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FAQs - Conducting In-School Surveys

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The school setting is an optimal location to survey large numbers of students for research projects. Before planning a data collection study, however, it is important to be aware of federal guidelines and policies that contain regulations relevant for researchers conducting in-school studies of youth. These guidelines have implications for sampling, the informed consent process, and survey content.

Q: What federal regulations should I be aware of before planning an in-school study of youth?

A: The two key federal regulations you need to be familiar with are the Family Education Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). Both federal regulations apply to any institution receiving funds from the U.S. Department of Education.

FERPA

Initially signed into law in 1974, FERPA regulations are periodically updated, most recently under the No Child Left Behind Act of 2001. The main function of FERPA is to protect parent's rights regarding inspection and modification of their child's educational records. Under FERPA regulations parents have the right to inspect their child's educational records, request a correction to any errors in those records, and **parent's written permission must be sought before releasing their child's educational records.** Schools may release limited contact information for students (name, address, phone number, attendance record, date and place of birth, honors and awards) without written parental permission, but parents must be notified of these requests and given the opportunity to request that their child's information not be released.



PPRA

Part of the FERPA and No Child Left Behind legislation, PPRA is designed to protect parent's and pupil's rights regarding inspection of any materials - as part of the instructional curriculum or study instruments - to which students are exposed. Instructional and survey materials must be made available for parents to review, and **schools must obtain written parental consent before their minor students participate in any study that asks about the following:**

- political affiliations or beliefs of the student or student's parents;
- mental and psychological problems that are potentially embarrassing to the student and/or his or her family;
- sexual behaviors and attitudes; ✖
- illegal, antisocial, self incriminating and demeaning behavior; ✖
- critical appraisals of family members;
- legally protected relationships, such as those with lawyers, clergy and physicians;
- religious practices or beliefs of the student or student's parents; or
- income

Under PPRA schools are required to develop and adopt policies in conjunction with parents regarding their rights to inspect research surveys and instructional materials, protect students' privacy related to the eight items noted above, administering physical exams to students, and collecting student information intended to be used for marketing purposes. In addition, parents must be made aware in advance of dates when data collection studies will occur and of their rights to withdraw their children from participating in any study that asks about the eight items listed above, any marketing surveys, and any non-emergency physical exam or screening.

For a complete description of the FERPA and PPRA regulations, recent Supreme Court rulings, and a history of the legislation, see the following urls:

http://personalinfomediary.com/FERPA_info.htm
<http://www.ed.gov/pc/v/gen/guid/fpco/hottopics/ht10-28-02.html>

Q: What are the implications of the FERPA and PERPA regulations for the design, sampling, and implementation of my in-school study?

A: There are two main implications for study design and implementation. First, the content of your survey largely determines the level of parental consent required. In-school studies with surveys that contain sensitive questions related to any of the eight items described above must first provide parents full information about the study and survey content and then obtain written parental consent before a student can participate in the study. Surveys that contain more benign questions might not require active written parental consent but rather "passive" consent where parents are notified of the study, usually at least 2-3 weeks in advance, and reply to deny consent, rather than provide it. This type of scenario is addressed on a case-by-case basis by the IRB. Regardless though, all parents must be notified of the dates when data collection will occur so they can choose to withdraw their child from the study, even after giving written parental permission to participate.

Second, the level of consent required has important implications for the representativeness of your sample and can introduce sample bias into your study. Findings from several recent studies consistently highlight how sampling bias is introduced into research involving youth when active written parental consent is required (Dent, Galaif, Sussman, Stacy, Burtun and Flay 1993; Ellickson and Hawes 1989; Esbensen, Miller, Taylor, He and Freng 1999; Henry, Smith and Hopkins 2002). Two studies in particular, Esbensen et al. (1999) and Henry et al. (2002), compare samples from the same population involving active written parental consent with those involving passive parental consent and document how response rates are affected and bias is introduced.



Esbensen et al. (1999) collected data from 7th grade students in six U.S. cities and employed a sampling design that used passive parental consent for their pre-test wave of data collection, and then were required to obtain active parental consent for a subsequent wave of data collection on the same sample. This design provides a unique opportunity to compare the two samples of the same population, and determine how passive and active parental consent procedures differentially impact sample selectivity. Regarding response rates, in their pre-test survey, where passive parental consent was used, only 13 of the 2,496 eligible 7th grade students (0.4%) could not participate because their parents denied consent. When active parental consent was required for their first wave of data collection the response rate and sample size of their study were considerably reduced. Between 23% and 45% of youth did not participate in the study, depending on the site, due to non-response from the parents. Extensive follow-up of non-respondents found that 78% of the parents subsequently provided consent for their child to participate in the study, and 22% refused to provide consent. This suggests that non-response indicates passive

acceptance rather than being synonymous with refusal. Thus, the active written parental consent process that is required by PPRA could result in an unnecessarily large non-response rate, preventing students from participating in studies.

Regarding sample bias, Esbensen et al. (1999) provide strong evidence that the characteristics of the students whose parents did not respond were different from those whose parents responded, thus introducing bias into their sample. Comparing the pre-test sample with the sample of responders to the active parental consent, including those who allowed their children to participate and those who did not, revealed that the sample of responders was more likely to be white, to come from intact homes (two married parents), and to have parents with more than a high school education. In addition, parents of "at-risk" youth (positive attitudes towards and engagement in delinquent behaviors) were less likely to return consent forms at all. This study documents a selection bias introduced by the active parental consent procedure, and recommends that a mailing be sent home to parents notifying them of the study, and that the parents be given 2-3 weeks to deny their child's participation in the study, after which time period the consent is implied.

More recently, similar findings were reported when Henry et al. (2002) conducted an in-school study of 7th grade students in nine school districts in rural Pennsylvania. Active written parental consent was required for all students participating in their study, however, the project was able to access secondary data on several student characteristics for all eligible students--including GPA and absence from school--which allowed them to determine whether and how their sample was biased on these important characteristics. This study further made comparisons between the consent, non-consent, and non-response groups and determined not only if bias was introduced into their sample, but whether it originated from the non-consent group, the non-response group, or both. Findings revealed that the students whose parents declined their consent did not differ significantly from those whose parents provided consent, but that the students with non-responding parents did differ significantly from those who consented on two key educational variables. The students whose parents provided consent had fewer days of school absence and higher grade point averages compared to the students with non-responding parents. Thus, comparisons of the three groups (consenters, decliners, and non responders) find that the students eliminated from the study because of the lack of permission due to non-responders is the source of sample bias, not the presence of decliners. The result is that the Henry et al. (2002) sample represents students who are less "at-risk" for poor outcomes, thus introducing sample bias.

Both of these studies employed the numerous strategies suggested to increase return rates for active written parental consent. **These strategies include designing effective informational and consent forms, working with key school personnel, multiple mailings to parents, providing rewards for classrooms that have high return rates (such as pizza or ice cream parties), and following up with non-responders** (Esbensen et al., 1999; Fletcher and Hunter, 2003; Henry et al., 2002). Even though these strategies were implemented, both studies report biased samples due to the high degree of non-response associated with written active parental consent procedures.

Q: Yikes! So, what's a child and youth researcher planning to use in-school data collection to do?

A: Well, there really isn't much you can do to completely avoid sampling bias with in-school youth surveys of sensitive topics where active written parental consent is required. The FERPA and PPRA regulations were developed and instituted with the goal of protecting the rights and privacy of parents and students, not to promote easier access to students for research purposes.

Following the suggestions outlined above will help reduce bias in your study. Also keep in mind that sampling bias is an issue for most primary data collection studies.

References

Dent, C.W., Galaif, J., Sussman, S., Stacy, A., Burton, D. and Gley, B. 1993. "Demographic, Psychosocial and Behavioral Differences in Samples of Actively and Passively Consented Adolescents". *Addictive Behaviors*, 18: 51-56.

Ellickson, P.L. and Hawes, J.A. 1989. "An Assessment of Active Versus Passive Methods for Obtaining Parental Consent." *Evaluation Review*, 13: 45-55.

Esbensen, F., Miller, M., He, N. and Freng, A. 1999. "Differential Attrition Rates and Active Parental Consent." *Evaluation Review*, 23: 316-335.

Henry, S.L., Smith, E.A. and Hopkins, A.M. 2002. "The Effect of Active Parental Consent on the Ability to Generalize the Results of an Alcohol, Tobacco, and Other Drug Prevention Trial to Rural Adolescents". *Evaluation Review*, 26: 645-655.

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1998 Alaska Statute

Sec. 14.03.110. Questionnaires and surveys administered in public schools.

A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or guardian.

1999 Alaska Statute

Sec. 14.03.110. Questionnaires and surveys administered in public schools.

(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or legal guardian.

(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.

(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.

(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding

- (1) how the questionnaire or survey will be administered to the student;
- (2) how the results of the survey or questionnaire will be used; and
- (3) who will have access to the questionnaire or survey.

(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.

2005 Alaska Youth Risk Behavior Survey

This survey is about health behavior. It has been developed so you can tell us what you do that may affect your health. The information you give will be used to develop better health education for young people like yourself.

DO NOT write your name on this survey. The answers you give will be kept private. No one will know what you write. Answer the questions based on what you really do.

Completing the survey is voluntary. Whether or not you answer the questions will not affect your grade in this class. If you are not comfortable answering a question, just leave it blank.

The questions that ask about your background will be used only to describe the types of students completing this survey. The information will not be used to find out your name. No names will ever be reported.

Make sure to read every question. Fill in the ovals completely. When you are finished, follow the instructions of the person giving you the survey.

Thank you very much for your help.

Directions

- 0 Use a #2 pencil only.
- 0 Make dark marks.
- 0 Fill in a response like this: A B ● D.
- 0 To change your answer, erase completely.

1. How old are you?
 - A. 12 years old or younger
 - B. 13 years old
 - C. 14 years old
 - D. 15 years old
 - E. 16 years old
 - F. 17 years old
 - G. 18 years old or older

2. What is your sex?
 - A. Female
 - B. Male

3. In what grade are you?
 - A. 9th grade
 - B. 10th grade
 - C. 11th grade
 - D. 12th grade
 - E. Ungraded or other grade

4. How do you describe yourself? (Select one or more responses.)
 - A. American Indian or Alaska Native
 - B. Asian
 - C. Black or African American
 - D. Hispanic or Latino
 - E. Native Hawaiian or Other Pacific Islander
 - F. White

5. During the past 12 months, how would you describe your grades in school?
 - A. Mostly A's
 - B. Mostly B's
 - C. Mostly C's
 - D. Mostly D's
 - E. Mostly F's
 - F. None of these grades
 - G. Not sure

6. How tall are you without your shoes on?

Directions: Write your height in the shaded blank boxes. Fill in the matching oval below each number.

Example

Height	
Feet	Inches
5	11
Ⓐ	ⓐ
Ⓑ	ⓑ
●	ⓒ
Ⓒ	ⓓ
②	Ⓔ
	ⓔ
	ⓕ
	ⓖ
	ⓗ
	ⓓ
	●

7. How much do you weigh without your shoes on?

Directions: Write your weight in the shaded blank boxes. Fill in the matching oval below each number.

Example

Weight		
Pounds		
●	Ⓐ	ⓐ
②	Ⓑ	ⓑ
③	Ⓒ	ⓒ
	Ⓓ	ⓓ
	Ⓔ	ⓔ
	●	ⓕ
	ⓑ	ⓖ
	③	ⓗ
	Ⓒ	ⓓ
	ⓓ	ⓔ

8. How do you describe your health in general?
- A. Excellent
 - B. Very good
 - C. Good
 - D. Fair
 - E. Poor

The next 4 questions ask about personal safety.

9. When you rode a bicycle during the past 12 months, how often did you wear a helmet?
- A. I did not ride a bicycle during the past 12 months
 - B. Never wore a helmet
 - C. Rarely wore a helmet
 - D. Sometimes wore a helmet
 - E. Most of the time wore a helmet
 - F. Always wore a helmet
10. How often do you wear a seat belt when riding in a car driven by someone else?
- A. Never
 - B. Rarely
 - C. Sometimes
 - D. Most of the time
 - E. Always
11. During the past 30 days, how many times did you ride in a car or other vehicle driven by someone who had been drinking alcohol?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times

12. During the past 30 days, how many times did you drive a car or other vehicle when you had been drinking alcohol?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times

The next 11 questions ask about violence related behaviors.

13. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days
14. During the past 30 days, on how many days did you carry a gun?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days
15. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club on school property?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days
16. During the past 30 days, on how many days did you not go to school because you felt you would be unsafe at school or on your way to or from school?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days

17. During the past 12 months, how many times has someone threatened or injured you with a weapon such as a gun, knife, or club on school property?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
18. During the past 12 months, how many times has someone stolen or deliberately damaged your property such as your car, clothing, or books on school property?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
19. During the past 12 months, how many times were you in a physical fight?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
20. During the past 12 months, how many times were you in a physical fight in which you were injured and had to be treated by a doctor or nurse?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times
21. During the past 12 months, how many times were you in a physical fight on school property?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
22. During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?
- A. Yes
 - B. No
23. Have you ever been physically forced to have sexual intercourse when you did not want to?
- A. Yes
 - B. No
- The next 5 questions ask about sad feelings and attempted suicide. Sometimes people feel so depressed about the future that they may consider attempting suicide, that is, taking some action to end their own life.
24. During the past 12 months, did you ever feel so sad or hopeless almost every day for two weeks or more in a row that you stopped doing some usual activities?
- A. Yes
 - B. No
25. During the past 12 months, did you ever seriously consider attempting suicide?
- A. Yes
 - B. No

26. During the past 12 months, did you make a plan about how you would attempt suicide?
- A. Yes
 - B. No
27. During the past 12 months, how many times did you actually attempt suicide?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - F. 6 or more times
28. If you attempted suicide during the past 12 months, did any attempt result in an injury, poisoning, or overdose that had to be treated by a doctor or nurse?
- A. I did not attempt suicide during the past 12 months
 - B. Yes
 - C. No

The next 11 questions ask about tobacco use.

