

**ALASKA**

**LEGISLATURE**

**COMMITTEE**

**FILES**

**1991-1992**

**8672**

**7221**

**HOUSE**

**RULES**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,  
EDWARD F. BERLIN AND  
KAREN J. KEPLER,  
Plaintiffs,

CIVIL ACTION NO.  
91-11234-WD

v.

ROBERT MOSBACHER, AS SECRETARY OF  
THE UNITED STATES DEPARTMENT OF  
COMMERCE; MICHAEL DARBY, AS  
UNDERSECRETARY OF ECONOMIC AFFAIRS  
OF THE UNITED STATES DEPARTMENT OF  
COMMERCE; THE BUREAU OF THE CENSUS;  
BARBARA BRYANT, AS DIRECTOR OF THE  
BUREAU OF THE CENSUS; GEORGE  
HERBERT WALKER BUSH, AS PRESIDENT  
OF THE UNITED STATES; AND DONNALD  
K. ANDERSON, AS CLERK OF THE UNITED  
STATES HOUSE OF REPRESENTATIVES,  
Defendants.

FINAL DECREES AND ORDERS  
February 20, 1992

In accordance with the Memorandum issued this day, it is  
hereby ORDERED, ADJUDGED and DECREED:

1. That 2 U.S.C. §2(a)(a), insofar as it requires  
apportionment of seats in the House of Representatives among the  
states by the method known as equal proportions, is not in  
violation of the United States Constitution;

2. That the administrative practice of the Executive  
Branch Defendants in counting overseas federal employees in the  
1990 census for the purpose of apportioning seats in the United  
States House of Representatives among the states was arbitrary  
and capricious and an abuse of discretion in violation of the  
Administrative Procedure Act, 5 U.S.C. §706(2)(A), and that  
consequently the use of the overseas census counts by the

defendants in the certification of state entitlements to seats in the House of Representatives was improper;

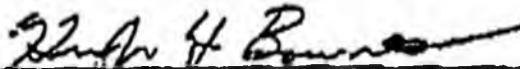
3. That the Executive Branch Defendants shall submit to defendant Anderson on or before March 31, 1992, a statement showing the number of Representatives to which each state would be entitled as a result of the 1990 decennial census under 2 U.S.C. §2(a)(a), without inclusion of the overseas census counts in the apportionment count;

4. That defendant Anderson, as he is the Clerk of the United States House of Representatives, shall on or before April 10, 1992, send the executives of each state a recertification of the number of Representatives to which such state is entitled in accordance with paragraph 3 of this Order;

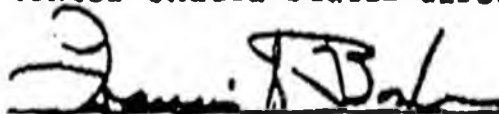
5. That the plaintiff Commonwealth of Massachusetts shall, on or before March 30, 1992, submit a certification to be docketed in this action affirming that there has been prepared a plan--adopted by the General Court of the Commonwealth and approved by the Governor--for the redistricting of eleven Congressional seats in Massachusetts, in accordance with the 1990 decennial census, without inclusion of the overseas census counts;

6. That the failure of the Commonwealth of Massachusetts to certify the adoption and approval of the plan called for by

paragraph 5 of this Order on or before March 30, 1992 will relieve the defendants of their obligations under paragraphs 3 and 4 of this Order.



Hugh H. Bownes  
Senior United States Circuit Judge



Francis J. Boyle  
United States District Judge



Douglas P. Woodlock  
United States District Judge

# Dickering Over the Districts

You can take redistricting out of the legislature but the politics remain.

Tim Storey

**M**ost states now have new state legislative district maps in place for the upcoming fall elections, but at least 23 of them are being challenged in court.

Every 10 years the U.S. Census Bureau counts Americans, and then states begin the arduous and often agonizing task of redrawing political boundaries for state legislative and congressional seats. In most states, it's the lawmakers who do the map drawing, and routinely they do it in a politically charged, contentious atmosphere. Inevitably, passing a redistricting plan comes down

to the closing days of the session and is adopted in a cloud of partisanship. Not long after, disgruntled members, editorialists and public interest groups call for reform. "There must be a better way," they declare.

But is there?

Donald Stokes, dean of Princeton's Woodrow Wilson School, points out that the United States is the only nation with representative districts that leaves remapping to the normal legislative process. As a two-time member of New Jersey's redistricting commission, he argues that the public interest—not political interests—is served best when law-

makers are removed from redistricting. And indeed, nine states rely on commissions to redraw district lines, contending that lawmakers' priorities are to maximize partisan control and entrench incumbents rather than develop fair plans that can stand up in court.

But others argue that politics will never be absent from a process inherently political. For after all, commission members are appointed by politicians and bring their own agendas to the table. Some in Pennsylvania have called for an overhaul of their commission system and suggested that redistricting be brought back into the legislative process because they believe that the commission system invests too much power in the hands of too few people. Pennsylvania has a five-person commission for legislative redistricting.

Nevertheless, the appeal of removing redistricting from the legislative environment can be particularly tantalizing at least once every 10 years.

Following a contentious redistricting battle in Virginia in 1991, Delegate Steven Agee announced that he would introduce a bill during Virginia's next regular session calling for the creation of a redistricting commission. In Louisiana, several prominent public figures such as former governor Buddy Roemer and Senator Dennis Bagneris, who chairs the committee that handled redistricting, have been joined by various newspaper editorial writers in calling for the creation of some sort of entity to draw Bayou State districts that will take the process out of the hands of the Legislature.

Currently, redistricting of legislative seats is the responsibility of the legislature in 39 states. (In Alaska the governor is charged with redistricting, and Maryland's governor submits legislative maps to the legislature.) Reformers contend that redistricting done within the normal legislative process creates a clear conflict of interest since the outcome will have so many political ramifications.

Nine states have lifted the task of redistricting out of the legislature and given an independent commission the

Tim Storey is NCSL's expert on redistricting.

## Redistricting Via Commission

State	Members	Selection Requirements
Ark.	3	Governor, secretary of state and the attorney general serve.
Colo.	11	Legislature selects 4, governor 3, judiciary 4. Maximum of 4 from legislature; 6 from the same party. Each congressional district must have at least 1 but no more than 4 representatives; at least 1 member must live west of the Continental Divide.
Hawaii	9	Senate president selects 2, speaker 2, minority Senate 2, minority House 2. These 8 select 9th member to chair. No member may run for legislature in the two elections following redistricting.
Mo.	House—18 Senate—10	There are two committees. Governor picks 1 person from 2 lists submitted by the main political parties in each Congressional district to form the House committee. Governor picks 5 from lists of 10 submitted by the two parties to form the Senate committee. No member may hold legislative office for next 4 years.
Mont.	5	Majority and minority leaders of both houses each select a member. Those 4 select a 5th chair. If the 4 cannot select a 5th within 20 days, then a majority of the Supreme Court selects the chair. Public officials may not serve. Members may not run for office for 2 years.
N.J.	10	The chairs of the two major parties select 5 members each. If they cannot develop a plan in the allotted time, the chief justice of the Supreme Court appoints an 11th member.
Ohio	5	Board is the governor, auditor, secretary of state and 2 members selected by the legislative leaders of each major party.
Pa.	5	Majority and minority leaders of both houses each select 1 member. These 4 select a 5th to chair. If they fail to do so within 45 days, a majority of the Supreme Court will select the 5th. Chair may not be a public official.
Wash.	4	Majority and minority leaders of both houses each select 1. These 4 select a non-voting chair. If they fail to do so by a specific date, the Supreme Court selects the 5th. No commission member may be a public official.

Todd Rosenkrantz, NCSL

done properties or construct new apartments for poor families. The tenants of these properties actually use their own labor in lieu of the more traditional down payment—a process called “sweat equity”—to prepare the apartments for residence; eventually the tenants own and manage the properties themselves.

El Hogar del Futuro, Spanish for “home of the future,” is a non-profit community development corporation in Hartford that makes good use of the state’s limited equity cooperative program. Started by the Catholic Church in the 1970s, El Hogar has built or rehabilitated 130 housing units in poor neighborhoods in Hartford. “We carefully select families for these projects while they are being built,” explains Dennis Cunningham, director of El Hogar. The families must meet income eligibility criteria and agree to put 300 hours of sweat equity into the project.

A recent project called “La Esquina Brillante” (brilliant corner) was built in the Clay Hill neighborhood with funding from the state as well as Phoenix Mutual, a local insurance company. Cunningham always makes an effort to supplement the state’s funds with those of private companies. In the case of Phoenix Mutual, “they realized the benefits to be gained from community involvement. The combined energy from the state, private and non-profit organizations and housing recipients is the key to our program’s success,” says Cunningham.

**W**hat has precipitated this new wave of state-level activity in housing? Without hesitation, housing specialists across the country say the impetus is a problem shared by communities urban and rural, wealthy and poor—a lack of affordable housing. Federal guidelines define housing as affordable if it consumes no more than 30 percent of a household’s adjusted monthly income. The American Housing Survey of the U.S. Census found that in 1965, four of every five households living below the poverty line lived in housing that cost more than this standard. From 1978 to 1985, the number of low-rent housing units declined by 500,000 na-

tionwide while the number of low-income renters rose by 3.6 million.

Exacerbating the problem, according to the Congressional Budget Office, is the reduction in appropriations for the subsidized housing programs of the Department of Housing and Urban Development (HUD), which fell from a peak of \$32.2 billion in FY 1978 to \$9.8 billion in FY 1988, a decline in inflation-adjust-



Eight families invested 2,750 hours of “sweat equity” to renovate this building in Hartford, Conn., where they are now proud first-time homeowners in La Esquina Brillante.

ed funding of more than 80 percent.

Passage of the National Affordable Housing Act (NAHA) in 1990 demonstrated a renewed federal commitment to housing in the form of the new HOME block grant. But the act also requires a new level of state involvement and commitment to housing rehabilitation and construction. Each state is now required to produce a Comprehensive Housing Affordability Strategy (CHAS) in order to qualify for federal HOME and homelessness program funds. As they draft their housing plans, states must identify their housing needs and what they must do to meet them.

In Connecticut, the CHAS strategy is to scatter low-cost housing throughout the state and give highest priority for new construction funds to those wealthy and suburban communities that currently lack inexpensive housing. Sandy Bergin, CHAS task force coordinator from the Department of Housing says, “Our CHAS strives to promote housing choice and diminish the exclusionary practices that have perpetuated housing segregation in Connecticut.”


State contracts for housing construction or renovation have traditionally been with for-profit homebuilders or local housing authorities. In recent years, however, non-profit community-based

organizations, including community development corporations like El Hogar del Futuro, have become important participants in low-cost construction and rehabilitation. These organizations, when they have acquired the necessary experience in housing construction, are able to attract funds because they are non-profit and build or renovate housing for minimal cost.

