

ALASKA LEGISLATURE COMMITTEE FILES 1983-1980 00/2

4188 SLAB SB 297 - SB 312 1068



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**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 5/7/86

REQUEST

Bill/Resolution No.: CSSSSB 297 (L&C)
 Title: A: Act relating to the practice of naturopathy; and providing for an effective date.
 Sponsor: Senate Labor & Commerce
 Requester: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing

 Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

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

CAPITAL						
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REVENUE		.6	**	**	**	.6
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FUNDING: (Thousands of dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary.

The bill changes the composition of the Board of Chiropractic Examiners to add a sixth nonvoting ex officio naturopathic member, and amends the title of the board to the Board of Chiropractic and Naturopathy Examiners. The bill authorizes the board to license and regulate the practice of naturopathy in Alaska. Costs of

Prepared by: Jennifer Strickler, Management Analyst
 Division: Occupational Licensing

Phone: 465-2144

Date: 5-7-86

Approved by Commissioner: [Signature]
 Agency: Commerce and Economic Development

Date: 5/7/86

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSSSB 297 (L&C)

adding a sixth member are minimal and will be absorbed by the division.

This fiscal note differs from the previous fiscal note in that assuming the new member will be appointed from the Anchorage area where expenses would be minimal, costs would be absorbed by the division.

REVENUE:

Although there may be as many as six naturopaths in Alaska, we are certain of three practicing naturopaths, and therefore revenues are based on the three practitioners.

AS 08.20.180 currently establishes fees for licensure. Revenues shown are 'new' revenues to be generated from licensing naturopaths. These revenues will be in addition to the revenues generated through the licensing of Chiropractors.

Initial license fee (quadrennial renewal period) = $\$200 \times 3 = \600

Revenues may increase within the quadrennial cycle depending on the number of new practitioners who obtain licensure.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSSB 297 (L&C)
 Title: An Act relating to the practice of naturopathy; and providing for an effective date.
 Sponsor: Senate Labor & Commerce
 Requester: _____
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FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.2	1.2	1.2	1.2
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1.2	1.2	1.2	1.2	1.2

CAPITAL						
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REVENUE		.6	**	**	**	.6
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FUNDING: (Thousands of dollars)

GENERAL FUND		1.2	1.2	1.2	1.2	1.2
FEDERAL FUNDS						
OTHER						
TOTAL		1.2	1.2	1.2	1.2	1.2

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PARTTIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

The bill amends the Board of Chiropractic Examiners to include naturopaths, therefore creating the Board of Chiropractic and Naturopathy Examiners. It increases the composition of the board from five to six members by adding one nonvoting ex officio naturopath member. Costs mentioned above result from adding the sixth member to a board that already meets twice each year and administers exams in conjunction with

Prepared by: Jennifer Strickler, Management Analyst
 Division: Occupational Licensing

Phone: 465-2144
 Date: 5/6/86

Approved by Commissioner: *John H. Arpaia*
 Agency: Commerce and Economic Development

Date: 5/6/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSSSB 297 (L&C)

each meeting. Travel costs of \$1.2 could be reduced to \$.7 if the composition of the board were to remain at five members. If reduced by attrition, the replacement of one chiropractic member from Anchorage could be replaced with a naturopath as early as July 1986, therefore reducing per diem costs by \$.5.

An explanation of travel costs follow:

Based on two meetings with exams held in Anchorage -

Transportation from Juneau to Anchorage =	$\$352 \times 2 =$	\$ 704.00
Per diem based on three days at \$80 per day =	$\$240 \times 2 =$	480.00
		<u>\$1,184.00</u>

REVENUE:

Although there may be as many as six naturopaths in Alaska, we are certain of three practicing naturopaths, and therefore revenues are based on the three practitioners.

AS 08.20.180 currently establishes fees for licensure. Revenues shown are 'new' revenues to be generated from licensing naturopaths. These revenues will be in addition to the revenues generated through the licensing of Chiropractors.

Initial license fee (quadrennial renewal period) = $\$200 \times 3 = \600

Revenues may be increased by the end of four years depending on the number of new practitioners who obtain licensure in the interim.

POSITION PAPER

SENATE BILL NO. 297

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

BACKGROUND

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

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

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

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

DISCUSSION

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

Position Paper
SB 297
Page 2

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

DEPARTMENTAL POSITION

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

Recommended by: *Robert I. Fraser*
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: 4/29/85

Approved by: *John R. Pugh*
John R. Pugh
Commissioner
Department of Health and
Social Services

Date: 4/30/85

SSSB 297: An Act relating to the licensing of practitioners of naturopathic medicine; and providing for an effective date.

The Department of Commerce and Economic Development and the Division of Occupational Licensing are opposed to SSSB 297, An Act relating to the Practice of Naturopathy, as currently written.

The bill establishes a new chapter under Title 8, Businesses and Professions, to recognize the practice of naturopathy in Alaska. The bill both recognizes the practice of naturopathy and exempts the practice from the provisions of the Medical Practice Act, 08.64. The division does not object to recognizing the practice of naturopathy in Alaska, but opposes the exemption from the Medical Practice Act.

Apparently, the proposed exemption is one means of resolving the current controversy over what practices are acceptable in naturopathy and what practices are, instead, the practice of medicine. To date, there has been no comprehensive definition of the field of naturopathy distinct from the definition of the practice of medicine. The difficulty in developing such a definition is understandable, given the current definition of the practice of medicine in AS 08.64.380:

(2) "practice of medicine" or "practice of osteopathy" means

(A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph;

(B) to use or publicly display a title in connection with a person's name including "doctor of medicine," "physician," "M.D.," or "doctor of osteopathic medicine" or "D.O.," or a specialist designation including "surgeon," "dermatologist," or a similar title, or any title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured;

It appears that, because it remains difficult to define the practice of naturopathy, a proposal is being made to simply exempt naturopaths from the Medical Practice Act. The result of this, however, would be that a naturopath who meets the minimal requirements in 08.45.010 can practice medicine just as a licensed physician can, and with no licensing constraints.

Although the division is sympathetic to the problem, the division cannot support this proposal, which has the potential for severe threat to the public safety.

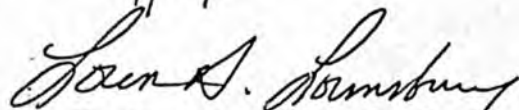
The division would not oppose the recognition in statute of practice of naturopathy, especially if that will lend credence to naturopaths in their effort to define the allowable practices of naturopaths. Although there are few naturopaths in the state, there is strong support for naturopathy as an alternative health service which should be acknowledged.

However, it is important to understand that recognition of naturopaths is likely to be interpreted incorrectly by the general public as regulation or licensing of naturopaths. In fact, it is clear that this is the understanding from literature being distributed by supporters of the bill. This bill would not regulate or license naturopaths, and passage may, instead, provide a false sense of security that the state is checking the credentials of naturopaths before practice and revoking licenses where naturopaths do not meet the educational standards in the bill. This is not correct. As written, the bill would provide authority to the division to respond only to complaints that a naturopath is practicing medicine without an exemption from the Medical Practice Act.



Nancy Dunn, Director, 465-2534
Division of Occupational
Licensing

Date: 4/25/86



Loren H. Lounsbury, Commissioner
Department of Commerce and
Economic Development

Date: 4/29/86

SB 297: "An Act relating to the licensing of practitioners of naturopathic medicine and providing for an effective date."

The Department of Commerce and Economic Development and the Division of Occupational Licensing would support this legislation with proposed amendments.

One objective of licensing in Alaska is to ensure that practitioners providing services to consumers are competent and qualified in order to protect the health, welfare and safety of the public. The division is concerned that this legislation proposes licensing a group whose scope of practice encompasses that of other licensed professions, but whose educational level is not comparatively equivalent to practitioners of those occupations.

Information from other naturopathic licensing jurisdictions indicates that the education level of naturopathic practitioners is comparatively lower than that of medical doctors. Most licensing jurisdictions require a naturopath to have undertaken two years of undergraduate studies and to be a graduate of a four-year naturopathic college. By comparison, most medical colleges require a four-year degree prior to entry into a four-year medical program and one to three years of residency internship depending on specialty area. In addition to minor surgery, Section 08.45.160 also authorizes the scope of naturopathic practice to include aspects of the practices of psychology, physical therapy, and medicine.

The following amendments are proposed:

Section 08.45.150. FEES, should be amended to reference AS 08.01.065 to allow licensing fees to be set in regulations. Standard language used in other licensing areas states "The department shall set fees under AS 08.01.065 for each of the following: (1) application fee; (2) examination fee; (3) initial license fee; (4) renewal license fee." This amendment will allow examination costs to be included as part of the total costs of the licensing function. Note that the present fiscal note reflects only an estimate of the costs for examinations since we have not yet located an available naturopathic licensing exam.

Section 08.45.160. SCOPE OF NATUROPATHIC MEDICINE, would authorize a new licensing group to provide services that are traditionally medical (minor surgery, sutures, acupuncture, to draw blood, etc.). Of the seven states which license naturopathic medicine, we are aware that two states (Oregon and Utah) allow "minor surgery" to be performed. We recommend that "minor surgery" be defined extensively or eliminated from the scope of practice.

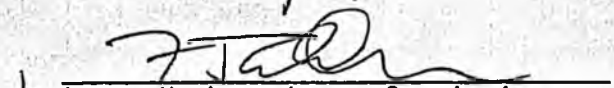
Section 08.45.170. RENEWAL, should be amended to require that licenses be renewed biennially on a date set by the department. The division suggests the following language be incorporated into Section 08.45.170 "(a) A license issued under this section shall be renewed biennially on a date set by the department." This amendment is consistent with AS 08.01.100 and would simplify administrative processing of license renewals.



