

ALASKA LEGISLATURE

1705

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

2806 John Street #2
Juneau, Alaska 99801
(907) 586-3204

Representative Norman Rokeberg
Alaska House of Representatives
State Capitol
Juneau, Alaska 99811-1182

March 12, 1998

Dear Representative Rokeberg,

I urge you to support CSHB 349, Representative James' bill to license and limit the title "social worker" to those who are properly trained. This bill will protect Alaskans—those who receive services as well as those who want to see their money invested wisely.

At the current time, the term "social worker" is used, not to refer to a professional with a degree in social work, but as a job title. The actions, or failure to act, by a social worker often have significant effects on the health and mental health of both individual clients and their families. Regulation by licensing will hold social workers accountable to one of the most comprehensive code of ethics in the helping professions.

In light of concerns regarding Alaska's fiscal gap, it is essential that money spent on services be used effectively, to assist people in providing for themselves and to protect those at risk of harm. An effective way to monitor our investment in social services is to require the hiring of qualified social work personnel. CSHB 349 will enforce standards for social work practice and allow Alaskans to raise charges of malpractice and complaints of improper conduct.

On behalf of all Alaskans, potential recipients of social work services. I thank you for your consideration of my request.

Sincerely,

Marianne Mills

Marianne Mills, M.S.W.

Deering's California Codes
annotated

*This has
recent changes
in the law*

BUSINESS AND PROFESSIONS
5000-5999

ding rules and
tion or bylaws
shall include a
on owned by a
ox Professional
to ~~the~~ corpora-
ion within such
and (b) that a
a condition of
ox Professional
ate security by
ents arising out

ng to examina-
i: § 313.1 subd

CHAPTER 14

Social Workers

[Division 2, Healing Arts—Chapter 14, Social Workers; Chapter added by Stats 1985 ch 820 § 1..]

Article

1. Administration. §§ 4990-4990.16
2. Application of Chapter. §§ 4992-4992.7
3. Revenue. § 4994
4. Clinical Social Workers. §§ 4996-4996.18
5. Licensed Clinical Social Workers Corporations. §§ 4998-4998.7

ARTICLE 1

Administration

[Division 2, Healing Arts—Chapter 14, Social Workers—Article 1, Administration; added by Stats 1985 ch 820 § 1.]

- § 4990. Nature and construction of chapter
- § 4990.1. Board of Behavioral Science Examiners; Number of members
- § 4990.2. Use of previous names of board
- § 4990.3. Qualifications of board members; Public members
- § 4990.4. "Approved school of social work"
- § 4990.5. Appointments to board; Terms of office; Vacancies
- § 4990.6. Election of officers
- § 4990.7. Appointment of executive officer
- § 4990.8. Executive officer's powers and duties
- § 4990.9. Executive officer's salary
- § 4990.10. Employment of personnel
- § 4990.11. Recordkeeping requirements
- § 4990.12. Research and studies on professional standards
- § 4990.13. Enforcement of chapter
- § 4990.14. Rules and regulations
- § 4990.15. Seal
- § 4990.16. Per diem and expenses

Cross References:

Department of Consumer Affairs: §§ 100 et seq.
Marriage, family and child counselors: §§ 4980 et seq.

§ 4990

SOCIAL WORKERS

Licensed educational psychologists: §§ 4986 et seq.

Application of chapter: §§ 4992 et seq.

Administrative regulations as to the Board of Behavioral Science Examiners: 16 Cal Adm Code §§ 1802 et seq.

Administrative regulations as to licensed clinical social workers: 16 Cal Adm Code: §§ 1873 et seq.

Collateral References:

Witkin Crimes § 746.

Cal Jur 3d Business and Occupation Licenses §§ 1 et seq., Healing Arts and Institutions § 63.

Am Jur 2d Occupations, Trades, and Professions §§ 1 et seq.

Proof of Facts:

Therapist's liability for injury caused by nonverbal therapy. 20 Am Jur Proof of Facts 2d 421.

Law Review Articles:

Board of Behavioral Science Examiners [current regulatory agency action]. (1984) 4 Cal Reg Law Rep No. 3 p. 38.

Report of Committee on Adoptions respecting attorney's role in independent adoptions; placement problems. 36 St BJ 985.

Annotations:

Communications to social worker as privileged. 50 ALR3d 563.

§ 4990. Nature and construction of chapter

This chapter of the Business and Professions Code constitutes the chapter on social workers. It is to be liberally construed to effect its objectives.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9000, as added by Stats 1945 ch 1508 § 1.

Collateral References:

Attorney General's Opinions:

55 Ops Atty Gen 80 (validity of statutes requiring United States citizenship as prerequisite to registration, certification, or licensure under "title act"; right of employer to require registration under "title act" as prerequisite to employment).

§ 4990.1. Board of Behavioral Science Examiners; Number of members

There is in the Department of Consumer Affairs a Board of Behavioral Science Examiners which consists of 11 members.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9001, as added by Stats 1968 ch 1348 § 2, amended by Stats 1970 ch 760 § 1, Stats 1971 ch 716 § 148, Stats 1976 ch 1188 § 51.3, Stats 1982 ch 676 § 52.

(b) Former § 9001, as added by Stats 1945 ch 1508 § 1.

Cross References:

Department of Consumer Affairs: §§ 100 et seq.

§ 4990.2. Use of previous names of board

Wherever "Board of Social Work Examiners of the State of Califor-

nia" or "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state it shall mean the Board of Behavioral Science Examiners.

Added Stats 1985 ch 820 § 1.

§ 4990.3. Qualifications of board members; Public members

Two members of the board shall be state-licensed clinical social workers, one shall be a licensed educational psychologist, two shall be state-licensed marriage, family and child counselors, and six shall be public members. Each member, except the six public members, shall hold at least a master's degree from an accredited college or university and shall have at least two years of experience in his or her profession.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9002, as added by Stats 1968 ch 1348 § 5, amended by Stats 1969 ch 298 § 1, Stats 1970 ch 760 § 3, Stats 1976 ch 1188 § 52.

(b) Former § 9002, as added by Stats 1945 ch 1508 § 1, amended by Stats 1953 ch 1113 § 1.

Cross References:

Qualifications of "commissioner on examination" as identical to those of member of board: § 111.

Marriage, family and child counselors: §§ 4980 et seq.

Licensed educational psychologists: §§ 4986 et seq.

Clinical social workers: §§ 4996 et seq.

Determination of place of residence: Gov C § 244.

§ 4990.4. "Approved school of social work"

"Approved school of social work," within the meaning of this chapter, is a school which is eligible for membership in the American Association of Schools of Social Work or accredited by the Commission on Accreditation of the Council on Social Work Education.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9002.5, as added by Stats 1953 ch 1113 § 2.

(b) Former § 9002, as added by Stats 1945 ch 1508 § 1, amended by Stats 1953 ch 1113 § 1.

§ 4990.5. Appointments to board; Terms of office; Vacancies

Each member of the board, except the members first appointed, shall be appointed for a term of four years and shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

The Governor shall appoint four of the public members and the five

licensed members qualified as provided in Section 4990.4 with the advice and consent of the Senate. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9003, as added by Stats 1968 ch 1348 § 7, amended by Stats 1969 ch 298 § 2, Stats 1976 ch 1188 § 53, Stats 1978 ch 1161 § 443, Stats 1982 ch 676 § 53.

(b) Former § 9003, as added by Stats 1945 ch 1508 § 1.

§ 4990.6. Election of officers

Not later than the first of March of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9004, as added by Stats 1945 ch 1508 § 1.

§ 4990.7. Appointment of executive officer

The board shall appoint an executive officer, which position is hereby designated as a confidential position and exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

The executive officer shall have the same qualifications required of a member of the board, and shall serve at its pleasure.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9005, as added by Stats 1945 ch 1508 § 1, amended by Stats 1978 ch 1161 § 444, Stats 1984 ch 47 § 83.

§ 4990.8. Executive officer's powers and duties

The executive officer shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9006, as added by Stats 1945 ch 1508 § 1, amended by Stats 1984 ch 47 § 84.

Cross References:

Executive officer's duty and powers in enforcing this chapter: § 4990.13.

§ 4990.9. Executive officer's salary

With the approval of the Director of Consumer Affairs, the board shall fix the salary of the executive officer.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9007, as added by Stats 1945 ch 1508 § 1, amended by Stats 1971 ch 716 § 149, Stats 1984 ch 47 § 85.

Cross References:

Director of Consumer Affairs: §§ 150 et seq.

§ 4990.10. Employment of personnel

Subject to the State Civil Service Act and Section 159.5, the board may employ such clerical, technical, and other assistants as it deems necessary, within budget limitations.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9008, as added by Stats 1945 ch 1508 § 1, amended by Stats 1971 ch 716 § 150.

Cross References:

Employment of board's personnel: §§ 154 et seq.

Division of Investigation; transfer of agency personnel: § 159.5.

State Civil Service Act: Gov C §§ 18570 et seq.

§ 4990.11. Recordkeeping requirements

The board shall keep an accurate record of all of its proceedings and a register of all applicants for licenses and of all individuals to whom a license as a licensed clinical social worker is issued.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9009, as added by Stats 1945 ch 1508 § 1, amended by Stats 1970 ch 760 § 4, Stats 1980 ch 1022 § 1.

Cross References:

Publication of directories of certificate holders or licensees: § 112.

Sale of copies of public records: § 161.

§ 4990.12. Research and studies on professional standards

The board may conduct research in, and make studies of problems involved in, the maintaining of professional standards among those engaged in social service work in California and may publish its recommendations thereon.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9010, as added by Stats 1945 ch 1508 § 1.

§ 4990.13. Enforcement of chapter

The duty of enforcing this chapter is vested in the board and the executive officer subject to and under the direction of the board.

In the performance of this duty, the board and the executive officer have all the powers and are subject to all the responsibilities vested in and imposed upon the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Office of the Attorney General

Department of Justice

Insurance

ORS 675.336. For a first violation of the provisions of ORS 675.210 to 675.340, the board shall issue a warning notice. The board may impose a fine of not to exceed \$200 on a second violation and may impose a fine of not to exceed \$1,000 upon third and subsequent violations.

(2) In imposing a penalty pursuant to the schedule adopted pursuant to subsection (1) of this section, the board shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of the statute or rule.

(c) The economic or financial conditions of the person incurring the penalty.

(d) The immediacy and extent to which the violation threatens the public health or safety.

(3) A civil penalty imposed under ORS 675.336 may be remitted or reduced upon such terms or conditions as the board considers proper and consistent with the public health and safety. [1991 c.791 §3]

675.340 Enforcement procedure. The district attorney shall prosecute all persons charged with violations of any of the provisions of ORS 675.210 to 675.340 and 675.990 (2). The secretary, under the direction of the board, shall aid the district attorney in the enforcement of ORS 675.210 to 675.340 and 675.990 (2). [1977 c.858 §17]

CLINICAL SOCIAL WORKERS

(Generally)

675.510 Definitions for ORS 675.510 to 675.600. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

(1) "Board" means the State Board of Clinical Social Workers.

(2) "Clinical social work" means the professional practice of applying principles and methods with individuals, couples, families, children and groups, which include, but are not restricted to:

(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

(b) Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;

(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;

(d) Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;

(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and

(f) Supervising, administering or teaching clinical social work practice.

(3) "Clinical social work associate" means a person who holds a master's or doctoral degree from an accredited college or university accredited by the Council on Social Work Education whose plan of practice and supervision has been approved by the board, and who is working toward licensure in accordance with ORS 675.510 to 675.600 and rules adopted by the board.

(4) "Division" means the Health Division of the Department of Human Resources.

(5) "Licensed clinical social worker" means a person licensed under the provisions of ORS 675.510 to 675.600 to practice clinical social work. [1977 c.677 §1; 1979 c.769 §1; 1989 c.721 §25]

675.520 Use of title prohibited without license. After July 1, 1990, no person shall use the title or purport to be a "licensed clinical social worker" or use any other title that includes those words unless the person is licensed in accordance with the provisions of ORS 675.510 to 675.600. [1977 c.677 §2; 1987 c.158 §138; 1989 c.721 §26]

(Licensing)

675.530 License; qualifications. Upon application therefor accompanied by the fee established under ORS 675.571, the State Board of Clinical Social Workers shall issue a license to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has completed all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or university accredited by the Council on Social Work Education;

(3) Has completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of the board. The rules shall be developed after consultation with persons active in the field of clinical social work and may take

into account experience which may be gained in the course of the study of social work;

(4) Has satisfactorily completed the requirements for certificate of clinical social work associate; and

(5) Has performed to the satisfaction of the board in the written examination prescribed by the board. [1977 c.677 §4; 1979 c.769 §3; 1989 c.721 §28]

675.535 Examination. (1) The State Board of Clinical Social Workers shall adopt rules stating the subject on which an applicant may be examined, how the written examination is to be administered and the scoring or evaluation process used to determine whether an applicant has passed the examination. The board shall provide a copy of these rules to an applicant at least 30 days prior to any examination.

(2) Examinations for applicants for licenses under ORS 675.510 to 675.600 shall be held not less frequently than once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(3) Upon written request to the board, any applicant may discuss the applicant's performance on the examination with the board.

(4) Any applicant who fails to attain a passing grade on the examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again. [1989 c.721 §31]

675.537 Certificate of social work associate; requirements. Upon application therefor accompanied by the fee established under ORS 675.571, the State Board of Clinical Social Workers shall issue a certificate of clinical social work associate to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has completed all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or university accredited by the Council on Social Work Education; and

(3) Has developed a plan approved by the board for completion of practice and supervision requirements as defined by the rules of the board. [1989 c.721 §30]

675.540 Grounds for disciplinary action; authorized sanctions. (1) The State Board of Clinical Social Workers may impose any or all of the sanctions specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of ORS

183.310 to 183.550 relating to a contested case, that a person:

(a) Has been convicted in this or any other state of a crime that is a felony in this state;

(b) Has been convicted of a felony in a federal court;

(c) Is unable to perform the practice of clinical social work by reason of mental illness, physical illness, or alcohol or other drug abuse;

(d) Has been grossly negligent in the practice of clinical social work;

(e) Has violated one or more of the rules of the board pertaining to the certification or licensing of clinical social workers; or

(f) Has failed to comply with ORS 675.585.

(2) Pursuant to the provisions of subsection (1) of this section, the board may:

(a) Deny, suspend, revoke or refuse to renew any certificate or license issued under ORS 675.510 to 675.600.

(b) Place a licensed clinical social worker on probation and impose conditions or limits on the scope of practice of a licensed clinical social worker.

(c) Impose a civil penalty of not to exceed \$1,000. [1977 c.677 §6; 1979 c.769 §5; 1985 c.52 §4; 1989 c.721 §32]

675.550 Reissuance of revoked certificate or license. In case a certificate or license has been revoked or the renewal thereof refused, the State Board of Clinical Social Workers may reissue such certificate or license at the expiration of one year from the time it was revoked. [1977 c.677 §7; 1979 c.769 §6; 1989 c.721 §33]

675.560 When certificate or license effective; renewal; continuing education. (1) Associate certification or licensure shall be effective when an associate certificate or license is issued by the board.

(2) Associate certification or licensure shall expire on the last day of the calendar year in which the certificate or license has been issued.

