

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10110 SENATE LABOR & COMMERCE

HB

110

FISCAL NOTE

No: 1

STATE OF ALASKA 1999 LEGISLATIVE SESSION

Bill Version: CSHB 110 (L&C)
 BIL (H) Publish Date: 4/29/99

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to the sale, offer to sell, and BRU: Agricultural Development
labeling of fluid milk, meat, and meat products. Component: Agricultural Development
 Sponsor: Rep. Harris
 Requestor: (H) L&C Component Serial No. #455

Expenditures/Revenues (Inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \$ none

POSITIONS

POSITIONS	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact to the Division of Agriculture with implementation of this legislation.

Prepared by: Robert Wells, Director Phone: 745-7200
 Division: Agriculture Date: 12-Mar-99
 Approved by Commissioner: [Signature] Date: 3-12-99
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE Bill Version: CSHB 110 (L&C)

(H) Publish Date: 4/29/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____ Dept. Affected DEC
 Title Milk and Meat labeling BRU Division of Environmental Health
 Component Food Safety and Sanitation
 Sponsor Harris
 Requester (H) L&C Component Serial No. 2343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	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
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by Janice Adair, Director Phone 269-7644
 Division Division of Environmental Health Date/Time 3/10/99 11:39 AM
 Approved by Commissioner *Michael R* Date 3/10/99
 Agency Department of Environmental Conservation

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

1-LS0408\N
Bannister✓
5/11/99

SENATE CS FOR CS FOR HOUSE BILL NO. 110(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:

Referred:

Sponsor(s): **REPRESENTATIVES HARRIS, Dyson, Kerttula**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the labeling of milk, cream, or any product or byproduct
2 of milk or cream."

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

4 * Section 1. AS 17.20.005 is amended to read:

5 **Sec. 17.20.005. Powers and duties of commissioner.** To carry out the
6 requirements of this chapter, the commissioner may issue orders, regulations, permits,
7 quarantines, and embargoes relating to

8 (1) food offered to the public or sold, including

9 (A) inspection of meat, fish, poultry, and other food products;

10 (B) standards of sanitation and handling methods for all phases
11 of slaughtering, processing, storing, transporting, displaying, and selling; and

12 (C) labeling;

13 (2) control and eradication of pests;

14 (3) enforcement of hazard analysis critical control point programs for

1 seafood processing that are developed in cooperation with appropriate industry
2 representatives or, to the extent not inconsistent with this chapter or regulations
3 adopted under the authority of this chapter, that are established by regulations of the
4 United States Food and Drug Administration as they may periodically be revised;

5 (4) labeling, subject to AS 17.20.013, and grading of milk and milk
6 products and standards of sanitation for dairies offering to the public or selling milk
7 or milk products to at least the minimum of current recommendations of the United
8 States Public Health Service pasteurized milk ordinance as it may periodically be
9 revised;

10 (5) standards and conditions for the operation and siting of aquatic
11 farms and related hatcheries, including

12 (A) restrictions on the use of chemicals; and

13 (B) requirements to protect the public from contaminated
14 aquatic farm products that pose a risk to health;

15 (6) monitoring aquatic farms and aquatic farm products to ensure
16 compliance with this chapter and, to the extent not inconsistent with this chapter or
17 regulations adopted under the authority of this chapter, with the requirements of the
18 national shellfish sanitation program manual of operations published by the United
19 States Food and Drug Administration as it may periodically be revised;

20 (7) tests and analyses that may be made and hearings that may be held
21 to determine whether the commissioner will issue a stop order or quarantine;

22 (8) transportation of, use of, disposal of, recalls of, or warnings
23 concerning quarantined or embargoed items;

24 (9) cooperation with federal and other state agencies.

25 * Sec. 2. AS 17.20 is amended by adding a new section to read:

26 **Sec. 17.20.013. Hormone labeling for milk products.** (a) Products offered
27 for wholesale or retail sale in this state that contain milk, cream, or any product or
28 byproduct of milk or cream and that have been processed and handled under the
29 requirements of this section may be labeled "Milk in this product is from cows not
30 treated with rBGH" or "Milk in this product is from cows not treated with rBST."
31 Labeling of milk products under this section may also include an indication that the

1 milk used is "farmer certified rBGH-free" or "farmer certified rBST-free." If a milk
2 product label contains the rBGH or rBST language allowed under this subsection, the
3 label must also state "No significant difference has been shown between milk derived
4 from rBST treated and non-rBST treated cows." Milk products offered for wholesale
5 or retail sale in this state are not required to contain any further label information
6 related to the use of rBGH or rBST in milk products.

7 (b) The labeling described in (a) of this section may appear on the principal
8 display panel of a packaged milk product, may be conspicuously attached to the
9 container of a bulk product, or may appear in an advertisement for a milk product,
10 including media advertising or displays or placards posted in retail stores. In this
11 subsection,

12 (1) "advertisement" means the representations disseminated in any
13 manner or by any means, other than by labeling, for the purpose of inducing, or that
14 are likely to induce, directly or indirectly, the purchase of the milk product;

15 (2) "principal display panel" means that part of a label that is most
16 likely to be displayed, presented, shown, or examined under normal and customary
17 conditions of display for sale.

18 (c) A dairy plant that purchases milk or cream to be used in milk products
19 labeled under (a) of this section shall require an affidavit from producers supplying the
20 milk. The producer or authorized representative of the producer shall sign the
21 affidavit, and the affidavit must state that all cows used in the producer's dairy
22 operations have not and will not be treated with rBGH without advance written notice
23 to the dairy plant of at least 30 days.

24 (d) The affidavit required under (c) of this section must contain

- 25 (1) the name and address of the producer;
26 (2) the grade A milk permit number of the producer;
27 (3) the name of the producer's farm and its address if different from
28 the address of the producer;
29 (4) the telephone number of the producer;
30 (5) the name of the dairy plant receiving the milk; and
31 (6) a statement in substantially the following form:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

State of Alaska)

) ss:

_____ Judicial District)

I, _____, as the owner or permit holder responsible for the dairy farm operation identified above, hereby certify as follows:

(A) that no animals on the above farm are currently being treated with recombinant bovine somatotropin (rBST), also known as recombinant bovine growth hormone (rBGH);

(B) that no animals on the above farm have received rBST treatments within the past 30 days;

(C) that I will provide written notice to the buyer of my milk at least thirty (30) days in advance if I intend to use rBST on my dairy cattle; and

(D) that I will not sell milk from animals added to my herd if those animals may have received rBST treatment within the previous 30 days.

I declare, under oath, that the above statement is true and correct to the best of my knowledge.

Producer Signature _____

Subscribed and sworn to or affirmed before me at _____ on _____.

(date)

Notary Public

My Commission Expires _____

(e) A dairy plant shall keep the original affidavit provided under (c) of this section on file for a period of not less than two years. The affidavit and corresponding records shall be made available for inspection by the commissioner. If the milk product is to be labeled under (a) of this section, dairy plants supplying milk or cream to a processor or to a manufacturer of a milk product for use in the milk product shall

1 supply the processor or manufacturer with a certificate stating that the producers of the
2 supplied milk or cream have executed and delivered the affidavits as required by (c)
3 of this section.

4 (f) All milk or cream from non-rBGH-treated cows used in the manufacturing
5 or processing of milk products labeled under (a) of this section, and milk or cream
6 supplied by a producer using an affidavit under (c) of this section, shall be kept
7 completely separate from any other milk or cream throughout all stages of storage,
8 transportation, and processing until the resulting milk products are in final packaged
9 form in a properly labeled container. The dairy plant and the processor or
10 manufacturer at each stage shall keep records of the separation and make them
11 available to the commissioner for inspection.

12 (g) In this section,

13 (1) "milk product" means any product that contains milk, cream, or any
14 product or byproduct of milk or cream;

15 (2) "recombinant bovine growth hormone" or "rBGH" means a growth
16 hormone that is intended for use in bovine animals and that has been produced through
17 recombinant DNA techniques described as "recombinant bovine somatotropin" or
18 "rBST."



Alaska State Legislature

REPRESENTATIVE JOHN HARRIS

District 35 - Valdez, Cordova, Whittier, Glennallen, Delta Junction, Tatitlek, Kenny Lake, Paxson, Gakona, Chenega Bay

Sponsor statement

CS for HB 110

HB 110 promotes consumer choice. In a 1996 poll commissioned by the U.S. Department of Agriculture, 94 percent of the 1900 respondents said they favored labeling of milk to indicate whether the cows producing the milk had been injected with rBST.

With the expectation that individual states would adopt regulations for the labeling of milk, the federal government has provided interim guidelines that give detailed descriptions for the complex labeling needed to give consumers the information they need to make their choice. To date, 26 states have adopted such regulations and underlying statutes.

Additionally, Alaska statutes currently provide some general food and product labeling requirements at AS 11.46.710 and AS 17.20.040. However, with some foods the Legislature has provided more specific guidelines when it believed necessary, which is the approach HB 110 proposes.

Whether synthetic hormones such as rBST and rBGH are safe for the livestock and/or the consumers is still unknown. Chemical producers, such as Monsanto, maintain that synthetic hormones are safe; yet some jurisdictions, such as Canada, Australia, New Zealand and the European Union, have chosen not to allow the use of such hormones.

HB 110 does not propose to ban the use of synthetic hormones, but presents a reasonable compromise by giving a choice to those consumers who would prefer to have synthetic hormone-free products on the shelves.

BGH BULLETIN

NEWS OF FLORIDA LAWSUIT CHARGING MEDIA COVERUP OF SUSPECTED DAIRY DANGER



What is BGH?

BGH stands for Bovine Growth Hormone, a substance naturally produced by the pituitary gland of the cows. (Humans and other animals produce their own growth hormones.) It's the stuff that makes babies grow bigger and to a degree regulates the metabolism of the animal.



Is it the same as BST?

BGH is just the term many lay people use for bovine growth hormone which is scientifically known as Bovine Somatotropin (BST).



What is rBGH and rBST?

When you see the small "r" in front of BGH or BST it stands for "recombinant". That is the term for the growth hormone when it is a laboratory copy of the BGH a cow naturally produced on its own. This is why the term "BGH milk" is technically not correct. All milk contains natural levels of BGH. Milk from injected cows is technically rBGH milk.



Who makes and sells rBGH and rBST?

