

LEG. FINANCE - BILLS 1985 - 1986 2226

SB 294 - SSSB 297

2226

COMMITTEE REPORT
SENATE

FURTHER:

3/19/86

Date 4/10/86

Mr. President

The Committee on FINANCE considered SB 294
relating to guiding; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 294 (Res)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
875. AB
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Waltz No Rec

Rich Halford Do Not Pass unless amended

Ferguson Do Pass IF Amended

Paul Grish N. Rec

Co-Chairman

Chairman

Do Pass

Chairman recommendation

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

FISCAL DETAIL

Bill/Resolution No. : CSS294 (Resources)
 Title : An Act relating to guiding and providing an effective date

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Sponsor : Original Sponsor: Resources Com'te Components : _____
 Requestor : Senat: Resources
 Date of Request : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain J. R. Nutgrass
 Division : Fish & Wildlife Protection

Phone : 269-5509
 Date : 3/13/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 3/14/86

Distribution (by Agency preparing fiscal note) :

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

1 legislature for staggered terms of three years or until their succes-
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
4 A member may be removed at the pleasure of the governor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend, or
10 deny renewal of a license, or assign, modify, or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state sport fish, game, or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

Offered: 3/19/86
Referred: Finance

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 294 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

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

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986].

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of the state's wildlife resources there [THERE] is created
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
20 No more than three members of the board shall hold or have held a
21 guide license. The other members must [SHALL] have a general know-
22 ledge of the game resources of the state and may not have a vested
23 interest in the guiding industry. A minimum of 10 years residence in
24 the state is required for all members of the board. For administra-
25 tive purposes, the board is in the Department of Commerce and Economic
26 Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
29 the board shall be appointed by the governor and confirmed by the

1 extent and degree satisfactory to the board:

2 (A) fish and game laws and regulations;

3 (B) relevant characteristics of the specific species
4 to be hunted;

5 (C) field preparation of trophies;

6 (D) care of game meat;

7 (E) use of guiding gear;

8 (F) firearm safety;

9 (G) practical first aid;

10 (H) booking and contracting hunts;

11 (5) has not been convicted of a game or guiding law viola-
12 tion during the previous five years.

13 * Sec. 8. AS 08.54.110 is amended to read:

14 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
15 person is entitled to be licensed as a registered guide if the person

16 (1) is 21 years of age or older [MORE];

17 (2) [Repealed

18 (3)] has practical field experience in the handling of
19 firearms, hunting, judging trophies, field preparation of trophies,
20 first aid and photography;

21 (3) [(4)] is familiar with the terrain and transportation
22 problems in the district for which the license is requested;

23 (4) [(5)] has passed the qualification examination prepared
24 and administered by the board;

25 (5) [(6)] has demonstrated to the board sufficient stan-
26 dards of competence and ethical conduct and has not been convicted of
27 a crime involving moral turpitude;

28 (6) [(7)] has legally hunted in the state for all or part
29 of each of five years in a manner directly contributing to the

1 guides and shall make the records available to appropriate state
2 agencies [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR
3 MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS
4 IMMEDIATELY PRECEDING THE PUBLISHING (OF THE RECORD)];

5 (6) prohibit guiding activities which are unsportsmanlike,
6 unethical, unsafe, against principles of conservation, degrading to
7 the guiding profession, or which adversely affect the natural re-
8 sources;

9 (7) after a hearing, revoke, suspend or deny renewal of a
10 license in accordance with AS 08.54.200;

11 (8) establish a quota of licensed operating guides who may
12 operate within designated geographical game units or subunits of the
13 state and provide for an equitable, [AND] reasonable, and consistent
14 procedure for limiting the number of guides to that quota; preference
15 shall be given to qualified available and willing licensed guides who
16 reside within the designated game unit or subunit;

17 (9) meet at least twice annually, once in Anchorage and
18 once in another municipality.

19 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

20 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
21 special guide license to a person who applies to conduct a guided hunt
22 for a specific species of marine mammal in a specifically designated
23 area if the applicant

24 (1) is 21 years of age or older;

25 (2) has, for at least 10 years, resided and hunted in the
26 area of the state in which the applicant is to guide;

27 (3) is physically able to perform the duties of a special
28 guide;

29 (4) has demonstrated knowledge of the following areas to an

- 1 (1) master guide;
- 2 (2) registered guide;
- 3 (3) class A assistant guide;
- 4 (4) assistant guide;
- 5 (5) special guide [TRANSPORTER].

6 (b) The license fee for a master guide, registered guide, spe-
7 cial guide, class-A assistant guide, or assistant guide license is in
8 addition to the fee required for a hunting or fishing license.

9 * Sec. 11. AS 08.54 is amended by adding a new section to read:

10 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
11 administer the qualification examination required under AS 08.54.110
12 at least twice a year. An examination may not be given within 90 days
13 after the previous exam. At least once every other year the board
14 shall give the examination at a location other than Anchorage.

15 * Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

16 (d) A master guide, registered guide, special guide, class-A
17 assistant guide, or assistant guide license expires biennially, on a
18 date set by the Department of Commerce and Economic Development.

19 * Sec. 13. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
21 board may establish and assign guide areas for master guides or regis-
22 tered guides. The board shall adopt regulations under the Administra-
23 tive Procedure Act (AS 44.62) that establish uniform and consistent
24 criteria, including a point system, to be used by the board when it
25 creates and assigns a restrictive guide area.

26 (b) The board shall consider the following factors before it
27 assigns a restrictive guide area:

- 28 (1) the extent to which the guide who has applied for the
29 area has used the game management unit in which the area is located;

1 person's experience and competency as a guide;

2 (7) [(8)] has been licensed as and performed the services
3 of an assistant guide in the state for a part of each of three years,
4 or has guided in the state for a part of each of three years under a
5 special guide license issued under AS 08.54.045;

6 (8) [(9)] submits a written recommendation to the board
7 from a registered guide for whom the applicant has worked; however,
8 the requirements of this paragraph do not apply to a person who has
9 guided under a special guide license for three years;

10 (9) [(10)] is capable of performing the physical duties
11 associated with guiding activities.

12 (10) [(11)] has been favorably recommended in writing by two
13 hunters that the person has guided or assisted in guiding during each
14 year of the person's three years as an assistant guide, whose recom-
15 mendations have been solicited by the board from a list provided by
16 the applicant [;

17 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
18 REQUIRE].

19 * Sec. 9. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
21 LICENSE. An assistant guide

22 (1) may not contract for guided hunts; and

23 (2) shall be employed and supervised by a registered or
24 master guide at all times while the assistant guide is in the field on
25 guided hunts.

26 * Sec. 10. AS 08.54.170 is amended to read:

27 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
28 and Economic Development shall set license fees under AS 08.01.065 for
29 each of the following:

1 complaint concerning a licensee's guiding activities is filed with the
2 board by a client of the licensee.

3 * Sec. 15. AS 08.54.200(b) is amended to read:

4 (b) After a hearing, the board may revoke, suspend, or deny
5 renewal of a license if the board finds that the licensee

6 (1) engaged in unethical activity, unsafe activity, or
7 activity that [WHICH] adversely affects the natural resources of the
8 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
9 AND LEGITIMATE] purposes of the contract hunt; or

10 (2) violated a provision of a federal or state sport fish,
11 game, or guide statute or regulation.

12 * Sec. 16. AS 08.54.200(c) is amended to read:

13 (c) After a hearing, the board shall revoke a license if the
14 board finds that the licensee

15 (1) does not meet the qualifications specified by statute
16 or regulation for the class of license held;

17 (2) is incompetent as a master guide, registered guide,
18 special guide, class-A assistant guide, or assistant guide;

19 (3) during the five years immediately preceding the hearing
20 has been convicted of a violation [TWO VIOLATIONS] of a federal or
21 state statute or regulation prohibiting

22 (A) waste of a wild food animal;

23 (B) hunting on the same day airborne; or

24 (C) hunting during a closed hunting season; or

25 (4) during the five years immediately preceding the hear-
26 ing, has been convicted of two violations of a state statute or regu-
27 lation prohibiting hunting in

28 (A) a restricted area not assigned to the licensee and
29 without proper written permission; or

1 (2) the extent to which the guide occupied and invested in
2 the area;

3 (3) the effect on other guides that would result from
4 creation of the area;

5 (4) big game populations in the area;

6 (5) the land ownership status of the area; and

7 (6) other relevant facts or circumstances.

8 (c) The board may adopt regulations establishing a schedule of
9 fees to be charged to persons to whom the board transfers restrictive
10 guide areas.

11 (d) Unless the board determines after a public hearing that it
12 is not in the public interest to do so, the board shall transfer a
13 restrictive guide area to a person qualified for assignment who has
14 been recommended by the guide to whom the area was assigned, or by a
15 person on behalf of the guide, if the recommendation is made

16 (1) after five years have elapsed from the date of the
17 assignment of the guide area; or

18 (2) during the first five years after the date of assign-
19 ment and the guide has died or suffered a major disability, as defined
20 by the board.

