish continuing education requirements for license renewal;

(4) adopt a code of ethical practice for marital and family therapy;

(5) hold hearings and order the disciplinary sanction of a person who violates this chapter or a regulation of the board;

(6) ensure that licensees are aware of the requirements of AS 47.17.020;

(7) establish standards for supervisors and supervision under this chapter;

(8) report annually to the governor and the department on the board's proceedings each year; the report must include the number of licensure applicants, the number of examinations conducted, the failure rate for each examination, a financial report, and other information requested by the department;

(9) enforce the provisions of this chapter and adopt regulations necessary to carry out its duties under this chapter.

Sec. 08.63.060. PROCEDURES. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter.

ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a) The board shall issue a license to practice marital and family therapy to a person who

(1) applies on a form provided by the board;

(2) pays the fee established under AS 08.01.065;

(3) furnishes evidence satisfactory to the board that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210;

(B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction

substantially equivalent to the following:

(i) courses in marital and family therapy;

(ii) courses in marital and family studies;

(iii) courses in human development;

(iv) a course in professional studies or professional ethics and law;

(v) a course in research; and

(vi) one year of supervised clinical practice in marital and family therapy;

(C) after receiving a degree described in (B) of this paragraph, has

(i) practiced marital and family therapy within three years of the person's application, including 1,500 hours of direct clinical contact with couples and families; and

(ii) been supervised in the clinical contact for at least 200 hours, including 100 hours of individual supervision and 100 hours of group supervision approved by the board;

(D) has received training related to domestic violence; and

(E) has passed a written or oral examination administered by the board.

(b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of degree study did not include all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section.

(c) An applicant who fails an examination given under this section may not retake the examination for a period of six months from the date of the examination that the applicant failed.

(d) A license issued under this section shall be renewed biennially by the applicant on a date set by the department and approved by the board. It shall be renewed by payment of the fee established under AS 08.01.065 and by satisfaction of the continuing education requirements established by the board for the renewal of licenses issued under this section.

Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board shall issue a four-year license for the supervised practice of marital and family therapy to a person who

meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A) - (B).

(b) A licensee under this section may practice only

(1) under the direct supervision of a supervisor approved by the board under AS 08.63.120; and

(2) in a clinic, social service agency, or other setting approved by the board.

(c) A license for supervised practice expires four years from the date of issuance and may not be renewed.

(d) A licensee under this section shall submit to the board for its approval a proposed plan for satisfying the supervision requirements of AS 08.63.100(a)(3)(C).

(e) A licensee under this section shall use the title "marital therapy associate," "family therapy associate," or other title that is approved by the board.

(f) The board shall revoke a license for supervised practice if the person fails the examination required under AS 08.63.100 two or more times.

Sec. 08.63.120. AUTHORIZED SUPERVISORS. (a) A person may not supervise a person under this chapter unless approved by the board to be a supervisor.

(b) A person who supervises a licensee under this section must

(1) have practiced marital and family therapy for five years;

(2) be licensed under this chapter; and

(3) meet the minimum standards established by the board for approved supervisors.

Sec. 08.63.130. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL AND FAMILY THERAPY. (a) The board shall issue a temporary license for the practice of marital and family therapy to an applicant who satisfies the requirements of AS 08.63.100(a)(1), (2) and (3)(A), (B), and (C) and has been approved by the board to take the marital and family therapy examination.

(b) A person may practice under a temporary license until the board issues the results of the first marital and family therapy examination given after issuance of the person's temporary license and either issues or denies a license under AS 08.63.100 to the person.

(c) If a licensee under this section fails the marital and family therapy examination, the board may not renew the person's temporary license.

Sec. 08.63.140. LICENSURE BY CREDENTIALS. The board shall issue a license to

practice marital and family therapy to a person who

(1) is licensed or certified for the practice of marital and family therapy in another state that has requirements for the license or certificate that are substantially equal to or greater than the requirements of this state; and

(2) meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A).

ARTICLE 3. GENERAL PROVISIONS.