Although several companies competed to duplicate BGH, all but one ultimately dropped out of the race. The Monsanto company is now the only

Ms. Michelle Wilson 279-0777
809 W 20th Ave
Distribution Affiliation Reg Voter
Anchorage AK 99503 09 Y

Date POM Sent Constituency Bill Number Response Subject
04/16/1999 N HB 110 Supports

THANK YOU FOR HAVING THIS HEARING ON GENETICALLY ENGINEERED BGH. I THINK IT IS GOOD NEWS FOR OUR ECONOMY AND THE HEALTH OF OUR FARMS TO HAVE THIS LABELING. BGH HAS PROVEN LINKS TO BREAST CANCER. LET'S ALLOW CONSUMERS TO MAKE THEIR OWN CHOICES FOR THE HEALTH OF THEIR FAMILIES.

Ms. Jennifer K Phillips 929-7589
6518 Gemini Dr
Distribution Affiliation Reg Voter
Anchorage AK 99504 60 U

Date POM Sent Constituency Bill Number Response Subject
04/19/1999 N HB 110 Supports

I SUPPORT THIS BILL. I BELIEVE ALL CONSUMERS SHOULD KNOW WHAT TYPES OF HORMONES ARE IN PRODUCTS THEY BUY. I THINK MOTHERS ESPECIALLY SHOULD BE ABLE TO KNOW FOR THEIR HEALTH AND FOR THEIR CHILDREN.

Mrs. Margaret E Jackson 696-0591
10207 Genora St
Distribution Affiliation Reg Voter
Eagle River AK 99577 40 Y

Date POM Sent Constituency Bill Number Response Subject
04/19/1999 N HB 110 Supports

OPPOSE GENETICALLY ENGINEERED FOODS AND GROWTH HORMONE.

Ms. Emily Creely 561-2204
4101 University Dr #745
Distribution Affiliation Reg Voter
Anchorage AK 99508 60 U

Date POM Sent Constituency Bill Number Response Subject
04/19/1999 N HB 110 Supports

IT'S IMPORTANT TO BE AWARE OF ENGINEERED FOOD PRODUCTS AND ALSO IMPORTANT TO SUPPORT SMALL FAMILY OWNED FARMS. IT IS A RIGHT.

Ms. Ann E Loyd 276-1626
1326 W 15th Ave
Anchorage AK 99501 60 Y
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/19/1999 N HB 110 Supports

ALL PEOPLE SHOULD HAVE THE RIGHT TO KNOW WHAT THEY ARE INGESTING; INCLUDING HORMONES IN MILK PRODUCTS.

Mr. Henry L Nordhoff III 279-0777
809 W 20th Ave
Anchorage AK 99503 07 Y
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/19/1999 N HB 110 Supports

I WOULD LIKE TO KNOW THAT MY FAMILY'S DAIRY PRODUCTS ARE HORMONE FREE. I KNOW MANY OTHERS WOULD TOO. PLEASE SUPPORT THIS BILL FOR OUR CHILDREN'S FUTURE.

Ms Penelope M Cordes 543-2103
PO Box 216
Bethel AK 99559 60 Y
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/21/1999 N HB 110 Supports

ALASKA CONSUMERS SHOULD BE INFORMED AND BE ABLE TO MAKE CHOICES REGARDING MILK PRODUCTS FROM COWS GIVEN BGH. STATE SHOULD ENCOURAGE ALASKAN DAIRY FARMERS TO NOT USE BGH WHILE HEALTH RISKS ARE STILL UNDER QUESTIONS.

CANADIAN HEALTH OFFICIALS PROHIBIT BGH. ALASKA LEGISLATORS SHOULD BE SIMILARLY CONCERNED AND CAUTIONS. THANK YOU.

Mr. Damien J Warren 345-0413
3625 Rabbit Creek Rd
Anchorage AK 99516 60 U
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

WE THE PEOPLE OF ALASKA THINK THAT WE DON'T WANT TO GET CANCER AND BGH IS NOT OKAY.

Mr. Randy J Dedrich 000-0000
 3625 Rabbit Creek Rd

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99516	60		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

SUPPORT HB 110 FOR HEALTHY CATTLES AND HEALTHIER HUMANS.

Ms. Margaret N Carr 243-4234
 3505 Woodland Park Dr

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99517	32		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

PLEASE PASS HB 110. HB 110 GIVES CONSUMERS THE RIGHT TO KNOW AND THE RIGHT TO CHOOSE WHAT GOES INTO THE PRODUCTS THEY BUY. THIS IS A RIGHT THAT SHOULD BE DENIED TO NO ONE! THANK YOU FOR YOUR CAREFUL CONSIDERATION AND SUPPORT OF THIS BILL!

Mr. Michael J Bruner 279-4020
 341 E 23rd Ave

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99503	60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

I SUPPORT HB 110. I OPPOSE HAVING ANY TYPE OF HORMONES IN OUR FOOD SUPPLY, INCLUDING GROWTH HORMONES.

Ms. Belle G Dawson 272-8757
 1814 Arctic Blvd

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99503	60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

THIS IS A 'RIGHT TO KNOW' ISSUE AND I URGE YOU TO SUPPORT IT. THANK YOU!

Ms. Melaine E Brown 337-9738
 4101 University Dr #635

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99508	60		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

PLEASE SUPPORT BILLS ALLOWING FARMERS TO LABEL THEIR PRODUCTS BGH-FREE. MEMBERS OF THE COMMUNITY WANT TO KNOW WHAT OUR SYSTEMS ARE DIGESTING. ORGANIC OR CHEMICAL IMPORTED DAIRY FOODS NEED APPROPRIATE LABELS. THE CONSUMERS RIGHT TO KNOW IS A FOREMOST PRIORITY. THANK YOU.

Ms. Jane Atkinson 248-1483
 4130 Viscount Cir

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99502	60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

I SUPPORT LABELING DAIRY FOR CONTENT OF BGH AND OTHER ADDITIVES IN MY DAIRY PRODUCTS. THIS SUPPORTS CONSUMERS ACROSS ALASKA. THANK YOU.

Mr. Kevin M Wiley 562-0081
 6715 Cutty Sark St

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99508	60		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

KEEP ALASKA COWS BGH FREE!

Ms. Athena D Swinford 345-9472
 12636 Silver Fox Ln #3

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99515	60		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

KEEP ALASKA COWS BGH FREE!

Mrs. Martha A Tomed 000-0000
 2421 Lake Otis Pkwy
 Anchorage AK 99508 60 U
 Distribution Affiliation Reg Voter
 Date POM Sent Constituency Bill Number Response Subject
 04/26/1999 N HB 110 Supports
 PLEASE PREVENT BOVINE GROWTH HORMONES FROM ALASKAN'S AGRICULTURAL.

Ms. DeeAnn K Apgar 522-5440
 3131 W 100th Ave
 Anchorage AK 99515 60 Y
 Distribution Affiliation Reg Voter
 Date POM Sent Constituency Bill Number Response Subject
 04/26/1999 N HB 110 Supports
 AS A MOTHER I'D LIKE TO BE ABLE TO CHOOSE BGH FREE PRODUCTS.

Ms. Courtney A Sullivan 000-0000
 4101 University Dr
 Anchorage AK 99508 60 U
 Distribution Affiliation Reg Voter
 Date POM Sent Constituency Bill Number Response Subject
 04/26/1999 N HB 110 Supports
 LET'S ENCOURAGE THE REPRESENTATION OF OUR POSITIVE EFFORTS BGH FREE ALASKA!

Ms. Andra J Muth 563-4921
 4101 University Dr
 Anchorage AK 99508 60 Y
 Distribution Affiliation Reg Voter
 Date POM Sent Constituency Bill Number Response Subject
 04/26/1999 N HB 110 Supports
 AS A CONSUMER, I SUPPORT THE PUBLICATION OF INGREDIENTS ADDED TO THE PRODUCTS I BUY.

Mr. James L Logg 274-7468
1303 W 23rd Ave #2
Anchorage AK 99503 60 U
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

ARTIFICIAL HORMONES ARE GRASS. THE TRUTH IS THAT YOU'D BE BETTER OFF NOT EATING AT ALL THAN EATING SO MANY CHEMICALS. IT IS TERRIBLE TO BE TORTURING THE CATTLE AS WELL. LET'S KEEP BGH OUT OF ALASKA. WE'LL ALL FEEL BETTER DRINKING CLEAN MILK.

Ms. Martha Siebe 346-3329
8700 Solar Dr
Anchorage AK 99507 60 Y
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

I SUPPORT THIS BILL BECAUSE FOOD PRODUCERS SHOULD HAVE A RIGHT TO TRUTHFULLY ADVERTISE AND INFORM THE PUBLIC ABOUTH THEIR PRODUCT. THE PUBLIC SHOULD BE ABLE TO KNOW AND CHOOSE WHAT THEY EAT. IT SHOULD NOT BE A CHALLENGE TO FIND OUT THIS INFORMATION.

Mr. Joe N Miser 000-0000
4101 University Dr
Anchorage AK 99508 60 U
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

I AM VERY WORRIED ABOUT BGH. I THINK MILK IS JUST GREAT FROM NORMAL COWS SO WHY RISK CANCER?

Ms. Lamia M Bouziane 248-1538
3105 Brookside Dr #11
Anchorage AK 99517 60 U
Distribution Affiliation Reg Voter

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

WE SHOULD USE NATURAL PRODUCTS FOR OUR HEALTH.

Mr. John P Clarke 272-2419
 1046 W 26th Ave

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99503	60		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

I DO NOT OPPOSE BGH BUT I DO NOT WISH TO HAVE IT IN MY FOOD. LABELS STATING THAT THIS IS IN MY MILK WOULD GREATLY LIMITN MY SHOPPING CHOICES. LABELS SHOULD BE MANDATORY FOR CONSUMER'S PROTECTION.

Ms. Margaret S McConnaughy 345-7036
 12840 Von Scheben Dr

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99516	60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

WE SUPPORT HB 110 TO HAVE VOLUNTARY LABELING OF BGH FREE DAIRY PRODUCTS. KEEP OUR FOOD SAFE!

Ms. Cheryl A Hilmes 243-2166
 9300 Glenn Haven Dr #D4

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99515	60		U
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

I HAVE BEEN CONCERNED ABOUTH THE CANDER RISKS ASSOCIATED WITH THIS HORMONE (BGH). I'D HOPE THAT BY NOW WE'D KNOW ENOUGH TO MAKE BETTER DECISIONS FOR OUR FUTURE.