(3) Renewal of associate certification may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the associate, on a form provided by the board, which demonstrates to the board's satisfaction that satisfactory progress is being made toward completion of the associate's adopted supervisory plan.

(4) Renewal of a license may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the applicant, on a form provided by the board, that insures that the applicant has been actively

engaged in clinical social work during the license period and has completed the applicable continuing education requirements and that there exists no reason for denial of the renewal. (1977 c.677 §9; 1979 c.769 §8; 1989 c.721 §34)

675.565 Continuing education. The State Board of Clinical Social Workers shall require evidence of continuing education as a requirement for renewal of licensure in order to insure the highest quality of professional services to the public. (1989 c.721 §39)

675.570 (1977 c.677 §8; 1979 c.769 §7; 1985 c.52 §5; repealed by 1989 c.721 §35 (675.571 enacted in lieu of 675.570))

675.571 Fees; authorization; rules. (1) The State Board of Clinical Social Workers shall collect fees for application for certification, annual renewal of certification, examination, reexamination, licensure, annual renewal of licensure and delinquent renewal fees.

(2) Such fees are to be used to defray the expenses of the board and are continuously appropriated for that purpose.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the budget of the State Board of Clinical Social Workers, as the budget may be modified by the Emergency Board.

(4) The board may impose a delinquent renewal fee for certificates and licenses renewed after January 1 but before February 1. Applications received on or after February 1 are subject to an additional delinquent fee. However, the board shall not treat any certificate or license as lapsed unless it is not renewed by March 31.

(5) All fees collected under this section are nonrefundable. (1989 c.721 §36 (enacted in lieu of 675.570); 1991 c.703 §20; 1993 c.8 §1)

675.580 Confidentiality of communication by client; exceptions. (1) A licensed clinical social worker, a certified clinical social work associate or any employees of the licensed clinical social worker shall not disclose any communication given by a client in the course of noninvestigatory professional activity when such communication was given to enable the licensed clinical social worker to aid the client, except:

(a) When the client or those persons legally responsible for the client's affairs give consent to the disclosure;

(b) When the client initiates legal action or makes a complaint against the licensed clinical social worker to the board;

(c) When the communication reveals a clear intent to commit a crime which reasonably is expected to result in physical injury to a person;

(d) When the communication reveals that a minor was the victim of a crime, abuse or neglect; or

(e) When disclosure of the communication is necessary to obtain further professional assistance for the client.

(2) Nothing in this section is intended to prevent a licensed clinical social worker who is a public employee from disclosing communications from a client when such disclosure is made in the performance of the licensed clinical social worker's duty as a public employee and the public employer has determined that such disclosure is necessary in the performance of the duty of the licensed clinical social worker as a public employee. (1977 c.677 §10; 1979 c.769 §9; 1989 c.721 §37)

675.583 Duty to report evidence of impairment or unprofessional conduct; confidentiality of report; limitation on liability. (1) A licensed clinical social worker shall report to the State Board of Clinical Social Workers any information the licensed clinical social worker has which appears to show that a licensed clinical social worker is or may be impaired, or may be guilty of unprofessional conduct according to the guidelines of the code of ethics, where such reporting does not conflict with the requirements of ORS 675.580.

(2) Any information provided to the board pursuant to subsection (1) of this section is confidential and shall not be subject to public disclosure.

(3) Any person who reports or provides information to the board under subsection (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof.

(4) As used in this section:

(a) An "impaired clinical social worker" is a person unable to perform the practice of clinical social work by reason of mental illness, physical illness or alcohol or other drug abuse.

(b) "Unprofessional conduct" is behavior by a licensed clinical social worker which is in violation of the code of ethics. (1989 c.721 §40)

675.585 Duty to report incompetence or unprofessional conduct; confidentiality of report; limitation of liability. (1) A certified or licensed clinical social worker shall report to the board any information the per-

son may have which appears to show that a certified or licensed clinical social worker is or may be professionally incompetent or is or may be guilty of unprofessional conduct.

(2) Any information provided to the board pursuant to subsection (1) of this section is confidential and shall not be subject to public disclosure.

(3) Any person who reports or provides information to the board under subsection (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.52 §9; 1989 c.721 §38]

(State Board)

675.590 State Board of Clinical Social Workers; term; qualifications. (1) There is established a State Board of Clinical Social Workers within the Health Division.

(2) The Governor shall appoint seven members to the board, consisting of members as specified in subsection (4) of this section.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for one consecutive reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The composition of the board shall be as follows:

(a) Four members shall be licensed clinical social workers who are licensed in accordance with the provisions of ORS 675.510 to 675.600; and

(b) Three members shall be public citizens who have demonstrated an interest in the field of clinical social work.

(5) Members are entitled to compensation and expenses as provided in ORS 292.495. [1979 c.769 §2; 1985 c.52 §6; 1989 c.69 §1; 1989 c.721 §41]

675.595 General powers of board. In addition to the powers otherwise granted under ORS 675.510 to 675.600, the State Board of Clinical Social Workers shall have the following powers:

(1) To determine the qualifications of applicants to practice clinical social work in this state; to cause to have examinations prepared, conducted and graded and to grant certificates or licenses to qualified applicants upon their compliance with the provisions of ORS 675.510 to 675.600 and the rules of the board.

(2) To grant or deny annual renewal of certificates or licenses and to renew certificates and licenses which have lapsed for

nonpayment of the renewal fee, subject to the provisions of ORS 675.510 to 675.600.

(3) To suspend or revoke certificates or licenses, subject to ORS 675.510 to 675.600.

(4) To issue letters of reprimand, to impose probationary periods with the authority to restrict the scope of practice of a licensed clinical social worker or clinical social work associate or to require practice under supervision.

(5) To impose civil penalties not to exceed \$1,000.

(6) To restore certificates or licenses which have been suspended, revoked or voided by nonpayment of the renewal fee.

(7)(a) To collect annual fees for application, examination and certification or licensing of applicants, for renewal of certificates and licenses, and for issuance of limited certificates, such fees to be used to defray the expenses of the board as provided in ORS 675.571; and

(b) To collect delinquent renewal fees as provided in ORS 675.571 (4).

(8) To investigate alleged violations of ORS 675.510 to 675.600.

(9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affirmations to witnesses, conduct hearings and require the production of relevant documents in all proceedings pertaining to the duties and powers of the board.

(10) To enforce 675.510 to 675.600 and exercise general supervision over the practice of clinical social work in this state.

(11) To adopt a common seal.

(12) To formulate a code of professional conduct for the practice of clinical social work giving particular consideration to the code of ethics.

(13) To formulate and enforce continuing education requirements for licensed clinical social workers to insure the highest quality of professional services to the public. [1989 c.721 §43; 1995 c.79 §340]

675.600 Duties of board. (1) The State Board of Clinical Social Workers shall:

(a) Pursuant to ORS 183.310 to 183.550, make rules necessary to carry out the provisions of ORS 675.510 to 675.600;

(b) Publish annually a list of the names and addresses of all persons who have been certified or licensed under ORS 675.510 to 675.600;

(c) Establish a program for impaired clinical social workers to assist licensed clinical social workers to regain or retain their certification or licensure and impose the requirement of participation as a condi-

tion to reissuance or retention of the certificate or license;

(d) Establish a voluntary arbitration procedure that may be invoked with the consent of clients and the licensed clinical social workers whereby disputes between clients and workers may be resolved; and

(e) Report to the Legislative Assembly on its activities regarding the certification or licensure of clinical social workers during the preceding biennium.

(2) The board may appoint an administrator who shall not be a member of the board. The board shall fix the compensation for the administrator. (1977 c.677 §5; 1979 c.769 §4; 1985 c.52 §7; 1989 c.721 §42)

675.810 (1977 c.677 §15; 1979 c.769 §11; repealed by 1985 c.52 §2)

**LICENSED PROFESSIONAL
COUNSELORS
AND MARRIAGE AND FAMILY
THERAPISTS**

(Generally)

675.705 Definitions for ORS 675.715 to 675.835. As used in ORS 675.715 to 675.835:

(1) "Board" means the Oregon Board of Licensed Professional Counselors and Therapists.

(2) "Division" means the Health Division of the Department of Human Resources.

(3) "Licensed marriage and family therapist" means a person to whom a license has been issued under ORS 675.715.

(4) "Licensed professional counselor" means a person issued a license under ORS 675.715.

(5) "Licensee" means a licensed professional counselor or a licensed marriage and family therapist.

(6) "Marriage and family therapy" means the identification and treatment of cognitive, affective and behavioral conditions as symptoms of marital and familial relational dysfunctions. "Marriage and family therapy" involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, marital pairs and families.

(7) "Professional counseling" means counseling services provided to individuals, couples, families, children, groups, organizations or the general public through the therapeutic relationship, developing understanding of personal problems, defining goals and planning action reflecting interests, abilities, aptitudes and needs as these relate to problems and concerns in personal, social, educational, rehabilitation and career adjust-

ments. "Professional counseling" includes, but is not limited to:

(a) Application of counseling theories and techniques designed to assist clients with current or potential problems and to facilitate change in thinking, feeling and behaving.

(b) Research activities including reporting, designing, conducting or consulting on research in counseling with human subjects.

(c) Referral activities including the referral to other specialists.

(d) Consulting activities which apply counseling procedures and interpersonal skills to provide assistance in solving problems that a client may have in relation to an individual, group or organization. (1989 c.721 §1; 1993 c.546 §108)

(Licensure)

675.715 Application; fee; qualifications; examinations; licensure. In order to obtain a license as a professional counselor or a marriage and family therapist, an applicant shall make application on a form and in such a manner as the board prescribes, accompanied by the nonrefundable fee established under ORS 675.785. The Oregon Board of Licensed Professional Counselors and Therapists shall issue a license as a professional counselor or a marriage and family therapist to each applicant who furnishes satisfactory evidence to the board that the applicant meets the following qualifications:

(1) Is not in violation of any of the provisions of ORS 675.715 to 675.835 and the rules adopted by the board.

(2) Has received:

(a) A graduate degree in counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association;

(b) A graduate degree in marriage and family therapy in a program approved by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy;

(c) A graduate degree, under standards explicitly adopted by the board by rule that is determined by the board to be comparable in both content and quality to a degree approved under paragraph (a) or (b) of this subsection; or

(d) A graduate degree, determined by the board to meet at an acceptable level at least a majority of the board's adopted degree standards, and has completed additional graduate training obtained in a counselor or marriage and family therapy program at an

1996 REVISED CODE of WASHINGTON



Containing all laws of a general and permanent nature enacted through March 31, 1996.

Volume 2

Titles

- | | | | |
|----|--|-----|---|
| 18 | Businesses and Professions | 23B | Washington Business Corporation Act |
| 19 | Business Regulations—
Miscellaneous | 24 | Corporations and
Associations (Non-
Profit) |
| 20 | Commission Merchants—
Agricultural Products | 25 | Partnerships |
| 21 | Securities and Investments | 26 | Domestic Relations |
| 22 | Warehousing and Deposits | 27 | Libraries, Museums,
Historical Activities |
| 23 | Corporations and
Associations (Profit) | 28A | Common School
Districts |

Published by The Statute Law Committee
under authority of Chapter 103 RCW

salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop. [1991 c 324 § 20.]

18.16.200 Disciplinary action—Grounds. Any applicant or licensee under this chapter may be subject to disciplinary action by the director if the licensee or applicant:

- (1) Has been found guilty of a crime related to the practice of cosmetology, barbering, esthetics, manicuring, or instructional art;
- (2) Has made a material misstatement or omission in connection with an original application or renewal;
- (3) Has engaged in false or misleading advertising;
- (4) Has performed services in an unsafe or unsanitary manner;
- (5) Has aided and abetted unlicensed activity;
- (6) Has engaged in the commercial practice of cosmetology, barbering, manicuring, esthetics, or instructed in or operated a school without first obtaining the license required by this chapter;
- (7) Has engaged in the commercial practice of cosmetology in a school;
- (8) Has not provided a safe, sanitary, and good moral environment for students and public;
- (9) Has not provided records as required by this chapter;
- (10) Has not cooperated with the department in supplying records or assisting in an investigation or disciplinary procedure; or
- (11) Has violated any provision of this chapter or any rule adopted under it. [1991 c 324 § 14; 1984 c 208 § 13.]

18.16.210 Violations—Penalties. If, following a hearing, the director finds that an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

- (1) Denial of a license or renewal;
- (2) Revocation or suspension of a license;
- (3) A fine of not more than five hundred dollars per violation;
- (4) Issuance of a reprimand or letter of censure;
- (5) Placement of the licensee on probation for a fixed period of time;
- (6) Restriction of the licensee's authorized scope of practice;
- (7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or
- (8) Requiring the licensee to obtain additional training or instruction. [1984 c 208 § 14.]

18.16.220 Appeal—Procedure. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under RCW 18.16.210, shall have the right to appeal the decision of the director to

the superior court of the county in which the person maintains his or her place of business. Such appeal shall be filed within thirty days of the director's decision. [1984 c 208 § 15.]

18.16.230 License suspension—Nonpayment or default on educational loan or scholarship. The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [1996 c 293 § 5.]

Severability—1996 c 293: See note following RCW 18.04.420.

18.16.900 Short title—1984 c 208. This act shall be known and may be cited as the "Washington cosmetologists, barbers, and manicurists act". [1984 c 208 § 20.]

18.16.905 Severability—1984 c 208. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1984 c 208 § 22.]

18.16.907 Effective date—1984 c 208. This act shall take effect July 1, 1984. [1984 c 208 § 23.]

18.16.910 Severability—1991 c 324. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1991 c 324 § 22.]

Chapter 18.19 COUNSELORS

Sections

- 18.19.010 Legislative findings—Insurance benefits not mandated.
- 18.19.020 Definitions.
- 18.19.030 Registration or certification required.
- 18.19.040 Exemptions.
- 18.19.050 Powers of secretary—Application of uniform disciplinary act—Public education program.
- 18.19.060 Information disclosure to clients.
- 18.19.070 Council established—Membership—Qualifications—Removal—Vacancy—Duties and powers—Compensation.
- 18.19.080 Official records.
- 18.19.090 Registration of counselors and hypnotherapists.

- 18.19.100 Registration renewal.
- 18.19.110 Certification of social workers.
- 18.19.120 Certification of mental health counselors—Practice defined—Continuing education.
- 18.19.130 Certification of marriage and family therapists—Practice defined.
- 18.19.140 Applications for certification.
- 18.19.150 Examination of applicants for certification.
- 18.19.160 Certification of persons credentialed out-of-state--
Temporary retirement of certified persons.
- 18.19.170 Renewal of certificates.
- 18.19.180 Confidential communications.
- 18.19.190 Other professions not affected.
- 18.19.900 Short title.
- 18.19.901 Severability—1987 c 512.

18.19.010 Legislative findings—Insurance benefits not mandated. The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes. This chapter shall not be construed to require or prohibit that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered or certified under this chapter. [1987 c 512 § 1.]

18.19.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to RCW 18.19.130.

(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to RCW 18.19.120.

(3) "Certified social worker" means a person certified to practice social work pursuant to RCW 18.19.110.

(4) "Client" means an individual who receives or participates in counseling or group counseling.

(5) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(6) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

(7) "Department" means the department of health.

(8) "Secretary" means the secretary of the department or the secretary's designee. [1991 c 3 § 19; 1987 c 512 § 3.]