Sec. 08.63.200. CONFIDENTIALITY OF COMMUNICATION. (a) A person licensed under this chapter may not reveal to another person a communication made to the licensee by a client about a matter concerning which the client has employed the licensee in a professional capacity. This section does not apply to

(1) a case conference or case consultation with other mental health professionals at which the patient is not identified;

(2) the release of information that the client in writing authorized the licensee to reveal;

(3) information released to the board as part of a disciplinary or other proceeding; or

(4) situations where the rules of evidence applicable to the psychotherapist-patient privilege allow the release of the information.

(b) Notwithstanding (a) of this section, a person licensed under this chapter shall report incidents of child abuse or neglect as required by AS 47.17.

(c) Information obtained by the board under (a)(3) of this section is confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS. After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter when the board finds that the person

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or of another crime that affects the person's ability to practice competently and safely,

(5) failed to comply with a provision of this chapter or a regulation adopted under this chapter, or an order of the board;

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or another drug that impairs the person's ability to practice safely;

(7) engaged in unethical conduct in connection with the delivery of professional services to clients.

Sec. 08.63.220. LICENSE REQUIRED IF DESIGNATION USED. A person who is not licensed under this chapter or whose license is suspended or revoked, or whose license has lapsed, who knowingly uses in connection with the person's name the words or letters "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and Family Counselor," or other letters, words, or insignia indicating or implying that the person is licensed as a marital and family therapist by this state or who in any way, orally or in writing, directly or by implication, knowingly holds out as being licensed by the state as a marital and family therapist in this state is guilty of a class B misdemeanor.

Sec. 08.63.900. DEFINITIONS. In this chapter, unless the context indicates otherwise,

(1) "advertise" includes issuing or causing to be distributed a card, sign or device to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure, or in a newspaper, magazine, or directory, or on radio or television, or using other means designed to secure public attention;

(2) "board" means the Board of Marital and Family Therapy;

(3) "course" means a class of at least three credit hours in a graduate program at an accredited educational institution or an institution approved by the board;

(4) "department" means the Department of Commerce and Economic Development;

(5) "practice of marital and family therapy" means the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy, whether cognitive, affective, or behavioral, within the context of human relationships, particularly marital and family systems; marital and family therapy involves

(A) the professional application of assessments and treatments of

psychotherapeutic services to individuals, couples, and families for the purpose of treating the diagnosed emotional and mental disorders;

(B) an applied understanding of the dynamics of marital and family interactions, along with the application of psychotherapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships and family life;

(6) "supervision" means face-to-face consultation, direction, review, evaluation, and assessment of the practice of the person being supervised, including direct observation and the review of case presentations, audio tapes, and video tapes.

* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

(33) Board of Marital and Family Therapy (AS 08.63.010).

* Sec. 3. AS 08.02.010(a) is amended to read:

(a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name which represents that person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

* Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

(25) Board of Marital and Family Therapy (AS 08.63.010) -- June 30, 1994.

* Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

(57) Board of Marital and Family Therapy (AS 08.63.010).

* Sec. 6. AS 47.17.290(13) is amended to read:

(13) "practitioner of the healing arts" includes chiropractors, mental health counselors, dental hygienists, dentists, health aides, nurses, nurse practitioners, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;

* Sec. 7. Alaska Rule of Evidence 504(a) is amended to read:

(a) DEFINITIONS. As used in this rule:

(1) A patient is a person who consults or is examined or interviewed by a physician or psychotherapist.

(2) A physician is a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be.

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, [OR] (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged, or (C) a person licensed as a marital or family therapist under the laws of a state or nation or reasonably believed by the patient to so be, while similarly engaged.

(4) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

* Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license under sec. 9 of this Act. The Board of Marital and Family Therapy shall issue a license to practice

marital and family therapy to the professional members appointed under this section.

(b) A license issued under this section is subject to the same renewal requirements as a license issued under AS 08.63.100, added by sec. 1 of this Act.

(c) The initial appointments to the board shall be staggered as provided in AS 39.05.055.

