

1220 HOUSE IS0

replacing traditional cigarettes with fire-safe cigarettes. But, until that happens, strong legislation like this is the best way to prevent fires started by cigarettes. Currently, there is gridlock at the federal level, yet there is tremendous progress on the state level. Until a strong fire safety standard can be enacted by the U.S. Congress, we must pursue regulation at the state level. And to avoid a patchwork of standards, the best approach is to adopt the New York State standards, just as California and Vermont have already done.

What are other states doing?

New York State was the first to require that cigarettes sold and manufactured in the state be fire-safe. Vermont and California both adopted fire-safe legislation late last year. Additional states are considering fire-safe bills now, and many other states and jurisdictions are looking into it. In Canada, fire-safe cigarettes are mandated nationwide using the New York state standard.

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The Coalition for Fire-Safe Cigarettes campaign is coordinated by NFPA.

URL: <http://firesafecigarettes.org/itemDetail.asp?categoryID=48&itemID=1190&URL=About%20fire-safe%20cigarettes/What%20is%20a%20fire-safe%20cigarette?>



American Burn Association

625 N. Michigan Avenue, Ste. 2550
Chicago, IL 60611

Voice (312) 642-9260

Fax (312) 642-9130
e-mail: info@ameriburn.org

Fire-Safe Cigarettes American Burn Association Policy Statement

Cigarettes are the leading cause of fatal fires in the United States, killing 700 to 900 people every year and injuring thousands more. Those killed or injured in these fires are oftentimes not the smoker, but family members, children or neighbors. 34,800 smoking-material structure fires in the U.S. in 2002 resulted in property losses in the hundreds of millions of dollars.

The typical scenario for fires caused by cigarettes is the following: a lit cigarette is forgotten or dropped by a smoker whose alertness may be impaired by alcohol or medication. The cigarette fire can smolder for hours hidden between seat cushions or elsewhere before it flares up into a deadly blaze. "Fire safe" or reduced ignition propensity cigarettes have less porous paper, less dense tobacco, a smaller diameter, filter tip and no added citrates to the paper. These design changes result in no change in taste to the cigarette.

Nine states require the sale of fire safe cigarettes: New York, California, Vermont, Illinois, New Hampshire, Massachusetts, Kentucky, Utah and Oregon. Legislation is pending in New Jersey and Maryland.

The American Burn Association has been a strong advocate for the development of fire-safe cigarettes for more than 15 years, supporting past legislation on the issue and participating in two US Government studies that successfully demonstrated the technical and economic feasibility of commercial production of fire safe cigarettes.

The American Burn Association strongly and actively supports the passage of legislation mandating the manufacture and sale of fire-safe cigarettes along with the efforts of the Fire Safe Cigarette Coalition, a national group of fire service members, consumer, elderly and disabled rights advocates, medical and public health practitioners and other who are committed to saving lives and preventing injuries by reducing the threat of cigarette-ignited fires. The ABA is a member of the Fire Safe Cigarette Coalition.

For more information, contact Kitty Vineyard at the American Burn Association at (312) 642-9260 or vineyard@ameriburn.org.



National Institute of Standards & Technology

Certificate of Analysis

Standard Reference Material[®] 1082

Cigarette Ignition Strength Standard

This Standard Reference Material (SRM) is intended for use by test laboratories to assess and control their testing of cigarette ignition strength in accordance with ASTM Standard Methods E 2187-04 (or ASTM E2187-02b). The SRM unit consists of one carton of cigarettes containing 10 packs of 20 cigarettes each.

Certified Values and Uncertainties: A NIST certified value is a value for which NIST has the highest confidence in its accuracy and that all known or suspected sources of bias have been investigated or accounted for by NIST. The certified value for ignition strength is given in Table 1. The certified value is the result of testing at NIST, Kidde-Fenwal, and the National Research Council, Canada. The certified value and its uncertainty were obtained by fitting a Bayesian hierarchical model [1] to the data from the two laboratories. The model accounts for random variation both within and between laboratories. The data from each laboratory was modeled using individual binomial likelihood functions, the between-laboratory variation was modeled using a beta distribution, and non-informative prior distributions were used for all parameters in the model. The model was fit to the data using Markov chain Monte Carlo methods. The expanded uncertainty given in Table 1 is reported at the 95 % probability level. This uncertainty includes measurement variability within and between laboratories. Tests for cigarette uniformity did not show evidence of any significant variation in ignition strength between packs. A combined standard uncertainty for the certified ignition strength of $u_c = 1.65$ % should be used in further uncertainty calculations.

Table 1. Certified Values

Measurand	ASTM Method	Certified Value and Expanded Uncertainty
Ignition Strength (on 10 layers of filter paper)	E 2187-04 ^(a)	12.6 % \pm 3.3 %

^(a) Standard Test Method for Measuring the Ignition Strength of Cigarettes.

NOTICE AND WARNING TO USERS: THERE ARE SUBSTANTIAL SAFETY HAZARDS ASSOCIATED WITH EXPOSURE TO BOTH PRIMARY AND SECOND-HAND SMOKE FROM CIGARETTES. THESE CIGARETTES ARE ONLY TO BE USED UNDER THE LABORATORY CONDITIONS DESCRIBED IN ASTM E2187-04.

Expiration of Certification: The certification of SRM 1082 is valid, within the measurement uncertainties specified, until **31 December 2015**, provided the SRM is handled in accordance with the instructions given in this certificate (see "Instructions for Use"). This certification is nullified if the SRM is contaminated, disfigured, or otherwise modified.

Maintenance of Certification: NIST will monitor representative samples from this SRM lot over the period of its certification. If substantive changes occur that affect the certification before the expiration date, NIST will notify the purchaser. Registration (see attached sheet) will facilitate notification.

The coordination of the technical measurements leading to certification was performed by R.G. Gann of the NIST Fire Research Division.

Ignition strength measurements at NIST were made by J. Lee of the Fire Research Division.

Statistical consultation on experiment design and analysis of the certification data were performed by W.F. Guthrie of the NIST Statistical Engineering Division.

William L. Grosshandler, Chief
Fire Research Division

Robert L. Watters, Jr., Chief
Measurement Services Division

Gaithersburg, MD 20899
Certificate Issue Date: 01 February 2005
SRM 1082

Page 1 of 2

The support aspects involved in the issuance of this SRM were coordinated through the NIST Measurement Services Division.

The cigarettes were purchased by NIST from Philip Morris USA (Richmond, VA).¹

INSTRUCTIONS FOR USE

Stability and Use: ASTM E2187-04 states that cigarette test specimens are to be protected from physical or environmental damage while in handling and storage. It is important that the specimens not be crushed or deformed in any manner. Careful handling is needed to ensure that the specimens are not contaminated while in storage, and that they are protected from degradation by insects. If test cigarettes are not to be used for more than one week, they are to be stored in a freezer at approximately 0 °C (32 °F).

Prior to testing, the cigarettes are to be removed from the pack(s) and conditioned at a relative humidity of 55 % \pm 5 % and a temperature of 23 °C \pm 3 °C (73 °F \pm 5 °F) for at least 24 h. The cigarettes are to be placed in a clean, open container, with the number of cigarettes being sufficiently small to enable free air access to the specimens, for example, a maximum of 20 cigarettes in a 250 mL polyethylene or glass beaker.

Material Selection and Packaging: The state of New York, the state of Vermont, the state of California, and the dominion of Canada have enacted legislation requiring that all cigarettes sold in their jurisdictions must not exceed 25 % full-length burns using this test method. A test consists of 40 determinations, each on a substrate consisting of 10 layers of filter paper. The filter paper is to meet the weight requirements in ASTM E2187-04 and is to be conditioned prior to testing, as described in the ASTM standard.

This SRM was developed because cigarette companies, the New York Office of Fire Prevention and Control, and Health Canada indicated a need for a standard cigarette that could be used by testing laboratories and manufacturers to assess and control ignition strength testing to assure regulatory compliance and quality control. The planned cigarette was to have a target ignition strength near (a) the required pass/fail criterion and (b) the value to which cigarette companies would need to design products in order to assure success during compliance testing, which is somewhat lower than the pass/fail criterion.

After examining several prototypes, Philip Morris USA submitted the candidate standard cigarettes to NIST. The packs and cartons were printed to NIST specifications at the factory. The cigarettes themselves bear no markings.

REFERENCE

- [1] Gelman, A.; Carlin, J.B.; Stern, H.S.; Rubin, D.B.; *Bayesian Data Analysis*; Chapman and Hall: London (1995).

Users of this SRM should ensure that the certificate in their possession is current. This can be accomplished by contacting the SRM Program at: telephone (301) 975-6776; fax (301) 926-4751; e-mail srminfo@nist.gov; or via the Internet <http://www.nist.gov/srm>.

¹Certain commercial equipment, instrumentation, or materials are identified in this certificate to specify adequately the experimental procedure. Such identification does not imply recommendation or endorsement by the NIST, nor does it imply that the materials or equipment identified are necessarily the best available for the purpose.

SB

93

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
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Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Office of Senator Bettye Davis

April 2, 2007

Representative Kurt Olson, Chair
House Labor & Commerce Committee
State Capitol Building, Rm 408
Juneau, Alaska 99801
907-465-2693

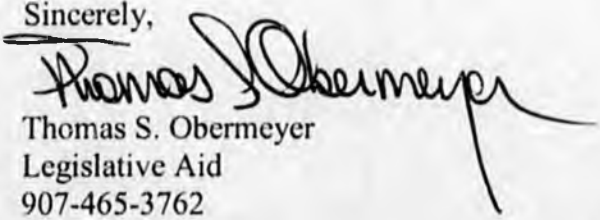
RE: Request for Hearing - SB 93 - "An Act relating to licensed professional counselors; and relating to unlicensed use of the title, 'professional counselor.'"

Dear Representative Olson,

Senator Davis respectfully requests a hearing in the House Labor & Commerce Committee on SB 93 concerning licensed professional counselors. Attached are the following:

1. Sponsor Statement
2. Current/original version of SB 93
3. Fiscal Note
4. Tentative list of people to testify
5. Letters and additional documentation

Sincerely,


Thomas S. Obermeyer
Legislative Aid
907-465-3762

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
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Senator_Betty_Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Office of Senator Betty Davis

SB 93 - Sponsored by Senator Davis

“An Act relating to licensed professional counselors; and relating to unlicensed use of the title, ‘professional counselor.’”

SPONSOR STATEMENT

SB 93 amends two sections of the Alaska Statutes concerning professional licenses and insurance as regards Licensed Professional Counselors.

Section 1 of the bill amends AS 08.29.0100(a) regarding unlicensed use of the title, “professional counselor” and clarifies words, letters, or abbreviations reasonably confused with the titles of “licensed professional counselor,” “professional counselor,” and “licensed counselor.” SB 93 better protects the public from unlicensed individuals misusing these titles and misrepresenting themselves as having the same qualifications of licensed professional counselors who must complete formal educational requirements with a masters degree or higher in this area; pass a license qualifying exam; and complete lengthy supervised practice for not less than two years.

Section 2 amends AS 21.36.090(d), the insurance provision that prohibits discrimination against licensed service providers under a group health insurance policy if that service is within the scope of the provider’s occupational license. SB 93 adds Licensed professional Counselors to the long list of “providers” in this category. SB 93 will also increase access to needed services for some who formerly were excluded because Licensed Professional Counselors were not included with other health care professionals in the non-discrimination clause of insurance statute, AS21.36.090(d).

Licensed Professional Counselors (LPCs) make up about 1/3 of all mental health professionals in the State of Alaska and represent the same proportion of all counselors working in state funded mental health and substance abuse treatment facilities. Officially established ten years ago, last year the Legislature approved a statutory change to allow LPCs to practice “psychotherapy” and make Title 47 civil commitment evaluations.

SB 93 helps ensure third party billing parity for LPCs while it allows them to be included with other health care professionals in this area. SB 93 will better protect and better serve the public and has a zero (\$0.00) fiscal note.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB93-COM-OL-03-03-07
 Bill Version: SB 93
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Professional Counselors RDU Occupational Licensing (117)
 Component Occupational Licensing
 Sponsor Davis, Wilken
 Requester Senate Labor & Commerce Component No. 2360

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						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 08.29.100 relating to the unlicensed use of the title professional counselor and has no fiscal impact upon the division.

Prepared by: Chris Wyatt, Administrative Manager
 Division: Corporations, Business, and Professional Licensing
 Approved by: Emil Notti, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone (907) 465-2572
 Date/Time 3/3/07 11:59 AM
 Date 3/3/2007

Alaska State Legislature

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<http://www.akdemocrats.org>

Office of Senator Bettye Davis

SB 93 - Sponsored by Senator Davis

“An Act relating to licensed professional counselors; and relating to unlicensed use of the title, ‘professional counselor.’”

Tentative list to testify

In Person

Pamela Watts, M. Coun., LPC, NCC, Administrator, Juneau Alliance for Mental Health, Inc. 463-3303

By Teleconference – 888-295-4546

Kerry Turnbow, LPC, Vice-Chair, Board of Professional Counselors, Hope Counseling Center, Fairbanks – 451-8208

LIO in Anchorage

Anne Henry, LPC, former Chair and member, Board of Professional Counselors 250-5244



Juneau Alliance for Mental Health, Inc

*Quality Community-Based Mental Health Services
Since 1985*

March 2, 2007

Senator Bettye Davis
State Capitol, Room 30
Juneau, Alaska 99801

Dear Sen. Davis:

I am pleased to write in support of SB 93, "Professional Counselors". As an employer of mental health professionals, this legislation is important because it helps ensure client access to behavioral health services provided by qualified professionals.