Mrs. Dagmar I Nye 349-4154
 1200 W Dimond Blvd #1478

			Distribution	Affiliation	Reg Voter
Anchorage	AK	99515	60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/26/1999	N	HB 110	Supports		

PLEASE SUPPORT HB 110 TO PRESERVE GENETIC DIVERSITY BECAUSE IF DISEASE OR DISASTER STRIKES ONE SUBSPECIES THERE MUST BE OTHER SURVIVING SUBSPECIES.

Mr. Scott H Ballin 268-9196
PO Box 102932
Distribution Affiliation Reg Voter
Anchorage AK 99510 60 U

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

I WOULD LIKE TO SEE A BGH FREE ALASKA. I ABSOLUTELY WON'T PURCHASE DAIRY PRODUCTS WITH BGH.

Ms. Tara L Melton 272-2419
1046 W 26th Ave #314
Distribution Affiliation Reg Voter
Anchorage AK 99503 60 U

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

I STRONGLY SUPPORT MY RIGHT TO KNOW WHAT IS OR ISN'T IN MY MEAT PRODUCTS.

Ms. Nirvair K Khalsa 345-1339
4501 Bayview Dr
Distribution Affiliation Reg Voter
Anchorage AK 99516 60 Y

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

FOR THE WEALTH AND WELL-BEING OF ALASKANS, LABELING OF DAIRY PRODUCTS PRODUCED WOULD BE EXTREMELY BENEFICIAL.

Ms. Wendy A Alward 333-8229
5323 Maria Ct
Distribution Affiliation Reg Voter
Anchorage AK 99508 60 U

Date POM Sent Constituency Bill Number Response Subject
04/26/1999 N HB 110 Supports

PROTECT FOODS FROM POTENTIAL CARCINOGENS BEING INGESTED BY US ALL. WE ALL HAVE THE RIGHT TO KNOW WHAT WE ARE INGESTING, THEN WE CAN BE FREE TO CHOOSE.

Ms. Rebekah
PO Box 233682

A Smith

272-2823

Anchorage

AK 99523

Distribution

Affiliation

Reg Voter

60

U

Date POM Sent

Constituency

Bill Number

Response

Subject

04/26/1999

N

HB 110

Supports

I OPPOSE BGH AND I STRONGLY SUPPORT HB 110. NATURAL PRODUCTS IS THE GOOD WAY TO GO IN REGARDS TO THE COWS.

Ms. Rebekah A Smith
PO Box 233682

Anchorage AK, 99523 272-2823

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I OPPOSE BGH AND I STRONGLY SUPPORT HB 110. NATURAL PRODUCTS IS THE
GOOD WAY TO GO IN REGARDS TO THE COWS.

DISTRIBUTION: 60

Ms. Nirvair K Khalsa
4501 Bayview Dr

Anchorage AK, 99516 345-1339

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: FOR THE WEALTH AND WELL-BEING OF ALASKANS, LABELING OF DAIRY PRODUCTS
PRODUCED WOULD BE EXTREMELY BENEFICIAL.

DISTRIBUTION: 60

Ms. Wendy A Alward
5323 Maria Ct

Anchorage AK, 99508 333-8229

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PROTECT FOODS FROM POTENTIAL CARCINOGENS BEING INGESTED BY US ALL. WE
ALL HAVE THE RIGHT TO KNOW WHAT WE ARE INGESTING, THEN WE CAN BE FREE TO
CHOOSE.

DISTRIBUTION: 60

Mrs. Dagmar I Nye
1200 W Dimond Blvd #1478

Anchorage AK, 99515 349-4154

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE SUPPORT HB 110 TO PRESERVE GENETIC DIVERSITY BECAUSE IF DISEASE OR DISASTER STRIKES ONE SUBSPECIES THERE MUST BE OTHER SURVIVING SUBSPECIES.

DISTRIBUTION: 60

Mr. Scott H Ballin
PO Box 102932

Anchorage AK, 99510 268-9196

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I WOULD LIKE TO SEE A BGH FREE ALASKA. I ABSOLUTELY WON'T PURCHASE DAIRY PRODUCTS WITH BGH.

DISTRIBUTION: 60

Ms. Tara L Melton
1046 W 26th Ave #314

Anchorage AK, 99503 272-2419

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I STRONGLY SUPPORT MY RIGHT TO KNOW WHAT IS OR ISN'T IN MY MEAT PRODUCTS.

DISTRIBUTION: 60

Ms. Cheryl A Hilmes
9300 Glenn Haven Dr #D4

Anchorage AK, 99515 243-2166

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I HAVE BEEN CONCERNED ABOUTH THE CANDER RISKS ASSOCIATED WITH THIS
HORMONE (BGH). I'D HOPE THAT BY NOW WE'D KNOW ENOUGH TO MAKE BETTER DECISIONS
FOR OUR FUTURE.

DISTRIBUTION: 60

Ms. Margaret S McConnaughy
12840 Von Scheben Dr

Anchorage AK, 99516 345-7036

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: WE SUPPORT HB 110 TO HAVE VOLUNTARY LABELING OF BGH FREE DAIRY
PRODUCTS. KEEP OUR FOOD SAFE!

DISTRIBUTION: 60

Mr. John P Clarke
1046 W 26th Ave

Anchorage AK, 99503 272-2419

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I DO NOT OPPOSE BGH BUT I DO NOT WISH TO HAVE IT IN MY FOOD. LABELS
STATING THAT THIS IS IN MY MILK WOULD GREATLY LIMITN MY SHOPPING CHOICES.
LABELS SHOULD BE MANDATORY FOR CONSUMER'S PROTECTION.
DISTRIBUTION: 60

Ms. Lamia M Bouziane
3105 Brookside Dr #11

Anchorage AK, 99517 248-1538

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: WE SHOULD USE NATURAL PRODUCTS FOR OUR HEALTH.

DISTRIBUTION: 60

Mr. James L Logg
1303 W 23rd Ave #2

Anchorage AK, 99503 274-7468

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: ARTIFICIAL HORMONES ARE GRASS. THE TRUTH IS THAT YOU'D BE BETTER OFF NOT EATING AT ALL THAN EATING SO MANY CHEMICALS. IT IS TERRIBLE TO BE TORTURING THE CATTLE AS WELL. LET'S KEEP BGH OUT OF ALASKA. WE'LL ALL FEEL BETTER DRINKING CLEAN MILK.

DISTRIBUTION: 60

Ms. Martha Siebe
8700 Solar Dr

Anchorage AK, 99507 346-3329

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I SUPPORT THIS BILL BECAUSE FOOD PRODUCERS SHOULD HAVE A RIGHT TO TRUTHFULLY ADVERTISE AND INFORM THE PUBLIC ABOUTH THEIR PRODUCT. THE PUBLIC SHOULD BE ABLE TO KNOW AND CHOOSE WHAT THEY EAT. IT SHOULD NOT BE A CHALLENGE TO FIND OUT THIS INFORMATION.

DISTRIBUTION: 60

Mrs. Martha A Tomed
2421 Lake Otis Pkwy

Anchorage AK, 99508 000-0000

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE PREVENT BOVINE GROWTH HORMONES FROM ALASKAN'S AGRICULTURAL.

DISTRIBUTION: 60

Ms. DeeAnn K Appar
3131 W 100th Ave

Anchorage AK, 99515 522-5440

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: AS A MOTHER I'D LIKE TO BE ABLE TO CHOOSE BGH FREE PRODUCTS.

DISTRIBUTION: 60

Ms. Courtney A Sullivan
4101 University Dr

Anchorage AK, 99508 000-0000

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: LET'S ENCOURAGE THE REPRESENTATION OF OUR POSITIVE EFFORTS BGH FREE ALASKA!

DISTRIBUTION: 60

Ms. Andra J Muth
4101 University Dr

Anchorage AK, 99508 563-4921

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: AS A CONSUMER, I SUPPORT THE PUBLICATION OF INGREDIENTS ADDED TO THE PRODUCTS I BUY.

DISTRIBUTION: 60

Ms. Athena D Swinford
12636 Silver Fox Ln #3

Anchorage AK, 99515 345-9472

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: KEEP ALASKA COWS BCH FREE!

DISTRIBUTION: 60

Mr. Kevin M Wiley
6715 Cutty Sark St

Anchorage AK, 99508 562-0081

Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: KEEP ALASKA COWS BGH FREE!

DISTRIBUTION: 60

Ms. Jane Atkinson
4130 Viscount Cir

Anchorage AK, 99502 248-1483

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I SUPPORT LABELING DAIRY FOR CONTENT OF BGH AND OTHER ADDITIVES IN MY
DAIRY PRODUCTS. THIS SUPPORTS CONSUMERS ACROSS ALASKA. THANK YOU.

DISTRIBUTION: 60

Ms. Melaine E Brown
4101 University Dr #635

Anchorage AK, 99508 337-9738

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE SUPPORT BILLS ALLOWING FARMERS TO LABEL THEIR PRODUCTS BGH-FREE. MEMBERS OF THE COMMUNITY WANT TO KNOW WHAT OUR SYSTEMS ARE DIGESTING. ORGANIC OR CHEMICAL IMPORTED DAIRY FOODS NEED APPROPRIATE LABELS. THE CONSUMERS RIGHT TO KNOW IS A FOREMOST PRIORITY. THANK YOU.

DISTRIBUTION: 60

Ms. Belle G Dawson
1814 Arctic Blvd

Anchorage AK, 99503 272-8757

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: THIS IS A 'RIGHT TO KNOW' ISSUE AND I URGE YOU TO SUPPORT IT. THANK
YOU!

DISTRIBUTION: 60

Mr. Michael J Bruner
341 E 23rd Ave

Anchorage AK, 99503 279-4020

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I SUPPORT HB 110. I OPPOSE HAVING ANY TYPE OF HORMONES IN OUR FOOD
SUPPLY, INCLUDING GROWTH HORMONES.

DISTRIBUTION: 60

Ms. Margaret N Carr
3505 Woodland Park Dr

Anchorage AK, 99517 243-4234

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE PASS HB 110. HB 110 GIVES CONSUMERS THE RIGHT TO KNOW AND THE RIGHT TO CHOOSE WHAT GOES INTO THE PRODUCTS THEY BUY. THIS IS A RIGHT THAT SHOULD BE DENIED TO NO ONE! THANK YOU FOR YOUR CAREFUL CONSIDERATION AND SUPPORT OF THIS BILL!

DISTRIBUTION: 32

Mr. Randy J Dedrich
3625 Rabbit Creek Rd

Anchorage AK, 99516 000-0000

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: SUPPORT HB 110 FOR HEALTHY CATTLES AND HEALTHIER HUMANS.