* Sec. 9. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100, added by sec. 1 of this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family therapy to a person who

(1) applies for a license before July 1, 1992;

(2) satisfies the requirements of AS 08.63.100(a)(1) - (3)(A), added by sec. 1 of this Act;

(3) holds a master's or doctorate degree from an accredited educational institution either in

(A) marital and family therapy or another mental health field as defined in AS 08.63.100(b); or

(B) an appropriate course of study approved by the board; and

(4) has practiced marital and family therapy in the state for at least two years preceding application.

(b) A license under this section is subject to the same renewal requirements as a license issued under AS 08.63.100, added by sec. 1 of this Act.

(c) The Board of Marital and Family Therapy shall liberally construe the requirements of (a) of this section for the purposes of licensing as a marital and family therapy professional every person who merits licensing by virtue of the person's education, training, and experience in the field of marital and family therapy.

AMENDMENT

#1

OFFERED IN THE HOUSE FINANCE COMMITTEE BY REP. MAX GRUENBERG
4/15/91

TO: CSHB 18 (JUD)

Page 2, line 30, Insert after the words "from"

"a regionally"

Page 3, line 19, Insert after the words "from"

"a regionally accredited"

This amendment adds the term of art "regionally" to the accreditation requirements of institutions providing Masters degrees to Marital and Family therapist license applicants. This change ensures that Alaska licensees will meet national standards.

This change has the approval of the Alaska Association of Marital and Family Therapists.

AMENDMENT

#2

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY REP. MAX GRUENBERG
4/15/91

TO: CSHB 18 (JUD)

Page 2, line 30, Delete the words

"another mental health field, or the equivalent,"

Page 2, line 30, Insert before the word "from"

"or allied mental health field"

Page 3, line 19, Delete after the word "therapy,"

"another mental health field, or its equivalent "

Page 3, Line 19, Insert after the word "therapy,"

"or allied mental health field"

This amendment will ensure that licensees have at least a Masters degree. It will ensure that Alaskan licensees meet national standards.

This change is approved by the Alaskan Association of Marital and Family Therapists.

HOUSE COMMITTEE REPORT

(11)
Date Referred: March 13, 1991 FURTHER REFERRALS:

Date of Committee Action: 4.15.91

The FINANCE Committee considered: HB 18

HOUSE BILL NO. 18 MARRIAGE & FAMILY THERAPISTS

"An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

RECOMMENDATIONS:
be replaced with CS HB 18 (Fin) [ ] the same title [ ] a new title

[ ] have attached amendments(s)
[X] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact _____ [X] fiscal note(s) OLEO 2-20-91

[ ] zero fiscal note _____ [ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eileen P. Marchen	✓				
Mike Navarre					
Mark Boyer	✓				
	✓				
	✓				
	✓				
	✓				
	✓				

Mike Navarre Eileen P. Marchen
CHAIRMAN'S SIGNATURE

B

HOUSE COMMITTEE REPORT

(7)
Date Referred: January 21, 1991 FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 2-19-91

The HEALTH, EDUCATION & SOCIAL SERVICES Committee considered: HB 18

HOUSE BILL NO. 18 MARRIAGE & FAMILY THERAPISTS

"An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

RECOMMENDATIONS:
be replaced with CS HB 18 (HES)

[ ] the same title
[✓] a new title

[ ] have attached amendments(s)
[✓] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[✓] fiscal impact Commerce + Economic Dev.
[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)
[ ] fiscal note(s) _____
[ ] zero fiscal note(s) _____

SIGNING DO PASS: SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
Carney				
Mary Miller				
Mark Hanley				

CO - Chairman's Signature

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

M E M O R A N D U M

DATE: March 8, 1992

TO: Members of the House HESS Committee

FROM: Representative Max Gruenberg MAX

RE: Support for CSHB 18 (), "The of Licensing of Marital and Family Therapists Bill."

I would very much appreciate your support for CSHB 18(), "The Licensing of Marital and Family Therapists Bill".

CSHB 18() will protect the public by providing standards and regulation for those who wish to become licensed marital and family therapy practitioners in this state.

This new draft of HB 18 is exactly the same as the version of SB 40 which passed the legislature and was vetoed last year, except that the bill has being given a one year sunset date, and the title of the bill has been broadened.