29. Have you ever tried cigarette smoking, even one or two puffs?
- A. Yes
 - B. No
30. How old were you when you smoked a whole cigarette for the first time?
- A. I have never smoked a whole cigarette
 - B. 8 years old or younger
 - C. 9 or 10 years old
 - D. 11 or 12 years old
 - E. 13 or 14 years old
 - F. 15 or 16 years old
 - G. 17 years old or older

31. During the past 30 days, on how many days did you smoke cigarettes?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
32. During the past 30 days, on the days you smoked, how many cigarettes did you smoke per day?
- A. I did not smoke cigarettes during the past 30 days
 - B. Less than 1 cigarette per day
 - C. 1 cigarette per day
 - D. 2 to 5 cigarettes per day
 - E. 6 to 10 cigarettes per day
 - F. 11 to 20 cigarettes per day
 - G. More than 20 cigarettes per day
33. During the past 30 days, how did you usually get your own cigarettes? (Select only one response.)
- A. I did not smoke cigarettes during the past 30 days
 - B. I bought them in a store such as a convenience store, supermarket, discount store, or gas station
 - C. I bought them from a vending machine
 - D. I gave someone else money to buy them for me
 - E. I borrowed (or bummed) them from someone else
 - F. A person 18 years old or older gave them to me
 - G. I took them from a store or family member
 - H. I got them some other way

34. During the past 30 days, on how many days did you smoke cigarettes on school property?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
35. Have you ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days?
- A. Yes
 - B. No
36. During the past 12 months, did you ever try to quit smoking cigarettes?
- A. I did not smoke during the past 12 months
 - B. Yes too
37. During the past 30 days, on how many days did you use chewing tobacco, snuff, or dip, such as Redman, Levi Garrett, Beechnut, Skoal, Skoal Bandits, or Copenhagen?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
38. During the past 30 days, on how many days did you use chewing tobacco, snuff, or dip on school property?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days

39. During the past 30 days, on how many days did you smoke cigars, cigarillos, or little cigars?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days

The next 7 questions ask about drinking alcohol. This includes drinking beer, wine, wine coolers, and liquor such as rum, gin, vodka, or whiskey. For these questions, drinking alcohol does not include drinking a few sips of wine for religious purposes.

40. During your life, on how many days have you had at least one drink of alcohol?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 9 days
 - D. 10 to 19 days
 - E. 20 to 39 days
 - F. 40 to 99 days
 - G. 100 or more days
41. How old were you when you had your first drink of alcohol other than a few sips?
- A. I have never had a drink of alcohol other than a few sips
 - B. 8 years old or younger
 - C. 9 or 10 years old
 - D. 11 or 12 years old
 - E. 13 or 14 years old
 - F. 15 or 16 years old
 - G. 17 years old or older

42. During the past 30 days, on how many days did you have at least one drink of alcohol?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
43. During the past 30 days, on how many days did you have 5 or more drinks of alcohol in a row, that is, within a couple of hours?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 to 5 days
 - E. 6 to 9 days
 - F. 10 to 19 days
 - G. 20 or more days
44. During the past 30 days, on how many days did you have at least one drink of alcohol on school property?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
45. During the past 30 days, how did you usually get your alcohol?
- A. I did not drink alcohol during the past 30 days
 - B. I bought it in a store such as a liquor store, convenience store, supermarket, discount store, or gas station
 - C. I bought it at a restaurant, bar, or club
 - D. I bought it at a public event such as a concert or sporting event
 - E. I gave someone else money to buy it for me
 - F. A person 18 years old or older gave it to me
 - G. I took it from a store or family member
 - H. I got it some other way
46. During the past 30 days, where did you usually drink alcohol?
- A. I did not drink alcohol during the past 30 days
 - B. At my home
 - C. At another person's home
 - D. At a restaurant, bar, or club
 - E. At a public place such as a park, beach, or parking lot
 - F. At a public event such as a concert or sporting event
 - G. On school property
 - H. Some other place
- The next 4 questions ask about marijuana use. Marijuana also is called grass or pot.
47. During your life, how many times have you used marijuana?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 to 99 times
 - G. 100 or more times

48. How old were you when you tried marijuana for the first time?

- A. I have never tried marijuana
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

49. During the past 30 days, how many times did you use marijuana?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

50. During the past 30 days, how many times did you use marijuana on school property?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

The next 9 questions ask about other drugs.

51. During your life, how many times have you used any form of cocaine, including powder, crack, or freebase?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

52. During the past 30 days, how many times did you use any form of cocaine, including powder, crack, or freebase?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

53. During your life, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

54. During your life, how many times have you used heroin (also called smack, junk, or China White)?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

55. During your life, how many times have you used methamphetamines (also called speed, crystal, crank, or ice)?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

56. During your life, how many times have you used ecstasy (also called MDMA)?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
57. During your life, how many times have you taken steroid pills or shots without a doctor's prescription?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
58. During your life, how many times have you used a needle to inject any illegal drug into your body?
- A. 0 times
 - B. 1 time,
 - C. 2 or more times
59. During the past 12 months, has anyone offered, sold, or given you an illegal drug on school property?
- A. Yes
 - B. No
- The next 7 questions ask about sexual behavior.
60. Have you ever had sexual intercourse?
- A. Yes
 - B. No
61. How old were you when you had sexual intercourse for the first time?
- A. I have never had sexual intercourse
 - B. 11 years old or younger
 - C. 12 years old
 - D. 13 years old
 - E. 14 years old
 - F. 15 years old
 - G. 16 years old
 - H. 17 years old or older
62. During your life, with how many people have you had sexual intercourse?
- A. I have never had sexual intercourse
 - B. 1 person
 - C. 2 people
 - D. 3 people
 - E. 4 people
 - F. 5 people
 - G. 6 or more people
63. During the past 3 months, with how many people did you have sexual intercourse?
- A. I have never had sexual intercourse
 - B. I have had sexual intercourse, but not during the past 3 months
 - C. 1 person
 - D. 2 people
 - E. 3 people
 - F. 4 people
 - G. 5 people
 - H. 6 or more people
64. Did you drink alcohol or use drugs before you had sexual intercourse the last time?
- A. I have never had sexual intercourse
 - B. Yes
 - C. No
65. The last time you had sexual intercourse, did you or your partner use a condom?
- A. I have never had sexual intercourse
 - B. Yes
 - C. No

66. The last time you had sexual intercourse, what one method did you or your partner use to prevent pregnancy? (Select only one response.)

- A. I have never had sexual intercourse
- B. No method was used to prevent pregnancy
- C. Birth control pills
- D. Condoms
- E. Depo-Provera (injectable birth control)
- F. Withdrawal
- G. Some other method
- H. Not sure

The next 7 questions ask about body weight.

67. How do you describe your weight?

- A. Very underweight
- B. Slightly underweight
- C. About the right weight
- D. Slightly overweight
- E. Very overweight

68. Which of the following are you trying to do about your weight?

- A. Lose weight
- B. Gain weight
- C. Stay the same weight
- D. I am not trying to do anything about my weight

69. During the past 30 days, did you exercise to lose weight or to keep from gaining weight?

- A. Yes
- B. No

70. During the past 30 days, did you eat less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight?

- A. Yes
- B. No

71. During the past 30 days, did you go without eating for 24 hours or more (also called fasting) to lose weight or to keep from gaining weight?

- A. Yes
- B. No

72. During the past 30 days, did you take any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight? (Do not include meal replacement products such as Slim Fast.)

- A. Yes
- B. No

73. During the past 30 days, did you vomit or take laxatives to lose weight or to keep from gaining weight?

- A. Yes
- B. No

The next 7 questions ask about food you ate or drank during the past 7 days. Think about all the meals and snacks you had from the time you got up until you went to bed. Be sure to include food you ate at home, at school, at restaurants, or anywhere else

74. During the past 7 days, how many times did you drink 100% fruit juices such as orange juice, apple juice, or grape juice? (Do not count punch, Kool-Aid, sports drinks, or other fruit-flavored drinks.)

- A. I did not drink 100% fruit juice during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

75. During the past 7 days, how many times did you eat fruit? (Do not count fruit juice.)
- A. I did not eat fruit during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - H. 4 or more times per day
76. During the past 7 days, how many times did you eat green salad?
- A. I did not eat green salad during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
77. During the past 7 days, how many times did you eat potatoes? (Do not count french fries, fried potatoes, or potato chips.)
- A. I did not eat potatoes during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
78. During the past 7 days, how many times did you eat carrots?
- A. I did not eat carrots during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
79. During the past 7 days, how many times did you eat other vegetables? (Do not count green salad, potatoes, or carrots.)
- A. I did not eat other vegetables during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
80. During the past 7 days, how many glasses of milk did you drink? (Include the milk you drank in a glass or cup, from a carton, or with cereal. Count the half pint of milk served at school as equal to one glass.)
- A. I did not drink milk during the past 7 days
 - B. 1 to 3 glasses during the past 7 days
 - C. 4 to 6 glasses during the past 7 days
 - D. 1 glass per day
 - E. 2 glasses per day
 - F. 3 glasses per day
 - H. 4 or more glasses per day
- The next 7 questions ask about physical activity.
81. On how many of the past 7 days did you exercise or participate in physical activity for at least 20 minutes that made you sweat and breathe hard, such as basketball, soccer, running, swimming laps, fast bicycling, fast dancing, or similar aerobic activities?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days

82. On how many of the past 7 days did you participate in physical activity for at least 30 minutes that did not make you sweat or breathe hard, such as fast walking, slow bicycling, skating, pushing a lawn mower, or mopping floors?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days
83. During the past 7 days, on how many days were you physically active for a total of at least 60 minutes per day? (Add up all the time you spend in any kind of physical activity that increases your heart rate and makes you breathe hard some of the time.)
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days
84. On an average school day, how many hours do you watch TV?
- A. I do not watch TV on an average school day
 - B. Less than 1 hour per day
 - C. 1 hour per day
 - D. 2 hours per day
 - E. 3 hours per day
 - F. 4 hours per day
 - G. 5 or more hours per day
85. In an average week when you are in school, on how many days do you go to physical education (PE) classes?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
86. During an average physical education (PE) class, how many times do you spend actually exercising or playing sports?
- A. I do not take PE
 - B. Less than 10 minutes
 - C. 10 to 20 minutes
 - D. 21 to 30 minutes
 - E. 31 to 40 minutes
 - F. 41 to 50 minutes
 - G. 51 to 60 minutes
 - H. More than 60 minutes
87. During the past 12 months, on how many sports teams did you play? (Include any teams run by your school or community groups.)
- A. 0 teams
 - B. 1 team
 - C. 2 teams
 - D. 3 or more teams
- The next 4 questions ask about other health-related topics.
88. Have you ever been taught about IDS or HIV infection in school?
- A. Yes
 - B. No
 - C. Not sure
89. Has a doctor or nurse ever told you that you have asthma?
- A. Yes
 - B. No
 - C. Not sure

90. During the past 12 months, have you had an episode of asthma or an asthma attack?
- A. I do not have asthma
 - B. No, I have asthma, but I have not had an episode of asthma or an asthma attack during the past 12 months
 - C. Yes, I have had an episode of asthma or an asthma attack during the past 12 months
 - D. Not sure

91. Has a doctor or nurse ever told you that you have diabetes?
- A. Yes
 - B. No
 - C. Not sure

The next 8 questions are general items about you.

92. How often does one of your parents talk with you about what you are doing in school?
- A. Never
 - B. Less than once a month
 - C. About once or twice a month
 - D. About once or twice a week
 - E. About every day
93. My teachers really care about me and give me a lot of encouragement.
- A. Strongly agree
 - B. Agree
 - C. Not sure
 - D. Disagree
 - E. Strongly disagree

94. Besides your parents, how many adults would you feel comfortable seeking help from if you had an important question affecting your life?
- A. None
 - B. 1 adult
 - C. 2 adults
 - D. 3 adults
 - E. 4 adults
 - F. 5 or more adults
 - G. Not sure

95. During an average week, how many hours do you spend helping other people without getting paid (such as helping elders or neighbors, watching young children, tutoring, helping out at a hospital, clinic, youth program, local agency, or doing other things) to make your community a better place for people to live?
- A. 0 hours
 - B. 1 hour
 - C. 2 hours
 - D. 3 to 5 hours
 - E. 6 to 10 hours
 - F. 11 or more hours

96. On how many of the past 7 days did you take part in organized after school, evening, or weekend activities (such as school clubs, community center groups, music/art/dance lessons, drama, church, cultural or other supervised activities)?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days

97. I feel alone in my life.

- A. Strongly agree
- B. Agree
- C. Not sure
- D. Disagree
- E. Strongly disagree

98. In my community, I feel like I matter to people.

- A. Strongly agree
- B. Agree
- C. Not sure
- D. Disagree
- E. Strongly disagree

99. My school has clear rules and consequences for behavior.

- A. Strongly agree
- B. Agree
- C. Not sure
- D. Disagree
- E. Strongly disagree

This is the end of the survey.