- It clarifies the appropriate use of the term "professional counselor" which protects persons seeking mental health services
- It allows Licensed Professional Counselors to be included with other health care professionals in the non-discrimination clause of the insurance statutes.

Alaska is challenged with recruiting and retaining a qualified behavioral health workforce. Over 1/3 of all masters level counselors working in State-funded mental health and substance abuse treatment programs are Licensed Professional Counselors; they constitute almost 1/3 of all licensed mental health professionals in Alaska.

The fact that LPCs are not currently included with other health care professionals in the non-discrimination clause of the insurance statutes, serves to reduce access to needed services for some, and to reduce opportunities for agency reimbursement for services rendered by qualified professionals.

In closing, Medicaid regulations have recognized and reimbursed for services provided by Alaskan LPC's for years and recently, on a national level, the Department of Veterans Affairs has approved reimbursement for Nationally Certified (professional) Counselors who meet essentially the same qualifications as the State of Alaska criteria for LPCs. I strongly support passage of this legislation, in the best interests of all Alaskans.

Respectfully,

Pamela L. Watts, M.Coun., LPC, NCC
Administrator

Shawnie Olson - Counseling Services



Box 2914
Homer, AK 99603
907-235-8808 or 235-8886

February 24, 2007

Dear Senator Ellis,

As Chair of the Labor and Commerce Committee, you will be reading through a bill that was just introduced on February 22, 2007 by Senator Davis. Senate Bill No. 93 concerns Licensed Professional Counselors and I would like to speak briefly about this bill:

Section 1 of the bill deals with professional title. It has come to the Board of Professional Counselors' attention that some individuals are utilizing the title "professional counselor" when indeed they are not licensed. In AS 08.29.100, we sought to prevent misuse of our title for public protection. We included "licensed professional counselor" and "licensed counselor" but neglected to consider the use of "professional counselor". We are trying to amend this error at this time. When the public seeks mental health care, they have a right to anyone they desire. However, if they want someone with licensure, we want those who have a license to be clearly specified so that the public is never misled. On a very personal note, I feel that we are trying to maintain the integrity of our profession.

Section 2 of this bill deals with an amendment that adds "licensed professional counselors" to the list of health care providers in the state of Alaska. As you are probably aware, LPCs were officially established in the state ten years ago. Through Title 47 they were classified as "mental health professionals". Last year the Legislature made a statutory change to clarify that LPCs practice "psychotherapy". Licensed Professional Counselors constitute about one-third of all licensed mental health professionals in the state of Alaska. We make up more than one-third of all counselors working in state funded mental health and substance abuse treatment facilities. Despite these facts, Alaskans are often refused reimbursement by their insurance companies because we are not on this provider list and some mental health facilities and substance abuse treatment facilities are restricted in their ability to serve insured clients because their insurance companies will not reimburse for LPC services. We are seeking to get our clients reimbursed as well as to support public, state funded mental health and substance abuse treatment facilities.

The Board of Professional Counselors would truly appreciate your support of this bill and any effort you can make to see it scheduled soon because of this short session. We would like to avoid additional client costs that another year of waiting would create. Thank you so much for your time and energy on our behalf.

Most sincerely,

Shawnie Olson, Chair
Board of Professional Counselors

Dana Owen

From: Sen. Johnny Ellis
Sent: Monday, March 05, 2007 10:00 AM
To: Dana Owen
Subject: FW: SB 93

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

From: Sally Donaldson [mailto:sallyannbd@yahoo.com]
Sent: Sunday, March 04, 2007 12:35 PM
To: Sen. Johnny Ellis
Subject: SB 93

Dear Senator Ellis,

I am writing to thank Senator Davis for her work on SB 93 for licensed professional counselors (LPCs). We also appreciate your help in getting this short bill before the committee.

SB93 clarifies language, and helps to ensure third party billing parity for LPCs. We have proven over the past decade that we are equal to other licensed mental health professionals in the state, and also deserving of the benefits of our professional standing for the work we do with Alaskan citizens.

In Section 1, we are making a small change to the statutes, adding the term "professional counselor" for title restriction. This was a simple oversight on the part of the original drafters of the legislation, but it has come to the board's attention as a potential public protection problem. This bill is a convenient vehicle to ensure that protection.

Section 2, will allow Licensed Professional Counselors to join the ranks of Alaska's other health care professions in the non-discrimination clause of the insurance statutes. For several years, LPCs have been contributing to the body of mental health work in non-profit mental health/behavioral health facilities.

Over the years, many of these facilities have complained that some insurance companies refuse to reimburse them for LPC services—reducing the agency's capacity to serve insured clients. It is our hope that this bill will remedy the current discriminatory situation, and allow for greater client access to the full range of mental health professionals. In addition, agencies will be able to add another resource to their dwindling funding stream.

Thank you for your work in getting this bill passed in the Labor and Commerce Committee.

Sincerely,
Sally Donaldson, M.Ed., LPC
Juneau, Alaska

Be a PS3 game guru:
Get your game face on with the latest PS3 news and previews at Yahoo! Games.
<http://videogames.yahoo.com/platform?platform=120121>

ANNE L. HENRY, LPC
101 9TH AVE., UNIT 5A • ANCHORAGE, AK • 99501
PHONE: 907.272.0824 • FAX: 907.272.0826
CELL: 907.250.5244 • EMAIL: ALHENRY@ALASKA.NET

February 24, 2007

Dear Senator Ellis,

I am writing to you to ask you to quickly schedule and support Senator Davis SB 93. For years we Licensed Professional Counselors have served the people of the state - those with chronic mental illness and those experiencing short term problems (divorce, a death etc.). For those individuals who are fortunate enough to have health insurance, some companies still do not recognize and reimburse for LPC services. This is a public access to service issue since over 1/3 of mental health professionals are LPCs. And it costs LPCs as well. I have had many clients call me and make an appointment only to learn that their insurance company does not recognize LPC's. A loss for them + me.

Thank you for your support.

Anne L. Henry

Don Burrell

From: k.kade@att.net
Sent: Monday, March 05, 2007 10:13 PM
To: Sen. Bettye Davis
Cc: Thomas Obermeyer
Subject: Senate Bill 93 - and the Deaf

RECEIVED
MAR 05 2007

To: Senator Bettye Davis,

Hello I just want to thank-you for sponsoring this important bill. I am an LPC and would like to have guarantee of third party reimbursement for the work that I do. I am one of the few professionals who knows American Sign Language and having third party reimbursement would help Deaf and hard of hearing people have a greater selection of professionals from which to choose. Thank-you for your time and efforts in regards to these regulations.

I will send you a letter in a few days. I have been in Thailand for the past three weeks and only recieved information about this important issue today. I understand that it goes to the floor tomorrow so I wanted to write at least a thank-you this evening. Good Luck

Kaya T. Kade, LPC
1805 Academy Drive, Suite 206
Anchorage, AK 99507
907-743-9994

Don Burrell

From: Bill Emery [wemery@northstar.k12.ak.us]
Sent: Tuesday, March 06, 2007 10:23 AM
To: Sen. Bettye Davis
Subject: Support SB 93

Dear Senator Davis,

I wholeheartedly support the changes to SB93 so licensed professional counselors can receive adequate compensation through insurance company's to help pay for their needed services to those having mental health issues.

Please support this bill.

Thank you.

William L. Emery
3789 Blessing Ave.
North Pole, AK 99705

RECEIVED
MAR 06 2007

--
William L. Emery
School Counselor
Badger Road Elementary
907-488-0134 ext. 228

Thomas Obermeyer

From: Anne L. Henry [alhenry@alaska.net]

Sent: Monday, March 05, 2007 9:41 AM

To: Thomas Obermeyer

Subject: SB93

Attachments: Requirements for Licensure.doc; Professional Practice Definitions.doc

Tom, attached are a couple of documents that compare the licensing requirements and definitions of practice for the four types of mental health professionals licensed by the state.

Please call me with questions. As I said, I chaired the board for 8 years, worked the original legislation to create the licensing and worked as legislative liaison for the Division of Behavioral Health in the Department of Health and Social Services for 4 years.

Thanks,
Anne Henry
250-5244

Licensed Mental Health Clinical Professional Practice Definitions

Taken from Alaska Statutory Definitions of the 4 licensed disciplines

Licensed Psychologist and Psychological Associate

"to practice psychology" means to render or offer to render for a fee to individuals, groups, organizations, or the public for the diagnosis, prevention, treatment, or amelioration of psychological problems and emotional and mental disorders of individuals or groups or for conducting research on human behavior, a psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, including

(A) the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships;

(B) the methods and procedures of interviewing, counseling, psychotherapy, biofeedback, behavior modification, and hypnosis;

(C) constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

Licensed Clinical Social Worker

(2) "clinical social work" means the diagnosis of psychiatric disorders and the use of techniques of applied psychotherapy of a nonmedical nature while practicing social work;

(3) "clinical social worker" means a person who practices clinical social work;

(6) "social work" means a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior is directed, through the application of social work principles and methods, at helping individuals to achieve more adequate, satisfying, and productive social adjustments;

(7) "social work principles and methods" include counseling of a nonmedical nature to assist in the treatment of mental and emotional conditions of individuals, families, and groups; providing information and referral services; providing or arranging for the provision of social services; explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, provide, or improve social and health services; and doing research related to social work.

Licensed Marital and Family Therapist

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

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

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

Licensed Professional Counselors

"practice of professional counseling" means, subject to (C) of this paragraph, the application of principles, methods, or procedures of the counseling profession to diagnose or treat, other than through the use of projective testing or individually administered intelligence tests, mental and emotional disorders that are referenced in the standard diagnostic nomenclature for individual, group, and organizational therapy, whether cognitive, affective, or behavioral, within the context of human relationships and systems; if otherwise within the scope of this paragraph, "practice of professional counseling" includes

(A) the professional application of evaluation techniques, treatments, and therapeutic services to individuals and groups for the purpose of treating the emotional and mental disorders;

(B) an applied understanding of the dynamics of the individual and of group interactions, along with the application of therapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships; and

(C) consistent with regulations adopted by the board under AS 08.29.020(a)(4), administration and use of appropriate assessment instruments that measure or diagnose problems or dysfunctions within the course of human growth and development as part of a counseling process or in the development of a treatment plan;

Requirements and Rates for Licensure for Mental Health Disciplines

Licensed PhD Psychologist:

Doctoral Degree

No dishonorable conduct

One year of post-doctoral supervised experience

Passage of a board approved exam

Fee Rates: Vary from \$85 (Medicaid Reimbursement) to \$200 per hour

Licensed Psychological Associate:

Master's Degree

No dishonorable conduct

Two years post-graduate supervised experience

Passage of a board approved exam

Fee Rates: Vary from \$65 to \$135, Medicaid Reimbursement for psychotherapy is \$85

Licensed Social Worker:

Doctoral or Master's Degree

Over a minimum of 2 years, 3,000 supervised hours of experience

Good moral character and in good standing

Passage of a board approved exam (exams are specific to LCSW or LMSW)

Fee Rates: Vary from \$65 to \$135, Medicaid Reimbursement for psychotherapy is \$85

Licensed Marital and Family Therapist:

Master's Degree – with course work specific to marriage and family

Has not engaged in conduct that is a ground for imposing disciplinary sanctions

One year of post-graduate supervised clinical practice (1500 hours)

Passage of a board approved exam

Fee Rates: Vary from \$65 to \$135, Medicaid Reimbursement for psychotherapy is \$85

Licensed Professional Counselors:

Doctoral or Master's Degree

Is not under investigation

Has not had a license suspended, revoked, or surrendered elsewhere

Over a minimum of 2 years, 3,000 supervised hours of experience

Passage of a board approved exam

Fee Rates: Vary from \$65 to \$135, Medicaid Reimbursement for psychotherapy is \$85

SB

101

25th
ALASKA STATE LEGISLATURE

Senator Johnny Ellis, Chair
Senator Gary Stevens, Vice Chair
Senator Bettye Davis
Senator Lyman Hoffman
Senator Con Bunde



State Capitol, Room 9
465-3704

Senate Labor & Commerce Committee

Senate Bill 101, An Act relating to private professional conservators and private and public guardians

Sponsor Statement CSSB 101 (2nd L&C)

The Senate Labor & Commerce Committee introduced Senate Bill 101, An Act relating to private professional conservators and private and public guardians, at the request of the Office of Public Advocacy. The bill seeks to encourage more private professional guardians in Alaska, while assuring that individuals providing that service are appropriately licensed and regulated. Additionally, it mandates that public guardians meet or exceed the same standards as private professional guardians.