NAHA requires that 15 percent of the funds from the new HOME block grant go to these community-based development organizations. States also are recognizing the value of working with these non-profit organizations to carry out housing construction and rehab programs. Connecticut, for example, goes beyond the federal guidelines by requiring that 30 percent of HOME funds be channeled to non-profit groups.

The CHAS process, the HOME block grant and the increased importance of non-profit community-based development organizations have brought new emphasis to the state role in construction and rehabilitation of affordable housing. And future efforts to turn the tide of homelessness will hinge on the ability of state governments to make use of every available resource.

“The states play a role that is hard to understate,” said Benson Roberts at NCSL’s 1991 Annual Meeting. “You guys provide the leadership that is really necessary to be responsive to local communities—a job that, quite frankly, the federal government will never be able to do.”

The road ahead holds obstacles. Many of the successful state programs do require at least some commitment of state general fund money—and the fiscal woes of most states make even a minimal increase in housing allocations difficult. Furthermore, state mandates for local practices, such as Connecticut’s new emphasis on affordable housing in high-rent communities, will face severe local challenges. Ultimately, however, states and localities will have to hammer out their differences in order to qualify for federal funds and to keep the numbers of homeless or near-homeless from increasing. 

initial responsibility for redrawing the lines. The states are Arkansas, Colorado, Hawaii, Missouri, Montana, New Jersey, Ohio, Pennsylvania and Washington. The makeup of these commissions varies. Arkansas has a three-member commission composed of the governor, secretary of state and attorney general. In Washington, the redistricting commission comprises four members, one each appointed by the minority and majority leaders in each house of the Legislature. None of the commissioners may hold public office while serving on the commission. The four appointed members select a fifth non-voting chairman. Several states have specific restrictions barring commission members from running for the legislature in subsequent elections.

Of the states that completed redistricting in 1991, several used the commission system successfully. New Jersey held legislative elections in November under districts drawn by an 11-member commission earlier in the year. The New Jersey commission adopted plans that have not been challenged in court, and no challenge is expected. Each of the two state party chairmen appoints five members to the commission, and the 10 commissioners have 30 days to produce new district maps. If they are unable to do so, an 11th commissioner is appointed by the chief justice of the state Supreme Court to break the tie and ensure the adoption of a fair plan with the public's interest as its top priority.

In 1991, as in 1981, Princeton's Donald Stokes was tapped by the chief justice as New Jersey's 11th member. Stokes lauds the New Jersey system as a model because it infuses the process with the wisdom of politics yet eliminates the conflict of interest that he believes is inherent when the legislature redistricts itself. Stokes says that the conflict of interest is so clear that "legislatures have been catching hell for the mischief that results (since) the early 19th century period in which Elbridge Gerry gave us the term *gerrymander*."

In 1981, Stokes was joined by the commission's five Democrats to pass a plan, and in 1991, the five Republicans voted with Stokes.

Iowa's method of redistricting is the most radical of the states. The Iowa approach seeks to eliminate political con-

cerns as the main force behind the line drawing. During the '60s and '70s, the courts repeatedly threw out redistricting proposals from the Iowa legislature; and in 1972, the Iowa Supreme Court imposed its own plan. With the frustrations of the past clear in their minds, Iowa lawmakers enacted the current redistricting statute in 1979.

Under Iowa law, the non-partisan Legislative Service Bureau submits a set of proposed redistricting maps to the legislature, which must approve or deny the plans without amending them. If the legislature rejects the first set of plans, the bureau supplies a second set also to be voted up or down without amendments. If the legislature rejects the second set, it gets a third set that it may amend. Only by stretching out the process to the third round can the legislature retake control of the line drawing.

Iowa's redistricting statute prohibits the Legislative Service Bureau from using any political data such as voter registration or past election results when drawing up the plans. Neither may the bureau take into consideration the residences of incumbent legislators. The bureau may use only population figures provided by the Census Bureau and apply criteria such as creating compact districts and preserving communities of interest.

Using this unusual system, Iowa became the first state in 1991 to adopt both state legislative and congressional districts, and no court challenges have been filed. Wyoming was actually the first state to complete redistricting using a process of apportioning seats out to counties, but their plans were thrown out by a federal court for violating the one person, one vote rule.

The Iowa experience was not without its anxious moments. One local television station declared the plans dead on arrival once the political results of the plans were revealed. The Iowa plans paired 20 of 50 incumbent senators and 40 of 100 incumbent representatives in the same districts; the Senate majority and minority leaders and the House speaker and majority leader were not spared. Nevertheless, the Iowa General Assembly accepted the first plans.


Iowa's ability to remove politics from redistricting is unusual. Even states with a commission or board admit that

politics still play a key role. Mark McKillop, who was the supervisor of the Senate Democratic reapportionment project in Pennsylvania, responds to those wanting to strip the process of politics by saying, "They're kidding themselves if they think they can take politics out of it." He does endorse a commission system like the one used in Pennsylvania on the grounds of efficiency. "If this were done in the legislature, we would still be doing it," McKillop said.

Anne Lee, the reapportionment chair for the League of Women Voters in Hawaii, agreed that politics were still very evident in the commission process used in her state. She did point out that the commission lifted the contentious process from the Legislature, thus allowing them to focus on substantive issues rather than being consumed by redistricting. She also noted that each political party had an equal voice on the Hawaii commission instead of one party dominating the process, which might occur if it were done within the Legislature.

Many states successfully adopt each decade redistricting plans that stand up in court and are produced within the crucible of the normal legislative process. Virginia Delegate Ford Quillen pointed out that his state "produced a good product using the typical legislative committee system." He also said that it would be very difficult "to design a pure commission system where the commission members don't have their own agendas." One of the principal criticisms of commissions is that the members invariably have political motives, and it merely concentrates substantial power in the hands of a smaller group than the legislature.

Using a commission system does not guarantee that new district plans will not be challenged. The Hawaii commission had its plans thrown out in 1982 and replaced by temporary court-drawn plans. Missouri, Ohio and Pennsylvania are currently in court defending plans drawn by commissions.

It is certain that redistricting will continue to be a divisive and time-consuming chore for legislatures every 10 years. Redistricting plans, whether drawn by the legislature or an independent commission, will always have dramatic political results. Whether you are a winner or loser in the redistricting sweepstakes may determine which system you advocate. 

Statement Submitted for the Record  
of the Hearing on H.R. 2661 before  
The Subcommittee on Census and Population  
House Post Office and Civil Service Committee  
August 1, 1989

Michael R. Darby  
Under Secretary of Commerce for Economic Affairs

The United States Department of Commerce stands by our existing policy of counting all persons in the 1990 Decennial Census. The Department of Justice has advised previous Congresses based on constitutional considerations that illegal aliens must be included within the census counts for purposes of apportioning congressional representation. Moreover, based on practical considerations, the Department has determined that changing our procedures to exclude illegal aliens would be both infeasible and undesirable.

We believe there are compelling legal and public policy grounds for counting all persons irrespective of their citizenship. The Census Bureau's enumeration procedure has been guided by the requirement in the 14th amendment to count "the whole number of persons in each State." The Census Bureau has interpreted its constitutional charge and its statutory mandate to require counting every person who has a usual residence in any State. The concept of 'usual residence' dates back to the Census Act of 1790 and, while the wording of various Census Acts has changed over the decades, the concept has remained the same -- to enumerate all inhabitants.

The Department of Commerce strongly believes that to change existing policy would be entirely infeasible and would considerably undermine critical efforts being undertaken by the Bureau to assure an effective and complete count in 1990.

First, we have no way of effectively determining the legal status of individual respondents. Any attempt to reduce the "whole number of persons" of particular ethnic groups by some statistical allowance for an estimated number of illegal aliens is clearly objectionable in counting observed whole persons as fractions.

Second, adoption of this policy would undermine far-reaching progress in the area of outreach directed at the minority community. Given the importance of these programs to achieve a full and accurate count, we oppose undertaking policies which are likely to disrupt our cooperation with community organizations which provide assistance to our efforts.

Finally, the Bureau is reluctant to undertake actions which would undermine the general public's perception of the confidentiality of census data. The absolute prohibition on any disclosure of confidential census data and the public's acceptance of these assurances are essential to the accuracy of census results.

Given that a decision to exclude undocumented aliens from the census apportionment counts would be neither feasible nor desirable, we strongly oppose the enactment of H.R. 2661.

**Enumeration and Residence Rules of the 1990 Census**

**Prepared for the Alaska Reapportionment Board**

**by Kathryn Lizik  
Alaska Department of Labor  
February 28, 1991**

The purpose of this report is to provide information on how the enumeration and residence rules for the 1990 Census affected the population count.

### Enumeration Rule

Traditionally, the Census Bureau has interpreted the U.S. Constitution to mean "count all persons who are inhabitants of the U.S." as of Census day, rather than just citizens, property owners, or adults. This enumeration rule addresses "who to count". As the rule implies, all persons residing within Alaska were counted during the 1990 Census. However, this does not mean that they were all included in the state count.

### Residence Rules

The Census Act of 1790 established the concept of usual residence as the guiding principle for determining where to count a person. The usual residence concept requires the Census Bureau to count a person where he or she lives and sleeps most of the time or where he or she considers their usual residence. Clear, well-communicated residence rules are needed to minimize both over- and under-counting. With few exceptions, it is this residence concept that the Bureau used in 1990. These residence rules address "where to count".

There are, however, situations where a need exists to establish special rules for those persons whose usual residence is not the place where they are on Census day or whose usual residence is ambiguous. In many cases, these individuals fill out an individual census report (ICR) which collects, among other information, the address of the housing unit they consider to be their usual place of residence. This address allows the eventual matching of the ICR to the original census questionnaire assigned to the housing unit and adds the person to that location. This address matching takes place nationwide and allows the individual to be counted back to any state.

The following list identifies those situations where special rules are utilized.

- 1) **Persons away from their usual residence on census day.** This category includes persons traveling, living temporarily in hotels and motels, or maintaining a usual home elsewhere. These people are not counted at the temporary location but are allocated back to their usual residence.

On Census day, these persons are asked to provide the address of their usual residence. This address is then matched to the census form for that address, and they are added to the count for that location. If these people cannot be matched to a specific residence, the bureau assumes that a neighbor or family member already reported these persons at the usual residence.

- 2) **Persons with multiple residences.** The 1990 questionnaire allows these persons to self identify one residence as their usual residence.

- 3) **Persons with no permanent residence.** All persons who do not claim a usual home elsewhere (the homeless, those in transient quarters, or those living temporarily with

friends or relatives) will be counted in the area they are contacted. A special enumeration of pre-identified transient locations was conducted about one week prior to Census day to capture this transient population.

4) **Persons away at college.** The residence of college students is identified as the location of the college they are attending.

