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HOUSE HESS

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenue effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in Juneau, Anchorage, or at our web site <http://www.legaudit.state.ak.us/>

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Legislative Auditor

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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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November 3, 2006

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT STATE MEDICAL BOARD SUNSET REVIEW

October 3, 2006

Audit Control Number

08-20046-06

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, or program subject to the sunset review process. Currently under AS 08.03.010(c)(12), the State Medical Board is scheduled to terminate on June 30, 2007. The board would be allowed one year in which to conclude its administrative operations.

In our opinion, the termination date for the State Medical Board should be extended. We recommend that the legislature extend the termination date of the board to June 30, 2013.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing report conclusion and the analysis presented in this report are discussed in the Objectives, Scope, and Methodology.

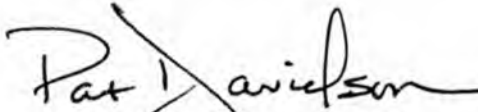

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the State Medical Board (board). Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(12) requires the board to terminate on June 30, 2007. If the legislature takes no action to extend the termination date, the board will have one year from that date to conclude its operations.

Objectives

Central, interrelated objectives of our report are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public interest.
3. To determine if the board has exercised appropriate regulatory oversight of physicians, osteopaths, podiatrists, paramedics and physician assistants.

The assessment of the operations and performance of the board was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the board.

Scope and Methodology

Under the direction and supervision of the Division of Legislative Audit, another auditor conducted the majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

The major areas of our review were board proceedings, licensing, and complaint investigation and resolution functions for fiscal years ending June 30, 2003, 2004, 2005, and 2006. During the course of our examination we reviewed and evaluated the following:

- Applicable statutes and regulations.
- Compliance with statutes and regulation related to the licensing of physicians, osteopaths, podiatrists, paramedics, and physician assistants.
- Minutes of board meetings, budget documents, and annual reports related to or issued by the board.

- Files related to applicants for, and holders of, licenses issued by the board.
- Complaints filed with the Department of Commerce, Community, and Economic Development, Division of Corporations, Professional and Business Licensing (division)
- Interviews with employees of the division.
- Reading and correspondence files maintained with the division.

ORGANIZATION AND FUNCTION

Alaska Statute 08.64.010 establishes the State Medical Board (board). The board consists of five licensed physicians "*residing in as many separate geographical areas of the state as possible,*" a licensed physician assistant, and two public members who are to have "*no direct financial interest in the health care industry.*"

The board regulates the following groups of professionals engaged in medical practice in Alaska: physicians, osteopaths, podiatrists, paramedics, and physician assistants.

Most licensing requirements are established by statute. However, for unique circumstances, the statutes permit the board to waive some requirements and replace them with special conditions, imposed by the board, for issuing special licenses.

These special licenses include those issued by endorsement, and those permitting temporary practice for up to six months, or until the board meets to consider the application, whichever comes first.

The board also issues a temporary *locum tenens* permit which is valid for 120 consecutive days, but not more than 240 days in any two-year period.

Department of Commerce, Community, and Economic Development (DCCED), Division of Corporations, Business and Professional Licensing (division)

State Medical Board (As of June 30, 2006)

David M. Head, MD, Chair
Robert A. Breffeilh, MD
John T. Duddy, MD
G. Bert Flaming, MD
Edward A. Hall, Physician Assistant
Nancy Puckett, Public Member
Michael J. Tauriainen, Public Member
Kevin M. Tomera, MD

The division provides administrative and investigative assistance to the State Medical Board. Administrative assistance includes budgetary services and functions such as collecting fees, maintaining files, receiving and issuing application forms, and publishing notices of examinations and meetings.

Alaska Statute 08.01.065 mandates that DCCED, with the concurrence of the board, adopt regulations to establish the amount and manner of payment of fees for applications, examinations, licenses, registration, permits, investigations, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the division with the authority to act on its own initiative, or in response to a complaint. The division may:

1. Conduct an investigation if it appears a person is engaged in, or is about to engage in, a prohibited professional practice.
2. Bring an action in superior court to enjoin the act.
3. Examine the books and records of an individual.
4. Issue subpoenas for the attendance of witnesses and records.

REPORT CONCLUSIONS

In our opinion, the State Medical Board (board) is operating in the public's best interest and should continue to regulate occupations within the purview of the board.¹ The board is safeguarding the public interest by promoting the competence and integrity of those who hold themselves out to the public as qualified and competent medical professionals.

The board serves a public purpose and has demonstrated an ability to conduct its business in a satisfactory manner. The board continues to propose changes to regulations to improve its effectiveness and ensure that medical professionals are licensed in the State of Alaska.

As discussed more fully in the Analysis of Public Need section of this letter, investigations are open for significantly longer periods of time when compared to the prior audit. Several factors such as staff turnover among investigators and the establishment of a panel review process for standard-of-care cases have contributed to lengthier investigative periods. However, prompt investigations of complaints regarding medical professionals are essential to public health and welfare.

Alaska Statute 08.03.010(c)(12) requires the State Medical Board be terminated on June 30, 2007. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs. We recommend that the legislature extend the board's termination date by six years, until June 30, 2013.

¹ Occupations regulated by the State Medical Board include physicians, osteopaths, podiatrists, paramedics, and physician assistants.

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FINDING AND RECOMMENDATION

Recommendation No. 1

The board should update regulatory language to reflect current license-by-examination practices.

Current license by examination practices are not in accordance with regulatory language. Regulation 12 AAC 40.020(a) reads "*[T]he written examination is administered twice yearly in Alaska ...*" However, candidates may sit for the computerized examination up to three times within a 12-month period. The State Medical Board has contracted with the Federation of State Medical Boards (FSMB) to administer the computerized examination. Candidates schedule testing directly with FSMB and may test at any time throughout the year at an approved testing center.

Due to other pressing matters, updating the regulatory language has not been a priority of the board. Outdated regulatory language is misleading to readers seeking information regarding licensing procedures in the State of Alaska. As such, 12 AAC 40.020(a) should be updated to reflect current examination practices.

(Intentionally left blank)

ANALYSIS OF PUBLIC NEED

The following analyses of State Medical Board (board) activities relate to the public-need factors defined in the sunset review law at AS 44.66.050(c). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commission, or program has operated in the public interest.

The State Medical Board, through regulation of the licensure of medical professionals, has provided the public with qualified professionals in the field of medicine. To promote continued competence, all licensees must provide proof of continuing education for license renewal and each licensee is subject to a continuing education audit.

The board adopted or revised regulations regarding professional conduct and ethical standards, professional licensure, and educational requirements. The board has issued licenses in a uniform manner and held required meetings.

Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

During the review period, the board continually reviewed statutes and regulations for necessary changes. No changes to statutes governing the medical board were made during the review period. The board did, however, support passage of Ch 40, SLA 2005, Sec. 2 (AS 09.55.549) which limits liability on malpractice claims.

Determine the extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.

The locations, dates, and times of upcoming board meetings and proposed changes in regulations were published in the *Anchorage Daily News*, as well as posted on the board's website. Adequate time was provided for interested individuals to plan to attend or to submit written comment for review.

Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.

The board submitted annual reports for FY 03 through FY 06 in a timely manner. Additionally, the board has a financial surplus at the end of FY 06. See Exhibit 1 for details.

Exhibit 1

State Medical Board Schedule of License Revenues and Board Expenditures FY 03 - FY 06 (Unaudited)				
	FY 06	FY 05	FY 04	FY 03
Revenue	\$405,691	\$1,818,123	\$331,850	\$1,630,349
Direct Expenses				
Personal Services	416,838	416,568	446,749	429,996
Travel	32,060	30,658	30,934	38,269
Contractual	275,050	214,586	146,593	282,043
Supplies	4,435	6,489	4,361	5,354
Equipment	-	-	-	120
Total Direct Expenses	<u>728,383</u>	<u>668,301</u>	<u>628,637</u>	<u>755,782</u>
Indirect Expense	<u>170,600</u>	<u>161,019</u>	<u>146,809</u>	<u>140,633</u>
Total Expenses	<u>898,983</u>	<u>829,320</u>	<u>775,446</u>	<u>896,415</u>
Annual Surplus (Deficit)	<u>(493,292)</u>	<u>988,803</u>	<u>(443,596)</u>	<u>733,934</u>
Beginning Cumulative Surplus (Deficit)	<u>1,087,979</u>	<u>99,176</u>	<u>542,434</u>	<u>(191,500)</u>
Unallocated Administrative Indirect Revenue	<u>-</u>	<u>-</u>	<u>338</u>	<u>-</u>
Ending Cumulative Surplus (Deficit)	<u>\$ 594,687</u>	<u>\$1,087,979</u>	<u>\$ 99,176</u>	<u>\$ 542,434</u>

The Division of Corporations, Business, and Professional Licensing (division), with input from the board, sets fees based on a two-year cycle, with the majority of the revenue collected in odd-numbered fiscal years. Based upon the financial data presented in Exhibit 1, licensing fees may need to be decreased during the next licensing period.

For multiple licensing periods, revenues have steadily risen while expenditures have remained relatively stable. These two factors combined with an increase in the number of

licensees, present the likelihood that the cumulative surplus will continue to grow in future years. Given this likely scenario, the division and the board should closely review licensing fees to ensure occupational fees are sufficiently set to avoid an operational surplus.

Determine the extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

Public notices of proposed regulations are published in the *Anchorage Daily News* and the State of Alaska's Online Public Notice System. The board meeting minutes show that unlimited time was allotted for the scheduled public comment period. All proposed regulation changes are subject to the public participation process.

Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.

For the period July 2002 through June 2006, the division opened 337 investigative cases related to individuals either seeking licensure or licensed by the State Medical Board.

Approximately 43% of the cases involved complaints made by patients or other individuals of the public. Another 30% were initiated by occupational licensing staff. Board actions taken during the audit period included, but were not limited to those identified in Exhibit 2.

Exhibit 2

Discipline or Other Actions	2003	2004	2005	2006	Total
Audit Compliance	-0-	2	-0-	3	5
Education	-0-	-0-	1	-0-	1
Fine	11	14	12	14	51
Limited License ²	-0-	3	-0-	4	7
Probation	5	3	1	2	11
Reprimand	6	15	8	12	41
Revocation	-0-	3	1	-0-	4
Suspension	<u>3</u>	<u>2</u>	<u>4</u>	<u>2</u>	<u>11</u>
Total	25	42	27	37	131

The types of complaints filed included, but were not limited to:

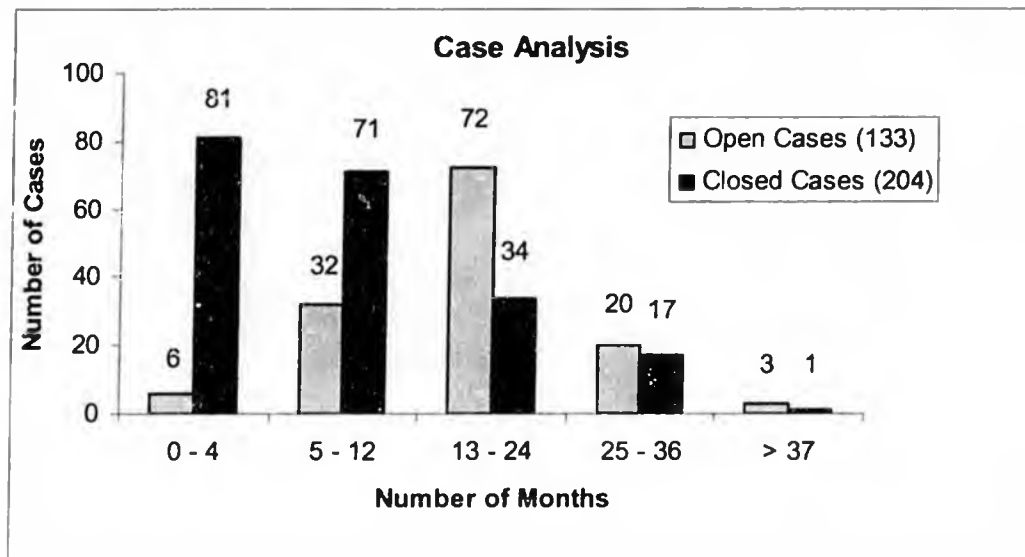
- Prescriptive practice (77)
- Negligence (71)
- Other (22)
- License application problem (20)

² License limitations may be self-imposed and, therefore, do not necessarily reflect board imposed restrictions.

- Continuing education requirements (17)
- Sexual misconduct (15)
- Falsified application (14)
- Incompetence (13)
- Patient/client abuse (15)
- Action in another state (12)
- Unlicensed practice (12)

Two hundred four (204) of the 337 investigative cases had closed as of June 30, 2006; 133 remained open. The cases are graphically depicted below.

Exhibit 3



During the review period, investigative cases remained open for longer periods of time when compared to the prior sunset audit. While the number of investigations that opened and closed did not change significantly between the prior and current audit periods,³ the length of time, or the age, of investigative cases open at the end of FY 06 was substantially different.

In the prior audit, 121 or 29% of cases remained open at the end of the review period. Of those cases, 74% had opened within the prior four months; the remaining 26% were open for a period of time exceeding four months.

The 133 open investigations at the end of FY 06 shows only 5% were opened in the prior four months; the remaining 95% were open for periods of time exceeding four months.

³ In the prior audit, 413 investigative cases were opened. Two hundred ninety-two (292) closed within the audit period; 121 remained open. Comparatively, in the current period 337 investigative cases were opened. Two hundred four (204) closed within the audit period; 133 remained open.

Further, 71% were open for longer than one year.⁴

Several factors likely contributed to the lengthy investigations in the current audit period. Specifically, multiple ongoing high profile cases which may involve litigation, implementation of a panel review process⁵ for standard-of-care cases⁶, high employee turnover, and investigator training have slowed case processing times. Individually, these factors may not have significantly slowed the investigative process; however, collectively, their impact is notable.