Senate Bill 101, now CSSB 101 (2nd L&C) would amend licensing statutes to require that all private professional guardians and conservators be licensed individually; the bill would repeal organizational licenses. Also, the bill would clarify that bonding and insurance requirements for guardians and conservators are those imposed by courts. The bill specifies certain crimes that would disqualify an individual from obtaining a license and imposes a further test of any other crime that would indicate that the individual is unsuitable to competently and safely provide services to the protected person. The bill also mandates written findings where courts deviate from the priority lists of potential guardians or conservators.

Additionally, the bill now incorporates into Alaska Statutes the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This legislation, developed by the National Conference of Commissioners for Uniform State Laws, would establish common procedures among states for settling jurisdictional, transfer and enforcement issues arising from guardianship cases that cross state borders.

The Labor & Commerce Committee views this bill as a positive enhancement to Alaska's guardianship and conservator statutes and invites your support.

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

January 29, 2008

SUBJECT: Sectional Summary of CSSB 101(2d L&C)
(Work Order No. 25-LS0559\V)

TO: Senator Johnny Ellis
Chair of the Senate Labor & Commerce Committee
Attn: Dana Owen

FROM: Alpheus Bullard *AB*
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. Requires a person providing services as a private professional guardian or conservator to have a license issued under AS 08.26.

Section 2. Allows for the issuance of "full" and "partial" guardian licenses, eliminates the requirement that an applicant for licensure provide proof that the individual is able to be bonded and insured, changes how the criminal history of an applicant will be interpreted by the department, and requires an applicant for either a full or partial private professional guardian license to satisfy the requirements for obtaining a private professional conservator license under AS 08.26.030.

Section 3. Adds a new subsection to AS 08.26.020, governing the issuance of a private professional partial guardian license.

Section 4. Eliminates the requirement an applicant for licensure provide proof that the individual is able to be bonded and insured, and changes how the criminal history of an applicant for licensure as a private professional conservator will be interpreted by the department.

Section 5. Changes what is required to be submitted with an application for licensure as a private professional conservator or guardian.

Section 6. Changes what an annual report from a licensee under AS 08.26 must include, and to whom the annual report should be submitted.

Section 7. Requires the office of public advocacy to notify the Department of Commerce, Community, and Economic Development of a licensee's compliance in filing an annual report.

Section 8. Conforms the language of AS 08.26.100 to changes made in sec. 1 of the Act.

Section 9. Amends the grounds for disciplinary action under AS 08.26, and the disciplinary actions the department may take against a licensee.

Section 10. Changes the language of AS 08.26.180 to provide individuals employed by certain financial institutions a licensing exemption to AS 08.26.

Section 11. Redefines some of the terms used in AS 08.26.

Section 12. Adds a subsection to AS 13.26.010, which provides that the section is subject to the requirements of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Sections 13 - 16. Amend the language of AS 13.26.095(d), AS 13.26.109(b), 13.26.109(c), and 13.26.109(d) to conform with the repeal of AS 13.26.155 made by sec. 26 of the Act.

Section 17. Changes the procedures by which a court may make a finding of incapacity.

Section 18. Requires a court to make appropriate written findings if the court appoints a person who has lower priority as a guardian of an incapacitated person under AS 13.26.145(d).

Section 19. Amends AS 13.26.170 to conform with changes made by sec. 24 of the Act, and change the jurisdiction exercised by a court in which a petition has been filed seeking the appointment of a conservator or other protective order.

Section 20. Requires a court to make appropriate written findings if the court appoints a person who has lower priority as a conservator of an incapacitated person under AS 13.26.210(d).

Section 21. Makes certain records required to be kept by a public guardian confidential unless the records are relevant to certain cases, investigations, or proceedings.

Section 22. Adds new eligibility requirements for individuals to whom a public guardian may delegate powers and duties.

Section 23. Allows the office of public advocacy, following the termination of a public guardian's appointment, to collect the reasonable cost of the services rendered to the ward or protected person before releasing that ward or protected person's funds.

Section 24. Adds a new chapter, AS 13.27, "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act."

▪ Article 1. Application; Cooperation between Courts.

13.27.010. Provides for how an Alaska court should treat a court of a foreign country in a matter concerning a guardianship or protective proceeding in Alaska.

13.27.020. Establishes how an Alaska court may communicate with courts in other states concerning a guardianship or protective proceeding in Alaska.

13.27.030. Establishes how an Alaska court may cooperate with courts in other states concerning a guardianship or protective proceeding in Alaska.

13.27.040. Provides for the taking of testimony in another state in a guardianship or protective proceeding in an Alaska court.

▪ Article 2. Jurisdiction.

13.27.100. Specifies that AS 13.27.100 - 13.27.180 provide the exclusive basis for subject matter jurisdiction for an Alaska court to appoint a guardian or issue a protective order for an adult.

13.27.110. Establishes the jurisdiction basis upon which an Alaska court may appoint a guardian or issue a protective order.

13.27.120. Describes when a court that lacks jurisdiction under AS 13.27.110 may exercise special jurisdiction.

13.27.130. Establishes that a court that has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction.

13.27.140. Provides criteria for a court having jurisdiction under AS 13.27.110 to decide whether another court is a more appropriate forum, and the procedures a court must follow if it declines to exercise jurisdiction.

13.27.150. Sets out the procedures that a court may employ if the court determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustified conduct.

13.27.160. Requires notice of a petition for the appointment of a guardian or the issuance of a protective order be given to certain persons in another state if this state was not the respondent's home state when the petition was filed.

13.27.170. Provides rules for an Alaska court when a court of another state is also engaged in a related proceeding concerning the appointment of a guardian or issuance of a protective order.

13.27.180. Provides definitions for AS 13.27.100 - 13.27.180.

▪ Article 3. Transfer of Guardianship or Conservatorship.

13.27.200. Establishes how a guardianship or conservatorship may be transferred to another state.

13.27.210. Establishes how a guardianship or conservatorship may be transferred from another state.

▪ Article 4. Registration and Recognition of Orders from Other States.

13.27.300. Provides how a guardian appointed in another state may register a guardianship order in Alaska.

13.27.310. Provides how a conservator appointed in another state may register a protective order in Alaska.

13.27.320. Provides that a guardianship or protective order of another state that is registered in Alaska allows that guardian or conservator to exercise all powers authorized in the order except as may be prohibited or conditioned by Alaska law.

▪ Article 5. Miscellaneous Provisions.

13.27.400. Provides direction as to how AS 13.27 should be applied and construed to promote uniformity.

13.27.410. Describes the relationship between AS 13.27 and the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001, et seq.).

▪ Article 6. General Provisions.

13.27.490. Provides definitions for AS 13.27.

13.27.495. Establishes a short title for the chapter.

Section 25. Changes the language of AS 47.10.115(c) to conform with the repeal of AS 13.26.155 made by sec. 26 of the Act.

Section 26. Repeals AS 08.26.040 and AS 13.26.155.

Section 27. Provides for the applicability of sec. 24 of the Act.

Section 28. Specifies how current licenses issued under AS 08.26.040, repealed by sec. 26, will be affected by the Act.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSSB 101(2d L&C)
 (S) Publish Date: 1/28/08

Identifier (file name): SB101CS(STA)-CED-OL-01-18-08 Dept. Affected: DCCED
 Title: Guardianship and Conservators RDU: Corp. Bus and Prof Licensing (117)
 Sponsor: Senate Labor & Commerce Component: Corp. Bus and Prof Licensing
 Requester: Senate Labor & Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temp								

ANALYSIS: (Attach a separate page if necessary)

This legislation amends various provisions of AS 08.26 Professional Conservators and Guardians and new funds are not required to implement the provisions of this bill. The licensing program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Chief
 Division: Corporations, Business and Professional Licensing
 Approved by: Emil Notti, Commissioner
Commerce, Community, and Economic Development

Phone: (907) 465-2144
 Date/Time: 1/18/08 6:00 PM
 Date: 1/18/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSSB 101(2d L&C)
 (S) Publish Date: 1/28/08

Identifier (file name): SB101-DOA-OPA-11-29-07 Dept. Affected: Administration
 Title: An Act relating to private professional conservators RDU: Legal and Advocacy Services
and private and public guardians. Component: Office of Public Advocacy
 Sponsor: Labor and Commerce
 Requester: _____ Component Number: 43

Expenditures, Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	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	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill will amend the current licensure requirements for private professional conservators and guardians so as to eliminate duplicative licenses and fees. This legislation would also impose requirements that public guardians and conservators undergo criminal background checks to determine whether the applicant has been convicted of any crimes of dishonesty within ten years of his or her application, and also require that Public Guardians receive certification from a national guardian/conservatorship organization within one year of employment at OPA. These two requirements are already imposed on private guardians. The costs of the criminal background checks and certification fees will be de minimus, and therefore, OPA submits a zero fiscal note.

Prepared by: Joshua P. Fink, Director
 Division: Office of Public Advocacy
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-269-3501
 Date/Time 11/29/07 4:00 p.m.
 Date 11/29/2007

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: 5
 Bill Version: CSSB 101(2d L&C)
 (S) Publish Date: 2/19/08
 Dept. Affected: Health & Social Services
 RDU: Senior and Disabilities Svcs
 Component: Senior/Disabilities Svcs Admin

ID(File name) SB101CS(2d L&C)-DHSS-SDSA-2-5-08
 Title GUARDIANSHIP AND CONSERVATORS
 Sponsor SENATE (L&C)
 Requester SENATE FINANCE

Component No. 2663

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (0)							

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1037 GF/Mental Health							
Other(Specify Type-do not abbreviate)							
Other(Specify Type-do not abbreviate)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

SB 101 CS(2dL&C) directly impacts the Office of Public Advocacy, but will assist Adult Protective Services workers as they work with vulnerable adults. In addition to providing improved guidelines for private guardians, it also provides additional protection for incapacitated persons unjustly involved in interstate guardianship proceedings. This fiscal note will have a zero fiscal impact to Senior and Disabilities Services.

Prepared by: Rod Moline, Division Director
 Division: Senior and Disabilities Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3372
 Date/Time 02/04/2008
 Date 02/05/2008



January 23, 2008

The Honorable Johnny Ellis, Chair
Senate Labor and Commerce Committee
Alaska State Capitol, Room 9
Juneau, AK 99801-1182

RE: SB 101 (Senate Labor and Commerce Committee)--Support

Dear Chair Ellis:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the Senate Labor and Commerce Committee to support your Committee bill SB 101.

SB 101 is, in AARP's view, a consumer safeguard bill that builds on previous work to make certain our guardianship and conservatorship regulations work as they are intended.

Incapacitated elders are at risk of abuse, neglect and exploitation by guardians and conservators. SB 101 will help guard against fiduciary abuse.

As the need for guardians has grown, courts have found it more difficult to find family members or friends able and willing to accept the responsibilities of guardianship. Professional guardians and conservators are used more and more often. SB 101 will help improve the quality of guardians and prevent abuses. As Alaska insists on training and certification and reporting, we will ensure that all guardians are better informed about their responsibilities and the requirements for caring for incapacitated people.

AARP considers SB 101 as one more significant step creating safeguards in what will only become a growing industry. Government oversight is essential for quality control.

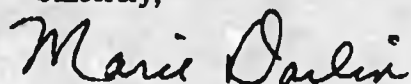
We understand that the Attorney General is recommending that Alaska adopt a uniform law on guardianship which is being promoted by the National Association of Attorneys General. AARP has reviewed the model bill and, if possible, we would recommend that Alaska add the components of the model bill to SB 101.

We urge an "AYE" vote on SB 101.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick 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 Gary Stevens
Senator Bettye Davis
Senator Lyman Hoffman
Senator Con Bunde



**National
Guardianship
Foundation**

P.O. Box 5704 - Harrisburg, PA 17110 - (717) 238-4689 phone - (717) 238-9985 fax
www.guardianship.org

May 7, 2007

National Conference of Commissioners on
Uniform State Laws (NCCUSL)
c/o David G. Nixon, Chairman
211 E. Ontario Street
Suite 1300
Chicago, IL 60611

Dear Mr. Nixon:

The National Guardianship Foundation (NGF) Board of Trustees met in late April and voted unanimously to endorse the attached resolution related to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Should you have any questions, please don't hesitate to contact me directly. Thank you for your hard work on this important issue.