Thank you very much for your time

April 24, 2007

Representative Peggy Wilson
Alaska State Capitol, Room 403
Juneau, Alaska 99801

Dear Representative Wilson:

Thank you for your effort with addressing the many challenges of positive parent consents for student participation in surveys. I support your efforts with HB 207.

For the past two Youth Risk Behavior Surveys (2005 & 2007) I have served as coordinator for the Juneau School District. The current requirement of positive consent requires a tremendous amount of time, energy, and resources. We are a system that does what it takes to get the job done. In spite of the vast effort by my office and school staff, we still did not meet the required 60% return rate for our YRBS data to be considered weighted in comparison with previous years data. We are very eager to have useful data in looking at trends related to student safety and well being. It has been an exercise in frustration to put forth huge effort for minimal return.

I want to point out the impact on students, from my perspective. I want students to take this survey seriously. Instead, the hype and efforts up front to convince parents (and students) of the importance is met with mixed response. Not all households are responsive to school correspondence, especially once a student is in the secondary level. This past YRBS 2007 we closely tracked parent responses. I would estimate that .25 of families are conscientious and responded quickly to the request for a positive consent. That left us with a majority of families non-responsive or slow to respond. Judging from teacher interaction with students there was a profound indifference to the survey, thus minimal effort to secure parent signature, especially as the effort to secure parent signature was prolonged with teacher effort. This is not the response we want from students! I believe it impacts their attention once they actually sit down to take the survey. They've already dismissed the survey as unimportant, otherwise why didn't families respond immediately?

I would advocate for informing parents of the survey and content, allowing prior review and option to not participate. I do not see the positive parent consents as anything but an additional layer of hundreds of hours spent with little return. Our efforts are better spent providing a safe, productive learning environment, not chasing paper.

Respectfully,

Ronalda Cadiente, Project Director
Safe Schools/Healthy Students
(907) 523-1736

April 24, 2007

Representative Peggy Wilson
Alaska State Capitol, Room 403
Juneau, Alaska 99801

Dear Representative Wilson:

I appreciate your efforts to initiate a practice allowing school districts to gather critical data through the survey process without roadblocks to the process. The current practice of positive parent consents, for students to participate, does not allow the necessary feedback desired for data collection and analysis. I support your efforts with HB 207.

I have coordinated the Youth Risk Behavior Surveys (2003, 2005 & 2007) at Juneau Douglas High School. The current legislation surrounding student surveys requires a tremendous amount of time, energy, and resources, of which an entire teams' efforts, these past few years, resulted in incredible frustration and little results. Regardless our tremendous team effort to get the required parent consent ie., providing teacher and student monetary incentive, a promotional campaign to motivate consents (positive or negative), we still did not meet the required 60% return rate for the YRBS.

I support informing parents of the survey and content, allowing prior review and option to not participate. Our efforts are better spent on coordinating important surveys, gathering data and analyzing it to assist school leaders in providing a safe, productive learning environment, not chasing after parent signatures.

Respectfully,

Kathryn S. Milliron, Vice Principal
Juneau-Douglas High School
907-523-1555

From: Becky Judd [bjudd-h@ak.net]
Sent: Wednesday, May 02, 2007 12:12 AM
To: Rep. Jay Ramras; Rep. John Coghill; Rep. Nancy Dahlstrom; Rep. Bob Lynn; Rep. Ralph Samuels; Rep. Max Gruenberg; Rep. Lindsey Holmes
Subject: HB 207

Dear House Judiciary Members,

I urge you to support HB 207 An Act relating to questionnaires and surveys administered in the public schools.

Without good data, schools and community agencies are at disadvantage in applying for national and federal funding because we can not adequately describe and quantify our needs. The active consent law has placed an undue time and financial burden on the health department and schools to collect this data. Even with incentives the state may not get a full sample of participating students in the YRBS, because parents did not get their forms back into the office. That means our most recent statewide data is 5 years old now, 7 years old by the next time the Youth Risk Behavior Survey can be administered.

I have personally volunteered many nights calling parents to remind them to send the forms back into the school. I was available to answer any questions they had about the survey. Of the several hundred calls made i only had two parents that did not want their teenage child to participate in the survey.

I have witnessed the schools going to extraordinary measures to inform parents about the surveys so they can decide what is best for their children.

Please support HB 207.

Becky Judd
6401 Italy Circle



May 1, 2007

The Honorable Jay Ramras, Chair
House Judiciary Committee
Alaska State Capitol, Room 118
Juneau, Alaska 99801-1182

RE: 207 (Wilson)--Support

Dear Chair Ramras:

On behalf of the members of AARP in Alaska, we strongly encourage you and your colleagues on the House Judiciary Committee to support HB 207, authored by Representative Peggy Wilson.

AARP is the world's largest organization of grandparents. There are over 89,000 AARP members in Alaska. Most of our members benefited from participating in America's public education program. We are strong supporters of public education. We understand that, to be successful, educators must be able to secure information that aids in their decision-making. This includes student surveys.

Currently parents must opt-in to have their students participate in surveys. HB 207 would return us to our previous system in which a parent would have to opt-out if they did not wish their child to participate in a survey.

Knowing how difficult the current situation has been for successful surveys, AARP supports HB 207, recognizing that surveys of students will only be worthwhile if sufficient numbers participate. The grandparents of AARP support public education and successful survey research for our Alaska students.

We urge an "AYE" vote on HB 207.

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

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

CC: Vice-Chair Nancy Dahlstrom
Representative John Coghill
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes
Representative Bob Lynn
Representative Peggy Wilson

ALL ALASKA

PEDIATRIC
PARTNERSHIP

3RD MEDICAL GROUP * ALASKA NATIVE CHILDREN'S CENTER * ALASKA REGIONAL HOSPITAL
CHILDREN'S HOSPITAL AT PROVIDENCE * FAIRBANKS MEMORIAL HOSPITAL
STATE OF ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES
MUNICIPALITY OF ANCHORAGE DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAT-SU REGIONAL MEDICAL CENTER
CENTRAL PENINSULA HOSPITAL * NORTH STAR BEHAVIORAL HEALTH SYSTEM

Via fax

April 25, 2007

RE: HB 207

House Judiciary Committee
Chair Representative Jay Ramras
Vice Chair Nancy Dahlstrom
State Capitol
Juneau, AK 99801

Representatives:

Please pass HB 207, anonymous school survey permission.

The collection of data for use in planning and delivering services to our children is critical. In recent years, insufficient data has hampered school districts and others from gaining funding for services. The information collected provides the "gold standard" data that is used for evaluating efforts to improve health and well-being of our youth. State and local education agencies and communities can use results to help focus programs and policies for comprehensive school health education, school safety education and policy as well as drug and violence prevention education. The Alaska State Legislature and the Office of the Governor also have utilized the findings of previous surveys for programmatic purposes.

The Youth Risk Behavior Survey yields valuable information on the prevalence of priority health risk behaviors that contribute to the leading causes of death, disability, and social problems among youth and adults in Alaska and the United States. These behaviors include: tobacco use; poor eating habits; inadequate physical activity; alcohol and other drug use; sexual behaviors that contribute to unintended pregnancy and sexually

PO Box 230867 ANCHORAGE, AK 99523 VOICE: 907-580-3180 FAX: 907-580-2435 www.a2p2.com

transmitted diseases (including HIV infection); and behaviors that contribute to suicide, violence and other injuries. Unfortunately, many of these behaviors are established at a young age and result in health problems later in life.

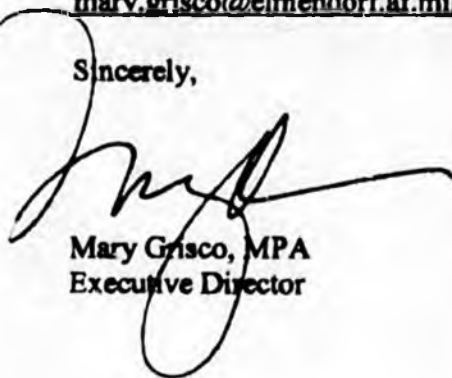
Information from this survey is vital to preventing and reducing health risks and improving the health and success of our youth.

AAPP is a unique public private partnership committed to all Alaskan children since 1995 that creates safe places to grow working relationships to move positive decisions forward. We bring institutional perspectives to exchange ideas and develop collaborative approaches to enhance, not diminish Alaska's pediatric services.

Our current areas of focus include expansion of behavioral health services, increasing pediatric sub-specialty providers and sharing institutional best practices. We promote medical homes and access for children as we know that investing in regular preventive care for children gives them an excellent foundation to be successful students, productive workers and involved citizens.

If I can provide additional information, please contact me at mary.grisco@elmendorf.af.mil.

Sincerely,



Mary Grisco, MPA
Executive Director

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras
Chairman
(907) 465-3004
Fax: (907) 465-2070
Representative_Jay_Ramras@legis.state.ak.us

1292 Sadler Way, Suite 324
Fairbanks, AK 99701



Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Leg. Legal

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: May 2, 2007

Re: HB207 version \K

Please go final on a HJUD CS for the above-referenced bill with the following conceptual amendment:

P.2, L. 18

(8) notice of the opportunity for the student not to answer specific questions or the entire survey.

These risk behaviors among high school students¹ ...

Unintentional Injuries and Violence

- 7% Rarely or never wore a seat belt
- 24% Rode with a driver who had been drinking alcohol, during the past month
- 24% Carried a weapon during the past month
- 29% Were in a physical fight during the past year
- 11% Attempted suicide during the past year

Alcohol and Other Drug Use

- 40% Drank alcohol during the past month
- 26% Reported episodic heavy drinking during the past month²
- 21% Used marijuana during the past month
- 8% Ever used cocaine
- 14% Ever used inhalants

Sexual Behaviors

- 45% Ever had sexual intercourse
- 13% Had sexual intercourse with ≥ 4 people
- 31% Had sexual intercourse during the past three months
- 39% Did not use a condom during last sexual intercourse³

Tobacco Use

- 53% Ever tried cigarette smoking
- 18% Smoked cigarettes during the past month
- 7% Smoked cigarettes on ≥ 20 days during the past month
- 10% Used smokeless tobacco during the past month
- 10% Smoked cigars during the past month

Dietary Behaviors

- 84% Ate fruits and vegetables < 5 times/day during the past 7 days
- 22% Drank soda or pop one or more times a day during the past 7 days (not including diet soda or pop)

Physical Activity

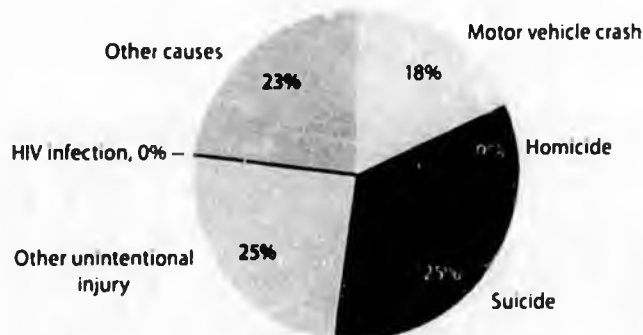
- 58% Did not meet currently recommended levels of physical activity⁴
- 53% Did not attend physical education class
- 82% Did not attend physical education class daily

Overweight

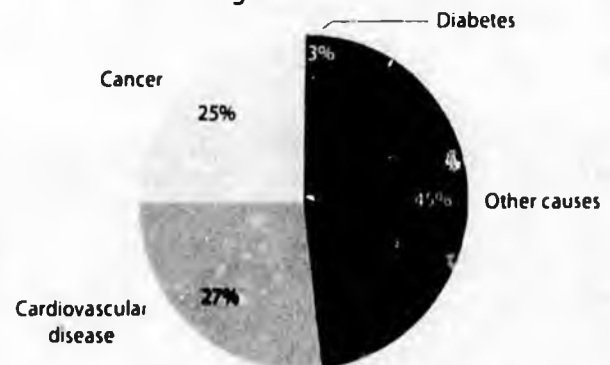
- 16% Were overweight⁵
- 11% Were obese⁶

... contribute to these leading causes of death⁷

Youth Aged 10-24 Years



Adults Aged 25 Years and Older



¹ High school students grades 9-12 in Alaska excluding alternative schools and boarding schools, weighted data.

² Students who had five or more drinks of alcohol in a row within a couple of hours on at least 1 day during the past 30 days.

³ Among students who had sexual intercourse during the past 3 months.

⁴ Students who were not physically active for a total of at least 60 minutes per day on 5 or more days of the past 7 days.

⁵ Students who were at or above the 85th percentile but below the 95th percentile for body mass index by age and sex.

⁶ Students who were at or above the 95th percentile for body mass index by age and sex.

⁷ 2003-2005 Alaska mortality data, Centers for Disease Control and Prevention.