21 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

22 (a) The board shall hold a hearing to determine whether disci-
23 plinary action is necessary if (1) complaints concerning a licensee's
24 guiding activities are filed with the board by three or more of the
25 licensee's clients from separate parties; (2) a complaint concerning a
26 guide's conduct during a life-threatening situation is filed with the
27 board; or (3) a licensee has been convicted of a violation of a state
28 hunting or guiding statute or regulation. The board may hold a hear-
29 ing to determine whether disciplinary action is necessary if a

1 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
2 to timely report to the Department of Public Safety, division of fish
3 and wildlife protection, and in no event later than 30 days, a viola-
4 tion [VIOLATIONS BY A CLIENT] of a state fish, game, or guiding stat-
5 ute or regulation that the guide reasonably believes was committed by
6 a client or an employee of the guide;

7 (2) a master guide, registered guide, special guide,
8 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
9 the commission of a violation of this chapter or of AS 16.05 or a
10 regulation adopted [PROMULGATED] under either chapter, or permit the
11 commission of a violation in the guide's [OR TRANSPORTER'S] sight
12 without attempting to prevent it, short of using force, and without
13 reporting it;

14 (3) a person to guide [OR TRANSPORT] as defined in this
15 chapter without being licensed under this chapter and without having
16 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
17 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
18 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
19 OF BUSINESS OF THE BUSINESS ENTITY;]

20 (4) a person to imply by advertisement, representation, or
21 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
22 licensed master guide, registered guide, special guide, class-A assis-
23 tant guide, or assistant guide [OR TRANSPORTER] without being current-
24 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

25 (5) a person to act as a registered or master guide as
26 defined in this chapter without having a current valid resident hunt-
27 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

28 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
29 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

1 through an assistant, to locate or take, or attempt to locate or take,
2 big game for compensation or with the intent or an agreement to re-
3 ceive compensation for the assistance; "guide" or "guiding" does not
4 include the services of persons who limit their services solely to
5 transportation and who do not remain in the field; in this paragraph,
6 "present in the field" does not include being present at a lodge or
7 camp or being present in the field for the purpose of providing meat-
8 packing services for a big game animal only after the animal has been
9 killed [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF
10 RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY
11 ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LI-
12 ICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR
13 THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

14 (3) "resident" has the meaning given in AS 16.05.940 [MEANS
15 A PERSON WHO

16 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

17 (B) REPEALED

18 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION
19 TO PERMANENTLY RESIDE IN THIS STATE];

20 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
21 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
22 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
23 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
24 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
25 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
26 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

27 (5)] "unethical activity" means

28 (A) deception or misrepresentation [IN ANY DEGREE]
29 involving prospective or actual clients either before, during, or

1 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
2 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

3 (b) A person who violates (a)(1) - (4) [(6)] of this section is
4 guilty of a misdemeanor and upon conviction is punishable by a fine of
5 not more than \$1,000 or by imprisonment for not more than one year, or
6 by both, and the person's license may be revoked for a period up to
7 five years. However, a person who engages in guiding [OR TRANSPORT-
8 ING] activity during the period for which the person's license is
9 suspended or revoked under this chapter, or who violates (a)(5) of
10 this section, is guilty of a felony punishable, upon conviction, by a
11 fine of not more than \$5,000 and by imprisonment for not less than one
12 year nor more than three years. In addition to punishment for a
13 felony, all guns, fishing tackle, boats, aircraft, automobiles or
14 other vehicles, camping gear and other equipment and paraphernalia
15 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
16 during the period of suspension or revocation shall be seized [CON-
17 FISCATED] by persons authorized to enforce this chapter. [A PERSON
18 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
19 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
20 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
21 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
22 BOTH.]

23 * Sec. 20. AS 08.54.240 is amended to read:

24 Sec. 08.54.240. DEFINITIONS. In this chapter

25 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

26 (2) "guide" [, "GUIDES"] or "guiding" means (A) being
27 physically present in the field to provide a service related to a hunt
28 for compensation or with the intent or an agreement to receive compen-
29 sation for the service; or (B) assisting another person directly or

1 (b) An applicant for a nonresident big game tag for the taking
2 of an animal specified in (a) of this section or in regulations adopt-
3 ed under this section shall first furnish to the state, on a form
4 provided by the state, an affidavit showing that the applicant will be
5 personally accompanied while hunting by a person who is qualified
6 under the terms of (a) of this section. A person who falsifies the
7 required affidavit is guilty of perjury under AS 11.56.200.

8 * Sec. 23. AS 16.05.407(d) is amended to read:

9 (d) A nonresident who violates (a) [OR (c)] of this section, or
10 who fails to furnish an affidavit under (b) of this section, is guilty
11 of a misdemeanor and upon conviction is punishable by imprisonment for
12 not more than one year, or by a fine of not more than \$5,000, or by
13 both.

14 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
15 read:

16 (48) the Guide Board.

17 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
18 05.340(e) and 16.05.407(c) are repealed.

19 * Sec. 26. This Act takes effect July 1, 1986.

1 following a contract hunt, including misrepresentation through
2 private or public advertising of the type, duration, cost or
3 conditions of the contract hunt [HUNTS];

4 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
5 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
6 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

7 (C)] making a guaranty that a species or certain
8 number of species of game will be taken on a contract hunt;

9 (C) engaging in unsafe or unsportsmanlike activities
10 that are detrimental to the game resources of the state, as
11 defined by regulations of the board, including violations of
12 state or federal hunting or guiding laws or regulations; or

13 (D) accepting a deposit for guiding services before
14 signing a contract to provide the services;

15 (5) "big game" means brown bear, grizzly bear, polar bear,
16 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
17 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

18 * Sec. 21. AS 16.05.407(a) is amended to read:

19 (a) It is unlawful for a nonresident to hunt, pursue or take
20 brown bear, grizzly bear, polar bear, or sheep in this state, unless
21 personally accompanied by

22 (1) a person who is licensed as a master guide, registered
23 guide, class-A assistant guide or assistant guide by the Guide [LI-
24 CENSING AND CONTROL] Board; or

25 (2) a resident over 19 years of age who is

26 (A) the spouse of the nonresident; or

27 (B) is related to the nonresident, within and includ-
28 ing the second degree of kindred, by marriage or blood.

29 * Sec. 22. AS 16.05.407(b) is amended to read:

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 294 (Res) am
 Title : An Act relating to guiding

Sponsor : Resources Committee
 Requestor : House Resources
 Date of Request : 4/17/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain James R. Nutcrass Phone : 269-5509

Division : Fish & Wildlife Protection Date : 4/14/86

Approved by Commissioner : [Signature] Date : 4/16/86

Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

1 following a contract hunt, including misrepresentation through
2 private or public advertising of the type, duration, cost or
3 conditions of the contract hunt [HUNTS];

4 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
5 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
6 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

7 (C)] making a guaranty that a species or certain
8 number of species of game will be taken on a contract hunt;

9 (C) engaging in unsafe or unsportsmanlike activities
10 that are detrimental to the game resources of the state, as
11 defined by regulations of the board, including violations of
12 state or federal hunting or guiding laws or regulations; or

13 (D) accepting a deposit for guiding services before
14 signing a contract to provide the services;

15 (5) "big game" means brown bear, grizzly bear, polar bear,
16 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
17 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

18 * Sec. 21. AS 16.05.407(a) is amended to read:

19 (a) It is unlawful for a nonresident to hunt, pursue or take
20 brown bear, grizzly bear, polar bear, or sheep in this state, unless
21 personally accompanied by

22 (1) a person who is licensed as a master guide, registered
23 guide, class-A assistant guide or assistant guide by the Guide [LI-
24 CENSING AND CONTROL] Board; or

25 (2) a resident over 19 years of age who is

26 (A) the spouse of the nonresident; or

27 (B) is related to the nonresident, within and includ-
28 ing the second degree of kindred, by marriage or blood.

29 * Sec. 22. AS 16.05.407(b) is amended to read:

1 (b) An applicant for a nonresident big game tag for the taking
2 of an animal specified in (a) of this section or in regulations adopt-
3 ed under this section shall first furnish to the state, on a form
4 provided by the state, an affidavit showing that the applicant will be
5 personally accompanied while hunting by a person who is qualified
6 under the terms of (a) of this section. A person who falsifies the
7 required affidavit is guilty of perjury under AS 11.56.200.

8 * Sec. 23. AS 16.05.407(d) is amended to read:

9 (d) A nonresident who violates (a) [OR (c)] of this section, or
10 who fails to furnish an affidavit under (b) of this section, is guilty
11 of a misdemeanor and upon conviction is punishable by imprisonment for
12 not more than one year, or by a fine of not more than \$5,000, or by
13 both.

14 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
15 read:

16 (48) the Guide Board.

17 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
18 05.340(e) and 16.05.407(c) are repealed.

19 * Sec. 26. This Act takes effect July 1, 1986.

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

RF JEST

FISCAL DETAIL

Bill/Resolution No. : CSSB 294 (Res) am
 Title : An Act relating to guiding

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Sponsor : Resources Committee
 Requestor : House Resources
 Date of Request : 4/17/86

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain James R. Nutcrass
 Division : Fish & Wildlife Protection

Phone : 269-5509
 Date : 4/14/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 4/16/86

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 294
 Title : " An Act relating to quiding,
 and providing an effective date."
 Sponsor : Resources Committee
 Requestor : S Resources Committee
 Date of Request : 2/03/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL		0	0	0	0	0
----------------	--	---	---	---	---	---

REVENUE		0	0	0	0	0
----------------	--	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Kathy Niles, Admin. Ass't Phone: 465-4336
 Division: Commissioner's Office Date: 2/03/86

Approved by Commissioner: [Signature] Date: 2/3/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note) :

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

Outdated

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 294
Title: Relating to guiding, and providing an effective date.
Sponsor: by the Resources Committee
Requestor: S. Resources
Date of Request: 05/06/85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: _____
NRMEC
BRU, Program or Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Captain James R. Nutgrass Phone: 269-5589
Division: Fish & Wildlife Protection Date: 5/3/85

Approved by Commissioner: *[Signature]* Date: 5/7/85
Agency: Public Safety

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

SECTIONAL ANALYSIS FOR CSSB 294 (Resources)

April 10, 1986

The guide board will sunset on June 30th of this year unless its term is extended. SB 294, introduced by Senate Resources Committee, extends the life of the board until 1990. The bill also rewrites many of the guide statutes to try to clean up problems that have been associated with the industry and the board. Since the original bill was introduced, Legislative Audit has done a sunset performance on the board and many of the recommendations from the audit are incorporated in the bill.