18.19.030 Registration or certification required. No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department under this chapter unless exempt under RCW 18.19.040. No person may represent himself or herself as a certified social worker, certified mental health counselor, or certified marriage and family therapist without being so certified by the department under this chapter. [1991 c 3 § 20; 1987 c 512 § 2.]

18.19.040 Exemptions. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person without a mandatory charge;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered or certified in Washington state. [1987 c 512 § 4.]

18.19.050 Powers of secretary—Application of uniform disciplinary act—Public education program. (1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all certification, registration, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration to any applicant who has met the requirements for registration;

(f) To set educational, ethical, and professional standards of practice for certification;

(g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;

(h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;

(i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;

(j) To issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(k) To set competence requirements for maintaining certification; and

(l) To develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and registrations and the discipline of certified practitioners and registrants under this chapter. The secretary shall be the disciplining authority under this chapter. The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors and the rights and responsibilities of clients established under this chapter. Solely for the purposes of administering this education requirement, the secretary shall assess an additional fee for each registration and certification application and renewal, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994. [1991 c 3 § 21; 1987 c 512 § 5.]

18.19.060 Information disclosure to clients. Persons registered or certified under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor, the

receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment. [1987 c 512 § 6.]

18.19.070 Council established—Membership—Qualifications—Removal—Vacancy—Duties and powers—Compensation. (1) The Washington state mental health quality assurance council is created, consisting of seven members appointed by the secretary. All appointments shall be for a term of four years. No person may serve as a member of the council for more than two consecutive full terms.

Voting members of the council must include one social worker certified under RCW 18.19.110, one mental health counselor certified under RCW 18.19.120, one marriage and family therapist certified under RCW 18.19.130, one counselor registered under RCW 18.19.090, one hypnotherapist registered under RCW 18.19.090, and two public members. Each member of the council must be a citizen of the United States and a resident of this state. Public members of the council may not be a member of another health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the council, or have a material or financial interest in the rendering of health services regulated by the council.

The secretary may appoint the initial members of the council to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the council hold office until their successors are appointed.

The secretary may remove any member of the council for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(2) The council shall meet at the times and place designated by the secretary and shall hold meetings during the year as necessary to provide advice to the secretary.

Each member of the council shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the council shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the council. The members of the council are immune from suit in an action civil or criminal, based on their official acts performed in good faith as members of the council. [1996 c 191 § 1 - 1994 sp.s. c 9 § 501; 1991 c 3 § 22; 1987 c 512 § 7.]

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

18.19.080 Official records. The secretary shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for registration or

certification under this chapter, with the result of each application. [1991 c 3 § 23; 1987 c 512 § 8.]

18.19.090 Registration of counselors and hypnotherapists. The secretary shall issue a registration to any applicant who submits, on forms provided by the secretary, the applicant's name, address, occupational title, name and location of business, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration shall register as counselors or may register as hypnotherapists if employing hypnosis as a modality. Applicants shall, in addition, provide in their titles a description of their therapeutic orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application. [1991 c 3 § 24; 1987 c 512 § 9.]

18.19.100 Registration renewal. The secretary shall establish administrative procedures, administrative requirements, and fees for renewal of registrations as provided in RCW 43.70.250 and 43.70.280. [1996 c 191 § 5; 1991 c 3 § 25; 1987 c 512 § 10.]

18.19.110 Certification of social workers. (1) The department shall issue a certified social worker certificate to any applicant meeting the following requirements:

(a) A minimum of a master's degree from an accredited graduate school of social work approved by the secretary;

(b) A minimum of two years of post-master's degree social work practice under the supervision of a social worker certified under this chapter or a person deemed acceptable to the secretary, such experience consisting of at least thirty hours per week for two years or at least twenty hours per week for three years; and

(c) Successful completion of the examination in RCW 18.19.150, unless the applicant qualified under an exemption pursuant to subsection (2) of this section or RCW 18.19.160.

Applicants shall be subject to the grounds for denial or issuance of a conditional certificate in chapter 18.130 RCW.

(2) Except as provided in RCW 18.19.160, an applicant is exempt from the examination provisions of this chapter under the following conditions if application for exemption is made within twelve months after July 26, 1987:

(a) The applicant shall establish to the satisfaction of the secretary that he or she has been engaged in the practice of social work as defined in this chapter for two of the previous four years; and

(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in social work from an accredited graduate school of social work or comparable and equivalent educational attainment as determined by the secretary in consultation with the advisory committee; and (ii) two years of postgraduate social work experience under the supervision of a social worker who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the secretary.

(3) Certified social work practice is that aspect of counseling that involves the professional application of social work values, principles, and methods by individuals trained in accredited social work graduate programs and requires knowledge of human development and behavior, knowledge of social systems and social resources, an adherence to the social work code of ethics, and knowledge of and sensitivity to ethnic minority populations. It includes, but is not limited to, evaluation, assessment, treatment of psychopathology, consultation, psychotherapy and counseling, prevention and educational services, administration, policy-making, research, and education directed toward client services. [1991 c 3 § 26; 1987 c 512 § 12.]

18.19.120 Certification of mental health counselors—Practice defined—Continuing education. (1) The department shall issue a certified mental health counselor certificate to any applicant meeting the following requirements:

(a) A master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a related field with the program equivalency as determined by rule by the department based on nationally recognized standards; and

(b) Two years of postgraduate practice of counseling under the supervision of a qualified mental health counselor-supervisor or other mental health professional deemed appropriate by the secretary that may be accumulated concurrently with completion of the required program equivalency; and

(c) Qualification by an examination, submission of all necessary documents, and payment of required fees.

(2) Certified mental health counseling practice is that aspect of counseling that involves the provision of professional mental health counseling services to individuals, couples, and families, singly or in groups, whether the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. "Certified mental health counseling" means the application of principles of human development, learning theory, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treating mental disorders and promoting optimal mental health and functionality. Certified mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, educational techniques developed to prevent such disorders, as well as the application of a wellness model of mental health.

(3) Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(4) The secretary may establish rules governing mandatory continuing education requirements for a certified mental health counselor applying for renewal. [1995 c 183 § 1; 1991 c 3 § 27; 1987 c 512 § 13.]

18.19.130 Certification of marriage and family therapists—Practice defined. (1) The department shall

issue a certified marriage and family therapist certificate to any applicant meeting the following requirements:

(a) A master's or doctoral degree in marriage and family therapy, or a behavioral science master's or doctoral degree and the program equivalency as determined by rule by the department based on nationally recognized standards;

(b)(i) After receiving a master's or doctoral degree in marriage and family therapy, two years of postgraduate practice of marriage and family therapy, under the supervision of a qualified marriage and family therapy supervisor;

(ii) After receiving a master's or doctoral degree in a behavioral science, two years of postgraduate practice in marriage and family therapy under supervision of a qualified marriage and family supervisor, which may be accumulated concurrently with completion of the program equivalency as adopted by the department by rule; and

(c) A passing score on a written examination that includes a section on Washington's statutes and rules, including provisions of the uniform disciplinary act, approved by the department for certified marriage and family therapists.

(2) The practice of marriage and family therapy is that aspect of counseling that involves the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems. Marriage and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such disorders. [1993 c 259 § 1; 1991 c 3 § 28; 1987 c 512 § 14.]

18.19.140 Applications for certification. Applications for certification shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application. The department shall not knowingly permit access to or use of its mailing list of certificate holders for commercial purposes. [1991 c 3 § 29; 1987 c 512 § 17.]

18.19.150 Examination of applicants for certification. (1) The date and location of the examinations required under this chapter shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for certification will be scheduled for the next examination following the filing of the application. However, the applicant will not be scheduled for any examination taking place sooner than sixty days after the application is filed.

(2) The secretary shall examine each applicant, by means determined most effective, on subjects appropriate to

the scope of practice. The examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading thereon, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has published the results. All examinations shall be conducted by the secretary by means of fair and wholly impartial methods.

(4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations as the applicant desires upon the prepayment of a fee determined by the secretary as provided in RCW 43.70.250 for each subsequent examination. Upon failure of four examinations, the secretary may invalidate the original application and require remedial education prior to admittance to future examinations.

(5) The secretary may approve an examination prepared or administered, or both, by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirement. [1991 c 3 § 30; 1987 c 512 § 16.]

18.19.160 Certification of persons credentialed out-of-state—Temporary retirement of certified persons. (1) Upon receiving a written application, evidence of qualification and the required fee, the department shall issue a certificate for certification without examination to an applicant who is currently credentialed under the laws of another jurisdiction, if the requirements of the other jurisdiction are substantially equal to the requirements of this chapter.

(2) A person certified under this chapter who is or desires to be temporarily retired from practice in this state shall send written notice to the secretary. Upon receipt of the notice, the person shall be placed upon the nonpracticing list. While on the list, the person is not required to pay the renewal fees and shall not engage in any such practice. In order to resume practice, application for renewal shall be made in the ordinary course with the renewal fee for the current period. Persons in a nonpracticing status for a period exceeding five years shall provide evidence of current knowledge or skill, by examination, as the secretary may require. [1991 c 3 § 31; 1987 c 512 § 19.]

18.19.170 Renewal of certificates. A certificate issued under this chapter shall be renewed as provided in RCW 43.70.250 and 43.70.280. The secretary may establish continuing competence requirements. [1996 c 191 § 6; 1991 c 3 § 32; 1987 c 512 § 15.]

18.19.180 Confidential communications. An individual registered or certified under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of a

insurance policy on the person's life, health, or physical condition;

(2) That a person registered or certified under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered or certified under this chapter indicates that the minor was the victim or subject of a crime, the person registered or certified may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person registered or certified under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW. [1991 c 3 § 33; 1987 c 512 § 11.]

18.19.190 Other professions not affected. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered or certified under this chapter. [1987 c 512 § 18.]

18.19.900 Short title. This chapter shall be known as the omnibus credentialing act for counselors. [1987 c 512 § 20.]

18.19.901 Severability—1987 c 512. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1987 c 512 § 28.]

Chapter 18.20 BOARDING HOMES

Sections

18.20.010	Purpose.
18.20.020	Definitions.
18.20.030	License required.
18.20.040	Application for license.
18.20.050	Licenses—Issuance—Renewal—Provisional licenses—Fees—Display.
18.20.060	Actions against license.
18.20.090	Rules, regulations, and standards.
18.20.100	Enforcement by local authorities—Authorization.
18.20.110	Inspection of boarding homes—Approval of changes or new facilities.
18.20.120	Information disclosure.
18.20.130	Fire protection—Duties of chief of the Washington state patrol.
18.20.140	Operating without license—Penalty.
18.20.150	Operating without license—Injunction.
18.20.160	Persons requiring medical or nursing care.
18.20.170	Homes operated by religious organizations.
18.20.180	Resident rights.
18.20.190	Department response to noncompliance or violations.

18.20.200 License suspension—Nonpayment or default on educational loan or scholarship.

18.20.900 Severability—1957 c 253

18.20.010 Purpose. The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of boarding homes, which, in the light of advancing knowledge, will promote safe and adequate care of the individuals therein. It is further the intent of the legislature that boarding homes be available to meet the needs of those for whom they care by recognizing the capabilities of individuals to direct their self-medication or to use supervised self-medication techniques when ordered and approved by a physician licensed under chapter 18.57 or 18.71 RCW or a *podiatrist licensed under chapter 18.22 RCW. [1985 c 297 § 1; 1957 c 253 § 1.]

*Reviser's note: The term "podiatrist" was changed to "podiatric physician and surgeon" by 1990 c 147.

18.20.020 Definitions. As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of health.

(5) "Department" means the state department of health.

(6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary of health to carry out the provisions of this chapter. [1991 c 3 § 34; 1989 c 329 § 1; 1985 c 213 § 4; 1979 c 141 § 25; 1957 c 253 § 2.]

Savings—Effective date—1985 c 213: See notes following RCW 43.20.050.

18.20.030 License required. After January 1, 1958, no person shall operate or maintain a boarding home as defined in this chapter within this state without a license under this chapter. [1957 c 253 § 3.]

18.20.040 Application for license. An application for a license shall be made to the department or authorized department upon forms provided by either of said departments and shall contain such information as the department reasonably requires, which shall include affirmative evidence

RENEWED



PART 4

SOCIAL WORKERS

Editor's note: Provisions relating to social workers were contained in article 63.5 of this title prior to its repeal in 1988.

12-43-401. Definitions. As used in this part 4, unless the context otherwise requires:

- (1) "Board" means the state board of social work examiners.
- (2) "Graduate school of social work" means any university or other institution of higher education offering a full-time graduate course of study in social work approved by the council on social work education, or its predecessor organization, or a substantially equivalent program approved by the board.
- (3) "Grievance board" means the state grievance board created by section 12-43-702.
- (4) "Licensed clinical social worker" means a person who practices psychotherapy and social work and who is licensed under the provisions of this part 4.
- (5) "Social work" means a professional service developed to effect change in human behavior, emotional responses, and social conditions of individuals, couples, families, groups, and communities. "Social work" can only be performed with specialized knowledge and skills related to human development, including an understanding of unconscious motivation, the potential for human growth, the availability of social resources, and the knowledge of social systems. The disciplined application of social work knowledge and skill includes but is not restricted to counseling and the use of applied psychotherapy with individuals, couples, families, and groups for purposes of diagnosis, evaluation, and treatment (applied psychotherapy referring to a variety of treatment methods developing out of generally accepted theories about human behavior and development).

Source: L. 88: Entire article R & RE, p. 549, § 1, effective July 1.

Law reviews. For article, "Court-ordered Counseling by Social Workers in Colorado", see 15 Colo. Law, 47 (1985).

12-43-402. State board of social work examiners - subject to termination. (1) There is hereby created the state board of social work examiners, consisting of seven members who are residents of the state of Colorado and appointed by the governor.

(2) The board shall consist of five members who are licensed clinical social workers and two members who are laypersons.

(3) No board member shall serve more than two full consecutive terms.

(4) (a) Each member shall hold his office until the expiration of his appointed term or until a successor is duly appointed. Thereafter the term of each member shall be three years. Any vacancy occurring in board membership other than by expiration of term shall be filled by the governor by appointment for the unexpired term of such a member.

(b) The terms of existing board members serving on the board which existed on June 30, 1988, shall continue for the remainder of the terms for which such members were originally appointed and shall not be disturbed by the provisions of this section.

(5) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless extended as provided in that section, are applicable to the state board of social work examiners created by this section.

Source: L. 88: Entire article R & RE, p. 550, § 1, effective July 1.