The purpose of moving this new draft is to provide a vehicle for marital and family therapists to become licensed regardless of what is finally worked out regarding the extension or merger of other behavioral science boards.

If you have any questions, please call me or my Legislative Assistant, Mark Handley, at 465-4968.

Thank you very much.

HB18.SUP\MTH

Sponsor statement

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

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465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

DATE: February 18, 1992

TO: Members of the House

FROM: Representative Max Gruenberg MAX

RE: Support for CSHB 18 (Finance), "An Act relating to Licensing of Marital and Family Therapists."

I would very much appreciate your support for CSHB 18 (Finance), "An Act relating to Licensing of Marital and Family Therapists".

CSHB 18 (Finance) will protect the public by providing standards and regulation for those who wish to become licensed marital and family therapy practitioners in this state.

If you have any questions, please call me or my Legislative Assistant, Mark Handley, at 465-4968.

Thank you very much.

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
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(907) 561-7621

MEMORANDUM

TO: Representative Max Gruenberg

FROM: Mark Handley

DATE: April 16, 1991

RF Sectional Analysis of CSHB 18 (Finance), "An Act relating to the practice of marital and family therapy."

Following is a sectional analysis of CSHB 18 (Finance):

Sec. 1. Article 1 establishes the Board of Marital and Family Therapy and sets out its powers and duties.

Article 2 describes the various types of licenses that can be issued by the board and sets out the requirements that must be met for each type of license.

Article 3 contains general provisions relating to fees, confidentiality of communications, and imposition of disciplinary sanctions. It also contains the basic provision in Sec. 08.63.240 that, unless a person is licensed by the board, the person may not hold himself of herself out to be a licensed marital and family therapist. The bill does not require a person to be licensed in order to practice in the profession.

Sec. 2. Adds the new board to the list of boards in AS 08.01.010, which controls the applicability of the central licensing chapter.

Sec.3. Adds licensed marital and family therapists to the listing in AS 8.02.010, which provides for professional designation requirements.

Sec. 4. Adds the new board to the list of boards in AS 08.03.010, sunsetting it in 1994.

Sec. 5. Adds the new board to the list of agencies governed by the Administrative Procedure Act.

Sec. 6. Adds licensed marital and family therapists to the list of persons required to report suspected child abuse.

Sec. 7. Adds communications between a patient and a marital and family therapist to the privileged communications excluded under Evidence rule 504(a)(3).

Sec. 8. Provides for initial appointees to the board.

Sec. 9. "Grandfather" provision.

Department of Commerce & Economic Development / POSITION PAPER

HB 18: Proposed Amendment to AS 08.06.040

This amendment eliminates the requirement for an acupuncturist to maintain certification as a diplomate of the National Council for the Certification of Acupuncturists before renewal of their license.

Several licensees have stated difficulty in communicating with this organization. Also, they feel that they should have freedom of choice as to which trade association they join. Licensees feel it would be better for the department to develop criteria for continuing education, if it is deemed necessary.

With the short time remaining before renewal (September 30, 1992), it is doubtful the requirements can be met. This would place an undue burden on licensees who have invested time and money into establishing a practice, received initial licensure, but would not be allowed to continue practicing.

The department has also experienced difficulty in having the National Council clarify its requirements.

The department supports this amendment.

Glenn A. Olds, Commissioner

Date: 4.10.92

GAO/AB/dgl1860D
041092a

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: HR 10

Revision Date:
Department Affected: Legislative Affairs Agency
Title: Dedicating Gallery A of the Chambers... BRU: Legislative Council
to Representative Warren Arthur Taylor.
Sponsor: Representative Koponen Component: Session Expenses
Requestor: House Rules

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact. Cost of plaque will be absorbed within the existing Session Expenses budget with the approval of the Rules Chair.

Prepared By: Pamela A. Stoops, Director Phone: 465-3850
Division: Administrative Services Date: 4/14/92

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency Date: 4/14/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies)

AMENDMENT

TO: HR 10

Page 1, line 13:

Delete : "committee"
Insert: "Alaska Statehood Committee"

Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-4992

Alaska State Legislature
Representative Niilo Koponen
House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

SPONSOR STATEMENT

House Resolution No. 10

"Dedicating Gallery A of the Chambers of the Alaska House of Representatives to Representative Warren Arthur Taylor."

