

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 80/2

10749 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

- The board discussed streamlining licensure requirements for new pharmacy graduates who seek "Licensure by Examination." 12 AAC 52.090(2)(d) Examination Requirements and Registration requires applicants for "Licensure by Examination" to wait 60 days after submitting an application, before taking the exam. This regulation was required in the past when the board wrote and administered the pharmacist license exam, and needed the 60-day period to set up the exam. Now that the exams are administered by NABP, there is no reason for the 60 day waiting period. NABP requires that exam candidates are Pharmacy program graduates, but the board could see no reason to delay the licensing of new graduates.

On a motion duly made by Mr. Miller, seconded by Mr. Bohrer, and approved unanimously, it was

RESOLVED to revise 12 AAC 52.090(2)(d) to read "An applicant shall file with the department an [COMPLETED] application for a pharmacist license by examination and the application and examination fees established in 12 AAC 02.310. [AT LEAST 60 DAYS BEFORE THE DATE OF THE EXAMINATION]"

The board noted that adopting these regulations would not result in any cost to private persons.

Agenda Item 15

Legislative Update

- HB No. 51 ("An act requiring pharmacists to include generic drug information on containers in which brand-name drug orders are dispensed") was discussed by the Board. Ms. Soden pointed out that there would be costs to pharmacies associated with adding the new information to prescription labels.
- HB No. 239 ("An Act directing the Department of Public Safety to establish an Internet-based identification and tracking system relating to controlled substances that are prescribed for human use; and relating to the manner in which prescriptions for controlled substances may be filled by a pharmacist.") The board discussed concerns that this bill requires the Department of Public Safety to set up a Controlled Substances Data Base, but that the bill's statute number 08.80.305 would fall under the Pharmacy Act (AS 08.80). In addition, the board noted that there would be considerable costs in establishing such a data base project, and that funding could be a problem.

Alaska State Board of Pharmacy
Minutes of Meeting
April 24-25, 2003
Page 14 of 22

- HB No. 270 ("An Act relating to licensure of pharmacists") was discussed under Agenda Item 8.
- SB No. 41 ("An Act relating to medical care and crimes relating to medical care..."). An amended copy of the bill was handed out at the meeting.
- SB No. 138 ("An Act annulling a regulation relating to the use of collaborative practice authority...") was discussed under Agenda Item 8.

Break

Recess for Lunch at 12:15 PM.
Back on record at 1:25 PM.

Agenda Item 16

Division Updates

Budget Report - The Board reviewed the Budget Report provided by the Division of Occupational Licensing. The licensing examiner responded to a question asked by the board at the Feb. 14, 2003 meeting about why the 2002 Direct Costs are almost double the 2001 Direct Costs. Direct costs reflect actual billed hours by staff, including the licensing examiner, supervisors, paralegal, investigators, and regulation specialist. The rise in costs is due to increased investigations, regulation projects and training. Board members requested that the division review the board's recommendations for licensing fee adjustments to cover these increased costs.

Discuss Intern Jurisprudence Exam - The licensing examiner reported that revisions to the exam have been made and that pharmacy intern applicants are taking the new exam.

2003 Annual Report Assignments - Ms. Soden noted that 2003 Annual Report submissions are due in June of each year. The board discussed which sections of the Annual Report need direct input and decided on the following:

- Letter from the board chair will be done by Margaret Soden.
- Narrative Statement will be drafted by Cindy Bueler. The 2003 Narrative Statement can be modeled after the 2002 report, but the statement should also include a note on the board's request for an Attorney General opinion on whether Alaska Native Medical Centers are considered Federally operated institutions and are exempt from regulation under AS 08.80.475.
- Statistical Overview will be submitted by the licensing examiner.
- Investigative Report information will be submitted by the investigator.
- Budget Recommendations will be submitted by the licensing examiner based on four meeting per year, travel expenses

Margaret D. Soden
CS FOR HOUSE BILL NO. 239()

23-LS0897H
Mischel
4/1/04

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE CHENAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Board of Pharmacy to establish an Internet-based identification
2 and tracking system relating to controlled substances that are prescribed for human
3 use; and relating to the manner in which prescriptions for controlled substances may be
4 filled by a pharmacist."