5) **Persons away at boarding school.** Students below the college level, away attending boarding school, are counted at their parental home, due to their age and dependency on their parents.

6) **Crews of merchant vessels.** Some crew members have no home other than the ship on which they work, others maintain a home on shore that they consider to be their usual residence. For those crew with a shore based residence, their SCR or Shipboard Census Report will be matched to the census form for the residence they report and they will be added to that location.

For crew who consider the ship their residence, the following rules guide where they are counted:

a) For ships berthed in a U.S. port on Census day, the crew will be counted at that port.

b) For ships not berthed at a U.S. port but in territorial waters, the crew is counted at the port of destination, provided it is within the U.S. or its territories.

c) For ships in territorial waters headed for a non U.S. port, the ships port of departure will be used.

d) Crew of merchant ships not within territorial waters or that are not american flag vessels, will not be counted.

The above rules also apply to crew of canneries, freezer ships, and tuna ships.

7) **Land based military personnel.** Members of the armed forces, including the U.S. Coast Guard, are counted at the area where they are permanently stationed, subject to the conditions as described below (see Residency of Military Personnel Based on the Census Bureau Guidelines).

8) **Crews of military ships.** If the person's usual residence is the ship, the person will be counted at the homeport location where the ship is actually docked. Crew members will also be able to identify a usual residence ashore and be matched to their home address.

9) **Movers.** If an individual is in the process of moving to a new location he or she will be counted at their Census day address.

10) Migrant workers. Residents of migrant worker camps may designate the camp as their residence. If they have a usual residence other than the camp, the ICR will cross match them to that address.

11) Institutionalized residents. This category includes all residents living under formally authorized, supervised care or custody. The facilities housing this population include correctional schools, penitentiaries, wards for juveniles, specialized hospitals, nursing homes for the elderly, and homes for the physically and mentally handicapped.

The Census Bureau differentiates between long-term and short-term facilities. Persons residing in long-term facilities (for example, penitentiaries, and mental hospitals) will be counted as residents of the institution. Persons residing in short-term facilities (such as county jails and general hospitals) will be given the opportunity to identify a usual place of residence if they have one.

#### RESIDENCY OF MILITARY PERSONNEL BASED ON CENSUS BUREAU GUIDELINES

For purposes of census enumeration all active duty military personnel were distributed a MCR (military census report) on-base, whether or not they lived in on-base barracks and housing units. or off-base housing units. For barracks based personnel, this was the only census form they filled out.

If the MCR listed that the address where the individual usually stayed at least 4 nights a week was the barracks, the individual was counted as an on-base resident.

All on and off-base personnel living in housing units, however, also received and filled out regular census questionnaires just like the rest of the civilian population.

If the MCR listed that the residence address was either an on- or off-base housing unit, the MCR was search/matched to the census questionnaires collected from the housing units, to verify the non-barracks location. When a match occurred, the count was assigned to the housing unit. If it was on-base, the count became part of the total on-base count. If it was off-base, the count became part of the regular off-base block count.

If the MCR listed that the residence address was out of state, the search/match would look for the listed address for the out of state residence. These search/matches were limited, however, to the three states (AK, CA, WA) served by the Census Bureau's processing office in San Diego. If a match occurred, the individual was added to that out of state address. If an address for any other state than the 3 listed above was filled in on the MCR, a match did not occur and the count by default was added to the base count.

It is my opinion that based on the above procedures, most on-base barracks personnel would have been counted at their base location due to two factors:

1) Matches were limited to only two other states than Alaska. Since tours of duty

originate from bases nationwide and the service is made up of individuals from 50 states, it is highly unlikely all non-state matches would have by chance been exclusively from California or Washington State.

2) The MCR form is constructed to generally elicit an on-base residence response. The address information block lies within Question 2 which sets the respondent up to automatically write in his or her on-base residence. The instructional guidelines do not provide extensive definitions of how one determines ones residency. "Where you usually stay at least 4 nights a week" is only one of many considerations.

I have requested from the Census Bureau a report which would show how many MCR's were matched to out of state locations. To date, that report has not been generated, and may not become available during the scope of the redistricting time frame.

For the on-base and off-base housing unit respondents, the regular census questionnaire also provided the opportunity to list a usual residence location. In this case, however, if an out of state address were given, the address matching would be conducted nationwide and the individual adjusted back to the out of state residence reported. In order for this match to be successful, a specific out of state street address is required.

**DRAFT**

**AFTER COMPLETING THIS FORM**

- Please check it to be sure you have answered all the required questions completely.
- To return your form, please follow the instructions on the envelope that the form came in.

**THANK YOU FOR YOUR COOPERATION.**

The Census Bureau estimates that, on average, each respondent will take 7 minutes to complete this form, including the time for reviewing instructions and answers. Comments about this estimate should be directed to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20233, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**DRAFT**

**1990 INDIVIDUAL CENSUS REPORT**

1. Please print your name —  
 Last name                      First name                      Middle Initial

2a. Are you — Mark (X) the box that applies.

(1)  A person WHO USUALLY LIVES HERE or who stays here most of the week while working?      *Please continue with question 3, on page 2*

(2)  A person with NO USUAL PLACE OF RESIDENCE?      *Please continue with question 3, on page 2*

(3)  A person AWAY FROM YOUR USUAL HOME FOR A SHORT TIME, such as on a vacation or business trip?  
 Is there someone at your usual address who will include you on the census form there?  
 Yes } *Print your home address in b, and continue with question 3, on page 2.*  
 No }

b.

House number, street name, apartment number	
Rural route number	Box number
City	
County or foreign country	
State	ZIP Code
Telephone number — Include area code	
Names of nearest intersecting streets or roads	

FOR CENSUS USE					
DO	ID	ARA	Block	PN	
Add	DO	ID	ARA	Block	PN
Y N					

FOR CENSUS USE	
Person with _____ children under 15 years present with him/her	

← FOLD LINE

# 1990 MILITARY CENSUS REPORT

This is your official Census form. Your cooperation in carefully filling out the form will help make the census successful. If you do not know the exact answer to any question, please give your best estimate.

This census is authorized by Title 13, United States Code, and you are required by law to answer the questions to the best of your knowledge.

The same law protects the confidentiality of your answers. Census employees are subject to fine and/or imprisonment for any disclosure of your answers. The person on base collecting your information is sworn in as a census employee and is subject to these same penalties.

Thank you for your cooperation.

1. Please print your name —

Last name	First name	Middle initial
.....	.....	.....

2a. What is the name of your unit?

.....

b. What is the address where you usually stay at least 4 nights a week?

Building or barracks number or identification (if applicable)		
House No.	Street name	Apt. No.
City		County or foreign country
State		ZIP Code
Names of nearest intersecting streets or roads		

c. Is the above address on a military installation or base?

Yes — Give name  No

.....

d. Is the place where you usually stay family-type housing (house, apartment, etc.) or group quarters (barracks, BOQ, hospital, etc.)?

Family-type housing — How many persons, including yourself, were living at the above address on April 1, 1990?

..... Persons — Please complete questions 3 through 7 on page 2. Then return your form to the person in charge of distributing these reports.

Group quarters — Continue with question 3 and follow the instructions at the bottom of page 2.

## AFTER COMPLETING THIS FORM

1. Please check it to be sure you have answered all the required questions completely.
2. Then return your form to the person in charge of distributing these reports.
3. Military personnel living away from this installation, but within the census area, will also receive a census form at home. To ensure that such personnel are assigned to the correct jurisdiction, it is important that **YOU MAKE SURE YOU ARE INCLUDED ON BOTH FORMS** — this report and the census form sent to your home.

**THANK YOU FOR YOUR COOPERATION.**

The Census Bureau estimates that, on average, each respondent will take either 2 minutes (100-percent items only) or 7 minutes (sample items as well) to complete this form, including the time for reviewing the instructions and answers. Comments about these estimates should be directed to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20233, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

This form may be reproduced before distribution if additional copies are needed.

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OO	ID	ARA	Block	PN	OO	ID	ARA	Block	PN

FOLD ALONG THIS BROKEN LINE FOR SEALING

**2a. Do you have a residence (house, apartment) where you usually stay when off duty?**  
 Yes - Go to 2b  No - Skip to 3

**b. What is the address of that residence? Include house number, street name, city, State, and ZIP Code.**  
 House number \_\_\_\_\_ Street name \_\_\_\_\_  
 Base name (if on-base) \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**3. Sex - Mark (X) ONE box.**  
 Male  Female

**4. Race - Mark (X) ONE box for the race you consider yourself to be.**  
 White  
 Black or Negro  
 Indian (Amer.) (Print the name of the enrolled or principal tribe.) \_\_\_\_\_  
 Eskimo  
 Aleut  
**Asian or Pacific Islander (API)**  
 Chinese  Japanese  
 Filipino  Asian Indian  
 Hawaiian  Samoan  
 Korean  Guamanian  
 Vietnamese  Other API \_\_\_\_\_  
 Other race (Print race) \_\_\_\_\_

**5. Age and year of birth**  
 a. Age     b. Year of birth  1

**b. Marital status - Mark (X) ONE box.**  
 Now married  Divorced  Never married  
 Widowed  Separated

**7. Are you of Spanish/Hispanic origin?**  
 Mark (X) ONE box.  
 No (not Spanish/Hispanic)  
 Yes, Mexican, Mexican-Am., Chicano  
 Yes, Puerto Rican  
 Yes, Cuban  
 Yes, other Spanish/Hispanic (Print one group, for example: Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.) \_\_\_\_\_

**What are the last 4 digits of your Social Security Number?**  
 X  X  X -  X  X -

*If the last four digits are 8333 or more, please continue with question 8. Persons who continue with question 8 represent a sample randomly selected on the basis of these digits. If the digits are less than 8333, stop here and return the form.*

**8. In what U.S. State or foreign country were you born?**  
 \_\_\_\_\_  
 (Name of State or foreign country; or Puerto Rico, Guam, etc.)