Nancy Dunn, Director
Division of Occupational Licensing

Date: _____

3/15/86



Loren H. Lounsbury, Commissioner
Department of Commerce & Economic
Development

Date: _____

3/17/86



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

CSSSSB 297(L&C): Sectional Analysis

- Section 1) Expands the Board of Chiropractic Examiners to include "naturopathy", increases the membership from 5 to 6 members, and states that there will be one nonvoting ex officio member.
- Section 2) Provides that the ex officio member of the board shall be a licensed practitioner of naturopathy.
- Section 3) Technical change
- Section 4) Technical change
- Section 5) Technical change
- Section 6) Establishes naturopath licensure criteria; i.e. degree from a 4 year accredited college and a degree from a school of naturopathy that required 4 years of attendance.
- Section 7) Technical change
- Section 8) Disclosure requirements for naturopath's patients, and restrictions placed on naturopathic practitioner. Naturopath may not give or recommend prescription drugs, controlled substances, poisons, or engage in the practice of surgery, or use the word "physician" in title.
- Section 9) Technical change
- Section 10) Technical change
- Section 11) Technical change
- Section 12) Technical change
- Section 13) Technical change
- Section 14) Technical change

- Section 15) Definitions under AS 08. This section also defines the practice of "naturopathy" in (3).
- Section 16) Technical changes
- Section 17) Technical changes
- Section 18) Additional definitions necessary under AS 09
- Section 19) Technical changes
- Section 20) Definitions under AS 47;
- Section 21) Immediate effective date

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

1 board.

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

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

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

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

9 *consideration?*
10 (1) an accredited 4-year college or university; and

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

13 * Sec. 7. AS 08.20.140 is amended to read:
pass in exam (national board)

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

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

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

26 (1) to each patient; and

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

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

1 does not have the insurance.

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

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

5 (A) a prescription drug;

6 (B) a controlled substance;

7 (C) a poison;

8 (2) engage in surgery;

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

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

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

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

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

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

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

22 (3) censure the licensee [CHIROPRACTOR];

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

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

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

29 (B) limit practice to those areas prescribed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) Board of Chiropractic and Naturopathy Examiners

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

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

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

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

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

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

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

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

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

28 (2) elective medical or surgical procedures;

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

1 physician;

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

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

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

9 (7) services not of a medical nature;

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

12 (9) costs incurred before July 1976.

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

14 Sec. 47.17.070. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

17 (10) "sexual exploitation" means

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

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

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

Introduced: 4/23/85
Referred: Labor & Commerce,
Health, Education & Social Services
and Finance

1 IN THE SENATE

BY ABOOD

2

SENATE BILL NO.297

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the licensing of practitioners of
7 naturopathic medicine; and providing for an effective
8 date."

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

10 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:
11 (26) regulation of naturopathy or naturopathic medicine
12 under AS 08.45.

13 * Sec. 2. AS 08 is amended by adding a new chapter to read:

14 CHAPTER 45. NATUROPATHS.

15 ARTICLE 1. REGULATION OF NATUROPATHY.

16 Sec. 08.45.010. DUTIES AND POWERS. The department shall

17 (1) evaluate the qualifications of applicants for licenses
18 under this chapter;

19 (2) conduct hearings and keep records necessary to carry
20 out the purposes of this chapter; and

21 (3) license naturopaths and renew licenses in accordance
22 with AS 08.45.100 - 08.45.170.

23 ARTICLE 2. LICENSING OF NATUROPATHS.

24 Sec. 08.45.100. LICENSE REQUIRED. A person may not engage in
25 the practice of naturopathy or naturopathic medicine unless that
26 person has a valid license issued under this chapter.

27 Sec. 08.45.110. REQUIREMENTS FOR A LICENSE. To be eligible for
28 a license to practice naturopathy or naturopathic medicine, an appli-
29 cant must have the following qualifications:

- 1 (1) a high school diploma or its equivalent;
- 2 (2) completion of three full years of postsecondary educa-
3 tion at an accredited college or university;
- 4 (3) graduation from a school of naturopathy or naturopathic
5 medicine that requires for graduation the successful completion of a
6 course of resident instruction as follows:
- 7 (A) nine or more months of attendance a year for four
8 years;
- 9 (B) successful completion of a course of instruction
10 totaling 4,000 hours or more; the course of instruction must
11 include 1,500 hours of clinical experience, and the following
12 subjects: anatomy, physiology, histology and embryology; micro-
13 biology; pathology; immunology; public health; physical,
14 clinical, and x-ray diagnosis; first aid and emergency medicine;
15 obstetrics and gynecology; orthopedics; minor surgery and
16 proctology; otolaryngology; physiotherapy and manipulative
17 techniques; dietetics and clinical nutrition; botanical medicine;
18 naturopathic theory; therapeutics and clinical practice; and
19 jurisprudence;
- 20 (4) successful completion of an examination given by the
21 department; the department may waive the examination if the applicant
22 has successfully passed a similar examination in another state or in
23 Canada;
- 24 (5) no history of suspension or revocation for disciplinary
25 reasons of a license to practice naturopathy issued by another state
26 or a province of Canada;
- 27 (6) United States citizenship or lawful admission as a
28 permanent resident to this country; and
- 29 (7) good moral character.

1 Sec. 08.45.120. EXAMINATION. (a) The department shall hold an
2 examination for a license to practice naturopathy or naturopathic
3 medicine at a time, place, and manner determined by the department.
4 The department shall hold the examination at least twice a year if the
5 demand exists. The department shall limit the examination to the
6 subjects listed in AS 08.45.110(3). Each of the subjects listed in
7 AS 08.45.110(3) constitutes a separate examination section. The
8 examination must be objective and written, but the department may
9 supplement the written examination with oral examinations and demon-
10 strations or other practical tests.

11 (b) A passing grade on the examination is an average of 75
12 percent for the entire examination with a score below 70 percent for
13 no more than two sections.

14 Sec. 08.45.130. RECIPROCITY. The department may license a
15 person to practice naturopathy or naturopathic medicine if the person
16 is currently licensed to practice naturopathy or naturopathic medicine
17 in another state or a province of Canada and

18 (1) that state or province maintains professional licensing
19 standards equivalent to or higher than those in this chapter;

20 (2) that state or province extends the same licensing
21 privilege to those holding a license to practice naturopathy or
22 naturopathic medicine in this state; and

23 (3) the person demonstrates to the satisfaction of the
24 department qualifications equal to those required of a person licensed
25 under this chapter.

26 Sec. 08.45.140. DENIAL OF RENEWAL, SUSPENSION OR REVOCATION OF
27 LICENSE. The department may, to the extent necessary to protect the
28 public, reprimand or prescribe rehabilitation or education for, or
29 suspend, revoke, or decline to renew the license of, a licensee who

1 (1) has obtained a license under this chapter by fraud or
2 deceit;

3 (2) wilfully violates a provision of this chapter or a
4 regulation adopted under this chapter;

5 (3) habitually overuses alcoholic beverages;

6 (4) unlawfully uses a controlled substance;

7 (5) impersonates a medical doctor;

8 (6) practices naturopathy or naturopathic medicine under an
9 assumed name;

10 (7) is incompetent;

11 (8) engages in dishonest or misleading business practices;

12 or

13 (9) is convicted of a crime involving moral turpitude,
14 including murder, sexual assault, robbery, kidnapping, incest, arson,
15 burglary, theft, and forgery.

16 Sec. 08.45.150. FEES. The department shall charge the following
17 fees:

18 (1) application for examination \$100

19 (2) license issuance or biennial renewal 200

20 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-
21 path may

22 (1) perform physical examinations, write prescriptions for
23 substances authorized by this chapter, and sign birth and death cer-
24 tificates;

25 (2) use systems of diagnosis for which the naturopathic
26 physician has been trained under AS 08.45.110(3);

27 (3) treat patients by physiological, nutritional, psycho-
28 logical, mechanical, electrical, manual, hydrotherapeutic, or phyto-
29 therapeutic methods, that are recognized naturopathic methods,

1 including acupuncture and the use of mineral and organic substances
2 and agencies;

3 (4) draw blood for laboratory purposes, and use electrical
4 or other methods for the repair and care of superficial lacerations
5 and abrasions, benign superficial lesions, and the removal of foreign
6 bodies located in superficial structures; and

7 (5) practice natural childbirth, including related minor
8 surgical procedures.

9 (b) A naturopath may not

10 (1) except as provided under (a)(5) of this section, per-
11 form surgery;

12 (2) use controlled substances;

13 (3) use radiation therapy; or

14 (4) use drugs, except local anesthetics, minerals, and
15 extracts, compounds or concentrates obtained from plants or animals.

16 Sec. 08.45.170. RENEWAL. (a) A license issued under this
17 section is valid for two years from the date of issuance.

18 (b) Before the department renews a license issued under this
19 chapter, the licensee shall submit to the department evidence that the
20 licensee has completed 20 hours of continuing education.

21 (c) The department may exempt a licensee from the continuing
22 education requirement of (b) of this section if a licensee submits an
23 application setting out extenuating circumstances that justify grant-
24 ing the exemption. The department may not give to a licensee more
25 than one exemption under this subsection in a five-year period.

26 (d) The department shall prescribe by regulation the courses
27 that will satisfy the continuing education requirements of this sec-
28 tion.

29 ARTICLE 3. GENERAL PROVISIONS.

1 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person li-
2 censed under this chapter may use the following titles: "Naturopath,"
3 "Naturopathic Physician" or its abbreviation, "N.P.," "Doctor of
4 Naturopathy" or its abbreviation, "N.D." A person licensed under this
5 chapter may not use a title in a manner that suggests that the person
6 practices a form of medicine or a healing art other than naturopathy
7 or naturopathic medicine.

8 (b) A person may not use a title or abbreviation listed in (a)
9 of this section unless the person is licensed under this chapter.

10 Sec. 08.45.205. VIOLATIONS. (a) Except as provided in (b) of
11 this section, a person is guilty of a class B misdemeanor if the
12 person

13 (1) fraudulently obtains or furnishes a license, renewal,
14 or record required by this chapter;

15 (2) wilfully violates a provision of this chapter or a
16 regulation adopted under this chapter.

17 (b) A person who practices naturopathy or naturopathic medicine
18 without a valid license issued under this chapter is guilty of a
19 class A misdemeanor.

20 Sec. 08.45.220. DEFINITIONS. In this chapter

21 (1) "controlled substance" has the meaning given in AS 11.-
22 71.900;

23 (2) "department" means the Department of Commerce and
24 Economic Development;

25 (3) "naturopath" means a person who practices naturopathy
26 or naturopathic medicine;

27 (4) "naturopathy" or "naturopathic medicine" means a system
28 of healing the human body that involves diagnosis and treatment
29 through the use of natural agencies, forces, processes, and products,

1 with an emphasis on the response of the individual to the disease
2 rather than treatment of the disease in isolation.