DISTRIBUTION: 60

Mr. Damien J Warren
3625 Rabbit Creek Rd

Anchorage AK, 99516 345-0413

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: WE THE PEOPLE OF ALASKA THINK THAT WE DON'T WANT TO GET CANCER AND BGH
IS NOT OKAY.

DISTRIBUTION: 60

To: Senator Jerry Mackie
From: Ken Leghorn

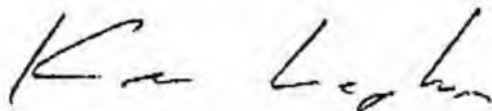
May 11, 1999

Re: HB110

When I was only 42 years old I had to have surgery and 3 weeks of radiation to treat testicular cancer, a rare kind of cancer whose incidence rate is soaring the past decade. Why is it increasing? Nobody has a clue. I hope someone figures it out soon, but meanwhile it is incumbent upon law makers to decrease as many known cancer risks in the environment as possible.

I eat a lot of dairy products, and would like to have the choice of not eating products whose origins included exposure to synthetic hormones. Please support HB110.

Thank you.



Ken Leghorn
411 Seventh St.
Juneau, AK 99801

ken@pobox.alaska.net

HB

121

FISCAL NOTE

Bill Session: CSHB 121 (L&C)
 (H) Publish Date: 4/14/00

**STATE OF ALASKA
 2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) 04/13/00 Dept. Affected Community & Economic Development
 Title 'An Act relating to patients' rights under a health care BRU Insurance
Insurance plan or contract providing coverage for dental care . . . Component Insurance
 Sponsor Representative Bunde
 Requester H (L&C) Component No. 354

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on this component.

Prepared by: Robert A. Lohr Phone 269-7900
 Division Insurance Date/Time 4-13-00 4:37 PM
 Approved by Commissioner Deborah B. Sedwick Date 4-13-00
 Agency Community & Economic Development

COMMITTEE COPY PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No: 1
 Bill Version: CSHB 121 (L&C)
 (H) Publish Date: 4/14/00

**STATE OF ALASKA
 2000 LEGISLATIVE SESSION**

Revision Date/Time: 4/14/00 Dept. Affected: Administration
 Title: Dental Care Insurance BRU: Centralized Administrative Services
 Component: Retirement and Benefits
 Sponsor: Representative Bunde
 Requester: (H) L&C Component No.: 64

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURE	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (1029 P/E Retire)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Although the State of Alaska self-insured health program is not legally obligated to mandates set by the legislature in Title 21, the state has followed such mandates for public policy reasons. The state health plans do not currently have any preferred provider arrangements with dentists.

Prepared by: Guy Bell, Director Phone: 465-4471
 Division: Retirement and Benefits Date/Time: _____
 Approved by Commissioner: Robert Poe, Jr. Date: 4/14/00
 Agency: Department of Administration

COMMITTEE COPY PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

Alaska State Legislature

DURING SESSION
STATE CAPITOL, ROOM 501
JUNEAU, AK 99801-1182
(907) 465-4843 (800) 892-4843
FAX: (907) 465-3871

WEB SITE
<http://www.akrepublicans.org/Bunde.htm>



REPRESENTATIVE CON BUNDE

District 18

VICE-CHAIR: HOUSE FINANCE COMMITTEE
MEMBER: LEGISLATIVE BUDGET & AUDIT COMMITTEE

DURING INTERIM
716 W. FOURTH AVE.
ANCHORAGE, AK 99501-2133
(907) 269-0181
FAX: (907) 269-0184

E-MAIL
Representative_Con_Bunde@legis.state.ak.us

SPONSOR STATEMENT

HB 121

"An Act relating to patients' rights under a health care insurance plan or contract providing coverage for dental care, and prohibiting certain practices by health care insurers relating to dental care."

Consumers have to ask if their dental care has improved or become more efficient since the beginning of managed care. Many people in need of a dentist say they can't see the dentist they wish to see; they spend less time with the dentist they do see; and they feel rushed into and out of the dentist office.

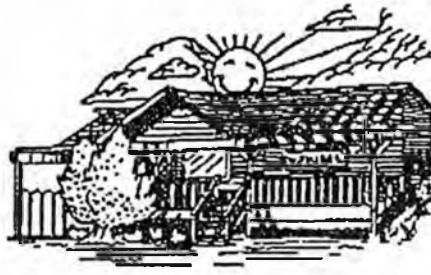
When a dentist enters a preferred provider organization, the result is that an insurance company saves money and a dentist gains a volume of patients. By increasing the volume of patients each patient receives a fraction of the care that they should receive. Is it fair to allow insurance companies to tell YOU who will do your dental care?

HB 121 sets out the rights of dental health care consumers. This bill specifically:

- Allows consumers to choose any dentist they wish to see including a specialist.
- Allows insurers from reimbursing a covered person at a different rate because of the person's choice of dentist.
- Gives covered people the right to receive full information regarding their care options without fearing adverse actions from insurance companies.
- Allows patients to take civil action against health care insurers to enforce their rights.
- Requires any dental treatment plan review or utilization review to be conducted by a dentist.

I urge the committee's thoughtful consideration of this proposed legislation and the swift passage of this legislation from the committee.

William P. Fell D.D.S.



(907) 274-3617

549 W. Fireweed Lane • Anchorage, AK 99503

March 10, 1999

Dear Representative Brice,

I am writing in support of HB 121, the Dental Patient Rights Bill.

HB 121 preserves the basic rights of patients to be treated fairly regardless of the type of their dental insurance.

Patients deserve the right to see the dentist of their choice including a specialist if it is appropriate. This is the most basic right of a patient, being able to choose who provides their dentistry.

Patients should be told of their full range of treatment options not just the ones an insurance company would like them to hear. They deserve to make an informed decision about their health care. The right to hear about all treatment options available is basic to that right.

Patients deserve to have their benefits reviewed by a licensed dentist not a clerical person without any dental training. To use anyone other than a licensed dentist is to deprive the patients of the right of a reasonable review and any recourse for that review.

Lastly, patients should not be discriminated against financially by insurance companies because of their choice of dentists. To reimburse patients differently for their choice of dentists penalized the patients right to choose.

I urge you to vote yes to pass this important bill out of the House Labor and Commerce Committee.

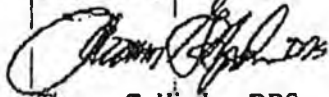
Sincerely,

William Fell
Executive Committee Member

need to be *insured*. In fact, the term "dental insurance" is a misnomer. Dental costs are very predictable year after year and can simply be budgeted for by a company. If you would like to learn more about this, contact either myself or Mr. Brian Rogers, a former legislator with whom all of you are familiar. If the insurance industry insists that costs will increase, we will show you how they can actually be lowered, even with passage of this bill.

I urge you to study the facts very carefully and study the eyes of the people that are trying to convince you that this bill is bad for patients. I apologize that I cannot testify at the public hearing on March 19, 1999 due to a prior commitment to take care of a patient from out of state. However, if you have any questions with regards to anything in this letter or the accompanying comparison sheets, please contact me either by mail, email at simsa@alaska.net or by telephone at (907) 349-5585.

Respectfully submitted,



Thomas G. Hipsher, DDS

Cc: Alaska Dental Society
Dr. David Logan, President of the Alaska Dental Society
Dr. Rob Robinson
Mr. Brian Rogers

David L. Nielson, D.D.S.

Julie M. Robinson, D.D.S.

GENERAL DENTISTRY

880 N STREET, SUITE 301
ANCHORAGE, ALASKA 99501
TELEPHONE 276-7787
279-8274

3-10-99

Dear Representative Rokeberg,

As residents in your legislative district, as dentists, and as individuals who are concerned about where health care in America is heading, we feel compelled to write in favor of HB121, the Dental Patient Rights Bill.

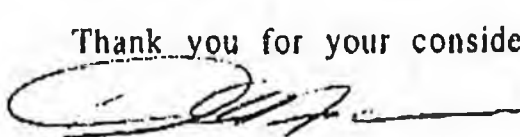
While the public is, at the present time, ultimately able to choose any dentist they wish, there are many factors at work in the insurance market place that severely limit that ability by incorporating financial penalties for doing so. It is imperative that patients be able to freely choose any general dentist or specialist they wish to see without their insurance company limiting that right by reimbursing the patients at a different rate depending on which provider they choose.

HB 121 also addresses another fundamental right to which patients must be entitled. Under no circumstances should an insurance plan discourage or withhold the patients right to at least hear all available treatment options. The public deserves to make informed decisions about their health care, and withholding the mention of treatment options should not be tolerated.

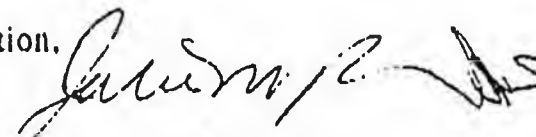
Obviously enough, an insurance company should be able to review submitted claims and treatment plans. However, is it in the patients best interest to have these reviews done by a clerical person with no dental training and nothing more than a written set of guidelines to go on? I submit to you that the public deserves the right to have a fair and reasonable review of their treatment plan by an individual who thoroughly understands which course of treatment is in each patients best interest. That individual should be a licensed dentist.

We urge you to take an important step towards protecting public rights and vote yes to pass this bill out of the House Labor and Commerce Committee.

Thank you for your consideration.



David Nielson D.D.S.



Julie Robinson D.D.S.

March 10, 1999

Dear Representative Rokeberg,

I am writing in response to HB 121, the Dental Patients Bill of Rights.

It is my understanding that this bill affects me in the following areas:

I should be able to choose my own dentist.

I should be able to seek the care of a specialist should the need arise and that decision should be made between me and my dentist of choice. No insurance company should be able to limit this this right.

I should be able to make an informed decision regarding my health care and the treatment options that my dentist believes are in my best interest.

I should be able to expect that any review of my treatment plan or my care be made by someone with an understanding of dentistry i.e., a licensed dentist.

I should expect reimbursement financially by an insurance company without being penalized because of my choice of a dentist.

A copy of The Dental Patient Rights Bill was referred to me and as a dental patient as well as an employee of a dental office, I felt it necessary to express my opinions.

Sincerely,

Larraine Childress

Larraine Childress
Dental Administrator



Alaska Dental Society

3305 Arctic Blvd., Suite 102
Anchorage, Alaska 99503-4975
(907) 563-3003 • FAX: 563-3009

March 8, 1999

Representative Norman Rokeberg
Alaska State Legislature
State Capitol
Juneau, AK

Dear Representative Rokeberg:

The Alaska Dental Society is urging all members of the House Labor and Commerce Committee to move HB121, the Dental Patient Rights Bill, out of Committee.