"An Act relating to guiding; and providing for an effective date."

Section 1. - deletes "licensing and control " from the name of the board.

Section 2. - extends the life of the board until June 30, 1990.

Section 3. - places the board in the Department of Commerce and specifies the membership on the board to consist of seven members. Public participation is ensured by limiting the board to no more than 3 members who hold or have held guide licenses.

Section 4. - staggers the length of board membership.

Section 5. - establishes a quorum requirement of 4 and requires a majority vote (4) of the full membership of the board for approval of changes to regulations, licenses or restricted guide areas.

Section 6. - amends the powers and duties of the board.

(a) (1) allows for oral examinations.

(a) (8) provides for an equitable, reasonable, and consistent procedure to limiting the number of guides operating in a designated game unit.

(a) (9) requires the board to have two meetings per year, one meeting is to be held in Anchorage and the other in another city.

Section 7. - provides a detailed criteria for the special guide license.

Section 8. - amends the qualifications for a registered guide license. The amendments allow a person who has served as a special guide for three years and meets all other criteria to become a registered guide and requires that registered guides file a \$5,000 bond with the board.

Section 9. - clarifies the limitations of an assistant guide license.

Section 10. - specifies fees that shall be set by the department by regulation.

Section 11. - requires the registered guide exam to be given at least twice a year and at least once every other year the location of the exam has to be some place other than Anchorage.

Section 12. - specifies licenses to expire biennially.

Section 13. - requires the board to adopt uniform and consistent criteria to be used in assigning restrictive guide areas and specifies a number of the criteria to be used. This section also allows a guide to transfer a guide area if the guide has had the area for over five years.

Section 14. - allows the board to hold a hearing on any complaint.

Section 15. - sets out the offenses for which the board may revoke, suspend, or deny renewal of a license.

Section 16. - sets out offenses which requires the board to revoke a license but does not limit the board's power to take proper disciplinary action for other offenses.

Section 17. - clarifies that a person may not engage in guiding, work for another guide, or knowingly hire a guide being disciplined by the board during a period of license revocation or other disciplinary action.

Section 18. - establishes that a certified copy of judgement of conviction is conclusive evidence of the commission of that crime and upon receipt of two such judgements of a guide for listed offenses the board shall suspend the guide's license until disciplinary proceedings are concluded.

Section 19. - list a series of specific acts related to guiding that are unlawful and specifies the penalties for these acts.

Section 20. - this is the definition section for "board", "guide", "in the field", "resident", "transporting", and "unethical".

Section 21. - Class A assistant guides are added to the list of master guides, registered guides and assistant guides that may accompany nonresidents.

Section 22. - allows the board through regulation to expand the requirements for nonresident affidavit information.

Section 23. - establishes as a misdemeanor the punishment for nonresidents who fail to furnish a proper affidavit.

Section 24. - adds the guide board to the list of boards and commissions in AS 39.50.200 (b).

Section 25. - this is the repealer section to clean up the statute.

Section 26. - is a July 1, 1986 effective date.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/22/85

Date 3/17/86

Mr. President

The Committee on RESOURCES considered SB 294
guiding; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 294 (Res)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation ZERO FISCAL NOTE
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] No Rec.
[Signature] No Rec.
[Signature] NR

[Signature]
 Chairman
Do Pass
 Chairman recommendation

1 legislature for staggered terms of three years or until their succes-
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
4 A member may be removed by [AT THE PLEASURE OF] the governor for
5 cause.

6 * Sec. 5. AS 08.54 is amended by adding a new section to read:

7 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
8 board constitute a quorum for the transaction of business, for the
9 performance of a duty, and for the exercise of any power under this
10 chapter. The board may not adopt a regulation, revoke, suspend or
11 deny renewal of a license, or assign, modify or revoke a restricted
12 guide area unless the action is approved by a vote of a majority of
13 the full membership of the board.

14 * Sec. 6. AS 08.54.040(a) is amended to read:

15 (a) Except as provided in AS 08.54.045, the board shall

16 (1) prepare, grade and administer examinations, that may
17 include oral examinations of applicants who demonstrate limited abil-
18 ity to read or write the English language;

19 (2) determine [AND PASS ON] qualifications of applicants
20 for licenses and authorize the issuance of licenses to those who
21 qualify;

22 (3) establish guide performance standards and regulate
23 activity;

24 (4) compile, maintain and publish an annual [A GUIDE]
25 register of master and registered guides who have not been convicted
26 of a violation of a federal or state [SPORT FISH.] game [,] or guiding
27 statute or regulation; a guide listed in the register whose license is
28 revoked or suspended shall be removed from the register while the
29 guide's license is revoked or suspended;

Introduced: 4/22/85
Referred: Resources
and Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 294

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

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

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986].

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of managing the state's wildlife resources there [THERE] is
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven
20 members. At least [NO MORE THAN] three members of the board must be
21 licensed registered or master guides who are actively involved in the
22 guiding profession [SHALL HAVE A GUIDE LICENSE]. The other members
23 shall have a general knowledge of the game resources of the state. A
24 minimum of 10 years residence in the state is required for all members
25 of the board. For administrative purposes, the board is in the De-
26 partment of Commerce and Economic Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
29 the board shall be appointed by the governor and confirmed by the

- 1 (B) relevant characteristics of the specific species
2 to be hunted;
- 3 (C) field preparation of trophies;
4 (D) care of game meat;
5 (E) use of guiding gear;
6 (F) firearm safety;
7 (G) practical first aid;
8 (H) booking and contracting hunts;

9 (5) has not been convicted of a game or guiding law viola-
10 tion during the previous five years.

11 * Sec. 8. AS 08.54 is amended by adding a new section to article 2 to
12 read:

13 Sec. 08.54.090. OUTFITTER'S LICENSE. A person is entitled to be
14 licensed as an outfitter if

- 15 (1) the person is a licensed master or registered guide;
16 (2) the board has assigned to the person at least one
17 restricted guide area under AS 08.54.195; and
18 (3) the person has filed with the board a bond with a
19 corporate surety qualified to do business in the state running to the
20 State of Alaska in the amount of \$5,000.

21 * Sec. 9. AS 08.54.110 is amended to read:

22 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
23 person is entitled to be licensed as a registered guide if the person

- 24 (1) is 21 years of age or older [MORE];
25 (2) [Repealed
26 (3)] has practical field experience in the handling of
27 firearms, hunting, judging trophies, field preparation of trophies,
28 first aid and photography;
29 (3) [(4)] is familiar with the terrain and transportation

1 (5) collect and maintain records of hunts conducted by
2 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED MASTER
3 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-
4 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

5 (6) prohibit guiding activities which are unsportsmanlike,
6 unethical, unsafe, against principles of conservation, degrading to
7 the guiding profession, or which adversely affect the natural re-
8 sources;

9 (7) after a hearing, revoke, suspend or deny renewal of a
10 license in accordance with AS 08.54.200;

11 (8) establish a quota of licensed operating guides who may
12 operate within designated geographical game units or subunits of the
13 state and provide for an equitable, [AND] reasonable, and consistent
14 procedure for limiting the number of guides to that quota; preference
15 shall be given to qualified available and willing licensed guides who
16 reside within the designated game unit or subunit.

17 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
19 special guide license to a person who applies to conduct a guided hunt
20 for a specific species of marine mammal in a specifically designated
21 area if the applicant

22 (1) is 21 years of age or older;

23 (2) has, for at least 10 years, resided and hunted in the
24 area of the state in which the applicant is to guide;

25 (3) is physically able to perform the duties of a special
26 guide;

27 (4) has demonstrated knowledge of the following areas to an
28 extent and degree satisfactory to the board:

29 (A) fish and game laws and regulations;

1 at a time unless also licensed as an outfitter.

2 * Sec. 11. AS 08.54 is amended by adding a new section to read:

3 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
4 LICENSE. An assistant guide

5 (1) may not contract for guided hunts; and

6 (2) shall be employed and supervised by a registered or
7 master guide at all times while the assistant guide is in the field on
8 guided hunts.

9 * Sec. 12. AS 08.54.170 is amended to read:

10 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging in
11 the profession of guiding or outfitting are:

12 (1) master guide license, biennial\$150

13 (2) registered guide license, biennial150

14 (3) class-A assistant guide, biennial30

15 (4) assistant guide license, biennial20

16 (5) special guide license, biennial50

17 (6) outfitter license, biennial100

18 (b) The license fee for a master guide, registered guide,
19 special guide, class-A assistant guide, [OR] assistant guide, or
20 outfitter's license is in addition to the fee required for a hunting
21 or fishing license.

22 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

23 * Sec. 13. AS 08.54 is amended by adding a new section to read:

24 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
25 administer the qualification examination required under AS 08.54.110
26 at least twice a year. An examination may not be given within 90 days
27 after the previous exam. At least once every other year the board
28 shall give the examination at a location other than Anchorage.

29 * Sec. 14. AS 08.54.190 is amended by adding a new subsection to read:

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-
5 dards of competence and ethical conduct and has not been convicted of
6 a crime involving moral turpitude;

7 (6) [(7)] has legally hunted in the state for all or part
8 of each of five years in a manner directly contributing to the per-
9 son's experience and competency as a guide;

10 (7) [(8)] has been licensed as and performed the services
11 of an assistant guide in the state for a part of each of three years,
12 or has guided in the state for a part of each of three years under a
13 special guide license issued under AS 08.54.045;

14 (8) [(9)] submits a written recommendation to the board
15 from a registered guide for whom the applicant has worked; however,
16 the requirements of this paragraph do not apply to a person who has
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two
21 hunters that the person has guided or assisted in guiding during each
22 year of the person's three years as an assistant guide, whose recom-
23 mendations have been solicited by the board from a list provided by
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
26 REQUIRE].