3 * Sec. 3. Notwithstanding AS 08.45.110 as enacted in sec. 2 of this
4 Act, a person may apply for and receive a license to practice naturopathy
5 if the person

6 (1) is a resident of the state;

7 (2) is practicing naturopathy in the state on the effective date
8 of this Act;

9 (3) has a valid license to practice naturopathy issued, after
10 examination, by another state or a province of Canada;

11 (4) has graduated from a school of naturopathy that satisfies
12 the requirements of AS 08.45.110(3) as enacted in sec. 2 of this Act; and

13 (5) applies for the license within 30 days of the effective date
14 of this Act.

15 * Sec. 4. This Act takes effect July 1, 1986.

CHAIRMAN'S INFORMATION: CSSSSB 297(L&C)

*Scott
Jamison*
*Paul
Doyle*

1) BILL TITLE: "An act relating to the practice of naturopathy; and providing for an effective date."

a) Introduced: Sen Abood

b) Co-sponsors:

2) INTENT: This measure provides for the licensure of "naturopathic" practitioners, and would place them under the Board of Chiropractic Examiners. It provides for the expansion of the Board including the appointment of a nonvoting "ex officio" naturopath.

The bill also limits the practice of naturopathy to prevent the use of prescription drugs, controlled substances, poisons, the practice of surgery, and the use of the word physician in the person's title.

FISCAL NOTE: 0 for the original bill

3) ADDITIONAL REFERRALS: HESS, Finance , Rules

4) PUBLIC HEARINGS:

a) Sponsor:

b) Public Witnesses:

5) BILL ACTION:

a) Hold in committee?

b) Assign to sub committee for further review?

c) Move from committee?

d) Close public hearings?

6) COMMITTEE ACTION?

a) amendments?

b) CS adoption? Need to adopt the Senate L&C CS

MEMORANDUM

State of Alaska

TO: Michael Thill, Staff Assistant
Senate Labor & Commerce Committee

DATE: April 11, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Pettijohn v. State,
-- naturopath appeal

By: *Peter B. Froehlich*
Peter B. Froehlich
Assistant Attorney General

You asked by telephone yesterday about the effect and meaning of the March 28, 1986 Decision and Order in Pettijohn v. State (Case No. 3AN-84-160 consolidated), by Judge Shortell. The decision affirmed the Medical Board's September 20, 1984 decision and order which prohibits Patton D. Pettijohn from performing in the course of his naturopathy practice, activities which constitute the practice of medicine because he is not licensed under AS 08.64. The decision does not change, but rather merely upholds, the prohibition against practicing medicine without a license that has existed since at least 1949 (AS 08.64.170(a)) and the definition of the practice of medicine which was rewritten in 1983 (AS 08.64.380(2)).

Neither the recent superior court decision nor any existing statutes or regulations prohibit the practice of naturopathy itself. Naturopaths can continue to practice naturopathy as long as they do not at the same time practice medicine in any way. To the extent the two practices overlap, however, naturopaths are still barred from all activities included within that overlap. Naturopaths can also, of course, practice lay midwifery under ch. 33, SLA 1985.

We expect the March 28 Decision and Order to be appealed, but we are confident of our ability to successfully defend it. We will be consulting with the division of occupational licensing and the medical board concerning the practical and enforcement ramifications of the court's decision and order. It is likely that the 4 or 5 known naturopaths in the state will be contacted to ensure that they understand the limits within which they can practice naturopathy under the existing laws which have been upheld by the court.

A copy of both the court's and the board's decisions and orders are attached, along with the board's March 1, 1984 answers to clarifying questions. Please let us know if we can provide any further information.

PBF:md

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3900

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 14, 1986

SUBJECT: Liability of state for exempting the practice of naturopathy from the practice of medicine

TO: Senator Fred Zharoff
Chair, Labor and Commerce Committee

FROM: Theresa L. Bannister *tb*
Legislative Counsel

You have requested an opinion whether or not the state would be liable for injuries suffered by a patient of a naturopath if the state passed a law exempting the practice of naturopathy from the practice of medicine. The short answer is that the state would not be liable for such injuries. There do not appear to be constitutional problems with the general concept of enacting such an exemption, and the doctrine of sovereign immunity would prevent a tort action for such injuries against the state.

Under the doctrine of sovereign immunity, the state is immune from liability unless the state provides by statute for liability. The reason behind this immunity is to limit judicial reexamination of decisions properly entrusted to other branches of government. See Industrial Indemnity Co. v. State, 669 P.2d 561, 563 (Alaska 1983). AS 09.50.250 states the actions that can be brought against the state and includes tort actions. However, subsection (a) of that statute contains two major exceptions that are relevant to your question.

One exception prohibits a claim based on the negligence of a state employee or agency when performing a discretionary function or duty. Decisions that rise to the level of planning or policy-making are considered discretionary acts that do not give rise to tort liability, while decisions that are merely operational in nature are not considered to be discretionary acts and therefore are not immune from liability. See, e.g., State v. I'Anson, 529 P.2d 188, 193 (Alaska

Senator Fred Zharoff
Page 2
April 14, 1986

1974). Since the making of statutes is certainly policy-making, the enactment of such a statute by the legislature and the planning and policy-making in the implementation of the statute would be discretionary acts for which the state could not be held liable in tort for personal injuries, even if it were claimed that these acts were performed without due care.

The other exception prohibits tort actions based upon an act or omission of a state employee who exercises due care in the execution of a statute or regulation, whether or not the statute or regulation is valid. Therefore, if the state implemented such a bill with all due care, the state would not be liable for patient injuries, whether the particular implementing act amounted to a discretionary or operational act.

Therefore, it does not appear that the enactment or implementation of a statute exempting the practice of naturopathy from the practice of medicine would expose the state to liability for the personal injury claims of patients of naturopaths. The liability of the state regarding such a statute would be no different from its ordinary liability exposure for carrying out governmental functions.

If I can be of further assistance, please advise.

TLB:mkr
m4/103

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

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

FISCAL DETAIL

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

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

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



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith
Signature of Camera Operator

11/24/89
Date

S B

3 0 4



Kenai River Fishing Guide Association

P.O. Box 624----Kenai, Ak. 99611

March 9, 1985

Harry Gaines
PRESIDENT

R.L. Parker, Jr.
Vice President

Bill Coghill
Secretary-Treasurer

Alaska Professional Sportfishing Association
P. O. Box 6748
Anchorage, Alaska 99502

Attention: Bud Hodson
Sec Treas APSA

Dear Mr. Hodson:

Thank you for your letter and material regarding the licensing of Sportfishing Guides Statewide.

We have examined the material very closely and agree with all points of the proposed statutes.

The sportfishing guide industry must be regulated. It has always been the contention of this association to establish some type of regulations and/or statutes relating to sportfishing guides.

The only possible change in the proposed wording relates to 08.xx.210 Unlawful Acts. We would like to see a more definite time of reporting offenses. We feel that a too long of reporting time allows "non-resident" violators the opportunity to avoid prosecution.

I urge the Administration, State Legislators and all other interested parties to consider for adoption some statutes for regulating sportfishing guides.

Yours Truly

Harry Gaines
Harry Gaines

CC: Gov. Sheffield
Lenny Boston
Sen. Pat Rodey
Sen. Dick Schultz

**ALASKA PROFESSIONAL
SPORTFISHING ASSOCIATION**



P.O. Box 6349
Anchorage, Alaska 99502
907-248-1714

Subject: The licensing of Sportfishing Guides Statewide

As much as we dislike regulations or government interference, it is apparent that the state needs regulations governing sportfishing guides and outfitters, to protect the public, resources and sportfish guiding industry. It is also apparent that the industry needs controls to protect the aesthetic value of a "wilderness experience".

The commercial sportfishing industry is growing at an accelerated pace. A study in 1982 by ADF&G Habitat Div. showed the Sportfish guiding and outfitting industry generated over 30 million dollars for guiding and or related services, in the Bristol Bay area. For 1985 we think that figure will top 40 million dollars. It is fast becoming "Big Business". We feel that state wide, the industry is worth over 100 million dollars annually.

The most publicize problem area for our industry is the Kenai River. The problem there is simply too much impact. A river can hold only so many guides and anglers. This problem is associated with the large population of Anchorage and the road access to the Kenai peninsula.

The problem areas go far beyond the Anchorage vicinity rivers. For example: U.S. Fish & Wildlife service has placed a moratorium on issuing any additional guiding permits for the Togiak National Wildlife Refuge and also the Yukon Delta Wildlife Refuge. The U.S. Fish & Wildlife Service has determined that rivers within these refuges have to much guiding impact. These areas of the state are as remote as you can get. According to a report from U.S.F&WS on guided anglers for the Togiak Wildlife Refuge in 1983, there were a total of 1521 clients for 5489 client use days, in 1984 there were 2073 clients for 10,086 client use days. Other areas of the state have been equally impacted.

We feel that our industry still has room to grow and that growth is healthy but on the other hand the uncontrolled growth and popularity of sportfishing in Alaska is presenting a lot of problems.

Reactions from bush communities and thier fears of local rivers becoming another "Kenai River" situation has created a negative outlook on our industry.

Nonresident and resident individuals and companies are portraying themselves as expert and knowledgeable guides advertising and selling guided trips to rivers and areas where they have never been before and in some cases have never been to Alaska before.

"The Keepers of the Streams"

**ALASKA PROFESSIONAL
SPORTFISHING ASSOCIATION**



P.O. Box 6349
Anchorage, Alaska 99502
907-248-1714

Unethical and naive guides are abusing the resource, trespassing on native lands, littering and conducting unsafe operations.

There is a growing concern amongst local sportfishermen who do use guides, that the guides are dominating all of the "fishing Holes".

These are some of the problems that we are encountering and that give our industry and Alaska a bad reputation. To take a guided sportfishing trip in Alaska is not cheap. The prices range from \$100 to \$400 per day not including travel to and from the state. Because of the high prices it is quite appealing to get into the business, especially when all it takes is a couple of rafts and tents to get started in the float trip business. Unfortunately the fishermen are usually the ones that get burned on this kind of deal.

With an industry of this size and expanding to the point of saturating the state it is our position that some sort of state regulations should be adopted to control quality, safety and expansion of the Sportfish Guiding Industry.

"The Keepers of the Streams"

Governor Bill Sheffield
Office of the Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

January 9, 1985

Dear Bill:

Pursuant to our conversation in Juneau with reference to suggested legislation to regulate sportfishing guides. The enclosed is our suggested wording for a statute to accomplish these goals.