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

6 * Section 1. AS 08.80.158(b) is amended to read:

7 (b) A pharmacy registering with the board under (a) of this section shall
8 furnish to the board annually

9 (1) the location, names, and titles of all principal corporate officers and
10 of all pharmacists who are dispensing prescription drugs to residents of the state;

11 (2) a copy of a current valid license, permit, or registration to conduct
12 operations in the jurisdiction in which it is located, and a copy of the most recent
13 report resulting from an inspection of the pharmacy by the regulatory or licensing
14 agency of the jurisdiction in which the pharmacy is located;

1 (3) a sworn statement indicating that the pharmacy complies with all
2 lawful directions and requests for information from the regulatory or licensing
3 authority of the jurisdiction in which the pharmacy is licensed; [AND]

4 (4) proof satisfactory to the board that the pharmacy maintains its
5 records of prescription drugs dispensed to persons in the state so that the records are
6 readily retrievable from the records of other prescription drugs dispensed by the
7 pharmacy; and

8 (5) proof satisfactory to the board that the pharmacy meets the
9 requirements under AS 08.80.305 by consulting the secure Internet data base
10 developed under that section and by requiring a copy of picture identification
11 and a verified signature of the person designated on the prescription, before
12 dispensing a controlled substance to a person who is located in the state.

13 * Sec. 2. AS 08.80 is amended by adding a new section to read:

14 **Sec. 08.80.305. Controlled substance data base.** (a) The Board of
15 Pharmacy, in consultation with the State Medical Board, shall develop a controlled
16 substance secure Internet data base that will allow each pharmacist in the state to
17 determine, by consulting the secure Internet data base, whether a prescription for a
18 controlled substance that is being dispensed by the pharmacist to cover a certain time
19 period for a human patient duplicates a prescription already dispensed for the same
20 patient that was intended to cover a substantial portion of the same time period. The
21 board shall design the secure Internet data base in a manner that maintains the
22 confidentiality of the information in the secure Internet data base so that the secure
23 Internet data base can only be used by pharmacists for the purposes identified in this
24 section. The secure Internet data base shall use a unique identifying number for each
25 patient for whom a controlled substance is prescribed and for each person designated
26 by a patient as a person entitled to obtain a prescribed controlled substance on behalf
27 of the patient. The board, in consultation with the State Medical Board, shall
28 determine how and by whom the identifying numbers and prescription information
29 will be entered into the secure Internet data base.

30 (b) Before dispensing a controlled substance for human use, a pharmacist shall
31 require picture identification from the person designated on the prescription or a

1 person entitled to obtain a prescription on behalf of the person designated on the
2 prescription, if the entitled person is attempting to obtain the controlled substance, and
3 shall consult the secure Internet data base developed under (a) of this section. The
4 pharmacist may not dispense a controlled substance if

5 (1) the secure Internet data base indicates that a prescription for the
6 same controlled substance has been filled for the same patient in an amount intended
7 to cover a substantial portion of the same time period as the prescription drug order
8 presented to the pharmacist; or

9 (2) the person's identification does not reasonably substantiate that the
10 person is either the patient for whom the controlled substance is intended or the person
11 designated in the secure Internet data base as a person entitled to obtain a controlled
12 substance on behalf of the patient.

Medco Health Solutions, Inc.
100 Parsons Pond Drive
Franklin Lakes, NJ 07417
Tel: 201 269 3400
www.medcohealth.com



April 6, 2004

Representative Mike Chenault
State of Alaska
State Capitol, Room 502
Juneau, AK 99801-1182

Re: HB 239 (Chenault): Oppose

Dear Representative Chenault:

On behalf of Medco Health Solutions, Inc., I regret to inform you that we must respectfully oppose House Bill 239, relating to Controlled Substances. Medco is one of the largest pharmacy benefit managers in the nation with over 60 million members. In the state of Alaska, we manage the prescription drug benefit for approximately 148,000 residents through both retail and mail-order. We hold a non-resident pharmacy license with the state Board of Pharmacy.

As written, HB 239 requires that a pharmacist be presented with photo identification prior to dispensing a controlled substance. If applied to non-resident pharmacies licensed by the state, it will eliminate our ability to dispense controlled substances into the state. At Medco, every new Schedule II prescription is verified by our pharmacists who call the prescriber to validate. We re-validate every six months. Schedule II drugs are sent via the UPS "Jewel Box" delivery program whereby a signature is required. In reviewing our records for the past several years, we have only one report of a lost controlled substance in Alaska – for 30 Klonopin (Schedule IV) in January 2003.

Medco only deals with prescriptions that are part of a covered benefit and billed to a plan. For these, we have a database of dispensing and our pharmacists consult this database before dispensing any controlled substance to determine if it is a duplicate, or an attempt is being made to refill too soon. Any time a patient uses their Medco benefit to fill a prescription, all prescriptions, including those filled at retail, are contained in our database.

