

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

February 28, 2007

3:06 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Carl Gatto
Representative Gabrielle LeDoux
Representative Jay Ramras
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 77

"An Act relating to marriage brokers and advertisers and to dating and social referral services."

- MOVED CSHB 77(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 14

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

- MOVED CSHB 14(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 35

"An Act extending the termination date for the Board of Certified Direct-Entry Midwives; and providing for an effective date."

- MOVED HB 35 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 77

SHORT TITLE: MARRIAGE BROKERS AND ADVERTISERS

SPONSOR(S): REPRESENTATIVE(S) KERTTULA, DOLL

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) L&C, FIN
02/07/07 (H) L&C AT 3:00 PM CAPITOL 17
02/07/07 (H) Scheduled But Not Heard
02/16/07 (H) L&C AT 3:00 PM CAPITOL 17
02/16/07 (H) Heard & Held
02/16/07 (H) MINUTE(L&C)
02/28/07 (H) L&C AT 3:00 PM CAPITOL 17

BILL: HB 14

SHORT TITLE: RESTRICT ACCESS TO ALCOHOL

SPONSOR(S): REPRESENTATIVE(S) CRAWFORD

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) L&C, JUD, FIN
02/09/07 (H) L&C AT 3:00 PM CAPITOL 17
02/09/07 (H) -- Meeting Canceled --
02/23/07 (H) L&C AT 3:00 PM CAPITOL 17
02/23/07 (H) Scheduled But Not Heard
02/26/07 (H) L&C AT 3:00 PM CAPITOL 17
02/26/07 (H) -- MEETING CANCELED --
02/28/07 (H) L&C AT 3:00 PM CAPITOL 17

BILL: HB 35

SHORT TITLE: EXTEND BOARD OF MIDWIVES

SPONSOR(S): REPRESENTATIVE(S) KAWASAKI, WILSON

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) L&C, FIN
02/28/07 (H) L&C AT 3:00 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE BETH KERTTULA

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 77.

HANNAH MCCARTY, Staff

to Representative Beth Kerttula
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 77, on behalf of Representative Kerttula, joint prime sponsor.

KATHRYN MONFREDA, Chief
Criminal Records and Identification Bureau
Division of Statewide Services
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 77.

REPRESENTATIVE CRAWFORD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 14.

DUANE BANNOCK, Director
Division of Motor Vehicles
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during hearing on HB 14.

DOUGLAS "DOUG" GRIFFIN, Director
Alcoholic Beverage Control Board ("ABC Board")
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during hearing on HB 14.

O C MADDEN III, Vice President of Human Resources & Loss
Prevention

Brown Jug, Inc.
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 14.

ED O'NEIL, Vice Chairman & Owner
Brown Jug, Inc.
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 14.

JESSICA PARIS, National Council on Alcohol and Drug Dependence
Juneau, Alaska

POSITION STATEMENT: Testified during hearing on HB 14.

ANGELA SALERNO, Advocacy Coordinator

Alaska Mental Health Board (AMHB)
Advisory Board on Alcohol and Drug Abuse
Juneau, Alaska

POSITION STATEMENT: Testified during hearing on HB 14.

DOUG WOOLIVER, Administrative Attorney
Administrative Staff
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Testified during hearing on HB 14.

REPRESENTATIVE KAWASAKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 35.

KAYE KANNE, Executive Director
Juneau Family Birth Center;
Midwives Association of Alaska
Juneau, Alaska

POSITION STATEMENT: Answered questions and testified in support
of HB 35.

PAT DAVIDSON, Legislative Auditor
Division of Legislative Audit
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during hearing on HB 35.

ACTION NARRATIVE

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at [3:06:10 PM](#). Representatives Ramras, Buch, Gardner, Neuman, and Olson were present at the call to order. Representatives LeDoux and Gatto arrived as the meeting was in progress.

HB 77-MARRIAGE BROKERS AND ADVERTISERS

CHAIR OLSON announced that the first order of business would be HOUSE BILL NO. 77, "An Act relating to marriage brokers and advertisers and to dating and social referral services."

[3:06:43 PM](#)

REPRESENTATIVE NEUMAN made a motion to adopt CSHB 77, Version 25-LS0350\C, Mischel, 2/27/07, as the working document. There being no objection, Version C was before the committee.

3:07:09 PM

REPRESENTATIVE BETH KERTTULA, Alaska State Legislature, joint prime sponsor, stated that Version C addresses concerns brought up at the previous committee hearing.