**9. Are you a CITIZEN of the United States?**  
 Yes, born in the United States - Skip to 11  
 Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas  
 Yes, born abroad of American parent or parents  
 Yes, U.S. citizen by naturalization  
 No, not a citizen of the United States

**10. When did you come to the United States to stay?**  
 1987 to 1990  1970 to 1974  
 1985 or 1986  1965 to 1969  
 1982 to 1984  1960 to 1964  
 1980 or 1981  1950 to 1959  
 1975 to 1979  Before 1950

**11. At any time since February 1, 1990, have you attended regular school or college? Include only schooling which leads to a high school diploma or a college degree.**  
 No, have not attended since February 1  
 Yes, public school, public college  
 Yes, private school, private college

**12. How much school have you COMPLETED? Mark (X) ONE box for the highest level COMPLETED or degree RECEIVED. If currently enrolled, mark the level of previous grade attended or highest degree received.**  
 Less than 9th grade  
 9th grade  
 10th grade  
 11th grade  
 12th grade, NO DIPLOMA  
 HIGH SCHOOL GRADUATE - high school DIPLOMA or the equivalent (For example: GED)  
 Some college but no degree  
 Associate degree in college - Occupational program  
 Associate degree in college - Academic program  
 Bachelor's degree (For example: BA, AB, BS)  
 Master's degree (For example: MA, MS, MEng, MEd, MSW, MBA)  
 Professional school degree (For example: MD, DDS, DVM, LLB, JD)  
 Doctorate degree (For example: PhD, EdD)

**13. What is your ancestry or ethnic origin?**  
 \_\_\_\_\_  
 (For example: German, Italian, Afro-Amer., Croatian, Cape Verdean, Dominican, Ecuadorian, Haitian, Cajun, French Canadian, Jamaican, Korean, Lebanese, Mexican, Nigerian, Irish, Polish, Slovak, Taiwanese, Thai, Ukrainian, etc.)

14a. Did you live at the address reported in question 2b 5 years ago (on April 1, 1985)?

- 1 Yes - Skip to 15a
2 No or no address in 2b

b. Where did you live 5 years ago? If you had no residence except on a ship, report the home port of that ship on April 1, 1985.

- (1) Name of U.S. State or foreign country
(2) Name of county in the U.S.
(3) Name of city or town in the U.S.
(4) Did you live inside the city or town limits?

15a. Do you speak a language other than English at home?

- 1 Yes 2 No - Skip to 17a

b. What is this language?

(For example: Chinese, Italian, Spanish, Vietnamese)

c. How well do you speak English?

- 1 Very well 2 Well 3 Not well 4 Not at all

16.

17a. Have you ever been on active-duty military service in the Armed Forces of the United States or ever been in the United States military Reserves or the National Guard?

- 1 Yes, now on active duty
2 Yes, on active duty in past, but not now
3 Yes, service in Reserves or National Guard only
4 No

b. Was active-duty military service during - Mark (X) a box for each period in which you served.

- 1 September 1980 or later
2 May 1975 to August 1980
3 Vietnam era (August 1964 - April 1975)
4 February 1955 - July 1964
5 Korean conflict (June 1950 - January 1955)
6 World War II (September 1940 - July 1947)
7 World War I (April 1917 - November 1918)
8 Any other time

c. In total, how many years of active-duty military service have you had?

Years

18.

19.

20. If you are female - How many babies have you ever had, not counting stillbirths? Do not count stepchildren or children you have adopted.

- 0 None 1 2 3 4 5 6 7 8 9 10 11 12 or more

21a.

21b. How many hours did you work LAST WEEK (at all jobs)? Subtract any time off; add overtime or extra hours worked.

Hours OR Did not work last week - Skip to 28

22. Did you work on this ship LAST WEEK?

- 1 Yes
2 No, different ship
3 No

At what location did you work LAST WEEK? If you worked at more than one location, print where you worked most last week.

a. Address (Number and street)
(If the exact address is not known, give a description of the location such as the name of the building or the nearest street or intersection, etc.)

b. Name of city, town, or post office

c. Is the work location inside the limits of that city or town?

- 1 Yes 2 No, outside the city/town limits

d. County

e. State

f. ZIP Code

23a. How did you usually get to work LAST WEEK? If you usually used more than one method of transportation during the trip, mark (X) the box of the one used for most of the distance.

- 1 Car, truck, or van
2 Bus or trolley bus
3 Streetcar or trolley car
4 Subway or elevated
5 Railroad
6 Ferryboat
7 Taxicab
8 Motorcycle
9 Bicycle
10 Walked
11 Worked at home
12 Other method

If "car, truck, or van" is marked in 23a, go to 23b. Otherwise, skip to 24a.

b. How many people, including yourself, usually rode to work in the car, truck, or van LAST WEEK?

- 1 Drove alone 2 2 people 3 3 people 4 4 people 5 5 people 6 6 people 7 7 to 9 people 8 10 or more people

24a. What time did you usually leave home to go to work LAST WEEK?

1 a.m. 2 p.m.

b. How many minutes did it usually take you to get from home to work LAST WEEK?

Minutes - Skip to 28

25.

26.

27.

FOLD ALONG THIS BROKEN LINE FOR SEALING

**28. Are you now on active duty in the U.S. Armed Forces?**

- 1  Yes, Navy
- 2  Yes, Marine Corps
- 3  Yes, Coast Guard
- 4  Yes, Army
- 5  Yes, Air Force
- 6  No — Describe the kind of business of your employer →

.....

.....

**29. Occupation**

**a. What kind of work are you doing?**

.....

(For example, aircraft engine mechanic, electronic technician, able seaman, sonar technician, tactical intelligence officer)

**b. What are your most important activities or duties?**

.....

(For example, repair seaplanes, research on electronic components, maintain ship's gear, repair sonar equipment, edit intelligence manuals)

**c. If Armed Forces:**

**(1) What is your primary job specialty? If you have more than one specialty, list the one at which you spend the most time.**

MOS/Rating/Designator/AFSC →

.....

**(2) What is your paygrade? Enter two-character code.**  
(For example: E-4, O-3)

.....

Paygrade

**30.**

**31a. Last year (1989), did you work, even for a few days, at a paid job, business, farm or on active-duty military service?**

- 1  Yes
- 2  No — Skip to 32

**b. How many weeks did you work in 1989? Count paid vacation, paid sick leave, and military service.**

.....

Weeks

**c. During the weeks WORKED in 1989, how many hours did you usually work each week?**

.....

Hours

**32. Income in 1989 —**

Mark (X) the "Yes" box below for each income source you received during 1989. Otherwise, mark (X) the "No" box. If "Yes," enter the total amount received during 1989. If exact amount is not known, please give best estimate. If net income in 32b, c, or d was a loss, write "Loss" above the dollar amount.

**a. Pay as a member of the ARMED FORCES including special, incentive, and bonus pay. Also wages, salaries, tips, and commissions from CIVILIAN JOBS — Report total amount from all jobs BEFORE DEDUCTIONS for taxes, bonds, dues, or other items.**

- 1  Yes → \$ ..... .00
  - 2  No
- Annual amount — Dollars

**b. Self-employment income from own nonfarm business, including proprietorship and partnership — Report NET income after business expenses.**

- 1  Yes → \$ ..... .00
  - 2  No
- Annual amount — Dollars

**c. Farm self-employment income — Report NET income after operating expenses. Include earnings as a tenant farmer or sharecropper.**

- 1  Yes → \$ ..... .00
  - 2  No
- Annual amount — Dollars

**d. Interest, dividends, net rental income or royalty income, or income from estates and trusts — Report even small amounts credited to an account.**

- 1  Yes → \$ ..... .00
  - 2  No
- Annual amount — Dollars

**e. Any other income received regularly, such as social security, public assistance or welfare payments, child support, or unemployment compensation — Do NOT include lump-sum payments such as money from an inheritance or the sale of a home.**

- 1  Yes → \$ ..... .00
  - 2  No
- Annual amount — Dollars

**33. What was your total income in 1989? Add entries in questions 32a through 32e; subtract any losses. If total amount was a loss, write "Loss" above amount.**

\$ ..... .00

Annual amount — Dollars

OR 0  None

**AFTER COMPLETING THIS FORM**

1. Please check it to be sure you have answered all the required questions completely.
2. Then return your form to the person in charge of distributing these reports.
3. Military personnel living away from this installation, but within the census area, also will receive a census form at home. To ensure that such personnel are assigned to the correct jurisdiction, it is important that **YOU MAKE SURE YOU ARE INCLUDED ON BOTH FORMS** — this report and the census form sent to your home.

**THANK YOU FOR YOUR COOPERATION.**

The Census Bureau estimates that, on average, each respondent will take either 2 minutes (first seven questions) or 7 minutes (all thirty-three questions) to complete this form, including the time for reviewing instructions and answers. Comments about these estimates should be directed to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20233, Attn: CEN-90, and to the Office of Management and Budget, Paperwork Reduction Project CEN-90, Washington, DC 20503.

FORM D-23

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF THE CENSUS

**INFORMATIONAL COPY**  
**1990 SHIPBOARD CENSUS REPORT**

This is your official Census form. Your cooperation in carefully filling out the form will help make the census successful. Estimates may be made where exact answers are not known.

This census is authorized by Title 13, United States Code, and you are required by law to answer the questions to the best of your knowledge.

The same law protects the confidentiality of your answers. Census employees are subject to fine and/or imprisonment for any disclosure of your answers.

Thank you for your cooperation.

1a. Please print your name —

Last name                      First name                      Middle, initial, etc.

**INFORMATIONAL COPY**

b. What is the name of the ship where you are assigned?

c. What is the name of the operator of the ship?  
If U.S. Government, specify Navy, Coast Guard, etc.

Please continue →

**INFORMATIONAL COPY**  
**CENSUS '90**



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right) to determine the number of Representatives each State receives.

---

*"... as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's."*

— *Wesberry v. Sanders*

---

But our job doesn't end there. Court decisions and legislation have given the Census Bureau a major role in redistricting, the process by which State

it is only in the last two decades that the Census Bureau has played a role in the redistricting process.

U.S. Supreme Court decisions handed down during the 1960's clarified the Constitution's Intention to provide equality of representation for all Americans. In 1964, the *Wesberry v. Sanders* decision held that, "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." That same year, in *Reynolds v. Sims*, the Court ruled that State legislative districts must be "as nearly of equal population as is practicable."

Both U.S. Congressional Districts and State legislative districts must be

### *Who Is Counted?*

The U.S. Constitution (Amendment 14, Section 2) states, "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. . . ." Consequently, the Census Bureau counts *all* persons — the "whole number" — who are residents of the United States.

Specifically excluded are persons living on the grounds of a foreign embassy, ministry, legation, chancellery, or consulate. Since these locations are legally considered foreign soil, people living there are not considered U.S. residents. Also, citizens of foreign countries temporarily visiting or traveling in the United States are not counted because they have not established a residence.

Americans temporarily abroad on vacations or business trips are counted at their usual place of residence within the United States. For the second time in history, Defense Department employees overseas, both military and civilian, and their families are included in the census count.

### *Apportionment*

How does the method of equal proportions work?

Adopted in 1941 (title 2, Section 2a, United States Code), the method of equal proportions helps us compile a priority list of the States. Priority value is determined by dividing a State's population by the geometric mean of its current and next seats.

Following the 1980 census, each of the 50 States was awarded one seat out of the current 435 total. Then, the 51st seat went to the State that had the highest priority value for its second seat.

In computing the apportionment from the 1980 State totals, seat 51 went to California, whose priority value under the method of equal proportions was 16,736,300. The next seat, number 52, went to New York, with a second-seat priority value of 12,414,877, and Texas received seat number 53, with a priority value of 10,060,986.