We have been informed by your staff of your intent to amend HB 239 to require that all controlled substances mailed into the state be sent via the U.S. Postal Service registered mail. This will result in significant new costs to our clients and their members. The cost to deliver via UPS to home addresses in Alaska is \$16.76. The USPS has a similar service which we use when PO boxes are involved, at a cost of \$17.85. A requirement to send all controlled substances via USPS registered mail will result in additional costs of approximately \$45,000 for Medco members alone.

We share your concern with abuses surrounding controlled substances. Medco is actively involved with the National Association of State Controlled Substances Authorities which is focused on the development of monitoring standards and methods to implement those standards. We are also awaiting implementation of a Drug Enforcement Administration electronic prescribing pilot system for

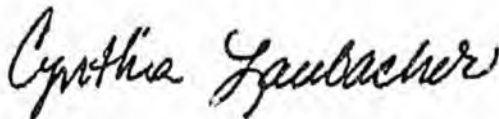
• Page 2

April 6, 2004

qualified physicians whereby controlled substance prescriptions can only be filled if they are sent via the physician's system. We believe electronic prescribing will significantly reduce abuse.

We hope to continue to work with your staff to draft a bill that addresses your concerns without unnecessarily increasing prescription drug costs for the residents of Alaska.

Sincerely,



CYNTHIA M. LAUBACHER
Director, State Government Affairs

Cc: Members, House Health, Education and Social Services Committee

RE: HB 239 ID System for Prescriptions

Copy of testimony that will be presented by Steve Cole,
Pharmacist, Wrangell, Alaska during the HESS Committee
Thursday, April 22nd.

Duty To Dispense:

Overcoming Uncertainty, Doubt & Fear

Sunday, October 19, 2003

Pain Management Update 2003

Overcoming Uncertainty in Therapeutics

National Community Pharmacists Association

105th Annual Convention

Satellite Symposium

October 19, 2003

Seattle, WA



Prevalence of Chronic Pain

- Silent epidemic that is affecting 70 million Americans
- Estimated that 35% of Americans have some degree of chronic pain
- 50 million have some type of disability
- > 1/2 have suffered with persistent pain for greater than 5 years
- Pharmacists are paramount in the education and treatment of chronic pain

America and Pain

- America is aging
 - 2050 - 40% of population > 65
 - 2020 - 200,000 patients over 100
 - People over 85 fastest growing segment of population

Growing number of older adults at risk for chronic pain (DJD, arthritis, neuropathic pain, cancer, osteoporosis etc)

Adverse Effects of Undertreated Pain

- Adverse Physiological Responses to Pain
 - Increased catabolic demands
 - Hypertension, tachycardia, and tachypnea (acute)
 - Decreased exercise tolerance and movement
 - Water Retention
 - Decreased respiratory response (pleuritic/chronic pain)
 - Inhibited GI transit time

Adverse Effects Undertreated Pain

- Adverse Psychological Response to Pain
 - Mood disorders (depression and anxiety)
 - Insomnia
 - Chronic Pain Syndromes
- Adverse Immunological Response to Pain
 - Impaired immune system (natural killer cells decreased)

Three Step Ladder" to Analgesia

- Opioids
 - No ceiling effect to analgesic effects
 - Side effects predictable and manageable
 - "one of the few drugs that causes no end organ damage"
 - Effective in short and long acting formulations

57

Prescribing Opioids

- Short Acting
 - Drug of choice for acute pain NOT chronic pain
 - Breakthrough medication and used in circumstances of anticipated increased pain activity
 - Long term use perpetuates the pain-drug cycle
 - Greater risk of addiction (peak-trough effect)

58

Prescribing Opioids

- Long Acting Opioids
 - Drug of Choice for chronic pain
 - Less risk of addiction due to fewer peaks and troughs (e.g. Treat smokers with nicotine patch/addicts with methadone)
 - Improved compliance (taken less often)
 - Does not perpetuate the pain-drug cycle (not chasing pain)
 - Better patient satisfaction and quality of life
 - Takes minimum 2-3 days to reach steady state

59

Prescribing Opioids

Ideal regimen for chronic pain

- Basal medication (baseline med)
 - Long acting opioid
- Breakthrough medication
 - Short acting opioids
 - Readjust basal amount based on use of breakthrough requirements
 - Keep a pain diary of breakthrough requirement
 - Adjust after minimum 2 weeks of therapy
- **Similar concepts used on asthma therapy and diabetes**

60

Conclusion

- Pain is an ubiquitous symptom of mankind to permit a person to suffer in chronic pain is as wrong as to provide opioid analgesics without social discretion
- Effective communication between patient, pharmacist and physician is imperative for effective pain control of our patients
- We must provide care to our patients and above all else "first do no harm"
- The Power of Many Voices Unified for The Power of ONE ... ONE Patient, ONE Pharmacy, ONE Physician, ONE community

69

DUTY TO DISPENSE: OVERCOMING UNCERTAINTY, DOUBT, & FEAR

Richard R. Abood, R.Ph., J.D.
Professor Pharmacy Practice
University of the Pacific

70

DEFINING LEGITIMATE MEDICAL PURPOSE

Treating pain is a legitimate medical purpose.