HB121 preserves the patient's most basic rights: The right to choose a dentist, to be told about available treatments, to have a trained dentist review dental insurance claims and to be equally reimbursed for those claims by their insurance companies.

Patients should be able to choose their dentist. There is no reasonable circumstance where an insurance company should supersede that right.

Patients should be aware of all reasonable treatment options available for their dental conditions. To allow "gag" clauses that limit dentists' ability to discuss treatment options is to deny patients the ability to make informed decisions.

A licensed dentist should review treatment plans and claims. Using a dentist to review claims insures an understanding of different types of dental treatment and why they are used. Use of a licensed dentist would help to insure this person is current in their dental knowledge and provides some recourse for patients if they have to appeal their claim.

It is crucial to remember the dentist who is not participating in a plan is paid the same regardless of the passage of HB121; it is the patient who suffers under the current system. HB121 will not change the amount an insurance company pays for a given treatment, unless the insurance company counted on reimbursing some patients at a lesser rate. All HB121 asks is the insurance company pay the same amount to the patient regardless of their choice of dentists.

Thank you in advance for your consideration of this HB121. This legislation will help provide the necessary protection of patients from unfair practices by insurance companies. The Alaska Dental Society urges the House Labor and Commerce Committee's favorable response.

Sincerely,

David G. Logan, DDS
President
Alaska Dental Society

Post-Net Fax Note 7672

To *Patty Swenson*
 Company *Rep. Con Bunde*
 Location
 Fax # Telephone #
 Comments

Recycling symbol
 No. of Pages *7* Today's Date *3/99* Time *AM*
 From *Dr. Mike Sage*
 Company
 Location Dept. Charge
 Fax # Telephone #
 Original Description Delivery Return Call for pickup

RE: HB 121



C. Michael Sage, D.D.S., F.A.G.D., P.C.
 FELLOW AMERICAN GENERAL DENTISTRY

March 10, 1999

Representative Con Bunde
 Alaska State Legislature
 State Capitol (MS3100)
 Juneau, AK 99801-1182

Dear Representative Bunde,

I am writing to you to ask for your support of HB 121, the Dental Patient Rights Bill.

This bill is needed to preserve Alaskan's right to choose their dental health care provider, without the pressure of financial discrimination by insurance companies.

Alaskans deserve the right to see the dentist of their choice, including specialists if they feel it is necessary. It is important that patients are informed of the full range of treatment options, and not just those options deemed "adequate treatment" by an insurance company.

When a dental care plan or contract provision allows for treatment plan review or utilization review, that review should be conducted by a licensed dentist. To entrust this procedure to clerical personnel with no understanding of dentistry is certainly not in the patients' best interest.

Again, I urge you to give your full support to HB 121, and to vote yes to pass this bill out of the House Labor and Commerce Committee.

Sincerely,

C. Michael Sage D.D.S.

C. Michael Sage D.D.S.

VICKEY J. HODNIK, D.D.S.

4014 Lake Street, Suite 210
Homer, Alaska 99603

Telephone: (907) 235-7585
FAX: (907) 235-7311

March 10, 1999

Representative Norman Rokeberg
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Rokeberg,

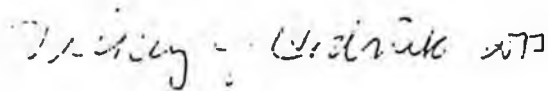
I am writing this letter to support HB 121, "The Dental Patient Rights Bill", because it protects Alaskans seeking dental care.

I believe that everyone has the right to choose their dental care provider, and, if the provider they choose is not a preferred provider, their insurance plan should pay the same amount for treatment that they pay a preferred provider.

All patients need to be told what their treatment needs are, what their options are and then choose their own treatment plan. All treatment plans must be prepared by a licensed dentist and not a non-dentist employee of an insurance company.

Please vote Yes to pass this bill (HB 121) out of the House of Labor and Commerce Committee.

Sincerely,



Vickey J. Hodnik, DDS
Pres.-elect Alaska Dental Society

"An Atmosphere of Sincere
Warmth and Caring"



Ronald J. Glaeser, D.D.S.
A PRACTICE LIMITED TO ORTHODONTICS

March 11, 1999

Representative Norman Rokeberg
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Rokeberg:

I am writing in support of HB 121, the Dental Patient Rights Bill.

HB 121 preserves the basic rights of patients to be treated fairly regardless of their dental insurance. Patients deserve the right to see the dentist of their choice including a specialist. They should be told their full range of rights; not just those imposed by insurance companies. They deserve to have their charges reviewed by a claims adjuster with a dental background and training. Also, patients should not be hindered financially or discriminated against by their insurance companies.

I urge you to vote yes to pass this important bill out of the House Labor and Commerce Committee.

Sincerely,

A handwritten signature in cursive script that reads "Dr. Ronald J. Glaeser".

Ronald I. Glaeser, D.D.S., Inc.
Member, Executive Council
Alaska Dental Society

THOMAS G. HIPHER, D.D.S.

March 17, 1999

Alaska State Legislature
Labor and Commerce Committee
State Capitol Building, Room 24
120 4th Street
Juneau, AK 99801-3382

RE: HB 121

To: Representative Norman Rokeberg, Chair
Representative Andrew Halcro, Vice Chair
Representative John Harris
Representative Lisa Murkowski
Representative Jerry Sanders
Representative Tom Brice
Representative Sharon Cissna
Janet Seitz, Committee Aide

Dear Representatives:

House Bill 121 is before you with regards to dental Patient's Rights. The purpose of the bill is to define how insurance companies can act with regards to patients that are members of Preferred Provider Organizations, Dental Health Maintenance Organizations and other entities that exist under the auspices of managed care. It also pertains to patients covered under any other type of dental insurance plan except ERISA plans. Some very fundamental patient rights are being violated when it comes to benefits offered under many insurance plans. Therefore, HB 121 has been introduced to protect our patients' basic rights as they relate to the dental health care they receive and the reimbursement by their insurance carriers for this care.

Last year, HB 300 was introduced and held up in the Labor and Commerce Committee because the insurance industry and their lobbyists successfully diverted the issue from one of "patient's rights" to an issue about the increased costs that the bill would create if it were to pass. The insurance industry was also successful in convincing the committee that HB 300 was an "Any Willing Provider" piece of legislation. HB 121 is similar to last year's HB 300, but differs in that it pertains only to dental care.

I have prepared a detailed comparison between the current HB 121, entitled the "Alaska Dental Care Bill of Rights" and "Any Willing Provider" legislation to help you understand what the differences are and to show you that HB 121 is not "Any Willing Provider" legislation. For you to think or to assume that HB 121 is "Any Willing Provider" legislation is incorrect. I am certain that the insurance industry will once again try to sway your vote based on two matters, namely 1) that this is "Any Willing Provider" legislation and 2) that costs will increase as a result of this legislation because they have convinced you that it is "Any Willing Provider" legislation.

Please take the time to consider the differences and realize that the insurance industry is doing nothing but protecting their bottom line at the expense of patient's rights. If the insurance industry truly believes that costs will rise as a result of this legislation, there are far better options that companies can pursue other than dental insurance that will provide patients with these rights at a much lower cost than that which can be provided by the insurance industry. Dental care does not meet the criteria for an insured risk, therefore dental care does not



Alaska Dental Society, Inc.

9170 Jewel Lake Road, Suite 203
Anchorage, Alaska 99502-5390
(907) 563-3003 • FAX: 563-3009

FAX MESSAGE

DATE: Wednesday, April 19th

SENT TO: Sam Kito

FROM: Martha A. Reinbold, Executive Director

FAX NUMBER: (907) 463-5486

TOTAL PAGES: 1

Sam - I have talked to our legislative chairman - Dr. Robert Robinson. He says that in lengthy discussions with labor and insurance, the language in Section (c)., Page 2 was included to insure this bill is not an Any Willing Provider Bill - which many people feared it was. This language means CSHB 121 will not penalize HMO and PPO groups - yet allows patients to be fairly paid and receive their earned benefits. Dr. Robinson welcomes a call from Senator Kelly if he wants a more in-depth explanation. Because he is traveling back to Alaska today, please use his cell phone number which is (907) 232-6000.

Martha Reinbold

HB

128



FISCAL NOTE

No: 1

Bill Version: HB 128

(H) Publish Date: 3/16/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date _____ Dept. Affected Alaska Court System
 Title Lease-Purchases Act BRU Alaska Court System
 Component Trial Courts
 Sponsor Rep. Murkowski
 Requester House Labor and Commerce Component Serial No. 769

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: None

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by: Doug Wooliver, Administrative Attorney Phone: 264-8265
 Agency: Alaska Court System Date/Time: 3/10/99 9:09 AM
 Approved by: Stephanie J. Cole, Administrative Director Date: 3/10/99
 Agency: Alaska Court System

(Rev 1/99)

COMMITTEE COPY

FISCAL NOTE

No: 2
Version: HB 128
(H) Publish Date: 3/16/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	Dept. Affected	Law
Title	BRU	Civil Division
personal property."	Component	Fair Business Practices
Sponsor	Representative Murkowski	
Requester	House Labor and Commerce	Component Serial No. 2206

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 HB 128, to be known as the "Lease-Purchases Act," adds a new chapter to Title 45, Trade and Commerce, setting out rules governing lease-purchase agreements, and the rights of the consumer and the lessor.

This bill does not require government oversight, instead contemplating a private right of action. HB 128 will have no fiscal impact on the Department of Law.

Prepared by Joan M. Kasson *Joan M. Kasson*
 Division Attorney General's Office

Approved by Commissioner Kathryn... *Kathryn...*
 Agency Department of Law

Phone 465-5370
 Date/Time 3/10/99, 10:06 AM
 Date 3/10/99

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

Senator Ward just told me he is
not going to offer the amendment of
HB 128.

14725

Senator Mackie

AMENDMENT # 1

OFFERED IN THE SENATE
TO: CSHB 128(RLS)

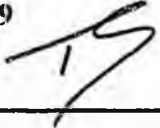
BY SENATOR WARD

- 1 Page 2, line 24, following "AS 45.35.020;":
- 2 Insert "the statement must include a description of what will be considered improper
- 3 use of the personal property by the consumer;"

SHAUB & ASSOCIATES

217 Second Street, Suite 206
Juneau, Alaska 99801
Phone: 463-5118 Fax: 463-5128
Thyes@aol.com

Saturday, April 17, 1999
To: Jerry Mackie
From: Thyes Shaub



I am not certain if Senator Ward will maintain his objections to the "improper use" language on Monday but if so, I offer the following:

The improper use term in HB 128 is not considered vague according to the attorney's I have consulted. The "reasonably prudent man" or "reasonable person" standard would be used for determining what is improper use. The reasonable person standard is a common standard used to interpret the law in United States. It is impossible to define with specificity each and every incident that might occur in commerce.