3:08:02 PM

HANNAH MCCARTY, Staff to Representative Beth Kerttula, Alaska State Legislature, joint prime sponsor, detailed the changes made by Version C. The first change requires that the client provide a criminal record for each state of residence. She explained that the national criminal history record is only provided to government agencies, and therefore the requirement to obtain this is removed. Version C also deletes the reference to "free legal advice," on Page 2, line 11, as this is not available in Alaska. Finally, the language requiring that traditional matchmakers operate "not for profit" is deleted.

3:10:07 PM

REPRESENTATIVE GARDNER inquired as to how internet activity would be regulated.

MS. MCCARTY replied that it can be difficult to monitor this type of activity. However, this is a "good public policy statement."

REPRESENTATIVE KERTTULA added that the majority of marriage broker activity is conducted over the internet. Therefore, an attempt must be made to regulate internet activity. She pointed out that the internet counts as an "in-state" contact, and therefore the state may regulate this activity.

3:12:10 PM

REPRESENTATIVE NEUMAN, in regard to the criminal justice report requirement, asked how this would apply to military personnel, or individuals whose jobs have required that they transfer to another country.

REPRESENTATIVE KERTTULA explained that the criminal justice report requirement was added because it may not be possible to

obtain a national criminal history record, and is similar to the requirements other states have in place. She surmised that the federal law applies to military personnel.

MS. MCCARTY added that it may be possible to add "and each country" to the requirement. However, this may add additional complications.

REPRESENTATIVE NEUMAN stated that he is concerned with this, as he is not aware of the current federal law. He opined that this is a viable concern.

REPRESENTATIVE KERTTULA replied that the current informational services are limited. She surmised, then, an international criminal history record requirement would not be easily enforced. She shared her understanding that the military regulates its personnel, adding that she is willing to discuss these concerns with the military and with the Department of Public Safety (DPS).

[3:17:01 PM](#)

REPRESENTATIVE GARDNER, referring to Page 3, lines 5-6, offered her understanding that this penalty applies to the marriage broker.

REPRESENTATIVE KERTTULA replied that this is correct.

REPRESENTATIVE GARDNER commented that it would be difficult to collect the penalty from an individual who is in another country. She asked whether this could be collected from a broker operating in another state.

REPRESENTATIVE KERTTULA replied that this would depend on several factors. She opined that the state the broker is registered in would be the most appropriate.

[3:18:16 PM](#)

REPRESENTATIVE LEDOUX inquired as to whether the majority of marriage brokers are in the U.S. or in other countries.

REPRESENTATIVE KERTTULA replied that the majority that she has seen online are U.S. companies.

[3:18:43 PM](#)

REPRESENTATIVE GARDNER, in regard to the criminal history requirements, opined that the client may not know how to obtain this information. She questioned who would need to be contacted, and how the client would obtain the contact information.

[3:19:21 PM](#)

KATHRYN "KATHY" MONFREDA, Chief, Criminal Records and Identification Bureau, Division of Statewide Services, Department of Public Safety (DPS), explained that on the DPS web site, there is a link to other states central repositories. The individuals can then follow the instructions on how to gather this information for a particular state.

REPRESENTATIVE LEDOUX asked how this law would apply to an individual convicted of a violent felony as a juvenile.

REPRESENTATIVE KERTTULA replied that juvenile records are exempt. In response to an additional question, she explained that if the juvenile was tried as an adult, this would result in an adult record; however, if it was a juvenile act, this would be a sealed record and the state would not have access to it.

MS. MONFREDA agreed that this is correct. She pointed out that DPS does not have access to these records. She opined that this might be covered in the self disclosure portion of the application.

[Following was a brief discussion regarding testimony.]

[3:22:30 PM](#)

REPRESENTATIVE LEDOUX moved to report CSHB 77, Version 25-LS0350\C, Mischel, 2/27/07, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 77(L&C) was reported from the House Labor and Commerce Standing Committee.

The committee took an at-ease from 3:22 PM to 3:25 PM.

HB 14-RESTRICT ACCESS TO ALCOHOL

[3:25:01 PM](#)

CHAIR OLSON announced that the next order of business would be HOUSE BILL NO. 14, "An Act relating to the purchase of alcoholic

beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

[3:25:23 PM](#)

REPRESENTATIVE NEUMAN made a motion to adopt CSHB 14, Version 25-LS0095\L, Luckhaupt, 2/26/07, as the working document. There being no objection, Version L was before the committee.