For more information visit www.hss.state.ak.us/dph/chronic

Or call 1-888-465-3140



The Alaska Youth Risk Behavior Survey is a joint project between the Department of Health and Social Services and the Department of Education & Early Development in cooperation with the Centers for Disease Control and Prevention



Alaska

2003 Youth Risk Behavior Survey (YRBS) Results

These risk behaviors¹ . . .

Unintentional Injuries and Violence

- 15% Rarely or never wore safety belts
- 25% Rode with a drinking driver during the past month
- 18% Carried a weapon during the past month
- 27% Were in a physical fight during the past year
- 8% Attempted suicide during the past year

Alcohol and Other Drug Use

- 39% Drank alcohol during the past month
- 26% Reported episodic heavy drinking during the past month
- 24% Used marijuana during the past month
- 7% Ever used cocaine
- 10% Ever used inhalants

Sexual Behaviors

- 40% Ever had sexual intercourse
- 12% Ever had four or more sex partners
- 28% Had sexual intercourse during the past three months
- 38% Did not use a condom during last sexual intercourse²
- 75% Did not use birth control pills during last sexual intercourse²

Tobacco Use

- 56% Ever tried cigarette smoking
- 19% Smoked cigarettes during the past month
- 8% Smoked cigarettes on ≥ 20 days during the past month
- 11% Used smokeless tobacco during the past month
- 8% Smoked cigars during the past month

Dietary Behaviors

- 84% Ate < 5 servings of fruits and vegetables per day during the past 7 days
- 88% Drank < 3 glasses of milk per day during the past 7 days

Physical Activity

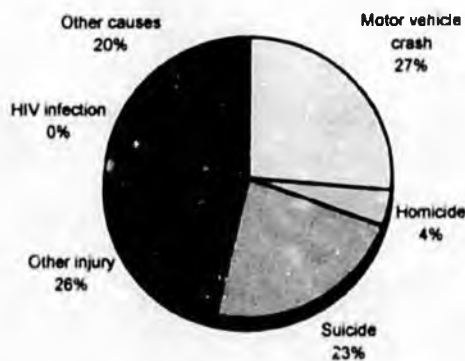
- 32% Participated in insufficient vigorous physical activity³
- 72% Participated in insufficient moderate physical activity⁴
- 55% Were not enrolled in physical education class
- 82% Did not attend physical education class daily
- 8% Did not participate in any vigorous or moderate physical activity

Overweight

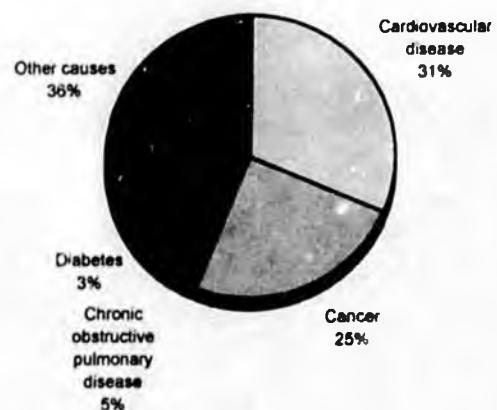
- 14% At risk for becoming overweight⁵
- 11% Overweight⁶

. . . contribute to these leading causes of death.⁷

Youth Aged 10-24 Years



Adults Aged 25 Years and Older



¹ Among high school students only, weighted data.

² Among students who had sexual intercourse during the past 3 months.

³ Did not participate in vigorous physical activity for ≥ 20 minutes on ≥ 3 of the past 7 days.

⁴ Did not participate in moderate physical activity for ≥ 30 minutes on ≥ 5 of the past 7 days.

⁵ Students who were at or above the 85th percentile but below the 95th percentile for body mass index by age and sex, National Center for Health Statistics, 2000.

⁶ Students who were at or above the 95th percentile for body mass index by age and sex, National Center for Health Statistics, 2000.

⁷ 2001 mortality data, National Center for Health Statistics.



HB

281

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
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Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

April 2, 2008

To: Representative John Coghill, Chairman
House Rules Committee

Fr: Representative Bob Lynn

Re: HB 281: Campaign Finance/Ethics Complaints

Please schedule HB 281 to be heard on the House Floor at your earliest convenience.

Attached is a copy of the legislation, sponsor statement, fiscal note, brief explanation of changes, and background material.

Thank you for considering my request for HB 281, which creates a uniform statute of limitations of five years for complaints of alleged violations filed with the Alaska Public Offices Commission and the Select Committee on Legislative Ethics.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
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District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
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Sponsor Statement for Version 25-LS115J

CSHB 281(RLS): Campaign Finance Complaints

House Bill 281 strengthens oversight of Alaska's ethics laws by allowing the state's watchdog agencies more time to receive complaints and properly investigate alleged violations. It also establishes an adequate time period for the retention of records related to those complaints.

This act covers the four areas of oversight assigned to the Alaska Public Offices Commission and the Select Committee on Legislative Ethics: AS 15.13 State Election Campaigns, AS 24.45 Regulation on Lobbying, AS 24.60 Standards of Conduct as well as the Financial Disclosure for the Legislative Branch and AS Public Officials Financial Disclosures.

HB 281 creates a standard statute of limitations of five years for complaints that can be filed with APOC and the Select Committee. It also codifies a period of six years for the retention of records required under these sections.

By allowing a reasonable amount of time to receive complaints and conduct investigations, HB 281 helps APOC and the Select Committee accomplish their missions of ensuring the public's confidence in elected and appointed officials, and preserving the integrity of the legislative process.

This bill is an important follow-up to the recent efforts to shore up the Foundation of Trust between Alaskans and their government, which took a big step forward last year when the governor and the legislature passed a landmark ethics bill.

Contact: Mike Sica, 465-4965

Revised: April 5, 2008

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

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Anchorage, AK 99501-2133

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Fax: (907) 269-0207

Sectional Analysis for CSHB 281(RLS) **Campaign Finance Complaints, Version 25-LS1115\J**

- Section 1** Amends AS 15.13.040(a) to require each candidate to make a full report, upon a form prescribed by the commission, listing the principal occupation and employer of each contributor.
- Section 2** Adds a new section, **Sec. 15.13.111**, creating a retention period of six years for records to be kept by each candidate, group, nongroup entity, or person required to report under this chapter.
- Section 3** Amends **AS 15.13.380(b)**, increasing the time period allowed for filing a complaint for an alleged campaign finance violation from one year to five years. It also eliminates the time limitations of this subsection on proceedings against a person who "intentionally prevents discovery" of a violation of this chapter.
- Section 4** Amends **AS 24.45.111(a)**, requiring that "an employer, retainer, or contractor of a lobbyist," in addition to a lobbyist, retain records required under this section. It also increases the retention period from one year to six years.
- Section 5** Amends **AS 24.45.131(a)**, allowing any "person," not just a "qualified voter," to file a complaint with the commission under this chapter.
- Section 6** Adds a new section, **AS 24.45.131(d)**, prohibiting a commission member who file a complaint from participating in any commission proceeding related to the complaint.
- Section 7** Adds a new section, **AS 24.45.135**, allowing "a person," as well as a commission member or staffer, to file a complaint alleging a violation of AS 24.45.121-24.45.171 has occurred or is occurring. The complaint must be filed within five years after the date of the alleged violation.

(more)

Sectional Analysis for CSHB 281(JUD)
Campaign Finance Complaints, Version 25-LS1115\T

- Section 8** Amends AS 24.60.170(a), increasing the time limitation on complaints alleging a violation of this section from two years to five years. It also increases the time limitation for investigation of complaints against a former legislator from one year to five years.
- Section 9** Adds a new section, Sec. 24.60.255, allowing a person, as well as a member of the Alaska Public Office Commission or a member of its staff, to file a written complaint alleging a violation of AS 24.60.200-24.60.260 has occurred or is occurring . The complaint must be filed within five years after the date of the alleged violation.
- Section 10** Adds a new section, AS 39.50.055, allowing a person, as well as a member of the Alaska Public Office Commission or a member of its staff, to file a written complaint alleging a violation of this chapter has occurred or is occurring . The complaint must be filed within five years after the date of the alleged violation. An APOC member who files a complaint may not participate in any proceeding of the commission relating to the complaint.
- Section 11** Amends AS 39.50.100, creating a statute of limitation of five years from the date of the alleged violation for a complaint to be filed under this section.
- Section 12** Repeals AS 15.56.130 to create a statute of limitation of five years for alleged violations that could be prosecuted as a criminal offense.
- Section 13** Establishes applicability for the sections that have been amended and created in this act.
- Section 14** Allows the Alaska Public Offices Commission to immediately adopt regulations necessary to implement changes made by this act, in accordance with the Administrative Procedure Act, but not before Jan. 1, 2009.
- Section 15** Allows Section 14 to take effect immediately.
- Section 16** Except as provided in Section 15, allows this Act to take effect on Jan. 1, 2009.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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CSHB 281(RLS), Version J: Brief Explanation of Changes From earlier versions E, K and T

Title Changes

The original title in version E referred to extending the statute of limitations for the filing of complaints with the Alaska Public Offices Commission under Title 15; the House State Affairs Committee version K expanded the title to also include records retention (as well as the statute of limitations) and complaints with the Select Committee on Legislative Ethics (as well as APOC) under titles 15, 24 and 39; the House Judiciary Committee version T tightened the title to the specific sections of the Act (as opposed to simply referring to APOC and the Select Committee), and the House Rules Committee added language referring to candidates disclosing certain information about all contributions under AS 15.13.

Section Changes

The original version E included only one section (other than an applicability section) extending the statute of limitations from one year to five years for filing an administrative complaint with the Alaska Public Offices Commission.

Version K added many sections creating a uniform standard of five years for the statute of limitations for campaign finance and ethics complaints that fall under the jurisdiction of APOC and the Select Committee on Legislative Ethics: campaign disclosures (AS 15.13), lobbying (AS 24.45), legislative financial disclosure (AS 24.60) and public official financial disclosure (AS 39.50).

(more)

Version T deleted a section requiring business, persons or groups that furnish services, facilities or supplies to a candidate to maintain records for six years. It also changed who can file a complaint in most sections of the bill from "registered voter" to "person." The T version also tightened language in several sections.

The J version added a new section, Sec.1. AS 1.13.040(a) requiring each candidate to make a full report listing the principal occupation and employer of each contributor.

A more detailed explanation of changes is available, if necessary.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: C5HB 281(STA)
 (H) Publish Date: 1/22/08

Identifier (file name): HB281-DOA-APOC-1-11-08 Dept. Affected: Administration
 Title: "An Act extending the statute of limitations" RDU: AK Public Offices Commission
 Component: Public Offices Commission
 Sponsor: Lynn and Gatto
 Requester: House State Affairs Component Number: 70

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	156.0	0.0	156.0	156.0	156.0	156.0	156.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	14.5	0.0	14.5	14.5	14.5	14.5	14.5
Supplies	0.7	0.0	0.7	0.7	0.7	0.7	0.7
Equipment	3.1	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
Grants & Claims	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
TOTAL OPERATING	174.3	0.0	171.2	171.2	171.2	171.2	171.2

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	174.3	0.0	156.0	156.0	156.0	156.0	156.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	174.3	0.0	156.0	156.0	156.0	156.0	156.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	2.0	0.0	2.0	2.0	2.0	2.0	2.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill will expand the statute of limitations for filing complaints under the campaign disclosure law.

We are requesting funding for an additional investigator position, a paralegal position, and associated costs that will be dedicated to auditing and enforcement. Investigations into allegations of violations that occurred years ago are more complex. It is more difficult to establish facts and find and question witnesses.

Prepared by: Brooke Miles
 Division: Alaska Public Offices Commission
 Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone 907-334-1728
 Date/Time 1/11/2008 3:05 p.m.
 Date 1/11/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 231(FIN)
 (H) Publish Date: 4/4/08

Identifier (file name): CSHB231(JUD)-LEG-ETH-04-01-08 Dept. Affected: Legislature
 Title: "An Act relating to the preservation of records required to be kept by candidates, groups, nongroup entities, ..." RDU: Legislative Council
 Sponsor: Representatives Lynn and Gatto Component: Select Committee on Leg Ethics
 Requester: House Finance Committee Component Number: 2321

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								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schiefel, Deputy Director Phone 465-6626
 Division: Legislative Affairs Agency Date/Time 4/1/08 3:27 PM
 Approved by: Pamela Varni, Executive Director Date 4/1/2008
Legislative Affairs Agency

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 281(FIN)
 (H) Publish Date: 4/4/08

Identifier (file name): HB281CS(JUD)-DOA-APOC-3-31-08 Dept. Affected: Administration
 Title: "An Act extending the statute of limitations..." RDU: AK Public Offices Commission
 Component: AK Public Offices Commission
 Sponsor: Lynn and Gatto
 Requester: House Finance Component Number: 70

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	86.0	0.0	86.0	86.0	86.0	86.0	86.0	86.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	14.5	0.0	14.5	14.5	14.5	14.5	14.5	14.5
Supplies	0.7	0.0	0.7	0.7	0.7	0.7	0.7	0.7
Equipment	3.1	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	104.3	0.0	101.2	101.2	101.2	101.2	101.2	101.2

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	104.3	0.0	101.2	101.2	101.2	101.2	101.2	101.2
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	104.3	0.0	101.2	101.2	101.2	101.2	101.2	101.2

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	1.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		0.0						

ANALYSIS: (Attach a separate page if necessary)

This bill will expand the statute of limitations for filing complaints under the campaign disclosure law.