27 * Sec. 10. AS 08.54 is amended by adding a new section to read:

28 Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A
29 master or registered guide may not contract for more than one client

1 area has used the game management unit in which the area is located;

2 (2) the extent to which the guide occupied and invested in
3 the area;

4 (3) the effect on other guides that would result from
5 creation of the area;

6 (4) big game populations in the area; and

7 (5) the land ownership status of the area.

8 (e) The board may consider relevant facts or circumstances
9 before assigning a restrictive guide area.

10 (f) The board may charge a person to whom it reassigns a re-
11 strictive guide area a fee for the reassignment based on the number of
12 acres in the guide area.

13 * Sec. 16. AS 08.54.200(a) is amended to read:

14 (a) The board shall hold a hearing to determine if disciplinary
15 action is necessary if, during the five years immediately preceding
16 the hearing,

17 (1) complaints concerning a licensee's guiding or outfit-
18 ting activities [THE LICENSEE] have been filed with the board from
19 three or more clients of separate parties; or

20 (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDER-
21 AL OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR

22 (3)] a licensee has been convicted of a violation of a
23 [FEDERAL OR] state hunting or guiding [SPORT FISH, GAME OR GUIDE]
24 statute or regulation.

25 * Sec. 17. AS 08.54.200(b) is amended to read:

26 (b) After a hearing, the board may revoke, suspend, or deny
27 renewal of a license if the board finds that the licensee

28 (1) engaged in unethical activity, unsafe activity, or
29 activity that [WHICH] adversely affects the natural resources of the

1 (d) A master guide, registered guide, special guide, class-A
2 assistant guide, assistant guide, or outfitter license expires two
3 years after the date it was issued.

4 * Sec. 15. AS 08.54 is amended by adding a new section to read:

5 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
6 board may establish and assign guide areas for master guides or regis-
7 tered guides. The board shall adopt regulations under the Administra-
8 tive Procedure Act (AS 44.62) that establish uniform and consistent
9 criteria to be used by the board when it creates a restrictive guide
10 area.

11 (b) The board shall recognize all restrictive guide areas as-
12 signed before the effective date of this section. If requested by a
13 guide, the board shall hold a hearing to determine if an assignment of
14 a restrictive area made before the effective date of this section
15 creates a substantial injustice as determined by criteria set out in
16 (c) of this section. If the board determines that a substantial
17 injustice was created, the board shall modify, terminate or reassign
18 the area, or take other reasonable steps to correct the injustice.

19 (c) The board may find that a substantial injustice was caused
20 by the assignment of a restrictive area if

21 (1) a person was unfairly discriminated against by the
22 assignment;

23 (2) a person who applied for the guide area was denied a
24 hearing; or

25 (3) a qualified person was not given a preference at the
26 time the area was assigned in accordance with AS 08.54.040(a)(8).

27 (d) The board shall consider the following factors before it
28 assigns a restrictive guide area:

29 (1) the extent to which the guide who has applied for the

1 chapter may not knowingly hire as a guide a person whose guide license
2 is suspended or revoked under this section. A guide whose license is
3 suspended or revoked may not guide in the employ of a person licensed
4 under this chapter.

5 * Sec. 20. AS 08.54.200 is amended by adding new subsections to read:

6 (f) If certified copies of two judgments of conviction of a
7 guide or outfitter for offenses described under (c)(3) of this section
8 are filed with the board, the board shall immediately suspend the
9 guide's or outfitter's license. The suspension may be ordered even if
10 the conviction resulted from a plea of nolo contendere or if the
11 conviction is under appeal. The order remains in effect until after
12 the final disposition of the disciplinary proceeding under this sec-
13 tion.

14 (g) A certified copy of a judgment of conviction of a guide or
15 outfitter for an offense is conclusive evidence of the commission of
16 that offense in a disciplinary proceeding instituted against the guide
17 or outfitter under this section based on that conviction.

18 (h) In this section "two violations of a state statute or regu-
19 lation" means two violations of a single statute or a single regu-
20 lation, or violations of two statutes or two regulations, or one
21 violation of a statute and one violation of a regulation.

22 * Sec. 21. AS 08.54.210 is amended to read:

23 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

24 (1) a master guide, registered guide, special guide,
25 class-A assistant guide, assistant guide, or outfitter [TRANSPORTER]
26 to fail to timely report to the Department of Public Safety, division
27 of fish and wildlife protection, and in no event later than 30 days, a
28 violation [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or
29 guiding statute or regulation known by the guide or outfitter to have

1 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
2 AND LEGITIMATE] purposes of the contract hunt; [OR]

3 (2) violated a provision of a [FEDERAL OR] state hunting or
4 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation; or

5 (3) during the five years immediately preceding the hear-
6 ing, has been convicted of two violations of a state statute or regu-
7 lation prohibiting hunting in a restricted area not assigned to the
8 licensee and without proper written permission.

9 * Sec. 18. AS 08.54.200(c) is amended to read:

10 (c) After a hearing, the board shall revoke a license if the
11 board finds that the licensee

12 (1) does not meet the qualifications specified by statute
13 or regulation for the class of license held;

14 (2) is incompetent as a master guide, registered guide,
15 special guide, class-A assistant guide, [OR] assistant guide, or
16 outfitter;

17 (3) during the five years immediately preceding the hearing
18 has been convicted of two violations of a [FEDERAL OR] state statute
19 or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne;

22 (C) hunting in an area closed to hunting by the Board
23 of Game; or

24 (D) hunting during a closed hunting season [SPORT
25 FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

26 * Sec. 19. AS 08.54.200(d) is repealed and reenacted to read:

27 (d) A person who is disciplined under this section may not
28 engage in a guiding or outfitting activity during the period of li-
29 cense revocation or disciplinary action. A person licensed under this

1 by both, and the person's license may be revoked for a period up to
2 five years. However, a person who engages in guiding or outfitting
3 [TRANSPORTING] activity during the period the person's license is
4 suspended or revoked under this chapter or who violates (a)(5) of this
5 section is guilty of a felony punishable, upon conviction, by a fine
6 of not more than \$5,000 and by imprisonment for not less than one year
7 nor more than three years. In addition to punishment for a felony,
8 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
9 cles, camping gear and other equipment and paraphernalia used in, or
10 in aid of, guiding or outfitting [TRANSPORTING] activity engaged in
11 during the period of suspension or revocation shall be seized [CON-
12 FISCATED] by persons authorized to enforce this chapter. [A PERSON
13 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
14 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
15 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
16 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
17 BOTH.]

18 * Sec. 22. AS 08.54.240 is amended to read:

19 Sec. 08.54.240. DEFINITIONS. In this chapter

20 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

21 (2) "guide" [, "GUIDES"] or "guiding" means assisting
22 another person to take or attempt to take big game with the intent of
23 receiving monetary or material remuneration for the service [SER-
24 VICES], by accompanying and directing that person personally or
25 through an [A LICENSED] assistant guide for the duration of a hunt,
26 and not solely for the purpose of providing transportation services;

27 (3) "outfit" or "outfitting" means providing services,
28 transportation, property, or equipment such as aircraft, boats, or
29 other vehicles, or camping or hunting equipment, in connection with

1 been committed by a client or an employee of the guide or outfitter;

2 (2) a master guide, registered guide, special guide,
3 class-A assistant guide, assistant guide, or outfitter [TRANSPORTER]
4 to aid the commission of a violation of this chapter or of AS 16.05 or
5 a regulation adopted [PROMULGATED] under either chapter, or permit the
6 commission of a violation in the guide's or outfitter's [TRANSPORT-
7 ER'S] sight without attempting to prevent it, short of using force,
8 and without reporting it;

9 (3) a person to guide or outfit [TRANSPORT] as defined in
10 this chapter without being licensed under this chapter and without
11 having the license in actual possession; [HOWEVER, FOR PURPOSES OF
12 TRANSPORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNER-
13 SHIP OR OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL
14 PLACE OF BUSINESS OF THE BUSINESS ENTITY;]

15 (4) a person to imply by advertisement, representation, or
16 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
17 licensed master guide, registered guide, special guide, class-A assis-
18 tant guide, assistant guide, or outfitter [TRANSPORTER] without being
19 currently licensed [, OR TO FALSELY ADVERTISE SERVICES];

20 (5) a person to act as a registered or master guide as
21 defined in this chapter without having a current valid resident hunt-
22 ing [AND FISHING] license in the person's possession.

23 [(6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
24 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

25 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
26 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e).]