Once the number of seats assigned to the individual States is determined, the task of drawing the new congressional districts is generally that of each State legislature.

where we microfilm them and use optical scanning devices to extract data. We compile preliminary housing unit counts for each block and then send them to officials of the appropriate county, county subdivision, and incorporated place. Called "local review," this process gives officials the opportunity to examine our counts and to identify blocks where they believe there are discrepancies.

Once we have completed the collection and processing, we begin to compile final counts in the Census Bureau's Washington office.

Census Day may be our most conspicuous deadline, but it's not our only one. Now we face several deadlines in processing the final census counts.

---

## Off to the President

Next, the Census Bureau must prepare the final, official State population counts required for the apportionment of the U.S. House of Representatives. These official counts are reported to the President on or before December 31, 1990, a brief 9 months after Census Day.

According to the U.S. Code, the President must then report these figures to the Congress. He does this in early January 1991, during the first week of the 102nd Congress. This report will show —

- the population of each State
- the total number of Representatives (435)
- the number of Representatives each State may have

The apportionment section of the U.S. Code also tells the steps that are to be followed after the Congress receives the President's report. Within 15 calendar days, the Clerk of the House of Representatives must send to each State's Governor a certificate showing how many Representatives the State may send to the next Congress.

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D 1D  
D 2C  
D 2D  
D 2E  
D 3D  
D 4D

# STRENGTH IN NUMBERS



**Your Guide to 1990 Census  
Redistricting Data From the  
U.S. Bureau of the Census**



## BUREAU OF THE CENSUS

C. Louis Kincannon, Deputy Director

Roland H. Moore, Associate Director for Field Operations

### DATA USER SERVICES DIVISION

Gerard C. Iannelli, Chief

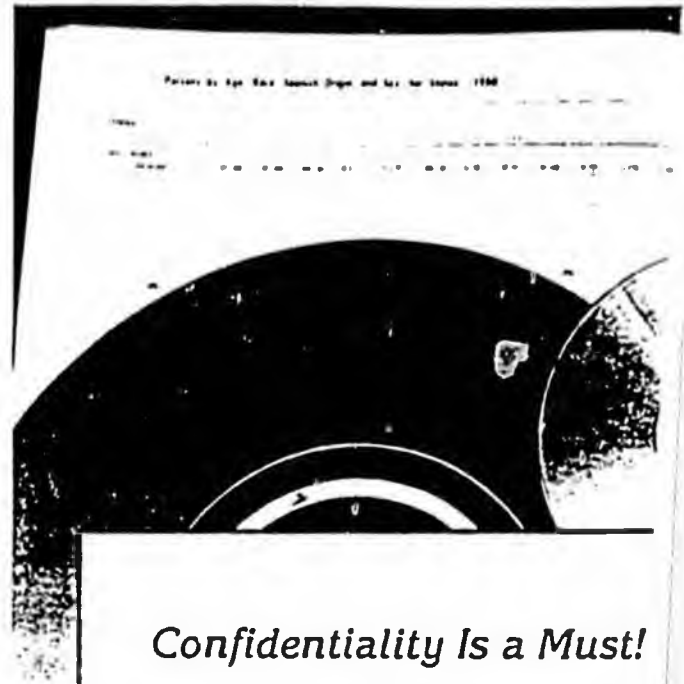
Marie Argana, Assistant Chief

### 1990 CENSUS REDISTRICTING DATA OFFICE

Marshall Turner, Chief

Cathy Talbert, Assistant Chief

This guide was prepared by Jackson Morton and Neil Tillman of the Data User Services Division, under the general direction of James P. Curry, Chief, Data Access and Use Staff. The text was reviewed by Sherry Courtland, Thomas Jones, Robert LaMacchia, Robert Marx, Robert Speaker, Cathy Talbert, Marshall Turner, and Gary Young. Gertrude Thomas of the DUSD staff managed text entry. Photographs were taken by Mark Mangold of the Public Information Office and by the authors. Editorial review, graphics, and printing arrangements were handled by the staff of the Publications Services Division, under the direction of Walter C. Odom, Chief.



## *Confidentiality Is a Must!*

Title 13 of the United States Code, Section 9 of Title 13 of information gathered by the Census Bureau. Neither the Secretary of Commerce nor any employee of the Department of Commerce may use the information furnished under this title for any purpose other than the statistical purposes for which it was supplied.

It states that no Census Bureau official, employee, or contractor of any particular establishment or individual may disclose any information supplied in response to a request for information. However, the law specifies that, after the information is opened to public inspection and

FISCAL NOTE

1

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill Version: CSHJR 45(STA)  
(H) Publish Date: 1/29/92

Revision Date: \_\_\_\_\_  
Title: Amendment to the Constitution-Reapportionment of the Legislature.  
Sponsor: House Judiciary Committee  
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections  
BRU: Division of Elections  
Component: 11 - Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for Datavote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing of an additional ballot card, the fiscal impact would be: 53.6.

Prepared by: Elizabeth Ziegler, Deputy Director  
Division: Elections

Phone: 465-4611  
Date: 01/10/92

Approved by Commissioner: *Charles E. Thiel*  
Agency: Office of the Governor

Date: 01/10/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMS/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91  
NJR45.FX

COMMITTEE COPY

Page 1 of 1

COMMITTEE COPY

# HOUSE COMMITTEE REPORT

(11)  
Date Referred: March 2, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/9/92

The FINANCE Committee considered: HJR 45

HOUSE JOINT RESOLUTION NO. 45      REAPPORTIONMENT BOARD & REAPPORTIONMENT

Proposing amendments to the Constitution of the State of Alaska relating to reapportionment of the legislature.

RECOMMENDATIONS: | 4 the same title  
be replaced with CS HJR 45 (Jud) | 1 a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

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

fiscal impact \_\_\_\_\_  fiscal note(s) Office of Gov 1/29/92

zero fiscal note \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Eileen P. MacLenn</u> <small>MacLenn</small>	✓	<u>James E. Barnes</u>	X		
<u>Mike Savari</u> <small>Savari</small>	✓	<u>Bob Sharp</u> <small>Sharp</small>			X
<u>Mary Boyer</u> <small>Boyer</small>	X	<u>R. Pullip</u> <small>R. Pullip</small>		✓	
<u>Jan Brown</u> <small>Brown</small>	✓				
<u>John Koponen</u> <small>Koponen</small>	✓				
<u>John Jacks</u> <small>Jacks</small>	✓				
<u>Ronald J. Larson</u> <small>Larson</small>	X				
<u>J. Ulmer</u> <small>Ulmer</small>	X				

*Mike Savari E.O. P.H. 1.*

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 45

Revision Dates: \_\_\_\_\_  
Title: Amendment to the Constitution-Reapportionment of the legislature.  
Sponsor: House Judiciary Committee  
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections  
BRU: Division of Elections  
Component: 11 - Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for Datavote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing of an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director  
Division: Elections

Phone: 465-4611  
Date: 01/10/92

Approved by Commissioner: *Charlotte E. Mitchell*  
Agency: Office of the Governor

Date: 01/10/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Director, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

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To	Andrew Guy	From	Marionna
Co.		Co.	Calista
Dept.		Phone #	279-5576
Fax #	465-	Fax #	272-5060

**Testimony on  
House Joint Resolution 45  
To  
House Finance Committee  
Alaska State Legislature**

**By  
Johnny T. Hawk  
Fish & Game Fund**

**House Joint Resolution No. 45**

House Joint Resolution No. 45 (HJR 45) was introduced on May 1, 1991 to the State Affairs, Judiciary and Finance Committees that proposes to amend the Constitution of the State of Alaska reapportionment laws. Representative Donley's reapportionment legislation would require a statewide vote.

HJR 45 would restructure the reapportionment board. HJR 45 would take away the power of the governor to appoint all five members of the reapportionment board. HJR 45 would increase the size to a nine-member board appointed by the governor, majority caucus and minority caucus of house, majority and minority caucus of senate. Increasing size of board will increase cost.

HJR 45 intend<sup>t</sup> is to take out the politics on reapportionment? The Fish & Game Fund is not in support of HJR 45. because the new board will be more political than ever.

We do not want to see any changes to Alaska's Constitution that will give the Alaska State Legislature control of how the reapportionment board is chosen.

HOUSE RULES COMMITTEE  
April 1, 1992

MOTION REGARDING EQUIPMENT PURCHASE:

I move that \$6,500 be approved for expenditure out of session funds, equipment budget, for the joint purchase with the Senate for a new copy machine.

Moved by  
C. Newberry & Approval

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

Legislative Affairs  
Supply  
State Capitol  
Juneau, AK 99801-1182

MEMORANDUM

TO: Warren W. Endicott, Executive Director  
FROM: Mark T. Woods, Supply Officer  
SUBJECT: Copiers  
DATE: March 25, 1992

The Senate Rules Committee has made a verbal request to replace the three IBM Model 70 Copiers located on the 1st, 4th, and 5th floors of the Capitol. The machines are six years old and I have recommended purchasing Pitney Bowes Model 9070 copiers on State Contract Award for \$12,997.00. In addition to this amount, after a 90-day warranty, yearly full service maintenance agreements that include all supplies, except paper and staples, would cost \$607.86 a month per machine. The IBM Model 70 machines have cost an average of \$437.06 per month each for maintenance and supplies.

The Xerox Model 1075 copier at the Anchorage LIO has been without a maintenance agreement for five years and is seven and one-half years old. Xerox has diagnosed this machine as "requiring extensive maintenance to restore to Xerox specifications". Xerox estimates a cost of \$25,000.00 to restore the machine before entering into a maintenance agreement. The Xerox 1075 has cost an average of \$668.05 per month for maintenance and supplies. I recommend purchasing the Pitney Bowes 9070 at the same price mentioned above.

The IBM Model 70 copier located at our Agency has required extensive maintenance in the past year and is of the same vintage as the Model 70's in the Capitol. Average cost to operate this machine is \$433.75 per month for maintenance and supplies. I recommend purchasing the Pitney Bowes 9070 as mentioned above.

In January 1992 the Legislature purchased three Pitney Bowes D964 copiers for the Capitol. Pitney Bowes has offered to replace these machines with the current Pitney Bowes 9070's on contract award, if we purchase the five machines mentioned above. The Pitney Bowes D964's have a 90-day maintenance warranty, including supplies, expiring this month. The 9070 is newer technology than the D964, identical in price, carry a 90-day warranty, and is faster and more compact. If a trade were made on these machines prior to April 1, 1992, a savings of \$5,471.00 would be realized from the warranties provided.

I recommend taking advantage of Pitney Bowes offer to swap with our purchase of the aforementioned machines.