With the help of the Alaska Professional Sportfishing Association and other interested parties including the Attorney General's Office and the Division of Occupational Licensing, we have spent over 500 man hours compiling these suggested regulations. It is our feeling and that of the big game Guide Licensing and Control Board members, that to license and regulate possibly 3000 sportfishing guides and 450 big game guides with a single combined board would be counter productive and not to the best interest of the resource and the public.

In light of the fact that a suggested fee of \$100 per resident license and \$250 for a non-resident license, in excess of \$300,000 could be generated to the general fund to substantiate budgetary requirements for a separate board. If additional revenues are required to justify a separate board, than the industry is supportive of increasing the license fees. One possibility is to have the licensing fees set by regulation rather than statute, to facilitate any increases in revenue requirements as needed to administer the board.

In consideration of the size and diversity of the industry which includes: Fixed lodges, wilderness camps, float trips, charter boats, air taxies and freelance guides. We have determined that this legislation could not directly address the problems of the industry but could set up a vehicle to do so. This legislation is intended to:

- 1: Make the guides competent and responsible.
- 2: Protect the public and resources.

- 3: provide a fair vehicle for new licensees to qualify.
- 4: Promote the orderly growth of the industry.
- 5: Create a board to administer and implement regulations as required.

It is not our intent that a value should be placed on any license or permit at the time of transfer.

At the meeting hosted by the Alaska Professional Sportfishing association on December 14, 1984. The following agencies were represented for a review of the proposed wording and the over all concept of the legislation. In attendance were representatives from: Alaska Dept of Fish & Game Sportfish Division, Alaska State Parks, U.S. Park Service, U.S. Fish & Wildlife Service, U.S. Forest Service. Comments made by those in attendance were positive and supportive of the proposed legislation. It was felt that this licensing proposal would compliment and simplify the different agencies administrative responsibilities and that the board would provide a vehicle for cooperation and communication between the agencies and the guiding industry.

With out further help from the Attorney Generals office, we felt it unwise to include wording for a grand-father clause at this time. It is our intent that those currently in the sportfish guiding business that are qualified, should be grand-fathered in.

As much as we dislike regulations or government interference, it is apparent that the State needs regulations to protect both the public and the resources. It is also apparent that the industry needs controls to protect the aesthetic value of a "wilderness trip". If I can be of any further help, please call at me at your convenience.

Sincerely,

151

Chuck Wier

CW:bh

Enclosures;

MAY 13 1985

Alaska State Legislature



PO. BOX 1441
WRANGELL, ALASKA 99929
(907) 874-2316

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4905

COMMITTEES:
VICE-CHAIRMAN
HEALTH, EDUCATION & SOCIAL SERVICES
JUDICIARY
FINANCE SUB-COMMITTEE
ON COURT SYSTEM
JOINT COMMITTEE ON
FOREIGN TRADE

House of Representatives

ROBIN L. TAYLOR

MEMORANDUM

DATE: May 10, 1985
TO: Senator Fred Zharoff *R.L.T.*
FROM: Representative Robin L. Taylor
RE: SB 304

SB 304 regarding sport fishing guide licenses is currently in the Senate Labor and Commerce Committee.

Several constituents have contacted me about SB 304 and I would appreciate it if you could keep me informed of Committee hearing dates.

Thank you.



L & L OUTFITTERS

Jack Lechner

P.O. Box 1616
Kodiak, Alaska, 99615
(907) 486-5851



JANUARY 27, 1986

FEB 3 1986

SENATOR FRED ZHAROFF
ALASKA STATE LEGISLATURE
POUCH V (MS3100)
JUNEAU, ALASKA 99811

DEAR SENATOR ZHAROFF:

I'VE BEEN REVIEWING TWO SENATE BILLS THAT ARE CURRENTLY IN COMMITTEE (NUMBER 294 AND 304). BOTH BILLS HAVE FAR REACHING AFFECTS UPON THE ECONOMIC INTERESTS OF MANY PEOPLE IN KODIAK. BOTH BILLS ARE DIFFICULT TO UNDERSTAND, IN RESPECT TO THE ACTUAL OBJECTIVES.

I'LL FIRST COMMENT UPON BILL NO. 294, WHICH I ASSUME IS RELATED TO THE SENATE CONCURRENT RESOLUTION NO. 18, THAT ESTABLISHES OBJECTIVES AND DETAILED CRITERIA FOR ASSIGNMENT OF GUIDE AREA PERMITS. CERTAINLY A BETTER TRACKING OF AREA PERMITS ISSUED BY THE GUIDE BOARD HAS BEEN LONG OVERDUE.

SENATE BILL NO. 294 MAY ASSIST IN SERVING SOME OF THESE CONSIDERATIONS, BUT LIKE MOST BILLS, FINDS INCLUSION OF ITEMS THAT COULD BE VERY SELF SERVING FOR THE SUPPORTERS OF THE LEGISLATION. MY MAIN CONCERN IS SEC. 08.54.090 OF THE BILL, WHICH ESTABLISHES AN OUTFITTERS LICENCE. I HAVE NO PROBLEM WITH AN OUTFITTERS LICENCE, IF IT SHOULD BE A NECESSARY MONITORING SYSTEM OR A DEFINITE DEFINITION OF OUTFITTING THAT WOULD BE IN HARMONY WITH PRESENT ESTABLISHED OUTFITTER OPERATIONS. I CERTAINLY OBJECT TO PART (1) AND (2), THAT WOULD PLACE THIS TYPE OF BUSINESS UNDER COMPLETE CONTROL OF MASTER AND REGISTERED GUIDES.

I CAN ONLY SPEAK FOR KODIAK ISLAND, INWHICH THE OUTFITTING BUSINESS HAS BEEN A MORE RECENT EXPANSION OF ECONOMIC GAIN FOR A GREAT NUMBER OF THE ISLANDS RESIDENTS. MOST OF THIS ACTIVITY HAS BEEN GENERATED BY PROVIDING SERVICES FOR DEER HUNTING AND SPORTFISHING.

OVER THE PAST TWO YEARS, I HAVE INVESTED CONSIDERABLE MONEY INTO THIS TYPE OF SERVICE AND HAVE DEVELOPED PHOTOGRAPHY AND SIGHTSEEING TYPES OF OPERATIONS, WHICH HOPEFULLY WILL EXPAND IN THE FUTURE.

IT IS OBVIOUS THAT ANY BILL OF THIS NATURE NEEDS TO BE CAREFULLY STUDIED, TO INSURE THAT EXISTING OPERATORS WILL NOT FIND THEMSELVES LEGISLATED OUT OF BUSINESS, FOR THE BENEFIT OF A SELECT FEW. IT SHOULD BE KEPT IN MIND, THAT THE MAJORITY OF THE REGISTERED GUIDES, DO NOT RESIDE IN KODIAK AND MANY OPERATE BY REMOTE CONTROL FROM OTHER AREAS OF THE STATE AND POSSIBLY EVEN FROM LOCATIONS OUT OF THE STATE. I'VE ACCEPTED THE BEAR HUNTING GUIDE SYSTEM, AS A CLOSED ENTRY OPERATION, SINCE IT WAS A LONGTERM ESTABLISHED SYSTEM, THAT WAS EMBRACED BY BOTH FEDERAL AND STATE REGULATORY SUPPORT. I CERATINLY OBJECT TO THIS EXCLUSIVE RIGHT BEING APPLIED TO ALL OTHER TYPES OF RESOURCE UTILIZATION. I HAVE DIFFICULTY IN ACCEPTING THIS EXPANSION OF RIGHTS TO SUBSISTENCE TYPE GAME, SMALL GAME, SIGHTSEEING AND PHOTOGRAPHY UTILIZATION OF OUR RESOURCES.

referred to LTC

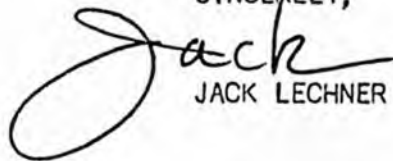
IN RESPECT TO SENATE BILL 304, I FIND EXTREME DIFFICULTY TO REALLY UNDERSTAND WHAT IT MEANS. CURRENTLY, TO THE BEST OF MY KNOWLEDGE, THE ONLY SPORTFISH GUIDING RESTRICTIONS IS THE KENIA RIVER, EXCEPT FOR REFUGE LAND USE PERMITS (ATTACHED EXAMPLE). THE BILL PROVIDES FOR NO DEFINED ENTRY OF SPORTFISH GUIDES LOCATED IN THE REMAINDER OF THE STATE. CURRENTLY YOU ARE A SPORTFISH GUIDE, IF YOU CHOOSE TO PROVIDE THAT TYPE OF SERVICE OFF FEDERAL LANDS (REFUGE) ON KODIAK, ISLAND. THE SAME APPLIES FOR PHOTOGRAPHY, SIGHTSEEING, SMALL GAME AND ANY OTHER TYPE OF GUIDING REQUIRING KNOWLEDGE OF THE LOCAL AREA.

AGAIN, I HAVE NO PROBLEM WITH A LICENCING REQUIREMENT, IF THIS TYPE OF ACCOUNTABILITY IS NECESSARY, BUT WOULD LIKE TO SEE WHAT THE ACTUAL REQUIREMENTS WILL BE, PAST PARTICIPATION CONSIDERATIONS, SO THAT EXISTING OPERATIONS WOULD NOT BE ELIMINATED FROM THIS TYPE OF BUSINESS.

BASICALLY I'VE NEVER BEEN A GREAT ADMIRER OF THE OPERATIONS OF THE GUIDE BOARD AND WOULD RATHER SEE THESE FUNCTIONS BE CONTROLLED BY THE BOARD OF FISHERIES AND THE GAME BOARD.

THANK YOU FOR YOUR TIME AND HOPE THAT ANY PROGRESS OF THESE BILLS WILL ALLOW AMPLE REVIEW.

SINCERELY,


JACK LECHNER



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service

Kodiak National Wildlife Refuge

SPECIAL USE PERMIT

Permit number **ED-21-85** Sta. No. to be credited **74530**

Contract number

Date **March 26, 1985**

Permittee (Name and address)

**Jack Lechner
P. O. Box 1616
Kodiak, Alaska 99615**

Period of use (inclusive)

From **April 1 1985**
To **December 31 1985**

Purpose (Specify in detail privilege requested, or units of products involved)

To conduct a commercial sport fish guiding operation and photography guiding operation on specified Refuge lands.