12-43-403. Licensure - examination. (1) The board shall license as a licensed clinical social worker and issue an appropriate certificate to any person who files an application therefor, accompanied by such fee as is required by section 12-43-204, and who furnishes evidence satisfactory to the board that he:

- (a) Is at least twenty-one years of age;
- (b) Is not in violation of any of the provisions of this article and the rules and regulations adopted under this article;
- (c) Has obtained a master's or doctoral degree from a graduate school of social work or the equivalent educational training as determined by the board;

130 BARBARA BL. DENVER, CO 80201

549
(d)
ence ur
(e)
tion, w
shall r
Applic
theoric
(2)
pursuc
than t
and e
tion is
(3)
exam:
such:
ined.
of ap:
(4)
tion.
in ea
of m
So
An
Surge
61.
C-
and
20.
1:
uns
to 1
abb
on
is a
S
1
Co
15
12
to
sh
lic
de
tc

article 63.5 of this title prior

otherwise requires:

or other institution of
in social work approved
ization, or a substantially

ed by section 12-43-702,
ctices psychotherapy and

to effect change in human
iduals, couples, families,
with specialized knowl-
rstanding of unconscious
social resources, and the
cial work knowledge and
of applied psychotherapy
diagnosis, evaluation, and
nent methods developing
elopment).

o termination. (1) There
sisting of seven members
overnor.
ed clinical social workers

ive terms.

on of his appointed term
ch member shall be three
in by expiration of term
term of such a member.
rd which existed on June
high such members were
of this section.

the termination schedule
that section, are applica-
tion.

ense as a licensed clinical
n who files an application
43-204, and who furnishes

and the rules and regula-
uate school of social work
d;

(d) Has had two years of post-master's experience or one year of postdoctoral experience under appropriate supervision in applied psychotherapy; and

(e) Has demonstrated professional competence by satisfactorily passing an examination, which may be written, oral, or both, as prescribed by the board. This examination shall require demonstration of special knowledge and skill in applied psychotherapy. Applicants shall also be tested on interventive methods and techniques and the underlying theories.

(2) Upon investigation of the application for a certificate and the evidence submitted pursuant to paragraphs (a) to (d) of subsection (1) of this section, the board, not less than thirty days prior to the examination, shall notify each applicant that such application and evidence are satisfactory and accepted or unsatisfactory and rejected. If the application is rejected, said notice shall state the reasons for such rejection.

(3) The place of examination shall be designated in advance by the board, and such examination shall be held not less than twice a year at such time and place and under such supervision as the board may determine, if there are applicants desiring to be examined, and shall be given at such other times as, in the opinion of the board, the number of applicants warrants.

(4) The board or its designated representatives shall administer and score the examination. The board shall take any actions necessary to ensure impartiality. The passing score in each part of the examination shall be determined by the board based upon a level of minimum competency to engage in the practice of social work.

Source: L. 88: Entire article R & RE, p. 550, § 1, effective July 1.

Am. Jur.2d. See 61 Am. Jur.2d, Physicians, Surgeons, and Other Healers, § § 55, 56, 58, 59, 61.

C.J.S. See 70 C.J.S., Physicians, Surgeons, and Other Health-Care Providers, § § 11-13, 19, 20.

Law reviews. For article, "Court-ordered Counseling by Social Workers in Colorado", see 15 Colo. Law. 47 (1985).

12-43-404. Rights and privileges of licensure. Any person who possesses a valid unsuspended and unrevoked certificate as a licensed clinical social worker has the right to use the titles "licensed clinical social worker" and "clinical social worker" and the abbreviation "LCSW". No other person shall assume these titles or use this abbreviation on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed clinical social worker.

Source: L. 88: Entire article R & RE, p. 551, § 1, effective July 1.

Law reviews. For article, "Court-ordered Counseling by Social Workers in Colorado", see 15 Colo. Law. 47 (1985).

12-43-405. Compliance period. Any person licensed or registered under section 12-63.5-106 (1) or (3) on June 30, 1988, prior to its repeal, shall have until July 1, 1989, to attain compliance with the educational and licensure requirements of this part 4 and shall not be in violation of the provisions of section 12-43-404 until said date. Any person licensed under section 12-63.5-106 (2) on June 30, 1988, prior to its repeal, shall be deemed to be in compliance with the requirements of this part 4. All persons subject to this section shall comply with all the other provisions of this article.

Source: L. 88: Entire article R & RE, p. 551, § 1, effective July 1.

PART 5

MARRIAGE AND FAMILY THERAPISTS

12-43-501. Definitions. As used in this part 5, unless the context otherwise requires:

(1) "Board" means the state board of marriage and family therapist examiners.

(2) "Grievance board" means the state grievance board created by section 12-43-702.

(3) "Marriage and family therapist" means a marriage and family therapist who practices psychotherapy and marriage and family therapy and who is licensed pursuant to the provisions of this part 5.

Legislative Reference Library
2014 APR

Discard Earlier Pocket Supplement

1998 POCKET SUPPLEMENT

ISSUED IN DECEMBER, 1997

COVERING LEGISLATION THROUGH
THE 1997 SESSION OF THE 1997-98 LEGISLATURE

DEERING'S
BUSINESS AND
PROFESSIONS
CODE

ANNOTATED

OF THE STATE OF CALIFORNIA

§§ 3000-4999

Annotated and Indexed by the Publisher's Editorial Staff

Note—An updated analysis of the Business and Professions Code appears at the beginning of the supplement to the first volume.

RECEIVED

DEC 29 1997

LEG. REF. LIBRARY

LEXIS[®]
LAW PUBLISHING

201 Spear Street, Suite 400
San Francisco, CA 94105

ITEM-3

3 DEER CA P - 3 DEER CA P.01B 1B

ARTICLE 7

Review

[Added Stats 1994 ch 908 § 37.]

§ 4989. Review of powers and duties of board

The powers and duties of the board, as set forth in this chapter, shall be subject to the review required by Division 1.2 (commencing with Section 473). The first review shall be performed as if this chapter were scheduled to become inoperative on July 1, 1999, and would be repealed as of January 1, 2000, as described in Section 473.1.

Added Stats 1994 ch 908 § 37 (SB 2036).

CHAPTER 14

Social Workers

Collateral References:

B-W Cal Civ Prac, Bus Lit § 15:2.

ARTICLE 1

Administration

Collateral References:

Witkin & Epstein, Criminal Law (2d ed) § 1046.

Witkin Summary (9th ed) Torts § 777.

§ 4990.1. (Operative until July 1, 1999; Repealed January 1, 2000) Board of Behavioral Science Examiners; Number of members

There is in the Department of Consumer Affairs a *Board of Behavioral Sciences* which consists of 11 members.

This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

Amended Stats 1994 ch 908 § 38 (SB 2036), operative until July 1, 1999; Stats 1996 ch 829 § 90 (AB J473), operative until July 1, 1999.

Amendments:

1994 Amendment: Added the second paragraph.

1996 Amendment: Substituted "Board of Behavioral Sciences" for "Board of Behavioral Science Examiners".

§ 4990.2. Use of previous names of board

Wherever "Board of Social Work Examiners of the State of California" or "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state it shall mean the *Board of Behavioral Sciences*.

Amendments:

1996 Amendment: Substituted "Board of Behavioral Sciences" for "Board of Behavioral Science Examiners".

§ 4990.4. "Approved school of social work"

"Approved school of social work," within the meaning of this chapter, is a

TITLE 7

Review

1994 ch 908 § 37.]

Board of

d. as set forth in this chapter, shall be
 Section 1.2 (commencing with Section 473),
 if this chapter were scheduled to become
 law, ~~be~~ repealed as of January 1, 2000, as

ARTICLE 14

Workers

TITLE 1

Administration

§ 4990.19: Repealed January 1, 2000) Board of
 members
 of the Board of Behavioral Science
 Affairs a *Board of Behavioral Science*

on July 1, 1999, and, as of January 1,
 repealed statute, which becomes effective on
 extends the dates on which it becomes

until July 1, 1999; Stats 1996 ch 829 § 90 (AB 3473),

Sciences" for "Board of Behavioral Science Examin-

Board

Examiners of the State of California" or
 or Qualifications Board of the State of
 California of this state it shall mean the

Sciences" for "Board of Behavioral Science Examin-

Work

within the meaning of this chapter. is a

in 1992.

omissions. . . . indicate omissions.

[3 B & P C]

school *that is* accredited by the Commission on Accreditation of the Council
 on Social Work Education.

Amended Stats 1992 ch 1308 § 1 (AB 3718).

Amendments:

1992 Amendment: Substituted "that is" for "which is eligible for membership in the American Association
 of Schools of Social Work or" before "accredited".

§ 4990.8. (Operative until July 1, 1999; Repealed January 1, 2000) Executive
 officer's powers and duties

The executive officer shall exercise the powers and perform the duties
 delegated by the board and vested in him or her by this chapter.

*This section shall become inoperative on July 1, 1999, and, as of January 1,
 2000, is repealed, unless a later enacted statute, which becomes effective on or
 before January 1, 2000, deletes or extends the dates on which it becomes
 inoperative and is repealed.*

Amended Stats 1994 ch 908 § 39 (SB 2036), operative until July 1, 1999.

Amendments:

1994 Amendment: Added the second paragraph.

§ 4990.15. Seal

The board shall have and use a seal bearing the words "*The Board of
 Behavioral Sciences*," and shall otherwise conform to Section 107.5.

Amendments:

1996 Amendment: Substituted "The Board of Behavioral Sciences" for "The Board of Behavioral Science
 Examiners".

§ 4990.17. [Section repealed 1996.]

Added Stats 1991 ch 525 § 1 (SB 686). Repealed Stats 1996 ch 829 § 93 (AB 3473). The repealed section
 related to reimbursement for investigation as to social work.

ARTICLE 2

Application of Chapter

§ 4992. Application for license

Every applicant for a license under this chapter shall file an application with
 the board accompanied by the application fee prescribed by this chapter.
 Every application received after January 1, 1988, shall also be accompanied
 by the examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all
 the qualifications required by the board for admission to the examination.

Amended Stats 1987 ch 826 § 1.

Amendments:

1987 Amendment: Added the second sentence in the first paragraph.

§ 4992.2. [Section repealed 1988.]

Repealed Stats 1988 ch 1091 § 1. The repealed section related to finality of board action, and applications
 for reconsideration.

§ 4992.3. Refusal, suspension, or revocation of license or registration: Unpro-
 fessional conduct

The board may refuse to issue a registration or a license, or may suspend or
 revoke the license or registration of any registrant or licensee if the applicant,

Beginning in 1992.

[3 B & P C]

Italics indicate changes or additions. . . . indicate omissions.

HB

349

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/24/98

FURTHER: 5/7/98

DATE TURNED
IN TO OFFICE: 6 May 98

Finance Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 349(FIN)

"An Act prohibiting the use of the title 'social worker' without a license; relating to social workers, licensure of social workers, and the Board of Clinical Social Work Examiners; and providing for an effective date."

and recommends:

- be replaced with S CS SS HB 349 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Cal Adams</i>	X	<i>Paul Pinell</i>			
<i>John Ingram</i>	✓				
<i>Ed E. Kelly</i>	✓				
Co-Chair:		Co-Chair: <i>Paul Pinell</i>	✓		
Co-Chair:		Co-Chair: <i>Ed E. Kelly</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DCED	5/23/98		13.2

PROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF
 3/2/98
 No: 2
 Bill Version: CSSSHB 349 (FIN)
 (H) Publish Date: 4/14/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: March 20, 1998 Department: Commerce and Economic Development
 Title: An Act prohibiting the use of the title 'social worker' BRU: Occupational Licensing
 without a license:.... Component: Operations
 Sponsor: Representatives James, Kelly, Elton
 Requestor: House Labor and Commerce COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	8.5	8.5	8.5	8.5	8.5	8.5
TRAVEL						
CONTRACTUAL	4.7	4.7	4.7	4.7	4.7	4.7
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	13.2	13.2	13.2	13.2	13.2	13.2

CAPITAL EXPENDITURES						
CHANGE IN REVENUES	26.4	0.0	26.4	0.0	26.4	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	13.2	13.2	13.2	13.2	13.2	13.2
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	13.2	13.2	13.2	13.2	13.2	13.2

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SSH B 349 renames and reorganizes the present Board of Clinical Social Work Examiners, establishes two new categories of licensure and prohibits the use of the title 'social worker' without a license. Information obtained by the division indicates 250 new applicants may seek licensure under this bill. Sec. 08.95.920 of the bill directs that license fees be equal for all three categories of social work. The new costs shown above are explained on the attached page.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144
 Division: Occupational Licensing Date: 3/20/98
 Approved by Commissioner: Deborah B. Sedwick Date: 3/23/98
 Agency: Commerce and Economic Development

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SSHB 349

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services

Funding to add 2.5 months of time to an existing PPT Occupational Licensing Examiner I position, Range 12, GGU 8.5

The increase time to the existing position will be responsible for licensing of the new social work categories.

Contractual Services

This funding covers communication costs, public noticing, printing, advertising and legal services to establish new regulations. 4.7

TOTAL: 13.2

Revenue

Occupational licensing programs subject to AS 08.01.065 are required to cover their costs through license fees. Section 08.95.920 of this bill provides that all licenses regulated by the Board of Social Work Examiners share costs equally. There are currently 253 licensed clinical social workers. The 250 anticipated new applicants will bring the number of social worker license holders to 503. The biennial projected fee for all three categories of social worker license is projected to be \$318.00. This fee does not include new investigation or enforcement costs. If such costs result from the legislation, license fees will be adjusted accordingly. Similarly, Licensing Examiner costs are based on positive timekeeping and only actual time spent in licensing social workers will be billed to the program.

HB

356

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 20, 1998

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

HB 356

HOUSE BILL NO. 356

JOINT TASK FORCE ON MILITARY BASES

"An Act establishing the Joint Committee on Military Bases in Alaska; and providing for an effective date."

recommends it be replaced
with the following committee substitute

CS HB 356 (FIN)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

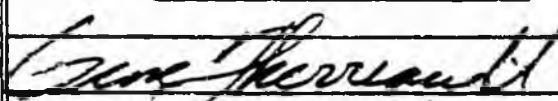
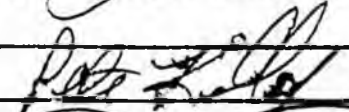
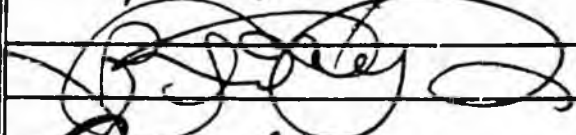
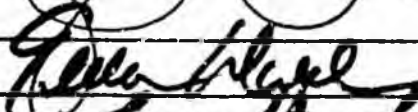
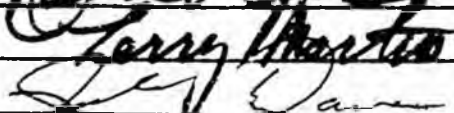
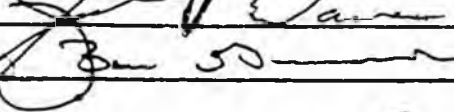

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) HFC

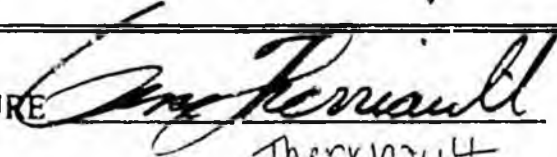
fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault	✓			
	Kelly	✓			
	F. J. ...	X			
	MULDER	X			
	Mantua	X			
	J. Davies	X			
	Gussindt	X			

(b) CHAIR'S SIGNATURE


Therriault

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 356 (FIN)

Revision Date: _____
 Title: "An Act establishing the Joint Committee on Military
 Bases in Alaska; and providing for an..."
 Sponsor: Senator Kelly
 Requester: _____

Dept. Affected Legislative Affairs Agency
 BRU Legislative Council
 Component Council and Subcommittees
 Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel	0.9	0.9	0.5			
Contractual	2.2	2.2	1.1			
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.1	3.1	1.6	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollar)		(Thousands of Dollars)			
1002 Federal Receipts						
1003 GF Match						
1004 GF	3.1	3.1	1.6			
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	3.1	3.1	1.6	0.0	0.0	0.0

Estimate of any current year (FY97) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by

Mark Hanley
 Rep. Mark Hanley, Co-Chair House Finance Committee
Gene Thoma
 Rep. Gene Thoma, Co-Chair House Finance Committee

Phone 465-4939
 Phone 465-4797
 Date 3/31/98

0-LS1436H
Bannister
3/28/98

CS FOR HOUSE BILL NO. 356()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MULDER, Dyson, Foster, Croft, Ivan

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Joint Committee on Military Bases in Alaska; and**
2 **providing for an effective date."**

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

4 *** Section 1. LEGISLATIVE FINDINGS.** The legislature finds that

5 (1) the Secretary of Defense, in both the Quadrennial Defense Review and the
6 Defense Reform Initiative, has called for the reestablishment of a Base Realignment and
7 Closure Commission (BRAC) to conduct two new rounds of military base closures;

8 (2) all military bases in Alaska are scheduled for review and evaluation for
9 potential placement on the closure list;

10 (3) the strategic location of the state's military bases, their unparalleled training
11 and maneuver areas, and their modern facilities represent an asset of unmatched military value
12 to the nation;

13 (4) the total economic value the military adds to the state exceeds
14 \$1,700,000,000 annually;

1 (5) any new base closure or realignment actions in the state would create
2 serious economic and socioeconomic effects for the communities where they are located: and

3 (6) the closure of Adak Naval Air Facility and realignment of army activities
4 at Fort Greely by the 1995 Base Realignment and Closure Commission continues to create
5 challenges for communities committed to their productive reuse and integration into the state's
6 economy.