Sincerely,

Denise R. Calabrese
Executive Director

cc: NGF President Gary Beagle
NGA Executive Director Terry Hammond
David English

NATIONAL GUARDIANSHIP FOUNDATION

RESOLUTION IN SUPPORT OF:

THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS

JURISDICTION ACT

WHEREAS population mobility has left courts facing many dilemmas and challenges concerning which of several states have jurisdiction over guardianship and protective proceedings;

WHEREAS the National Conference of Commissioners on Uniform State Laws endeavors to carry forward the groundbreaking work of the National College of Probate Judges in its National Probate Court Standards on interstate jurisdiction transfers by drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act;

WHEREAS this Uniform Act, if enacted, will fulfill a key recommendation of the 2001 Wingspan National Guardianship Conference by providing procedures to resolve interstate jurisdiction controversies and to facilitate transfers of guardianship cases among jurisdictions;

WHEREAS the Act provides for the recognition and enforcement of a guardianship or protective proceedings orders, and facilitates the communication and cooperation between Courts of different jurisdictions concerning guardianship or protective proceedings;

WHEREAS the Act provides for a method of determining the appropriate initial forum for such proceedings, for a method of obtaining an order to transfer jurisdiction over such proceedings to another state, and for the recognition and registration of guardianship or protective orders across state lines,

WHEREAS the application and construction of this Uniform Act will promote uniformity of the law with respect to jurisdictional issues of guardianship and protective proceedings for adults among states that enact it;

WHEREAS the National Guardianship Foundation is involved in the process of drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act with the help of the AARP, American Bar Association, the National Guardianship Association, the National College of Probate Judges, the American College of Trust and Estate Counsel, the National Academy of Elder Law Attorneys, and other interested groups; and

WHEREAS the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, if enacted, can help effectively address the dilemmas and challenges concerning jurisdiction of guardianship and protective proceedings for adults;

THEREFORE BE IT RESOLVED that the National Guardianship Foundation supports the efforts of the National Conference of Commissioners on Uniform State Laws to promulgate the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

NATIONAL COLLEGE OF PROBATE JUDGES

RESOLUTION IN SUPPORT OF:

THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS

JURISDICTION ACT

WHEREAS guardianship and protective proceedings for adults has left Courts facing many dilemmas and challenges concerning jurisdiction over these proceedings,

WHEREAS the National College of Probate Judges has performed groundbreaking work on this issue in the National Probate Court Standards for some time in order to provide statutory direction for this complex problem,

WHEREAS the National Conference of Commissioners on Uniform State Laws endeavors to carry forward this work by drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act,

WHEREAS the Act provides for the recognition and enforcement of a guardianship or protective proceedings order of a foreign country, provides for a process of communication and cooperation between Courts of different jurisdictions concerning guardianship or protective proceedings, provides that a court on its own motion may order the testimony of a person to be taken across state lines and may prescribe the manner in which and terms upon which the testimony is taken.

WHEREAS the Act provides for a method of determining the appropriate initial forum for such proceedings, for a method of obtaining an order to transfer jurisdiction over such proceedings to another state, and for the recognition and registration of guardianship or protective orders across state lines,

WHEREAS the application and construction of this Uniform Act, if enacted, will promote uniformity of the law with respect to jurisdictional issues of guardianship and protective proceedings for adults among states that enact it,

WHEREAS the National College of Probate Judges is involved in the process of drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act with the help of the American Association of Retired Persons, National Guardianship Association, and the National Association of Elder Law Attorneys,

WHEREAS this Uniform Act, if enacted, will fulfill a key recommendation of the 2001 Wingspan National Guardianship Conference by providing procedures to resolve interstate jurisdiction controversies and to facilitate transfers of guardianship cases among jurisdictions.

WHEREAS the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, if enacted, can effectively address the dilemmas and challenges concerning jurisdiction of guardianship and protective proceedings for adults,

IT IS THEREFORE BE IT RESOLVED that the National College of Probate Judges supports the efforts of the National Conference of Commissioners on Uniform State Laws in its effort to create the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

**WHY STATES SHOULD ADOPT
THE UNIFORM ADULT GUARDIANSHIP
AND PROTECTIVE PROCEEDINGS JURISDICTION ACT
(2007)**

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) received its final approval at the National Conference of Commissioners for Uniform State Laws' (NCCUSL) 2007 annual meeting. The UAGPPJA deals primarily with jurisdictional, transfer and enforcement issues relating to adult guardianships and protective proceedings. There are a number of reasons why every state should adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

- ***Provides procedures to resolve interstate jurisdiction controversies.*** The UAGPPJA creates a process for determining which state will have jurisdiction to appoint a guardian or conservator if there is a conflict by designating that the individual's "home state" has primary jurisdiction, followed by a state in which the individual has a "significant-connection." Under certain prescribed circumstances, another state may be chosen if it is the more appropriate forum.
- ***Facilitates transfers of guardianship cases among jurisdictions.*** The UAGPPJA specifies a procedure for transferring a guardianship or conservatorship to another state and for accepting a transfer, helping to reduce expenses and save time while protecting persons and their property from potential abuse.
- ***Provides for recognition and enforcement of a guardianship or protective proceeding order.*** The UAGPPJA helps to facilitate enforcement of guardianship and protective orders in other states by authorizing a guardian or conservator to register these orders in other states.
- ***Facilitates communication and cooperation between Courts of different jurisdictions.*** Permits communication between courts and parties of other states, records of the communications, and jurisdiction to respond to requests for assistance from courts in other states.
- ***Addresses emergency situations and other special cases.*** A court in the state where the individual is physically present can appoint a guardian in the case of an emergency. Also, if the individual has real or tangible property located in a certain state, the court in that jurisdiction can appoint a conservator for the property located there.
- ***Authorized guardians to exercise the powers authorized in the order and addresses international orders.***

UNIFORMITY

This Act will provide uniformity and reduce conflicts among the states. The UAGPPJA will also help save time for those who are serving as guardians and conservators, allowing them to make important decisions for their loved ones as quickly as possible. Every state should act quickly to adopt the Uniform Adult Guardianship and Protective Proceeding Act.

STATE OF ALASKA

DEPT. OF HEALTH & SOCIAL SERVICES

Alaska Commission on Aging

SARAH PALIN, GOVERNOR

P.O. BOX 110693
JUNEAU, ALASKA 99811-0693
PHONE: (907) 485-3250
FAX: (907) 485-1388


To: Members of the Alaska Senate
From: The Alaska Commission on Aging
Re: Support Letter for SB 101 (Senate Labor and Commerce)
Date: February 25, 2008

On behalf of the Alaska Commission on Aging (ACoA), we encourage support of SB 101, a Senate Labor and Commerce Committee bill, which will create several consumer safeguards for guardianships and conservatorship regulations. The Commission agrees with the Alaska Attorney General's Office that Alaska should adopt a uniform law on guardianship similar to what has been adopted in other states and is recommended by the National Association of Attorney Generals.

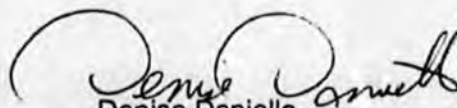
Incapacitated older Alaskans are at risk of abuse, neglect, and exploitation by guardians and conservators. SB 101 will help to protect vulnerable older persons.

In addition, the Commission believes that states should adopt consistent standards to protect the rights of vulnerable persons and to prevent abuse in guardianship proceedings. Older Alaskans, like other older Americans, often have ties to other states. Consistent laws across states benefit everyone, no matter where they may be, and helps to prevent problems.

The Commission encourages support of SB 101. Please feel free to contact Denise Daniello, ACoA's executive director at 485-4879, should you have questions regarding our position of this bill. Thank you for your consideration.



Banarsi Lal
Chair, Alaska Commission on Aging



Denise Daniello
ACoA Executive Director

Cc: Senator Charlie Huggins
Senator Kim Elton
Senator Donald Olson
Senator Joe Thomas
Senator Fred Dyson
Senator Johnny Ellis
Senator Albert Kookesh
Senator Lesil McGuire
Senator Stedman
Senator Gary Stevens
Senator Gene Therriault

Senator Con Bunde
Senator John Cowdery
Senator Bettye Davis
Senator Hollis French
Senator Lyda Green
Senator Lyman Hoffman
Senator Joe Thomas
Senator Thomas Wagoner
Senator Bill Wielechowski
Senator Gary Wilken

SB

120

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: 2
 Bill Version: CSSB 120(FIN)
 (S) Publish Date: 3/17/08

Identifier (file name): SB120CS-DOLWD-UI-03-17-08 Dept. Affected: Labor and Workforce Development
 Title: Unemployment Compensation Benefits RDU: Employment Security
 Component: Unemployment Insurance
 Sponsor: Senate L&C
 Requester: Senate Rules Component Number: 2276

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
CHANGE IN REVENUES (33030*)	0.0	0.0	2,000.0	8,000.0	14,000.0	16,000.0	16,000.0	16,000.0

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: None

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Thomas W. Nelson, Director Phone: 465-5933
 Division: Employment Security Date/Time: 3/17/08 9:50 AM
 Approved by: Click Bishop, Commissioner Date: 3/17/08
Department of Labor and Workforce Development

FISCAL NOTE #2

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

BILL NO. CSSB 120(FIN)

ANALYSIS CONTINUATION

The fiscal impact of this legislation arises from two proposed changes to Alaska's Unemployment Insurance Tax/Benefit system:

- (1) Raising the maximum unemployment compensation weekly benefit amount (WBA) from \$248.00 to \$370.00 effective January 1, 2009.
- (2) Changing the minimum qualifying wage from \$1,000 during the individual's base period (in at least two of the four qualifying quarters preceding a claim) to \$2,500.

The net effect of these two changes will be a gradual increase in employer/employee unemployment insurance (UI) tax receipts to the Unemployment Insurance Trust Fund. The projected change in the revenues is based on past UI tax trends and is displayed on the revenue line of the fiscal note. UI tax rates have the potential to fluctuate substantially depending on the economic strength of the state and the unemployment rate.

Note: Unemployment Insurance Tax Revenue (from employer and employee assessments) is routed through the State Treasury to the United States Treasury to be held in trust for Alaska Unemployment Insurance Benefit Payments. UI payments are not subject to appropriation under the Executive Budget Act so no expenditure information is displayed on this fiscal note. However, over time, the net amount of revenues resulting from tax changes arising from this legislation will be equal to the net amount of benefit payments.

March 24, 2008

Senator Gary Stevens
Rules Committee Chair
State Capitol Room 103
Juneau, AK 99801

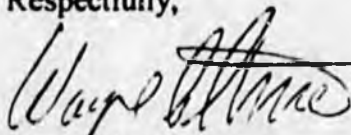
Senator Stevens,

For the past four years, the Alaska State Chamber of Commerce has been active with regards to unemployment insurance legislation. Currently as written, CS for SB 120(FIN) will raise weekly benefits for unemployed workers with little cost to employers. In fact, in the final year of the bill's gradual implementation process, it is likely the cost for unemployment insurance to the employer will be less than what we pay today. We offer our tentative support for CS SB 120(FIN).

The bill has gone through multiple iterations not published with the Senate Secretary. Senator Ellis, the bill's sponsor, has had many stakeholder meetings looking at nearly every aspect of increasing or reducing costs to employers and employees, while aiming to raise the weekly benefit rate. The current weekly benefit rates are very low for Alaska's high-cost of living labor market. Maintaining a trained work force in Alaska to fill seasonal jobs and or provide necessary labor for larger construction jobs will likely have the net result of helping Alaska's businesses. When employees enter lay-off periods, raising unemployment insurance weekly benefit amounts as prescribed under SB 120 should help maintain a stronger Alaskan workforce.

As mentioned above, the state chamber offers tentative support to the bill. We feel the bill represents a painstakingly difficult process in finding a compromise with regards to unemployment insurance issues. We still feel there are many outstanding issues that could save the employer and employees more money in the end, but as written, we do support CS SB 120(FIN). We encourage the Senate to take quick action with regards to SB 120 as there are many provisions, specifically sections 1 - 8, that must pass this year in order for Alaska statutes to be in concurrence with newly passed federal provisions.

Respectfully,



Wayne Stevens
President/CEO



Alaska

KEY VOTE

National Federation of Independent Business Key Vote

Vote YES on SB 120

Unemployment Insurance Changes

March 2008

The National Federation of Independent Business/Alaska is the largest small-business advocacy group in the state.

SB 120 Increases the weekly benefit for the first time in over 10 years; adopts mandated federal changes to avoid employer premium increases in the FUTA program; increases the eligibility threshold from \$1,000 to \$2,500; and changes the premium cost sharing from 80% employer to 73% employer.

While the majority of the cost increased costs continue to fall on employers, we believe that the structural changes and federal compliance are a positive step. NFIB requests your support for this bill.

Vote YES on Senate Bill 120

25th
ALASKA STATE LEGISLATURE

Senator Johnny Ellis, Chair
Senator Gary Stevens, Vice Chair
Senator Bettye Davis
Senator Lyman Hoffman
Senator Con Bunde



State Capitol, Room 9
465-3704

Senate Labor & Commerce Committee

Unemployment Compensation Benefits CSSB 120 (FIN)

SPONSOR STATEMENT

Alaska's current unemployment insurance benefits fall short in helping families cover living expenses during periods of unemployment. Alaska's maximum weekly unemployment insurance benefit of \$248 is the fourth lowest in the nation and has not been adjusted since 1997. Increasing the maximum weekly benefit is essential to alleviating skill shortages by ensuring Alaskan workers and their families survive periods of unemployment. Senate Bill 120 will increase the maximum weekly benefit from \$248 to \$370, placing Alaska at the midpoint among states.

CSSB 120 (FIN) represents a balance between raising benefits and lowering the cost of the UI system to employers. As Governor Palin announced in January, the tax rate for 2008 is the lowest in 28 years. Under the bill, costs to businesses would remain low, a modest \$25 increase per employee for the average employer. Even so, the average employer would pay \$89 less per employee than 2007. Employees would see a \$37 increase over 2008. Both increases would phase in over several years.

Finally, CSSB 120 (FIN) adds language that protects the privacy of individuals claiming UI benefits by ensuring that claim information remains confidential except in certain circumstances. Federal law requires that we include this provision in Alaska statutes.