Warren Arthur Taylor was born in Washington in April 2, 1891, and moved to Cordova in 1907. He worked construction, before hiking north to the Kennicott copper mines, where he cut white spruce railroad trestles for the Copper River and Northwestern Railway. In the spring of 1910, Taylor left his 35 cents-an-hour Chitina job and hiked to Fairbanks -- 300 miles away -- on the rumor of construction jobs paying 50 cents an hour. When he reached his destination, the jobs were taken, so he hiked back to Chitina.

Taylor worked as an oiler/fireman on a steam locomotive, operating the huge rotary snowplow in the winter. He prospected with Anthony Dimond, later U.S. District Judge and legislator, and with Dr. Ernest Patty, the eventual third president of the University of Alaska, whom Taylor rescued after Patty slipped into a glacial crevasse. Taylor saw World War I action with the Army in France.

After the war, Taylor returned to Cordova and married Josephine Bona; son Warren W. Taylor and daughter Elizabeth K. Larson were born. Taylor studied law books borrowed from Judge Edward Medley and studied while working aboard trains. Then-Congressional delegate Anthony Dimond filed a court motion to let Taylor take the bar exam; he was admitted March 25, 1927. Taylor practiced law in Cordova and Kodiak, assisted the U.S. attorney, was a deputy marshal for two years, and district attorney in the third district.

In 1934, Taylor was elected to the territorial house as a Democrat; he served in the 11th, 17th, 19th, 22nd and 23rd Territorial Legislatures. He served in each of the first four Alaska State Legislatures, and was chosen by his colleagues to lead as speaker for the first two. Governor Ernest Gruening appointed him to a committee to advocate statehood; he served ten years. Taylor was a delegate to the Constitutional Convention, which he regarded as his most important public service, especially his role in constructing Section One of Article VII, establishing our public school system. Taylor died August 5, 1980, in Fairbanks.

Recognizing the important and lasting contributions of Warren Arthur Taylor to the State of Alaska, I propose the Seventeenth Alaska Legislature dedicate Gallery A of the House Chambers to Representative Warren Arthur Taylor, and place a bronze plaque on the door to read: "TAYLOR GALLERY, dedicated to the memory of

Warren Arthur Taylor of Fairbanks, who served with honor and distinction for nine terms as a member of the House of Representatives, having been elected as a member of five sessions of the Alaska Territorial Legislature representing at various times the Third and Fourth Divisions, and as a member of each of the first four state Legislatures representing Fairbanks; whose colleagues elected him Speaker of the House of Representatives during the First and Second Alaska Legislatures; and who, as a delegate to the Constitutional Convention, guided the formation of the state judiciary and framed the section establishing the state's public school system."

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM February 19, 1992

SUBJECT: House Resolution 10 (Work Order No. 7-LS1998D)

TO: Representative Niilo Koponen

FROM: Jack Chenoweth
Legislative Counsel

I note that the measure has been referred to the Rules Committee for calendaring.

Assuming this document stands as the House of Representatives' tribute to Speaker Taylor, you might consider an amendment to correct one element:

Page 1, line 13:
Delete: "committee"
Insert: "Alaska Statehood Committee"

The Alaska Statehood Committee had an "official" status. It was established by a 1949 Act (Ch. 108, Laws of Alaska 1949). The committee effectively served as a bridge in preparing necessary studies, reports, and documents in support of Statehood and in laying groundwork for the 1955-56 Constitutional Convention.

JBC:gc
92-137.glc

Alaska State Legislature

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

April 7, 1992

Rep. Johnny Ellis, Chair
House Rules Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Rep. Ellis:

The purpose of this letter is to request the House Rules Committee to draft a resolution naming Gallery B in honor of Elizabeth Peratrovich. Although never elected to public office, the late Ms. Peratrovich was President of the Alaska Native Sisterhood and a tireless advocate for Native civil rights. She was instrumental in achieving passage of Alaska's civil rights law in 1945 which prohibited racial discrimination in this state.