7 * **Sec. 2. JOINT COMMITTEE ON MILITARY BASES IN ALASKA.** (a) The Joint
8 Committee on Military Bases in Alaska is established as a permanent interim committee of
9 the legislature.

10 (b) The committee is composed of

11 (1) three members of the senate appointed by the president of the senate of the
12 Twentieth Alaska State Legislature;

13 (2) three members of the house of representatives appointed by the speaker of
14 the house of representatives of the Twentieth Alaska State Legislature;

15 (3) an individual who is a state resident other than a member of the state
16 legislature and who is appointed jointly by the president of the senate of the Twentieth Alaska
17 State Legislature and the speaker of the house of representatives of the Twentieth Alaska State
18 Legislature after considering the recommendation of the mayor of the Municipality of
19 Anchorage;

20 (4) an individual who is a state resident other than a member of the state
21 legislature and who is appointed jointly by the president of the senate of the Twentieth Alaska
22 State Legislature and the speaker of the house of representatives of the Twentieth Alaska State
23 Legislature after considering the recommendation of the mayor of the Fairbanks North Star
24 Borough; and

25 (5) an individual who is a state resident other than a member of the state
26 legislature and who is appointed jointly by the president of the senate of the Twentieth Alaska
27 State Legislature and the speaker of the house of representatives of the Twentieth Alaska State
28 Legislature after considering the recommendation of the adjutant general of the Department
29 of Military and Veterans' Affairs.

30 (c) Members serve until the committee terminates, except that a person appointed
31 under (b)(1) or (2) of this section ceases being a committee member when the person ceases

1 being a member of the legislature.

2 (d) When a vacancy occurs in the membership of the committee, the presiding officer
3 of the house incurring the vacancy shall fill the vacancy within 30 days. If the office of the
4 presiding officer becomes vacant and a vacancy occurs among the members of the committee,
5 the remaining committee members from the house incurring the vacancy shall appoint a new
6 member.

7 (e) The committee shall

8 (1) monitor the military base realignment and closure activities of the federal
9 government for bases in the state;

10 (2) work on specific realignments and closures proposed by the federal
11 government for bases in the state;

12 (3) work with the state's congressional delegation regarding federal military
13 base realignments and closings in the state;

14 (4) attend meetings and hearings related to federal realignments and closures
15 of military bases in the state and provide testimony as necessary; and

16 (5) review the effect on the state and its communities of federal realignments
17 and closures of military bases in the state.

18 (f) Five members of the committee constitute a quorum of the committee to do
19 business. The committee members select the chair of the committee.

20 (g) The committee may meet during sessions of the legislature and during intervals
21 between sessions at the times and places as the chair of the committee may determine and
22 may hold public hearings as necessary.

23 (h) Members of the committee receive the same travel and per diem allowances
24 provided by law for members of the legislature.

25 (i) The committee shall prepare and submit a report of its activities to the legislature
26 before the convening of the First Session of the Twenty-Second Alaska State Legislature.

27 (j) The committee terminates on the day the Twenty-Second Alaska State Legislature
28 convenes.

29 (k) In this section, "committee" means the Joint Committee on Military Bases in
30 Alaska.

31 * Sec. 3. This Act is repealed on the day the Twenty-Second Alaska State Legislature

1 convenes.

2 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).



REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

House Bill 356
Joint Committee On Military Bases In Alaska
Sponsor Statement

The Pentagon and the Secretary of Defense have recently stated that another round of Base Realignments and Closures are necessary for the United States Military to maintain its strength and rediness. In preperation of that I have introduced House Bill 356.

House Bill 356 would establish a Joint House and Senate Committee on Military Bases in Alaska. This committee would monitor the activities of a new Base Realignment and Closure (BRAC) Commission, work to strengthen the military presence in Alaska and, in the case of a reauthorized BRAC process, work with the Military, the administration and the affected community to protect our bases from closure.

This joint committee will have an existence longer than that called for in the Uniform Rules, Rules 21 (b) & (c), because of the reactivation of the federal BRAC Commission. Creating this joint committee for longer than the duration of the current 20th legislature requires a change in statute, and cannot be done by means of a concurrent resolution, hence this bill. The joint committee would expire on the date the 22nd Legislature convenes. This time frame corresponds with the activity period of BRAC, which will again be reviewing all military facilities in North America for justification of their continued existence.

The attention by BRAC given to Alaska bases in the past presents a considerable challenge, and necessitates vigilance, and a strong unified response from the legislature. The military establishment in Alaska accounts for approximately \$1.7 Billion throughout the Alaskan economy. In addition, the base closures experienced to date (Adak Naval Air Facility, Erickson AFB, Galena AFB, King Salmon AFB, and Fort Greely) have shown that the process requires considerable attention on the part of state government to monitor the economic impact and the reuse potential of such base closures. This joint committee would provide that critical focus.

Revision Date:

Title: "An Act establishing the Joint Committee on
Military Bases in Alaska; and providing for an ..."
Sponsor: Senator Kelly
Requester: Senate Finance Committee

Dept Affected: Legislative Affairs Agency

BRU: Legislative Council

Component: Council & Subcommittees

Serial #

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0	0	0	-	-	-
Travel	.9	.9	.5	-	-	-
Contractual	2.2	2.2	1.1	-	-	-
Supplies	0	0	0	-	-	-
Equipment	0	0	0	-	-	-
Land & Structures	0	0	0	-	-	-
Grants, Claims	0	0	0	-	-	-
Miscellaneous	0	0	0	-	-	-
TOTAL	3.1	3.1	1.6	-	-	-

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

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	3.1	3.1	1.6	-	-	-
Federal Fund	0	0	0	-	-	-
Other	0	0	0	-	-	-
TOTAL	3.1	3.1	1.6	-	-	-

POSITIONS:

Full-Time	0	0	0	-	-	-
Part-Time	0	0	0	-	-	-
Temporary	0	0	0	-	-	-

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

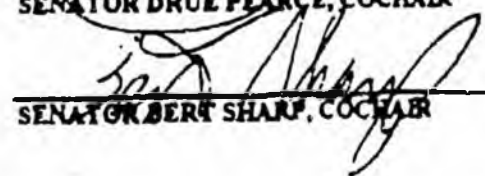
Prepared by: SENATE FINANCE COMMITTEE


SENATOR DRUZ PEARCE, COCHAIR

3/12/98

Date:

Phone: 465-4993


SENATOR BERT SHARP, COCHAIR

3/12/98

Date:

Phone: 465-3004

Close bases or else

Air Force chief prods Congress

By MICHAEL D. TOWLE
Fort Worth Star-Telegram

ORLANDO, Fla. — Acting Air Force Secretary Whitten Peters warned Friday that he might close military bases on his own authority if Congress ignores Pentagon requests for another round of base closures.

Peters told an annual gathering of top Air Force officers that failure to close unnecessary bases would make it more difficult to come up with money to pay for new weapons programs and to improve the lives of service personnel.

But lawmakers have traditionally protected military facilities in their home districts. They are very reluctant to set up another round of cutbacks under the Base Closure and Realignment Commission, a civilian panel set up by Congress in 1988 to remove closure decisions from the political arena.

"I have another way of closing bases and it is truly ugly," Peters said. "I can close bases without BRAC right now, and the result would be runways left pock-marked, buildings which are rundown, no economic redevelopment and no significant environmental cleanup.

"I can do that today, but that is essentially equivalent

Please see Page A-4, BASES

BASES: Warning to Congress

Continued from Page A-1

on a community and that is not what we ought to be doing. We ought to be looking for a fair way to do that that provides for economic development and provides for environmental cleanup."

The base-closing commission, devised by House Majority Leader Dick Army of Texas, has led to the closure of nearly 100 military installations as the Soviet Union collapsed and the Cold War ended.

Peters said that the four previous rounds of base closings, the last in 1995, saved a total of \$5.6 billion.

"To put that in perspective, \$5.6 billion equates to a three-squadron wing of F-22s and Joint Strike Fighters," Peters said, referring to two new fighter plane programs.

But the White House and Congress are at odds over additional base closings. Republican lawmakers have accused President Clinton of interfering in a 1995 decision by the commission to close McClellan Air Force Base near Sacramento, Calif., and Kelly Air Force Base at San Antonio.

Since then, GOP members and many Democrats have said they would balk at closing bases, a politically difficult exercise even with the Clinton administration and the Republican-controlled Congress committed to balancing the federal budget.

Peters' remarks were the toughest to date from the Clinton administration. The president, in his 1999 defense budget, asked Congress to consider base closing rounds in 2001 and 2005. The administration says it can save \$3 billion by closing more bases.

But lawmakers complain that Clinton's promise during the 1996 presidential campaign to privatize Kelly and McClellan amounted to him injecting politics into the closure process. GOP members say they don't want another BRAC, but instead would like the Pentagon to find another system for closing bases.



House Finance Committee

DATE: March 31, 98

PLACE: Cap 519

SUBJECT OF MEETING:
HB 462 7 HJR 5
HB 356

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
② Sarah Felix	Dept of Law	P.O. Box 110300 Juneau, AK	99811	465-3600		(Y) N	HJR 5
Hanni Jones	PFD	10th Floor JTB	99811		2323	Y (N)	HB 462
① Brad Peice	OMB	MS 0020		4677		(Y) N	HB 462
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

364

HFIN

FILE

4/3/98

A M E N D M E N T |

OFFERED IN THE HOUSE
TO: CSHB 364(RES)

1 Page 1, lines 6 - 9:

2 Delete all material and insert:

3 "(d) A transporter shall maintain a written record on a form provided by the
4 department of transportation services provided to each big game hunter or party of big
5 game hunters. The record must identify the big game hunters receiving transportation
6 services, the locations to and from which the hunters were transported, the dates
7 transportation services were provided, the big game animals that were transported
8 from the field, and other information required by the department by regulation. The
9 transporter shall maintain each record at the transporter's place of business, except
10 when providing transportation services to a big game hunter who is the subject of the
11 record. A person who is a transporter or is an employee or agent of a transporter
12 shall have the record in the person's physical possession while transporting big game
13 hunters, their equipment, or big game animals harvested by the hunters. At the time
14 the annual activity report required under (c) of this section is filed with the
15 department, a transporter shall also submit to the department a copy of all records
16 generated under this subsection during the year."

17 Page 5, lines 21 - 24:

18 Delete "A nonresident may not obtain a moose tag unless the nonresident
19 furnishes proof of completion of a moose hunting orientation course offered by the
20 department or furnishes an affidavit showing that the nonresident will be personally
21 accompanied while moose hunting by"

use ← language suggested but not moved or adopted

22 Insert "A nonresident may not obtain a moose tag unless the nonresident obtains
23 the tag directly from the department by mail or the nonresident signs a statement
24 affirming that the nonresident either has completed a moose hunting orientation course

1 offered by the department or will be personally accompanied while moose hunting by"

FISCAL NOTE

No: 1

B). Version: CSHB 364 (RES)
(H) Publish Date: 3/31/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) 3/26/98 Dept. Affected: Fish and Game
 Title Guides for Nonresident Moose Hunters BRU Wildlife Conservation
 Component Wildlife Conservation
 Sponsor Representative Ivan
 Requester House Resources Component Serial No. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services		11.9	12.1	12.3	12.5	12.7
Travel						
Contractual	5.0	27.6	7.6	7.6	7.6	7.6
Supplies	15.0	7.5	7.5	7.5	7.5	7.5
Equipment		6.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	20.0	53.0	27.2	27.4	27.6	27.8

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1024)	0.0	10.0	10.0	10.0	10.0	10.0
----------------------------------	-----	------	------	------	------	------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	10.0	10.0	10.0	10.0	10.0
1037 GF/Mental Health						
Other -- F&G Fund (1024)	20.0	43.0	17.2	17.4	17.6	17.8
TOTAL	20.0	53.0	27.2	27.4	27.6	27.8

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	2	2	2	2	2

ANALYSIS: (Attach a separate page if necessary)
 Assumptions: (1) If lease space is available, the department will build an information booth/kiosk at the Anchorage Int'l Airport for nonresident hunters; (2) the airport booth/kiosk will be staffed 16 hours/day by a fish and wildlife technician (range 9) during August and September; (3) the department will produce and sell approximately 1000 instructional videos to nonresident moose hunters annually at a cost of \$10.00 each; (4) the department will purchase 20 combination TV/VCRs and make instructional hunting videos available to hunters at department area offices during normal working hours.

Prepared by Phil Koehl, Wildlife Biologist *PK* Phone 465-4190
 Division Wildlife Conservation Date 3/26/98
 Approved by Commissioner *Corson Burre* Date 3/27/98
 Agency Alaska Department of Fish and Game

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 364(RES)

Revision Date (Note if correction)	<u>3/26/98</u>	Dept. Affected: <u>Fish and Game</u>
Title	<u>Guides for Nonresident Moose Hunters</u>	BRU <u>Wildlife Conservation</u>
		Component <u>Wildlife Conservation</u>
Sponsor	<u>Representative Ivan</u>	
Requester	<u>House Resources</u>	Component Senal No. <u>473</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services		11.9	12.1	12.3	12.5	12.7
Travel						
Contractual	3.0	27.6	7.6	7.6	7.6	7.6
Supplies	15.0	7.5	7.5	7.5	7.5	7.5
Equipment		6.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	20.0	53.0	27.2	27.4	27.6	27.8

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1024)	0.0	10.0	10.0	10.0	10.0	10.0
----------------------------------	-----	------	------	------	------	------

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	10.0	10.0	10.0	10.0	10.0
1037 GF/Mental Health						
Other -- F&G Fund (1024)	20.0	43.0	17.2	17.4	17.6	17.8
TOTAL	20.0	53.0	27.2	27.4	27.3	27.8

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	2	2	2	2	2

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

Assumptions: (1) If lease space is available, the department will build an information booth/kiosk at the Anchorage Int'l Airport for nonresident hunters; (2) the airport booth/kiosk will be staffed 16 hours/day by a fish and wildlife technician (range 9) during August and September; (3) the department will produce and sell approximately 1000 instructional videos to nonresident moose hunters annually at a cost of \$10.00 each; (4) the department will purchase 20 combination TV/VCRs and make instructional hunting videos available to hunters at department area offices during normal working hours.