Retaining a well-trained Alaskan workforce is essential for a strong economy. Maintaining benefit amounts that keep pace with the rest of the nation and our state's economy will help Alaskan families survive periods of unemployment and keep Alaska's workers in Alaska.

25th
ALASKA STATE LEGISLATURE

Senator Johnny Ellis, Chair
Senator Gary Stevens, Vice Chair
Senator Bettye Davis
Senator Lyman Hoffman
Senator Con Bunde



State Capitol, Room 9
465-3704

Senate Labor & Commerce Committee

The Case for Raising Alaska's Unemployment Benefit Amount

[Data cited in this paper are provided by the Alaska Department of Labor and Workforce Development. See especially February 2007 Alaska Economic Trends, "Alaska's Unemployment Insurance Benefits."]

A Healthy UI System Benefits All Alaskans

Unemployment insurance is a prime tool for stabilizing communities by providing a shock absorber for businesses, individuals and families affected by economic change. When workers lose their jobs, whether from the fluctuations of the business cycle or extraordinary events, UI helps them pay their bills and keeps money flowing in local economies.

- UI helps both businesses and workers.
- Alaskan workers stay in Alaska, ready for jobs when business picks up.
- Employers maintain a stable, ready pool of experienced workers.
- The UI system played a key role in weathering the 1986 oil price collapse.

Alaska's UI system has been soundly managed and is healthy today. Other states have depleted their trust funds during times of economic stress. Alaska has never depleted its trust fund.

- Alaska's UI system has always been able to maintain payments, even during the severe 1986 oil price crisis.
- Deposits into the trust fund have exceeded benefit payment in six of the last seven years.
- In 2006, deposits into the trust fund were \$178,851,000; benefit payments were \$108,500,575.

Wage Replacement

Since its inception, the UI system has sought to replace roughly 50% of lost wages, a goal repeatedly confirmed by presidents and commissions over many decades. Additionally, the system adheres to a second principle: the weekly benefit amount should be directly related to the individual's usual wage.

Alaska's benefit amount has fallen far behind wages.

- Alaska's wage replacement rate is dead last among all states (Washington, D.C. is lower).
- The average weekly wage in Alaska is \$782.
- The average weekly benefit amount is \$198, only 25% of the average wage.
- Our maximum weekly benefit amount of \$248 is the fourth lowest in the nation

- Alaska's maximum weekly benefit amount has not been adjusted since 1997.
- Eligible wages are capped at \$26,500.
- One third of Alaskan wage earners earn that much or more but are limited to \$248 in weekly benefits.

Alaska compares poorly with other western states.

- Utah replaces 42% of average wages.
- Montana and Idaho replace 40%.
- Oregon and Washington 38%.
- Nevada 35%.

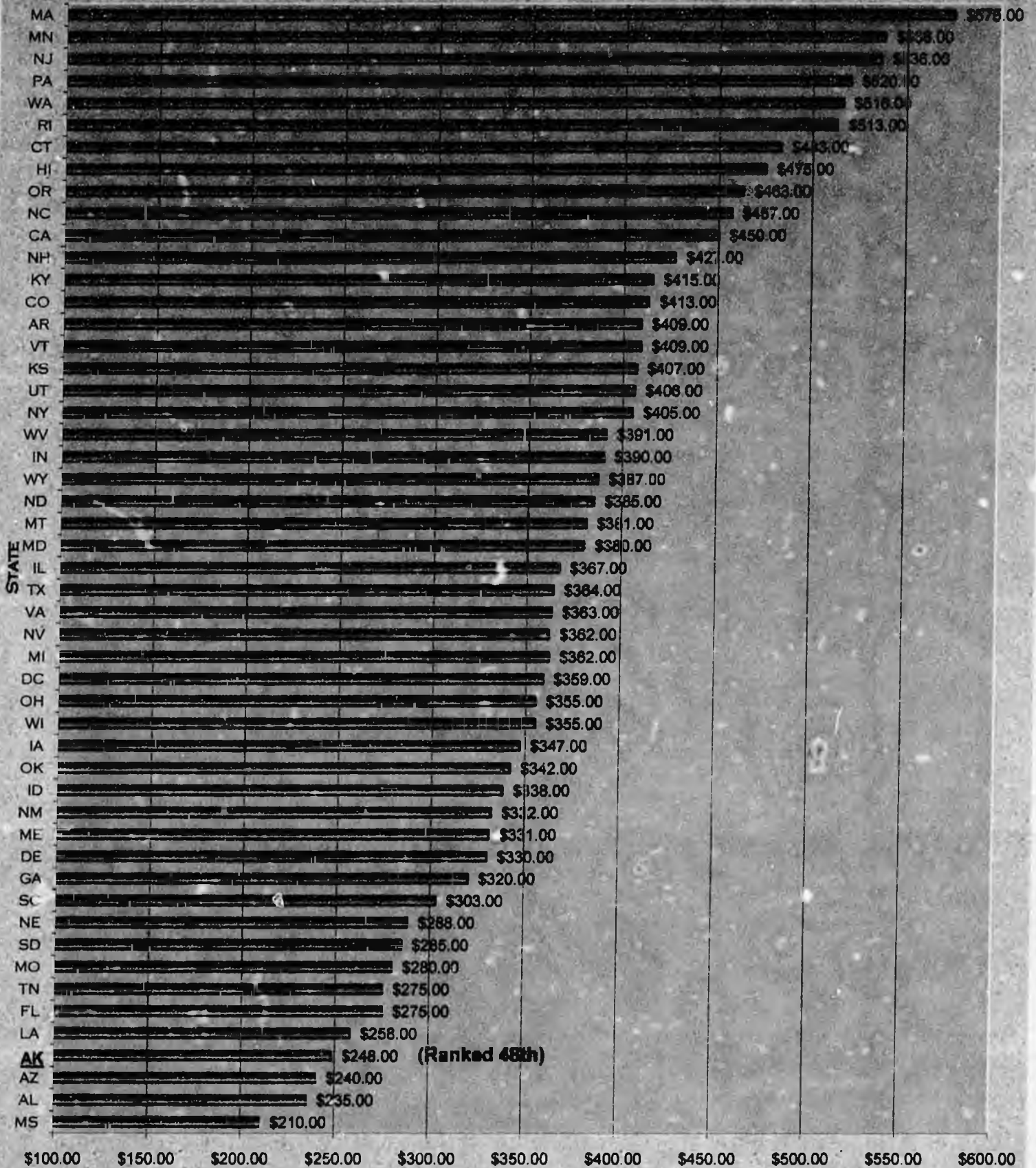
Taxes

Alaska's 2008 UI tax rates are the lowest in 28 years. There is room to raise the MWBA to \$370.

- CSSB 120 (L&C) would raise the average employer cost \$25 per employee from the 2008 level, but the total out of pocket cost would remain \$89 below 2007.
- The employee cost will rise \$37 per year over 2008.

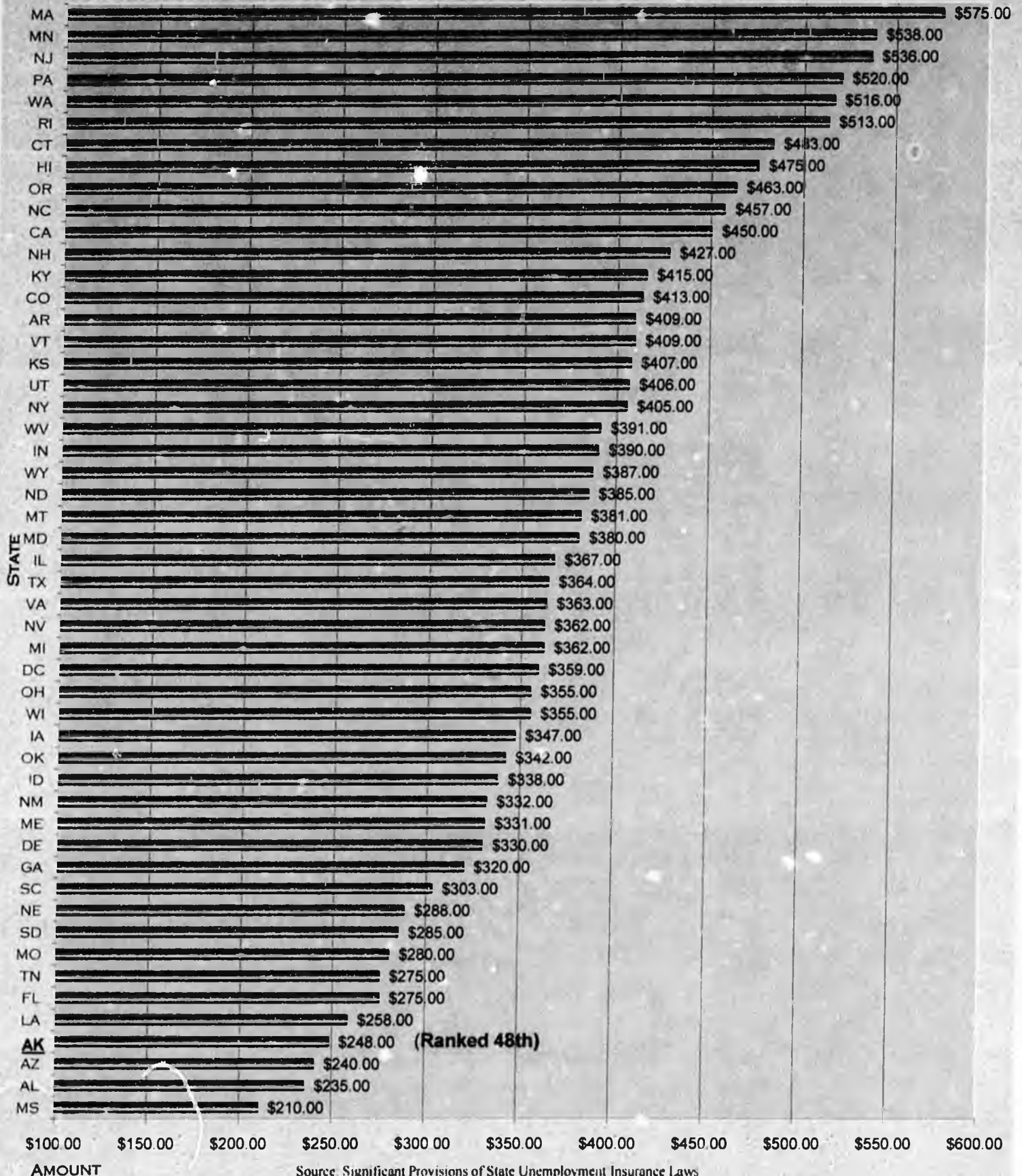
Retaining a well-trained Alaskan workforce is essential for a strong economy. It is long past time to adjust our UI benefit rates.

UNEMPLOYMENT INSURANCE MAXIMUM WEEKLY BENEFIT AMOUNT BY STATE



Source: Significant Provisions of State Unemployment Insurance Laws
Prepared by: Alaska Department of Labor and Workforce Development, Employment Security Division, January 2008

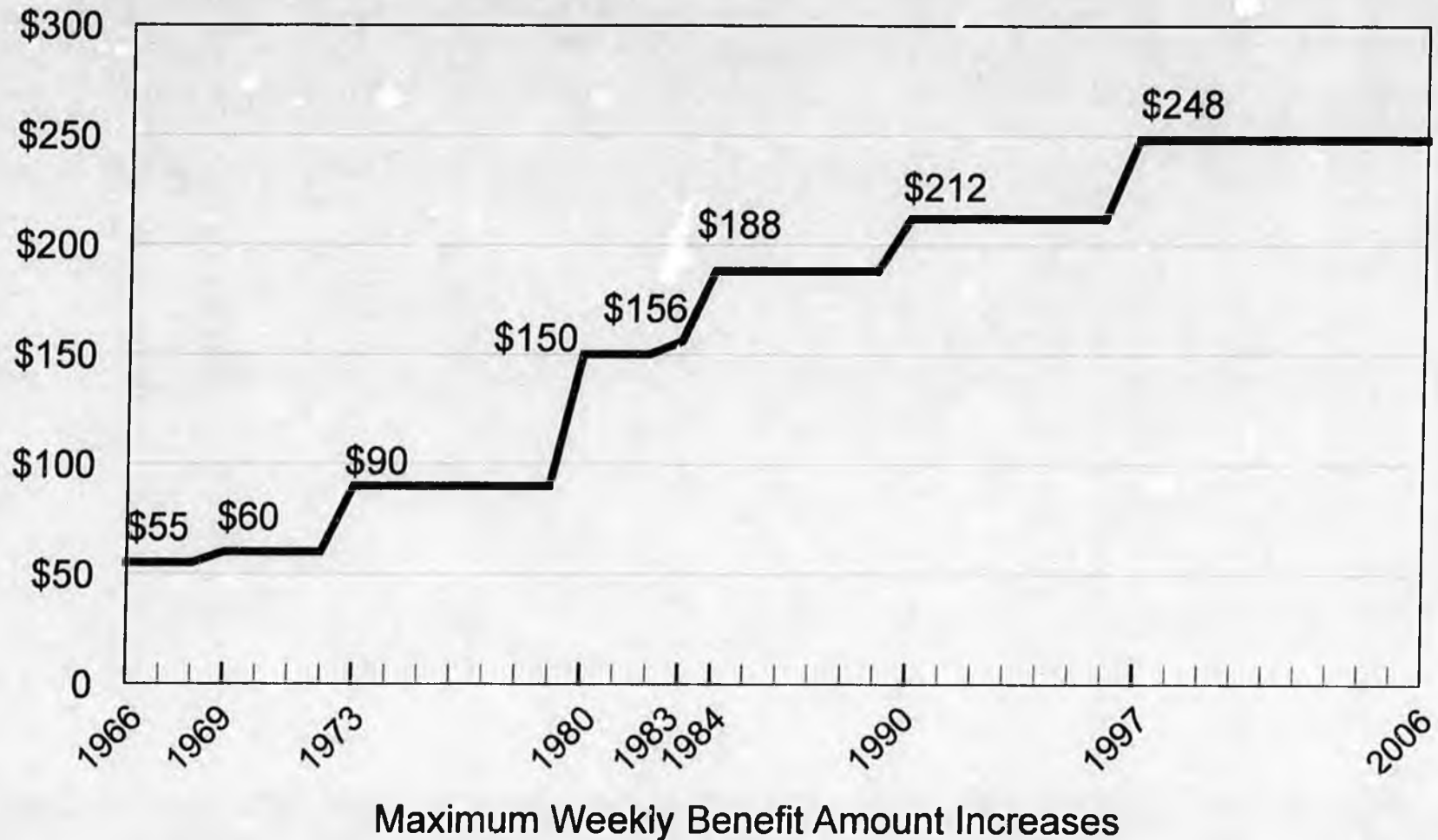
UNEMPLOYMENT INSURANCE MAXIMUM WEEKLY BENEFIT AMOUNT BY STATE



Source: Significant Provisions of State Unemployment Insurance Laws
Prepared by: Alaska Department of Labor and Workforce Development, Employment Security Division, January 2008