We have reviewed the nature and extent of complaints filed involving medical professionals. The division, in conjunction with the board, prioritized complaints in a reasonable manner. We have concern with the increase in the number of investigations that are staying open for longer periods of time. We believe the division should report to the board regarding the length of investigations to help ensure the complaints are being investigated in an efficient and timely manner.

No complaints or investigations specifically involving the actions and activities of the State Medical Board were received, or undertaken by, either the Office of the Ombudsman or the Office of Victims' Rights within the past four fiscal years.

Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.

The application process for licensing appears reasonable and appropriate. The licensing process is neither unduly restrictive nor too lax. Exhibit 4 below, summarized new licenses and permits issued by the board for FY 03 through FY 06 as well as the current number of license and permit holders at the end of FY 06.

Exhibit 4

License or Permit Type	New Licenses and Permits Issued (exclusive of renewals)				Current Number of Licensees (as of June 30, 2006)
	FY 03	FY 04	FY 05	FY 06	
Physicians	235	192	237	212	2,604
Osteopaths	16	16	23	22	205
Podiatrists	1	1	2	1	21
Paramedics	36	35	42	48	334
Physician Assistants	24	34	45	37	<u>361</u>
Total					3,525

⁴ Typically in high-profile cases numerous complaints are filed against an individual. At the end of the audit period, there were more than 59 open cases related to two physicians; 43 cases have been open longer than one year.

⁵ The two-member panel review is composed of medical professionals serving on the board. Panel members are rotated monthly.

⁶ Standard-of-care is defined as the level of care, skill, and treatment which is recognized as acceptable and appropriate by reasonably prudent similar healthcare providers under similar circumstances.

Continuing medical education is required and adequately monitored by the board to promote a high level of quality performance and to help ensure the integrity of the profession. In FY 03, the continuing medical education requirement increased from 17 to 25 hours for licensing periods beginning after January 1, 2005.

Each applicant is required to satisfy the requirements for licensing. Meeting minutes reflect that the board considers each application and verifies the licensing requirements are satisfied prior to issuing a license.

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action, in qualifying applicants. Each time the board has denied an applicant a license, the reason has been based on requirements set out in statute and regulation. The reasons for denials are stated in writing and the applicant is always informed of their rights, and the process to contest or appeal any denial of licensure.

Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Regulatory revision to 12 AAC 40.020(a) is necessary to clarify the current exam process. The regulation states the "...written examination administered twice yearly in Alaska..." does not reflect the current practice. The board has contracted with the Federation of State Medical Boards (FSMB) to administer the computerized United States Medical Licensing Examination which is available year-round at specific test sites. See Recommendation No. 1.

The board continues to be active in recommending regulatory changes, in order to better service the interest of both the public and the profession.

Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.

Broad objectives identified by the board included:

- Continue to provide timely, complete processing of all applications submitted to the board for licensure.
- Respond promptly, objectively, and decisively to all complaints.
- Act upon disciplinary matters swiftly and in accordance with the law after obtaining complete and detailed investigation reports and advice from the Assistant Attorneys General.

- Review, draft and pursue regulatory changes in order to more clearly define existing law and to establish clear, concise requirements for applicants and practitioners.
- Maintain a presence in national organizations important to the function of the medical board.
- Send one voting delegate, one other board member, and the board's administrator to the annual FSMB conference.

The board establishes and meets its operational objectives annually.

Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

The board is tasked with licensing physicians, osteopaths, podiatrists, physician assistants, and intensive care paramedics. Our review of the interactions among the State Medical Board, the Alaska State Medical Association, the American Medical Association, and other national organizations showed no overlap of duties. Licensees are not required to be members of any professional organization.

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DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

Sarah Palin, Governor
William C. Noll, Commissioner
Rick Union, Director

December 8, 2006

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LEGISLATIVE AUDIT

Ms. Pat Davidson
Legislative Auditor
Legislative Budget and Audit Committee
Division of Legislative Audit
PO Box 113300
Juneau, Alaska 99811-3300

Dear Ms. Davidson,

RE: Sunset Review Audit, State Medical Board

Dear Ms. Davidson:

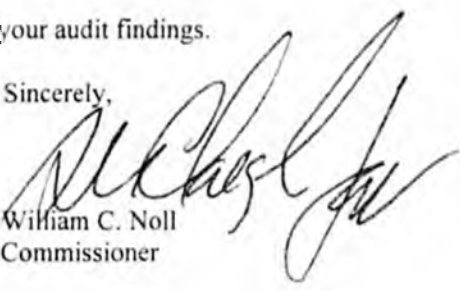
Thank you for the opportunity to comment on your preliminary audit findings concerning the Alaska State Medical Board. The department concurs with your findings and fully supports extension of the State Medical Board to June 30, 2013.

As mentioned in the earlier Management Letter No. 1, the department will encourage and assist the Board to comply with your Recommendation No. 1 to update its regulation 12 AAC 40.020(a) reflecting the current practice of computerized examinations offered by the Federation of State Medical Boards (FSMB).

We also appreciate your comments in paragraph 1 on page 13 recognizing that several factors contribute toward lengthy investigations. We also want to clarify that several of the investigative cases which appear to be "open" have already completed the investigation stage and remain open because of litigation. We feel it is important to note the distinction of these open cases. The Investigations Unit has no control over cases once it enters the litigation process.

Again, we appreciate the opportunity to comment on your audit findings.

Sincerely,


William C. Noll
Commissioner

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DEPARTMENT OF
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NOV 08 2006
LEGISLATIVE AUDIT

Frank H. Murkowski, Governor
William C. Noll, Commissioner
Rick Urion, Director

Division of Corporations, Business and Professional Licensing

Alaska State Medical Board

907/269-8163 - Office

907/269-8196 - Fax

November 3, 2006

Regina M. Vose, In-Charge Auditor
Legislative Budget and Audit Committee
Post Office Box 113300
Juneau AK 99811-3300

Ms. Vose, thank you for your letter of October 9, 2006 in which you present your findings from the sunset audit for the Alaska State Medical Board.

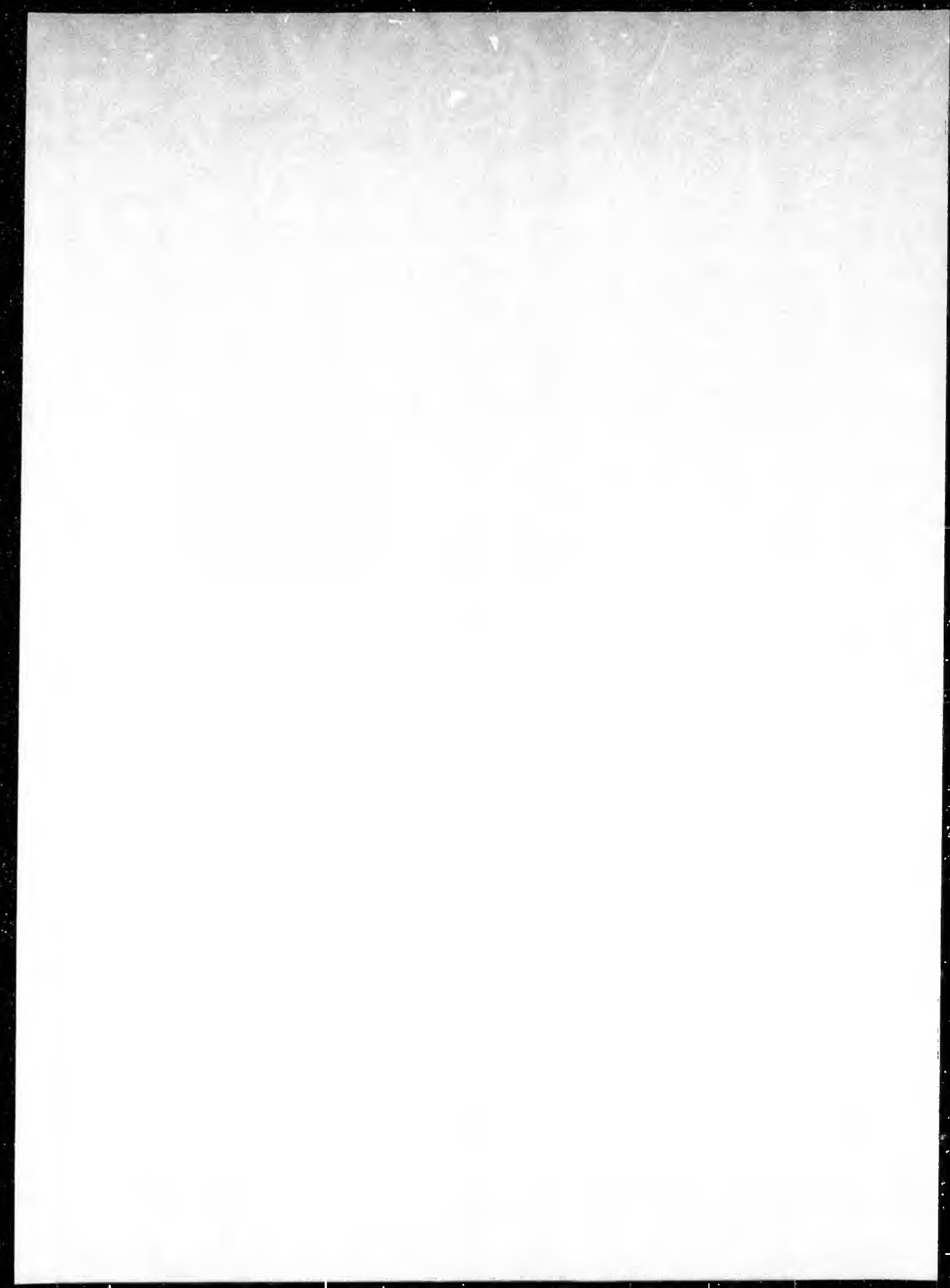
We noted in the report that it is your recommendation that the board pursue a change regarding the administration of the physician qualification examination, regulation, 12 AAC 40.020(a). Since the Alaska board licenses very few physicians by examination, less than five percent of our applicants per year, the revision of this particular regulation has not been a high priority for the board. We do agree that it needs to be updated to conform with current practices and have initiated the process to do so.

Thank you, Ms. Vose, for your review of the medical board and we appreciate your comments.

/ David M. Head, MD
Chair, Alaska State Medical Board

xc: Richard Urion, Division Director
Division of Corporations, Business, and Professional Licensing

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SB

97

MEMORANDUM

DATE: February 22, 2008

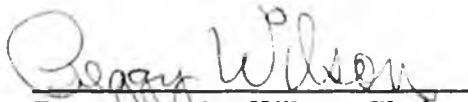
TO: Representative John Harris
Speaker of the House of Representatives

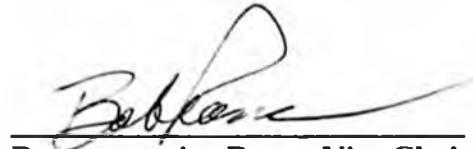
FROM: Representative Peggy Wilson
Chair, House HESS Committee

SUBJECT: Waiving SB 97 *AK. Native Art Identification Scale*

The members of the House HESS Committee agree to waive SB 97 from the House HESS Committee.

Signature and agreement to waive this bill does not constitute support or opposition to the bill, nor does it obligate the member to a specific vote on the House floor.


Representative Wilson, Chair


Representative Rosen, Vice Chair


Representative Keller


Representative Seaton


Representative Fairclough


Representative Gardner


Representative Cissna

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Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
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Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264

Memorandum

To: Representative Peggy Wilson, Chair
House Health, Education, &
Social Services Committee

From: Senator Gary Stevens, Chair
Senate Rules Committee

Date: February 20, 2008

Re: SB 97 Hearing Request, Pending Referral

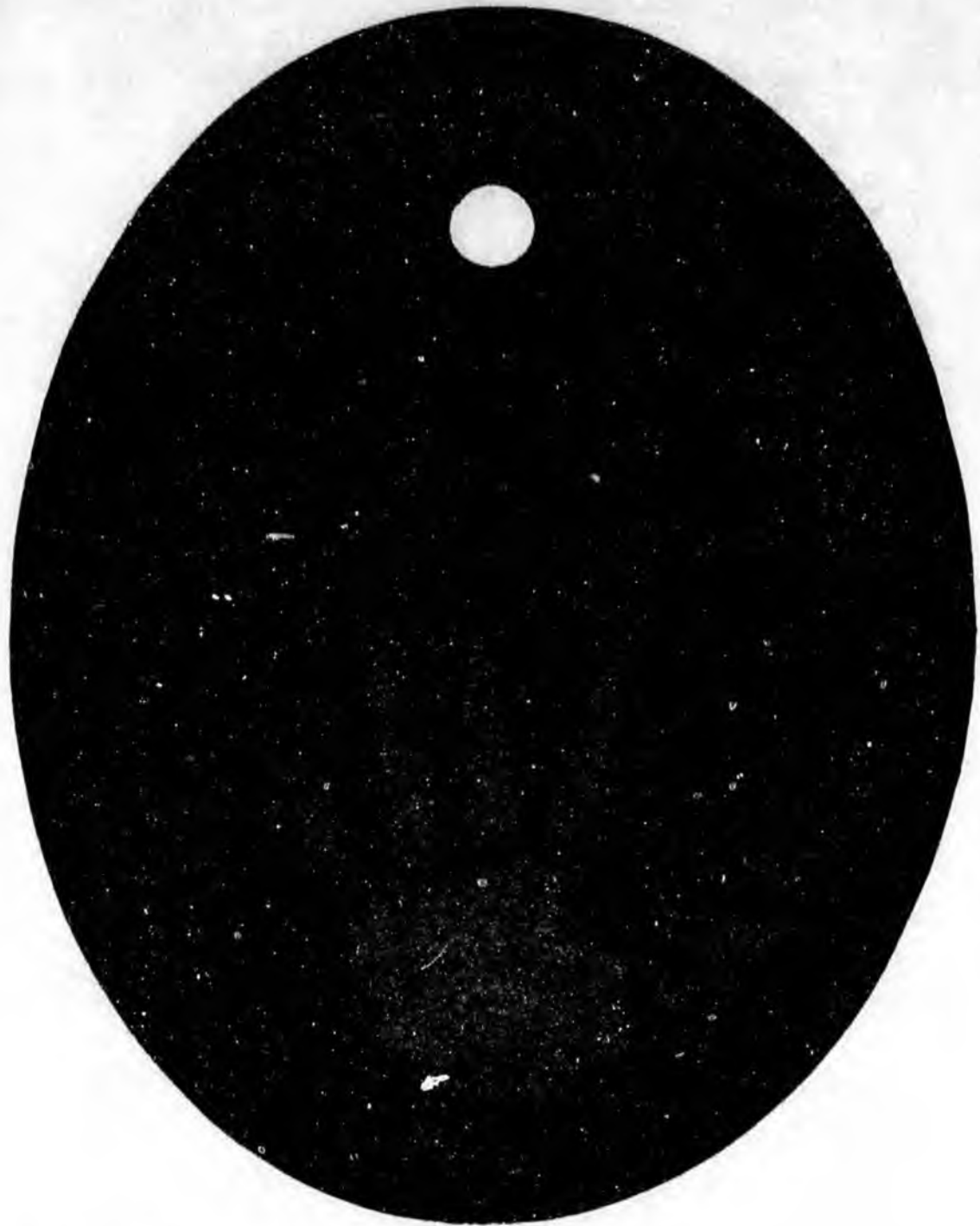
I respectfully request SB 97 be heard before the House Health, Education, & Social Services Committee, pending its referral. SB 97, "An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices," is informally known as the Silver Hand bill.