I looked up the Alaska Landlord Tenant Act to see how it deals with damage of household merchandise such as appliances. The reasonable care standard is used for both the tenant and the landlord. For example:

AS 34.03.120(a)(4) states:

The tenant shall use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other facilities and appliances including elevators in the premises.

AS 34.03.100(a)(3) states:

The landlord shall maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord.

"Use in a reasonable manner" and "maintain in good and safe working order" are not defined. The reasonable care standard is used.

As you know, this legislation is based on suggested legislation published by the Council of State Governments and has passed in 44 other states. It passed the House 38-0.

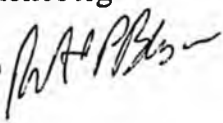
Rental-Purchase transactions currently take place in Alaska. Alaska law has no reference to these transactions. This legislation defines the rights and responsibilities of both the merchant and the customer. It mandates uniform disclosures of the transaction costs and contract terms, and guarantees reinstatement rights to those customers who are temporarily unable to continue renting.

It's a good bill and Representative Murkowski worked hard to get it right.

ROBERTSON, MONAGLE & EASTAUGH
801 West 10th Street, Suite 300
P.O. Box 21211
Juneau, Alaska 99802

Phone: (907) 586-3340 Fax: (907) 586-6818
E-mail Address: rpblasco@aol.com

M E M O R A N D U M

TO: Representative Rokeberg
FROM: Robert P. Blasco 
DATE: April 14, 1999
SUBJECT: PROPOSED LEGISLATION CLARIFYING AS 23.10.060(b)

The Alaska Superior Court, Judge Weeks, recently ruled that overtime hours are to be counted twice for purposes of compensation under the existing AS 23.10.060(b). The pertinent pages of that decision are attached. This double compensation for overtime is known as "pyramiding."

The decision of the court is contrary to how the Department of Labor has always interpreted AS 23.10.060(b). Attached are an affidavit of former Commissioner of Labor Tom Cashen and a letter of Randy Carr. The reason the statute should be clarified is because the Court's decision specifically disregarded the historical interpretation and application by the Department of Labor and, consequently, by all employers in the state—including the State of Alaska.

Unless clarified, the potential impact on employers, including the State of Alaska, is tremendous. Here is an example of what happens under the Court's decision:

Assume Employee worked the following schedule for a total of 43 hours:

Monday	11 hours	Thursday	8 hours
Tuesday	8 hours	Friday	8 hours
Wednesday	8 hours		

As to Monday, everyone agrees that Employee is entitled to 3 hours of overtime. The issue is as to Friday. Under the Department's interpretation and the interpretation of employers, no overtime would be due as to Friday since Employee worked 43 hours during the week and has already been paid for 3 hours overtime. Under the Court's

HOUSE BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

Offered:

Sponsor(s):

A BILL

FOR AN ACT ENTITLED

"An Act relating to the computation of overtime and providing for an effective date."

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

* Section 1. FINDINGS AND INTENT. The Legislature finds that

(1) some courts in the State of Alaska have misinterpreted the intent of AS 23.10.060(b) in such a manner as may result in employers being obligated to pay excessive overtime compensation. In particular, these courts have interpreted AS 23.10.060(b) so that hours worked in excess of eight hours in a day are counted in order to determine whether overtime is due under the 40-hours provision in the statute. This interpretation has the unintended result of requiring employers to pay overtime under the 40-hours provision under circumstances where the employee has not yet worked 40 hours at his or her regular rate of pay;

(2) AS 23.10.060(b), as such has been in effect prior to the effective date of this Act, was never intended to require employers to pay at the overtime rate under the 40-hours provision in the statute unless and until employees had first worked 40 hours at their regular rate of pay;

(3) although the Legislature believes that AS 23.10.060(b) should not have been interpreted by the courts in a manner inconsistent with this finding, the Legislature further finds that it is necessary to amend AS 23.10.060(b) in order to eliminate any doubt on this subject.

* Sec. 2. AS 23.10.060(b) is repealed and reenacted to read:

Sec. 23.10.060(b). If an employer finds it necessary to employ an employee in excess of eight hours a day, or in excess of 40 hours a week determined without regard to hours worked in excess of eight hours a day, compensation for the overtime at the rate of one and one-half times the regular rate of pay shall be paid.

* Sec. 3. The provisions of this Act are severable under AS 01.10.030.

* Sec. 4. This Act is effective retroactive to the effective date of AS 23.10.060(b), and immediately under AS 01.10.070(c).

RECEIVED

APR 12 1999

Robertson, Monagle & Eastaugh, P.C.
Juneau, Alaska

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

STUART HALLAM,

Plaintiff,

vs.

HOLLAND AMERICA LINE, INC.,
d/b/a WESTOURS MOTOR
COACHES, INC.,

Defendant.

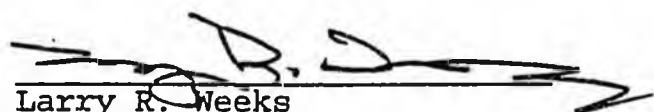
MEMBERS
ALASKA
FIRST JUDICIAL DISTRICT
AT JUNEAU
4:00 pm 4/9/99
BY: mm

Case No. 1JU-96-1734 CI

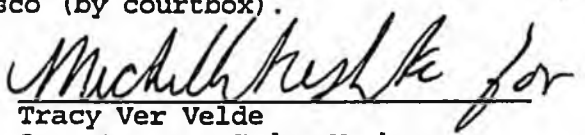
MEMORANDUM AND ORDER

This case has been heard on appeal before the court. Contemporaneous with this order is a decision on the merits of the appeal, in which the Defendant has been determined to be the prevailing party. Pursuant to Appellate Rule 508(e), attorney fees in the amount of \$500 are awarded to the Defendant, to be paid by the Plaintiff.

Dated April 9, 1999.


Larry R. Weeks
Superior Court Judge

I certify that on the 9th day of April 1999, I served the above order to Stuart Hallam (by U.S. Mail) and Robert Blasco (by courtbox).


Tracy Ver Velde
Secretary to Judge Weeks

REGULATIVE

APR 12 1999

Robertson, Monagle & Eastaugh, P.C.
Juneau, Alaska

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

STUART HALLAM,)
)
 Plaintiff,)
)
 vs.)
)
 HOLLAND AMERICA LINE, INC.,)
 d/b/a WESTCOURS MOTOR)
 COACHES, INC.,)
)
 Defendant.)
)
 _____)

FILED IN CHAMBERS
STATE OF ALASKA
FIRST JUDICIAL DISTRICT
AT JUNEAU

4:00 pm 4/9/99

BY: mm

Case No. 1JU-96-1734 CI

MEMORANDUM AND ORDER

This case comes before the court on appeal. The following matters are at issue:

1. Whether the court properly denied class certification or "conditional" class certification.
2. Whether summary judgment was proper dismissing plaintiff's first, second, and forth claims for relief.
3. Whether summary judgment was proper dismissing plaintiff's third and fifth claims for relief.
4. Whether it was an abuse of discretion to deny plaintiff's motions to amend his complaint.
5. Whether attorney fees and costs should be upheld.

I. Factual Background

Hallam was employed as a seasonal employee with Holland America Line as a bus driver during the 1994 summer tour season. His hourly salary was \$8.00. The last week of Hallam's employment was August 15-20, 1994. During this time he worked 41.25 hours and was paid overtime for 5.5 of those hours. Each of the overtime hours paid was for hours worked over 8 hours a day. Hallam was not paid overtime wages for his last day of employment even though the cumulative total of hours surpassed the 40-hour workweek. Hallam was paid as follows:

Date	Regular Hours	Overtime Hours	Total Hours
8/15/94	8.0	0	8.0
8/16/94	8.0	1.5	9.5
8/17/94	8.0	1.0	9.0
8/18/94	0	0	0
8/19/94	8.0	3.0	11.0
8/20/94	4.25	0	4.25
TOTALS	36.25	5.5	41.75

Hallam's last day of employment was August 20, 1994. He was paid, via automatic bank deposit. Holland America contends that the funds were paid August 28, 1994 and Hallam argues that the funds were not available to him until September 1, 1994. In any event, it was not paid within the statutorily mandated three days.

case. On December 19, 1997 Judge Froelich granted the motion for partial summary judgment and dismissed the first, second, and fourth claims for relief. A Motion for Reconsideration filed by Hallam was denied March 23, 1998.

A. Statute of Limitations

AS 09.10.070(3) provides for a 2-year statute of limitations "upon a liability created by statute." Hallam was terminated on August 20, 1994. Under AS 23.05.140(b) Holland America had until August 24, 1994, three working days after employment ended to pay him his due compensation. If Holland America failed to do so, it became liable upon the statute, and Hallam would have two years, until August 24, 1996 to bring suit upon wages due. It was not until 3 days after the last date of employment that the employer's duty arises to pay all wages and other compensation for services due.⁶ Hallam's suit is not barred by the statute of limitations.

B. "Pyramiding" Overtime Calculations

Hallam argues that he is entitled to all hours worked over 8 hours a day at overtime and all hours worked over forty hours a week (an additional 1.25 hours). The Department of Labor wrote a letter that Holland America submitted as Exhibit G to Appellee's Brief. It

Estate of Thompson v. Mercedes-Benz, 514 P.2d 1269, 1271 (Alaska 1973).

⁶ See Dayhoff v. Temsco Helicopters, 772 P.2d 1085, 1087 (Alaska 1989) (holding statute of limitation for AS 23.05.140(b) does not start to run until violation occurs 3 days after termination) and Reed v. Municipality of Anchorage, 741 P.2d 1181, 1185 (Alaska 1987) (holding that employee's claims for unpaid overtime wages does not start to run until 3

states:

The daily overtime is straightforward. Any hours in excess of eight in a single workday are overtime. Weekly overtime is similar; an employee may work up to 40 straight-time hours in the workweek before any overtime is due.