Prepared by Phil Koehl, Wildlife Biologist *PK*
 Division Wildlife Conservation
 Approved by Commissioner *Osman Bruce*
 Agency Alaska Department of Fish and Game

Phone 465-4190
 Date 3/26/98
 Date 3/27/98

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

Alaska State House of Representatives
House District 39



Session

Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4942
1-800-323-4942
Fax: (907) 465-4589
www.akrepublicans.org/Ivan.htm

Interim

P.O. Box 137
Akiak, Alaska 99552
Phone: (907) 765-7526

Representative Ivan M. Ivan

**SPONSOR STATEMENT - COMMITTEE SUBSTITUTE HOUSE BILL
364 (RES)**

There are two main reasons why CSHB 364 (RES) was introduced. The first is for conservation reasons and requires nonresident hunters to take a moose hunting orientation course offered by the Department of Fish and Game. With present moose antler restrictions for nonresident hunters, a 50 inch minimum or spike/fork regulations in effect in most game management units, there is a concern that it is very difficult for nonresidents to determine whether or not a moose is legal. The requirement for an orientation course will hopefully less sublegal moose will be killed and wasted.

One of my main concerns and another reason for the introduction of this legislation is to reduce the waste of moose meat. The purpose for the transporter requirement is an effort to reduce waste of moose meat by those who may not have the knowledge or capability, for whatever reason, to care for the meat in the field. Transporters will now be held responsible for spoilage or wanton waste if they fail to check on their clients and take moose meat out of the field before waste or spoilage can occur. A large number of nonresidents are now using transporter services to get into the field. The transporters currently have no responsibility for the actions of those they are providing services for.

Alaska State House of Representatives
House District 39



Session
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4942
1-800-323-4942
Fax: (907) 465-4589
www.akrepublicans.org/Ivan.htm

Interim
P.O. Box 137
Akiak, Alaska 99552
Phone: (907) 765-7526

Representative Ivan M. Ivan

**SECTIONAL ANALYSIS
COMMITTEE SUBSTITUTE FOR HOUSE BILL 364 (RES)**

Section 1: Adds a new subsection to AS 08.54.650, Transporter license. Requires a transporter to contact their clients in the field at least once every three days and transport meat out of the field before waste or spoilage can occur.

Section 2: Amends AS 08.54.720(a), Unlawful acts. Adds transporters who knowingly fail to comply with Section 1 of this bill.

Section 3: Amends AS 08.54.720(b), Unlawful acts. Adds new subparagraph 20 (Section 2 of this bill) to the list of offenses for which sanctions may be imposed.

Section 4: Amends AS 08.54.720(f), Unlawful acts. Allows the suspension of a transporter license if a misdemeanor offense is committed under new subparagraph 20.

Section 5: Adds a new paragraph to AS 16.05.050, Powers and duties of commissioner. Requires the department to provide a moose hunting orientation course for residents and nonresidents.

Section 6: Amends AS 16.05.340(a)(15), License, permit and tag fees. Requires a nonresident unless accompanied by a guide or a close relative to take a moose hunting orientation course prior to obtaining a moose tag.

Section 7: Effective date of July 1, 1999.

Response to House Resources concerning HB364. March 18, 1998

Peter E.K. Shepherd, 1012 Galena St. Fairbanks, AK

My credentials are those of a graduate wildlife biologist, big game guide, and trapper with nearly 47 years of experience in Alaska. However, those that oppose my views refer to me as an "out of touch dinosaur" To which I reply "no I'm a shark, they preceeded the dinosaurs and survive to this day"

HB364 addresses several symptoms of a resource conservation problem resulting from political, social, and management actions occurring over several decades. These actions are the subsistence priority issue, deregulation of the air taxi industry, pitting the highly regulated guiding industry against unregulated commercial hunting services, and a philosophy of passive (hands off) wildlife management. Solution of this multi-faceted problem will be difficult, and may antagonize certain interest groups, but it needs immediate attention if we are to maximize the economic, recreational, and subsistence values of moose.

Some of you believe this legislation is a special interest gimmick; well, believe it or not, many guides are genuinely concerned about wildlife conservation, resource use conflicts, impacts on land use, meat salvage, and a regulatory double standard. Conversely, the Alaska Department of Fish and Game position paper downplays the waste issue, threatens revenue loss, speciously uses the fear of a legal challenge to the entire nonresident guide requirement law, and ignores the possibility of a growing conservation problem.

First, wanton waste to any degree is not acceptable. Any change in law or regulation which lowers the probability of game waste should have the departments support. The departments point that wanton waste is not specific to nonresident hunters, is accurate, but fails to recognize that most (75%) are unaccompanied, drop off clients with no experience in packing, handling, and preserving large amounts of game meat. Many have no notion of the physical exertion required to pack a huge bull moose great distances and some wouldn't be able to even tell you where they had hunted. Once this meat reaches a major airline terminal it is often rotten and abandoned. Useful to no one.

The department estimates it would loose \$885,000 in nonresident license and moose tag fees if HB 364 was to pass. This calculation is based on the assumption that 70 per cent of the nonresidents not choosing guide services would hunt elsewhere. I question if it is possible to hunt Alaska/Yukon moose anywhere without a guide? In addition, this 70 per cent figure is a little shaky, because it was derived from the mountain goat experience--- a species that was lightly hunted by nonresidents.

If one combines the percentage of nonresident hunters expected to employ guides with the 30 percent converting to guide services, or 1,652 hunters the annual nonresident pool is reduced by over one half. Moreover, in the department position paper it was not demonstrated what guided hunts contribute to the state economy.

By using current costs it is simple to calculate this contribution. An average guided nonresident hunt leaves about \$10,585, including about \$1085 in license and tag fees. Using ADF&G figures there

would be about 1652 guided clients contributing about \$1,793,320 in license and tag fees, with \$15,694,000 into the state economy .

Essentially one guided hunt is equivalent to three unaccompanied nonresident hunts. This suggests that it is foolhardy for the state to sell this resource to the lowest bidder. Most western states place a higher value on their big game resources.

The department is patently incorrect when it is stated that the nonresident guide requirement for hunting brown/ grizzly bear, Dall Sheep, and mountain goats was based on safety. Title 16 mandates that legislatures must first determine that the requirement is for conservation reasons, and secondarily for safety reasons. Under the departments view point it may not be long before someone challenged the guide requirement law!

It appears that ADF&G welcomes nonresident license and tag revenue, but doesn't wish to actively manage moose populations, providing a reasonable opportunity for these hunters to harvest a moose. Unaccompanied nonresident hunters consistently have lower rates of success, which is further exacerbated by the 50 inch minimum moose antler requirement, short seasons, and closed sub-units.

The department fails to admit the 50 inch minimum moose antler requirement is difficult for nonresidents to judge. In fact in areas where the antler requirement effects residents there seems to be an associated problem of undersized, illegal moose kills i.e. Kenai Peninsula. It would be a wise conservation move (in the case of nonresidents) to put the responsibility of identification of legal bull moose and salvaging meat in the hands of regulated professionals.

In addition to identifying a legal bull moose and salvaging meat there are other conservation and socially based reasons, under present management goals, to justify the hiring guides by nonresident moose hunters as follows:

1. Hunters are being overly concentrated in those Game Management Units where moose are still relatively abundant, such as G. M.U. 's 19,21, and 17 in direct competition with residents
2. Nonresident moose hunters are being dropped off in the few areas accessible to village hunters, directly competing with local residents.
3. Low moose populations and lack of hunting opportunities in adjacent urban areas has led to increasing expansion into distant G.M.U.'s, which without active game management will eventually not be capable of sustaining increased hunting pressure.

The greatest change in the commercial big game hunting industry in the past 10 years has been the proliferation of transporter operations into the hunter service industry. These operations are now using the same techniques and transport means as guides, but have virtually no regulatory constraints. Particularly drop camp operators are not required to account the nonresident hunters salvage of meat, camping fees, or field violations.

This begs the question as to why should one type of operation be highly restricted while another can furnish virtually the same services without need to comply? This certainly doesn't provide a "level playing field" for competing industries. Eventually without regulatory changes, the transporter services will dominate all hunts except where a guide is required.

Personally, I have all the moose and other hunts that I can handle and must turn away clients every year. Many of my clients first hunt in Alaska was a drop camp experience---which they found unsatisfactory. I spend up to \$25,000 per year on air charter, seat fares, freight hauls, supercub time, and meat dispersal ; my clients contribute another \$20,000 on seat fares, charter, meat hauling, and cape and antler transport. The combined expenditures amount to an average of \$2812 per guided hunter, all paid to air taxi services, or about what a combo drop hunt costs. Moreover, once the Part 135 requirement goes into effect, many guides will have to rely on air services or quit guiding. This suggests that conversion to guided hunts may not cause undo losses to the transporting industry

The overcrowding situation in the upland areas of G.M.subUnits 17B and 19B has become chaotic. By mid-August there is a tent camp on virtually every hilltop accessible by wheel equipped aircraft. These camps are left out until late September as drop hunters are rotated. Any semblance of courtesy or ethical behavior has been forgotten in order to accommodate volume business. This phenomenon has progressed to the point where drop camp operators are placing hunters by boat or raft in close proximity to local hunting activity. The permanent structures of one large operation near Sleetmute on the Holitna River mysteriously burned to the ground in the fall of 1997. Rural people are justly asking for some accountability or control of this runaway exploitation.

In conclusion, moose are a highly desired and valuable resource which in the case of commercial service activities should return maximum benefits to the state, residents, and the participating industries. Present management practices are based on the ecosystem concept, resulting in minimal harvest goals, and permitting virtually no active management. This leaves only a small segment of many remote moose populations available for human use harvest. Under these conditions nonresident participation in moose harvest should be cautiously limited, and more so as rural and urban resident game demands increase. Therefore, considering previously expressed reasons, a viable alternative would be to pass HB364, resulting in the reduction of nonresident moose hunters, increasing sales of big game tags, and providing millions of dollars more than was previously injected into the state economy

Peter E. K. Shepherd

LAKE ILIAMNA FISH & GAME ADVISORY COMMITTEE
Iliamna, AK 99606

Igiugig - Kokhanok - Pope Vazoy - Ped Bay - Iliamna - Newhalen - Nondalton - Port Alsworth

March 12, 1998

Representative Ivan Ivan
Juneau, Alaska

Subject: Moose as Big Game

At our meeting March 3, 1998 in Newhalen, Alaska, Dick Sellers ADF&G game biologist brought to our attention that you are involved in a bill to add moose to the list of Big Game for which non-resident hunters need a big game guide to hunt, using the same regulations as are currently applied to other species including sheep & bear.

The Lake Iliamna Fish & Game Advisory Committee voted in support that legislation.

If you have any questions feel free to call me at the numbers listed below:
907-533-3222 (home)
907-533-3211 (Igiugig Village Council Office)
907-533-3217 (fax)

Sincerely,

Randolph Alvarez, Secretary
Lake Iliamna Fish & Game Advisory Committee

**BRISTOL BAY NATIVE ASSOCIATION
P. O. BOX 310
DILLINGHAM, ALASKA 99576
(907) 842-5257**

**RESOLUTION FY 98-21
by
THE FULL BOARD OF DIRECTORS**

WANTON WASTE OF GAME

WHEREAS: residents of the Bristol Bay villages have observed increased sport hunting activities in the regional drainages; and

WHEREAS: much of the sport hunting, by fly-in guided and unguided hunters, appears to be directed at trophy hunting, and there have been many instances of wasted meat; and

WHEREAS: moose and caribou stocks in the Bristol Bay region drainages are declining.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Bristol Bay Native Association considers the wanton waste of game, particularly moose and caribou by sport hunters in the Bristol Bay region drainage to be a serious and increasing problem, and

BE IT FURTHER RESOLVED that the Board of Directors that the Alaska Department of Fish and Game, and other agencies as appropriate, take regulatory, enforcement, or other measures as appropriate, to reduce the wanton waste of game by sport hunters in the Bristol Bay drainages.

Signed: *Ormel I. Nelson*
President

CERTIFICATION.

I, the undersigned Secretary of the Bristol Bay Native Association, hereby certify that the foregoing resolution was passed by majority vote of the Full Board of Directors of the Bristol Bay Native Association at a duly called and noticed meeting this 1 Day of October, 1997, and that a quorum was present.

Signed: *Margaret Nelson*
Secretary

Sec. 08.54.650. Transporter license.

(a) A person is entitled to a transporter license if the person

(1) applies for a transporter license on a form provided by the department; and

(2) pays the license application fee and the license fee.

(b) A transporter may provide transportation services and accommodations to big game hunters in the field at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A transporter may not provide big game hunting services without holding the appropriate license.

(c) A transporter shall provide an annual activity report on a form provided by the department. An activity report must contain information required by the department by regulation.

History -

(Sec. 3 ch 33 SLA 1996)

Sec. 08.54.720. Unlawful acts.

(a) It is unlawful for a

(1) person who is licensed under this chapter to knowingly fail to promptly report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 20 days, a violation of a state game, guiding, or transportation services statute or regulation that the person reasonably believes was committed by a client or an employee of the person;

(2) person who is licensed under this chapter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the person;

(3) class-A assistant guide or an assistant guide to knowingly guide a hunt except while employed and supervised by a registered guide;

(4) person who holds any class of guide license to knowingly enter or remain on private land without prior authorization during the course of providing big game hunting services;

(5) registered guide to knowingly engage in providing big game hunting services outside of

(A) a game management unit for which the registered guide is certified; or

(B) a use area for which the registered guide is registered under AS

08.54.750 unless the registration requirement for the area has been suspended by the Department of Fish and Game;

(6) person to knowingly guide without having a current registered guide, class-A assistant guide, or assistant guide license and hunting license in actual possession;

(7) registered guide to knowingly fail to comply with AS 08.54.610(e);

(8) person who is licensed under this chapter to knowingly

(A) commit or aid in the commission of a violation of this chapter, a regulation adopted under this chapter, or a state game statute or regulation; or

(B) permit the commission of a violation of this chapter, a regulation adopted under this chapter, or a state game statute or regulation that the person knows or reasonably believes is being or will be committed without

(i) attempting to prevent it, short of using force; and

(ii) reporting the violation;

(9) person without a current registered guide license to knowingly guide, advertise as a registered guide, or represent to be a registered guide;

(10) person without a current master guide license to knowingly advertise as, or represent to be, a master guide;

(11) person without a current registered guide license to knowingly outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

(12) person to knowingly provide transportation services to big game hunters without holding a current registered guide license or transporter license;

(13) person without a current transporter license to knowingly advertise as, or represent to be, a transporter;

(14) class-A assistant guide or an assistant guide to knowingly contract to guide or outfit a hunt;

(15) person licensed under this chapter to knowingly violate a state statute or

regulation prohibiting waste of a wild food animal or hunting on the same day airborne;

(16) person to knowingly provide big game hunting service or transportation services during the period for which the person's license to provide that service is suspended or revoked;

(17) registered guide, except in the defense of life or property, to knowingly personally take

(A) big game while accompanying a client in the field; or

(B) a species of big game if the registered guide is under contract with a client to provide a guided hunt for that species of big game and the client is in the field;

(18) person who is licensed as a registered guide, a class-A assistant guide, or an assistant guide, except in the defense of life or property, to knowingly personally take big game while a client of the registered guide by whom the person is employed is in the field unless the person is not participating in, supporting, or otherwise assisting in providing big game hunting services to a client of the registered guide by whom the person is employed; or

(19) person who is licensed as a transporter, or who provides transportation services under a transporter license, to knowingly accompany or remain in the field with a big game hunter who is a client of the person except as necessary to perform the specific duties of embarking or disembarking big game hunters, their equipment, or big game animals harvested by hunters; this paragraph does not apply to a person who holds both a transporter license and any class of guide license issued under this chapter.