In the enclosed packet are the sponsor statement, copy of the original version of the bill, the Senate Judiciary's committee substitute, a sectional analysis, background materials, letters of support, an AFN Resolution supporting SB 97, and a zero fiscal note from the Dept. of Education and Early Development.

I expect testimony to come from representatives of the Alaska State Council on the Arts, and perhaps also from Alaska Native Artists.

Thank you for your consideration of this request. Please contact myself, or my aide Tim Lamkin at extension 4925 with any questions you may have.

SILVER HAND - SB 97



This symbol is your guarantee that this is a genuine article, made in Alaska, handcrafted and finished by an Alaska Native artist or craftsman

Artist
Origin
Permit No.



SILVER HAND - SB 97



This symbol is your guarantee that this is a genuine article made in Alaska handcrafted and finished by an Alaska Native artist or craftsman.

Artist

Origin

Permit No



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Senator Gary Stevens

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Sponsor Statement for Senate Bill 97

“An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices”

Senate Bill 97 seeks to improve the statutes governing the administration of the Silver Hand program. The Silver Hand program was created to help promote the creation, appreciation, and sale of Alaska Native art of the highest quality. Alaska Natives have a great variety of artistic traditions stretching back for millennia and which are still an important part of life today. Alaska Native art shares the cultures of Alaska Native peoples and enriches the lives of all Alaskans today. It is admired around the world, and is a vital part of the personal and community expression of Alaska Native identity. Alaska Native art is also highly valued in the marketplace, both within the state boundaries, and nationally and internationally. For so many reasons, it is good for all Alaskans to promote the creation of Alaska Native art and to ensure the legitimacy of Alaska Native art.

SB 97 will make several targeted changes to the law under which the Alaska State Council on the Arts administers the Silver Hand program. Among the changes it seeks to effect, it will delete obsolete references to agents, refers to the creations of Alaska Native artists with the term art instead of handicraft, clarifies the penalty for violating the Silver Hand laws and that sale and purchase of Silver Hand seals is prohibited, and sets out clearly the conduct related to Silver Hand seals that is not allowed.

SB 97 will take a good program and make it better. I urge your support passage of this legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2007

SUBJECT: Sectional Summary of SB 97 relating to identification seals for certain articles created or crafted in the state by Alaska Native persons. (Work Order No. 25-LS0405M)

TO: Senator Gary Stevens
Attn: Doug Letch

FROM: *JB*
Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Amends AS 44.27.050 to conform the description of the identification seal duties of the Alaska State Council on the Arts to the changes made in this bill.

Section 2. Amends the list of unfair trade practices in the state's unfair trade practices act to add the identification seal conduct prohibited under AS 45.65.055.

Section 3. Amends the criteria that determine who may obtain an identification seal. Amends the criteria that determine which articles the seal may be affixed to.

Section 4. Amends the description of the responsibility of the Alaska State Council on the Arts relating to identification seals. Conforms the language to other changes made in this bill and adds fee collection responsibility.

Section 5. Amends AS 45.65.030(a) to conform to other changes made in this bill and to require that a space, rather than a blank line, be included for the artist's name and the place of origin of the article.

Section 6. Amends AS 45.65.040(a) to remove the reference to an agent in order to reflect that a permit can only be issued by the Alaska State Council on the Arts.

Section 7. Amends AS 45.65.040(d) to require the Alaska State Council on the Arts to determine whether a person is eligible for the permit, as well as whether an article is eligible for an identification seal. Deletes the reference to an agent.

Senator Gary Stevens
March 5, 2007
Page 2

Section 8. Amends AS 45.65.040(e) to allow a person to report an identification seal violation and to delete the reference to agents.

Section 9. Adds a new section that describes the conduct that is prohibited when dealing with identification seals.

Section 10. Amends AS 45.65.060(a) to refer to the new sec. 45.65.055 (prohibited conduct) to describe what will be considered a misdemeanor with regard to identification seals. Adds a definition of "knowingly" and deletes "willfully."

Section 11. Amends AS 45.65.060(c) to conform the language to other changes made in the Act.

Section 12. Amends the definition to define "authentic Alaska Native art" as art that is created or crafted by an Alaska Native person.

Section 13. Amends the definition section to add definitions of "Alaska Native person," "art," "identification seal," "original," and "recognized Alaska tribe."

Section 14. Repeals certain provisions of AS 45.65.

If I may be of further assistance, please advise.

TLB:ljw
07-109.ljw

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB97-EED-AC-3-8-07
 Bill Version: SB97
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Education & Early Development

Title An act relating to identification seals for certain
articles created or crafted in the state by Alaska Native person;

RDU Commissions and Boards
 Component Alaska Council on the Arts

Sponsor Senator Stevens
 Requester Labor and Commerce, Finance

Component No. 192

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation helps clarify existing law to identify genuine Alaska Native art that is crafted in the state by Alaska Native individuals. Those who would 'knowingly' use a seal without obtaining a permit and found in violation of the law will be subject to a class B misdemeanor.

Prepared by: Eddy Jeans, Director
 Division: School Finance
 Approved by: Barbara Thompson, Deputy Commissioner
 Agency: Education & Early Development

Phone 465-8679
 Date/Time 3/8/07 10:01 AM
 Date 3/8/2007

The integrity of the Silver Hand Program depends on the permit holders using the tags and labels in accordance with AS 45.65.010-45.65.070 and 3AAC 58.005-.900.

Unlawful use of the Silver Hand identification should be reported to ASCA immediately.

DEFINITIONS

"Authentic Native handicraft": an article made in the state, which is composed wholly, or in significant part, of natural materials, and which is produced, decorated or fashioned by an Alaska Native.

"Native": a resident having not less than one-quarter Eskimo, Aleut, or Indian blood. (American Indians whose tribes are indigenous to other states are not eligible for this program.)

"Natural material": material produced or existing in nature, not artificial or manufactured, and derived from lands, plants, animals or other natural resources.

"State resident" (AS43.23.095) means an individual who is physically present in the state with the intent to remain indefinitely in the state under the requirements of AS 1.10.055.

PENALTIES FOR MISUSE OF THE SILVER HAND IDENTIFICATION LABEL OR PERMIT

Sec. 45.65.060.

- (a) A person who knowingly or willfully issues the document for or affixes or attaches the identification label provided for in this chapter to an article, knowing that it is not an authentic Native handicraft, is guilty of a class B misdemeanor.
- (b) A person who knowingly or willfully sells or offers for sale an article with the label affixed or attached, knowing that it is not an authentic Native handicraft, is guilty of a class B misdemeanor.
- (c) A person who knowingly or willfully alters, changes, or counterfeits an identification label or emblem, is guilty of a class B misdemeanor.
- (d) A person who has been issued a permit under AS 45.65.030(a) is guilty of a class B misdemeanor if the person knowingly or willfully issues a permit for an article that is not an authentic Alaska Native Handicraft.

REVOCATION AND DEBARMENT

Sec. 3 AAC 58.075

- (a) The permit of a person authorized to use the Silver Hand label or the Made in Alaska emblem or to act as an agent for either the Silver Hand or the Made in Alaska program who is convicted of an offense under AS 45.65.060 is automatically revoked on the date of the conviction.
- (b) Any person who is convicted of an offense under AS 45.65.060 is barred from any further participation in either the Silver Hand or the Made in Alaska program.
- (c) After notice and opportunity for hearing, the Council will, in the Council's discretion, revoke a permit for failure to comply with the requirements of AS 45.65.010 - 45.65.070 including the payment of fees, and this chapter.

TO DOWNLOAD AN APPLICATION

Go to the ASCA website www.eed.state.ak.us to download and application to fill out by hand.

FOR MORE INFORMATION

Please direct questions concerning the Silver Hand Permit Program to ASCA. Alaskan artists may also be eligible for the Made in Alaska Program. For more information on Made in Alaska call 907/272-5634.

SILVER HAND PERMIT APPLICATION



ALASKA STATE COUNCIL ON THE ARTS
411 West 4th Avenue, Suite 1E
Anchorage, Alaska 99501-2343
Tel: (907)269-6610
Fax: (907)269-6601
Toll Free in Alaska: 1-888-278-7424
TTY: 1-800-770-8973
Email: aksca_info@eed.state.ak.us
Website: www.eed.state.ak.us/aksca

New Application Renewal Application

Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____

Fax: _____

Email: _____

Type of Handicraft Produced: _____

I, the undersigned, hereby certify that I am an Alaska Native, am a resident of the state, am 18 years or older, and I will affix the Silver Hand label only on a handicraft that was or will be made: entirely by me; wholly or in significant part of natural materials; and within the state of Alaska. I have read and agree to abide by the Silver Hand Program information present in this permit application.

Applicant Signature _____

Date _____

I am 18 years or older

I am currently a permanent resident of Alaska

I have attached the required documentation
(copy of CIB card or proof of 1/4 Alaskan Native)

\$20 handling charge (Check or Money Order only)

Copy of a current photo id

Return completed application with the above listed support documentation and \$20 to ASCA.

FOR OFFICIAL ASCA USE ONLY

Approved by: _____

Date: _____

Permit #: _____

Silver Hand Tags & Labels received: _____

Labels: _____ Hang tags: _____ Initials: _____

Amount rec'd: _____ Check number: _____

THE SILVER HAND PERMIT PROGRAM

The Alaska State Council on the Arts (ASCA) administers the Silver Hand Permit Program. The purpose of the program is to provide a guarantee to a consumer that an article on which the Silver Hand identification appears has been hand crafted in Alaska by an Alaska Eskimo, Aleut, or Indian craftsman or artist and made wholly or in significant part of natural materials.

An Alaska Native person who makes an authentic handicraft article in the state may obtain Silver Hand tags or labels to identify the article. ASCA provides identification labels for authentic Alaska Native handicraft to individual applicants. The label features a silver hand and the words, "Authentic Native Handicraft from Alaska". The Silver Hand tags or labels may only be affixed to authentic Alaska Native handicrafts made by that individual while residing in the state.

The Silver Hand Permit holders are public record.

The Silver Hand Agent portion of the program has been permanently suspended.

THE SILVER HAND PERMIT PROCESS

A complete application, support documents and a \$20 handling charge must be submitted to ASCA to receive a permit to use the Silver Hand identification label on a handicraft. The Council will review applications for eligibility within 30 days from the date of receipt of a completed application. If the applicant is eligible, a nontransferable permit and Silver Hand tags and/or labels will be issued. The permit is valid for two years from the date the permit is issued and may be renewed by submitting a completed permit renewal application within 30 days of the end of the two-year period. If the applicant is ineligible the handling charge and support documents will be returned immediately.

REQUIREMENTS

A permit to use Silver Hand identification will be issued to an Alaska Native who:

- (1) Applies to the Alaska State Council on the Arts;
- (2) Documents that the applicant is an Alaska Native with a blood quantum of 1/4 or greater; documentation proving eligibility includes:

- (A) United States Department of Interior, Bureau of Indian Affairs "Certificate of Indian Blood";
 - (B) An official letter from a village or regional corporation established under 43 U.S.C. 1606-43 U.S.C. 1607 (Alaska Native Claims Settlement act of 1971, sec. 7 & 8); or
 - (C) an official letter from a village council or tribe in which the applicant is a member;
- (3) Certifies on the application that the applicant will affix the Silver Hand identification only on a handicraft that was or will be made:
- (A) entirely by the applicant;
 - (B) within this state; and
 - (C) in whole or in significant part of natural materials.
- (4) Copy of photo identification, i.e. State Drivers license, State identification card
- (5) Is 18 years of age or older
- (6) Is a full time resident of the state

UTILIZING SILVER HAND IDENTIFICATION

A permit holder may use the representation of the Silver Hand identification on catalogs, letterhead, business cards, in-store and other advertising, and for other similar purposes related to the permit holder's handicrafts. The permit holder may use a representative of the Silver Hand symbol only in advertising of that permit holder's handicrafts.

The Silver Hand symbol or a representation of that symbol may not be:

- (A) used in a manner that is false or misleading.
- (B) Modified
- (C) incorporated into a business, company, or product logo or label.
- (D) sold as art or as a dominant feature of a handicraft unless approved by the ASCA Chair in writing.

A permit holder may obtain 150 Silver Hand labels/tags annually from ASCA at no cost. Additional labels/tags may be purchased at ten cents per label or fifteen cents per tag. Contact ASCA for further information.