MTW/jmp

**RFP NO. 183 - THREE COPIERS  
 BID ABSTRACT ANALYSIS  
 OVER THREE YEARS  
 ATTACHMENT NO. 2**

VENDOR/COPIER	PRICE PER COPIER PURCHASE	SUPPLY COST PER COPY	SUPPLY COSTS PER 100,000 COPIES	MAINT. COSTS PER 100,000 COPIES	TOT. MAINT/SUPPLIES FOR 100,000 COPIES	TOT. MAINT/SUPPLIES FOR 3 YEARS	TOTAL MAINT/SUPPLIES/ FOR 3 YRS.	TOTAL 3 COPIERS FOR 3 YEARS
Pitney Bowes (Mdl. D964) (9070) - brochure	\$12,997.00	0.00	\$0.00	\$0.00	\$607.86	\$21,882.96	\$34,879.96	\$104,639.88
Pitney Bowes State Contract (Mdl. D964)	\$39,271.96	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$39,271.96	\$117,815.88
Xerox Corporation (Xerox Mdl. 5065)	\$40,500.00	0.0024	\$240.00	\$0.00	\$240.00	\$8,640.00	\$49,140.00	\$147,420.00
Yukon Office Supply (Ricoh Mdl. 7870)	\$15,047.00	0.00259	\$259.00	\$568.75	(x12) \$827.75	\$9,933.00	\$51,408.08	\$154,224.24
First Year			\$259.00	\$842.17	(x12) \$1,101.17	\$13,214.04		
Second Year			\$259.00	\$842.17	(x12) \$1,101.17	\$13,214.04		
Third Year			\$259.00	\$842.17	(x12) \$1,101.17	\$13,214.04		
					TOTALS	\$36,361.08		
Don's Business Supplies (Sharp Mdl. SF9800) One Time Developer Cost - \$85.40	\$11,872.20	0.0021	\$210.00	\$1,000.00	\$1,210.00	\$43,560.00	\$55,432.20	\$166,296.60
The Eastman Kodak Co. To Run EK 235 and EK 85 Copiers Simultaneously	\$46,141.67	0.0048	\$480.00	\$1,330.00	\$1,810.00	\$65,160.00	\$111,301.67	\$333,905.01
The Eastman Kodak Co. Running EK 235 @ 75%	\$34,606.25	0.0012	\$90.00	\$997.50	\$1,087.50	\$39,150.00	\$73,756.25	\$221,268.75
Running EK 85 @ 25%	\$11,535.42	0.0036	\$90.00	\$332.50	\$422.50	\$15,210.00	\$26,745.42	\$80,236.26
TOTAL Running EK 235 @ 75% and, EK 85 @ 25%							TOTAL (Both Copiers)	\$301,505.01

STATE OF ALASKA  
LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

BID ABSTRACT  
ATTACHMENT NO. 1

SUBJECT: RFP #183 - Three Copy Machines  
DATE OF OPENING: August 26, 1991, 2:30 p.m.  
CONTRACTING OFFICER: Mark T. Woods

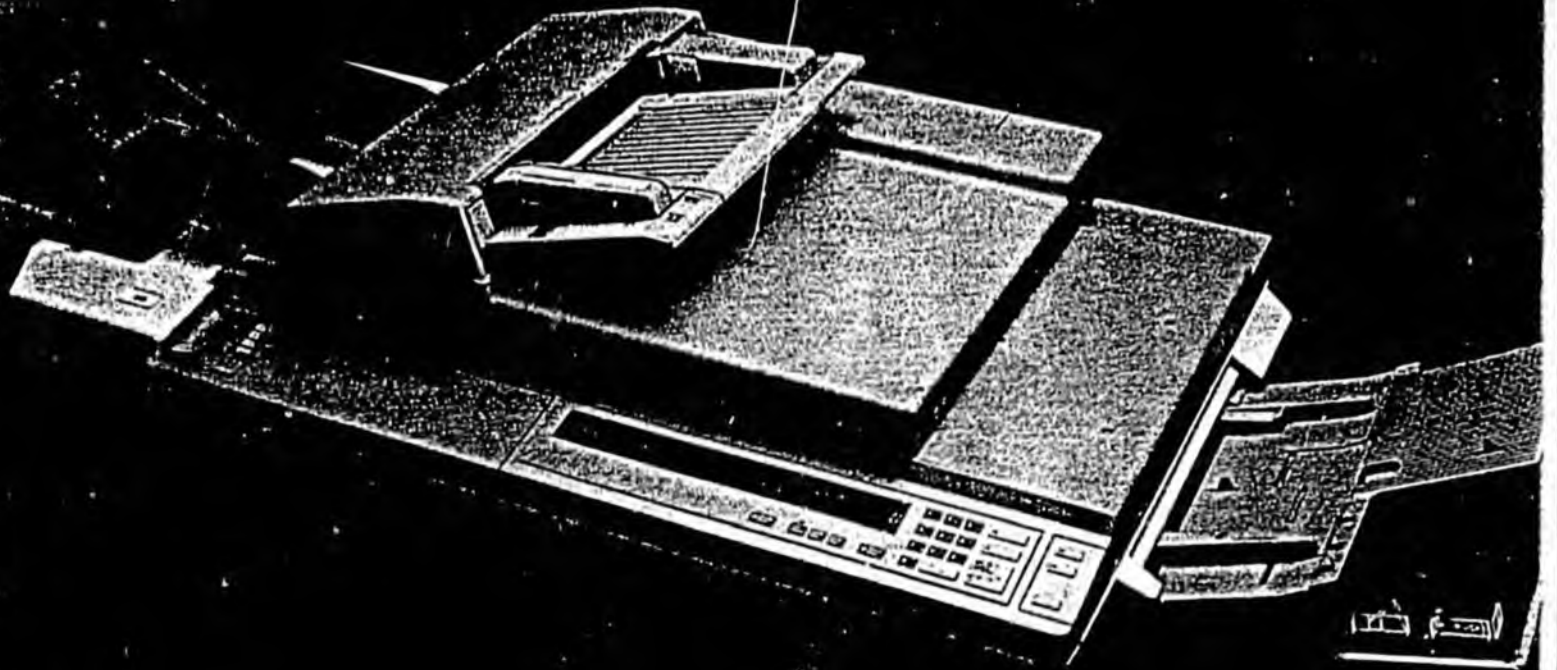
Bidder Name and Address	Bidder Phone No.	Bidder's Location Address	Amount of Bid
Don's Business Supplies 607 Mission Street Ketchikan, AK 99901	907-225-9015		\$35,616.60
Pitney Bowes 4201 B Street Anchorage, AK 99503	907-562-2264		\$38,991.00
Yukon Office Supply 2075 Jordan Avenue Juneau, AK 99802	907-586-6060		\$45,141.00
Xerox Corporation 522 West 10th Street Juneau, AK 99801	907-586-8133		\$121,501.00
The Eastman Kodak Company 8585 Old Dairy Road Juneau, AK 99801	907-789-7277		\$138,425.00

PITNEY BOWES

# 9070

COPIER SYSTEM

- *Highly Productive*
- *Simply Reliable*



PITNEY BOWES

# 9070

COPIER SYSTEM

*An easy-to-use productive system for the high-volume copy center.*

- 70 Copies Per Minute
- 3,500 Sheet Capacity
- Automatic Duplexing

### Other Features

- First Copy In Less Than 4 Seconds
- Automatic 7-Day Timer Function
- Zoom Magnification (64% to 141%)
- Energy Saver Mode
- 50-Account Copy Management System
- 3-Job Programming
- Margin Shift
- Automatic and Manual Exposure
- Convenient Cartridge Toner System
- Exclusive Image Quality Cycle



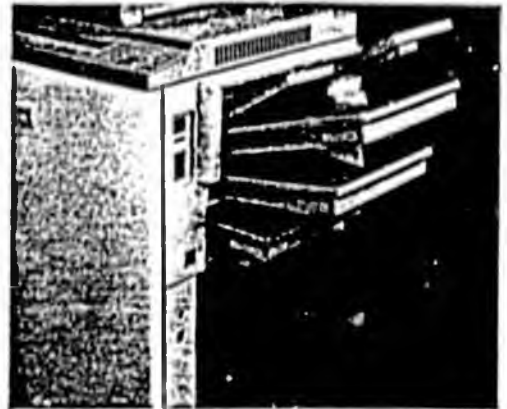
### Easy-To-Use Control Panel

Fast and easy copying for any operator. Just select from 1 to 999 copies from the easy-to-understand keyboard layout. The 9070 automatically sets exposure, makes the copies, sorts and staples them with the touch of a key.



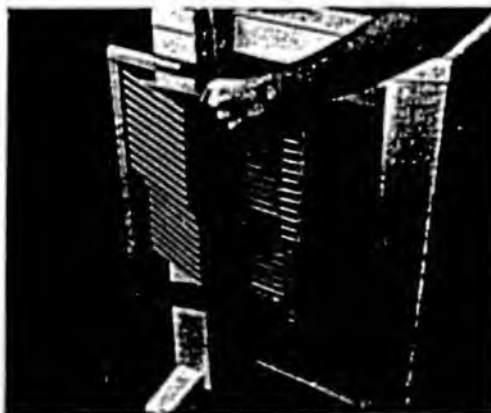
### Recirculating Document Handling

Perfect copies at a single touch. Originals feed automatically for high-speed duplication and reverse automatically for duplex copying. Automatic paper selection matches copy paper size to original size. And you can copy to any size instantly with the built-in Automatic Reproduction Ratio.



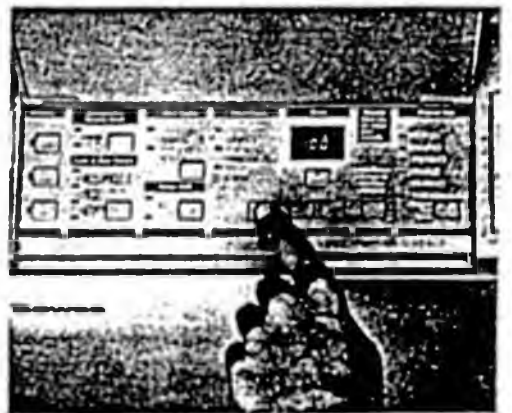
### Large Paper Capacity

Spend less time loading paper with the 9070. It features a standard 2,500-sheet tray, one 500-sheet cassette, and two 250-sheet cassettes that give you 3,500 sheets on-line in sizes from 8-1/2"x11" to 11"x17", plus a 50-sheet bypass tray for transparencies, labels or other special paper.



### Automatic Sorter/Stapler

Maximum productivity from start to finish. The 9070 automatically sorts and staples up to 20 sets of copies instantly. Twenty bins hold up to 50 copies each.



### Automatic Duplexing and Presentation Simplicity

Two-sided copies at the touch of a button. The 9070 automatically makes 2-sided copies from books, 1-sided or 2-sided originals. It even adds covers to a presentation or report, and automatically inserts a slip sheet between transparencies for simple, convenient handling.