Funds are requested for a paralegal position and associated costs to perform auditing and enforcement. This position is a support person to assist in investigations of complaints. Because investigation of complaints that have occurred in the past are more complex, there is a greater need for a support staff person to assist with the auditing and research necessary to find the facts.

Prepared by: Christina Ellingson
 Division: Alaska Public Offices Commission
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-1725
 Date/Time 3/31/08 2:00 P.M.
 Date 3/31/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 281(FIN)
 (H) Publish Date: 4/4/08

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act extending the statute of limitations for the filing of RDU CIVIL
complaints with the Alaska Public Offices Commission Component Labor and State Affairs
 Sponsor Representative(s) Lynn, Gatto
 Requester HOUSE FINANCE Component Number 2718

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	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9

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	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0.5	0.00	0.5	0.5	0.5	0.5	0.5	0.5
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

By expanding the time period for the consideration of campaign finance law violations by the Alaska Public Offices Commission from one to five years, this legislation should increase significantly the number of complaints and investigations that the Commission handles. The resulting increase in Commission workload will significantly increase the Department's time advising the staff and the Commission. The Civil Division is requesting one-half attorney IV position to handle this increased case load. It is impossible to predict with any certainty how many complaints will actually result in criminal prosecutions. As a consequence costs for the Criminal Division must be considered indeterminate at this time but may also prove to be significant. Cost of 1/2 time attorney calculated at the Department's Statewide billing rate of \$116.50 per hour times billable hours of 1,475 per year per attorney and covers all associated operational overhead. $1/2 \times \$116.50 \times 1,475 = \$85,918$

Prepared by: Robert Meiners, Administrative Services Manager
 Division Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-5427
 Date/Time 3/21/08 1:52 PM
 Date 3/21/2008

HOUSE COMMITTEE REPORT

1-2208

B

(7)
Date Referred to Co.nmittee: January 15, 2008

FURTHER REFERRALS: Judiciary

Date of Committee Action: 1-19-08

1-22
fin ref.
added

The STATE AFFAIRS Committee considered:

HB 281

HOUSE BILL NO. 281

CAMPAIGN FINANCE COMPLAINTS

"An Act extending the statute of limitations for the filing of complaints with the Alaska Public Offices Commission involving state election campaigns."

Recommends it be replaced with [] HCS or [X] CS for HB 281 (STA)
For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title [X] New Title

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

- List of Abbrev for Depts.:
- ADM
 - CED
 - COR
 - CRT
 - EED
 - DEC
 - DFG
 - GOV
 - HSS
 - LWF
 - LAW
 - LEG
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
Adm	1	X		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson	①		③	②
	Johnson				X
	Roses			X	
	Pugh			✓	
	Hall			Y	
Chair:	LYNN	X			
Chair:					

LEGAL SERVICES

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

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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

January 24, 2008

SUBJECT: Statute of Limitations for Election Offenses (amendment K.2 to CSHB 281(STA) (Work Order No. 25-LS1115\K.2)

TO: Representative Bob Lynn

FROM: Gerald P. Luckhaupt *ERLH*
Legislative Counsel

I was requested to take a look at Amendment K.2 dealing with the statute of limitations for election offenses as the amendment deals with general issues of criminal law. The amendment changes AS 15.56.130 by expanding the statute of limitations for election offenses from one year after the date of the election to five years after the commission of the offense. Five years is also the general statute of limitations for offenses contained in AS 12.10.010(b)(2). AS 12.10 also contains other provisions dealing with when the statute of limitation begins¹ and how the statute of limitation runs,² and provisions that stay the running of the limitation period when the offender has fled the jurisdiction³ and expand the limitation period when the offender is a public officer or employee who has committed misconduct in office.⁴

Because the amendment makes the statute of limitation for AS 15 offenses the same as the general criminal statute of limitation in AS 12.10.010 there is no need for AS 15.56.130 and the provision should be repealed if the legislature wants a general five year statute of limitations to apply. Allowing the provision to remain will only engender uncertainty and encourage litigation about how and whether the other provisions of AS 12.10 apply to AS 15 offenses.

GPL:lmb
08-001.lmb

¹ AS 12.10.030(a)

² AS 12.10.030(b)

³ AS 12.10.040

⁴ AS 12.10.020(b) expands the statute of limitation in such cases by up to three years by allowing prosecution up to one year after discovery of the offense.

Table 1: Selected States' Statutes of Limitations for Filing Complaints Related to Campaign Finance Violations

State	Citation	Time Limit for Filing Complaint
Alaska	AS § 15.13.380	One year from the date of the violation.
Colorado	CRS § 16-5-401	Three years from the date of the election in which the violation took place.
Florida	FS § 105.25	Two years from the date of the violation.
Georgia	OCGA § 21-5-13	Within three years of a violation involving any person elected to serve for a term of two years; within five years of a alleged violation involving any person elected to serve for a term of four or more years.
Minnesota	MS § 211B.32	Within one year of the violation, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the violation was discovered.
Ohio	ORC § 3517.157	Within two years of the violation, except that if the act or failure to act involves fraud, concealment, or misrepresentation and was not discovered during that two-year period, a complaint may be filed within one year after discovery of such act or failure to act.
Texas	Texas Ethics Comm. Rule § 12.5	Violation must have occurred within three years of the date the complaint is filed or the date the commission votes to initiate a preliminary review of a matter.
Washington	RCWA § 42.17.410	Five years from the date of the violation occurred.

Notes: With the exception of Texas, the states listed are those with statutory time limitations for filing complaints that we were readily able to locate. We located the rules of the Texas Ethics Commission through a statutory reference. We believe this table is best interpreted as a sample of states' positions on the topic.
Sources: Lexis online database of state statutes, Texas Ethics Commission website, <http://www.ethics.state.tx.us/legal/rules.htm>.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

LEGAL SERVICES

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Juneau, Alaska 99801-1182
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MEMORANDUM

January 18, 2008

SUBJECT: CSHB 281(STA) - Drafting issues

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Mike Sica

FROM: Alpheus Bullard
Legislative Counsel

This memorandum accompanies the State Affairs Committee Substitute for House Bill 281 you requested.

The substitute you requested contained a provision amending AS 24.60.170(a). The amendment requires the committee to consider a complaint alleging a violation of AS 24.60 if the alleged violation occurred within five years before the date the complaint is filed. AS 24.60.170(n) requires that the committee dismiss a complaint filed against a person employed by the legislative branch if the person terminates legislative service. Members of the legislature may also not be in office when the complaint is filed.

You have asked that I add the sentence "*[t]he time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter*" (from AS 24.60.170(a) to AS 15.13.380(b)). As noted above, AS 24.60.170(a) governs complaints filed with the Select Committee on Legislative Ethics while AS 15.13.380(b) speaks to administrative complaints filed with the Alaska Public Offices Commission. I have added the sentence, but please be aware that it is unclear what the legal effect of its addition to AS 15.13.380(b) might be. The history of AS 24.60.170(a) is silent as to any previous interpretation and the sentence does not invoke any legal standard of proof, creating the possibility that any person who filed incorrectly could be held to have "*intentionally prevent[ed] discovery of a violation of th[e] chapter.*" Such an interpretation would operate to dispense with the statute of limitations for the filing of administrative complaints altogether. You might consider amending the sentence to read "*[t]he time limitations of this subsection do not bar proceedings against a person who the commission finds willfully prevents discovery of a violation of this chapter, such a finding by the commissioner must be based on clear and convincing evidence.*"

Representative Bob Lynn
January 18, 2008
Page 2

The provisions of the substitute you requested would have become retrospectively applicable to alleged violations and records required to be retained. In this draft the applicability of these provisions is not retroactive.

Your draft serves to increase the statute of limitations for the filing of administrative complaints with the Alaska Public Offices Commission. Please be aware that these extended statutes of limitation for the filing of complaints alleging violations of AS 15.13 do not serve to amend the existing law pertaining to criminal prosecution of related election law violations. AS 15.56.130 provides:

A prosecution for an offense described in AS 15.05 - AS 15.60 (Alaska Election Code) may not be maintained unless it is begun within *one year* after the date of the election in connection with which the offense is alleged to have been committed (emphasis added).

If you would like this provision amended in a subsequent draft, or if you have any questions, please do not hesitate to contact me.

TLAB:med
08-021.med

Enclosure

Definitions related to who can file a complaint regarding alleged violations under sections 15.13, 24.45, 24.60 and 39.50

REGISTERED VOTER

Chapter 15.07. REGISTRATION OF VOTERS

Sec. 15.07.010. Who may vote.

The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

Sec. 15.07.020. Registration as a prerequisite. [Repealed, Sec. 231 ch 100 SLA 1980].

Repealed or Renumbered

Sec. 15.07.030. Who may register.

(a) A person who has the qualifications of a voter as set out in AS 15.05.010 (1) - (3) or who will have the qualifications at the succeeding primary or general election is entitled to be registered as a voter in the precinct in which the person resides.

(b) A person qualified under AS 15.05.011 to vote by absentee ballot in a federal election is entitled to be registered as a voter in the house district in which the person resided immediately before departure from the United States.

QUALIFIED VOTER

Sec. 15.60.010. Definitions.

In this title, unless the context otherwise requires,

(30) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030 :

(continued on next page)

Sec. 15.05.030. Loss and restoration of voting rights.

(a) A person convicted of a crime that constitutes a felony involving moral turpitude under state or federal law may not vote in a state, federal, or municipal election from the date of the conviction through the date of the unconditional discharge of the person. Upon the unconditional discharge, the person may register under AS 15.07.

(b) The commissioner of corrections shall establish procedures by which a person unconditionally discharged is advised of the voter registration requirements and procedures.

Chapter 15.05. QUALIFICATION OF VOTERS

Sec. 15.05.010. Voter qualification.

A person may vote at any election who

(1) is a citizen of the United States;

(2) is 18 years of age or older;

(3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and

(4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction.

PERSON

Sec. 15.13.400. Definitions.

In this chapter,

(14) "person" has the meaning given in AS 01.10.060, and includes a labor union, nongroup entity, and a group;

Sec. 01.10.060. Definitions.

(a) In the laws of the state, unless the context otherwise requires,

(8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

State Capitol, Juneau, AK 99801
Phone: 907-465-3991
Fax: 907-465-3908

January 16, 2008

Memorandum

TO: Senator Bill Wielechowski

FROM: Daniel Lesh
Legislative Analyst

RE: States with Filing Limits of Four Years or Greater Regarding Campaign Finance Violations
LRS 08-104

You asked for examples of states that allow campaign finance complaints regarding state election campaigns to be filed up to four years or greater after the violation has taken place. A previous report by this agency identified the following examples:

- 1) Georgia – OCGA § 21-5-13 – Within three years of a violation involving any person elected to serve for a term of two years; within five years of a alleged violation involving any person elected to serve for a term of four or more years.
- 2) Washington – RCWA § 42.17.410 – Five years from the date of the violation.

In the time allotted, we identified an additional six examples by speaking with staff attorneys at the relevant elections commissions in the following states:

- 3) Arkansas – Four years.
- 4) California – Five years for administrative sanctions and four years for civil sanctions.
- 5) Connecticut – No limit; however, by practice, the Connecticut Elections Enforcement Commission generally limits their investigations to complaints regarding violations that occurred within the previous two election cycles.
- 6) Hawaii – No limit.
- 7) Massachusetts – No limit.
- 8) New Jersey – No limit in statute; however, after four years, candidates and committees are not required to maintain records and investigations are not generally conducted.

I hope this is useful. Please contact us if you require additional information.

CSHB 281(STA)

Relevant Statutes

Campaign Finance Complaints

Sec. 15.14.040(f) Contributions, expenditures, and supplying of services to be reported.

Sec. 15.13.380(b) Violations; limitations on actions.

Sec. 24.60.170(a) Proceedings before the committee; limitations. Recommendation to add to Sec. 15.13.380(b)

Sec. 24.45.111(a) Preservation of records.

Sec. 24.45.131 Examination of statements, reports.

Sec. 24.60.170 Proceedings before the committee. Limitations.

Sec. 39.50.100 Enforcement by private citizens.

Sec. 15.56.130 Time limitation.

Definitions related to who can file a complaint (registered voter, qualified voter and person) regarding alleged violations under sections AS 15.13, AS 24.45, AS 24.60 and AS 39.50.

HB

297

Alaska State Legislature

Session Address:

Alaska State Capitol
Juneau, AK 99801
Phone: (907) 465-2679
1-800-505-2678
Fax: (907) 465-4822

Interim Address:

600 E. Railroad Avenue
Wasilla, AK 99654
Phone: (907) 376-2679
Fax: (907) 376-4745

Representative.Mark.Neuman@legis.state.ak.us

Representative Mark A. Neuman *District 15*

February 22, 2008

Representative John Coghill, Chair
House Rules Committee
State Capitol, Room 214
Juneau, Alaska 99801

Dear Representative Coghill:

SUBJECT: HB 297 PRACTICE OF VETERINARY MEDICINE

Attached is a committee package for House Bill 297. I respectfully request this legislation be calendared at your earliest convenience.