To request your free supply of Silver Hand labels/tags for the second year, submit a written request to the Alaska State Council on the Arts for the quantity of tags or labels needed. The request must be signed by the permit holder.



Celebrating 40 years of support for the arts in Alaska

Senator Johnny Ellis, Chair
Alaska State Senate
Chair, Senate Labor and Commerce Committee
Sent via email

March 7, 2007

Dear Senator Ellis and members of the committee:

The Alaska State Council on the Arts (ASCA) would like to lend our support to the passage of SB 97, relating to the Silver Hand Program.

This statute revision will strengthen the relationship between our agency and the Alaska Native artists we serve in many respects. One of the primary tenets of the Silver Hand program is the mark of authenticity for the over 1400 artists that our program represents, and for the thousands of visitors to our state who purchase this work every year.

A major study conducted of Alaska Native Artists last year under the auspices of the Ford Foundation found that almost 90% of the artists surveyed felt that the counterfeit native art market in the state is an enormous problem. While ASCA can't prohibit the sale of native art knock-offs, we certainly can strength our own resident's ability to sell work through our Silver Hand program, and inform the buying public about our program.

Another revision will incorporate the expansion of allowable materials that Native Artists can use in their work and still be in our program. Currently, only natural materials can be used, which means that many of our most well known contemporary Native artists are not eligible for the Silver Hand program. This revision will correct that problem.

The economic impact of the arts in Alaska is certainly worth mentioning. In 2001, the MacDowell Group did a survey of Alaska Arts and Crafts Industry – all sectors – and found that over 4,500 Alaskans earned income from arts-related activity, and in 2001, Alaska artists earned an estimated \$20 million. Total direct employment in the creative industry was approximately \$40 million in annual income, including profit and non profit sectors.

Although the consumer numbers are not conclusive, the same survey cited above indicated that 30% of Alaskans who purchased art in 2001, bought only Alaska Native work, and 56% of those consumers said they looked for the Silver Hand symbol when

buying Native art. As ASCA increases our publicity efforts and consumer education programs, we hope that this number grows.

ASCA is currently working closely with the Federal Trade Commission and the tourist industry to ensure that visitors to our state are aware of the importance of buying authentic Alaska Native art.

The revision of this statute and the strengthening of our policies will have impact in two major ways:

- 1) On the consumer side, to strengthen the education and enforcement efforts so that visitors and residents alike buy authentic Alaska Native art by increasing civil penalties;
- 2) On the artist side, to provide Alaska Native artists with more economic opportunities by shifting our emphasis to authenticating the artist and expanding the allowable art materials.

I appreciate your committee taking the time to review this legislation that is vital to our agency and to our Alaska Native artist population.

Sincerely,

Charlotte A. Fox
Executive Director

ALASKA FEDERATION OF NATIVES

2007 ANNUAL CONVENTION

RESOLUTION 07-35

TITLE: PROTECTING AND PROMOTING ALASKA NATIVE ARTISTS AND THEIR CREATIVE WORK BY UPDATING THE STATE STATUTES GOVERNING THE SILVER HAND PERMIT PROGRAM

WHEREAS: The Silver Hand Permit Program is the State of Alaska's sanctioned Alaska Native Arts authentication program and has been administered by the Alaska State Council on the Arts, a division of the State Department of Education & Early Development, since 1998 upon the recommendation of a Governor-appointed Alaska Native review committee; and

WHEREAS: The Silver Hand Permit Program currently serves more than 1,500 permit holders, who collectively represent 151 Alaska Native villages and Alaska's three largest cities, Anchorage, Fairbanks, and Juneau, and which anticipates a steady increase in eligible applicants in the future; and

WHEREAS: The Silver Hand Permit Program supports the integrity and integration of the subsistence lifestyle, cultural well-being, sustainability of village residency and socioeconomic potential for Alaska Native artists and their families by helping Alaska Native artists earn crucial cash income from artwork that can be produced without having to leave their villages; and

WHEREAS: The Silver Hand identification seal is recognized and promoted by the majority of large and small tourism companies, statewide retailers, state agencies and contractors as the primary means for consumers to identify and therefore purchase authentic Alaska Native artwork produced by and in Alaska Native artists residing in Alaska; and

WHEREAS: The use of the Silver Hand identification seal results in a proven marketing advantage and provides needed economic benefits to Alaska Native artists through increased sales and optimum sale prices in comparison to items not authenticated with the Silver Hand identification seal; and

WHEREAS: The statutes governing the Silver Hand Permit Program have remained unchanged since the early 1970s and now needs to be updated to respond to dramatic changes in the creative pursuits and expression of Alaska Native artists and the expansion of consumer and tourism markets; and,

WHEREAS: AFN has made a prior commitment to "protect the market price of Alaska Native artwork and prevent imitation and duplication of Alaska Native creative endeavors" through the convention passage of Resolution No. 95-57 in 1995; and

WHEREAS: The AFN Board of Directors meeting held on February 12 & 13, 1996 established policy guidelines "with respect to the arts and crafts sales during the annual convention of the corporation" required that for, "articles that are being sold, the following identification must be evident on the article, or attached to it: 1. A Certified Silver Hand tag identifying the article as made by an Alaska Native;" and

WHEREAS: Senate Bill 97 and House Bill 161 before the 25th Alaska Legislature would enact amendments to the statute governing the Silver Hand Permit Program. The Alaska Federation of Natives supports the following amendments to the Program:

1. Expand enforcement capability by adding civil penalties for misuse of the identification seal;
2. Expand allowable materials and art disciplines to include contemporary Alaska Native artists and contemporary art materials;
3. Expand definitions of eligible visual art media to help permit holders and consumers;
4. Replace *craft* reference with *art* reference to be more inclusive of all art types;
5. To be eligible for the program, we support a requirement of proof that the individual is 1) an Alaska Native and an enrolled member of an Alaska Native tribe; or, 2) an enrolled member of Alaska Native Corporation;
6. Award permits directly to individual artists only and eliminate the unused "agent" portion of the program (already suspended by Council policy);

directly result in a Silver Hand Permit Program improvements benefiting Alaska Native artists and Alaska Native tribal members.

NOW THEREFORE BE IT RESOLVED by the Delegates to the 2007 Annual Convention of the Alaska Federation of Natives, Inc., that AFN requests the State of Alaska Legislature Senate and House to pass and enact the legislative described above to make every legally binding effort to protect and promote Alaska Native artists and their creative work on the open market.

SUBMITTED BY: THE EYAK CORPORATION

COMMITTEE ACTION: DO PASS, TIER 2

CONVENTION ACTION: PASSED





Alutiiq Museum and Archaeological Repository

215 Mission Road, Suite 101, Kodiak, Alaska 99615
(907) 486-7004 Fax: (907) 486-7048 www.alutiiqmuseum.com

Senator Gary Stevens
Legislative Session Contact
State Capitol, Room 103
Juneau, AK 99801-1182

February 27, 2007

Dear Senator Gary Stevens,

I am writing to express my sincere support for SB97. This proposed draft statute reflects an exhaustive survey, many discussions, and testimony's by Alaska Native artists about their needs in supporting and protecting Alaskan Native arts. SB97 language represents years of primary stakeholder feedback in the only state endorsed Alaska Native arts authentication program, the Silver Hand. With no cost to the state, SB97 accomplishes many critical objectives in serving a statewide constituency.

This bill establishes a relationship between Silver Hand permit holders and the Alaska State Council on the Arts, the program's administering state agency. The bill links the Silver Hand permit program to State of Alaska consumer protection and fair trade law. It also helps to strengthen agency enforcement capability's and clarifies consumer and permit holder protections. SB97 expands economic and creative opportunities for artists by including contemporary Alaska Native artists as important constituents served by the permit program. The bill allows Alaska Native artists to use all material deemed important in the creation of their art and clarifies eligible visual art mediums.

SB97 also enables Federally recognized Alaska Native Tribes to identify eligible permit holders. SB97 aligns with Federal language established in the Indian Arts and Crafts Act of 1990. SB97 empowers the state to promote and protect Silver Hand permit holders who's work represents a very significant, yet quiet, contribution to statewide commerce.

I want to thank you for updating the statutes with SB97. While this may seem like a very small act it will help the Alaska State Council on the Arts support and protect Alaska Native Artists artwork.

Quyanaasinaq, "thank you very much"

Sven Haakanson Jr., Ph.D.
Executive Director
Alutiiq Museum

Perry R Eaton
12000 Shenandoah Road
Anchorage Alaska 99516
(907) 345- 0281

Senator Gary Stevens
State Capitol, Room 103
Juneau, Alaska 99801
By fax: (9097) 465-3517

March 1, 2007

Dear Senator Stevens,

Gary, this is just a short note to let you know that I am 110% in support of SB97; the "modernization" of the Silver Hand program. What you have in front of you is the result of very diligent and solid work on the part of the Alaska State Council on the Arts in collaboration with the states Native artists. The revisions bring to the program the opportunity to be much more effective and responsive to the needs of today's Native artist, while adding no financial burden to the state.

Of all the changes proposed, I am particularly pleased with the fact that the Federally Recognized Tribes identify the eligible participants. This eliminates any specter of paternalism, removes a large administrative burden from staff, and builds on synergistic activities of other Federal and State programs and organizations.

All in all, it's a great piece of work and I strongly encourage your support to move the bill.

Perry R Eaton

110 Nicholoff Way
P.O. Box 322
Cordova Alaska 99574



ph 907.424.7903 fax 907.424.3018

Museum and Gift Gallery of the Prince William Sound, Copper River Delta and Gulf of Alaska Natives

Senator Gary Stevens
Legislative Session Contact:
State Capitol, Room 103
Juneau, AK 99801-1182
907-465-4925
fax: 907-465-3517

March 2, 2007

Dear Senator Gary Stevens,

As Director of a federally recognized tribe's Cultural Center, I would like to express my support for SB97. This is a much needed update to the respected Silver Hand program.

Our cultural center's mission is to preserve our heritage through teaching and exhibiting traditional art and skills. We accomplish this through traditional art and skills classes and the gift shop which provides a sales venue for quality produced pieces. The silver hand program has been valuable to us as authentication of our tribal artists and to help us identify the work of other native artists throughout the state. We are very aware of the confusion deceptive marketing and sales practices can create around Native-made arts and crafts and support every effort to protect authentic Alaska native art.

As a member of the Museums Alaska board of directors, I have been aware of the statewide need for revisions and some of the tremendous amount of work that has gone into these recommendations for revision through SB97. I strongly urge you to see this bill through.

Quana (Thank you!)

A handwritten signature in cursive script that reads "LaRue Barnes".

LaRue Barnes
Director Ilanka Cultural Center

3

From: gary murphy [eskimogary@hotmail.com]
Sent: Friday, March 02, 2007 7:34 PM
To: Sen. Gary Stevens
Subject: Support Bill SB97

Senator Stevens, Please support Bill 197 . I am a Alaskan Native artist and fully support bill SB97. Sincerely Yours Gary R. Murphy



Senator Gary Stevens
State Capitol, Room 103
Juneau, AK 99801-1182

March 5, 2007

Dear Senator Stevens,

I am writing in support of Senate Bill SB97 that would introduce modernizations to the Silver Hand Program and which represents a thorough analysis and synthesis of needs voiced by Alaska Native artists and the expertise of Alaska State Council on the Arts. The comprehensive and collaborative nature of the revisions ensures that proposed changes will increase the both the effectiveness of the Program and the degree to which it serves Alaska Native artists. At the same time, the revisions, particularly the strengthened enforcement of the Program, will improve the economic welfare of the artists and their families, while improving their economic contribution to the state.

Sincerely,

Dawn Biddison
Assistant Curator
Smithsonian Arctic Studies Center
Alaska Regional Office
121 W. 7th Ave.
Anchorage, AK 99501
Tel: 907-343-6131
Fax: 907-343-6130
biddisondd@ci.anchorage.ak.us

ARCTIC STUDIES CENTER
Department of Anthropology
10th and Constitution N.W.
Washington DC 20560-0112
(202) 357-2682 Telephone
(202) 357-2684 Fax



Smithsonian
National Museum of Natural History

ARCTIC STUDIES CENTER
at the Rasmuson Center
121 W. 7th Ave.
Anchorage, AK 99501
(907) 343-6131 Telephone
(907) 343-6130 Fax

S

NORTH SLOPE BOROUGH

PLANNING DEPARTMENT

Inupiat Heritage Center
5421 North Star Street
PO Box 69
(907) 852-0422
(907) 852-4224 Fax
(907) 852-4594



March 5, 2007

Senator Gary Stevens
State Capitol, Room 103
Juneau, Alaska 99801

Dear Senator Stevens:

I am writing to express my support for SB97, a bill which links the Silver Hand permit program to the State of Alaska consumer protection and fair trade law.

Passage of this bill is extremely important as it will help strengthen agency enforcement capability and clarify consumer and permit holder protection. This bill will also help expand economic and creative opportunities for Alaska Native artists. Most importantly SB97 will help align with Federal language established in the Indian Arts and Crafts Act of 1990 and empower the state to promote and protect Silver hand permit holders.

Alaska Natives contribute significantly to statewide commerce and I strongly encourage your support to move the bill. Quyanaq.

Sincerely,

Dorcas Stein, Coordinator
Inupiat Heritage Center

cc: Commissioners, Inupiat History, Language and Culture, North Slope Borough

From: Sen. Gary Stevens
Sent: Wednesday, March 07, 2007 9:10 AM
To: Tim Lamkin
Subject: FW: SB97 Silver Hand retooling

-----Original Message-----

From: Teri Rofkar [mailto:ravenart@gci.net]
Sent: Tuesday, March 06, 2007 9:51 PM
To: Sen. Gary Stevens; Saunders McNeill; Charlotte Fox
Subject: SB97 Silver Hand retooling

Hello Gary Stevens,

Thank you for sponsoring this bill to retool the Silver Hand program. As a full time Native Artist, I am delighted to see some updated laws to fuel an economic opportunity throughout the state of Alaska. Money earned through the Native Arts most of the time contributes to a healthier financial profile for small villages, as well as the larger tourist hubs. I sat on the ASAC task force, and we are intentionally moving away from authenticating the art, which is vague and hard to enforce... while we move toward authenticating the Artists, by using existing protocols.