[3:25:30 PM](#)

REPRESENTATIVE CRAWFORD, Alaska State Legislature, sponsor, stated that the current laws regulating alcohol are not working. He expressed his wish to focus on prevention, in addition to punishment, and opined that this is one way to do this. He explained that a repeat offender who is court ordered not to drink alcohol would receive an identifying mark on his or her drivers' license. Vendors would not be required to check the identification of every individual purchasing alcohol; however, there is a \$1,000 incentive for those caught violating a court order. Additionally, the aforementioned individuals are not restricted from patronizing an establishment that sells alcohol. However, they are restricted from purchasing alcohol.

CHAIR OLSON inquired as to whether an individual may refuse to show identification and still be served alcohol.

REPRESENTATIVE CRAWFORD replied that an establishment can refuse to serve alcohol to any individual who refuses to show his or her identification. He reiterated that this is not a mandatory requirement.

[3:28:21 PM](#)

REPRESENTATIVE LEDOUX offered her understanding that this is currently in statute.

REPRESENTATIVE CRAWFORD replied yes. He pointed out that currently, checking identification can establish whether an individual is of legal age to consume alcohol. If HB 14 were to

pass, checking identification would also show if an individual was a repeat alcohol offender.

REPRESENTATIVE RAMRAS stated that the Department of Public Safety (DPS) has the authority to enter an establishment and card all individuals. He explained that this recently occurred at one of his establishments.

REPRESENTATIVE NEUMAN asked why the new changes were made.

REPRESENTATIVE CRAWFORD replied that the changes were made in order to clarify that the vendor does not have an obligation to check the identification, therefore there is no liability. In response to an additional question, he explained that the original bill was not mandatory, Version L simply offers further clarification.

[3:32:44 PM](#)

REPRESENTATIVE RAMRAS stated that he is in support of HB 14. He questioned whether this might be expanded to include domestic violence, sex offenders, and other individuals with violent histories, who have been prohibited from having alcohol.

[3:36:15 PM](#)

REPRESENTATIVE CRAWFORD, in response to a question from Representative Neuman, explained that unless the individual has the identifying mark on his or her drivers' license, the vendor cannot refuse service under the guise of this law. In response to additional comments, he offered his understanding that currently, a business may refuse service. He stated that this bill would not change any current laws; however, it would allow the aforementioned individuals to be identified. Furthermore, vendors and their representatives perform identification checks for underage individuals attempting to purchase alcohol, in addition to checking identification before allowing patrons to enter. He offered his understanding that this is working well, and brought attention to Brown Jug, Inc. If this does not work, the police may be contacted. This is not "breaking new ground," and may result in lower liability insurance rates. He explained that currently, an individual may not harass or exact retribution on a vendor or its representatives.

[3:43:30 PM](#)

REPRESENTATIVE BUCH, in regard to Representative Neuman's concerns, offered his understanding that bouncers are subject to retribution for not allowing individuals into an establishment. He said "They choose to be in that position, ... they're in the business of protecting that establishment, and those owners. ... So, in defense of this bill, and your argument, I say that we have laws out there that do defend against ... unreasonable or illegal retribution."

REPRESENTATIVE RAMRAS stated that his establishments seize fake identification cards regularly. He opined that there is a greater opportunity for a hostile confrontation when dealing with someone who is 20 years old, versus someone who is 60 years old. He surmised, then, that if this were to become law, retribution would not be a concern.

[3:47:17 PM](#)

DUANE BANNOCK, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), stated that the DMV has worked with the sponsor to address concerns. The Division believes that the bill can be successful; however, standardization is needed from the courts.

[3:49:19 PM](#)

DOUGLAS "DOUG" GRIFFIN, Director, Alcoholic Beverage Control Board ("ABC Board"), Department of Public Safety (DPS), stated that the discussion regarding the licensees' ability to deny services has been correct.

[3:49:56 PM](#)

O C MADDEN III, Vice President of Human Resources & Loss Prevention, Brown Jug, Inc., began by urging members' support of HB 14. He stated that this is a "powerful tool" and will enable staff and security officers to make communities safer. He explained that at Brown Jug, Inc., staff members are trained to check identification of individuals under 30 years of age and individuals accompanying them, in addition to suspicious individuals.