Description (Specify unit numbers; metes and bounds; or other recognizable designations)

Use involving overnight camping is allowed only within the Spiridon and Little River drainages. Day use is permitted on all Refuge lands/waters. Photography guiding is not subject to overnight camping area restrictions listed above. All special conditions for sportfish guiding also apply to photography guiding.

Amount of fee \$ **100.00** If not a fixed fee payment, specify rate and unit of charge:

- Full payment
- Partial payment-Balance of payments to be made as follows:

Record of Payments

Payment received 3/27/85, check # 528

Special Conditions

1. See attached supplemental Special Conditions.
2. The following items are required for completion of this permit:
 - a. Permit fee.
 - b. Proof of liability insurance (see special condition number 7).
 - c. Letter of concurrence if operations will be conducted on Native selected lands.

This permit is issued by the U.S. Fish and Wildlife Service, and accepted by the undersigned, subject to the terms, covenants, obligations, and reservations, expressed or implied therein, and to the conditions and requirements appearing on the reverse side.

Permittee (Signature)

Jack R. Lechner

Issuing Officer (Signature and title)

Jay R. Bollinger
Jay R. Bollinger, Refuge Manager

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 304
Title: Establishing sport-fishing guide licenses

Sponsor: Senate Judiciary
Requester: Senate Labor & Commerce
Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
BRU: Occupational Licensing

Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.4	40.3
TRAVEL		.6	.6	.6	.7	.7
CONTRACTUAL		2.5	8.2	8.6	9.1	9.5
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.3				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		40.5	44.7	46.8	49.4	51.7

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		562.5	237.4	661.7	261.4	766.5
---------	--	-------	-------	-------	-------	-------

FUNDING: (Thousands of dollars)

GENERAL FUND		40.5	44.7	46.8	49.4	51.7
FEDERAL FUNDS						
OTHER						
TOTAL		40.5	44.7	46.8	49.4	51.7

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

This bill establishes the licensing of sport-fish guides in two categories, registered and assistants. Although the bill authorizes the licensing function to be administered by the department, it places the sport-fish act under AS 08.54 which establishes the Guide Licensing and Control Board to oversee the practice of hunting guides in Alaska.

Prepared by: Jennifer Strickler, Management Analyst
Division: Occupational Licensing

Phone: 465-2144
Date: 3/3/86

Approved by Commissioner: Donna S. Lounsbury
Agency: Commerce and Economic Development

Date: 3/3/86

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 304

PERSONAL SERVICES:

1 Licensing Examiner I, Range 12A, GGU, 12 months in Juneau 33.1

TRAVEL:

This would provide travel and per diem funding for the Licensing Examiner to administer an examination in Homer since a large number of sport-fish guides are from the Kenai Peninsula area. \$352 x 240 (3 days per diem) = \$592.00

An additional examination can be administered in Juneau for the Southeast area at no additional travel costs.

CONTRACTUAL:

In FY 87, funding of \$2.5 would provide the following:

-Design of a sport-fish licensing examination under contract, based on costs incurred during a similar contract agreement with the hunting guide exams. 1.5

-Miscellaneous operating costs for telephone, printing of applications and statute books; and other publications such as public notices in accordance with the Administrative Procedure Act for two exams at \$20 per notice x 3 papers. 1.0

In FY 88, funding of \$8.2 would provide the following:

-Litigation costs for hearing officers, court reporters, witnesses, etc., based on similar costs incurred by hunting guides which amount to approximately 5% of the allocated contractual funds for this purpose. 7.2

-Miscellaneous operating costs for telephone, printing of applications and statute books, renewal forms; and other publications such as public notices in accordance with the Administrative Procedure Act for two exams at \$20 per notice x 3 newspapers. 1.0

Succeeding years are based on a 5% increase.

SUPPLIES:

This funding will provide stationary, envelopes, pens, pencils and other desk top supplies to support the licensing function. 1.0

EQUIPMENT:

This funding will provide standard office equipment for the Licensing Examiner position. 3.3

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 304

Expenditures identified in this fiscal note are less than for other proposed licensing bills because of the absence of a board. While revenues appear to be high, they are the result of estimated numbers of eligible licensees provided by supporters of the bill.

If the fee structure is amended to allow licensing fees to be established by regulations under AS 08.01.065, fees will be amended to reflect the actual cost of the licensing activity.

Supporters of the bill have advised that there may be as many as 2500 registered sport-fish guides eligible for licensure upon enactment of the bill. However, we are unable to identify the number of assistant sport-fish guides who may be eligible for licensure. Therefore, based on Section 08.54.790(f) which states "a registered sport-fish guide may not employ or supervise more than three assistant sport-fish guides at the same time", this fiscal note is based on three assistant sport-fish guides to each registered sport-fish guide for a total of 7500 assistant sport fish guides in the first year (2500 x 3 = 7500).

REVENUES are based on licensing fees established in the current bill.

FY 87:	2500 Registered sport-fish guides x \$150 biennial fee	= \$	375.0
	7500 Assistant sport-fish guides x \$25 annual fee	=	187.5
		\$	562.5

There is no sure method upon which a reasonable estimate of new registered sport-fish guides can be determined. Therefore, a 5% increase in the number of new applicants over the 2500 licensed in the first year has been added. The revenue figures are subject to change if more concrete numbers of eligible licensees are identified.

FY 88:	7500 Assistant sport-fish guides renewing x \$25	= \$	187.5
	375 new Assistant sport-fish guides x \$25	=	9.4
	125 new Registered sport-fish guides, assuming that at least half are non-residents:		
	62 non-resident registered sport-fish guides x \$450	=	27.9
	63 resident registered sport-fish guides x \$150	=	9.5
	125 new Registered sport-fish guides x \$25 exam fee	=	3.1
		= \$	237.4

FY 89:	7875 Assistant sport-fish guides renewing x \$25	= \$	196.9
	394 new Assistant sport-fish guides x \$25	=	9.9
	131 new Registered sport-fish guides, assuming that at least half are non-residents:		
	65 non-resident registered sport-fish guides x \$450	=	29.3
	66 resident registered sport-fish guides x \$150	=	9.9
	131 new registered sport-fish guides x \$25 exam fee	=	3.3
	2625 registered sport-fish guides renewing of which 62 are non-residents:		
	62 x \$450 biennial fee	=	27.9
	2563 x \$150 biennial fee	=	384.5
		= \$	661.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 304

FY 90:	8269 Assistant sport-fish guides renewing x \$25	= \$	206.7
	413 new Assistant sport-fish guides x \$25	=	10.3
	137 new Registered sport-fish guides, assuming that at least half are non-residents:		
	68 non-resident registered sport-fish guides x \$450	=	30.6
	69 resident registered sport-fish guides x \$150	=	10.4
	137 new Registered sport-fish guides x \$25 exam fee	=	<u>3.4</u>
		= \$	261.4
FY 91:	8682 Assistant sport-fish guides renewing x \$25	= \$	217.1
	434 new Assistant sport-fish guides x \$25	=	10.9
	138 new Registered sport-fish guides, assuming that at least half are non-residents:		
	69 non-resident registered sport-fish guides x \$450	=	31.1
	69 registered sport-fish guides x \$150	=	10.4
	138 new Registered sport-fish guides x \$25 exam fee	=	3.5
	2762 Registered sport-fish guides renewing of which 264 are non-residents:		
	264 x \$450 biennial fee	=	118.8
	2498 x \$150 biennial fee	=	<u>374.7</u>
		= \$	766.5

SB 304: "An Act establishing sport-fishing guide licenses."

The Department of Commerce and Economic Development, Division of Occupational Licensing, is neutral on this bill. We are aware that the bill is directed at reducing congestion on the Kenai and other popular fishing rivers. In addition, the Office of the Governor and the Department of Natural Resources favor the regulation of guides in general.

As the bill is written, this reduction would be accomplished by establishing requirements for examination, recommendations, bonding, insurance and a record free of certain convictions. However, the bill does not provide for the assignment of exclusive guiding areas, which is how the existing Guide Board currently limits hunting pressure by guides within a specific geographic area. Thus, the bill does not provide guaranteed relief from overcrowding in popular areas.

The division supports the opportunity to discuss whether or not regulation of sport-fish guides is needed at this time for reasons of consumer protection, which are more directly related to the intent of licensing and enforcement.

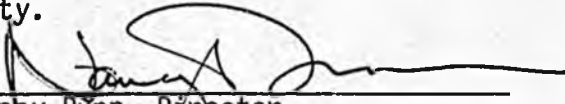
Division staff contacted the following agencies for records of complaint against sport-fish guides with the following results: Consumer Protection has no complaints on file for FY 84-FY 86 in Juneau and Fairbanks offices; the Anchorage office shows 5-6 per year. Fifty percent of those complaints were resolved amicably between the guide and complainant. The Better Business Bureau reported no complaints statewide for that period. The Anchorage Chamber of Commerce reported two complaints in 1985.

It is possible that other complaints bypass these offices and that small claims lawsuits are filed instead. However, without further documentation of complaints in this area, it would appear that the bill establishes a complex system of regulation out of proportion to need in terms of consumer protection.

In the event this bill passes, the department prefers that the responsibility of licensing sport-fish guides be placed under the existing Guide Licensing and Control Board, to provide for exchange of information regarding resource management, to ensure that complaints are acted on by professionals with knowledge of the field, and in the eventuality that area assignments are required. Such a step may require reformation of the Guide Board to include licensed sport-fish guides.

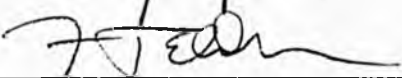
The division also recommends that Section 08.54.780 be amended to delete reference to more than one complaint as the basis for disciplinary action. The Division of Legislative Audit recommended deletion of a similar provision in the currently existing Guide Board statutes on the basis that such a provision is a constraint to effective disciplinary action.

We have also proposed several amendments to the bill in the interest of conforming to existing statutes controlling the division's administrative responsibilities, including the handling of complaints. Other proposed amendments are made in the interest of clarity.



Nancy Dunn, Director
Division of Occupational Licensing

Date: 3/17/86



Loren H. Lounsbury, Commissioner
Department of Commerce and
Economic Development

The Division of Occupational Licensing offers the following amendments to SB 304, An Act establishing sport-fish guide licenses.