Streamlining the authentication process will help as we work towards tackling the big problem of counterfeit native art. A bill like this will bring us in line with Federal Laws. A recent article in AARP said that "up to half of the Native Crafts (sold in the US) are counterfeit"

stated Jill Moran, of the US Dept. of the Interior Indian Arts and Crafts Board... This problem is a national issue, and Alaskans, because of our self sufficient and CAN DO Attitude are a front runner in finding creative solutions. The Silver Hand program is part of that solution.

Thank you again for taking the first step.

Gunalcheesh, Ho, Ho,

Teri Rofkar
820 Charles St.
Sitka, AK 99835

March 6, 2007

Senator Gary Stevens
Legislative Session Contact:
State Capitol, Room 103
Juneau, AK 99801-1182
907-465-4925
fax: 907-465-3517

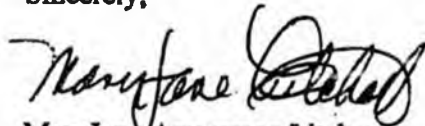
Dear Senator Gary Stevens,

The Bering Strait Inuit Council (BSIC) is highly supportive of SB97, which would help modernize the Silver Hand Program. Our small group supports regional artists in the Northwest Territory of Alaska for the survival of unique art forms to continue for future generations. BSIC has members who are federally recognized as indigenous groups. Silver Hand Members include Siberian Yupik, Yupik and Inupiaq artists from our region.

Our regional indigenous artists depend on this program to prove the authenticity of their handmade products. We desperately need to be protected from unauthorized imitations of our style of art. Our art helps to connect us to our cultural roots of successful survival in this northern hemisphere. Our ancestors struggled throughout the winter months yet created unique carvings that linked them to spiritual survival. We still depend on subsistence activities, and the arts and crafts we create for economic development. With the continuing rising costs of modern living and the threats of coastal erosions, our artists need this protection from this proposed bill.

We look forward to working with the Alaska State Council on the Arts to bring this program into the 21st century.

Sincerely,



MaryJane Anuqsraaq Litchard
President
Bering Strait Inuit Council
P.O. Box 948
Nome, Alaska 99762
(907) 443-4248
(907) 443-4449



ALASKA
NATIVE
HERITAGE
CENTER

March 6, 2007

Senator Gary Stevens
State Capitol, Room 103
Juneau, AK 99801-1182

fax: 907-465-3517

Dear Senator Stevens:

We at the Alaska Native Heritage Center are in full support of SB97. This bill is based on surveys, discussions, and testimony in the Alaska Native arts community and builds upon a Native Artists Summit held at AFN in October 2007. At no cost to the state, SB97 accomplishes many critical objectives in serving artists statewide.

Among the bill's strengths:

- It establishes a relationship between Silver Hand permit holders and the Alaska State Council on the Arts, who administers the program.
- Critically important, it links the Silver Hand permit program to State of Alaska consumer protection and fair trade laws.
- It expands the definition of Native art to include contemporary works, which constitute a huge contribution to our state's economy and culture.
- It allows Alaska Native artists to use all materials – not just those termed “traditional” that are important in the creation of their art.
- It aligns with Federal language established in the Indian Arts and Crafts Act of 1990.
- Most importantly, it serves the needs of Alaska Native artists throughout the state.

I join many others in the Native community in support of this bill and thank you for your support as well.

Chin'an ("Thank you"),


Jonathan Ross, MBA
President and CEO

From: Gale Parsons [mailto:gparsons@prattmuseum.org]
Sent: Wednesday, March 07, 2007 11:16 AM
To: Sen. Gary Stevens
Subject: Senate Bill SB97

7 March 2007

Dear Senator Stevens and Representative LeDoux,

Thank you for crafting Senate Bill (SB97) and companion House Bill (HB161) to update the Silver Hand program statutes. The proposed changes represent long requested and important improvements to this program for Alaska Native artists. As an artist and Exhibits Director of the Pratt Museum in Homer I have been aware of the program, its importance and inadequacies since arriving in Alaska 28 years ago or since the beginning of the program. I have worked closely with Alaska Native artists through my work at the Pratt beginning in 1995 and understand the frustrations outlined in the comments below that the Bills address.

1. Establish a primary service relationship between Silver Hand artists and the Alaska State Council on the Arts. The agent arm of the permit program will be removed.
2. Strengthen enforcement capability by linking Silver Hand statues to Alaska consumer protection and fair trade practices statutes. Civil penalties for the misuse of the Silver Hand emblem will be added. Aligns with Federal language established in the Indian Arts and Crafts Act of 1990.
3. Expand economic and creative opportunities by including contemporary Alaska Native artists and the materials deemed important in the creation of their. The statutes expand the definitions section and define eligible visual art mediums.
4. Enable Federally recognized Alaska Native Tribes and ANCSA to identify eligible permit holders. Reference to blood quantum will be removed.
5. Empowers the state to promote and protect Silver Hand permit artists who's work represents a very significant economic contribution to the state.

Thank you for addressing this need.

Sincerely,

Gale Parsons

Gale Parsons, Director of Exhibits
Pratt Museum
3779 Bartlett Street
Homer, AK 99603
907-235-8635 x 36

From: Vera Crews [mailto:consult@veracrews.com]
Sent: Wednesday, March 07, 2007 1:52 PM
To: Sen. Gary Stevens
Subject: SB167

Please support SB 167 – which is meeting at the same time as I'm writing this, I think
it should accomplish these things:

1. Establish a primary service relationship between Silver Hand artists and the Alaska State Council on the Arts. The agent arm of the permit program will be removed.
2. Strengthen enforcement capability by linking Silver Hand statutes to Alaska consumer protection and fair trade practices statutes. Civil penalties for the misuse of the Silver Hand emblem will be added. Aligns with Federal language established in the Indian Arts and Crafts Act of 1990.
3. Expand economic and creative opportunities by including contemporary Alaska Native artists and the materials deemed important in the creation of their. The statutes expand the definitions section and define eligible visual art mediums.
4. Enable Federally recognized Alaska Native Tribes and ANCSA to identify eligible permit holders. Reference to blood quantum will be removed.
5. Empowers the state to promote and protect Silver Hand permit artists who's work represents a very significant economic contribution to the state.

Thanks you,
Vera Crews, Anchorage
Alaska State Council on the Arts

From: sonya kellhercombs [mailto:kellihercombs@hotmail.com]
Sent: Monday, April 02, 2007 12:08 PM
To: Sen. Gary Stevens
Subject:

Dear Senator Gary Stevens,

This letter is in support of the proposed update to the Silver Hand program, SB97. As a lifelong Alaskan and Alaska Native Artist I know the true need for an authentication program such as the Silver Hand. The proposed changes to the Silver Hand through SB97 will bring it into the next century. Our children and communities will be able to prosper through the use of this program for generations to come.

Thank you so much for your support of SB97.

Sincerely,

Sonya Kelliher-Combs

Tim Lamkin

From: L. Saunders McNeill [saunders_mcneill@eed.state.ak.us]
Sent: Thursday, May 03, 2007 9:42 AM
To: Tim Lamkin
Subject: FW: Senate Bill 97

Tim,

Thought you might like to see this. Just as point of background John lost his wife a number of years ago and moved back to Mekoryuk with his four children. Incredible person. His art income, in part, allows him to support his four children.

Saunders

From: OscarsFineArt [mailto:oscarsfineart@starband.net]
Sent: Wednesday, May 02, 2007 6:44 PM
To: Rep_Mark_Neuman@legis.state.ak.us
Cc: rex_shattuck@legis.state.ak.us; saunders_mcneill@eed.state.ak.us
Subject: Senate Bill 97

Honorable Representative Mark Neuman,

I am writing in support of Senate Bill 97 relating to the Silver Hand permit, "An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices."

I am a Silver Hand permit holder, and have been a participant for several years. I joined in hopes that the consumer of the "Alaska Native Handicraft" items may be able to distinguish fake art from the imitators who are not Native.

There is not enough support to the Silver Hand program from the State of Alaska that it has provided to the "Made in Alaska" insignia, and would require better language to enable support to the Silver Hand program. So that illegal production of the arts and crafts made by imitators will be enforced.

I recommend this first step to protecting rural communities who produce arts and crafts from illegal producers who take away our source of income in work-starved rural communities, and that if possible, offer better support by the state in enforcing the program.

John Oscar, Fine Artist
Oscar's Originals
PO Box 76
Mekoryuk, AK 99630-0076
(907) 827-8549 Studio
Web: www.oscarsoriginals.com
Email: oscarsfineart@starband.net

From: Jimmy Carlisle [mailto:kingisland99762@hotmail.com]
Sent: Thursday, May 03, 2007 11:44 PM
To: Rep_Mark_Neuman@legis.state.ak.us
Cc: rex_shattuck@legis.state.ak.us
Subject:

Honorable Rep. Neuman,

I support SB97 as it is written. Thank you for your consideration of this important legislation.

I have been part of the Silver program in the past, and when the chance arises, I do encourage other Native Artist to participate in the Silver Hand program. This program is a way for the Native Artist to insure the public that they are getting Authentic Native Crafts and something not made in some foreign country.

Thank you for your consideration with this matter.

Sincerely,
Jimmy Carlisle,
Vice President
King Island Native Corporation
And
Native Artist

SB

1000

ALASKA STATE LEGISLATURE

Sponsor



Statement

Senate Bill 100: "Substance Abuse Treatment and Prevention"

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. Substance abuse tears apart families; in 2004, 81% of all reported harm against a child cases involved illicit drugs. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities. Something must change.

At the same time, Alaska is falling behind in providing treatment to those who need help in overcoming their addiction. According to the 2002 Integrated Substance Abuse Treatment Needs Assessment for Alaska, only 15.6% of Alaskans in need of substance abuse treatment received it. We can, and must do better.

Senate Bill 100 proposes several common sense changes to Alaska's statutes regarding drug and alcohol abuse in order to improve the quality of and access to treatment and prevention. The legislation:

- Mandates priority treatment for pregnant women seeking help in overcoming addiction. Reducing the incidence of Fetal Alcohol Spectrum disorders will save large sums of money.
- Gives priority to state grantees who utilize evidence-based programming, as well as programs that address substance abuse prevention, addiction within prisons, among youths, and in rural Alaska.
- Supports the Department of Health and Social Services in their efforts to identify people with co-occurring mental and substance abuse disorders, so that this population can be better served.
- Ensures that effective faith-based strategies for treating substance abuse are not discriminated against in statute.

Most Alaskans have been touched by substance abuse, whether it is a personal struggle with addiction, or watching a friend or relative battle with this deadly condition. I ask you to support for SB 100 and its common-sense steps to strengthen the fight against drugs and alcohol abuse in our state.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

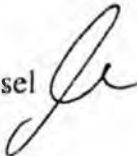
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 6, 2007

SUBJECT: SB 100 Sectional Analysis (Work Order No. 25-LS0151\V)

TO: Senator Johnny Ellis
Attn: Kate Herring

FROM: Jean M. Mischel
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides legislative findings and intent supporting treatment programs for persons with substance abuse and co-occurring substance abuse and mental health disorders.

Section 2. Amends the powers of the Department of Health and Social Services to add specified co-occurring substance abuse and mental health treatment programs.

Section 3. Amends the duties of the Department of Health and Social Services to require specified types of treatment and collaborations for co-occurring substance abuse and mental health disorders.

Section 4. Modifies and establishes priorities for grant programs related to substance abuse and mental health treatment.

Section 5. Establishes standards for the comprehensive program developed and implemented by the Department of Health and Social Services for the treatment and prevention of substance abuse.

Section 6. Adds standards pertaining to priorities listed in sec. 4 of the bill for the Department of Health and Social Services' comprehensive program for the treatment and prevention of substance abuse.

Section 7. Requires that standards established for public and private treatment facilities

Senator Johnny Ellis
March 6, 2007
Page 2

be based on scientifically sound evidence and be consistent with priorities established under sec. 4.

Section 8. Establishes within the Department of Health and Social Services a pilot project to integrate crisis response and involuntary treatment of adults incapacitated by alcohol or drugs, including persons with co-occurring substance abuse and mental health disorders.

JMM:ljw
07-114.ljw

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3 1


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 2, 2007

SUBJECT: Constitutionality of funding faith-based strategies for the prevention and treatment of substance abuse (SB 100) (Work Order No. 25-LS0151W)

TO: Senator Johnny Ellis
Attn: Kate Herring

FROM: Jean M. Mischel
Legislative Counsel 

You have asked for a legal analysis of possible constitutional problems that would arise if SB 100 includes, as drafted, a provision allowing for the funding of faith-based strategies for the prevention and treatment of substance abuse. That provision, at AS 47.37.045(i), as proposed, states:

The department may not deny funding for a program under this section solely on the basis that the program relies on faith-based strategies so long as the strategies are effective for preventing or treating substance abuse.

The primary constitutional issue implicated by this provision is the establishment clause of the first amendment to the constitution of the United States, which provides that "Congress shall make no law respecting an establishment of religion." This clause is made applicable to the states through the fourteenth amendment. Article I, section 4 of the Constitution of the State of Alaska includes a similar provision. According to the Alaska Supreme Court, "the establishment clause stands independently as a barrier to government action which favors religion over non-religion." *Bonjour v. Bonjour*, 592 P.2d 1233, 1241 (Alaska 1979).

The United States Supreme Court described a three-part test in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), which held that in order for a challenged statute to survive scrutiny under the establishment clause, it must 1) have a secular legislative purpose, 2) its principal or primary effect must be one that neither advances nor inhibits religion, and 3) the statute must not foster an excessive government entanglement with religion.