[3:50:46 PM](#)

ED O'NEIL, Vice Chairman & Owner, Brown Jug, Inc., stated his agreement with the aforementioned comments. He said "We're looking forward to it, and hope it's gonna make an impact

nationwide...." He expressed his appreciation for the work that has been put into drafting this legislation.

MR. MADDEN pointed out that Brown Jug, Inc. has seized 1700 pieces of identification since the underage drinking civil penalty measure was passed. This has been a very successful tool in addressing underage drinking.

CHAIR OLSON expressed his appreciation for the diligence Brown Jug, Inc. has shown in checking for underage individuals.

[3:52:15 PM](#)

JESSICA PARIS, National Council on Alcohol and Drug Dependence (NCADD), began by expressing support for HB 14. The NCADD feels this will provide communities with a tool for preventing the unnecessary injuries and fatalities caused by drunken driving. During the previous year, Juneau experienced 250 as a result of drunken driving. Of these, 111 were individuals with prior driving under the influence (DUI) convictions. She pointed out that one individual had 8 prior offences. Typically, it is the repeat offenders who are prohibited from drinking alcohol, in an attempt to keep communities safe, as well as assisting the offender with his or her alcohol problem. She then pointed out that in Juneau the previous year, the average blood alcohol content (BAC) of the those arrested for drunken driving was .17, more than double the legal amount. This bill gives licensees, servers, and members of the individual's family the opportunity to carry out the intentions of the court. Finally, she commented that a mandatory "carding" provision, such as that passed by Tennessee, would further ensure that these licenses were detected; however, HB 14 remains an important tool in Alaska's fight against drunken driving.

[3:54:21 PM](#)

ANGELA SALERNO, Advocacy Coordinator, Alaska Mental Health Board (AMHB); Advisory Board on Alcohol and Drug Abuse (ABADA), began by stating that ABADA is in favor of prevention programs. She explained that HB 14 utilizes an environmental strategy, using public policy and community-level interventions to affect an entire population. She stated that environmental strategies have been very successful, and offered examples. She explained the various effects this type of prevention can have.

[3:57:34 PM](#)

DOUG WOOLIVER, Administrative Attorney, Administrative Staff, Office of the Administrative Director, Alaska Court System (ACS) stated that the ACS does not have a position on HB 14. He then explained how the ACS would implement the necessary changes. This would include amending shared forms, and working with the DMV to implement these rules in a manner that is consistent with current ACS practices.

REPRESENTATIVE RAMRAS reiterated his question regarding whether this may be extended to individuals who have been found guilty of domestic violence, sexual assault or other types of violent crime.

MR. WOOLIVER replied that currently, ACS only sends the DMV judgments affecting driver's licenses. He opined that adding the aforementioned offences would greatly increase the workload.

REPRESENTATIVE RAMRAS stated that this "puts a scarlet letter on people that do not manage their consumption of alcohol and choose to get behind the wheel of a car after they [have consumed] alcohol." He expressed appreciation for this; however, he pointed out that over-indulgence in alcohol can result in physical abuse and other types of violence.

[4:02:13 PM](#)

REPRESENTATIVE GATTO questioned whether HB 14 may also apply to individuals guilty of consuming illegal substances.

MR. WOOLIVER offered his understanding that the intention is to implement an existing court order for an individual not to consume alcohol.

[4:03:20 PM](#)

REPRESENTATIVE CRAWFORD, in response to a question from Representative Ramras, explained that if physical abuse and other types of violence were included, the fiscal note would be greatly increased. He commented that beginning with drunken driving offences is a way of taking "baby steps" to show the efficacy.

REPRESENTATIVE RAMRAS expressed his appreciation in the drafting of Version L.

REPRESENTATIVE CRAWFORD, in response to questions from Representative Neuman, said "I have no intention of ever making this a mandatory bill."

[4:07:03 PM](#)

REPRESENTATIVE GARDNER commented that this legislation is aimed at those who have proven to be a danger to people as a result of alcohol consumption. She opined that as long as an individual is at home and is not violent, he or she may consume as much alcohol as desired. She pointed out that the licensee is not required to check the identification. Additionally, HB 14 provides an incentive to licensees, while protecting employees. She shared her belief that this is a good tool, and the changes have improved the legislation.

REPRESENTATIVE LEDOUX moved to report CSHB 14, Version 25-LS0095\L, Luckhaupt, 2/26/07, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 14(L&C) was reported from the House Labor and Commerce Standing Committee.

[4:08:39 PM](#)

The committee took an at-ease from 4:08 PM to 4:11 PM.