1 Alaska's Maximum Weekly Benefit Unemployment insurance, 1966 to 2006

Maximum Benefit Amount

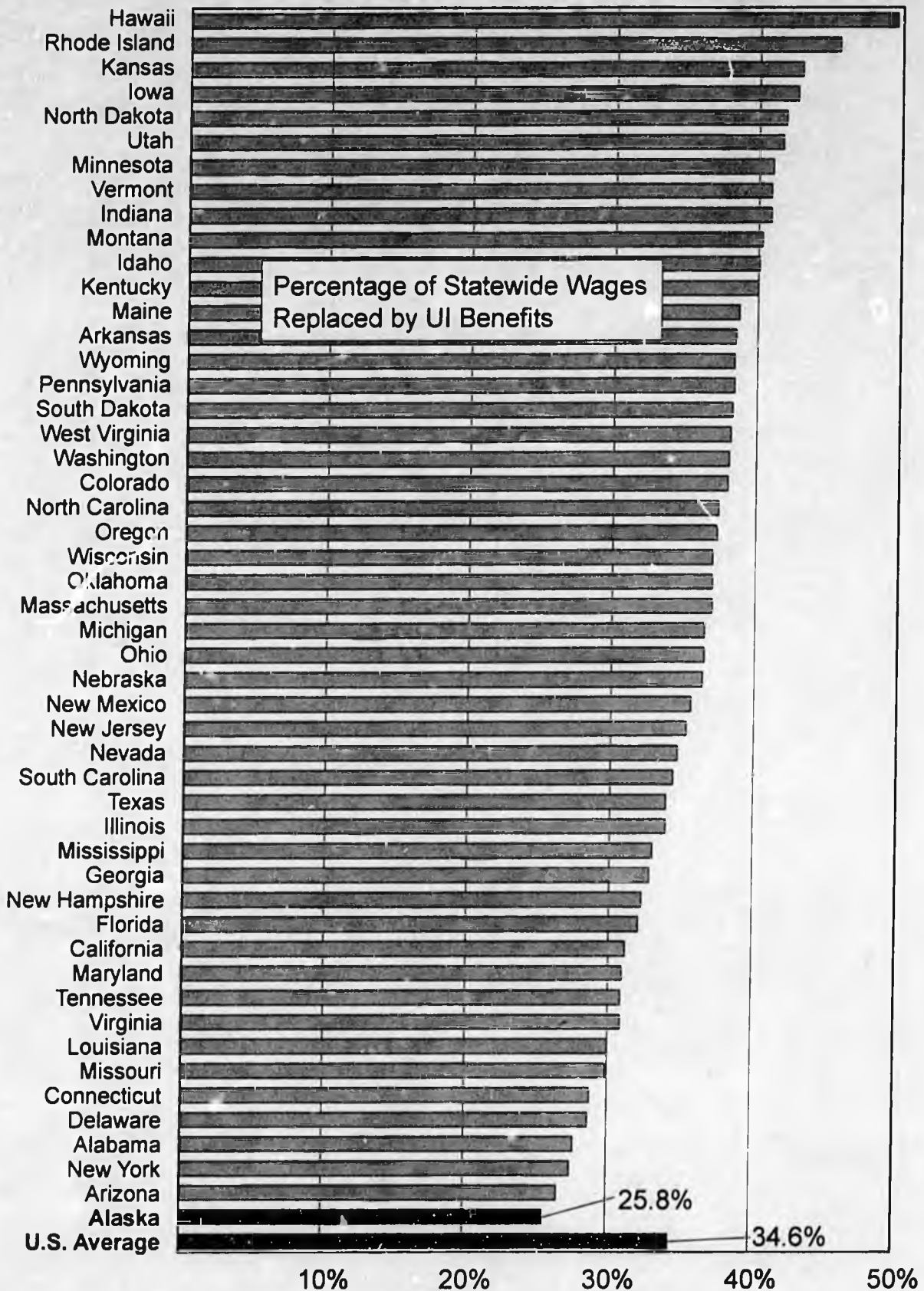


Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section

Average-Wage Replacement Rates

By state, 2005¹

5



Note: This exhibit is based on the U.S. Department of Labor average-wage replacement rate for each state.

¹ These percentages were calculated by dividing the average weekly benefit by the statewide average weekly wage. The wages of only those who were unemployed in 2005 aren't available.

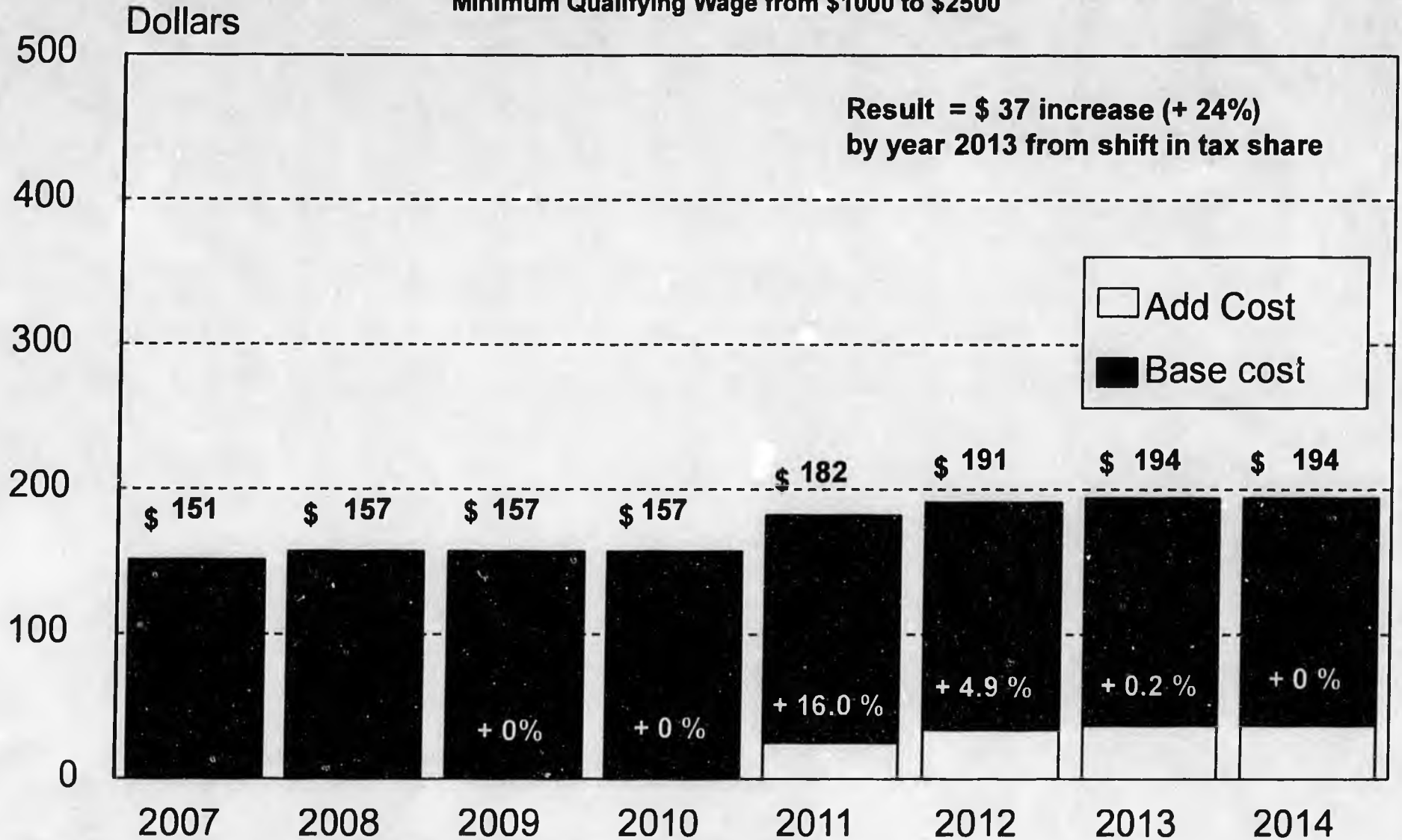
Source: U.S. Department of Labor, Employment and Training Administration

Estimated Annual Unemployment Insurance Employee Tax Cost, if the Maximum Weekly Benefit Amount (MWBA) Increases to \$370, effective Jan 2009

MWBA increases from \$248 to \$370

Employer / Employee tax share ratio from 80% / 20% to 76% / 24% Jan 2009, to 73% / 27% Jan 2010

Minimum Qualifying Wage from \$1000 to \$2500



The \$6 increase from 2007 to 2008 resulted from an increase in the taxable wage base.

Employees paid the legal minimum tax rate in 2007, 2008, with no change expected from MWBA increase.

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section. March 18, 2008

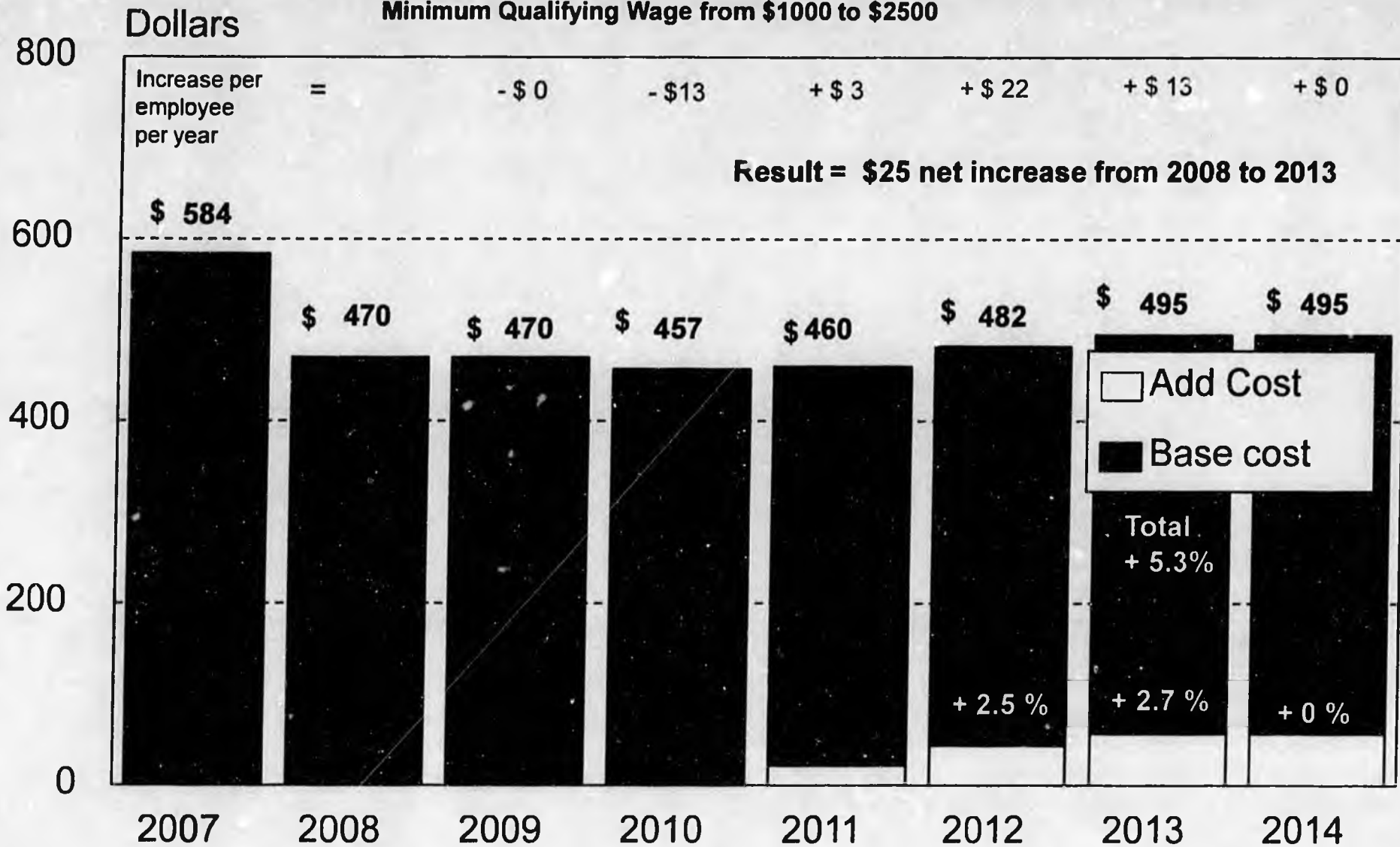
Estimated Max Cost per Worker for Average Employer