Establishment clause jurisprudence has evolved from the test set forth in *Lemon v. Kurtzman*. Two additional establishment clause tests have been identified: the endorsement test in *Allegheny County v. Greater Pittsburgh ACLU*, 492 U.S. 573, 593-94 (1989), and the coercion test in *Lee v. Weisman*, 505 U.S. 577 (1992).

Under the endorsement test, which is sometimes described as an elaboration on the second prong of the Lemon test, government is prohibited from appearing to take a position on questions of religious belief. *Allegheny*, 492 U.S. at 593-94.¹

In *Lee v. Weisman*, 505 U.S. 577 (1992), the court described the coercion test and found that having a rabbi deliver a non-denominational prayer at a middle school graduation ceremony violated the establishment clause, because even those students who objected to the religious exercise were in a sense compelled to take part.

When reviewing state subsidies or payments, other than those to religious schools that involve a separate constitutional principle not at issue here, courts have generally applied the *Lemon* test, with an emphasis in the first prong regarding secular purpose. Judicial review of governmental purpose is deferential. "A religious purpose alone is not enough to invalidate an act of a state legislature [T]he religious purpose must predominate." *Edwards v. Aguillard*, 482 U.S. 578, 599 (1987) (Powell, J., concurring) (citations omitted). Thus, a statute is invalid only if it "does not have a *clearly secular* purpose." *Wallace v. Jaffree*, 472 U.S. 38, 56 (1985) (emphasis added); see, e.g., *Church of Scientology v. Commissioner*, 2 F.2d 1514 (11th Cir. 1993) (cert. den. 513 U.S. 807 (1994)).

Inquiry into legislative purpose begins with interpreting the law itself. "The plain meaning of the statute's words, enlightened by their context and the contemporaneous legislative history can control the determination of legislative purpose." *Aguillard*, 482 U.S. at 594 (citations omitted). If the legislature's stated purpose is not actually furthered by the enactment then that purpose is disregarded as being insincere or a sham. *Id.*, 482 U.S. at 586-87. Even if the proffered purpose is not a sham, the court must evaluate the effect of the statute's provisions and "consider[] the historical context of the statute . . . and the specific sequence of events leading to [its] passage" *id.*, 482 U.S. at 595 (citations omitted); see, e.g., *Jaffree*, 472 U.S. at 59-60; *Valente*, 456 U.S. at 253-55; see also, *Village of Arlington Heights v. Metropolitan Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977).

¹ In the *Allegheny* case, in a plurality opinion, the court held that a creche standing on its own on the grand staircase of the county courthouse with a banner over it reading "Gloria in Excelsis Deo!" had the effect of endorsing "a patently Christian message" and was therefore unconstitutional. *Id.* at 601. In the same case, however, the court found that the display of an 18-foot menorah next to a 45-foot Christmas tree at the City-County office building, a block away from the courthouse, could not be understood to "result in the simultaneous endorsement of Christian and Jewish faiths," but rather conveyed "the city's secular recognition of different traditions for celebrating the winter-holiday season." *Id.* at 620. Display of the menorah, the court held, was not unconstitutional.

In *Bowen v. Kendrick*, 487 U.S. 589 (1988), the U.S. Supreme Court upheld a federal law known as the Adolescent Family Life Act (AFLA).² Under the AFLA, the federal Department of Health and Human Services gives grants to public and nonprofit private organizations for services for the care of pregnant adolescents and adolescent parents and for prevention of adolescent pregnancy. Religious organizations are eligible for AFLA grants, and all grant applicants must show how they will involve religious organizations in the services provided under the grant.³ The services provided under an AFLA grant may include child care, counseling, and health services.⁴

The Court had no problem with finding that the AFLA was motivated primarily, if not entirely, by a legitimate secular purpose: eliminating or reducing social and economic problems caused by teenage sexuality, pregnancy, and parenthood. It made this finding despite the fact that the Act amended previous laws to increase the role of religious organizations in the provision of the services funded by the Act.⁵

The Court noted that it was "sensible" of Congress to recognize "the important part that religion or religious organizations may play in resolving certain secular problems." It went on to say that "to the extent that this congressional recognition has any effect of advancing religion, the effect is at most "incidental and remote."⁶

The Court approved of the fact that a wide spectrum of organizations was eligible to receive funding under the AFLA, and said:

[N]othing on the face of the Act suggests it is anything but neutral with respect to the grantee's status as a sectarian or purely secular institution In this regard, then, the AFLA is similar to other statutes that the Court has upheld against Establishment Clause challenges in the past. In *Roemer v. Maryland Board of Public Works*, 426 U.S. 736 (1976), for example, we upheld a Maryland statute that provided annual subsidies directly to qualifying colleges and universities in the State, including religiously affiliated institutions. As the plurality stated, "**religious institutions need not be quarantined from public benefits that are neutrally available to all.**" *Id.*, at 746 (discussing *Everson v. Board of Education*, 330 U.S. 1(1947) (approving bussing services equally available to both public and private school children), and *Board of*

² 42 U.S.C. 300z *et seq.*

³ 42 U.S.C. 300z-5(a)(21).

⁴ 42 U.S.C. 300z-1(a)(4)(K).

⁵ *Bowen*, 487 U.S. at 603-604.

⁶ *Bowen*, 487 U.S. at 607.

Education v. Allen, 392 U.S. 236 (1968) (upholding state provision of secular textbooks for both public and private school students)). Similarly, in *Tilton v. Richardson*, 403 U.S. 672 (1971), we approved the federal Higher Educational Facilities Act, which was intended by Congress to provide construction grants to "all colleges and universities regardless of any affiliation with or sponsorship by a religious body." *Id.*, at 676. And in *Hunt v. McNair*, 413 U.S. 734 (1973), we rejected a challenge to a South Carolina statute that made certain benefits "available to all institutions of higher education in South Carolina, whether or not having a religious affiliation." *Id.*, at 741. . . . **[T]his Court has never held that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs.**

(emphasis added)

The Court specifically refused to presume that aid to a religiously affiliated institution would be used in a way that would have the primary effect of advancing religion.⁷

Most of the Court decision concerned the counseling services that could be funded under the AFLA.⁸ The Court found them to be one of the "facially neutral projects authorized by the AFLA." It found that

pregnancy testing, adoption counseling and referral services, prenatal and postnatal care, educational services, residential care, child care, consumer education, etc. are not themselves "specifically religious activities," and they are not converted into such activities by the fact that they are carried out by organizations with religious affiliations.⁹

The Court specifically rejected the lower court's reasoning that public aid to a religiously affiliated institution to carry out a secular function created an impermissible "symbolic link" between the government and religion.¹⁰

⁷ *Bowen*, at 612. The Court distinguished the AFLA services from the indoctrination inherent in parochial schools. Previous court decisions have found public aid to parochial schools to be unconstitutional under the Establishment Clause. *Bowen* does not overturn those decisions.

⁸ The Court focused on the counseling services because religious indoctrination is much more likely in a counseling session than in a health care or child care setting.

⁹ *Bowen*, at 613.

¹⁰ *Bowen*, at 614.

Senator Johnny Ellis
April 2, 2007
Page 5

The Court was not bothered by the fact that there was no provision in the AFLA that prevented use of the government funds for religious purposes. More important to the Court was the fact that the AFLA expressly defined the uses to which the federal funds *could* be put, including providing care and prevention services to eligible individuals. The Court was satisfied that the Act, by implication, would not permit use of funds for religious purposes.¹¹

The Court also declined to find excessive governmental entanglement caused by monitoring of the use of grant funds.¹²

In sum, the U.S. Supreme Court, in *Bowen v. Kendrick*, sustained Congress' judgment that religious organizations can constitutionally be given government funds to accomplish a strong secular purpose like caring for adolescent parents.

Under the Lemon and Bower analyses, I think it is very likely that a court would sustain the Alaska Legislature's judgment that religious organizations can constitutionally be given government funds to accomplish a strong secular purpose like the prevention and treatment of substance abuse. The authorization to fund faith-based strategies among other strategies does not have a primary effect of advancing religion or foster excessive government entanglement.

Compared to the federal program upheld in *Bowen*, the secular purpose of the state's substance abuse treatment grant program is very similar in that mental health and substance abuse issues were being addressed. In addition, the availability of funds under the state program is even more neutral than under the federal program because other priorities must be present and faith-based strategies are only one component of treatment and prevention. Furthermore, funding is not directed at a religious program but those programs are not being specifically excluded.

Without the provision allowing for grant funding of faith-based programs in SB 100, the funding could be distributed in such a way to intentionally exclude religious or faith-based programs that may run afoul of the free exercise clause of the First Amendment, and the equal protection clause of the Fourteenth Amendment.

For these reasons, the provision cited does not appear to create constitutional problems for SB 100 and may, in fact, protect the grant program from them.

If I may be of further assistance, please advise.

JMM:lmb:ljw
07-078.lmb

¹¹ *Bowen*, at 615 and note 13.

¹² *Bowen*, at 617.



Municipality of Anchorage



4501 Dragage Street • Anchorage, Alaska (907) 746-1500 • Telephone (907) 746-4500 • <http://www.muni.org>

Mayor Mark Begich

Anchorage Police Department

Honorable Johnny Ellis
State Senate
Alaska State Capitol, Room 9
Juneau, Alaska 99801-1182

Dear Senator Ellis:

I appreciate your efforts regarding Senate Bill 100, which proposes some common sense changes to state statutes involving substance abuse. Mandating treatment for pregnant women who seek help in overcoming addiction, supporting DHHS in their efforts to more effectively deal with citizens who are doubly afflicted with mental and substance abuse disorders, and ensuring collaboration with and support of effective faith based efforts that deal with substance abuse are all noteworthy and doable.

As first responders, the specter of substance abuse and mental illness is prevalent throughout our daily contacts with citizens from all walks of life. Any effort by the state to ensure a better manner for addressing these problems, particularly in regard to a program focused on and supportive of involuntary commitments of those persons saddled with substance abuse and mental health disorders who pose a risk to themselves and others, is appreciated.

Once again, I am in support of SB 100 and appreciate your efforts.

Sincerely,

Rob Heun
Chief of Police

Community, Security, Prosperity



Municipality of Anchorage

P.O. Box 198650 • Anchorage, Alaska 99519-6650 • 825 "L" Street • <http://www.muni.org>



Mayor Mark Begich

Department of Health and Human Services

March 16, 2007

Senator Johnny Ellis
State Capital, Room 9
Juneau, Alaska 99801

Subject: SB 100

Dear Senator Ellis:

I applaud your efforts regarding SB 100. The Department of Health and Human Services here in Anchorage is engaged in an ongoing struggle with the issues of drug and alcohol abuse.

The changes that you are recommending to SB 100 will do nothing but help not only our efforts but those of 100's of dedicated professionals and service providers across the state. Our statistics in Alaska for Domestic Violence, Fetal Alcohol Syndrome, and DUI, to name a few, are alarming. All of these, and more, have direct links to drug and alcohol abuse and co-occurring mental disorders.

Other issues, like the effective use of AS Title 47 with respect to Involuntary Commitments have proven to be especially difficult here in Anchorage due, in part, to the lack of effective secure facilities for alcohol commitments.

Again, I appreciate everything you are doing in this area. Please do not hesitate to call me directly at 343-6300 or 343-6718, if I can be of assistance in any way.

Sincerely,

Beverly Wooley
Director

Community, Security, Prosperity

Senator Johnny Ellis
State Capitol, Rm 9
Juneau, AK 99801-1182

March 19, 2007

Dear Senator Ellis,

Covenant House supports SB 100, a bill to expand access to broader substance abuse treatment options, targeting certain populations with higher incidences of addiction. Covenant House is primarily a shelter for homeless and at-risk youth between the ages of 13-20, located in Anchorage. Additionally, Covenant House has a transitional living program serving youth ages 18-20, which includes 10 beds for moms with babies and pregnant young women. Finally, Covenant House has a non-residential Community Services Center which provides educational and job skills services to youth.

One of the frustrations that we face as service providers is finding space in treatment programs for our clients. There are very few programs that specialize in providing substance abuse treatment to youth and those that do exist have long wait lists. Oftentimes those youth in greatest need of help are turned away from programs because there is no space available. Implementing a system that prioritizes certain populations and increases and broadens treatment options will prevent some of the most vulnerable among us from getting stuck in a cycle of addiction.

Identifying certain groups and providing priority treatment for them is an important step forward in controlling the substance abuse epidemic in Alaska. Many young Alaskans in need of treatment are ignored and go untreated only because there are no adequate resources available for these individuals who want help and want to improve their lives.

Thank you for introducing this legislation. Please let us know how we can help to ensure its continued support. I can be reached at (907) 339-4205 or nicole.thibodeau@covhouse.alaska.com.

Sincerely,
Nicole Thibodeau

2002 Providence Drive
P.O. Box 66000
Anchorage, Alaska
99506-0000
Tel: 907.562.2211



April 12, 2007

The Honorable Johnny Ellis
Alaska State Senate
State Capitol, Room 9
Juneau, AK 99801-1182

Dear Senator Ellis:

I write today in support of Senate Bill 100 relating to substance abuse and mental health disorder prevention and treatment programs. Providence applauds your efforts on this important issue.

As I know you are aware, there are a substantial number of Alaskans with co-occurring substance abuse and mental health disorders. The majority of patients seen in Providence's Psychiatric Emergency Room suffer from this co-occurring condition which contributes to the devastation in their lives and has a significant negative impact on their families, friends, and the community at large.

Providence wholeheartedly supports this piece of legislation which we believe is a small, but significant step toward caring for patients who are suffering from untreated substance abuse in our state. Again, thank you for bringing this important issue to the forefront.

Sincerely,

Laurie Herman
Regional Director
Government Affairs

Senator Johnny Ellis
State Capitol Room 9
Juneau, Alaska 99801

March 15, 2007

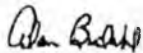
Dear Senator Ellis,

On behalf of our all-volunteer Board of Directors and professional staff, we are writing to extend Boys & Girls Clubs' support for Senate Bill 100, legislation designed to help prioritize evidenced-based substance abuse prevention programs. As a second-year grantee with SAMHSA Drug Free Communities program, Boys & Girls Clubs will again co-lead Anchorage's youth substance abuse prevention campaign with the Alaska Red Ribbon Coalition. Senate Bill 100 will empower Coalition partners to leverage existing resources with state grants to make a marked difference in youth substance use and abuse. We applaud your vision for healthier young Alaskans.