Included are the following:

- * all versions of the bill
- * the bill history
- * sponsor statement 25-LS0357K
- * fiscal note
- * support letters (no letter of opposition have been received to date)
- * sectional analysis prepared by Legislative Legal

HB 297 is supported by the DCCED/Division of Corporations, Business and Professional Licensing and the Alaska Board of Veterinary Examiners. Please feel free to call my office at (907) 465-2679 if you require more information or have any questions.

Sincerely,



Representative Mark Neuman
House District 15

Alaska State Legislature

Session Address:

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Juneau, AK 99801
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Representative.Mark.Neuman@legis.state.ak.us

Representative Mark A. Neuman

District 15

SPONSOR STATEMENT – HB 297

"An Act relating to student permits authorized by the Board of Veterinary Examiners; and relating to the application of certain statutes pertaining to veterinarians and veterinary practice to certain persons."

Due to changes in veterinary medicine over the past few years, updates are now required to align Alaska statutes with current standards of veterinary practice. The statutes governing the practice of veterinary medicine were last updated in 1998; consequently, the Alaska Board of Veterinary Examiners and the Department of Commerce have recommended modernization of the statutes in order to utilize all the technology that has been developed in the past 10 years.

HB 297 will amend the licensing statutes to allow fourth year veterinary students to work in Alaska under the supervision of an Alaska licensed veterinarian. Currently, there is no provision in Alaska statutes that would allow a student enrolled in an accredited college to experience the practice of veterinary medicine in the state. Veterinary programs routinely require participation in an externship program prior to graduation, forcing students to seek externships outside of Alaska. Providing for a student permit creates an incentive for students to gain supervised practice and training in Alaska, receive credit for work experience, and an opportunity to return to Alaska after graduation to practice as fully licensed veterinarians.

HB297 provides exemptions that have long been recognized in the Veterinary Practice Acts of most other states. Monies and time currently spent in obtaining temporary licenses for veterinarians engaged in wildlife research could be redirected towards needed sample collection and analysis costs. Out-of-jurisdiction veterinarians providing consultations by telephone or e-mail or temporary assistance/training for the purpose of providing skills not otherwise available in this state could do so through the request of an Alaska licensed veterinarian.

Legislation has been introduced through a coordinated effort between the Alaska Board of Veterinary Medical Examiners and the Alaska Division of Corporations, Business and Professional Licensing. These changes will enhance the high standard of veterinary care provided in Alaska while attracting new veterinary practitioners to the State.

Contact: Beth Schneider
(907) 465-2679
Version 25-LS0357T
March 18, 2008

Alaska State Legislature

Session Address:

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Juneau, AK 99801
Phone: (907) 465-2679
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Representative.Mark.Neuman@legis.state.ak.us

Representative Mark A. Neuman

District 15

SECTIONAL ANALYSIS – HB 297

"An Act relating to student permits authorized by the Board of Veterinary Examiners; and relating to the application of certain statutes pertaining to veterinarians and veterinary practice to certain persons."

- Section 1.** Adds the issuance of student permits to the powers and duties of the Board of Veterinary Examiners.
- Section 2.** Adds the mailing of student permits to the duties of the Department of Commerce, Community, and Economic Development.
- Section 3.** Exempts certain persons from the provisions of AS 08.98. (Veterinarians).
- Section 4.** Allows the board to approve the issuance of student permits to certain qualified applicants and provides limitations for the holders of these permits.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 297(L&C)
 (H) Publish Date: 2/13/08

Identifier (file name): HB297-CED-OL-01-22-07 Dept. Affected: DCCED
 Title Practice of Veterinary Medicine RDU Corp, Bus & Prof Licensing (117)
 Component Corp, Bus & Prof Licensing
 Sponsor Neuman
 Requester House 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								
-----------------------------	--	--	--	--	--	--	--	--

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 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								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 08.98 Veterinarians to provide for student externships and to clarify the definition of practicing veterinary medicine. It is not anticipated to impact the operations of the division. Licensing programs are required to cover costs with licensing fees under AS 08.01.065.

Prepared by: Chris Wyatt, Administrative Officer Phone (907) 465-2572
 Division Corporations, Business, and Professional Licensing Date/Time 1/22/08 5:16 PM
 Approved by: Emil R. Notti, Commissioner Date 1/22/2007
Commerce, Community, and Economic Development

LEGAL SERVICES

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

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

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

MEMORANDUM

March 12, 2008

SUBJECT: CSHB 297() - Sectional summary
(Work Order No. 25-LS0357\Y)

TO: Representative Mark Neuman
Attn: Beth Schneider

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. Adds the issuance of student permits to the powers and duties of the Board of Veterinary Examiners.

Section 2. Adds the mailing of student permits to the duties of the Department of Commerce, Community, and Economic Development.

Section 3. Exempts certain persons from the provisions of AS 08.98. (Veterinarians).

Section 4. Amends the statutory qualifications for licensure as a veterinarian.

Section 5. Allows the board to approve the issuance of student permits to certain qualified applicants and provides limitations for the holders of these permits.

Section 6. Replaces the definition of "accredited veterinary school" with a definition for "accredited veterinary program."

Section 7. Amends the definition of the "practice of veterinary medicine."

Section 8. Adds definitions.

Representative Mark Neuman
March 12, 2008
Page 2

Section 9. Adds a provision to uncodified law that provides that (1) the bill's student permit requirement applies only to a student entering into an externship program on or after the effective date of the bill and (2) the change in the qualifications for licensure as a veterinarian in Alaska (made by the bill's secs. 4 and 6) do not apply to a person who was enrolled in a veterinary school that met the approval of the board before the effective date of the bill.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw
08-148.ljw

LEGAL SERVICES

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

MEMORANDUM

March 10, 2008

SUBJECT: Voluntary reporting of suspected animal cruelty by veterinarians
(CSHB 297(); Work Order No. 25-LS0357L)

TO: Representative Mark Neuman
Attn: Beth Schneider

FROM: Alpheus Bullard *TLAB*
Legislative Counsel

Pursuant to a March 7, 2008 memorandum sent to your office, which addressed whether a veterinarian could be statutorily required to report cruelty to animals, you now ask whether a veterinarian may currently report suspected instances of animal cruelty or if veterinarian-client privilege restricts a veterinarian from doing so.

It is my legal opinion that there is not a recognized veterinarian-client testimonial privilege or other legal barrier in Alaska statute or regulation that currently serves to prevent a veterinarian from voluntarily reporting a suspected instance of animal cruelty.

If I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw
08-141.ljw

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-1182
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MEMORANDUM

March 10, 2008

SUBJECT: Definition of the practice veterinary medicine
(CSHB 297(L&C)) (Work Order No. 25-LS0357\K)

TO: Representative Andrea Doll
Attn: Susan Hargis

FROM: Alpheus Bullard *AB*
Legislative Counsel

In response to a constituent concern, you have asked for a legal opinion as to the possible effects of a change made to the definition of veterinary practice in CSHB 297(L&C).

CSHB 297(L&C) (25-LS0357\K) provides that a person is "practic[ing] veterinary medicine" if the person diagnoses, treats, corrects, changes, relieves the physical or mental condition of an animal or renders advice or a recommendation as to how to diagnose, treat, correct, change, or relieve the physical or mental condition of an animal.¹

This definition of the "practice of veterinary medicine" encompasses a wide spectrum of actions and behaviors. While this definition of veterinary medicine in CSHB 297(L&C) is conditioned in its application by a number of exemptions in the bill,² the manner in

¹ The bill provides, in pertinent part:

* **Sec. 7.** AS 08.98.250(5) is amended to read:

(5) "practice of veterinary medicine" **means**

(A) [MEANS FOR COMPENSATION] to

(i) diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition, including the prescription or administration of a drug, biologic apparatus, anesthetic, or other therapeutic or diagnostic substance;

(ii) use a manual or mechanical procedure for testing for pregnancy or correcting sterility or infertility; or

(iii) render advice or recommendation with regard to any matter listed in (i) or (ii) of this subparagraph; [. . .]

² The bill provides:

* **Sec. 3.** AS 08.98 is amended by adding a new section to read:

Representative Andrea Doll

March 10, 2008

Page 2

which the "practice of veterinary medicine" is defined will describe the activities of many people who (1) may reasonably believe that they are not "practicing" veterinary medicine and are (2) not covered by the bill's enumerated exemptions.

If I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw

08-142.ljw

Sec. 08.98.125. Exemptions. This chapter does not apply to the following:

- (1) a veterinary medical officer in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties;
- (2) a person who provides care without remuneration to an injured or ill animal that reasonably appears to the person to be in need of aid;
- (3) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state;
- (4) a holder of a student permit under AS 08.98.188;
- (5) a person who performs euthanasia of an animal in the course and scope of the person's employment while employed by an agency that has a permit issued under AS 08.02.050;
- (6) a veterinarian licensed and residing in another state who provides assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife; however, that assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year and may not be on a regular or recurring basis, as defined by the board;
- (7) a person engaged in the practice of artificial insemination in an animal;
- (8) a farrier in the performance of the farrier's profession;
- (9) a person approved by the Department of Health and Social Services to administer rabies vaccine to animals; and
- (10) a person or employee of a person, who, without compensation, treats only animals belonging to that person, unless ownership is transferred for the purpose of avoiding this chapter or unless the primary purpose of hiring the employee is to avoid application of this chapter.

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Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Labor & Commerce
2/8/08 3:04 p.m.

Steven M. Torrence D.V.M.
4433 Windfall Ave
Juneau, Alaska 99801
907 789-7551
907 209-4116
smtdvm@hotmail.com

Rep. Mark Neuman
Vice Chair, House Labor and Commerce Committee
State Capital Room 432
Juneau, Alaska 99801

Dear Representative Neuman,

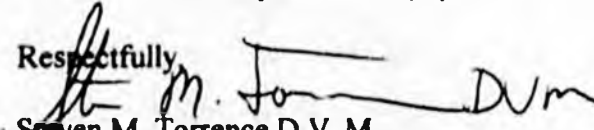
I am happy to support House Bill 297. This bill is the work not only of the present members of the Board of Veterinary Examiners (The Board) and the Department of Commerce but also by previous board members who started the work resulting in this bill. It is the goal of the Board to modernize the statutes regarding the practice of veterinary medicine in the state of Alaska. We considered recommendations and examples of other state practice acts through our membership in the American Association of Veterinary State Boards as well as the special needs and situations that arise with veterinary practice here in Alaska.

There have been many changes in veterinary medicine since the Alaska veterinary statutes were first written. Antibiotics have come into more common use and the dangers of antibiotic sensitivity and the impacts upon animal and human public health have become well known. High speed travel has resulted in rapid transport and dissemination of emerging and foreign infectious diseases for which veterinarians act as sentinels. Modern electronics and the internet have changed and improved the way medical professionals consult, diagnose and treat patients.

Besides providing medical care to pets and farm animals, veterinarians are involved in a diverse range of practice, including, public health, wildlife and marine mammal medicine, research, teaching, and regulatory issues. House Bill 297 will help update the Veterinary Practice Act to reflect advances in medicine, and standards of care, as well as changes in the demographics within the profession.

I believe that the changes House Bill 297 will bring about are positive for citizens and animal welfare. I appreciate any help you can provide in the passage of this bill. Please contact me should you have any questions.

Respectfully,


Steven M. Torrence D.V.M.
Chair, Alaska Board of Veterinary Examiners

From: Gerlach, Robert F (DEC) [bob.gerlach@alaska.gov]
Sent: Thursday, January 24, 2008 6:23 PM
To: Sue Gullufsen
Cc: Beth Schneider
Subject: House Bill 297

I am writing this email not only as the state veterinarian responsible for maintaining the Alaska Animal Health Regulations, but also as a licensed veterinary practitioner.

Because of the unique and diverse training, veterinarians play key roles in food production and safety and the maintenance of both animal and public health. Nationally we are dealing with a shortage of veterinarians and in Alaska the due to the vast extent of the land and dispersion of the population the effects are more obvious. In Washington DC the US Legislature is trying to address this problem by passing the National Veterinary Service Act. It is time that Alaska update the Veterinary Licensing Regulations to help support the practice of quality veterinary medicine and to come into compliance with most other states and the American Veterinary Medical Association National Model Veterinary Practice Act. The Alaska State Veterinary Practice Act (House Bill 297) that is being presented to the state legislature will not only update the regulations but also help to address the need for more veterinary support to the residents and animal resources of the state. I strongly encourage the passage of House Bill 297.

The amendments to the Alaska State Veterinary Practice Act will allow for improved care of domestic animals, both pets and livestock, as well as wildlife through an increased availability of professional consultations from veterinary specialists. Pet populations are growing and animals are becoming an integral part of our lives, giving emotional support and companionship. Animals are not only important for companionship and recreational purposes (mushing and skijoring) but also as professional working partners (police and military working dogs, guide dogs, search and rescue, bomb and drug detection. This bill will allow veterinary instructors and specialists to set up training opportunities for Alaskan veterinarians and provide treatment clinics to our animals with out the burden of applying and paying for temporary licensing.