27 (b) A person who violates (a)(1) - (4) [(6)] of this section is
28 guilty of a misdemeanor and upon conviction is punishable by a fine of
29 not more than \$1,000 or by imprisonment for not more than one year, or

1 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
2 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

3 * Sec. 23. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advis-
5 able in accordance with the Administrative Procedure Act (AS 44.62)
6 for

7 (1) setting apart game reserve areas, refuges and sanctu-
8 aries in the water or on the land of the state over which it has
9 jurisdiction, subject to the approval of the legislature;

10 (2) establishing open and closed seasons and areas for the
11 taking of game;

12 (3) establishing the means and methods employed in the
13 pursuit, capture and transport of game;

14 (4) setting quotas, bag limits, harvest levels, and sex,
15 age, and size limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game
17 animals, fur bearing animals, predators or other categories;

18 (6) methods, means, and harvest levels necessary to control
19 predation and competition among game in the state;

20 (7) watershed and habitat improvement, and management,
21 conservation, protection, use, disposal, propagation and stocking of
22 game;

23 (8) prohibiting the live capture, possession, transport, or
24 release of native or exotic game or their eggs;

25 (9) establishing the times and dates during which the
26 issuance of game licenses, permits and registrations and the transfer
27 of permits and registrations between registration areas and game
28 management units or subunits is allowed;

29 (10) designating the areas of the state to which AS 16.05.-

1 providing assistance in locating or taking game;
2 (4) [(3)] "resident" means a person who
3 (A) maintains a place of residence within the state;
4 (B) [Repealed
5 (C)] shows by all attending circumstances the inten-
6 tion to permanently reside in this state;
7 [(4) "TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
8 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
9 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
10 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
11 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
12 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
13 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;]
14 (5) "unethical activity" means
15 (A) deception or misrepresentation [IN ANY DEGREE]
16 involving prospective or actual clients either before, during, or
17 following a contract hunt including, misrepresentation through
18 private or public advertising of the type, duration, cost or
19 conditions of the contract hunt [HUNTS];
20 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
21 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
22 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;
23 (C)] making a guaranty that a species or certain
24 number of species of game will be taken on a contract hunt; or
25 (C) unsafe or unsportsmanlike activities that are
26 detrimental to the game resources of the state, as defined by
27 regulations of the board, including violations of state or feder-
28 al hunting or guiding laws or regulations;
29 (6) "big game" means brown bear, grizzly bear, polar bear,

1 * Sec. 28. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
2 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.
3 * Sec. 29. This Act takes effect July 1, 1985.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

1 407(a) applies.

2 * Sec. 24. AS 16.05.407(a) is amended to read:

3 (a) It is unlawful for a nonresident to hunt, pursue or take
4 brown bear, grizzly bear, polar bear, or sheep in this state, unless
5 personally accompanied by

6 (1) a person who is licensed as a master guide, registered
7 guide, class-A assistant guide or assistant guide by the Guide [LI-
8 CENSING AND CONTROL] Board; or

9 (2) a resident over 19 years of age who is

10 (A) the spouse of the nonresident; or

11 (B) is related to the nonresident, within and includ-
12 ing the second degree of kindred, by marriage or blood.

13 * Sec. 25. AS 16.05.407(b) is amended to read:

14 (b) An applicant for a nonresident big game tag for the taking
15 of an animal specified in (a) of this section or in regulations adopt-
16 ed under this section shall first furnish to the state, on a form
17 provided by the state, an affidavit showing that the applicant will be
18 personally accompanied while hunting by a person who is qualified
19 under the terms of (a) of this section. A person who falsifies the
20 required affidavit is guilty of perjury under AS 11.56.200.

21 * Sec. 26. AS 16.05.407(d) is amended to read:

22 (d) A nonresident who violates (a) [OR (c)] of this section, or
23 who fails to furnish an affidavit under (b) of this section, is guilty
24 of a misdemeanor and upon conviction is punishable by imprisonment for
25 not more than one year, or by a fine of not more than \$5,000, or by
26 both.

27 * Sec. 27. AS 39.50.200(b) is amended by adding a new paragraph to
28 read:

29 (48) the Guide Board.

1 * Sec. 28. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
2 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.
3 * Sec. 29. This Act takes effect July 1, 1985.

COMMITTEE REPORT

SENATE

FURTHER:

5/9/86

Date 5/10/86

Mr. President

The Committee on FINANCE considered SS SB 297

relating to the practice of naturopathy and exempting the practice of naturopathy from the practice of medicine.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 297 (Fin)
- new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation D-H/SS
- recommends referral to _____ Committee

MEMBERS SIGNING

DO PASS

Rich Holford
Paul Grube
Robinson

MEMBERS HAVING

OTHER RECOMMENDATIONS

NO Pass
J. Feyn N/R
Robert - no rec.

Chairman
Co - do pass
Chairman recommendation

4/29/86 (S) JCC

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SS SB No. 297
Title : Act Relating to the Practice of
Naturopathy & Exempting the Practice
of Naturopathy from the Practice of Med.
Sponsor : Labor & Commerce
Requestor : Abood
Date of Request : 4/22/86

FISCAL DETAIL

Agency Affected : Dept. Health & Social Services
BRU : State Health Services

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N., Director *E. Ward* Phone : 465-3090
Division : Public Health Date : 4/22/86 *JCC*

Approved by Commissioner : *J.R.P.* Date : 4/23/86
Agency : Department of Health & Social Services

Distribution (by Agency preparing fiscal note) :

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

Bannister
5/9/86

Original sponsor: Abood

1 IN THE SENATE BY THE FINANCE COMMITTEE
 2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297 (Finance)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to the practice of naturopathy; and
 7 providing for an effective date."

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

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

10 CHAPTER 45. NATUROPATHS.

11 Sec. 08.45.010. PRACTICE OF NATUROPATHY WITHOUT LICENSE PROHIB-
 12 ITED. A person may not practice naturopathy in the state without a
 13 license.

14 Sec. 08.45.020. APPLICATION FOR LICENSE. A person desiring to
 15 practice naturopathy shall apply in writing to the division of occupa-
 16 tional licensing of the Department of Commerce and Economic Develop-
 17 ment.

18 Sec. 08.45.030. ISSUANCE OF LICENSE. The division shall issue a
 19 license to practice naturopathy to an applicant who provides proof
 20 satisfactory to the division that the applicant has received

- 21 (1) a degree from an accredited 4-year college or universi-
- 22 ty;
- 23 (2) a degree from a school of naturopathy that required
- 24 four years of attendance at the school; and
- 25 (3) a license to practice naturopathy in a state that
- 26 required an examination for the license.

27 Sec. 08.45.040. DISCLOSURES REQUIRED BY PERSON WHO PRACTICES
 28 NATUROPATHY. (a) A person who practices naturopathy shall clearly
 29 disclose that the person's training and practice is in naturopathy

1 (1) to each patient; and

2 (2) on all material used in the practice of naturopathy and
3 made available to patients or to the public.

4 (b) A person who practices naturopathy without being covered by
5 malpractice insurance shall disclose to each patient that the person
6 does not have the insurance.

7 Sec. 08.45.050. RESTRICTIONS ON PRACTICE OF NATUROPATHY. A
8 person who practices naturopathy may not

9 (1) give, prescribe, or recommend in the practice

10 (A) a prescription drug;

11 (B) a controlled substance;

12 (C) a poison;

13 (2) engage in surgery;

14 (3) use the word "physician" in the person's title.

15 Sec. 08.45.060. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO
16 ISSUE A LICENSE. The division may, after a hearing, impose a
17 disciplinary sanction on a person licensed under this chapter when the
18 division finds that the licensee

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

21 (2) engaged in deceit, fraud, or intentional misrepresenta-
22 tion in the course of providing professional services or engaging in
23 professional activities;

24 (3) advertised professional services in a false or mislead-
25 ing manner;

26 (4) has been convicted of a felony or other crime that
27 affects the licensee's ability to continue to practice competently and
28 safely;

29 (5) failed to comply with this chapter, with a regulation

1 adopted under this chapter, or with an order of the division;

2 (6) continued to practice after becoming unfit due to

3 (A) professional incompetence;

4 (B) addiction or severe dependency on alcohol or a
5 drug that impairs the licensee's ability to practice safely;

6 (C) physical or mental disability;

7 (7) engaged in lewd or immoral conduct in connection with
8 the delivery of professional service to patients.

9 Sec. 08.45.070. DISCIPLINARY SANCTIONS. (a) When it finds that
10 a licensee under this chapter has violated AS 08.45.040 - 08.45.050 or
11 is guilty of an offense under AS 08.45.060, the division may impose
12 the following sanctions singly or in combination:

13 (1) permanently revoke the license to practice;

14 (2) suspend the license for a determinate period of time;

15 (3) censure the licensee;

16 (4) issue a letter of reprimand to the licensee;

17 (5) place the licensee on probationary status and require
18 the licensee to

19 (A) report regularly to the division upon matters
20 involving the basis of probation;

21 (B) limit practice to those areas prescribed;

22 (C) continue professional education until a satisfac-
23 tory degree of skill has been attained in areas determined by the
24 division to need improvement;

25 (6) impose limitations or conditions on the practice of the
26 licensee.

27 (b) The division may withdraw probationary status of a licensee
28 if it finds that the deficiencies that required the sanction have been
29 remedied.

1 (c) The division may summarily suspend a license before final
2 hearing or during the appeals process if the division finds that the
3 licensee poses a clear and immediate danger to the public health and
4 safety if the licensee continues to practice. A licensee whose li-
5 cense is suspended under this section is entitled to a hearing by the
6 division no later than seven days after the effective date of the
7 order. The licensee may appeal the suspension after a hearing to a
8 court of competent jurisdiction.

9 Sec. 08.45.080. UNLICENSED PRACTICE A MISDEMEANOR. A person who
10 practices naturopathy in the state without a license in violation of
11 AS 08.45.010 is guilty of a misdemeanor, and upon conviction is pun-
12 ishable by a fine of not more than \$1,000, or by imprisonment for not
13 more than a year, or by both.

14 Sec. 08.45.090. FRAUDULENT LICENSE. A person who obtains or
15 attempts to obtain a naturopathic license by dishonest or fraudulent
16 means, or who forges, counterfeits, or fraudulently alters a
17 naturopathic license is punishable by a fine of not more than \$500, or
18 by imprisonment for not more than six months, or by both.

19 Sec. 08.45.200. DEFINITIONS. In this chapter,

20 (1) "controlled substance" has the meaning given in AS 11.-
21 71.900;

22 (2) "division" means the division of occupational licensing
23 in the Department of Commerce and Economic Development;

24 (3) "naturopathy" means the use of hydrotherapy, dietetics,
25 electrotherapy, sanitation, suggestion, mechanical and manual manipu-
26 lation for the stimulation of physiological and psychological action
27 to establish a normal condition of mind and body.