If maximum Weekly Benefit Amount (MWBA) is increased, effective Jan 2009

MWBA increases from \$248 to \$370

Employer / Employee tax share ratio from 80% / 20% to 76% / 24% Jan 2009, to 73% / 27% Jan 2010

Minimum Qualifying Wage from \$1000 to \$2500



Note: Average Employer = Tax Classes 10 & 11



Alaska

March 29, 2008

The Honorable Kurt Olson, Chair
House Labor & Commerce Committee
Alaska State Capitol Building
Juneau, Alaska 99801

RE: Senate Bill 120

Dear Representative Olson,

On behalf of the National Federation of Independent Business/Alaska, I wish to express our support for Senate Bill 120. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

The proposed increase in the maximum benefit in the Alaska Unemployment Insurance Program will fall heavily on small employers. The costs of doing business in Alaska are increasing making it difficult for small businesses to remain profitable. To the extent that this increase in business costs reduces that margin, employee hours and jobs are reduced and businesses close.

In the 2008 NFIB State Ballot, members opposed increases until structural program issues that have caused high employer rates are addressed, such as the problem of casual workers who are not fully part of the permanent work force and premium increases that fall more heavily on the employer.

There are two parts of SB 120. Sections 1 through 8 include amendments to our state law regarding the confidentiality of UI data. We hope those sections would be adopted as they are federal requirements. Failure to adopt these sections could expose Alaska to sanctions that may further increase employer costs.

The balance of the legislation addresses the benefit amount, the cost sharing of premium and amount of wages that must be earned to be eligible for any benefit. These sections, while including significant reforms in the program, ultimately do increase the cost to employers.

Mandated increases in employer-funded benefits must be measured against the possible reduction in employment opportunities for Alaskans. While we are concerned that the size of the increased benefit, thus the increase in cost proposed by Senate Bill

The Honorable Kurt Olson
March 29, 2008
Page 2

120 may have a negative impact on employees of small and independent businesses in Alaska, we also acknowledge the length of time since the benefit has been increased.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. DeWitt". The signature is stylized with a large, sweeping initial "D" and a long, horizontal stroke extending to the right.

Dennis L. DeWitt
Alaska State Director
National Federation of Independent Business

cc: Senator Johnny Ellis

SB

141

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

Sponsor Statement for SB 141

“An Act relating to limited liability companies.”

This bill clarifies existing law, which allows an organization providing professional services to organize their business using a limited liability company.

In addition, this bill deletes subsection (d) of AS 10.50.150, in order to allow a founder of an Alaskan limited liability company to be a co-manager, without having all of the assets of the company included in the founder's gross estate for federal tax purposes.

The Meeting of the House Labor and Commerce Committee will come to order at 3:-- pm.

Today is May 10th, 2007.

Members present are

**Rep. Buch
Rep. Gardner
Rep. Gatto
Rep. LeDoux
Rep. Neuman
Rep. Ramras
Rep Olson**

The only bill on today's agenda is SB 141. Marit Carlson-VanDort from Sen. McGuire's office will present the bill.

(On-line testimony, in-house testimony, close testimony, committee discussion)

The chair would entertain a motion to move SB 141 from committee.

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

SECTIONAL ANALYSIS SB 141

"An Act relating to limited liability companies."

Section 1. Specifically states that a limited liability company may be organized for the purpose of rendering a professional service.

Section 2. Clarifies language setting forth authorization to amend or authorize certain company affairs and distribution decisions.

Section 3. Defines "professional service"

Section 4. Repeals AS 10.50.150(d)

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB141-COM-OL-04-19-07

Bill Version: SB 141

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Commerce

Title Limited Liability Corporations

RDU Corp, Bus & Prof Licensing (117)

Component Corp, Bus & Prof Licensing

Sponsor McGuire

Requester Senate Judiciary

Component No. 2360

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						
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						
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 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends various provisions of AS 10.50, Alaska Revised Limited Liability Company Act, adding specifications for professional services and articles of organization. This is not expected to result in the need for additional funds to implement the provisions of this legislation.

Prepared by: Chris Wyatt, Administrative Manager

Division: Corporations, Business, and Professional Licensing

Approved by: Emil Notti, Commissioner

Agency: Commerce, Community, and Economic Development

Phone (907) 465-2572

Date/Time 4/19/07 4:42 PM

Date 4/19/2007

SB

149

Alaska State Legislature

SENATOR
GENE THERRIALT

Mailing Address:
1292 Sadler Way, Suite 308
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F



Senate

Sponsor Statement SB 149

Making Better Vision Affordable

Senate Bill 149 will allow the Lion's Clubs of Alaska (or other non-profits that might be qualified) to redistribute used eyeglasses within the State as well as abroad.

With this change in statute under rules and guidelines, an Alaskan with a written prescription from a licensed physician or optometrist may be fitted with used eyeglasses. The savings for those who otherwise could not afford eyewear can be substantial. In many cases these savings will make the difference between severely degraded and optimal vision.

Please join with me in expanding the outstanding efforts of the Lion's Clubs throughout Alaska by making it possible for our residents to receive their redistributed eyeglasses.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 149
 () Publish Date: _____

Identifier (file name): SB149-CED-OL-02-18-08 Dept. Affected: DCCED
 Title: Redistribution of Used Eyeglasses RDU: Corp, Bus & Prof Licensing (117)
 Component: Corp, Bus & Prof Licensing
 Sponsor: Therriault
 Requester: Senate Labor and Commerce Component Number: 2380

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	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								
1005 GF/Program Receipts								
1037 GF/Mental Health								
1158 Receipt Supported Services								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 08.71, Board of Dispensing Opticians, providing the Board authority to approve nonprofit organizations for the distribution and fitting of used eyeglasses.

It does not impact the operations of the division.

Prepared by: Chris Wyatt, Administrative Officer
 Division: Corporations, Business, and Professional Licensing
 Approved by: Emil R. Nottl, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone (907) 465-2572
 Date/Time 2/18/08 12:15 PM
 Date 2/18/2008

SB 149 Talking Points

- Senate Bill 149 was introduced at the request of the Lions Clubs of Alaska.
- As many may already know the Lions devote a tremendous amount of volunteer time and resources to gathering repairing and providing used eye glasses to people in third world countries.
- When local Alaska Chapters asked if they could be considered to provide those same benevolent services here in Alaska they were advised that Alaska Statutes would have to be amended slightly to accommodate the possibility.
- Senate Bill 149 allows the Lions or any other non-profit deemed qualified to make application to the state so that used eye glasses can be provided to those who might not otherwise be able to receive them.
- **Senate Bill 149 does not mandate such an arrangement; it merely allows the State to consider them for qualification. Only optometrists and licensed physicians will be able to issue prescriptions for glasses. The Lions would only be allowed to fit, free of charge, people with glasses that conform to the extent possible that prescription.**
- After the original drafting of SB 149, Leg. Legal realized that the "Board" (Of Optometry) had been repealed some years ago but not been purged from the statutes.
- The CS corrected that error, but kept the reference to the Board in the title due to the "repealers" at the end of the bill that remove these erroneous references in statute.
- Realizing used eye glasses may not be a perfect match, the CS also included a provision, based on a recommendation from an optometrist who testified, that the used eye glasses be required to conform "**to the extent possible**" with the prescription from a licensed physician or optometrist. (Page 2, lines – 24 and 25 and also on line 31.

Process Would Work As Follows:

1. Lions Club works with the Department to demonstrate their ability to meet state standards in fitting used eye glasses as prescribed by a licensed physician or optometrist.
2. If the Department grants permission to the Lions then the following:
3. A person presents a prescription obtained from an Optometrist or licensed physician.
4. The Lions Club works with the person to find and fit free of charge used eye glasses for the person.

Senate Bill 149 Remarks

Senate Bill 149 was introduced by request to provide a legal avenue for the Lions Club to supply and fit Alaskans with used eye glasses.

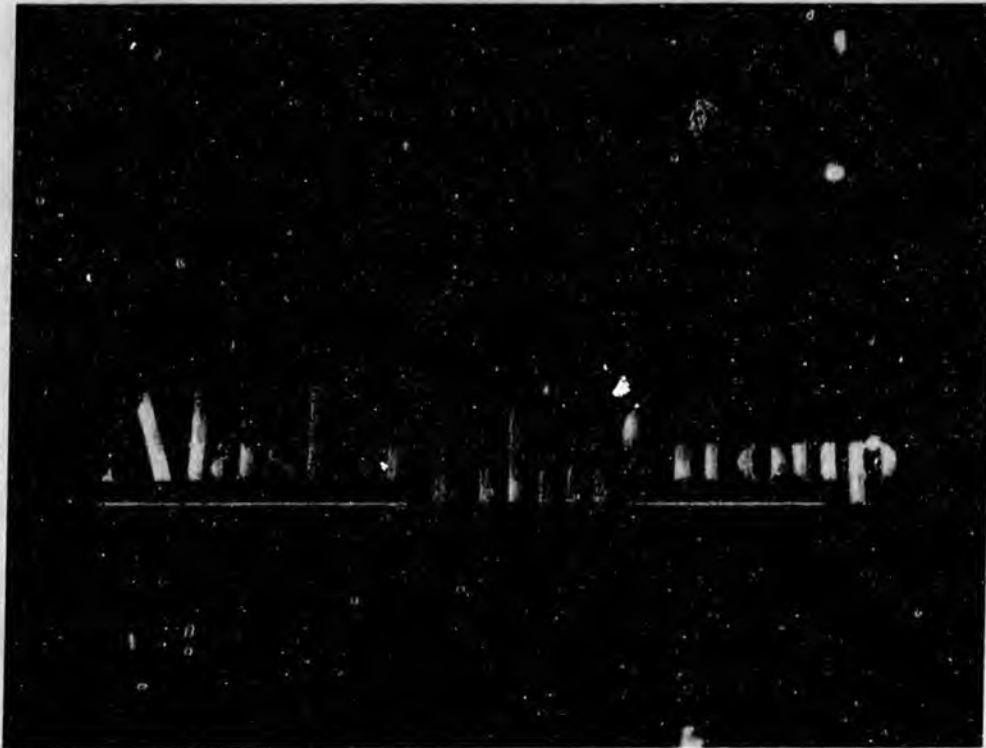
It is important to note that this Act does not require that the State, or those regulated by it, to give a green light to the Lions or any non-profit to recycle eye glasses. Those decisions are currently and carefully regulated under Department purview and will remain so under SB 190.

The Lions are confident with their experience, reputation and cooperative spirit that if we as policy makers provide the legal opportunity through SB 149 to approach regulators, that they will be able to foster a mutually acceptable arrangement through the Department and the Board to safely and correctly recycle eye glasses here in Alaska.

I encourage you to provide this opportunity for the Lions Club here in Alaska to expand their good work on behalf of those who otherwise would be vision impaired.

SB

230



WHO WE ARE

- A non-profit trade association with a diverse membership base.
- A voice for the film and video industry of Alaska.
- Advocates to create economic opportunities and jobs for our members and Alaska businesses.



**STATE OF ALASKA'S
GOALS
AFG'S GOALS**



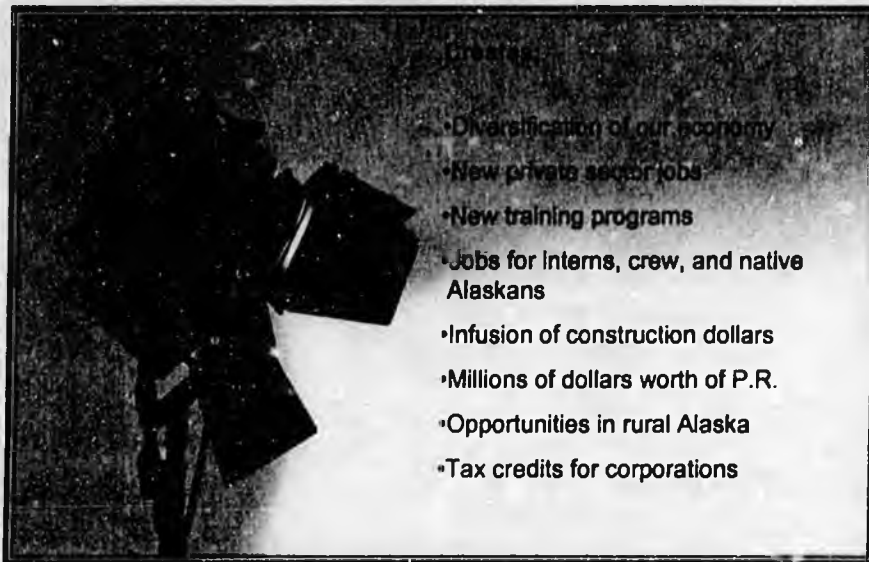
- Progress
- Productivity
- Putting Alaskans to work.