(b) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(1) - (7), (17), (18), or (19) of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$10,000 or by imprisonment up to one year, or both.

(c) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(8) - (14) of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment up to one year, or both.

(d) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(15) of this section is guilty,

(1) for a first offense, of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment up to one year, or both;

(2) for a second or subsequent offense, of a class C felony.

(e) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who violates (a)(16) of this section is guilty of a class C felony.

(f) In addition to the penalties set out in (b) - (e) of this section and a disciplinary sanction imposed under AS 08.54.710,

(1) the court may order the department to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period of not more than three years;

(2) the court shall order the department to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one year and not more than five years;

(3) the court shall order the department to suspend the guide license or transporter license for a specified period of not less than three years, or to permanently revoke the guide license or transporter license, of a person who commits an offense set out in (a)(15) or (16) of this section; and

(4) all guns, fishing tackle, boats, aircraft, automobiles, or other vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a violation of (a) of this section may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

(g) Upon conviction of a person for committing an offense set out in (a) of this section, the execution of sentence may not be suspended and probation may not be granted except on the condition that the minimum term of imprisonment is served. Imposition of sentence may not be suspended.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 5 - 7 ch 61 SLA 1997)

Amendment Notes -

The 1997 amendment, effective August 28, 1997, in subsection (a), added paragraphs (17)-(19) and made related stylistic changes; and, in subsections (b) and (f), made paragraph reference substitutions.

Decisions -

Constitutionality of former provisions punishing guiding without valid license as felony. - See *Maeckle v. State*, 792 P.2d 686 (Alaska Ct. App. 1990), decided under former 08.54.520.

Application of former statute to person guiding with expired license. - See *Romero v. State*, 792 P.2d 679 (Alaska Ct. App. 1990), decided under former 08.54.520.

Sec. 16.05.050. Powers and duties of commissioner.

The commissioner has, but not by way of limitation, the following powers and duties:

(1) to assist the United States Fish and Wildlife Service in the enforcement of federal laws and regulations pertaining to fish and game;

(2) through the appropriate state agency and under the provisions of AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other lawful means, land, buildings, water, rights-of-way, or other necessary or proper real or personal property when the acquisition is in the interest of furthering an objective or purpose of the department and the state;

(3) under the provisions of AS 36.30, to design and construct hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish and game resources of the state;

(4) to accept money from any person under conditions requiring the use of the money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state or in settlement of claims for damages to fish or game resources;

(5) to collect, classify, and disseminate statistics, data and information that, in the commissioner's discretion, will tend to promote the purposes of this title except AS 16.51 and AS 16.52;

(6) to take, capture, propagate, transport, buy, sell, or exchange fish or game or eggs for propagating, scientific, public safety, or stocking purposes;

(7) under the provisions of AS 36.30, to provide public facilities where necessary or proper to facilitate the taking of fish or game, and to enter into cooperative agreements with any person to effect them;

(8) to exercise administrative, budgeting, and fiscal powers;

(9) under the provisions of AS 36.30, to construct, operate, supervise, and maintain vessels used by the department;

(10) to authorize the holder of an interim-use permit under AS 16.43 to engage on an experimental basis in commercial taking of a fishery resource with vessel, gear, and techniques not presently qualifying for licensing under this chapter in conformity with standards established by the Alaska Commercial Fisheries Entry Commission;

(11) not later than January 31 of each year, to provide to the commissioner of revenue the names of those fish and shellfish species that the commissioner of fish and game designates as developing commercial fish species for that calendar year; a fish or shellfish species is a developing commercial fish species if, within a specified geographical region,

(A) the optimum yield from the harvest of the species has not been reached;

(B) a substantial portion of the allowable harvest of the species has been allocated to fishing vessels of a foreign nation; or

(C) a commercial harvest of the fish species has recently developed;

(12) to initiate or conduct research necessary or advisable to carry out the purposes of this title except AS 16.51 and AS 16.52;

(13) to enter into cooperative agreements with agencies of the federal government, educational institutions, or other agencies or organizations, when in the public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

(14) to implement an on-board observer program authorized by the Board of

Fisheries under AS 16.05.251(a)(13); implementation

(A) must be as unintrusive to vessel operations as practicable; and

(B) must make scheduling and scope of observers' activities as predictable as practicable;

(15) to sell fish caught during commercial fisheries test fishing operations;

(16) to establish and charge fees equal to the cost of services provided by the department, including provision of public shooting ranges, broodstock and eggs for private nonprofit hatcheries, department publications, and other direct services, and reasonable fees for the use of state facilities managed by the department; fees established under this paragraph for tours of hatchery facilities, commercial use of sport fishing access sites, and for operation of state hatchery facilities by private aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

(17) to permit and regulate aquatic farming in the state in a manner that ensures the protection of the state's fish and game resources and improves the economy, health, and well-being of the citizens of the state;

(18) to operate state housing and facilities for employees, contractors, and others in support of the department's responsibilities and to charge rent that is consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions; rent received from tenants shall be deposited in the general fund;

(19) to petition the Alaska Commercial Fisheries Entry Commission, unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

(A) that have experienced recent increases in fishing effort that are beyond a low, sporadic level of effort;

(B) that have achieved a level of harvest that may be approaching or exceeding the maximum sustainable level for the fishery; and

(C) for which there is insufficient biological and resource management information necessary to promote the conservation and sustained yield management of the fishery.

History -

(Sec. 6, 11 art I ch 64 SLA 1959; am Sec. 1 ch 42 SLA 1963; am Sec. 2 ch 227 SLA 1970; am Sec. 2 ch 79 SLA 1973; am Sec. 12 ch 79 SLA 1979; am Sec. 1 ch 82 SLA 1982; am Sec. 2 ch 132 SLA 1984; am Sec. 2 ch 76 SLA 1986; am Sec. 7 ch 106 SLA 1986; am Sec. 29 ch 138 SLA 1986; am Sec. 6 ch 145 SLA 1988; am Sec. 19, 20 ch 36 SLA 1990; am Sec. 1 ch 211 SLA 1990; am Sec. 2 ch 34 SLA 1991; am Sec. 38 ch 30 SLA 1992; am Sec. 1 ch 54 SLA 1996)

Revisors Notes -

In 1992, former paragraph (20) was renumbered as (19) to reflect the 1992 repeal of former (19).

Amendment Notes -

The 1988 amendment, effective June 9, 1988, added paragraph (17).

The first 1990 amendment, effective May 1, 1990, added the provision beginning "and reasonable fees" to the end of paragraph (16) and added paragraph (18).

The second 1990 amendment, effective January 1, 1991, added former (19).

The 1991 amendment, effective June 13, 1991, added paragraph (19).

The 1992 amendment, effective May 16, 1992, repealed paragraph (19).

The 1996 amendment, effective September 4, 1996, inserted "take," and ", public safety," in paragraph (6).

AG Opinions -

The commissioner of fish and game has the power to adopt procedural rules to implement AS 16.05.870 and to establish by regulation the standards under which permits will be issued under AS 16.05.870. March 4, 1982 Op. Att'y Gen.

Paragraph (5) and AS 16.05.331(b) imply authority for the Department of Fish and Game to interpret the term "elk" and to limit it to specific species, subspecies, or other classifications of animals that would commonly be thought of in the United States as "elk." Jan. 18, 1988 Op. Att'y Gen.

Decisions -

Exploratory permits for research purposes. - The commissioner had authority to issue an exploratory permit for the purpose of conducting a test fishery; and financing the operation through an agreement with a private fisher that allowed the fisher to finance an exploratory fishing operation by allowing a private contractor to sell the catch did not constitute "commercial fishing." Kodiak Seafood Processors Ass'n v. State, 900 P.2d 1191 (Alaska 1995).

The commissioner's issuance of an exploratory permit to conduct a research trip to determine the abundance of scallops and crab bycatch in limited areas of closed waters for the purpose of developing a scallop management plan was not an abuse of discretion. Kodiak Seafood Processors Ass'n v. State, 900 P.2d 1191 (Alaska 1995).

Sec. 16.05.340. License, permit, and tag fees.

(a) Fees for licenses, permits, and tags are as follows:

- (1) Resident sport fishing license\$ 15
However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license 25
- (3) [See effect of amendments note] Resident hunting and trapping license 40
- (4) Resident trapping license 15
- (5) [See effect of amendments note] Resident hunting and sport fishing license 39
- (6) [See effect of amendments note] Resident hunting, trapping, and sport fishing license 53;
 - (A) however, the fee is \$5 for an applicant who
 - (i) is receiving or has received assistance during the preceding six months under any state or federal welfare program to aid the indigent; or
 - (ii) has an annual family gross income of less than \$8,200 for the year preceding application;
 - (B) a person paying \$5 for a resident hunting, trapping, and sport fishing license must provide proof of eligibility under this paragraph when requested by the department.
- (7) [See effect of amendments note] Nonresident sport fishing license - valid for the period inscribed on the license
 - (A) For 14-day license\$ 50
 - (B) For seven-day license 30
 - (C) For three-day license 20
 - (D) For one-day license 10
- (8) [See effect of amendments note] Nonresident annual sport fishing license 100
- (9) Nonresident hunting license 85
- (10) [Repealed, Sec. 10 ch 74 SLA 1997, effective January 1, 1998].

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (15) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (11) Nonresident hunting and trapping license\$ 250
 - (12) Fur dealers
 - (A) Resident fur dealer biennial license 150
 - (B) Nonresident fur dealer biennial license 500
 - (13) Taxidermists
 - (A) Resident taxidermy biennial license 200
 - (B) Nonresident taxidermy biennial license 500
 - (14) Aquatic farming triennial license 400
 - (15) [See effect of amendments note] Nonresident big game tags
- A nonresident may not take a big game animal without previously

purchasing a numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (A) Bear, black, each\$ 225
- (B) Bear, brown or grizzly, each 500
- (C) Bison, each 150
- (D) Caribou, each 325
- (E) Deer, each 150
- (F) Elk, each 300
- (G) Goat, each 300
- (H) Moose, each 400
- (I) Sheep, each 425
- (J) [See effect of amendments note] Wolf, each 30

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

- (K) Wolverine, each\$ 175
- (L) Musk oxen, each

..... 1,100 (16) Resident big game tags
(A) Bear, brown or grizzly, each\$ 25

The Board of Game may, by regulation effective for not more than one year, eliminate the resident brown or grizzly bear tag and fee for all or a portion of a game management unit.

- (B) Musk oxen, each 500

However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

- (17) Waterfowl conservation tag\$ 5

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

- (i) qualifies for a \$5 license fee under (6) of this subsection;
- (ii) is a resident under the age of 16;
- (iii) is 60 years of age or older and is a resident;
- (iv) is a disabled veteran eligible for a free license under AS

16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

(18) Game farming

- (A) Game mammal or game reptile farming biennial license\$ 250
- (B) Game bird farming biennial license 50
- (19) Nonresident small game hunting license 20
- (20) Nonresident alien hunting license 300

A nonresident alien may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (21) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

(21) Nonresident alien big game tags

- (A) Bear, black, each\$ 300
- (B) Bear, brown or grizzly, each 650
- (C) Bison, each 650
- (D) Caribou, each 425
- (E) Deer, each 200
- (F) Elk, each 400
- (G) Goat, each 400
- (H) Moose, each 500
- (I) Musk oxen, each
..... 1,500
- (J) Sheep, each 550
- (K) [See effect of amendments note] Wolf, each 50

A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

- (L) Wolverine, each 250
- (22) Chitina personal use salmon dip net fishing permit 10
- (23) Resident anadromous king salmon tag 10

A resident may not engage in sport fishing for anadromous king salmon without having the current year's anadromous king salmon tag in the resident's actual possession, unless that person

- (A) qualifies for a 25 cent license fee under (1) of this subsection;
- (B) is under the age of 16;
- (C) is 60 years of age or older and has been a resident of the state for at least one year;
- (D) is a disabled veteran eligible for a free license under AS 16.05.341; or
- (E) qualifies for a \$5 license fee under (6) of this subsection.

(24) [See effect of amendments note] Nonresident anadromous king salmon tag - valid for the period inscribed on the tag

- (A) for a one-day tag \$ 10
- (B) for a three-day tag 20
- (C) for a seven-day tag 30
- (D) for a 14-day tag 50
- (E) for an annual tag 100.

A nonresident may not engage in sport fishing for anadromous king salmon without having a valid anadromous king salmon tag in the person's actual possession, unless that person is under the age of 16. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940, may obtain an annual nonresident military anadromous king salmon tag for \$20.

(b) The commissioner may issue without cost a permit to collect fish and game, including

fur animals, subject to limitations and provisions that are appropriate, for a scientific, propagative, or educational purpose. The commissioner also may issue a permit for the collection of bivalve spat for use in connection with an aquatic farm. In addition, the commissioner shall issue a permit for the collecting of wild fur animals for improving the genetic stock of fur farm animals. Permits issued under this subsection shall be in accordance with current sustained yield management practices for the species of wild game for which the permit is requested. The annual permit fee for an Alaska resident to collect wild fur animals for fur farming purposes is the same as the fee for resident trappers.

(c) The commissioner may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$5 shall be charged for each duplicate license or tag; however, a fee of \$2 shall be charged for each duplicate of reduced fee license issued to an indigent or low income person under (a)(6) of this section. The duplicate license or tag may not be issued unless the commissioner or a delegate is satisfied that the original has been lost or destroyed.

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940, may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

(e) [Repealed, Sec. 27 ch 71 SLA 1986].

(f) [Repealed, Sec. 4 ch 81 SLA 1992].

(g) [Effective January 1, 1998] A hunting, trapping, or fishing license, tag, or permit for which a fee is authorized under this section or for which the fee is waived or modified under AS 16.05.330 - 16.05.430 may be issued only to a natural person.