### Specifications

Configuration: Console  
 Weight: 639 lbs. (Full system)  
 Variable Magnification: 64% to 141%  
 in 1% increments  
 Preset Reduction: 64%, 73%, 77%, 78%  
 Preset Enlargement: 121%, 129%  
 Max. Original Document Size: 11"x17"  
 Max. Copy Size: 11"x17"  
 Min. Copy Size: 5-1/2" x 8-1/2"



70"W x 28"D x 47"H

**Pitney Bowes**

Copier Systems

World Headquarters  
Stamford, CT 06926-0700

# 9070 SPECIFICATIONS

4

INTRODUCED: September, 1991

COPIER FORM/PLATEN: Console/Stationary Platen

MONTHLY COPY VOLUME: Up to 100,000

## TECHNOLOGY

PHOTOCONDUCTOR: Selenium Drum  
LIGHT SOURCE: Halogen Lamp  
OPTICS SYSTEM: Lens & Mirror  
DEVELOPMENT SYSTEM: Magnetic Brush Roller  
TONER: Dry Dual Component  
FUSING: Heat and Pressure  
ROLLERS-NUMBER: 2  
ROLLER YIELD: 350,000  
PM CYCLE: 140,000-280,000/VAMS\*  
PAPER PATH: Straight

## SPEED & INPUT/ OUTPUT SIZES

WARM-UP TIME: 9 minutes  
FIRST COPY TIME: 3.9 seconds

MULTICOPY SPEED: 70 CPM  
MAX ORIGINAL SIZE: 11" x 17"

COPY SIZE:  
MINIMUM: 5 1/2" x 8 1/2"  
MAXIMUM: 11" X 17"

TRANSPS/LABELS: Yes  
PAPER WEIGHT: 16 to 24 lbs.  
BYPASS PAPER WEIGHT: 16 to 24 lbs.

## INPUT OUTPUT DEVICES

PAPER FEED: Triple cassette & Manual  
Bypass

TOTAL CAPACITY: 3,500  
(250/250/500/2,500)

LCT/CAPACITY: Standard/2,500  
MANUAL BYPASS: 50-Sheet Stack Feed

## DOCUMENT FEED SYSTEM

RDH: Standard RDH  
SPEED/CAPACITY: 62 CPM/50 Sheets  
PAPER WEIGHT: 14 to 26 lbs.  
SORTER/STAPLER: Optional  
#BINS/CAPACITY: 20/50 (25 sheets stapled)  
PROOF TRAY (CAPACITY): 100 Sheets  
SORTER: Optional w/Off-Line Stapler  
# BINS/CAPACITY: 20/50 Sheets per Bin  
OFF-LINE STAPLER: 15 Sheets  
PROOF TRAY (CAPACITY): 200 Sheets

## FEATURES

REDUCTION: 4  
PERCENTAGES (AUTO): 64%, 73%, 77%, 78%  
ENLARGEMENT: 2  
PERCENTAGES (AUTO): 121% and 129%  
VARIABLE MAGNIFICATION: Yes  
RANGE: 64% to 141% in 1% increments  
AUTO MAGNIFICATION: Standard  
AUTO PAPER SELECTION: Standard  
BOOK/SERIES COPYING: Standard  
IMAGE SHIFT: Standard  
DUPLEXING: Automatic 1:2, 2:2, 2:1  
PAUSE/INTERRUPT: Standard  
STANDARD FEATURES: Automatic Transparency Backing  
Automatic Timer Function  
Job Programming (3 jobs)  
Copy Management (50 accounts)  
Auto Cover Insertion (front & rear covers)  
Weekly Timer  
Energy Saver Mode  
Auto Shut-Off Function

## CONTROL PANEL

MULTICOPY RANGE: 1-999  
AUTO-EXPOSURE: Yes (w/manual override)  
DIAGNOSTICS:  
REPLACE CONSUMABLES: Text  
PAPER JAM: Text  
SERVICE DIAGNOSTICS: Text & Codes  
(via Message Display)

## PHYSICAL DESCRIPTION

DIMENSIONS (WxDxH):  
MAXIMUM SYSTEM  
INCLUDING CASSETTES,  
SORTER & SORTER RAIL: 70" (W) x 28" (D) x 47" (H)  
WEIGHT:  
COPIER W/STANDARD  
RDH & LCT: 551 lbs.  
SORTER/STAPLER: 88 lbs.  
SORTER: 75 lbs.

POWER REQUIREMENTS: 120 V, 60 Hz, 16 Amps

\*VAMS (Value Added Maintenance System) - Continuous Preventative Maintenance Program.

## 9070 INSTALLATION REQUIREMENTS

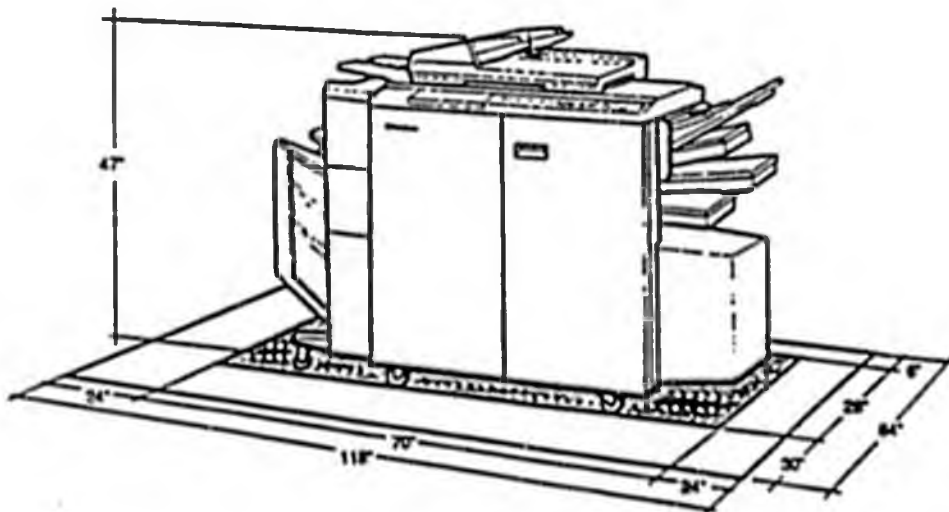
<b><u>ROOM SIZE:</u></b>	Greater than (10' W x 10' L x 10' H)
<b><u>POWER REQUIREMENTS:</u></b>	120 V, 60 HZ, 16 Amps
<b><u>TEMPERATURE RANGE:</u></b>	50° F to 95° F
<b><u>HUMIDITY RANGE:</u></b>	15% to 85%
<b><u>VENTILATION:</u></b>	Room air should turn over at least 3 times/hour
<b><u>AMBIENT ILLUMINATION:</u></b>	Do not expose to direct sunlight
<b><u>WEIGHT:</u></b>	551 lbs. - Copier w/standard RDH & LCT 626 lbs. - Copier with Sorter 639 lbs. - Maximum System (with Sorter/Stapler)

### **POWER CONSUMPTION:**

	<u>Watts</u>	<u>BTUs/Hr.</u>
Maximum	1780W	6070
Ready Mode	216W	736
In Operation	1533W	5288

### **MINIMUM SPACE REQUIREMENTS**

1.	Front:	30"
2.	Back:	6"
3.	Right:	24"
4.	Left:	24"



4-15-92

HB 301

HB 18

HR 10-HR 11

Professional

... Contracts



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## MEMBERS:

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

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

## AGENDA:

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



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## House Rules Committee Schedule

April 13-18

Wednesday, April 15

8:00 am

Speaker's Chambers

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

7-LS1102P  
Cook  
3/23/92

CS FOR HOUSE BILL NO. 301 (RULES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

4 \* Section 1. AS 24.05.080 is amended to read:

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

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

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

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

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO: HB 301

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

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: \_\_\_\_\_

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 1/23/92

Approved By: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 1/23/92

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

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

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

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

Department Affected: Legislative Affairs Agency  
BRU: AI  
Component: \_\_\_\_\_

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 1/23/92

Approved By: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 1/23/92

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

**COMMITTEE COPY**

# Alaska State Legislature



House of Representatives  
House Judiciary Committee  
Chairman Dave Donley

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

## SPONSOR STATEMENT

FOR

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

---

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

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

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

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

DD/hk

A handwritten signature, possibly "DD", in dark ink.



HOUSE COMMITTEE REPORT

(7)  
Date Referred: April 26, 1991

FURTHER REFERRALS:

Judiciary  
Rules

Date of Committee Action: 2/5/92

The STATE AFFAIRS Committee considered:

HB 301

HOUSE BILL NO. 301

REGULAR LEGISLATIVE SESSIONS

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

RECOMMENDATIONS:

be replaced with CSHB 301 (STA)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dep/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note LAA

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene A. Kubera</i>	<input checked="" type="checkbox"/>	<i>Tom Mauer</i>		<input checked="" type="checkbox"/>	
<i>E. Bruchman</i>	<input checked="" type="checkbox"/>	<i>James Baker</i>		<input checked="" type="checkbox"/>	
<i>Max Huenke</i>	<input checked="" type="checkbox"/>	<i>Walter Miller</i>	<input checked="" type="checkbox"/>		

*Eugene A. Kubera*  
CHAIRMAN'S SIGNATURE



OFFICIAL BUSINESS

# Representative Loren Lemman

## Alaska State Legislature

2014  
Suite 425  
Anchorage, Alaska  
99501

During Session

P.O. Box V  
Juneau, Alaska 99801  
465-2095

### MEMORANDUM

TO: Representative Dave Donley

FROM: Representative Loren Lemman *Loren*

SUBJECT: Starting Day for Legislative Session

DATE: April 16, 1991

=====

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

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

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

ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln

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

Budget Subcommittees  
Health and Social Services  
Revenue



P.O. Box V  
Juneau, Alaska 99811

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

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

M E M O R A N D U M

TO: Representative Dave Donley, Chair  
House Judiciary Committee

FROM: Representative Georgianna Lincoln  
House District 24

DATE: February 3, 1992

RE: HB 301

\*\*\*\*\*

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

Thank you for allowing all to have a say in this important suggested change.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

Version: 2dCSHB 18(2dHES)  
Publish Date: 3-13-92

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development  
 Title: An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3);... BRU: Occupational Licensing  
 Sponsor: Reps. Gruenberg, et al Component: Administration  
 Requestor: House HES COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL						
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REVENUE	51.0		46.2		46.2	
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

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

Prepared By: Jennifer Strickler Phone: 465-2144  
 Division: Occupational Licensing Date: 03/11/92

Approved by Commissioner: Gleam A. Olden  
 Agency: Commerce & Economic Development Date: 3/11/92

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

CONTINUATIO. OF FISCAL NOTE ANALYSIS - d CSHB 18(2d HB8)

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

PERSONAL SERVICES \$ 3.8

To provide administrative staff support.