83

CURRENT POSITION OF REGULATORY AGENCIES

The DEA and nearly all state boards of medicine and pharmacy have affirmed the use of opioids in legitimate pain management, including in chronic nonmalignant pain.

84

RATIONALE OF COURT

DUTY EXISTS BECAUSE:

- The existence of a relationship
- Foreseeability
- Burden to defendant
- Consequences to society

05

DUTY TO TREAT PAIN CORRECTLY

Borgman v. Eden Med. Ctr. (Cal. Super. Ct. 2001)

Patient won \$250K judgment against a physician for under-treating his pain.

96

HB

270

ALASKA STATE LEGISLATURE

Vice Chair:

Joint Armed Services Committee

Member:

Military and Veterans Affairs Committee
Labor and Commerce Committee
State Affairs Committee
Economic Development, Trade, &
Tourism Committee



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

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

Sponsor Statement

HB 270

“An Act relating to the licensure of pharmacists; and providing for an effective date”

HB 270 was introduced to help the Board of Pharmacy address a problem that was unintentionally left out of the original version of the statutes.

The board of Pharmacy currently cannot deny a licensee based on actions that follow AS 08.80.261(a), however they can discipline a current licensee. This legislation gives the Board the authority to deny a license to a new applicant if they find that the applicant has committed fraud, deceit, falsely advertised, convicted of a felony, etc. as listed in AS 08.80.261(a).

The passage of this bill will provide the Board of Pharmacy the ability to ensure a greater degree of safety for Alaskan citizens.

I urge your support for HB 270.

ALASKA STATE LEGISLATURE

Vice Chair:
Joint Armed Services Committee

Member:
Military and Veterans Affairs Committee
Labor and Commerce Committee
State Affairs Committee
Economic Development, Trade, &
Tourism Committee



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

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

To: Representative Peggy Wilson, Chairman, House Education and Social Service Committee

From: Representative Nancy Dahlstrom

Date: April 16, 2003

Re: House Bill 270

Please schedule HB 270 "An Act relating to the licensure of pharmacists; and providing for an effective date" for a hearing in House Education and Social Service Committee as soon as possible.

Included with the request is:

- 1) HB 270
- 2) Sponsor Statement
- 3) Letter of Support

Thank you for your consideration.

**ALASKA PHARMACEUTICAL ASSOCIATION****Box 101185 Anchorage, Alaska 99510
(907) 563-8880**

April 16, 2003

Honorable Representative Nancy Dahlstrom
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

RE: HB 270

Dear Representative Dahlstrom,

The Alaska Pharmacists Association, formerly the Alaska Pharmaceutical Association, represents over 200 licensed pharmacists and technicians in the State of Alaska. On behalf of our membership I would like to thank you for sponsoring HB 270 "an Act relating to the licensure of pharmacists." Our membership includes pharmacy staff members in retail, hospital, clinic, and institutional practice sites. All of these practice sites rely on the Board of Pharmacy to license professionals that are fit and competent to practice pharmacy.

As you are aware the statutory changes made by HB270 are needed in order for the Board of Pharmacy (BOP) to deny pharmacy licenses to individuals with questionable backgrounds. Currently the BOP has no specific statutory authority to deny individuals licenses to individuals who may have felony drug convictions or drug abuse problems, unless they had been previously licensed by the BOP. The current situation potentially puts both the safety of the public and the profession of pharmacy at risk.

Our association has put a high priority on getting the statutory changes included in HB270 into law. We thank you once again for sponsoring and introducing this bill. Please do not hesitate to contact our association or me directly at 907-225-6186 should you have any questions.

Sincerely,

Barry Christensen, Pharmacist
Chair, Legislative Committee

HB

274



Headquarters:
4300 Boniface Parkway
Anchorage, AK 99504
907-338-6100

Mailing Address:
PO Box 101020
Anchorage, AK 99510

Internet Web Site:
<http://www.ahfc.state.ak.us>

Senate Bill 274

Senate Bill 274 will replace the Housing Assistance Loan Fund with a new Housing Assistance Loan Program. This bill will also repeal the Rural Teacher Housing Loan Program and replace it with a Rural Multi-Family Loan Program.