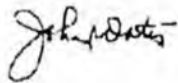
As you are aware, Boys & Girls Clubs also advocates for public awareness of youth development and substance abuse problems facing today's youth through its associations with United Way, America's Promise, The Center for Missing and Exploited Children and Alaska Suicide Prevention Council. Club professionals contribute their personal and professional time and resources to ensure that a consistent and collaborative voice and vision reach policymakers and the general public. The development of a statewide substance abuse prevention plan, as mandated in Senate Bill 100, will provide further direction for Boys & Girls Clubs and our partnering agencies.

Again, thank you for sponsoring this legislation. Boys & Girls Club appreciates your support of our prevention programs and your commitment to Alaska's youth.

Sincerely,



Alan Budahl
Board of Directors, Chair



John P. Oates
President and Chief Executive



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Chris Cromer
John Dede, University of Alaska Anchorage
Johnny Ellis, Alaska State Senate
Mario Gallo, Fairbanks Northstar School District
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Tangy Libbrecht, Sheraton Anchorage Hotel
Holly Lund, World Wide Technology
Elisha Martin, Concord Center
Kristin Melinger, ASRC Energy Services
Bill Meszaros, Pacific Alaska Forwarders Inc.
Kevin Meyer, Alaska House of Representatives
Scott Miller, KPMG
Blair Murphy, ConocoPhillips Alaska
Bryan Quinn, Capital Office Systems
Dixie Rethorford, Calista Corporation
Cathy Richter, Wells Fargo Bank N.A.
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Investing in Alaska's most valuable resource - our children.

3200 Providence Drive
P.O. Box 196604
Anchorage, Alaska
99519-6604

Tel: 907 562 2211



March 7, 2007

Kate Herring
Office of Senator Johnny Ellis
Capitol Building, Rm. 9
Juneau, AK 99801
(907) 465-6704

Dear Senator Ellis:

Thank you for the opportunity to read the Senate Bill NO. 100 and give an opinion. I wholeheartedly support SB 100.

For the last five years I have been Medical Director of the Providence Psychiatric Emergency Room, and during this time also worked at the Salvation Army's Clitheroe Enhanced Detox Unit for 3 years. I see SB 100 as a small, yet significant step-in-the-right-direction in caring for the vast number of patients who are suffering from untreated substance abuse in Alaska. The majority of my emergency room psychiatric patients (and we see over 4000/year) have co-existing chemical dependency ("dual-diagnosis"), which certainly contributes to the devastation in their lives. Unfortunately, there are only 8 beds for me to refer patients to (which is a key part in getting onto the path of recovery) in Anchorage. These beds are usually full.

In short, the need in the community is high, the resources low, and the wreckage of the illness on patients (and their families, friends, community) are significant. So it is without reservation, I support SB 100, which addresses the call for added treatment options for Alaskan patients, and suggest some creative solutions, such as the Pilot Project mentioned in section 8. Please feel free to contact me with any questions.

Sincerely;

Marc D. Pellicciaro, M.D.
Medical Director, Psychiatric Emergency Room
Providence Alaska Medical Center
3200 Providence Drive
Anchorage, AK 99508
Phone: (907) 273-7851
Fax: (907) 261-2807
E-Mail: mpellice@provak.org



March 15, 2007

The Honorable Bettye Davis, Chair
Senate Health, Education and Social Services Committee
Alaska State Capital, Room 30
Juneau, AK 99801-1182

RE: SB 100 (Ellis)—Support

Dear Chair Davis:

On the behalf of the members of AARP Alaska, we encourage you and your colleagues on the Senate Health, Education and Social Services Committee to support SB 100, authored by Senator Johnny Ellis.

There are three main reasons why AARP is concerned with substance abuse. The first two reasons involve abuse or neglect cases that stem from substance abuse and how they impact seniors directly. The third reason deal with the impact substance abuse has on seniors indirectly.

First is the classic case in which the person committing the abuse or the neglect has a substance abuse problem. A national study examining "elder abuse" case files from agencies around the country found that severe drinking bouts by the abuser led to harmful incidents in senior abuse cases.

The second case (which is probably as common), is where the older adult has a substance abuse problem. For some older adults it is alcohol; for others it is psychoactive medications. For many it is both. For these individuals getting treatment is very difficult because there is little access to treatment and prevention. In Anchorage, there is only one treatment center at which older adults may seek treatment (Ernie Turner Center).

The third reason why we support this bill has to with grandparenting. Grandparenting is sometimes called the most spiritual of all relationships because it links people entering the world with those on their way out. Grandparenting today, however, is not all Bible stories, sugar cookies and fun. Increasingly, grandparents are rearing their children's children when drug addiction and mental illness make parents unavailable.

AARP is the world's largest organization of grandparents. Our 89,000 AARP members in Alaska are concerned about the impact substance abuse is having on their grandchildren. There are 8,188 grandchildren living with grandparents Alaska. In addition, there are 5,419 grandparenting headed household, which means that 1.5 children are living with their grandparents.

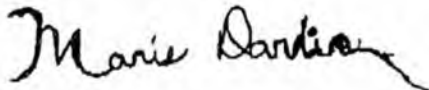
We believe that SB 100 is a substantive bill because it address the concerns of a lot of our members, as well the concerns of others. Furthermore, we believe that providing assistance to those who need help in overcoming their addiction is a good public policy for Alaska.

Therefore, AARP request an "AYE" vote on Senator Ellis's SB 100.

Should you have any questions about our position, please feel free to contact me (586-3637) or Pat Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,



Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Senator Joe Thomas
Senator John Cowdery
Senator Kim Elton
Senator Fred Dyson
Senator Johnny Ellis



Municipality of Anchorage



PO. Box 196650 • Anchorage, Alaska 99519-6650 • <http://www.muni.org>
100 East Fourth Ave. • Anchorage, Alaska 99501 • Telephone: (907) 267-4936 • Fax: (907) 267-4977

Mayor Mark Begich

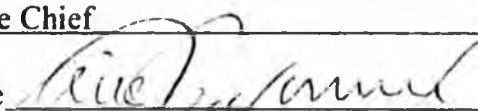
Fire Department

STATEMENT OF SUPPORT Substance Abuse Treatment and Prevention

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities.

Something must change. We support updating Alaska statutes to promote expanding access to a wide spectrum of treatment, identifying those with co-occurring mental health and substance abuse disorders, and addressing substance abuse among youth and populations with higher incidences of addiction.

Please add my name/organization to the list of supporters.

Name Craig Goodrich
Organization Anchorage Fire Department
Title Fire Chief
Signature 
Address 100 E. 4th Ave. Anchorage, AK 99501
Phone 907-267-4960 Fax 907-267-4977
Email goodrichcp@muni.org Website www.muni.org/fire1/index1.cfm

I/We would also be willing to:

- Publish an article in our newsletter
- Mobilize our membership
- Participate in media events
- Contact legislators

Please return this form to:
Office of Senator Johnny Ellis
State Capitol, Rm. 9
Juneau, AK 99801

STATEMENT OF SUPPORT
Substance Abuse Treatment and Prevention

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities.

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Please add my name/organization to the list of supporters.

Name Susan H. Bonalaska
Organization Catholic Social Services
Title Executive Director
Signature [Signature]
Address 225 Cordova St Anchorage AK 99505
Phone 907-297-7742 Fax 907-272-7310
Email Susan.bonalaska@CSSAlaska.org Website www.CSSAlaska.org

I/We would also be willing to:

Publish an article in our newsletter

Mobilize our membership

Participate in media events

Contact legislators

Please return this form to:

Office of Senator Johnny Ellis

State Capitol, Rm. 9

Juneau, AK 99801

STATEMENT OF SUPPORT
Establishing Education Savings Accounts for Foster Children in Alaska

Children in the foster care system face significant challenges when they age out of state care. Often, these children do not have a plan or the means to access job training or post-secondary education. With a program in place whereby concerned organizations and citizens can establish savings accounts in the names of foster children, these children will have opportunities beyond high school.

Alaska's foster children deserve a program that invests in their potential. Alaska should create a program designed to give children in foster care the opportunity to pursue education and job training past the age of 18.

Please add my name/organization to the list of supporters.

Name Dwenda Tigner
Organization Presbyterian Hospitality House
Title
Signature Dwenda M. Tigner, Executive Director
Address 209 Fourth Mile Ave Fairbanks AK 99701
Phone 907-456-6444 Fax 907-456-6402
Email Dwenda.Tigner@aol.com Website www.PhhAlaska.org

I/We would also be willing to:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publish an article in our newsletter | <input checked="" type="checkbox"/> Mobilize our membership |
| <input checked="" type="checkbox"/> Participate in media events | <input checked="" type="checkbox"/> Help to build a coalition |
| <input checked="" type="checkbox"/> Contact legislators | |

Please return this form to:
Office of Senator Johnny Ellis
State Capitol, Rm. 9
Juneau, AK 99801

STATEMENT OF SUPPORT
Substance Abuse Treatment and Prevention

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities.

Something must change. We support updating Alaska statutes to promote expanding access to a wide spectrum of treatment, identifying those with co-occurring mental health and substance abuse disorders, and addressing substance abuse among youth and populations with higher incidences of addiction.

Please add my name/organization to the list of supporters.

Name Anne Dennis - Choi
Organization The Salvation Army Clithorne Center
Title Executive Director
Signature Anne Dennis - Choi
Address 1709 Stearns Suite B, Anchorage, Alaska, 99508
Phone (907) 770-8804 Fax (907) 770-8881
Email annechoi@salvationarmy.org Website http://www.salvationarmy.org/clithorne

We would also be willing to:

- ^(maybe) Publish an article in our newsletter
- Mobilize our membership
- Participate in media events
- Contact legislators

Please return this form to:
Office of Senator Johnny Ellis
State Capitol, Rm. 9
Juneau, AK 99801

STATEMENT OF SUPPORT
Substance Abuse Treatment and Prevention

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities.

Something must change. We support updating Alaska statutes to promote expanding access to a wide spectrum of treatment, identifying those with co-occurring mental health and substance abuse disorders, and addressing substance abuse among youth and populations with higher incidences of addiction.

Please add my name/organization to the list of supporters.

Name Joseph P. Burns
Organization Nugen's Ranch
Title Night ATTENDANT.
Signature Joseph P. Burns
Address 4006 Steven Dr. # 8 Wasilla, AK 99654
Phone 373-7542 Fax _____
Email joeburns@mtaonline.net Website _____

I/We would also be willing to:

Publish an article in our newsletter

Mobilize our membership

Participate in media events

Contact legislators

Please return this form to:

Office of Senator Johnny Ellis
State Capitol, Rm. 9
Juneau, AK 99801

STATEMENT OF SUPPORT
Substance Abuse Treatment and Prevention

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities.

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Please add my name/organization to the list of supporters.

Name GREG R. PEASE
 Organization GASTINEAU HUMAN SERVICES CORPORATION
 Title EXECUTIVE DIRECTOR
 Signature [Signature]
 Address 5597 AISEK ST JUNEAU AK 99801
 Phone 907 780 3011 Fax 907 463 3535
 Email greg.pease@ghscorp.org Website www.ghscorp.org

We would also be willing to:

Publish an article in our newsletter
 Participate in media events

Mobilize our membership
 Contact legislators

Please return this form to:
 Office of Senator Johnny Ellis
 State Capitol, Rm. 9
 Juneau, AK 99801

GASTINEAU HUMAN SERVICES
 CORPORATION
 "A Chance For Change"

5597 Aisek Street
 Juneau, AK 99801
 Phone: (907) 780-3011
 Fax: (907) 463-3535
 Email: greg.pease@ghscorp.org

Greg Pease
 Executive Director

Mission Statement

To serve individuals, their families and the community by providing structured residential treatment and employment program opportunities with an emphasis on those persons who are criminal offenders and/or substance abusers.

Kate Herring

From: Anna Sappah [annasappah@hotmail.com]
Sent: Wednesday, March 21, 2007 9:37 AM
To: Sen. Con Bunde; Sen. Lesil McGuire; Sen. Lyda Green; Sen. Gary Stevens; Sen. Hollis French
Cc: Kathryn L Craft; Angela Salerno; Kate Herring
Subject: SB100

Dear Senators,

I am writing today to voice my support of SB100 that was introduced by Senator Johnny Ellis. This piece of legislation can help to save the lives of Alaskans.

I am a recovering heroin addict. I have been clean for over 11 years. The reason that I am clean today is because I was able to receive appropriate treatment for my disease. Available treatment is the key to addicts being able to stop using long enough to learn the life skills they need to live without the use of drugs, including alcohol.

When I was using, I was a drain on my community and on the resources of our State. I collected welfare & medicaid and was unable to support myself or raise my children without assistance. I was a victim of domestic violence on numerous occasions. As a result of completing treatment, I have become a productive member of my society. I am able to parent my own children. I work full time and I am co owner of a family business. I attend APU full time seeking a double bachelors degree. I serve on the Advisory Board for Alcohol and Drug Abuse and volunteer for the Substance Abuse Directors Association, Meeting the Challenge Program and am a board member of the Narcotic Drug Treatment Center in Anchorage.

SB 100 can reduce the occurrence of FAS/FAE, reduce expenditures in Corrections and court costs and better serve people with co-occurring disorders. Addicts do recover and treatment is effective. Please support SB 100. Help to end the cycle of addiction that is killing Alaskans.