The Department of Labor has interpreted the overtime requirements of the Alaska Wage & Hour act to mean that forty straight-time hours must accrue before the obligation of paying all additional hours at an overtime wage. The Department of Labor excludes all hours worked over eight hours in a day towards the forty hour requirement. This is the standard method for calculating overtime by the Department of Labor. An employer such as Holland America, who calculates overtime in this manner, is doing so in good faith.

Hallam argues that both regular and overtime hours should be included in the forty hours for the purposes of calculating overtime. AS 23.10.060(b) states:

If an employer finds it necessary to employ an employee in excess of 40 hours a week or eight hours a day, compensation for the overtime at the rate of one and one-half times the regular rate of pay shall be paid.

Holland America's employment contract states:

This wage for straight time is for the first eight hours of each day, the first forty hours of each week.... For any hours in excess of eight hours in a day or forty hours in a week, overtime compensation will be paid....

days following the termination, when the employer's duty arises).

Hallam argues that the current method used should be struck down because the statute clearly and unambiguously requires the payment of overtime wages for all hours worked over eight in a day and forty in a workweek.

The applicable standard under which this court should review the Department of Labor's interpretation of AS 23.10.060 is the independent judgment standard.⁷ While it appears that Holland America calculated overtime wages in accordance with the methods and procedures currently used by the Department of Labor, the clear and unambiguous language of the statute indicates that all hours are to be included in determining the forty-hour workweek. There is no exemption excluding hours worked over eight in a day towards the cumulative workweek total. Summary Judgment is REVERSED AND REMANDED. The District Court is instructed to enter an order in favor of Hallam in the amount of \$21.00 in gross earnings for 1.25 hours of overtime worked in excess of 40 hours a week plus interest at the statutory rate.

V. Third and Fifth Claims for Relief

Plaintiff's third claim for relief alleges liability for failure to pay plaintiff within three days of termination of his employment. The fifth claim for relief alleges liability for failing to pay incentive compensation as agreed in the contract. The

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 FIRST JUDICIAL DISTRICT AT JUNEAU

3 STUART HALLAM, Individually)
4 and as class representative,)

5 Plaintiff,)

6 v.)

7 HOLLAND AMERICA LINE, INC.)
8 d/b/a WESTOURS MOTOR COACHES)
9 INC.,)

10 Defendant.)

Case No. 1JU-96-1734 Civil

11 AFFIDAVIT OF TOM CASHEN

12 I, Tom Cashen, being first duly sworn, state as follows:

13 1. I am the Commissioner of the Department of Labor for the State of
14 Alaska. I have served as the Commissioner for three years.

15 2. I have 29 years experience in the field of labor relations, including
16 negotiating labor agreements, drafting legislation, and drafting regulations.

17 3. It is my understanding that the plaintiff in this case claims he is entitled
18 to overtime in accordance with what is commonly referred to as "pyramiding" of overtime.
19 "Pyramiding" means that the claimant wants to count his overtime hours twice—once if he
20 works in excess of 8 hours in one day and a second time if his hours for the week exceed 40
21 hours.
22
23
24
25
26

ROBERTSON, MONAGLE & EASTAUGH, P.C.
GOLDBELT PLACE, SUITE 300
801 WEST 10TH STREET
P.O. BOX 21211, JUNEAU, ALASKA 99802
PHONE: (907) 586-3340


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4. I have read the letter of Randy Carr, which is attached to this affidavit as Exhibit A. Mr. Carr's letter accurately expresses the interpretation of AS 23.10.060 (b) followed by the Department of Labor with respect to overtime claims. This has been the consistent interpretation as long as I have been Commissioner and, in my experience, since the enactment of the legislation.

5. I have not reviewed the actual hours worked or claimed by this plaintiff. It is my understanding that the plaintiff did not submit a wage and hour claim to the Department of Labor. If he had submitted a claim for overtime, and the overtime claimed was calculated based on "pyramiding", the Department of Labor would have disallowed the claim.

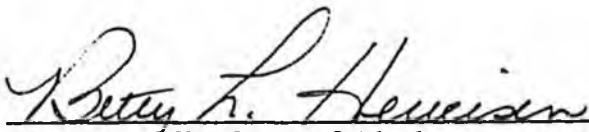
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 26th day of February, 1998.



TOM CASHEN

SUBSCRIBED AND SWORN TO before me this 26th day of February, 1998.



Notary Public, State of Alaska
My commission expires: 2/12/99

DEPARTMENT OF LABOR

**WAGE AND HOUR ADMINISTRATION
LABOR STANDARDS & SAFETY DIVISION**

3301 Eagle Street, Suite 201
P.O. Box 107021
Anchorage, Alaska 99510-7021
Phone: (907) 289-4800
Fax: (907) 289-4915

April 25, 1997
Dictated: 4/24/97

RECEIVED
APR 25 1997

WHOL #120

Mr. Robert Blasco
Robertson, Monagle & Eastaugh
801 W. 10th, Suite 300
Juneau, AK 99801

ALASKA DEPARTMENT OF LABOR
LABOR STANDARDS & SAFETY DIVISION
ANCHORAGE, ALASKA

Dear Mr. Blasco:

You have asked for clarification of the overtime requirements of the Alaska Wage and Hour Act. As you know, the Act requires that overtime be paid for hours of work that exceed eight in a single day or 40 in a week. A question has arisen as to how those overtime hours are counted.

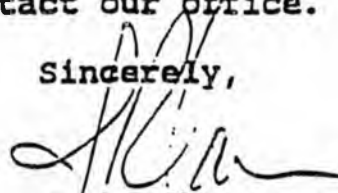
The daily overtime is straightforward. Any hours in excess of eight in a single workday are overtime. Weekly overtime is similar; an employee may work up to 40 straight-time hours in the workweek before any overtime is due.

There has been some confusion as to how to count the hours when both daily and weekly overtime is worked in the same workweek. Overtime hours are only counted once. If an employee works, for example, ten hours in one day, a daily audit would show that the employee has two hours of overtime coming.

If in that week the employee worked the 10-hour day and four 8-hour days, the employee would have worked 42 hours total. Auditing on a weekly basis, the worker should be paid 40 hours of straight-time and two hours of overtime. If the employer has paid the two hours of overtime for the daily occurrence, they would also have paid the employee correctly under the weekly standard.

I hope this information is helpful. If you have any further questions, do not hesitate to contact our office.

Sincerely,



J. R. (Randy) Carr
Chief
Labor Standards

JRC:cah
blasco

P 1 END G

The Lease-Purchases Act

- CONSUMER PROTECTION BILL
- REGULATES "RENT-TO-OWN" INDUSTRY
- INTRODUCED AT THE REQUEST OF THE INDUSTRY
- NO STATUTE THAT DEALT WITH LEASE-PURCHASES.
- LEASE PURCHASE IS NOT A RETAIL-SALE
INSTALLMENT NOR IS IT A REGULAR LEASE.
AGREEMENT, THUS, WE ARE CLOSING A LOOP IN THE
STATUTES.
- HOUSE BILL 128 REQUIRES CLEAR, AND CONSPICUOUS
DISCLOSURE STATEMENTS IN WRITING IN A LEASE
PURCHASE AGREEMENT.

EXAMPLES:

- THE TOTAL AMOUNT AND TIMING OF ALL PAYMENTS
NEEDED TO ACQUIRE OWNERSHIP;
 - WHO IS RESPONSIBLE FOR THE UPKEEP OF THE
PROPERTY WHILE BEING RENTED,
 - FURTHERMORE, IT ALLOWS THE CONSUMER THE
RIGHT TO TERMINATE THE AGREEMENT AT ANY
TIME WITHOUT PENALTY (this is why it's not a retail sale or
regular lease)
-
- UNDER THIS LEGISLATION, BOTH PARTIES WILL
HAVE A CLEAR EXPECTATION AND UNDERSTANDING
OF THE TRANSACTION AND OBLIGATION.
 - HB 128 ALLOWS FOR A LEVEL PLAYING FOR LEASE-
PURCHASE IN ALASKA AND IS GOOD PRO-CONSUMER
LEGISLATION.
 - HB 128 PASSED THE HOUSE WITH UNANIMOUS
APPROVAL.

ALASKA STATE LEGISLATURE

Chair:
MILITARY AND VETERANS AFFAIRS

Member:
JUDICIARY
COMMUNITY AND REGIONAL AFFAIRS
LABOR AND COMMERCE



REPRESENTATIVE LISA MURKOWSKI
Government Hill • Elmendorf • East Anchorage

Session:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-3783
FAX: (907) 465-2293
TOLL FREE: (877) 460-3783

Interim:
716 WEST 4TH AVENUE
ANCHORAGE, AK 99501-2133
PHONE: (907) 269-0174
FAX: (907) 269-0177

LEASE PURCHASES OF PERSONAL PROPERTY SPONSOR'S STATEMENT

Lease-purchases or rental-purchases is one of the fastest growing customer service industries today, with over 8,000 stores in all fifty states. Most of the stores are owned and operated by small businessmen and women. Rental-purchase contracts and required disclosures may vary greatly from one business to the next. In order to ensure an earnest and level playing field for the consumer and small businessman alike, I have introduced House Bill 128.

The rental-purchase industry leases durable household merchandise -- such as furniture, major appliances and electronic goods -- on a short-term basis (i.e. four months or less) and offers ownership options for consumers. A rental-purchase agreement typically begins with a customer leasing merchandise for a week or a month and making an advance rental payment. At the end of the initial rental period, customers have several options: they can, 1) renew the agreement by making another advance rental payment; 2) terminate the agreement and arrange for return of the merchandise to the store; or 3) exercise an early purchase option.

Forty-four states have laws that comprehensively regulate rental-purchase as a unique transaction independent from retail installment sales. In 1991, the Council of State Governments published the Virginia Lease Purchase Act in its volume of Suggested State Legislation. These comprehensive consumer protection laws typically include provisions requiring full disclosure to the consumer of contractual terms such as the number and total payments necessary to acquire ownership, the cash price of the merchandise and reinstatement rights for lapsed agreements.

Rental-purchase is a growing industry in Alaska. As such, Alaskan consumers of this industry deserve up front, complete disclosure of all payment and purchase options involved with a lease-purchase transaction. So that all parties are on an even playing field I ask for your support of House Bill 128.

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 10, 1999

SUBJECT: Sectional Summary of HB 128 (Work Order No. 21-LS0337\G)

TO: Representative Lisa Murkowski

FROM: ^{TB} Theresa Bannister
Legislative Counsel

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

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

Section 1. Gives a short title for the bill.

Section 2. Establishes a new chapter regulating lease-purchases of personal property.