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

29 (24) regulation of the practice of naturopathy under

1 AS 08.45.

2 * Sec. 3. AS 08.01.050(a) is amended to read:

3 (a) The department shall perform [PROVIDE] the following admin-
4 istrative and budgetary services when appropriate:

5 (1) collect fees and issue receipts;

6 (2) maintain records and files;

7 (3) issue and receive application forms;

8 (4) notify applicants of acceptance or rejection of appli-
9 cants as determined by the board or as determined by the department
10 under AS 08.45 for naturopaths;

11 (5) designate dates examinations are to be held and notify
12 applicants;

13 (6) publish notice of examination;

14 (7) arrange space for holding examinations;

15 (8) notify applicants of results of examinations;

16 (9) issue licenses and certificates or temporary licenses
17 or certificates as authorized by the board or as authorized by the
18 department under AS 08.45 for naturopaths;

19 (10) issue duplicate licenses or certificates upon proof by
20 the licensee of loss of the original and payment by the licensee of a
21 fee of \$2 except as otherwise provided in this title;

22 (11) notify licensees of renewal dates at least 30 days
23 before the expiration date of their licenses;

24 (12) compile and maintain current a register of licenses;

25 (13) answer routine inquiries;

26 (14) maintain files relating to individual licensees;

27 (15) arrange for printing and advertising;

28 (16) purchase supplies;

29 (17) employ secretarial help when needed;

1 (18) perform other services that [WHICH] may be requested by
2 the board;

3 (19) provide investigative services to the boards estab-
4 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.-
5 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the
6 purpose of assisting those boards in matters of professional disci-
7 pline and in responding to consumer complaints.

8 * Sec. 4. AS 08.01.087 is amended to read:

9 Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The
10 department may, upon its own motion, conduct investigations to deter-
11 mine whether a [ANY] person has violated a provision of this chapter
12 or a regulation adopted under it, or a provision of [A CHAPTER IN]
13 this title or regulation adopted under this title dealing with an
14 occupation or board [ONE OF THE BOARDS] listed in AS 08.01.010 [OR A
15 REGULATION ADOPTED BY ONE OF THOSE BOARDS], or to secure information
16 useful in the administration of this chapter.

17 (b) If it appears to the commissioner that a person has engaged
18 in or is about to engage in an act or practice in violation of a
19 provision of this chapter or a regulation adopted under it, or a
20 provision of this title or regulation adopted under this title dealing
21 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR
22 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010, the commis-
23 sioner may, if the commissioner considers it in the public interest,
24 and after notification of a proposed order or action by telephone or
25 telegraph to all board members, if a board regulates the act or prac-
26 tice involved, [BY TELEPHONE OR TELEGRAPH OF A PROPOSED ORDER OR
27 ACTION] unless a majority of the members of the board object within 10
28 days,

29 (1) issue an order directing the person to stop the act or

1 practice; however, reasonable notice of and an opportunity for a
2 hearing must first be given to the person, except that the commis-
3 sioner may issue a temporary order before a hearing is held; a tempo-
4 rary order remains in effect until a final order affirming, modifying,
5 or reversing the temporary order is issued or until 15 days after the
6 person receives the notice and has not requested a hearing by that
7 time; a temporary order becomes final if the person to whom the notice
8 is addressed does not request a hearing within 15 days after receiving
9 the notice; the commissioner or the commissioner's designee shall be
10 the hearing officer at the hearing and shall issue a final order
11 within 10 days after the hearing;

12 (2) bring an action in the superior court to enjoin the
13 acts or practices and to enforce compliance with this chapter, a
14 regulation adopted under it, [OR] an order issued under it, or with a
15 provision of this title or regulation adopted under this title dealing
16 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR
17 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010;

18 (3) examine or have examined the books and records of a
19 [ANY] person whose business activities require licensure by a board
20 listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010;
21 the commissioner [AND HE] may require the [THAT] person to pay the
22 reasonable costs of the examination; and

23 (4) issue subpoenas for the attendance of witnesses, and
24 the production of books, records and other documents.

25 * Sec. 5. AS 08.01.110 is amended to read:

26 Sec. 08.01.110. DEFINITIONS. In this chapter

27 (1) "board" includes the boards and commissions listed in
28 AS 08.01.010;

29 (2) "department" means the Department of Commerce and

1 Economic Development;

2 (3) "commissioner" means the commissioner of commerce and
3 economic development;

4 (4) "license" means a [ANY] license, certificate, permit,
5 or registration or similar evidence of authority issued for an occupa-
6 tion or board [BY ONE OF THE BOARDS] listed in AS 08.01.010;

7 (5) "licensee" means a [ANY] person who holds a license;

8 (6) "occupation" means a trade or profession [ANY OF THE
9 TRADES OR PROFESSIONS FOR WHICH LICENSURE IS REQUIRED BY ONE OF THE
10 BOARDS] listed in AS 08.01.010.

11 * Sec. 6. AS 09.55.560 is amended to read:

12 Sec. 09.55.560. DEFINITIONS. In AS 09.55.530 - 09.55.560

13 (1) "health care provider" means a chiropractor licensed
14 under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist
15 licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
16 optician licensed under AS 08.71; a naturopath licensed under AS 08.-
17 45; an optometrist licensed under AS 08.72; a pharmacist licensed
18 under AS 08.80; a physical therapist licensed under AS 08.84; a physi-
19 cian licensed under AS 08.64; a podiatrist; a psychologist and a
20 psychological associate licensed under AS 08.86; and a hospital as
21 defined in AS 18.20.130, including a governmentally owned or operated
22 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
23 employee of a health care provider acting within the course and scope
24 of employment;

25 (2) "board" means an arbitration board established under
26 AS 09.55.535;

27 (3) "panel" means an expert advisory panel established
28 under AS 09.55.536.

29 * Sec. 7. AS 47.08.050 is amended to read:

1 Sec. 47.08.050. SERVICES EXCLUDED FROM COVERAGE. Annually, the
2 committee shall determine in light of appropriated funds and expected
3 need the medical expenses reimbursable under this chapter, except that
4 the following are not reimbursable:

5 (1) dentistry and optometry unless prescribed by a licensed
6 dentist or physician as medically necessary as the result of the
7 injury or illness;

8 (2) elective medical or surgical procedures;

9 (3) drugs and medications not prescribed by a licensed
10 physician;

11 (4) services received as a result of a pregnancy or birth
12 without unusual complications;

13 (5) private psychological or psychiatric treatment or
14 private alcoholism treatment, unless not available from public agen-
15 cies or programs;

16 (6) chiropractic services and services provided by a person
17 who practices naturopathy;

18 (7) services not of a medical nature;

19 (8) medical services currently provided to persons in the
20 custody of the Department of Corrections;

21 (9) costs incurred before July 1976.

22 * Sec. 8. AS 47.17.070 is amended to read:

23 Sec. 47.17.070. DEFINITIONS. In this chapter

24 (1) "child" means a person under 18 years of age;

25 (2) "child abuse or neglect" means the physical injury or
26 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
27 under the age of 18 by a person who is responsible for the child's
28 welfare under circumstances which indicate that the child's health or
29 welfare is harmed or threatened thereby;

1 (3) "child care provider" means an adult individual, or an
2 employee of an organization, who provides care and supervision to a
3 child for compensation;

4 (4) "department" means the Department of Health and Social
5 Services;

6 (5) "institution" means a private or public hospital or
7 other facility providing medical diagnosis, treatment, or care;

8 (6) "neglect" means the failure to provide necessary food,
9 care, clothing, shelter, or medical attention for a child;

10 (7) "organization" means a group or entity that provides
11 care and supervision for compensation to a child not related to the
12 caregiver, and includes a child care facility, pre-elementary school,
13 head start center, child foster home, residential child care facility,
14 recreation program, children's camp, and children's club;

15 (8) "person responsible for the child's welfare" means the
16 child's parent, guardian, foster parent, a person responsible for the
17 child's care at the time of the alleged child abuse or neglect, or a
18 person responsible for the child's welfare in a public or private
19 residential agency or institution;

20 (9) "practitioner of the healing arts" includes chiroprac-
21 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
22 tioners, optometrists, osteopaths, naturopaths, physical therapists,
23 physicians, physician's assistants, psychiatrists, psychologists,
24 psychological associates, religious healing practitioners, and sur-
25 geons;

26 (10) "sexual exploitation" means

27 (A) permission or encouragement to a child for pros-
28 titution prohibited by AS 11.66.100 - 11.66.150 by a person
29 responsible for the child's welfare;

1 (B) permission, encouragement, or activity involved
2 in the unlawful exploitation of a minor prohibited by AS 11.41.-
3 455 by a person responsible for the minor's welfare.

4 * Sec. 9. The Department of Commerce and Economic Development shall
5 establish a committee to develop recommendations on whether the licensure
6 of naturopaths should be by an existing board, a new board, or the division
7 of occupational licensing. The committee shall provide the legislature
8 with a report of its recommendations on or before the 10th day of the First
9 Session of the Fifteenth Legislature.

10 * Sec. 10. Section 9 of this Act is repealed one year after the effec-
11 tive date of this Act.

12 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).
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POSITION PAPER

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297

For an Act entitled: "An Act Relating to the Practice of Naturopathy and Exempting the Practice of Naturopathy from the Practice of Medicine."

The principal change in the sponsor substitute is the removal of the requirement for Alaska licensure of naturopaths which was included in the original Bill. Instead, a person would be permitted to practice in the state if he or she had completed 120 semester hours of course work, or the equivalent, at a college or university, received a degree from a four year school of naturopathy and received a license to practice in another state or province of Canada

Of some concern to the Department of Health and Social Services is the proposed wording of AS 08.45.030(1)(A) which appears to give authority to naturopaths to prescribe a wide range of drugs and medications as long as they are derived from plants, animals or minerals. Examples of medications from such sources might include digitalis, quinidine, many antibiotics, and hormones.