HB 35-EXTEND BOARD OF MIDWIVES

CHAIR OLSON announced that the final order of business would be HOUSE BILL NO. 35, "An Act extending the termination date for the Board of Certified Direct-Entry Midwives; and providing for an effective date."

[4:12:00 PM](#)

REPRESENTATIVE KAWASAKI explained that HB 35 extends the Board of Certified Direct-Entry Midwives ("the Board") to 2015, in accordance with the recommendations made by the Division of Legislative Audit. He explained that the purpose of the Board is to protect the health and safety of the public. The Board identifies those individuals who are willing to pursue the training and meet the qualifications necessary to become a licensed midwife. The Board is composed of 5 members: 2 certified direct-entry midwives, 1 certified nurse midwife, 1 physician, and 1 public member. He explained that the audit did not contain any substantive changes.

[4:14:36 PM](#)

KAYE KANNE, Executive Director, Juneau Family Birth Center; Midwives Association of Alaska, explained that there are two types of midwives in the United States: direct-entry midwives, and nurse midwives. She explained the differences in the aforementioned midwives. She then gave a brief history of the board and the work done by direct-entry midwives. She stated her support for extending the Board until 2015.

[4:17:09 PM](#)

MS. KANNE, in response to a question from Representative Gatto, explained the training for certified direct-entry midwives and certified nurse midwives is not the same. Certified direct-entry midwives must attend 60 births in order to obtain licensure, which can take 2-4 years. She then explained the details of this training. A certified nurse midwife becomes a registered nurse (RN) and then completes an additional year of training in nurse midwifery. She then explained the details of this training.

MS. KANNE, in response to questions regarding midwifery in Alaska, explained that out-of-hospital births attended by a certified midwife are "just as safe, if not safer" than hospital births. Certified direct-entry midwives are trained to deal with emergencies. The cesarean section (C-Section) rate at the Juneau Family Birth Center is 8 percent, and 12-15 percent of women must be transported to the hospital. She pointed out that two years ago, Juneau had a total C-Section rate of 43 percent. She explained that the majority of certified direct-entry midwives practice in urban areas, adding that many prefer to be near a hospital.

[4:22:20 PM](#)

REPRESENTATIVE GARDNER inquired as to whether midwives attend home births.

MS. KANNE replied that the majority of certified direct-entry midwives attend home births. She commented that the opposite is true for certified nurse midwives. In response to a question from Representative Gatto, she stated that she is not aware of any male midwives in Alaska.

[4:23:32 PM](#)

PAT DAVIDSON, Legislative Auditor, Division of Legislative Audit, Alaska State Legislature, in response to a question from Representative Gatto, explained that the sunset extension was recently changed from 4 years to 8 years. She said "[We saw that] the Board was competently dealing with the issues that were coming before it, and therefore, we saw no reason to recommend anything less than the 8 year extension." In response to additional questions, she explained that the Division also considers how investigations are carried out. The Division found that the investigations were being dealt with in a timely manner. She pointed out that the legislature may pass legislation to shorten the extension date. She pointed out that additional audits may be requested if concerns are raised prior to the next extension date.

REPRESENTATIVE LEDOUX asked if there is a Board for nurse midwives.

MS. DAVIDSON replied that nurse midwives are included in the Board of Nursing.

MS. KANNE, in response to questions from Representative Gatto, explained that if the midwife was aware that the baby was deceased prior to birth, the patient would be referred to a hospital. Certified direct-entry midwives are trained in neonatal resuscitation. The infant mortality rate of births attended by midwives are "much lower" than those attended in hospitals. In regard to pre-natal care, she explained that midwifery pre-natal care is different than medical model pre-natal care. She also offered details regarding prices for in-hospital versus out-of-hospital births.

[4:32:27 PM](#)

REPRESENTATIVE NEUMAN offered Amendment 1, which would change the extension from 8 years to 6 years. He opined that this is "more in-line" with other board extensions.

REPRESENTATIVE GARDNER objected.

[4:33:29 PM](#)

A roll call vote was taken. Representatives Neuman, Ramras, and Olson voted in favor of Amendment 1. Representatives Gatto, Gardner, Buch, and LeDoux voted against it. Therefore, Amendment 1 failed by a vote of 3-4.

4:33:39 PM

REPRESENTATIVE GARDNER moved to report HB 35 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 35 was reported from the House Labor and Commerce Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:34 PM.