Section 08.54.710(9) on page 2, line 14, delete ". . . [PREPARED AND]." This amendment will allow the division to contract with someone knowledgeable in the field of sport-fish guiding to prepare an examination similar to the contract which developed the exam for hunting guides.

Section 08.54.720, page 2, line 27, consider the deletion of "[IS EMPLOYED AND]" from the requirements for an Assistant Sport-fish guide license. It appears that this language is based on current guide statutes. However, the level of supervision required in sport-fish guiding may be less needed than that of hunting guides. This section as written could be construed as unnecessarily restricting entry into the profession.

Section 08.54.730, page 3, amend language to read:

Sec. 08.54.730. DURATION OF SPORT-FISHING LICENSES. [(a)] A [REGISTERED] sport-fishing guide license issued under this chapter expires biennially on a date set by the department [TWO YEARS FROM THE DATE OF ISSUANCE].

[(b) An assistant sport-fishing guide license expires on year from the date of issuance.]

Combining both (a) and (b) into one section will make this section conform with standard language found throughout other licensing statutes and in AS 08.01, the Central Licensing Act. The purpose of this amendment is to set one date on which all licenses shall be renewed. This allows renewals to be processed more efficiently.

Section 08.54.740, page 3, lines 16 - 21, amend to read: (a) The department shall, by regulations adopted under AS 08.01.065, establish fees for sport-fishing professionals for the following: [LICENSE FEES FOR REGISTERED SPORT-FISHING GUIDES ARE AS FOLLOWS]

	(1) <u>application fee;</u>
	(2) <u>examination fee;</u>
fee;	[1] (3) <u>nonresident registered sport-fishing license and renewal</u>
	[, BIENNIAL \$450]
BIENNIAL	[2] (4) <u>resident sport-fishing license and renewal fee; [,</u>
 150]
ANNUAL	[3] (5) <u>assistant sport-fishing license and renewal fee; [,</u>
 25]

This amendment will allow licensing fees to be established by regulations to reflect the actual costs of the activity for which the fee is charged.

Section 08.54.760, Examination Fee. Delete this section since it is incorporated into the previous section 08.54.750.

Section 08.54.770, page 3, regarding complaints should be amended to read:

"Sec. 08.54.770. COMPLAINTS. The department shall notify an individual licensed under AS 08.54.700 - 08.54.900 of each complaint received against the individual within two weeks of receiving the complaint, unless in the department's opinion, the complainant is a flight risk or to do so may otherwise jeopardize the conduct of an investigation."

An alternative would be to delete this entire section since the Administrative Procedure Act, (AS 44.62.360) establishes the formal procedure to be followed when acting on complaints.

Section 08.54.780(a)(1), page 4, lines 1 - 7, delete. It is contrary to public protection to wait until three complaints have been filed against a licensee before initiating a hearing. One valid complaint should be substantial reason to start the hearing process.

Section 08.54.780(b), page 4, line 11, delete "[RENEWAL OF]." The section as presently written would allow the department to take disciplinary action against renewal of a license. After a hearing, the department should be able to take action against the license under any circumstances, and not limited to the renewal.

08.54.780(b)(1), lines 13-14. Language in this section gives the board or the department broad authority to define what constitutes an activity which "adversely affects the natural resources of the State." We recommend that this section be more specific.

08.54.780(c)(3), lines 24-25. This section is unclear regarding the types of violations that would constitute the two violations necessary to revoke a license. Must the violations be two federal, two state or could they be one "federal" and one "state"?

08.54.780(e), amend this subsection to specifically identify the agencies to be contacted. Presently, all contact with other agencies for hunting guide licenses are conducted by the Division of Fish and Wildlife Protection in the Department of Public Safety.

Section 2, page 7, line 2 and all references to Game Guides thereafter, delete 'Game' if licensing is to be administered by the department, and refer to our original suggestion of placing Sport-fish Guides under a separate chapter.

Section 4 (a)(4), page 7, line 13-14, and amend to read: ". . . board if a board regulates the act or practice involved under AS 08.01.010" or as determined by the department [UNDER AS 08.54.700 - 08.54.900 FOR SPORT-FISHING GUIDES];

Section 4 (a)(9), lines 21-22, amend to read the same as mentioned in section (a)(4).

Patrick M. Rodey
Senator

Alaska State Legislature



Senate

1024 W. 6th Avenue, Suite 308
Anchorage, Alaska 99501
(907) 276-6731

During Session:
Pouch V
Juneau, Alaska 99811
(907) 465-3717

February 14, 1986

FEB 17 1986

TO : Senator Fred Zharoff, Chairman
Senate Labor & Commerce Committee

FROM: Senator Patrick M. Rodey *Pat*

RE : Senate Bill relating to sport-fishing guide licensing

I would appreciate your assistance in having the above-referenced bill scheduled for committee consideration as soon as possible.

I have discussed this bill with a number of sport-fishing businesses throughout the state who support the proposal.

If you have any questions about the proposal, or need additional information, please feel free to contact my office.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/24/89
Date

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3 1 2

THE ALASKA RAILROAD CORPORATION

Senate Bill No. 312

Free Transportation to Senior Citizens

Financial Impact Statement

The Alaska Railroad Corporation (ARRC) provides this statement of the financial impact of Senate Bill No. 312, if enacted. The bill would require that the ARRC provide free transportation of Senior Citizens over 65 years of age on its passenger trains on a space-available basis. These comments speak only to the financial impact of the Senate bill, important legal concerns will be discussed in a separate letter.

Because the majority of the passengers carried on the railroad ride during the four-month summer tourist season and travel for scenic enjoyment as opposed to necessity, the percentage of senior travelers is extremely high. In addition, over 90% of these persons are visiting Alaska as tourists for only a few days or weeks. Only four or five thousand Alaskans would benefit from this provision annually, while as many as 164,000 non-resident tourists would be eligible for free transportation.

The financial affect of this action on the ARRC's passenger services would be devastating. In 1984 this service lost \$1.8 million. We project a \$1.5 million loss in 1985. Final figures are expected in February. In 1986 due to more efficient operations, the loss is expected to total \$1 million. If S.B. 312 were enacted, the 1986 losses would escalate to \$2.9 million, a 292% increase. With this massive increase in passenger losses ARRC would request a state appropriation for the purpose of offsetting passenger losses.

Each passenger riding the express trains serving Denali National Park pays an average of \$43.00 for tickets. A Whittier Shuttle patron contributes an average of \$6.00 for passage on this shorter journey. Thus, substantial amounts of ARRC revenue are jeopardized should free transportation be allowed for a major portion of our ridership.

Based on ARRC statistics and a 1983-84 Alaska Department of Labor tourism study, approximately 72% of our Denali Park passengers, and 40% of our Whittier Shuttle riders, are seniors over 65 years of age.

These passengers share the following characteristics:

- Over 65 years of age,
- In a tourist status,
- Not a resident of Alaska,
- Traveling on the railroad as part of a 10-18 day Alaska vacation,
- Are traveling as part of a vacation itinerary which requires advance reservations months ahead,
- Making a "once in a lifetime" visit to the 49th State.

"SPACE -AVAILABLE" TRANSPORTATION WOULD CREATE MAJOR PUBLIC PROBLEM

Because tourist must plan and book various transportation and attraction facilities months in advance of travel, it is paramount that they reserve train reservations in the same manner. This provision helps the ARRC plan for space and to provide equipment and services as required.

The space-available free transportation option may encourage many visitors and travel agents to forego advance reservations. Unpredictable numbers appearing on the day of travel for ticketing may lead to unhappy situations involving passengers and between passengers and the railroad. Such a result would adversely impact the Alaska tourism program and injure railroad transportation. In addition, the costs of handling passengers in this manner would further escalate the losses that the ARRC bears in handling passengers.

Trains would become consistently late even before they left their starting point as persons waiting for "space available" seats eventually could outnumber reserved and pre-ticketed patrons. On trains such as the Whittier Shuttle, which interconnects with the scheduled state marine highway system, the result would be unacceptable to passengers and the railroad.

ATTACHMENT: Statistical and Financial Impact Table

THE ALASKA RAILROAD CORPORATION
EFFECTS ON PASSENGER SERVICES UPON
ENACTMENT OF S.B. NO. 312
CALENDAR YEAR 1985

PASSENGERS CARRIED		SENIOR CITIZENS ARRC ESTIMATE		ESTIMATED FINANCIAL IMPACT	
TRAIN	NUMBER CARRIED	PERCENT OF TOTAL	NUMBER CARRIED	1985 REVENUE	REVENUE AFTER S.B.3
Denali Express	83,138	72%	59,859	\$3,574,934	\$1,000,981
Whittier Shuttle	147,558	40%	59,023	\$885,348	\$531,208
			TOTAL	\$4,460,282	1,532,189
				NET LOSS OF REVENUE --- \$ 2,928,093	

Sources of data:

- ARRC statistics,
- Alaska Department of Labor

CHAIRMAN'S INFORMATION:

- 1) BILL TITLE: "An act relating to free passenger service for seniors on the Alaska Railroad."
 - a) Introduced: Sen Kerttula
 - b) Co-sponsors:

- 2) INTENT: Measure grants free passenger service to seniors (65 years old or older) on the Alaska RR. Provides that RR shall give free passage on a space available basis, and along routes and during periods that passenger service is provided to the general public.

FISCAL NOTE: ARRC estimates that the enactment of this bill would boost passenger service losses to \$2.9 million for 1986; ARRC feels they would need an appropriation to off set passenger losses.

NOTE: Situation with the free RR transport is a little different than the ferry. Passengers normally board the ferry in Seattle, but RR people would already have to be in Alaska to get on at Whittier. ARRC feels this bill will have negative impacts on the RR. These include:

- 1) impact planning and reservations
- 2) unpredictable numbers of people would show on the day of transportation; may result in bad P.R. for RR; may have bad impact on tourism;
- 3) may impact schedule of RR

3) ADDITIONAL REFERRALS: Sen Finance

4) PUBLIC HEARINGS:

- a) Sponsor:
- b) Public Witnesses:

5) BILL ACTION:

- a) Hold in committee?
- b) Assign to sub committee for further review?
- c) Move from committee?
- d) Close public hearings?

6) COMMITTEE ACTION?

- a) amendments?
- b) CS adoption?