One of our most important resources in the state is the wildlife. It is valued by tourist, recreational and subsistence hunters, and recreational, subsistence, and commercial fisherman. The management of wildlife populations and research programs involving certain threatened and endangered species (Stellar Eiders, marine mammals) in Alaska is critical. Since there are even fewer expert wildlife veterinarians available in the United States this act will allow greater access and training for resident veterinarians and researchers.

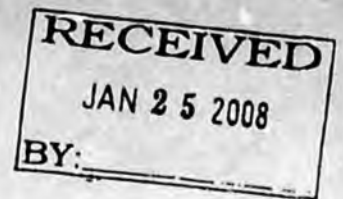
House Bill 297 will exempt student interns state and federal veterinarians from requiring a veterinary license to perform veterinary medical services either under the supervision of a licensed veterinarian or within the scope their official duties. This will not only helps to provide support to private practitioners but will also provide opportunities to veterinary students and interns to experience the challenges of practice in Alaska. This experience can provide a unique and valuable opportunity for veterinary students and interns as well as attract future veterinarians to the state. Veterinarians employed by the military and federal and state agencies ultimately increase the quality and range of veterinary services available to all Alaskans. These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes which will bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Neuman and will be encouraging my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session.

Thank you,
Bob Gerlach

Robert F Gerlach VMD
Alaska State Veterinarian
5251 Hinkle Road
Anchorage, AK 99507
Office (907) 375-8214
FAX (907) 29-7335
Bob.gerlach@alaska.gov

2/16/2008



Cynthia A. Trout, DVM
5131 Manyette Avenue
Anchorage, Alaska 99516

January 21, 2008

I am writing to give my support to House Bill 297. As a member of the Alaska State Board of Veterinary Examiners, it is my goal to see that veterinary medicine is practiced to the highest standard in Alaska. In the Board's review of Alaska's Veterinary Practice Act (Act), we found many items that needed to be updated and/or changed. As one can imagine with the many advances in medicine every day, the Act needs periodic revision to keep up with the times.

One important change is having the ability to work with veterinary specialists from other states to help with wildlife studies conducted by private and government institutions. These specialists bring valuable expertise that Alaska needs to assist with many protected species, as well as helping care for stranded and injured marine life that the Alaska SeaLife Center handles each year. The exemption that allows out-of-state veterinary specialists easier access to our state will help insure that these programs are successful.

A second change that is needed to the Act has to do with the regulation of student permits and externships, which allow veterinary students to become acquainted with Alaska and the practice of veterinary medicine here. Because we are a state without a veterinary school, such a program is necessary to help recruit veterinarians in the future, while also regulating their activities here.

The Board of Veterinary Examiners has put considerable time and effort into the proposed revisions to the Act. These changes are responsive to the current needs of Alaska, and will help keep our standard of practice of veterinary medicine in Alaska current and progressive. I fully support House Bill 297.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia A. Trout DVM".

Cynthia A. Trout, DVM

From: Dr. Dave Hunt [sitkavet@alaska.com]
Sent: Wednesday, January 23, 2008 4:17 PM
To: Rep. Mark Neuman; 'Donohue, Brenda A (CED)'
Subject: Support for house bill 297

David J. Hunt DVM
209 Jarvis street
Sitka AK 99835
907-747-7387
sitkavet@alaska.com

I am writing to you to support House Bill 297. I have practiced veterinary medicine in the state of Alaska for over 12 years and have served on the board of veterinary examiners for 6 years. During this time period the practice of veterinary medicine has changed dramatically and yet our practice act has not been changed to reflect this. For this reason, my fellow board members and I have worked many hours to draft changes to our practice act to keep up with the advances in veterinary medicine.

House Bill 297 allows certain exemptions for the practice of veterinary medicine that is crucial to the study of avian influenza and other diseases that can spread throughout the world. By giving exemptions to federal veterinarians to work on wildlife it will allow veterinarians instead of biologist to surgically implant tracking devices to study migrations of birds and other wildlife. Without this bill biologist that are not qualified to do these surgeries have been doing them because of our current practice act.

House Bill 297 will also help students work with veterinarians in a practice environment. It will allow a veterinarian to supervise students and in doing so ensure that Alaska will have veterinarians for future generations. Our current practice act does not address this issue, leaving students of accredited veterinary schools to pursue externships in other states.

The veterinary board asks your support for this important bill. If you have any questions regarding this bill please feel free to contact me.

David J Hunt DVM
Sitka Animal Hospital

From: DocBob [docbob@acsalaska.net]
Sent: Tuesday, January 15, 2008 10:55 PM
To: Beth Schneider; Sen. Lesil McGuire; Rep. Craig Johnson; Sue Gullufsen
Subject: House Bill 297
Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Neuman, Senator McGuire, Representative Johnson, and Sue Gullufsen,:

As a 31 year Alaskan resident, research parasitologist, and adjunct professor of biology at Wayland Baptist University, I strongly encourage the passage of House Bill 297.

I have had the opportunity to work with the veterinary community in Alaska, California, and Florida over the past 50 years on a wide variety of research projects. I was a senior fishery biologist for the Alaska Department of Fish and Game, and have consulted with the staff at the Alaska Sea Life Center.

These amendments to the Alaska State Veterinary Practice Act have been long overdue and will allow for improved care of our animal patients through an increased availability of professional consultations in a state with few resident specialists. Our wildlife management and research programs will have freer access to the small pool of expert wildlife veterinarians available in the United States, and monies and time previously spent in obtaining temporary licenses for veterinarians supporting wildlife research could be redirected towards needed sample collection and analysis costs. Recognition of the special position of veterinary students and of veterinarians employed by the military and Federal and state agencies will avoid confusion and ultimately increase the quality and range of veterinary services available to all Alaskans. These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes which will bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Mark Neuman for his vision in this important matter and strongly encourage my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session.

Most respectfully,

Robert O. Baker, Ph.D., Cdr. USN (ret)
840 Breakwater Cir.
Anchorage, AK 99515-3632

From: Pam Tuomi [pamt@alaskasealife.org]
Sent: Monday, January 14, 2008 7:53 PM
To: Sue Gullufsen
Cc: Faith Schneider
Subject: HB297

As a 38 year Alaskan resident, veterinary small animal clinic owner and practicing veterinarian active in marine wildlife research, I strongly encourage the passage of House Bill 297.

These amendments to the Alaska State Veterinary Practice Act have been long overdue and will allow for improved care of our animal patients through an increased availability of professional consultations in a state with few resident specialists. Our wildlife management and research programs will have freer access to the small pool of expert wildlife veterinarians available in the United States and monies and time previously spent in obtaining "temporary" licenses for veterinarians supporting wildlife research could be redirected towards needed sample collection and analysis costs. Recognition of the special position of veterinary students and of veterinarians employed by the military and Federal and state agencies will avoid confusion and ultimately increase the quality and range of veterinary services available to all Alaskans. These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes to bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Neuman and will be encouraging my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session.

Pam Tuomi, D.V.M.
Senior Veterinarian
Alaska SeaLife Center
P.O. Box 1329
Seward, AK 99664

From: Sue Gullufsen
Sent: Monday, January 21, 2008 10:51 AM
To: Rep. Mark Neuman
Subject: FW: HB0297
Follow Up Flag: Follow up
Flag Status: Completed

From: Karpovich, Shawna A (DFG) [mailto:shawna.karpovich@alaska.gov]
Sent: Tuesday, January 15, 2008 8:48 AM
To: Sue Gullufsen
Subject: HB0297

As a wildlife biologist, I completely agree with what Dr. Tuomi of the Alaska Sea Life Center wrote:

"These amendments to the Alaska State Veterinary Practice Act have been long overdue and will allow for improved care of our animal patients through an increased availability of professional consultations in a state with few resident specialists. Our wildlife management and research programs will have freer access to the small pool of expert wildlife veterinarians available in the United States, and monies and time previously spent in obtaining temporary licenses for veterinarians supporting wildlife research could be redirected towards needed sample collection and analysis costs. Recognition of the special position of veterinary students and of veterinarians employed by the military and Federal and state agencies will avoid confusion and ultimately increase the quality and range of veterinary services available to all Alaskans.

These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes which will bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Neuman and will be encouraging my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session."

Thanks,

Shawna Karpovich
Alaska Department of Fish & Game
Wildlife Conservation
Harbor Seal Program
1300 College Rd.
Fairbanks, AK 99701

ph: (907)459-7239
fax: (907)459-7332

Beth Schneider

From: devonyl@aol.com
Sent: Monday, February 04, 2008 2:47 PM
To: Rep. Mark Neuman
Subject: *****SPAM*****

Re HB 297

This email is in support of HB 297, which would enable veterinarians to bring to Alaska 4th-year veterinarian students to assist with vet work in Alaska. I am a horse owner in Homer. I very much value the recreational activities I am able to pursue with my horses, which provide both physical and psychological benefits. In addition, I strongly support any legislative action that promotes equine-assisted therapeutic programs in Alaska, such as those certified by NARHA (North American Riding for the Handicapped Association) and EAGALA (Equine Assisted Growth and Learning Association). Interacting with horses has been shown to promote emotional, psychological, and physical healing and well being in unique and often profound ways. In smaller communities, finding vets with training in horse care can be difficult; HB 297 would help alleviate this problem and facilitate the care of horses throughout the state.

More new features than ever. Check out the new [AOL Mail!](#)

From: on behalf of From: F.R. Conniff [osuvet2003@yahoo.com]
To: 'Rep_Mark_Neuman@legis.state.ak.us'
Cc: Jenny Strickler
Subject: RE: HB 297

Dear Representative Neuman

I am Frederick Conniff, DVM, Alaska License 512.

I wanted to take a moment to lend my support to HB 297. I think it will help us recruit the best of the graduates from the programs around the country to practice veterinary medicine in Alaska.

Thank you for your support.

F.R. Conniff, DVM

From: Milli [millimom@xyz.net]
Sent: Thursday, January 31, 2008 6:47 AM
To: Rep. Mark Neuman
Subject: HB 297

Dear Representative Newman,

In reviewing HB 297, I have a question. Why is the reference to farriers being deleted?

I do fully support the bill as I believe this will offer more and better services as Alaska grows, and with it a need for Veterinarians. We are very fortunate in Homer to have the services of several excellent folks, but I can certainly see where other areas would have a need, and encouraging 4th year students to come to the state will help where there are shortfalls.

Thank you for sponsoring this bill.

Sincerely,

Milli Martin
P.O. Box 2652
Homer, Alaska 99603

LEGAL SERVICES

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

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

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

MEMORANDUM

March 10, 2008

SUBJECT: Definition of the practice veterinary medicine
(CSHB 297(L&C)) (Work Order No. 25-LS0357\K)

TO: Representative Andrea Doll
Attn: Susan Hargis

FROM: Alpheus Bullard *AB*
Legislative Counsel

In response to a constituent concern, you have asked for a legal opinion as to the possible effects of a change made to the definition of veterinary practice in CSHB 297(L&C).

CSHB 297(L&C) (25-LS0357\K) provides that a person is "practic[ing] veterinary medicine" if the person diagnoses, treats, corrects, changes, relieves the physical or mental condition of an animal or renders advice or a recommendation as to how to diagnose, treat, correct, change, or relieve the physical or mental condition of an animal.¹

This definition of the "practice of veterinary medicine" encompasses a wide spectrum of actions and behaviors. While this definition of veterinary medicine in CSHB 297(L&C) is conditioned in its application by a number of exemptions in the bill,² the manner in

¹ The bill provides, in pertinent part:

* **Sec. 7.** AS 08.98.250(5) is amended to read:

(5) "practice of veterinary medicine" **means**

(A) [MEANS FOR COMPENSATION] to

(i) diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition, including the prescription or administration of a drug, biologic apparatus, anesthetic, or other therapeutic or diagnostic substance;

(ii) use a manual or mechanical procedure for testing for pregnancy or correcting sterility or infertility; or

(iii) render advice or recommendation with regard to any matter listed in (i) or (ii) of this subparagraph; [. . .]

² The bill provides:

* **Sec. 3.** AS 08.98 is amended by adding a new section to read:

which the "practice of veterinary medicine" is defined will describe the activities of many people who (1) may reasonably believe that they are not "practicing" veterinary medicine and are (2) not covered by the bill's enumerated exemptions.

If I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw

08-142.ljw

Sec. 08.98.125. Exemptions. This chapter does not apply to the following:

- (1) a veterinary medical officer in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties;
- (2) a person who provides care without remuneration to an injured or ill animal that reasonably appears to the person to be in need of aid;
- (3) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state;
- (4) a holder of a student permit under AS 08.98.188;
- (5) a person who performs euthanasia of an animal in the course and scope of the person's employment while employed by an agency that has a permit issued under AS 08.02.050;
- (6) a veterinarian licensed and residing in another state who provides assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife; however, that assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year and may not be on a regular or recurring basis, as defined by the board;
- (7) a person engaged in the practice of artificial insemination in an animal;
- (8) a farrier in the performance of the farrier's profession;
- (9) a person approved by the Department of Health and Social Services to administer rabies vaccine to animals; and
- (10) a person or employee of a person, who, without compensation, treats only animals belonging to that person, unless ownership is transferred for the purpose of avoiding this chapter or unless the primary purpose of hiring the employee is to avoid application of this chapter.