Elizabeth Peratrovich was a member of the public who shaped Alaska's destiny by expressing her opinion. She symbolizes the role the gallery plays in the legislature and the importance of public opinion in the legislative process. She reminds us that a single person, speaking from the heart, can affect the future of all Alaskans.

Attached you will find draft language for this resolution for your consideration.

Sincerely,

Rep. Ramona Barnes

Rep. Kay Brown

Rep. Betty Bruckman

Rep. Bettye Davis

Rep. Cheri Davis

Rep. Georgianna Lincoln

Rep. Eileen MacLean

Rep. Mary Miller

Rep. Gail Phillips

Rep. Fran Ulmer

attachment

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: HR 11

Revision Date:
Title: Dedicating Gallery B of the Chambers ...Elizabeth Wanamaker Peratrovich.
Sponsor: House Rules By Request
Requestor: House Rules

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Session Expenses

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director — Phone: 465-3850
Division: Administrative Services — Date: 4/14/92

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency — Date: 4/14/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

H. R. 11

NAMING GALLERY B
"THE PERATROVICH GALLERY"

House Resolution 10 proposes to name House Gallery B in honor of the late Elizabeth Peratrovich, a President of the Alaska Native Sisterhood, and a tireless advocate for Native civil rights. Although Elizabeth Peratrovich was never elected to state office, she had a vital impact on legislation affecting minorities and represents the finest example of the public's role in the legislative process.

When the Territorial Senate considered a bill in 1945 prohibiting racial discrimination in Alaska, the bill was assailed as a "lawyer's dream" which would create hard feelings between Natives and whites. Many Senators expressed the opinion that the legislation was unnecessary; a few said the real answer would be found in the separation of the races.

According to the legislative custom of that time, an opportunity was offered to anyone present who wished to speak on the bill. Elizabeth Peratrovich rose in the Gallery and said she would like to be heard. "I would not have expected," she said, "that I, who am barely out of savagery, would have to remind gentlemen with five thousand years of recorded civilization behind them of our Bill of Rights." She described to the Senate what it means to be unable to buy a house in a decent neighborhood because Natives aren't allowed to live there, and how children feel when they are refused entrance into movie theaters. She made plain the suffering and injustice of such cruelty. Following her speech, the Senate passed the civil rights bill 11-5.

Elizabeth Peratrovich was a beautiful and intelligent woman who was loved and respected by her many white and Native friends in Juneau. It is appropriate to name Gallery B after a person who symbolizes the role the gallery plays in the legislature. Although we have had too few women and too few Natives holding office in the legislature, a single person, speaking from the heart, can affect the future of all Alaskans as Elizabeth Peratrovich did that day in 1945.

A RECOLLECTION OF

Civil Rights Leader

Elizabeth Peratrovich

1911-1958

RULES COMM. AGENDA ITEM

Co-Chair
Health, Education and
Social Services Committee

Resources Committee

Legislative Budget and Audit

Special Committee
on Oil and Gas

Alaska State Legislature

Representative Patrick J. Carney

During Session:
State Capitol
P.O. Box V
Juneau, Alaska 99811
(907) 465-2186

During Interim:
P.O. Box 87-1746
Wasilla, Alaska 99687
(907) 373-2510

April 14, 1992

M E M O R A N D U M

TO: Representative Johnny Ellis
Chair, House Rules Committee

FROM: Representative Pat Carney

RE: Professional Services Contract

I am requesting a professional services contract for Trudy Cain, who has been a member of my staff since January 13. Because of Mrs. Cain's status as a retired state employee, she must be hired under a contract. The Legislative Affairs Agency drew up a personal services contract for her in January after her employment was approved, but we have since learned that under that contract, her retirement benefits could be in jeopardy.

Consequently, on February 28 Mrs. Cain terminated her contract. She continues to work on a volunteer basis in my Wasilla office, with the expectation that another contract could be initiated.

The Legislative Affairs Agency has informed us that a professional services contract would not affect Mrs. Cain's retirement account. Attached is a copy of the draft contract for your review.