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

ISSUES TO COME BEFORE THE SENATE LABOR AND COMMERCE COMMITTEE:

1) SUNSET REVIEWS:

- a) APUC
- b) Real Estate Commission
- c) Board of Veterinary Examiners

2) INSURANCE

- a) Tort Reform
- b) Self insurance proposals for fishing industry, day care, municipalities;

3) LOCAL HIRE:

Possible public hearing in Anchorage with the Alaska First Committee to take testimony from the public regarding resident hire issues. Tentatively scheduled for February 14th, coinciding with the Resource Development Council, and Senate Resources meetings in Anchorage that week.

- 4) The committee needs to be aware of the potential impacts of the national Gramm Rudman legislation, as well as federal cuts that may result from US Dept of Labor "devolution" proposals.
- 5) Currently AS 44.66.050 (d) requires that sunset review reports be submitted by the committee of reference to the presiding officer of each house by the 60th day of session.

Given the limitations of a 120 day session, I am considering legislation to amend this statute to extend that period to the 90th day.

Would the committee prefer a personal bill, a committee bill, or approaching the Rules Committee for legislation to effect that end?



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

ISSUES TO COME BEFORE THE SENATE LABOR AND COMMERCE COMMITTEE:

1) SUNSET REVIEWS:

- a) APUC
- b) Real Estate Commission
- c) Board of Veterinary Examiners
- d) Board of Electrical Examiners

60 day session

2) INSURANCE

- a) Tort Reform
- b) Self insurance proposals for fishing industry, day care, municipalities;

3) LOCAL HIRE:

Possible public hearing in Anchorage with the Alaska First Committee to take testimony from the public regarding resident hire issues. Tentatively scheduled for February 14th, coinciding with the Resource Development Council, and Senate Resources meetings in Anchorage that week.

- 4) The committee needs to be aware of the potential impacts of the national Gramm-Rudman legislation, as well as federal cuts that may result from US Dept of Labor "devolution" proposals.

- 5) Currently AS 44.66.050 (d) requires that sunset review reports be submitted, by the committee of reference, to the presiding officer, of each house by the 60th day of session.

Given the limitations of a 120 day session, I am considering legislation to amend this statute to extend that period to the 90th day.

Would the committee prefer a personal bill, a committee bill, or approaching the Rules Committee for legislation to effect that end?

RECEIVED JAN 16 1986



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

JCS

16 January, 1986

MEMORANDUM:

TO: Senator Eliason, Vice Chairman
Senator Bennett
Senator Ray
Senator Sackett

FROM: Senator Zharoff, Chairman
Senate Labor and Commerce

I have attached, for your review, a list of bills currently in the Senate Labor and Commerce Committee. If you are interested in requesting a hearing on any of these measures, please contact Michael Thill, of my staff, at 3844. Thank you.

Not over
[Signature]

LABOR&COMMERCE		COMMITTEE SUMMARY		PAGE	01	OF	03
BILL #	ABBREVIATED TITLE	SPONSOR	DATE	REFERRALS			
HB 55	WARNING SIGNS/TAXIS FOR INTOXICATED PERSO	COLLINS	05/07/85	JUDICIARY			
HB 79	EXAMINATIONS OF FINANCIAL INSTITUTIONS	RULES	04/29/85	FINANCE			
HB 123	EXTENDING BOARD OF PHARMACY	RULES	05/12/85	RULES			
HB 217	INTEREST RATES FOR VARIOUS LOANS/CONTRACT	DUNCAN	04/29/85	FINANCE			
HB 251	EXTEND BOARD OF VETERINARY EXAMINERS	LABOR&COMM	03/25/85	RULES			
HB 319	HARMFUL PHYSICAL AGENTS IN WORKPLACES	FOURCHOT	05/07/85	FINANCE			
HB 392	LEASE-PURCHASE AGREEMENTS FOR STATE BLDGS	RULES	05/06/85	JUDICIARY			
SB 3	INTEREST ON ESCROW ACCTS FOR MORTGAGE LOA	RAY	01/14/85	FINANCE			
SB 31	STATE HIRING IN RURAL COMMUNITIES AND ARE	ZHAROFF	01/14/85	FINANCE			
SB 46	APPROP: GOLDEN VALLEY ELECTRIC LINES	COGHILL	01/14/85	FINANCE			
SB 64	RECOVERING ADMINISTRATIVE EXPENSES OF APU	RULES	01/18/85	FINANCE			
SB 88	AK LIFE/DISABILITY INSURANCE GUAR ASSOC	RULES	01/23/85	JUDICIARY			
SB 89	SALE/LEASE OF PUBLIC BLDGS/LAND BY ASHA	RULES	02/25/85	RULES			
SB 111	REAL ESTATE BROKERS' FEES AND SURETY FUND	RULES	01/30/85	FINANCE			
SB 116	ALLOW INVESTMENTS IN AFRICAN DEV'MENT BAN	RODEY	02/01/85	FINANCE			
SB 127	COURT JURISDICTION; CONTRACTOR BOND CLAIM	JUDICIARY	02/04/85	JUDICIARY			
SB 156	FORM OF PAYMENT FOR INSURANCE SETTLEMENTS	RODEY	02/14/85	RULES			
SB 166	COMPETITIVE BIDDING RQRMTS FOR STATE GRAN	FAHRENKAMP	02/20/85	STATE AFFA			
SB 189	AWARDING OF CONTRACTS BY MUNICIPALITIES	JOSEPHSON	02/25/85	C&RA			
SB 191	ALASKA HIRE; STATE-FUNDED CONSTRUCTION	FISCHER.V	02/26/85	JUDICIARY			

LABOR&COMMERCE		COMMITTEE SUMMARY		PAGE	02	OF	03
BILL #	ABBREVIATED TITLE	SPONSOR	DATE	REFERRALS			
SB 195	MISC. AMDMTS CONCERNING BDS/COMM'S/COUNCI	RULES	02/26/85	FINANCE			
SB 214	PROCESSOR VESSELS; MARINE PILOT EXEMPTION	ZHAROFF	03/06/85	RESOURCES			
SB 221	PAYMENT FOR BUILDING MATERIALS	FERGUSON	03/08/85	FINANCE			
SB 238	PLUMBING CODE; SOLAR ENERGY, HOT TUBS	LABOR&COMM	03/18/85	RULES			
SB 253	HARMFUL PHYSICAL AGENTS IN WORKPLACES	JOSEPHSON	03/25/85	FINANCE			
SB 254	WORKPLACE EXPOSURE TO MICROWAVE RADIATION	COGHILL	03/26/85	RULES			
SB 259	PRACTICE OF PUBLIC ACCOUNTING	ZHAROFF	03/28/85	JUDICIARY			
SB 265	ALASKA POWER AUTHORITY BOARD	ZHAROFF	04/02/85	RESOURCES			
SB 286	PAYMENT FOR OVERTIME; GOOD FAITH EXCEPTIO	ZHAROFF	04/23/85	FINANCE			
SB 288	LIQUOR LICENSE HOLDERS' INSURANCE CORP.	JOSEPHSON	04/18/85	FINANCE			
SB 290	DIRECT SERVICE CHARGES FOR APA POWER SALE	RULES	04/19/85	RESOURCES			
SB 291	TRANSFER 2 APA PROJECTS TO PUBLIC UTILITI	RULES	04/19/85	RESOURCES			
SB 292	PLACING APA STAFF IN THE EXEMPT SERVICE	RULES	04/19/85	STATE AFFA			
SB 295	MENTAL HEALTH DISABILITY INSURANCE	FAIKS	04/22/85	HESS			
SB 297	LICENSING OF NATUROPATHS	ABOOD	04/23/85	HESS			
SB 304	SPORT-FISHING GUIDE LICENSES	JUDICIARY	04/30/85	RESOURCES			
SB 312	ALASKA RR/FREE PASSENGER SERV FOR SENIORS	KERTTULA	05/07/85	FINANCE			
SB 313	REQUIRING CABOOSES ON CERTAIN TRAINS	KERTTULA	05/07/85	TRANSPORTA			
SB 333	ASHA NAME CHANGE	KERTTULA	01/13/86	FINANCE			
SB 340	SURPLUS LINES INSURANCE BROKERS	RULES	01/13/86	FINANCE			

LABOR&COMMERCE		COMMITTEE SUMMARY		PAGE	03	OF	03
BILL #	ABBREVIATED TITLE	SPONSOR	DATE	REFERRALS			
SB 342	REAPPROPRIATING SUSITNA/BRADLEY/POWER FUN	RULES	01/15/86	RESOURCES			
SCR 6	ACCESS TO WHITTIER-SHOTGUN COVE	JOSEPHSON	04/11/85	FINANCE			
SJR 2	CONSTITUTIONAL SPENDING LIMIT; 1985 FREEZ	FERGUSON	01/14/85	STATE AFFA			

January 22, 1986

Senate Labor & Commerce Committee

AMENDMENT

SB 312

amend line 12, "passenger service on the Alaska
Railroad for state residents [PEOPLE] 65 years of age. . ."

ALASKA RAILROAD CORPORATION



P.O. Box 7-2111 • Anchorage, Alaska 99510-7069

January 21, 1986

Members of the Senate Commerce Committee
Alaska State Legislature
Pouch V, Mail Stop 3100
Juneau, Alaska 99811

Re: Senate Bill No. 312 "An Act relating to free passenger service for seniors on the Alaska Railroad"

Dear Members of the Senate Commerce Committee:

Thank you for this opportunity to provide comments upon Senate Bill No. 312, an act directing the Alaska Railroad Corporation ("ARRC") to provide free passenger transportation for seniors.

Where they can be accommodated, special provisions for those persons 65 years of age and older serve laudable goals in our communities as a means of rewarding important economic and societal contributions and supplementing retirement incomes. Our comments concerning SB No. 312 should not be misconstrued as a failure to recognize the respect deserving of our older Americans. We do, however, wish to express serious reservations with regard to this proposal.

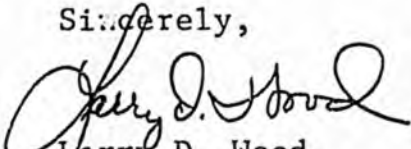
ARRC concerns are legal and financial in nature. Preliminarily, common carriers subject to the jurisdiction of the Interstate Commerce Commission ("ICC") are prohibited from providing transportation to passengers without charge except as specifically noted. 49 USCA §11905. Exceptions include caretakers of livestock, milk, or fruit, newspaper carriers, baggage agents, employees and their families, etc. Seniors are not named as a separate exception. As a part of the transfer of the Alaska Railroad into state ownership, the federal government required, and Alaska agreed, that the state-owned railroad would be subject to ICC jurisdiction. Beyond this important legal impediment, the legislation also raises significant financial concerns.