The Department continues to have reservations about the appropriateness of naturopathic treatment for certain types of illnesses. However, it also recognized the desire of certain health care consumers to use the services of a naturopath. The Department is neutral on this Bill.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

4/22/86

Approved by:

John R. Pugh
John R. Pugh
Commissioner
Department of Health
and Social Services

Date:

4/25/86

POSITION PAPER

SENATE BILL NO. 297

"An Act relating to the licensing of practitioners of naturopathic medicine; and providing for an effective date."

BACKGROUND

The Bill defines naturopathy as a "system of healing the human body that includes diagnosis and treatment through the use of natural agencies, forces, processes, and products with emphasis on the response of the individual to the disease rather than its treatment in isolation."

There is controversy over the scientific basis of naturopathic medicine. In a 1968 study, the U.S. Department of Health, Education and Welfare stated that "naturopathic theory and practice are not based upon the body of basic knowledge related to health, disease and health care which has been widely accepted by the scientific community." This position has remained unaltered. There is apparently also some division within the ranks of naturopathic physicians with some ascribing solely to "hygienic and prophylactic measures" while others include diagnostic procedures, minor surgery and the use of certain drugs within the scope of naturopathic practice.

There are two four-year colleges of naturopathic medicine in the United States, one in Portland and one in Seattle. In addition, there is a correspondence curriculum in naturopathy available from the Bernadean University in Van Nuys, California but graduates of that program would not be eligible for Alaska licensure under the terms of this Bill.

Alaska currently has no statute providing for the licensure of naturopathic physicians. The Attorney General has held that, to the extent that naturopathy constitutes the practice of medicine as defined in the Alaska Statutes, any person practicing naturopathy would be required to be licensed by the State Board of Medical Examiners. Proponents of naturopathy consider a requirement for medical licensure to be unfair since their discipline is considered, in their view, to be quite distinct from conventional medicine.

DISCUSSION

While certain conditions may be amenable to treatment through naturopathic methods, others would not. A few examples would include malignancies, diabetes in certain age groups or of certain degrees of severity, certain types of infectious diseases, etc. Similarly, it is not always possible to determine the benign or malignant nature of a superficial lesion by its gross appearance. Protection of the public would require that the public clearly understands the limitations of the naturopathic approach and that the practitioner be able to recognize those conditions in which his or her therapy would not be beneficial.

POSITION PAPER/Department of Health & Social Services

Position Paper
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While naturopathic practitioners are eligible for licensure in some states, several of those states impose restrictions limiting practice to "drugless therapy" and, in some cases, prohibiting surgery.

DEPARTMENTAL POSITION

The Department has reservations about the appropriateness of naturopathic treatment for certain types of illnesses. However, the Department recognizes that certain health care consumers desire to use the services of a naturopath and is, therefore, neutral on this bill. The Department defers to the Department of Commerce and Economic Development on the merits of licensure and the establishment of a Board.

Recommended by:

Daniel Bruce for
Robert I. Fraser, M.D.
Director
Division of Public Health

Date:

4/29/85

Approved by:

John R. Pugh
John R. Pugh
Commissioner
Department of Health and
Social Services

Date:

4/30/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 297
Title: Licensing of naturopaths

Sponsor: Aboard
Requestor: _____
Date of Request: 4-26-85

FISCAL DETAIL

Agency Affected: Dept. Health & Social Serv.
Program Category Affected: Public Health

BRU, Program or Subprogram(s) Affected: _____
State Health Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser ^{RIF/DIS} M.D. Phone: 465-3090
Division: Public Health Date: _____

Approved by Commissioner: John R. Pugh ^{JRP} Date: 4-30-85 ^{JCC}
Agency: Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

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

7/1/84

Offered: 5/8/86
Referred: Health, Education and
Social Services

Original sponsor: Abood

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of naturopathy; and
7 providing for an effective date."

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

9 * Section 1. AS 08.20.010 is amended to read:

10 Sec. 08.20.010. CREATION AND MEMBERSHIP OF BOARD OF CHIROPRACTIC
11 AND NATUROPATHY EXAMINERS. There is created the Board of Chiropractic
12 and Naturopathy Examiners consisting of six [FIVE] members appointed
13 by the governor, including one nonvoting ex officio member.

14 * Sec. 2. AS 08.20.020 is amended to read:

15 Sec. 08.20.020. MEMBERS OF BOARD. Four members of the board
16 shall be licensed chiropractic physicians who have practiced chiro-
17 practic in this state not less than two years. One member of the
18 board shall be a person with no direct financial interest in the
19 health care industry. The ex officio member shall be a person who is
20 licensed under this chapter to practice naturopathy. Each member
21 serves without pay but is entitled to per diem and travel expenses
22 allowed by law.

23 * Sec. 3. AS 08.20.100 is amended to read:

24 Sec. 08.20.100. PRACTICE OF CHIROPRACTIC OR NATUROPATHY WITHOUT
25 LICENSE PROHIBITED. A person may not practice chiropractic or naturo-
26 pathy in the state without a license.

27 * Sec. 4. AS 08.20.110 is amended to read:

28 Sec. 08.20.110. APPLICATION FOR LICENSE. A person desiring to
29 practice chiropractic or naturopathy shall apply in writing to the

1 board.

2 * Sec. 5. AS 08.20.120(b) is amended to read:

3 (b) The board may issue a license to practice chiropractic
4 without examination to an applicant under AS 08.20.140.

5 * Sec. 6. AS 08.20.120 is amended by adding a new subsection to read:

6 (c) An applicant shall be issued a license to practice naturo-
7 pathy if the applicant provides proof satisfactory to the board that
8 the applicant has a degree from

9 (1) an accredited 4-year college or university; and

10 (2) a school of naturopathy that required four years of
11 attendance at the school.

12 * Sec. 7. AS 08.20.140 is amended to read:

13 Sec. 08.20.140. LICENSURE BY CREDENTIALS. The board may issue a
14 license without examination to an applicant for a license to practice
15 chiropractic if the applicant presents [PRESENTING] satisfactory proof
16 of the possession of a license or certificate of registration in good
17 standing in a state or territory of the United States, or a foreign
18 country, if the requirements for registration at the date of the
19 applicant's license were essentially equivalent to those in this
20 chapter for a license to practice chiropractic.

21 * Sec. 8. AS 08.20 is amended by adding new sections to read:

22 Sec. 08.20.145. DISCLOSURES REQUIRED BY PERSON WHO PRACTICES
23 NATUROPATHY. (a) A person who practices naturopathy shall clearly
24 disclose that the person's training and practice is in naturopathy

25 (1) to each patient; and

26 (2) on all material used in the practice of naturopathy and
27 made available to patients or to the public.

28 (b) A person who practices naturopathy without being covered by
29 malpractice insurance shall disclose to each patient that the person

1 does not have the insurance.

2 Sec. 08.20.147. RESTRICTIONS ON PRACTICE OF NATUROPATHY. A
3 person who practices naturopathy may not

4 (1) give, prescribe, or recommend in the practice

5 (A) a prescription drug;

6 (B) a controlled substance;

7 (C) a poison;

8 (2) engage in surgery;

9 (3) use the word "physician" in the person's title.

10 * Sec. 9. AS 08.20.160 is amended to read:

11 Sec. 08.20.160. TEMPORARY PERMITS. Temporary permits to prac-
12 tice chiropractic may be issued to persons apparently qualified until
13 the next regular meeting of the board.

14 * Sec. 10. AS 08.20.175(a) is amended to read:

15 (a) When it finds that a licensee under this chapter [CHIROPRAC-
16 TOR] is guilty of an offense under AS 08.20.170, the board may impose
17 the following sanctions singly or in combination:

18 (1) permanently revoke the [CHIROPRACTOR'S] license to
19 practice;

20 (2) suspend the [CHIROPRACTOR'S] license for a determinate
21 period of time;

22 (3) censure the licensee [CHIROPRACTOR];

23 (4) issue a letter of reprimand to the licensee [CHIROPRAC-
24 TOR];

25 (5) place the licensee [CHIROPRACTOR] on probationary
26 status and require the licensee [CHIROPRACTOR] to

27 (A) report regularly to the board upon matters involv-
28 ing the basis of probation;

29 (B) limit practice to those areas prescribed;

1 (C) continue professional education until a satisfac-
2 tory degree of skill has been attained in areas determined by the
3 board to need improvement;

4 (6) impose limitations or conditions on the practice of the
5 licensee [CHIROPRACTOR].

6 * Sec. 11. AS 08.20.175(b) is amended to read:

7 (b) The board may withdraw probationary status of a licensee
8 [CHIROPRACTOR] if it finds that the deficiencies which required the
9 sanction have been remedied.

10 * Sec. 12. AS 08.20.175(c) is amended to read:

11 (c) The board may summarily suspend a [CHIROPRACTOR'S] license
12 before final hearing or during the appeals process if the board finds
13 that the licensee [CHIROPRACTOR] poses a clear and immediate danger to
14 the public health and safety if the licensee [CHIROPRACTOR] continues
15 to practice. A licensee [CHIROPRACTOR] whose license is suspended
16 under this section is entitled to a hearing by the board no later than
17 seven days after the effective date of the order. The licensee
18 [CHIROPRACTOR] may appeal the suspension after a hearing to a court of
19 competent jurisdiction.