Respectfully,
Anna Sappah

1711 Logan Street
Anchorage, AK 99508
907-277-8796

Kate Herring

From: Sen. Johnny Ellis
Sent: Saturday, March 03, 2007 1:46 PM
To: Kate Herring
Subject: FW: Legislation to Fight Substance Abuse Introduced

From: Darrel Hess [mailto:gmpeon@alaska.net]
Sent: Friday, March 02, 2007 4:58 PM
To: Paul Bauer; Pamela Jennings; Ken Stout; Janice Shamberg; Dick Traini; Debbie Ossiander; Dan Sullivan; Dan Coffey; Chris Birch; Allan Tesche; Bill Starr
Cc: Sen. Johnny Ellis; Rep. Les Gara; Mayor Mark Begich; Noel Rea; Allen Kemplen; Dave Brossard; Justina Meyer; Sharon Chamard; Harry Deuber; Lee Ross; Benita White
Subject: Legislation to Fight Substance Abuse Introduced

Members of the Anchorage Assembly,

Johnny Ellis's SB100, including a provision for involuntary commitment and treatment for substance abusers, could be a useful tool in the fight to "clean up" our streets and street corners. For too many years we have let a small group of individuals dictate the quality of life for literally tens of thousands of hard working Anchorage residents.

Title 47 just does not have the teeth needed to make it an effective tool in this effort. I hope that you will all take a look at the pilot involuntary commitment/treatment program in SB100, and offer your support if you feel that it will help our City and our Neighborhoods combat the continuing negative impact of chronic inebriates.

More importantly, the program is the last, best hope for these individuals to turn their lives around. ***Thanks for all that you do for our City and our Neighborhoods, and have a GREAT Weekend!***

Darrel Hess
Chair, Fairview Community Council

From: Darrel Hess [mailto:gmpeon@alaska.net]
Sent: Friday, March 02, 2007 6:30 AM
To: Sen. Johnny Ellis
Cc: Kate Herring; Stephanie Kesler; Bonnie Harris; Allan Tesche; Rep. Les Gara; Mayor Mark Begich; donp@jlproperties.com; Noel Rea; Allen Kemp'len; Dave Brossard; Justina Meyer; Sharon Chamard; Harry Deuber; Lee Ross; Benita White
Subject: RE: Legislation to Fight Substance Abuse Introduced

Johnny,

We discussed SB100 at last night's FVCC Executive Board Meeting. The Board was very supportive, especially of a pilot program for involuntary commitment. If successful, this type of program could have a positive impact on the quality of life for thousands of your constituents, and help improve the lives of many addicted individuals.

We will of course write a letter of support. The Board also authorized me to testify by teleconference in support of the bill when it comes up for public hearings. I am copying the Chairs of surrounding Councils, in hopes that they too will offer support for the bill. Thanks for responding to the needs of your constituents.

Darrel

-----Original Message-----

From: Sen. Johnny Ellis
Date: 02/28/07 16:24:20
To: Darrel Hess
Cc: Kate Herring
Subject: RE: Legislation to Fight Substance Abuse Introduced

I do need a letter of support from any council willing to provide one. Thx.

From: Darrel Hess [mailto:gmpeon@alaska.net]
Sent: Wednesday, February 28, 2007 4:22 PM
To: Sen. Johnny Ellis
Cc: Allan Tesche; Rep. Les Gara; Noel Rea; Allen Kemplen; Dave Brossard; Justina Meyer; Sharon Chamard; Harry Deuber; Lee Ross; Benita White
Subject: Re: Legislation to Fight Substance Abuse Introduced

Johnny,

Let us know if you need a letter of support, etc from the FVCC. Involuntary commitment is the only way we are going to cure some individuals and get them off the streets. It's about time!

Darrel

-----Original Message-----

From: Sen. Johnny Ellis

Kate Herring

From: Sen. Johnny Ellis
Sent: Friday, March 02, 2007 10:56 AM
To: Kate Herring
Subject: FW: March Community Council Update replyD

Supporter file

-----Original Message-----

From: sheila higgins [mailto:higginssheila@hotmail.com]
Sent: Thursday, March 01, 2007 7:47 PM
To: Sen. Johnny Ellis
Subject: RE: March Community Council Update replyD

Dear Senator,

I am behind this all the way. Let me know what I can do to help. This is Alaska's biggest problem and one that has to be delt with.

Like I stated before anything I can do to help.

I neither drink nor drug. I have a glass of wine every 2 to 5 years or so.

Love and light to you your staff and family.

Sheila Higgins

From: "Sen. Johnny Ellis" <Senator_Johnny_Ellis@legis.state.ak.us>
To: "Sen. Johnny Ellis" <Senator_Johnny_Ellis@legis.state.ak.us>
Subject: March Community Council Update
Date: Thu, 1 Mar 2007 13:36:48 -0900

Airport Heights --- South Addition --- Downtown
Fairview --- Government Hill --- North Star --- Rogers Park

This Month in Community Councils

Senator Ellis and Representative Gara spend time with constituent Peggy Burgin last summer.

From
Senator Johnny Ellis

Dear Neighbor,

Session is flying by, and I've been making the most of my time here in Juneau. I recently introduced Senate Bill 100, legislation to fight the epidemic of substance abuse in our state. Please contact my office if you'd like more information or this, or any other legislation we're working on this session.

Below is the Community Council schedule for the month of March. Agenda items are provided when available.

AIRPORT HEIGHTS Thursday, Mar. 29th 7pm. Abbott Loop Community Church
For more information, contact Al Tamagni at atamagni@alaska.net or 349-1736.

Kate Herring

From: Sen. Johnny Ellis
Sent: Tuesday, March 13, 2007 8:55 AM
To: aslpb1@uaa.alaska.edu
Subject: RE: Legislation to Fight Substance Abuse Introduced

You are welcome, Lorne. I will keep pushing.

-----Original Message-----

From: Lorne Preston Bailey [mailto:aslpb1@uaa.alaska.edu]
Sent: Monday, March 12, 2007 9:11 PM
To: Sen. Johnny Ellis
Subject: Re: Legislation to Fight Substance Abuse Introduced

On Wednesday 28 February 2007 12:51 pm, you wrote:
Thank your for working hard at getting people who are adicted to drugcs and alcohol, but want to get there life in order the tools they need to do it.

Lorne Bailey

> For Immediate Release: February 28, 2007
>
>
>
> Legislation to Fight Substance Abuse Introduced
>
> Prioritizes Treatment for Pregnant Women, Creates Innovative Pilot
> Program
>
>
> (JUNEAU) - Today, Sen. Johnny Ellis (D-Anchorage) introduced Senate
> Bill 100, which aims to stem the tide of alcohol and substance abuse
> in Alaska.
>
>
> "It's plain and simple; addiction is costing the state too much. It's
> time for the state to address this problem in a meaningful way," Ellis
> said. "It's not just about throwing money at the problem; we have to
> make changes to the system."
>
>
>
> The cost of drug and alcohol abuse to the state is an estimated \$738
> million a year in lost productivity, health care, criminal justice,
> accidents and public assistance costs. At the same time, a recent
> study showed that only 15.2 percent of Alaskans who need treatment
> receive it, and funding for substance abuse treatment fell 52 percent
> between 2002 and 2007.
>
>
>
> SB 100 propose ; several common-sense changes to the statutes involving
> substance and alcohol abuse. It would mandate priority treatment for
> pregnant women in all state-funded substance abuse programs, so that
> their children will feel fewer effects of their addiction.
>
>
>
> The bill also creates a pilot program for a secure treatment facility
> for involuntary commitment cases. The program will target persons with
> addictions or co-occurring substance abuse and mental health disorders
> who often present a danger to themselves and others, and chronically

Kate Herring

From: Sen. Johnny Ellis
Sent: Wednesday, February 28, 2007 4:12 PM
To: Linda Kellen
Cc: Kate Herring
Subject: RE: Legislation to Fight Substance Abuse Introduced

Hi Linda,

Thanks for your msg. and words of support. Alcohol control and substance abuse related bills always have a hard time since there are powerful economic interests arrayed against them. The lobbyists for the liquor industry are on top of every bill and every detail that impacts their clients.

I am pretty optimistic that Rep Meyer and Senator French will work out a good ignition interlock bill this year. The future of the other bills is less clear.

KTUU News in Anchorage has done a pretty good series on substance abuse issues. The key is publicity that gains the attention of legislators and the governor as well as personal contact with these policy makers and budget writers. Pls encourage folks who think as we do to speak out ASAP. Thx for your help. I will keep pushing. ---Johnny Ellis

From: Linda Kellen [mailto:celticdivaak@yahoo.com]
Sent: Wednesday, February 28, 2007 1:58 PM
To: Sen. Johnny Ellis
Subject: Re: Legislation to Fight Substance Abuse Introduced

Senator Ellis:

I appreciate that you have introduced SB100 and am especially heartened to see treatment at the heart of it.

However, I am concerned about the status of the other substance abuse related bills and wonder what it bodes for yours:

HB14 - Alcohol purchase restriction - it hasn't moved since Jan 16th

HB19 - Ignition Interlock - as of Feb 21 it has been revised in 2 committees and is now in its 3rd. Should we be prepared for this Bill to die on the vine?

And it seems in some ways we are backsliding:

- HB51 - Recorking - This bill has already passed the House - a bill which gives the appearance of being MORE lax on substance abuse and blurs the lines between the separate liquor licenses...and...

- HB19 - Ignition Interlock - Repeals AS 28.15.201(d) and 28.15.201(e), removing treatment/counseling in any form as a sentencing or probationary requirement.

I have been a long-time supporter of you and Sen Davis wholeheartedly and I know where your "hearts" lie. However, is there something those of us who are serious about treatment and prevention should do

2/28/2007

with the rest of these people to try and get things moving and what form of communication has the most impact?

Thanks!

Linda Kellen Biegel
3001 Sheldon Jackson St. Unit A
Anchorage, AK 99508
907-339-9537

"Sen. Johnny Ellis" <Senator_Johnny_Ellis@legis.state.ak.us> wrote:

For Immediate Release: February 28, 2007

Legislation to Fight Substance Abuse Introduced

Prioritizes Treatment for Pregnant Women, Creates Innovative Pilot Program

(JUNEAU) - Today, Sen. Johnny Ellis (D-Anchorage) introduced Senate Bill 100, which aims to stem the tide of alcohol and substance abuse in Alaska.

"It's plain and simple; addiction is costing the state too much. It's time for the state to address this problem in a meaningful way," Ellis said. "It's not just about throwing money at the problem; we have to make changes to the system."

The cost of drug and alcohol abuse to the state is an estimated \$738 million a year in lost productivity, health care, criminal justice, accidents and public assistance costs. At the same time, a recent study showed that only 15.2 percent of Alaskans who need treatment receive it, and funding for substance abuse treatment fell 52 percent between 2002 and 2007.

SB 100 proposes several common-sense changes to the statutes involving substance and alcohol abuse. It would mandate priority treatment for pregnant women in all state-funded substance abuse programs, so that their children will feel fewer effects of their addiction.

The bill also creates a pilot program for a secure treatment facility for involuntary commitment cases. The program will target persons with addictions or co-occurring substance abuse and mental health disorders who often present a danger to themselves and others, and chronically recycle through existing non-secure treatment services. This group draws heavily on law enforcement, corrections, the court system and community services, and could be better served by a secure detoxification facility, where they could then continue into a treatment setting.

"Involuntary commitment for alcohol treatment is a last resort but we must hold people accountable for chronic and costly alcohol abuse," Sen. Ellis said of the pilot program. "This legislation is long over due. These common-sense changes will save money, and help the thousands of Alaskans addicted to alcohol and other drugs," said Jeff Jessee, CEO of The Alaska Mental Health Trust Authority.

SB 100 is currently awaiting a hearing in the Senate Health, Education & Social Services Committee.

For more information, contact Kate Herring at 465-3704 or Kate_Herring@legis.state.ak.us

Kate Herring

From: Sen. Johnny Ellis
Sent: Thursday, March 01, 2007 11:01 AM
To: Deborah Rickard
Subject: RE: Legislation to Fight Substance Abuse Introduced
Follow Up Flag: Follow up
Flag Status: Red

Deb,

My thoughts exactly. Its good to hear it from someone who has been there.

From: Deborah Rickard [mailto:homefree25@msn.com]
Sent: Wednesday, February 28, 2007 10:10 PM
To: Sen. Johnny Ellis
Subject: RE: Legislation to Fight Substance Abuse Introduced

Dear Senator Ellis,

Bravo and it is so true. I am supportive of treatment and involuntary comittment certainly since so many are just program wise and seem to know what to do to make our recovery rate lower. I am 20 years clean and sober so I know the drill as I have served to sponsor a whole lot of people over the years. I didn't enjoy getting in trouble so chose to avoid the consortium of twisted realities. Frankly, I like to stay in the now and watch everything grow for the greater good. People who live on the street can't get off the ride without a serious effort and continued long-term care. I learned to celebrate living in Alaska and got into recovery in Alaska. I prefer living as close to normal as possible. Personally, I believe too much money goes into corrections facilities that aren't serving the purpose of rehabilitation. Sadly, there are too many people who simply fall through the cracks. I fight substance abuse by staying on a vigilant note. As long as there is a market for the substances there will be those whom abuse it and ruin the lives of loved ones. I

know about this too. The fact is, people have to want sobriety to achieve it and running it down their throats doesn't work. The legislation would make it easier to contain the victim of substance abuse with order and structure long enough for them to get the hang of it. The enforcement is the hard part with our police being few in number. I know you are really working hard to mend this state and am proud to be in contact with you. It's an honor and I appreciate your diligence.deb

Subject: Legislation to Fight Substance Abuse Introduced
Date: Wed, 28 Feb 2007 12:51:20 -0900
From: Senator_Johnny_Ellis@legis.state.ak.us
To: Senator_Johnny_Ellis@legis.state.ak.us

For Immediate Release: February 28, 2007

Legislation to Fight Substance Abuse Introduced *Prioritizes Treatment for Pregnant Women, Creates Innovative Pilot Program*

(JUNEAU) - Today, Sen. Johnny Ellis (D-Anchorage) introduced Senate Bill 100, which aims to stem the tide of alcohol and substance abuse in Alaska.