AFG PRESENTS

OUR NEXT GOLD RUSH!

SB 230!

SENATE BILL-230



WHO BENEFITS?

- Wage earners
- Air Service Providers
- Catering Companies
- Hotels
- Retailers
- Freight Companies
- Maintenance Firms
- Rental Companies
- Security Companies
- Tourism Businesses

HOUSTON WE HAVE A PROBLEM...

AND SO DO ...

- Big Lake
- Barrow
- Anchorage
- Fairbanks
- Juneau
- Kodiak
- Nome
- Palmer
- Sitka

Across Alaska we are missing out.

ECONOMIC IMPACTS "NORTHERN EXPOSURE"



- In production from 1990 - 1994 for a total of 110 episodes.
- $110 \times \$839,000.00 = 92,290,000.00$ M in total production costs.
- Total series ground spend = $\$69,217,500.00$ M

Source: T.V. Guide 7/21/91

MEN IN TREES



- Ground Spend per yr. in British Columbia = 20 Million
- Value to tourism by having a television series shot in your state = PRICELESS



Source: Dana Hasle -Film Incentives Specialist

STATE OF OUR STATE

TELEVISION
VS
FEATURES



CAPTURED:

Discover Channels'

"DEADLIEST CATCH"

Season ground spend =

3.7 Million



LOST:

Sony Pictures

"THIRTY DAYS OF
NIGHT"

Estimated ground spend=

37.5 Million

Source: IMDB and Amazon

GLOBAL COMPETITION



"INSOMNIA"

- Set in Alaska
- Shot in B.C. Canada
- Estimated ground spend of 37.5 Million.

Source: Louisiana Television Office and IMPLAN

U. S. COMPETITION LOUISIANA - ECONOMIC IMPACT



- Film Production went from \$7 Million to \$343 Million in 2 years.
- 2003 film spending supported 5,437 jobs
- 2005 film spending contributed 13,445 additional jobs due to the increase in film expenditures.

Source: Louisiana Television Office and IMPLAN

LOUISIANA'S INCENTIVES

- 25% investor tax credit
- 10% credit on Louisiana payroll
- 40% credit on infrastructure development



Source: Louisiana Film and Television Office

WELCOME TO SITKA, MASSACHUSETTS

- Incentives
- Rebates
- Tax Credits





SHOW ME THE MONEY

Production Type	Crew Size	Economic Impact Per Shooting Day
Feature Films		
High-end budget motion picture	Full crew, union scale	\$100,000.00
Average budget motion picture	Full crew, mixed crew	\$ 85,000.00
Low-end budget motion picture	Minimal crew, non-union	\$35,000.00
TV Movie/Series <i>Assuming an average 60-70 day shoot</i>		
Network/Cable Broadcast		\$ 85,000.00
Commercials, Music Videos		
Commercial event <i>Expensive director, helicopters, misc. efforts and special equipment</i>		
High-end budget	Full crew, union scale	\$100,000.00
Average budget	Full crew, mixed or non-union	\$50,000.00
Low-end budget		\$25,000.00
All Other <i>Print, 2nd unit, travel, documentary, educational, corporate, industrial, satellite, foreign broadcast, sports</i>		
High-end budget	varies	\$35,000.00
Average budget	varies	\$25,000.00
Low-end	varies	\$15,000.00

Source: Alaska Business Plan FY'07-FY'10: Alaska Film Program

CREW RATES

- Director of Photography @ 87.13 per hr.
- Camera Op. @ 53.33 per hr.
- Gaffer @ 34.53 per hr.
- Key Grip @ 34.53 per hr.
- Electrician @ 30.92 per hr.
- Art Director (per wk.) \$2,747.47
- Set Decorator (per wk.) \$2,098.30
- Key Make-up @ 39.29 per hr.
- Key Hair Stylist @ 39.29 per hr.
- Prop. Master @ 34.53 per hr.
- Painter @ 34.68 per hr.
- Craft Service @ 25.03 per hr.
- Studio Teacher @ 37.50 per hr.
- Production Assistants @ 150.00 per day



Source: Dreamworks-rate per hr./8 hour minimum

TAKING STOCK

WHAT ALASKA HAS TO OFFER

- God's back lot
- Mystique
- Professional crews
- No state sales tax

MISSING CRITERIA

- Incentive Program

WHY DOES IT MATTER?? FILM DEVELOPMENT DYNAMICS

STAKE HOLDERS

Films
Investors
Unions
Office of Film and Video

MARKETS

Demand for products
Connections to
production companies
Local Media

INFRASTRUCTURE

Airports, roads
Location opportunities
(Future production
studios)

LABOR FORCE

Crew base
Arts community
"Industrial atmosphere"

Source: Economics Research Associates

PASSAGE OF SSSB 230

- Creates Jobs
- Diversifies the Economy
- Stimulates Tourism
- Builds Infrastructure & Support Services
- Opportunities for Rural Alaska
- Develops Educational & Internship Programs
- Provides Transferable Tax Credits for Alaskan Corporations

THE OSCAR GOES TO...



THE STATE OF ALASKA



ALASKA STATE LEGISLATURE

Senate Labor and Commerce
Committee, Chair

Legislative Budget and Audit
Committee

Senate Rules Committee

Committee on Committees



While in Session
State Capitol, Rm. 9
Juneau, AK 99801
(907) 465-3704
Fax: (907) 465-2529

While in Anchorage
716 W. 4th Ave, Ste. 440
Anchorage, AK 99501
(907) 269-0169
Fax: (907) 269-0172

SENATOR JOHNNY ELLIS
SENATE MAJORITY LEADER

MEMORANDUM

DATE: March 10th, 2008

TO: Representative Kurt Olson, Chair
House Labor & Commerce Committee

FROM: Senator Johnny Ellis

RE: Hearing Request for SB230 – Film Office/Film Production Tax Credit

I am requesting that SB230 be scheduled for a hearing in the House Finance Committee at your earliest convenience.

Alaska is the most photogenic place in the world, yet we are not on the radar for the film and television industry because we lack an incentive program. SB230 will put thousands of Alaskans to work in high-paying jobs, bring millions of dollars in spending and investment to our state, and provide unparalleled publicity for our state, local businesses, and the tourism industry. Opportunities to create a new industry in Alaska are rare, and the time is right for our state to take advantage of this chance.

Please contact me or my aide Max Hensley with any questions.

Included in this packet:

- A current version of CSSSSB230 (FIN) am – 25-LS1275\N.A
- Sponsor Statement
- Sectional Summary
- Explanation of changes
- Fiscal Notes
- Background information
- Letters of support

If necessary, other backup will be forthcoming. Thank you.

25-LS1275T
Bullard
3/14/08

HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 230()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS ELLIS, Stevens, Davis

REPRESENTATIVE Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the film office in the Department of Commerce, Community, and**
2 **Economic Development; creating a transferable tax credit applicable to certain film**
3 **production expenditures incurred in the state; and providing for an effective date."**

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

5 *** Section 1.** AS 43.98 is amended by adding a new section to read:

6 **Sec. 43.98.030. Film production tax credit.** (a) In cooperation with the film
7 office in the Department of Commerce, Community, and Economic Development, the
8 department shall provide a transferable film production tax credit to a producer, as
9 defined in AS 44.33.239, for qualified production expenditures under AS 44.33.231 -
10 44.33.239.

11 (b) A tax credit provided under (a) of this section may be sold, assigned,
12 exchanged, conveyed, or otherwise transferred in whole or in part.

13 (c) A taxpayer acquiring a transferable credit may use the credit or a portion of
14 the credit to offset taxes imposed under AS 43.20 (Alaska Net Income Tax Act). Any

1 portion of the credit not used may be used at a later period or transferred under (b) of
2 this section.

3 (d) The department shall adopt regulations necessary for the administration of
4 this section.

5 (e) A credit provided under (a) of this section, whether sold, assigned,
6 exchanged, conveyed, or otherwise transferred, in whole or in part, must be used
7 within three years after being provided by the department.

8 * **Sec. 2.** AS 44.33 is amended by adding new sections to read:

9 **Article 2A. Film Office.**

10 **Sec. 44.33.231. Duties.** (a) There is created a film office in the Department of
11 Commerce, Community, and Economic Development. The film office shall

12 (1) cooperate with organizations in the private sector for the expansion
13 and development of film production industries in the state;

14 (2) promote Alaska as an appropriate location for film production;

15 (3) provide production assistance through connecting film directors,
16 makers, and producers with Alaska location scouts and contractors, including
17 contractors providing assistance with permit applications;

18 (4) certify Alaska film production internship training programs and
19 promote the employment of program interns by eligible productions; and

20 (5) in cooperation with the Department of Revenue, administer the
21 Alaska film production incentive program.

22 (b) The film office shall make available to the legislature, within 30 days after
23 the start of each regular session, a report of the activities conducted by the film office
24 under AS 43.33.231 - 43.33.239. The report must include

25 (1) the number of applications received under AS 44.33.234;

26 (2) the number of applications approved by the film office; and

27 (3) the number of, and amount of, tax credits disbursed under
28 AS 44.33.232.

29 (c) The commissioner shall appoint a director to oversee the film office and
30 carry out its duties under AS 44.43.231 - 44.43.239.

31 (d) When appointing a director under (c) of this section, the commissioner

1 shall consider individuals suggested by the Alaska Film Group. The Alaska Film
2 Group may provide a list of not more than five names.

3 **Sec. 44.33.232. Alaska film production incentive program.** Subject to
4 appropriations for the purpose, the film office shall administer in cooperation with the
5 Department of Revenue the Alaska film production incentive program to provide a tax
6 credit under AS 43.98.030 for certain film production expenditures incurred in the
7 state.

8 **Sec. 44.33.233. Eligibility.** (a) A film production is eligible for a tax credit
9 under AS 43.98.030, if the

10 (1) producer has \$100,000 or more in qualified expenditures in a
11 consecutive 24-month period under AS 44.33.236;

12 (2) production is approved by the film office.

13 (b) The following productions are not eligible, regardless of the production
14 costs:

15 (1) news, weather, or current events programming;

16 (2) a production produced primarily for industrial, corporate, or
17 institutional purposes, and for internal use;

18 (3) an advertisement infomercial, or any production that solicits funds,
19 except for a commercial television advertisement produced for national distribution;

20 (4) a political advertisement; or

21 (5) a production that is determined by the film office to contain
22 sexually explicit conduct as defined in 18 U.S.C. 2256.

23 **Sec. 44.33.234. Qualification for film production tax credit.** (a) A film
24 producer may apply for the film production tax credit under AS 43.98.030 by
25 submitting an application to the film office on a form provided by the film office. The
26 application must include

27 (1) a script or synopsis of the production;

28 (2) the names of the producer, director, and proposed cast;

29 (3) estimated start, completion, and filming dates; and

30 (4) other information the film office may require to determine the
31 producer's eligibility for a credit and the estimated amount of the credit.

1 (b) If the film office approves an application submitted under (a) of this
2 section, the film office shall issue a preliminary certificate to the producer. The
3 certificate must include a determination by the film office of the estimated film
4 production tax credit for which the production qualifies.

5 **Sec. 44.33.235. Award of film production tax credit.** (a) The film office shall
6 determine the amount of the tax credit under AS 43.98.030 available to a producer
7 who has obtained a preliminary certificate under AS 43.33.234(b), based on the
8 qualified expenditures of the production under AS 44.33.236.

9 (b) The base amount of a tax credit awarded under this section is equal to 30
10 percent of the qualified expenditures of the production.

11 (c) In determining the amount of the tax credit, the percentage provided by (b)
12 of this section shall be increased by the film office based on the following criteria:

13 (1) an additional 10 percent of qualified expenditures that are wages
14 paid to Alaska residents;

15 (2) an additional two percent of qualified expenditures made in a rural
16 area; and

17 (3) an additional two percent of qualified expenditures made in the
18 state between October 1 and March 30.

19 (d) After completion of the production, the producer shall provide the film
20 office with a production cost report detailing the qualified expenditures of the
21 production, with verification by an independent certified public accountant selected by
22 the film office that the costs claimed in the report are qualified expenditures under
23 AS 44.33.236.

24 (e) The film office, in cooperation with the Department of Revenue, shall
25 award a tax credit under AS 43.98.030 based on the information provided under (d) of
26 this section.

27 (f) The film office may not seek recourse against a producer or a taxpayer who
28 has acquired a tax credit under AS 43.98.030(b) for any portion of the credit that may
29 be subsequently disqualified.

30 **Sec. 44.33.236. Determination of qualified expenditures.** (a) Expenditures
31 made by a production company in connection with a film production approved by the