Sec. 45.35.010(a) requires lessors in lease-purchase agreements to make clear and conspicuous written disclosures in the agreement. Lists the items that must be disclosed.

Sec. 45.35.010(b) requires that the disclosures (required by (a)) appear on the face of the agreement and above the consumer's signature. Requires the lessor to give the consumer a copy of the signed agreement.

Sec. 45.35.010(c). Provides that if a disclosure subsequently becomes inaccurate under certain conditions, the inaccuracy does not violate the chapter.

Sec. 45.35.010(d). Provides that a lessor's compliance with the disclosure requirements of the Consumer Credit Protection Act constitutes compliance with the disclosure requirements of this chapter.

Sec. 45.35.020. Lists the provisions that a lease-purchase agreement may not contain.

Sec. 45.35.030(a). Allows a consumer to reinstate a lease-purchase agreement within a certain time after it has been terminated by the lessor for failure to make a payment on time. To reinstate, the consumer must pay the items identified under (b).

Sec. 45.35.030(b). Lists the items that must be paid by the consumer to reinstate an agreement under (a).

Sec. 45.35.030(c). Prevents a consumer who reinstates an agreement under (a) from losing the rights or options the consumer had before the default in payment.

Sec. 45.35.030(d). Establishes how long a consumer has to reinstate an agreement under the situation covered by this subsection. The time allowed by this subsection applies to the consumer who has made less than two-thirds of the total amount of payments necessary to acquire ownership of the property and has returned or voluntarily surrendered the property back to the lessor before the end of the grace period (but not if the return or surrender resulted from a court action).

Sec. 45.35.030(e). Establishes how long a consumer has to reinstate an agreement under the situation covered by the subsection. The time allowed by this subsection applies to the consumer who has made two-thirds or more of the total amount of payments necessary to acquire ownership of the property and has returned or voluntarily surrendered the property back to the lessor before the end of the grace period (but not if the return or surrender resulted from a court action).

Sec. 45.35.030(f). Allows a lessor to repossess property during the period when the agreement can be reinstated. Provides that repossession does not affect the right to reinstate the agreement. Provides that if the lessor does reinstate the agreement, the lessor must provide the consumer with the same or comparable property.

Sec. 45.35.030(g). Defines "grace period" and "renewal date" for the section.

Sec. 45.35.040(a). Requires the lessor to make the same disclosures required by sec. 45.35.010 for a new lease-purchase agreement with the same consumer. Identifies what is considered a new lease-purchase agreement.

Sec. 45.35.040(b). States that the lessor is not required to make the sec. 45.35.010 disclosures when the parties merely extend the length of the lease-purchase agreement.

Sec. 45.35.050(a). Requires certain advertisements for lease-purchase agreements to clearly and conspicuously state certain listed items, if they are applicable.

Sec. 45.35.050(b). States that the owner and the employees of a communications medium in which an ad under (a) appears or is disseminated is not liable for a failure of the lessor to comply with (a).

Sec. 45.35.050(c). Excludes ads in the yellow pages of a telephone directory or similar business directory from the requirements of (a).

Representative Lisa Murkowski
March 10, 1999
Page 3

Sec. 45.35.060. Requires a lessor, on request, to give the consumer a written receipt for each cash or money order payment.

Sec. 45.35.070. States which law governs when a provision of this chapter conflicts with certain other statutes.

Sec. 45.35.090. Defines certain terms for the chapter.

Section 3. Makes violations of the new chapter on lease-purchase agreements unlawful acts under the state's Unfair Trade Practices and Consumer Protection Act, and, as a result, pulls in the remedies provided by that act.

Section 4. States that only lease-purchase agreements entered into on or after the date this Act becomes effective are subject to this Act.

If I may be of further assistance, please advise.

TLB:jdr
99-103.jdr

RENTAL-PURCHASE

WHAT IS RENTAL PURCHASE?

Rental-purchase is one of the fastest growing customer service industries, with over 8,000 stores in all fifty states. Most of the stores are owned and operated by small businessmen and women. Larger companies, like Rent-A-Center and Renters Choice, make up the balance of the industry.

The industry leases durable household merchandise --such as furniture, major appliances and electronic goods-- on a short-term basis and offers ownership options for consumers. Stores are located in major cities, small towns and rural communities.

The rental-purchase industry generates annual sales of \$3.5 billion and purchases nearly 10% of all major appliances manufactured and sold at wholesale in the United States.

In addition to immediate use and enjoyment of the merchandise, customers receive full service on the items while they are being rented. "Full service" means that there is never any charge for labor or parts under a rental-purchase agreement. Additionally, if an item cannot be repaired in the customer's home, a replacement is provided until the original is repaired.

Over 80% of the industry's business consists of the leasing of home appliances, such as washers, dryers and refrigerators, as well as television sets, stereos and furniture. Other products leased by the industry include heaters, personal computers, air conditioners and video cassette recorders.

A rental-purchase agreement typically begins with a customer leasing merchandise for a week or a month and making an advance rental payment. At the end of that initial rental period, customers have several options: they can 1) renew the agreement by making another advance rental payment; 2) terminate the agreement and arrange for return of the merchandise to the store; or 3) exercise an early purchase option.

There is no further obligation whatsoever and never any obligation to continue a rental-purchase contract. And, there is never a penalty for terminating a rental-purchase agreement. This flexibility has made rental-purchase an attractive choice for more than 23 million cash- and credit-constrained American households.

If a customer chooses to renew the contract for a prescribed number of times (disclosed up front), the customer automatically becomes the owner of the merchandise.

Rental-purchase merchants do not require a security deposit or a down payment and do not require a favorable credit history. Most merchants do not even perform credit checks. Often hundreds, and sometimes thousands, of dollars worth of merchandise is delivered to a customer's home with a single rent payment of only \$15 to \$20.

Fewer than 25% of rental-purchase customers, on average, choose to rent long enough to acquire ownership. The average length of rental agreements terminated by consumers is just over 100 days, with nearly 40% ending within 70 days.

Used merchandise is cleaned, refurbished and re-rented at reduced rates or for reduced terms, or both. Each item is rented an average of 2 1/2 times during its "rental life."

Forty-four states have laws which comprehensively regulate rental-purchase as a unique transaction and independent from credit sales. In 1991, the Council of State Governments published the Virginia Lease Purchase Act in its volume of *Suggested State Legislation*.

These comprehensive consumer protection laws typically include provisions requiring full disclosure to the consumer of contractual terms such as the number and total amount of payments necessary to acquire ownership, the cash price of the merchandise and reinstatement rights for lapsed agreements.

There is no federal law specifically regulating the rental-purchase transaction.

The rental-purchase industry supports reasonable and balanced regulation of its business practices.

COMMON QUESTIONS ABOUT RENTAL-PURCHASE

What do rental-purchase stores charge? And, why?

The cost of acquiring merchandise through the rental-purchase option involves more than just the property itself. Because items are rented 2 1/2 times, on average, we have higher costs and unique costs not incurred by a retail merchant. Our prices reflect the initial cost of the merchandise, maintenance, delivery, cleaning and repair, losses due to theft, inventory maintenance, labor, store rent and marketing.

Weekly and monthly rental rates are extremely competitive. The total amounts necessary to acquire ownership of the rented merchandise (if the consumer elects to renew the agreement through to ownership) range from 2 1/2 to 4 times what the merchant spent to acquire the item (i.e. manufacturers' wholesale price).

For example, if an item costs the merchant \$100 at wholesale, the total rental purchase price typically ranges between \$250 to \$400. By comparison, retail merchants offer this kind of household merchandise at cash prices ranging from 1 1/4 to 3 times wholesale cost or \$125 to \$300.

In addition to the purchase price, retail merchants typically add delivery charges and charge for extended service or warranty agreements. If the item is purchased on credit, there is also the finance charge, which can be as high as 21%. All of these "extras" combine to increase the cost of comparable merchandise acquired in consumer credit sales to between 2 and 4 times wholesale cost.

How do rental-purchase costs compare with other industries renting consumer goods?

Rental-purchase merchants, automobile rental companies, formal wear stores, party rental stores and video rental stores all charge more for the use of goods than the customers would pay if they chose another option - like retail. They all charge more because they have higher operational costs for maintaining inventory, default, depreciation, product abuse, replacement and repair.

How many customers actually acquire ownership?

Fewer than 25% of rental-purchase customers, on average, choose to rent long enough to acquire ownership. The remaining 75% of all transactions are terminated by the consumer. Of that 75%, 5% are losses due to rental property theft.

The average length of rental agreements terminated by consumers is just over 100 days, with nearly 40% ending within 70 days.

Given the higher costs, why do your customers choose the rental-purchase option?

Our customers know that rental-purchase is more expensive than other options. They make decisions based on their unique circumstances. When asked this question, here is how over 600 current and former customers responded in a recent major survey of the rental-purchase transaction:

- 56.8% said they were short of cash.
- 52.3% wanted the item immediately.
- 45.4% wanted low, affordable payments.
- 44% lacked sufficient credit to purchase the merchandise from a retail store.
- 33.6% preferred the "free replacement" policy for merchandise needing repair.
- 27.5% liked the access to the "latest" merchandise.
- 26.9% said the quality was better than retail.

Note: The above total exceeds 100% because customers offered multiple reasons for choosing rental-purchase.

Isn't rental-purchase used only by consumers receiving public assistance?

No. The following is a profile of rental-purchase customers:

- 69% Receive no public assistance
- 14.4% Receive food stamps
- 11.9% Receive disability benefits
- 9.2% Receive Aid to Families with Dependent Children benefits
- 6.1% Receive Women, Infants and Children Program benefits
- 5.2% Receive public housing assistance
- 1.1% Receive unemployment benefits

CUSTOMER PROFILE

Rental-purchase customers are demographically diverse. Stores are located in all 50 states and thrive in urban, suburban and rural settings. Customers are represented by all economic and educational backgrounds.

Sixty-one percent of rental-purchase customers are homeowners; 38 percent are married with children. Customers include students, temporarily assigned business executives, military personnel and in-transit individuals and families.

Sixty-one percent of customers have an annual household income of more than \$24,000. All customers have immediate needs, and either don't want or can't accept long-term obligations; some customers have no access to credit arrangements.

The following are statistics provided by America's Research Group, August 1994, based upon an industry-wide marketing survey. The statistics describe the customer base for the rental purchase transaction.

Age

Under 25.....	10.14%
25-34.....	25.09%
35-44	25.83%
45-54.....	16.07%
55-64	9.102%
65 and over	13.84%