ARRC passenger service is already in trouble. Although the corporation has acted aggressively in reducing losses, \$1.5 million in lost operating revenue resulted last year and 1.8 million in 1984. A separate ARRC financial impact statement projects a 292% increase in 1986 passenger service losses in 1986 should seniors travel for free on the Alaska Railroad. Free passage to such a large contingent of our summer guests would jeopardize the entire program without state subsidization of passenger service. Any purposeful reduction of railroad revenues also contradicts an earlier legislative mandate and erodes the original administrative and legislative mission charted for the railroad. The state Alaska Railroad Corporation Act ("ARCA") specifies that the ARRC shall be a "viable economic entity" operating the Alaska Railroad self-sufficiently according to sound business management practices. Slashing passenger revenues will certainly endanger the viability of this concept.

Members of the Senate Commerce Committee
January 21, 1986
Page 2

If our comments presented at this time raise questions or concerns, please contact us at your convenience. Although our admiration for seniors and their important contributions has not diminished, we do request your close scrutiny of the legal and financial ramifications of SB 312.

Sincerely,



Larry D. Wood
Chief Counsel

cc: F. G. Turpin, President and Chief Executive Officer, ARRC
Members of the Board of Directors, ARRC

THE ALASKA RAILROAD CORPORATION

Senate Bill No. 312

Free Transportation to Senior Citizens

Financial Impact Statement

The Alaska Railroad Corporation (ARRC) provides this statement of the financial impact of Senate Bill No. 312, if enacted. The bill would require that the ARRC provide free transportation of Senior Citizens over 65 years of age on its passenger trains on a space-available basis. These comments speak only to the financial impact of the Senate bill, important legal concerns will be discussed in a separate letter.

Because the majority of the passengers carried on the railroad ride during the four-month summer tourist season and travel for scenic enjoyment as opposed to necessity, the percentage of senior travelers is extremely high. In addition, over 90% of these persons are visiting Alaska as tourists for only a few days or weeks. Only four or five thousand Alaskans would benefit from this provision annually, while as many as 164,000 non-resident tourists would be eligible for free transportation.

The financial affect of this action on the ARRC's passenger services would be devastating. In 1984 this service lost \$1.8 million. We project a \$1.5 million loss in 1985. Final figures are expected in February. In 1986 due to more efficient operations, the loss is expected to total \$1 million. If S.B. 312 were enacted, the 1986 losses would escalate to \$2.9 million, a 292% increase. With this massive increase in passenger losses ARRC would request a state appropriation for the purpose of offsetting passenger losses.

Each passenger riding the express trains serving Denali National Park pays an average of \$43.00 for tickets. A Whittier Shuttle patron contributes an average of \$6.00 for passage on this shorter journey. Thus, substantial amounts of ARRC revenue are jeopardized should free transportation be allowed for a major portion of our ridership.

Based on ARRC statistics and a 1983-84 Alaska Department of Labor tourism study, approximately 72% of our Denali Park passengers, and 40% of our Whittier Shuttle riders, are seniors over 65 years of age.

These passengers share the following characteristics:

- Over 65 years of age,
- In a tourist status,
- Not a resident of Alaska,
- Traveling on the railroad as part of a 10-18 day Alaska vacation,
- Are traveling as part of a vacation itinerary which requires advance reservations months ahead,
- Making a "once in a lifetime" visit to the 49th State.

"SPACE -AVAILABLE" TRANSPORTATION WOULD CREATE MAJOR PUBLIC PROBLEM

Because tourist must plan and book various transportation and attraction facilities months in advance of travel, it is paramount that they reserve train reservations in the same manner. This provision helps the ARRC plan for space and to provide equipment and services as required.

The space-available free transportation option may encourage many visitors and travel agents to forego advance reservations. Unpredictable numbers appearing on the day of travel for ticketing may lead to unhappy situations involving passengers and between passengers and the railroad. Such a result would adversely impact the Alaska tourism program and injure railroad transportation. In addition, the costs of handling passengers in this manner would further escalate the losses that the ARRC bears in handling passengers.

Trains would become consistently late even before they left their starting point as persons waiting for "space available" seats eventually could outnumber reserved and pre-ticketed patrons. On trains such as the Whittier Shuttle, which interconnects with the scheduled state marine highway system, the result would be unacceptable to passengers and the railroad.

ATTACHMENT: Statistical and Financial Impact Table

THE ALASKA RAILROAD CORPORATION
EFFECTS ON PASSENGER SERVICES UPON
ENACTMENT OF S.B. NO. 312
CALENDAR YEAR 1985

PASSENGERS CARRIED		SENIOR CITIZENS ARRC ESTIMATE		ESTIMATED FINANCIAL IMPACT	
TRAIN	NUMBER CARRIED	PERCENT OF TOTAL	NUMBER CARRIED	1985 REVENUE	REVENUE AFTER S.B.3
Denali Express	83,138	72%	59,859	\$3,574,934	\$1,000,981
Whittier Shuttle	147,558	40%	59,023	\$885,348	\$531,208
			TOTAL	\$4,460,282	1,532,189
				NET LOSS OF REVENUE --- \$ 2,928,093	

Sources of data:

- ARRC statistics,
- Alaska Department of Labor

Introduced: 5/7/85
Referred: Labor and Commerce
and Finance

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 312

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to free passenger service for
7 seniors on the Alaska Railroad."

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

9 * Section 1. AS 42.40 is amended by adding a new section to read:

10 Sec. 42.40.255. PASSENGER SERVICE FOR SENIORS. Notwithstanding
11 other provisions of this chapter, the corporation shall provide free
12 passenger service on the Alaska Railroad for ^{Alaskan residents} ~~people~~ 65 years of age
13 and older on a space-available basis during periods and along routes
14 passenger service is provided to the general public.

fed subsidy

off season

43
5000
2/5000



ASSOCIATION OF
OLDER
ALASKANS
PROGRAMS

SB-312

MAY 0 1983

Office of the Senior Citizen Ombudsman. L

Senator Jalmar Kerttula
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

A handwritten signature in dark ink, appearing to read "Jalmar Kerttula".

Dear Senator Kerttula:

Re: Older Alaskans of Whittier

I have received a petition from twenty-nine senior citizen residents of Whittier, Alaska (which constitute over ten percent of the population of the city) requesting that senior citizens over age sixty years be afforded travel on the Alaska Railroad with the same privilege as granted under the Alaska Marine Highway System.

As you know, the city of Whittier is isolated from direct access by road and, during the winter, from access by water. The only transportation into the city is by train. Travel to and from Anchorage for needed medical services is expensive for those living on fixed incomes.

Specifically, the Older Alaskans of Whittier request that residents over sixty years of age who reside in a city not served by road and where the Alaska Railroad is the only transportation provider be afforded free transportation as granted by the Alaska Marine Highway System.

Our office processes complaints on behalf of older Alaskans and this petition is outside the scope of this office. I am therefore forwarding it to you for your consideration.

The contact person in Whittier on behalf of the Older Alaskans of Whittier is Mr. Austin Simonds, PO Box 753, Whittier, Alaska 99693.

Thank you very much.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William O'Connor".

William O'Connor
Senior Citizen Ombudsman

BACK-UP

PETITION TO THE ALASKA RAILROAD

We the undersigned, being members of the "Older Alaskans of Whittier" and residents of the community, hereby petition the Alaska Railroad that any person at least sixty years of age of any Alaskan community located along the railroad service area which is isolated year round from the rest of Alaska, except by the train service rendered by the Alaska Railroad, that Senior Citizens of such communities shall be allowed free transportation. Senior Citizens of Alaska wishing to travel to such isolated communities by railroad will be granted the same fare reduction.

All Senior Citizens of Alaska will be accorded a 50% discount on fares except as outlined above.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
→ Kay Shepherd	apt. 1111 Begich Towers P.O. Box 727 Whittier 99693	
→ Sylvia L. Buck	apt 107 Begich Towers Apt 747 Whittier Ak. 99693	
→ Fred A. Buck	apt 107 Begich Towers Box 747 Whittier Ak 99693	
→ Laurel Simonds	Apt. 701 Begich Towers Box 735 Whittier, AK	
→ Marilyn P. Witt	apt 504 Begich Towers Box 608, Whittier, AK	
→ Bernadine Zeigler	Apt 511 Begich Towers Whittier AK	
→ Thomas & Harriet	478 30 Begich Towers, Box 634 Whittier AK	
→ Quentin Simonds	apt 701 BTI Box 735 Whittier AK	
→ Catherine J. Cawthon	apt 112 BTI Box 753 Whittier	
→ James B. Cawthon	apt 912 BTI Box 753 Whittier	
→ Robert M. Kinley	apt # 910 BTI Box 687 Whittier AK	
→ Doris V. Bender	apt 505 BTI. Box 711 Whittier	
→ Charles Hutchinson	fl. 305 B.T.I. P.O. Box 711 Whittier	
→ Marion M. Summer	apt 914 BTI P.O. Box 822	
→ Lucille J. Harrell	apt. 1513 Begich Towers P.O. Box 634	
→ George Hamilton	apt. 1403 Begich Towers Box 672	
→ Cecil Zeigler	Apt 511 Begich Towers Box 686	
→ Elmer S. League	Box 45 Apt 3 Whittier Manor P.O. Box 653 Whittier	
→ Nancy H. Leck-Hill	Apt. 1111 Begich Towers P.O. Box 746 Whittier 99693	4-2-85
→ Larry Palmer	Box 726 Whittier AK 99693	1/2/85
→ Florence Reinhausen	Box 685 Whittier AK 99693	4-2-85
→ Edward Strandberg	Box 627 Whittier, AK 99693	4/13/85
→ R. Wilcox	Box 614 Whittier AK 99693	
→ Dulcie K. McCall	1210 Begich Towers Apt. 604 Whittier AK 99693	
→ Tom H. McCall	Box 604 Whittier Ak. 99693	
→ Gerald A. Paulson	17 of 694 Whittier Ak. 99693	
→ [Name]	P.O. Box 708 Whittier 99693	
→ [Name]	Box 664, Whittier Ak. 99693	
→ Marie Strandberg	Box 627 Whittier AK 99693	

Byree

Putney