History -

(Sec. 2 art II ch 94 SLA 1959; am Sec. 1 ch 96 SLA 1959; am Sec. 7 - 13 ch 131 SLA 1960; am Sec. 1 ch 16 SLA 1963; am Sec. 1 ch 29 SLA 1963; am Sec. 2 ch 31 SLA 1963; am Sec. 2, 3 ch 75 SLA 1964; am Sec. 1 ch 83 SLA 1966; am Sec. 2 ch 32 SLA 1968; am Sec. 1 ch 4 SLA 1972; am Sec. 1, 2 ch 180 SLA 1972; am Sec. 2, 3 ch 82 SLA 1974; am Sec. 1 ch 198 SLA 1976; am Sec. 1, 2 ch 268 SLA 1976; am Sec. 1, 2 ch 73 SLA 1979; am Sec. 2 ch 19 SLA 1980; am Sec. 1, 2, 4 ch 57 SLA 1980; am Sec. 16, 17 ch 94 SLA 1980; am Sec. 1 - 6 ch 40 SLA 1982; am Sec. 2, 3 ch 23 SLA 1983; am Sec. 1 ch 35 SLA 1983; am Sec. 3 ch 71 SLA 1984; am Sec. 15 - 17 ch 81 SLA 1984; am Sec. 3 - 5 ch 96 SLA 1984; am Sec. 12, 13 ch 132 SLA 1984; am Sec. 27 ch 71 SLA 1986; am Sec. 3 ch 70 SLA 1987; am Sec. 4, 5 ch 88 SLA 1987; am Sec. 2 ch 6 SLA 1989; am E.O. No. 73 Sec. 3 (1989); am Sec. 1 - 3 ch 28 SLA 1990; am Sec. 3 - 14 ch 211 SLA 1990; am Sec. 14 ch 21 SLA 1991; am Sec. 4 ch 81 SLA 1992; am Sec. 2 ch 2 FSSLA 1992; am Sec. 44 ch 63 SLA 1993; am Sec. 3 ch 9 SLA 1994; am Sec. 16 ch 30 SLA 1996; am Sec. 1 ch 38 SLA 1997; am Sec. 1, 2 ch 70 SLA 1997; am Sec. 2 - 8, 10 ch 74 SLA 1997)

Revisors Notes -

Paragraphs (a)(3) and (4) were formerly (a)(3)(A) and (3)(B) respectively. Renumbered in 1983, at which time the remaining paragraphs in (a) were renumbered accordingly.

Amendment Notes -

The first 1989 amendment, effective June 11, 1989, added subsection (f).

The second 1989 amendment, effective March 11, 1989, deleted "of revenue" following "commissioner" in the first and second sentences in subsection (c).

The first 1990 amendment, effective January 1, 1991, rewrote paragraph (a)(6); substituted "\$5 license fee under (6) of this subsection" for "25 cent license fee under AS 16.05.340 (a)(6)" in subparagraph (a)(17)(A); and, in subsection (c), deleted the former third sentence, which read "This subsection does not apply to a 25-cent license issued under (a)(6) of this section."

The second 1990 amendment, effective January 1, 1991, increased the fees in paragraphs (a)(7)-(a)(13) and (a)(18), added subparagraph (a)(7)(C), rewrote paragraphs (a)(14) and (a)(15), and added paragraphs (a)(19)-(a)(22); and rewrote subsection (c).

The 1991 amendment, effective June 11, 1991, in item (a)(17)(A)(iii), substituted "and is a resident" for "and has been a resident for at least one year."

The first 1992 amendment, effective July 1, 1993, repealed subsection (f).

The second 1992 amendment, effective January 1, 1993, in subsection (a), increased the fees in paragraphs (1)-(6) and added paragraphs (23) and (24).

The 1993 amendment, effective July 1, 1993, rewrote paragraph (a)(24).

The 1994 amendment, effective April 7, 1994, inserted "anadromous" in three places in the introductory language in paragraph (a)(23).

The 1996 amendment, effective May 16, 1996, inserted ", permits," in the introductory language in subsection (a).

The first 1997 amendment, effective January 1, 1998, added subsection (g).

The second 1997 amendment, effective January 1, 1998, rewrote subparagraphs (a)(15)(J) and (a)(21)(K). For the text of (a)(15)(J) and (a)(21)(K) in effect before January 1, 1998, see the 1996 volume.

The third 1997 amendment, effective January 1, 1998, in subsection (a), substituted "39" for "40" in paragraphs (3) and (5), in paragraph (6), substituted "53" for "55" and made stylistic changes, rewrote paragraph (7), in paragraph (8), inserted "annual" and substituted "100" for "50," repealed paragraph (10), in paragraph (15), added the language beginning "A nonresident may not take a big game animal," and rewrote paragraph (24). For the text of (a)(3), (5), (6), (7), (8), (10), (15), and (24) in effect before January 1, 1998, see the 1996 volume.

Editors Notes -

Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Section 1, ch. 74, SLA 1997 states that the fee increases for nonresident sport fishing licenses in ch. 74, SLA 1997 were intended to "help discourage current abuses by nonresidents harvesting sport-caught fish for the purpose of selling them," and that the "legislature requests the Board of Fisheries also address this problem and adopt a quota system to limit nonresident catch of sport fish."

History Reports -

For legislative letter of intent in connection with the amendment to (a)(6) of this section by Sec. 1, ch. 28, SLA 1990 (HCS CSSB 30(Fin)), see 1990 House Journal 2733.

AG Opinions -

Construing subsection (d) with federal law (10 U.S.C. Sec. 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is required to obtain an Alaska sport fishing license to engage in sport fishing on military lands. 1977 Op. Att'y Gen. No. 21.

Construing AS 16.05.330 and this section with federal law (10 U.S.C. Sec. 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is not required

to obtain an Alaska trapping license to trap on military lands. 1977 Op. Att'y Gen. No. 21.

The special small game hunting license for military personnel authorized by subsection (d) may not be used for hunting all game (including big game) once the holder achieves resident status. 1977 Op. Att'y Gen. No. 21.

The terms "scientific," "propagative," and "educational" in this statute should be read as addressing purposes similar to those in AS 16.05.050(6), and the term "propagative," in the context of "scientific" or "educational" purposes, does not appear to include the holding of game animals as pets. Apr. 2, 1987 Op. Att'y Gen.

Collateral Refs -

Constitutionality of state laws which discriminate against nonresidents or aliens as to fishing and hunting rights, 52 L. Ed. 2d 824.

Big Game Guide and Transporter Licensing Section TRANSPORTER ACTIVITY REPORT

Name/Business Name _____ Transporter Lic. # _____

Address: _____

Client/Party Information:

Name	Address	Hunting License #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date transported to field: _____ Specific location: _____

Latitude: _____ Longitude _____ GMU: _____

Transportation Used (Circle One):

1. Aircraft Number N _____
2. Boat ADF&G or USCG# _____
3. Horse _____
4. Dog Team _____
5. ATV _____
6. Snow Machine _____
7. Other _____

Date Transported from the field: _____ GMU: _____

Specific location: _____ Lat. _____ Long _____

USE SEPARATE LINE FOR EACH ANIMAL HARVESTED.

Species Transported	Estimated Poundage of Meat
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Species Transported
1. Brown Bear
 2. Black Bear
 3. Bison
 4. Caribou
 5. Dall Sheep
 6. Deer
 7. Elk
 8. Moose
 9. Mtn. Goat
 10. Musk Ox
 11. Wolf
 12. Wolverines



Transporter/Operator Printed Name _____ Transporter/Operator Signature _____ Date _____

ORIGINAL: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING, P.O. BOX 110808, JUNEAU, AK 99811-0808

YELLOW COPY: TRANSPORTER

PINK COPY: CLIENT

THE FOLLOWING RECORD MUST BE COMPLETED AS NECESSARY BEFORE THE SALE OF ANY BIG GAME TAG

Department of Fish & Game
 Licensing Section
 P.O. Box 25525
 Juneau, Alaska 99802-5525

BIG GAME TAG RECORD

VENDORS ONLY:
 Send Part 1 to Fish and Game
 Give Part 2 to Licensee
 Keep Part 3 for Your Files

Applicants: Please fill in the shaded gray areas only if applicable.

This certifies that the licensee named below has purchased the big game tag(s) indicated. (PLEASE PRINT)			HARVEST TICKET NUMBERS	
Hunting License Number	Class of License	Date of Tag Purchase	Caribou	C-
Name (First, MI, Last)			Deer	D-
Address			Moose	M-
City, State, Zip Code		Country	Sheep	S-
License	Vendor Location	Vendor I.D. No.		
Vendor Name				

MILITARY AFFIDAVIT
 Per AS 16.05.340(d)

NOTE: You must have a nonresident hunting license to purchase tags. You must complete this affidavit before the purchase of any military tag.

I am entitled to the special nonresident Military Big Game Tag at one-half of the nonresident rate for the following reason:

1. I am a member of the military service on active duty permanently stationed in the state; or

2. I am a dependent of a member of the military service on active duty permanently stationed in the state.

Branch of Military _____

Rank and Serial Number _____

Assigned Duty Station _____

If a Dependent, Specify Relationship _____

NONRESIDENT AFFIDAVIT
 Per AS 16.05.407(a)

You must have a nonresident hunting license to purchase tags. You must complete this affidavit before the purchase of any brown/grizzly bear, sheep, or goat tag if you are U.S. citizen but not a resident of Alaska.

Pursuant to AS 16.05.407, I hereby certify that I will be guided by:

_____ of _____, Alaska
 who is

A. A Master or Registered Alaskan guide; or

B. A resident spouse or relative within and including the second degree of kindred as defined in the Alaska Game and Guiding Regulations.
 Specify Relationship: _____

NONRESIDENT ALIEN AFFIDAVIT
 Per AS 16.05.408

You must have a nonresident alien license to purchase tags. You must complete this affidavit before the purchase of any nonresident alien tag.

Pursuant to AS 16.05.408, I hereby certify that I will be guided by:

_____ of _____, Alaska
 who is

A. A Master guide; or

B. A Registered Guide under AS.08.54.

*Nonresident alien means a person who is not a citizen of the U.S. and whose permanent place of abode is not in the U.S. (AS 16.05.940(22))

Please CIRCLE the appropriate rate.

Tag Type	Tag Number(s)	Resident Price(1R)	Nonresident Price(2N)	Military Price(3M)	N.R. Alien Price (4A)	Total Fee
Br. / Grz. Bear (BG)		\$ 25.00	\$ 500.00	\$ 250.00	\$ 650.00	
Black Bear (BL)			\$ 225.00	\$ 112.50	\$ 300.00	
			\$ 225.00	\$ 112.50	\$ 300.00	
Bison (BF)			\$ 450.00	\$ 225.00	\$ 650.00	
Caribou (CC)			\$ 325.00	\$ 162.50	\$ 425.00	
			\$ 325.00	\$ 162.50	\$ 425.00	
			\$ 325.00	\$ 162.50	\$ 425.00	
			\$ 325.00	\$ 162.50	\$ 425.00	
Deer (DD)			\$ 150.00	\$ 75.00	\$ 200.00	
Elk (EE)			\$ 300.00	\$ 150.00	\$ 400.00	
Goat (GG)			\$ 300.00	\$ 150.00	\$ 400.00	
Moose (MM)			\$ 400.00	\$ 200.00	\$ 500.00	
			\$ 400.00	\$ 200.00	\$ 500.00	
Muskox Bull (OX)		\$500.00	\$ 1,100.00	\$ 550.00	\$ 1,500.00	
MuskoxCow (OX-MU)		\$ 25.00	N/A	N/A	N/A	
Sheep (SS)			\$ 425.00	\$ 212.50	\$ 550.00	
Wolf (WF)			\$ 30.00	\$ 15.00	\$ 50.00	
			\$ 30.00	\$ 15.00	\$ 50.00	
Wolverine (WV)			\$ 175.00	\$ 87.50	\$ 250.00	
TOTAL TAG FEES COLLECTED						\$ _____

RESIDENCY CERTIFICATION
MUST BE SIGNED

ALASKA RESIDENT AS 16.05.940(26): "resident" means, • a person (including an alien) who is physically present in Alaska with the intent to remain indefinitely and make a home here, has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding this application for a license, and is not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country; • a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding this application for a license; or • a dependent of a resident member of the military service or U.S. Coast Guard who has lived in Alaska for the 12 consecutive months immediately preceding this application for a license. A person who does not otherwise qualify as a resident may not qualify by virtue of an interest in an Alaska business.

Pursuant to AS 16.05.940, I hereby certify that I qualify for Alaska residency status:

X _____
 Signature

I have personally reviewed the information on this record and I hereby certify under penalty of perjury that all information on this record, including any completed affidavit, is true and correct. I understand this information is subject to public disclosure.

x _____
 Signature of Applicant

_____ Date

NOTICE: THE LICENSEE'S COPY MUST BE CARRIED ON THE HUNTER'S PERSON WHEN THE HUNTER IS IN THE FIELD.

04/02/98
14:40:58

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80590 SCHEDULED FOR:04/02/98 13:30 TO 16:00
PUBLIC HEARING HOUSE FINANCE

LTN1150
BY:FBX
FOR:FBX

LOCATION:FAIRBANKS

HB 364 MR. VIRGIL UMPENOUR / SELF TESTIFY

04/02/98
14:34:06

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80590 SCHEDULED FOR:04/02/98 13:30 TO 16:00
PUBLIC HEARING HOUSE FINANCE

LTN1150
BY:DLG
FOR:DLG

LOCATION:DILLINGHAM

HB 364 TED KRIEG / BBNA TESTIFY

**TELECONFERENCE
HOUSE FINANCE**

APRIL 2

HB 364: GUIDES FOR NONRESIDENT MOOSE HUNTERS

OFFNETS

COL. JOHN GLASS ✓	ANCHORAGE	DIV OF WILDLIFE 269-5584
HERMAN MORGAN ✓	ANIAK	CITY MANAGER 675-4481
GILBERT HUNTINGTON ✓	GALENA	656-1435

HB

367

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 11, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/18/98

The FINANCE Committee considered:

HB 367

HOUSE BILL NO. 367

PART-TIME PUBLIC SCHOOL STUDENT ENROLLMENT

“An Act relating to part-time public school students; and providing for an effective date.”

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

fiscal note(s) _____ fiscal note(s) DOE, 3/11/98

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Therriault	X			
<i>[Signature]</i>	Hanley			X	
<i>[Signature]</i>	Mulder	X			
<i>[Signature]</i>	Martin	X			
<i>[Signature]</i>	Kabring	X			
<i>[Signature]</i>	Davies			X	
<i>[Signature]</i>	DAVIS			X	
<i>[Signature]</i>	Kelly	✓			
<i>[Signature]</i>	Foster	X			
<i>[Signature]</i>					
<i>[Signature]</i>					

CHAIR'S SIGNATURE
CO-Chairs

[Signature] *[Signature]*
Therriault Hanley

FISCAL NOTE

Bill Version: HB 367
(H) Publish Date: 3/11/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
Title: An act relating to part-time public school students;
and providing for an effective date
Sponsor: Representative Dyson
Requester: House HESS

Department Affected: Education
BRU: K-12 Support
Component: Foundation Program

COMPONENT SERIAL NO. 141

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS
MISCELLANEOUS						
TOTAL OPERATING
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	.	.	.	.	.	.
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	.	.	.	.	.	.

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

The department believes there is a cost associated with this proposed legislation but is unable to determine the fiscal impact.

Prepared by: Eddy Jeans, School Finance Manager
Division: Education Support Services
Approved by Commissioner: Shirley J. Holloway, Ph. D., Commissioner
Agency: Education

Phone: 465-8679
Date: [Signature]
Date: 2-10-98

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

COMMITTEE COPY