TRAVEL \$ 9.8

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

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

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

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

CONTRACTUAL \$ 10.9

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

SUPPLIES \$ 1.0

Funding will provide standard office supplies.

Grand Total: \$ 25.5

**REVENUE**

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

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

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

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: February 6, 1991 Department Affected: Commerce & Economic Dvlp.  
 Title: Regulating the practice of marital and family therapy;.... BRU: Occupational Licensing  
 Component: Administration  
 Sponsor: Reps. Gruenberg and Carney  
 Requestor: House HESS

COMPONENT SERIAL NO.	0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE	24.0	0	24.0	0	24.0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: None

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

Prepared By: Barbara Gabior, Licensing Supervisor Phone: 465-3262  
 Division: Occupational Licensing Date: February 6, 1991

Approved by Commissioner: Glenn A. Olds  
 Agency: Department of Commerce & Economic Development Date: February 6, 1991

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

CONTINUATION OF FISCAL NOTE ANALYSIS - HB 18

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

Personal Services: \$ 3.6

To provide administrative staff support.

Travel: \$ 19.7

In FY 92, this funding will provide for four face-to-face meetings, two in Anchorage and two in Juneau, assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting.

In FY 93, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. (\$16.5)

In FY 94 forward, the licensing program will have been in operation for two years, and therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to two meetings each year. This funding also provides for travel to administer the licensing examination in various locations. (\$11.6)

Contractual: \$ 10.7

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

Supplies: \$ 1.0

Funding will provide standard office supplies.

Grand Total: \$ 35.0

**REVENUE:**

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

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

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**FISCAL NOTE**

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development

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

Component: Administration

Sponsor: Rep. Greenberg, et al

Requestor: Rep. Greenberg COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	24.0	0.0	24.0	0.0	24.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	11.0	31.8	2.9	26.9	2.9	26.9
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER - G/F/FR	24.0	0.0	24.0	0.0	24.0	0.0
<b>TOTAL</b>	<b>35.0</b>	<b>31.8</b>	<b>26.9</b>	<b>26.9</b>	<b>26.9</b>	<b>26.9</b>

POSITIONS:

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

Estimate of current year impact: None

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

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

Prepared By: Jennifer Strickland Phone: 465-2144

Division: Occupational Licensing Date: 02/18/92

Approved by Commissioner: Shirley A. Ode

Agency: Commerce & Economic Development Date: 2/18/92

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

CONTINUATION OF FISCAL NOTE ANALYSIS - CHIEF 18(FIN)

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

PERSONAL SERVICES \$ 3.6

To provide administrative staff support.

TRAVEL \$ 19.7

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

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

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

CONTRACTUAL \$ 10.7

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

SUPPLIES \$ 1.0

Funding will provide standard office supplies.

Grand Total: \$ 35.0

**REVENUE**

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

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

# State of Alaska

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




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

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

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

## MEMORANDUM

DATE: April 27, 1992  
TO: Members of the House  
FROM: Representative Max Gruenberg   
RE: Support for 2d CSHB 18 (Rules), "The of Licensing of Marital and Family Therapists Bill."

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

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

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

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

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

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

Thank you very much.

HB18.SUP\MTH

# State of Alaska

House Majority Leader  
COMMITTEES  
HOUSE JUDICIARY  
HOUSE RULES  
HOUSE STATE AFFAIRS  
SPECIAL COMMITTEE  
MILITARY AND VET AFFAIRS  
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District II  
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P.O. BOX V  
JUNEAU, AK 99811  
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(SESSION)

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

## M E M O R A N D U M

TO: Representative Max Gruenberg

FROM: Mark Handley *MH*

DATE: April 24, 1992

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB18SEC.LEG\MTH

A M E N D M E N T

OFFERED IN THE HOUSE

TO: 2d CSHB 18(2d HES)

Page 1, following line 3:

Insert a new bill section to read:

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

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

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

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

Page 1, line 4:

Delete "\* Section 1."

Insert "\* Sec. 2."

Renumber the following bill sections accordingly.

Page 11, line 11:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 12:

Delete "sec. 11"

Insert "sec. 12"

Page 11, line 15:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 17:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 21:

Delete "sec. 1"

Insert "sec. 2"

Page 11, line 29:

Delete "sec. 1"

Insert "sec. 2"

Page 12, line 4:

Delete "4, 6, and 14"

Insert "5, 7, and 15"

7-LS0268P ✓  
Luckhaupt  
3/5/92

2d CS FOR HOUSE BILL NO. 18 (2d )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to professional licensing and amending Alaska Rule of Evidence  
2 504(a)(3)."

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

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

5 CHAPTER 63. MARITAL AND FAMILY THERAPY.

6 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

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

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

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

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

01 05 18 18000

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

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

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

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

7           (3) establish continuing education requirements for license renewal;

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

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

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

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

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

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

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

21           ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

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

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

25           (2) pays the fee established under AS 08.01.065;

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

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

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

1 substantially equivalent to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (b) A licensee under this section may practice only

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

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

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

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

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

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

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

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

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

23 (2) be licensed under this chapter; and

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

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

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

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

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

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

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

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

11 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

31 Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

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

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

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

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

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

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

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

12 (A) professional incompetence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,  
22 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a  
23 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath  
24 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered  
25 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.-  
26 84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use  
27 as professional identification appropriate letters or a title after that person's name which repre-  
28 sents that person's specific field of practice. The letters or title shall appear on all signs,  
29 stationery, or other advertising in which the person offers or displays personal professional  
30 services to the public. In addition, a person engaged in the practice of medicine or osteopathy  
31 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,

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

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

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

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

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

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

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

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

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

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

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

26 (3) a pharmacist;

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

28 (5) a guardian or conservator;

29 (6) a police officer;

30 (7) a village public safety officer;

31 (8) a village health aide;

- 1 (9) a social worker;  
 2 (10) a member of the clergy;  
 3 (11) a staff employee of a project funded by the Older Alaskans Commission;  
 4 (12) an employee of a homemaker program or home health aide program;  
 5 (13) an emergency medical technician or a paramedic in the mobile intensive care  
 6 program.

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

8 (a) The following persons who, in the performance of their professional duties, have  
 9 reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 -  
 10 11.41.230 or sexual assault under AS 11.41.410 - 11.41.420, and that the disabled adult is unable  
 11 to report the crime, shall promptly report the crime to the nearest law enforcement agency:

- 12 (1) a physician or other licensed health care provider;  
 13 (2) a mental health professional as defined in AS 47.30.915 and including a  
 14 marital and family therapist licensed under AS 08.63;  
 15 (3) a pharmacist;  
 16 (4) an administrator or employee of a nursing home, residential care, or health  
 17 care facility;  
 18 (5) a caretaker of the disabled adult;  
 19 (6) a guardian or conservator of the disabled adult;  
 20 (7) a police officer as defined in AS 18.65.290;  
 21 (8) a village public safety officer;  
 22 (9) a village health aide;  
 23 (10) a social worker;  
 24 (11) a member of the clergy;  
 25 (12) a staff employee of a program or project serving disabled adults;  
 26 (13) a licensed foster care provider;  
 27 (14) a paid employee of a domestic violence and sexual assault program or a  
 28 crisis intervention and prevention program as defined in AS 18.66.900;  
 29 (15) an employee of a homemaker program or home health aide program;  
 30 (16) an emergency medical technician or paramedic in the mobile intensive care  
 31 program.

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

2 (a) DEFINITIONS. As used in this rule:

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

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

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

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

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

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

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

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

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

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

1                   (3) holds a master's or doctorate degree from an accredited educational institution either  
 2 in  
 3                   (A) marital and family therapy or another mental health field; or  
 4                   (B) an appropriate course of study approved by the board; and  
 5                   (4) has practiced marital and family therapy in the state for at least two years preceding  
 6 application.

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

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

7-LS0268J  
Luckhaupt  
4/15/91

CS FOR HOUSE BILL NO. 18 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

5 CHAPTER 63. MARITAL AND FAMILY THERAPY.

6 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

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

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

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

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

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

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

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

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

7                   (3) establish continuing education requirements for license renewal;

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

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

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

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

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

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

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

21           ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

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

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

25                   (2) pays the fee established under AS 08.01.065;

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

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

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

1 substantially equivalent to the following:

2 (i) courses in marital and family therapy;

3 (ii) courses in marital and family studies;

4 (iii) courses in human development;

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

6 (v) a course in research; and

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

8 therapy;

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

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

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

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

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

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

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

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

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

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

2 (b) A licensee under this section may practice only

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

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

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

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

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

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

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

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

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

18 (2) be licensed under this chapter; and

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

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

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

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

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

1 practice marital and family therapy to a person who

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

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

6 **ARTICLE 3. GENERAL PROVISIONS.**

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

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

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

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

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

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

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

23 **Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.**

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

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

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

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

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

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

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

4 (A) professional incompetence;

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

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

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

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

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

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

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

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

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

31 (A) the professional application of assessments and treatments of

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

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4 interactions, along with the application of psychotherapeutic and counseling techniques  
5 for the purpose of resolving intrapersonal and interpersonal conflict and changing  
6 perceptions, attitudes, and behaviors in the area of human relationships and family life;

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

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

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

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

13 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,  
14 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a  
15 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath  
16 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered  
17 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under  
18 AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95,  
19 shall use as professional identification appropriate letters or a title after that person's name which  
20 represents that person's specific field of practice. The letters or title shall appear on all signs,  
21 stationery, or other advertising in which the person offers or displays personal professional  
22 services to the public. In addition, a person engaged in the practice of medicine or osteopathy  
23 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,  
24 tests, or counsels other persons in relation to human health or disease and uses the letters "M.D."  
25 or the title "doctor" or "physician" or another title that tends to show that the person is willing  
26 or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by  
27 adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist",  
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4 counselors, dental hygienists, dentists, health aides, nurses, nurse practitioners, occupational  
5 therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical thera-  
6 pists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists,  
7 psychological associates, audiologists licensed under AS 08.11, hearing aid dealers licensed under  
8 AS 08.55, marital and family therapists licensed under AS 08.63, religious healing  
9 practitioners, acupuncturists, and surgeons;

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

11 (a) DEFINITIONS. As used in this rule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT

#1

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY REP. MAX GRUENBERG  
4/15/91

TO: CSHB 18 (JUD)

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

"a regionally"

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

"a regionally accredited"

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

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

AMENDMENT

#2

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY REP. MAX GRUENBERG  
4/15/91

TO: CSHB 18 (JUD)

Page 2, line 30, Delete the words

"another mental health field, or the equivalent,"

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

"or allied mental health field"

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

"another mental health field, or its equivalent "

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

"or allied mental health field"

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

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