Please give me a call if you have any questions.

Thank you for your consideration.

PROFESSIONAL SERVICES CONTRACT BETWEEN

STATE OF ALASKA
HOUSE RULES COMMITTEE

AND

TRUDY M. CAIN, DBA
CAIN PUBLIC RELATIONS
P.O. BOX 874594
WASILLA, ALASKA 99687

CONTRACT AMOUNT: $15,500
(excluding reimbursement for expenses)

The parties to this contract, made and entered into this _____ day of_____, 1992, are the House Rules Committee, whose address is State Capitol, Juneau, Alaska 99801-1182, (hereinafter referred to as the "Agency"), and Trudy M. Cain, dba Cain Public Relations, whose address is P.O. Box 874594, Wasilla, Alaska 99687, (hereinafter referred to as the "Consultant").

THE PURPOSE OF THIS CONTRACT IS TO PROVIDE research and constituent services for Representative Pat Carney.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The Consultant shall provide for research and constituent services for Representative Carney as directed by the Project Director.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE AND TERMINATION

(A) The work under this contract shall begin January 13, 1992 and terminate May 15, 1992.

(B) This contract may be terminated by the Agency upon delivery of written notice to the Consultant. If this contract is so terminated and the termination is not based on a breach by the Consultant, the Consultant shall be compensated for services provided under the terms of this contract to the date of termination if the Consultant provides the Agency with a written report containing a description of the services performed, a statement of the results or conclusions formed based upon the services performed, and a copy of the written material produced during the contract.

CLAUSE III - COMPENSATION AND METHOD OF PAYMENT

(A) For the work specified in this contract the Consultant shall be compensated Fifteen Thousand Five Hundred Dollars and No/100 ($15,500).

(B) Payment shall be based on proper billing provided by the Consultant.

(C) The Project Director must approve a billing before it may be paid.

(D) If a payment is not made within 90 days after the Agency has received a proper billing, the Agency shall pay interest on the unpaid balance of the billing at the rate of 1.5 percent per month from, and including, the 91st day through the date payment is made. A payment is considered made on the date it is mailed or personally delivered to the Consultant.

(E) Total payments under this contract, excluding reimbursement for expenses, may not exceed $15,500.

CLAUSE IV - PROJECT DIRECTOR

The Project Director is Representative Pat Carney.

CLAUSE V - EXPENSES AND DUPLICATION

(A) Except as otherwise authorized by the Agency, the office space, equipment, and supplies, and other expenses authorized by the Procurement Officer that are necessary for the Consultant to carry out the Consultant's obligations under this contract shall be supplied and paid by the Agency at no cost to the Consultant.

(B) Duplicates of any material or other item produced under this contract may be produced by the Agency; the office space, equipment, supplies, clerical support and other expenses required for the duplication shall be supplied by the Agency.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall accurately maintain those records, including detailed time records, that are required by the Project Director. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports, material, and other items generated as a consequence of work done under this contract shall become the property of the Agency, and the Agency shall own all rights included in any copyright rights for the documents and reports. Upon completion of the work or the termination of this contract, the items shall be delivered to the Project Director.

CLAUSE VII - INDEMNIFICATION

The Consultant shall indemnify, save harmless, and defend the Agency, and the Agency's officers, agents and employees from liability for any claim, including costs arising from the claim, arising from Consultant's negligence in the performance of Consultant's obligations under this contract.

CLAUSE VIII - VENUE

In the event that the parties to this contract find it necessary to litigate the terms of the contract, venue shall be the State of Alaska, First Judicial District, at Juneau, and the contract shall be interpreted according to the laws of Alaska.

CLAUSE IX - ASSIGNMENT

This contract may not be assigned to another party unless in accordance with sec. 160 of the Procurement Procedures of the Alaska State Legislature.

CLAUSE X - WORKERS' COMPENSATION

During the life of this contract, the Consultant shall provide and maintain workers' compensation insurance as required by AS 23.30.045(d). The Consultant shall require any subcontractor to provide and maintain workers' compensation insurance for the subcontractor's employees. Consultant shall provide the Agency, upon request, with written proof of the coverage required by this clause.