20 * Sec. 13. AS 08.20.200 is amended to read:

21 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who
22 practices chiropractic or naturopathy in the state without a license
23 in violation of AS 08.20.100 is guilty of a misdemeanor, and upon
24 conviction is punishable by a fine of not more than \$1,000, or by
25 imprisonment for not more than a year, or by both. [IN PROSECUTIONS
26 UNDER THIS SECTION, EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE
27 DEFENDANT'S CERTIFICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE
28 EVIDENCE THAT THE DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

29 * Sec. 14. AS 08.20.210 is amended to read:

1 Sec. 08.20.210. FRAUDULENT CERTIFICATES. A [ANY] person who
2 obtains or attempts to obtain a chiropractic or naturopathic certifi-
3 cate by dishonest or fraudulent means, or who forges, counterfeits, or
4 fraudulently alters a [ANY SUCH] certificate is punishable by a fine
5 of not more than \$500, or by imprisonment for not more than six
6 months, or by both.

7 * Sec. 15. AS 08.20.220 is amended to read:

8 Sec. 08.20.220. DEFINITIONS [CHIROPRACTIC DEFINED]. In this
9 chapter,

10 (1) "chiropractic" means [CHIROPRACTIC IS] the science of
11 locating and correcting interference with nerve energy transmission
12 and expression within the human body, and the employment and practice
13 of drugless therapeutics, including physiotherapy, hydrotherapy,
14 mechanotherapy, phytotherapy, electrotherapy, chromotherapy,
15 thermotherapy, thalmotherapy, correcting and orthopedic gymnastics,
16 and dietetics which includes the use of foods and those biochemical
17 tissue building products and cell salts found within the normal human
18 body, without the use of drugs or surgery;

19 (2) "controlled substance" has the meaning given in AS 11.-
20 71.900;

21 (3) "naturopathy" means the use of hydrotherapy, dietetics,
22 electrotherapy, sanitation, suggestion, mechanical and manual manipu-
23 lation for the stimulation of physiological and psychological action
24 to establish a normal condition of mind and body.

25 * Sec. 16. AS 08.01.010(2) is amended to read:

26 (2) Board of Chiropractic and Naturopathy Examiners
27 (AS 08.20.010);

28 * Sec. 17. AS 08.03.010(c)(2) is amended to read:

29 (2) Board of Chiropractic and Naturopathy Examiners

1 (AS 08.20.010) -- June 30, 1988.

2 * Sec. 18. AS 09.55.560 is amended to read:

3 Sec. 09.55.560. DEFINITIONS. In AS 09.55.530 - 09.55.560

4 (1) "health care provider" means a chiropractor licensed
5 under AS 06.20; a dental hygienist licensed under AS 08.32; a dentist
6 licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
7 optician licensed under AS 08.71; a naturopath licensed under
8 AS 08.20; an optometrist licensed under AS 08.72; a pharmacist
9 licensed under AS 08.80; a physical therapist licensed under AS 08.84;
10 a physician licensed under AS 08.64; a podiatrist; a psychologist and
11 a psychological associate licensed under AS 08.86; and a hospital as
12 defined in AS 18.20.130, including a governmentally owned or operated
13 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
14 employee of a health care provider acting within the course and scope
15 of employment;

16 (2) "board" means an arbitration board established under
17 AS 09.55.535;

18 (3) "panel" means an expert advisory panel established
19 under AS 09.55.536.

20 * Sec. 19. AS 47.08.050 is amended to read:

21 Sec. 47.08.050. SERVICES EXCLUDED FROM COVERAGE. Annually, the
22 committee shall determine in light of appropriated funds and expected
23 need the medical expenses reimbursable under this chapter, except that
24 the following are not reimbursable:

25 (1) dentistry and optometry unless prescribed by a licensed
26 dentist or physician as medically necessary as the result of the
27 injury or illness;

28 (2) elective medical or surgical procedures;

29 (3) drugs and medications not prescribed by a licensed

1 physician;

2 (4) services received as a result of a pregnancy or birth
3 without unusual complications;

4 (5) private psychological or psychiatric treatment or
5 private alcoholism treatment, unless not available from public
6 agencies or programs;

7 (6) chiropractic services and services provided by a person
8 who practices naturopathy;

9 (7) services not of a medical nature;

10 (8) medical services currently provided to persons in the
11 custody of the Department of Corrections;

12 (9) costs incurred before July 1976.

13 * Sec. 20. AS 47.17.070 is amended to read:

14 Sec. 47.17.070. DEFINITIONS. In this chapter

15 (1) "child" means a person under 18 years of age;

16 (2) "child abuse or neglect" means the physical injury or
17 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
18 under the age of 18 by a person who is responsible for the child's
19 welfare under circumstances which indicate that the child's health or
20 welfare is harmed or threatened thereby,

21 (3) "child care provider" means an adult individual, or an
22 employee of an organization, who provides care and supervision to a
23 child for compensation;

24 (4) "department" means the Department of Health and Social
25 Services;

26 (5) "institution" means a private or public hospital or
27 other facility providing medical diagnosis, treatment, or care;

28 (6) "neglect" means the failure to provide necessary food,
29 care, clothing, shelter, or medical attention for a child;

1 (7) "organization" means a group or entity that provides
2 care and supervision for compensation to a child not related to the
3 caregiver, and includes a child care facility, pre-elementary school,
4 head start center, child foster home, residential child care facility,
5 recreation program, children's camp, and children's club;

6 (8) "person responsible for the child's welfare" means the
7 child's parent, guardian, foster parent, a person responsible for the
8 child's care at the time of the alleged child abuse or neglect, or a
9 person responsible for the child's welfare in a public or private
10 residential agency or institution;

11 (9) "practitioner of the healing arts" includes chiroprac-
12 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
13 tioners, optometrists, osteopaths, naturopaths, physical therapists,
14 physicians, physician's assistants, psychiatrists, psychologists,
15 psychological associates, religious healing practitioners, and
16 surgeons;

17 (10) "sexual exploitation" means

18 (A) permission or encouragement to a child for pros-
19 titution prohibited by AS 11.66.100 - 11.66.150 by a person
20 responsible for the child's welfare;

21 (B) permission, encouragement, or activity involved
22 in the unlawful exploitation of a minor prohibited by AS 11.41.-
23 455 by a person responsible for the minor's welfare.

24 * Sec. 21. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Introduced: 4/17/86
Referred: Labor and Commerce, Health,
Education and Social Services
and Finance

1 IN THE SENATE

BY ABOOD

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of naturopathy and
7 exempting the practice of naturopathy from the
8 practice of medicine."

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

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

11 CHAPTER 45. NATUROPATHS.

12 Sec. 08.45.010. REQUIREMENTS FOR THE PRACTICE OF NATUROPATHY. A
13 person may not practice naturopathy in the state unless the person has

14 (1) completed 120 semester hours, or the equivalent, of
15 course work at a college or university;

16 (2) received a degree from a school of naturopathy that
17 required four years of attendance at the school; and

18 (3) received a license to practice naturopathy from another
19 state or a province of Canada.

20 Sec. 08.45.020. DISCLOSURE. A person who practices naturopathy
21 shall clearly disclose that the person's training and practice is in
22 naturopathy

23 (1) to each patient; and

24 (2) on all material used in the practice of naturopathy and
25 made available to patients or to the public.

26 Sec. 08.45.030. RESTRICTIONS ON PRACTICE. A person who prac-
27 tices naturopathy may not

28 (1) use in the practice or prescribe

29 (A) a prescription drug other than a natural plant,

1 animal, or mineral substance;

2 (B) a controlled substance;

3 (2) engage in surgery;

4 (3) use the word "physician" in the person's title.

5 Sec. 08.45.040. DEFINITIONS. In this chapter,

6 (1) "controlled substance" has the meaning given in
7 AS 11.71.900;

8 (2) "naturopathy" means a system of healing the human body
9 that involves diagnosis and treatment through the use of natural
10 agencies, forces, processes, and products, with an emphasis on the
11 response of the individual to the disease rather than treatment of the
12 disease in isolation.

13 * Sec. 2. AS 08.64.370 is amended to read:

14 Sec. 08.64.370. PERSONS NOT AFFECTED. This chapter does not
15 apply to

16 (1) officers in the regular medical service of the armed
17 services of the United States or the United States Public Health
18 Service while in the discharge of their official duties;

19 (2) a physician or osteopath, who is not a resident of this
20 state, who is asked by a physician or osteopath licensed in this state
21 to help in the diagnosis or treatment of a case;

22 (3) the practice of the religious tenets of a church;

23 (4) a person while serving as a student, intern, resident
24 physician, or fellow at a hospital, clinic, or medical facility in the
25 state;

26 (5) a physician in the regular medical service of the
27 United States Public Health Service or the armed services of the
28 United States volunteering services without pay or other remuneration
29 to a hospital, clinic, medical office, or other medical facility in

1 the state;

2 (6) a person who is registered as a lay midwife by the
3 Department of Health and Social Services under AS 18.05.040 or who is
4 excluded from registration under AS 18.05.057 while engaged in the
5 practice of lay midwifery whether or not the person accepts compensat-
6 ion for those services;

7 (7) a person who is authorized by AS 08.45 to practice
8 naturopathy.

9

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/7/86

Date 5-8-86

Mr. President

The Committee on HESS considered SS SB 297
relating to the practice of naturopathy and exempting the practice of
naturopathy from the practice of medicine.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 297 (HESS)
new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Josephson
Edna W. Vries

John King
Chairman
Do Pass
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: HESS
FINANCE

4/17/86

Date 7 May 86

Mr. President

The Committee on Labor & Commerce considered SS SB 297

relating to the practice of naturopathy and exempting the practice of naturopathy from the practice of medicine.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 297
- new title
- same title and recommends do pass w/ amendments
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Brian Ray
Johnson

Paul J. Ziegler
Chairman
No Rec
Chairman recommendation