Representative John Coghill
Chair, House Rules Committee
State Capitol
Juneau, AK 99811

March 9, 2008

Subject: HB 297, relating to the practice of veterinary medicine

Dear Representative Coghill

The House Rules Committee has in its possession HB 297, relating to the practice of veterinary medicine.

Though I have significant concerns about the effect that the revised definition of the "practice of veterinary medicine" proposed by the bill will have on individual pet owners like myself, I am writing to you regarding three issues in the bill that should be addressed before the bill is passed out of the Rules Committee and sent to the floor of the House of Representatives.

FIRST, there are two manifest contradictions in the bill.

One, in Sections 1 and 2 of the bill the board of veterinary examiners is authorized to issue student permits and Section 5 of the bill sets out the limitations on a student permit holder and on the veterinarians who supervise student permit holders. However, in Section 3 of the bill, there is a list of persons who are exempt from AS 08.98 and from regulation by the board. One of the persons who is exempt from regulation by the board is the holder of a student permit (see, paragraph 4 of Section 3). Which is it? Are student permit holders subject to the board or not? The bill as a whole suggests that the student permit holders are intended to be regulated by the board. *To resolve this contradiction, that part of section 3 that exempts student permit holders from regulation should be deleted from the bill.*

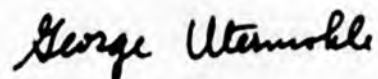
Two, in Section 3 of the bill relating to exemptions, an exemption is extended to the owner of an animal and an employee of the owner, who, without compensation, treats the animal (see, paragraph 10 of Section 3). However, by definition an employee is compensated for his/her work. There cannot be such a thing as an employee who is not compensated. An "employee without compensation" is a contradiction in terms. *To resolve this contradiction, I would suggest that the phrase "without compensation," be deleted from the exemptions in Section 6 of the bill.*

SECOND, the bill has a zero fiscal note submitted by the Department of Commerce, Community & Economic Development. However, it is not clear that a zero fiscal note is justified. In Section 6 of the bill, the definition of "accredited veterinary school" is

amended by deleting reference to accreditation of veterinary schools performed by the American Veterinary Medical Association. If the board is not going to rely on a professional accrediting organization to determine which veterinary school are to be accredited in Alaska, then the board must intend to make its own determinations as to which veterinary school are to be accredited and which are not. The accreditation process for any educational institution is a complicated and time-consuming process and, unus, expensive. The accreditation process is expensive due to the time and expertise required to review each school in sufficient depth to determine whether its educational program does or does not merits accreditation in Alaska. *If the board intends to undertake a meaningful and realistic, independent accreditation of veterinary schools, then the fiscal note should reflect the true, additional on-going costs to the board and department for conducting the accreditations and the bill should be referred to the House Finance Committee for consideration.*

Thank you for your consideration.

Sincerely,



George Utermohle
P.O. Box 20887
Juneau, AK 99802
(907) 586-3849

cc: Members House Rules Committee

Rynniva Moss

From: Beth Schneider
Sent: Tuesday, March 11, 2008 9:38 AM
To: Rynniva Moss
Subject: CS for HD297
Attachments: HB297001.PDF

And, I will have more support letters that will help to clarify the changes (from veterinarians).

Also, the concerns expressed by Mr. Utermohle had previously been identified by Alfeus and are incorporated in this CS. Student permits holders have been deleted from Section 3. Also, the "employee without compensation" was a contradiction - but to cover "volunteers" the change has been made to "WITH OR without compensation".

I will bring down the support letters unless you would prefer that I scan and e-mail them to you.

Beth
x3820

Canines Unlimited

P.O. Box 34496, Juneau, AK 99803
PH/Fx: 907-790-DOGS (3647)

Martha Fischbach

www.caninesunlimited.com
info@caninesunlimited.com

March 3, 2008

Representative John Coghill, House Rules Chairman
State Capitol, Room 214
Juneau, AK 99801-1182

Re: HB 297, Practice of Veterinary Medicine, Bill Considerations

Dear Representative Coghill:

HB 297 is currently in Rules Committee. This bill has significant ramifications on Alaskans, animal care and economics in this state, and needs serious, thorough study before moving further.

I applaud the Veterinary Board's wish to allow and protect veterinary students in Alaska, and the concept of a Good Samaritan clause that may protect some people rendering treatment to ill or injured animals.

However, in their zeal to further animal care in Alaska, they are amending the definition of the practice of veterinary medicine, removing "for compensation" from that definition. With few exceptions, and unless you are an Alaska licensed veterinarian, this will essentially make discussion of animal care, or care by anyone other than the animal's legal owner (or uncompensated employee), practicing veterinary medicine without a license, an unlawful conduct.

The current definition of the practice of veterinary medicine is very thorough, and applies to any "physical or mental" change, any recommendation, or any representation of that, for compensation. The ramifications of removing those two words from the definition touch anyone who communicates about animal care, and any non-owner who feeds, or grooms an animal or renders any kind of care or information that changes the physical or mental condition of the animal (exception for uncompensated employee of owner).

What/who would this affect? The Iditarod, Yukon Quest, kennel clubs, dog and horse shows, fairs, 4-H clubs, farmers, kennel and stable boarding facilities, pet sitters, breeders, tourists, humane societies and rescue organizations, schools, dog mushers, pet owners and non-animal owners, pet stores, family members, trainers, groomers, retail shops, Search and Rescue...all would be affected. Daily, at least hundreds (maybe thousands?) of infractions in the state, would take place, as people talk about animal care and provide care and recommendations for animals they do not own. It may take years to get enough new veterinarians in the state, licensed and practicing, to provide the daily care and advice for all the birds, beasts and fish in the state. If Alaskans (and others) abide by the proposed law, both citizens and animals will suffer, defeating the ultimate goal of providing good animal care. Ultimately, animals may receive less care, countering the best interests of pets and people in the state. It prevents animal owners and non-owners from experiencing and benefiting from the knowledge and experience of other humans. Rural Alaskans, with no local veterinarian, are already underserved, and this will make it worse.

This bill and its complicated issues should not be allowed to go to the floor without further study of its far reaching affects. I would be happy to provide further information if needed. Thank you for your consideration.

Sincerely,



cc: House Rules Committee members



January 31, 2008

**To: Alaska House of Representatives
Labor and Commerce Committee**

Re: House Bill 297

I would like to express my support of House Bill 297. I have been a practicing veterinarian in Alaska for the past 10 years and a member of the Alaska State Board of Veterinary Examiners for the past 5 years.

During my tenure on the board I have become aware of some shortcomings of our current veterinary practice act. Veterinary Medicine has progressed considerably since I began professional practice in 1980. We now have diagnostic abilities in my practice, Soldotna Animal Hospital, that were not even available at a university level when I began my career. My associates and myself routinely consult over the Internet by means of the Veterinary Information Network. We transmit ECG's by telephone and consult directly with board certified veterinary cardiologists in New York. In my practice we perform flexible and rigid videoendoscopy and capture digital images that can be transmitted electronically. The abilities of today's professionals and expectations of today's clients are unlike those in times past. Our practice act needs to be updated to reflect these changes.

It is in the best interest of the people of Alaska to enable veterinarians to consult with professionals outside our state, Progressive veterinarians need the ability to legally consult with veterinary specialists outside our state to utilize outside expertise to assist our patients.

It is also beneficial to enable veterinary researchers and professionals to assist in ongoing projects at the Alaska Sea Life Center and other government entities. Our legislation exempts these researchers who give their time to assist with wildlife in our state.

Although we do not have the population base to have our own College of Veterinary Medicine, there are veterinary students who seek out excellent veterinary practices in our state to partner in their professional education through official externship programs. In my practice in Soldotna we have hosted several veterinary students from different colleges of veterinary medicine. It is important that we can participate in the education process. It is beneficial to our practices to maintain a quality of practice that is attractive to senior veterinary students. These advanced students are the veterinarians of tomorrow. Our state will continue to need veterinarians to care for the animals in the homes of our people and this group of students will be an important resource for Alaska's future.

I also strongly support including a provision to include alternative and complementary medicine in the veterinary practice act including manual and manipulative therapy, acupressure, acupuncture, acutheraPy and homeopathy. These modalities may be of benefit to our animals but should be under the supervision of a licensed veterinarian.

I have been very pleased to serve the people of the state of Alaska on the Board of Veterinary Examiners for the past 5 years. I truly believe that my most important contribution during my tenure on the board has been to assist in developing this legislation. I humbly ask for your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy L. Bowser". The signature is fluid and cursive, with a large initial 'T' and 'B'.

Timothy L. Bowser D.V.M.
Soldotna Animal Hospital

R B Heath
4920 Crest Rd
Seven Seven Anesthesia Consulting
Fort Collins, CO 80526
970-226-3559
rheathdvm@aol.com

Alaska Board of Veterinary Medicine
Department of Commerce
Division of Corporations
Business and Professional Licensing
PO Box 110806
Juneau, AK 99811-0806

12 Mar2008

Dear Sirs.

I am a veterinary anesthesiology specialist consultant. I do not take out a yellow pages ad, hang out a shingle anywhere, nor practice for any public persons in the sense of other veterinarians. I am a sole proprietor and advise biologists and wildlife veterinarians in Alaska by equipment support, phone, e-mail and in person. I have given talks previously at Alaska State continuing education meetings. I was a professor at Colorado State University and taught most of the veterinarians involved in your former WICHE program.

The AVMA published practice acts appearing on page 297 Section 6, of the AVMA Directory, show consultation as an allowed mission. The example practice act further allows fairly free passage for governmental teams to perform their work for the benefit of your missions throughout the state. I work solely for governmental units. Alaska, we know, did not completely adopt these nationally stated and/or suggested guides. Alaska in their regulation does not allow reciprocity with my state licensure.

As I read your web site, I have been in violation of Alaskan rules for the past 15 years.

In the last year, Alaska Fish & Game, and other units working on your wildlife problems, have pointed out the difference in your practice regulations and now require consultants and government employees to have an Alaska permanent or temporary license, which is outside of the intent of the national practice act. It is really strange that they NEED some outside help which we have provided in the past and will need more advice in the future, but we no longer can provide such specialized help.

It is a problem that I contest as an honest consultant trying to help with requests for special advice on problems. I question the wisdom of using the practice acts to exclude myself and other consultants from helping your veterinarians solve pertinent problems by requiring an Alaska license to do any further work for them. The problem is larger than just my one instance, however. Large numbers of government biologists and technicians, who are not veterinarians are working on animals throughout the state, including most wildlife species. Some are qualified or have at least some experience, however all are "un-licensed". Many are working after simply "watching" a consultant such as myself without specific, formal training. They simply happen to be the technician or primary investigator for some major research funded project. They are surgically removing teeth, biopsy samples, skin, blubber, fat and muscle. They inject capture drugs, isotopes, antibiotics and hormones and then take multiple blood samples and interpret the results for publication and reports. In my opinion that is a larger practice license question than my specialized advising and consulting for many of these projects. It is

conceivable that significant problems may occur when a board certified specialist in anesthesia is naively replaced by a technician or veterinarian with no advanced qualifications other than just having an Alaskan license. I answer telephone requests on a regular basis from these technicians asking what to do to make some drug or piece of equipment work the way it was working when I left the project in their hands last year. I point this out in the next paragraph where we are working with an endangered species, under specific permit from federal programs.

This coming year, there are some projects proposed which will take considerable more risk and expertise, and will include anesthetizing large sea lion bulls on the docks in Kodiak. The equipment must be specially made and professionally used. The equipment is not available at Fish and Game or Sealife Center. The project involves National Marine Fisheries units out of Seattle which has huge involvement with your whole fisheries industry. Considerable expense, expertise and equipment have been set up in preparation for this work. We are researching the health of the oceans and have spent several years even getting the permits to work with Stellers sea lions. Now, we have this obstacle proposed which interrupts the project completely. It is a stipulation for us to spend extra money trying to secure and maintain a license which seems completely unnecessary to the mission and does not really involve protecting the citizens of Alaska which is your true objective. I have been told that each trip I make as a consultant will have to have a separate temporary license at considerable expense to each project.

In conclusion, I and other veterinarians, notably Drs Pam Tuomi and Dan Mulcahy in a letter dated 9 Oct, 2005 to the Vet Board, would like to point out some advantages to your pursuit of amending the practice act. In a simple adoption of the national standard you would assure yourselves of professional help for the allowed governmental projects. You would bring Alaska in line with several other states where these same projects are being researched on the same species by the same biology teams, thereby giving valuable continuity to these vital federal programs. Your statewide wildlife needs would benefit from being able to place professional people in their work loads, and allow personal on the scene help instead of perceived emergency telephone calls from unlicensed technicians behind the scenes doing most of the veterinary work.

Respectively for your consideration,

R Bruce Heath DVM MSc
Dip Am College of Vet Anesthesia
Professor Emeritus Colorado St University

cc:

Dr. Steve Torrence, Southeast Alaska Animal Medical Center, 4433 Windfall Ave, Juneau, Ak 99801.

Dr Pam Tuomi AK Sealife Center 601 Railway Ave. PO Box Seward AK.

Don Calkins AK Sealife Center Chief Coordinator Marine Mammal Programs

Drs Tom Gellat, Bob DeLong and Brian Fadely National Marine Mammal Labs Seattle

Dr Kimberly Beckman AK F&G Fairbanks, AK