CLAUSE XI - CERTIFICATION

Execution of this contract was authorized by a majority of the members of the House Rules Committee on _____. Execution of this contract by the chair of the Committee constitutes the signed authorization required by Procurement Procedures sec. 150 (b) because the committee members who authorized the contract delegated their sec. 150 signature responsibilities to the chair on _____.

Execution of this contract by the Legislative Affairs Agency Executive Director or his designee hereby constitutes a certification that funds have been appropriated and encumbered for the amount of this contract.

CLAUSE XII - MODIFICATION AND PREVIOUS AGREEMENTS

This document contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind either of the parties to this contract.

This contract may not be modified unless in writing and signed by the parties to this contract. This contract replaces the February 21, 1992, contract between Legislative Affairs Agency and the Consultant, which was canceled retroactively by the Consultant by her memo dated February 28, 1992.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

CONSULTANT

Trudy M. Cain, dba
Cain Public Relations

_____

Trudy M. Cain Date
Bus. Lic. #149484

AGENCY
HOUSE RULES COMMITTEE

_____

Rep. Johnny Ellis, Chair Date
Procurement Officer

APPROVED AS TO FORM:

_____

Legal Counsel Date

CERTIFYING AUTHORITY:

_____

Warren Endicott Date
Executive Director
Legislative Affairs Agency

ACCEPTED

_____

Rep. Pat Carney Date
Project Director

DRAFT

HOUSE STATE AFFAIRS COMMITTEE
February 14, 1992
8:30 a.m.

TAPE 92-14, SIDE A
Number 000

The House State Affairs Committee meeting was called to order by CHAIRMAN GENE KUBINA at 8:48 a.m. Members present were Representatives (Reps.) Kubina, Bruckman, Miller, and Baker. Reps. Moyer, Gruenberg, and Choquette were not present at the call to order.

Chairman Kubina announced that HCR 46, that related to the Disabled American Veterans Days, would be heard first. He asked REP. IVAN M. IVAN, Chairman of the Military and Veterans Affairs (MVA) Committee, to address the committee.

Number 032

Rep. Ivan stated that the Third Annual Disabled American Veterans Convention would be held April 24-26, 1992 in Anchorage. He asked the committee to consider the CS to HCR 46 which would run in conjunction with the convention.

REP. MIKE MILLER made a motion to adopt the CS to HCR 46. There were no objections, and it was so adopted.

Rep. Miller made a motion to move the CS to HCR 46 out of committee with individual recommendations.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

NO. 1
Bill Version: CSHCR 46(STA)
(H) Publish Date: 2/18/92

Revision Date: February 11, 1992
Department Affected: None
Title: Declaring April 24, 25, and 26 as Disabled American Veterans Days
BRU: None
Component: None
Sponsor: House Special Committee on Military and Veterans Affairs
Requestor: House State Affairs Committee
COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					
CAPITAL	0					-
REVENUE	0					
FUND SOURCE:	0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER FUND SOURCE:	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Thomas W. Wright, Committee Staff
Phone: 465-4527
Division: House Special Committee on Military and Veterans Affairs
Date: February 11, 1992
Approved by Commissioner: Representative Ivan M. Ivan, Chair
Agency: House Special Committee on Military and Veterans Affairs
Date: February 11, 1992

Distribution (by preparer): Leg. [redacted] & Impacted Agency(ies).

Rev 10/7/91

FISCAL NOTE COMMITTEE COPY

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gonzales
Rep. Gruenberg
Rep. M.W. Miller
Rep. Parnell

State Capitol
Juneau, Alaska 99801-1182
(907) 465-4527

Special Committee on Military & Veterans Affairs

SUMMARY - CS FOR HCR 46 (STA)

This resolution requests the Legislature to declare April 24, 25 and 26, 1992, as Disabled American Veterans Day in Alaska. These are the dates the D.A.V. is holding its state convention in Anchorage.

HCR 46 was introduced by the House Special Committee on Military and Veterans Affairs as a request of the Alaska Disabled American Veterans organization.