The Housing Assistance Loan Program

When the rural and energy efficiency programs of the Department of Community and Regional Affairs were merged into Alaska Housing Finance Corporation in 1992, the Corporation purchased the rural Housing Assistance Loan Fund (the "HALF") from the State for approximately \$200 million. The HALF is currently a revolving fund within the Corporation from which loan payments can only be used to purchase new loans under our rural loan program. That revolving feature has begun to cause liquidity concerns at AHFC.

With the Dividend plan written into Statute during the last legislative session with House Bill 256, the Corporation is obligated to pay dividends to the State General Fund of \$103 million for the next two fiscal years, and percentages of its Change in Net Assets (net income) thereafter. Since the HALF has only unleveraged assets in it, the percentage of AHFC's net income that is unavailable from which to make Dividend payments has grown with the Fund.

At June 30, 2003, there was \$544 million in assets in the Fund, with net income generated of \$25 million—in excess of 35% of the Corporation's total net income. That net income is included in the determination of the Dividend to be paid, but unavailable to actually make a payment. The result is the Corporation's working capital—the amount of liquid assets available for day-to-day mortgage purchases and operations of the Corporation—is declining at an accelerated rate.

In addition, the "revolving" fund hasn't really revolved for several years. The new loans made under the HALF have exceeded the amount of cash available in the Fund causing the Corporation to use its working capital to purchase and hold loans for reimbursement from the Fund as money becomes available.

What this legislation will allow the Corporation to do is to leverage those assets by selling bonds and replenish the working capital borrowed by the HALF. Without the legislation, the working capital of the Corporation will continue to be eroded to such a point that it will affect the other successful programs throughout the State.

Other than this change the program will continue to operate in the same way.



The Rural Multifamily Loan Program

Prior to 2002, a feature of the Rural Loan Program was a program called the Rural Non-Owner Occupied Loan Program (the "Program"). The Program accounted for approximately 2.5% of the Rural Loan Program activity. The Program provided loans for construction, purchase, or rehabilitation of rental units. The property could be rented to any tenant without regard to occupation, but the borrower could not occupy it.

Senate Bill 181 became law in 2002 and replaced the Program with the Rural Teacher Housing Loan Program (the "Teacher Program"). The Teacher Program provides loans for construction, purchase, or rehabilitation of housing that must be occupied by teachers and other education professionals. The properties may be owner occupied or non-owner occupied duplexes and above. Each unit must have at least one occupant who is employed as a teacher or other education professional in a public elementary or secondary school in a small community and holds a valid (unexpired) teacher certificate under AS 14.20 and 4 AAC 12.010-12.900.

If at any time before the loan is paid in full, the borrower fails to comply with the occupancy requirement of this section, the interest rate on the remaining balance of the loan amount will be increased to the AHFC Taxable Program rate in effect on the date the mortgage loan was submitted to the Corporation for commitment. Lenders are required to certify occupancy on an annual basis.

The Teacher Program became effective October 3, 2002 and since that time no loans have been made or committed to. It is surmised that the reason for this is three-fold: (i) the requirement that all units be occupied by a teacher or other education professionals; (ii) if tenants other than teachers or education professionals occupy a unit, the interest rate on the remaining balance of the loan amount will be increased as stated above; and (iii) the additional burden placed on a lender to certify occupancy on an annual basis.

Restricting the occupancy to only teachers or other educational professionals significantly increases the risk of the borrower; in that, it severely limits the universe of tenants to draw from. Additionally, it is very common that teachers and other educational professionals in rural areas leave the area for the summer and return in the fall when school starts. Therefore, unless the borrower can find other teachers or educational professionals to occupy the units, they will sit vacant until school begins. This in itself seriously affects the financial feasibility of the rental property but when combined with the restriction of renting to only teachers or other educational professionals, as well as the increased interest rate penalty in event the borrower has to rent to other than teachers or other education professionals to "make ends meet," creates a risk which apparently no borrower is willing to accept; therefore, resulting in an ineffective program.

This legislation will replace the Teacher Program with a Rural Multi-Family Loan Program which would be very similar to what the Rural Non-Owner Occupied program was but would allow the borrower to occupy the property. The Rural Non-Owner Occupied program has already proven to be effective. Additionally, to allow a borrower to occupy the property adds an attractive feature to the program. Finally, the occupation of the tenants would not be restricted and would include all occupations, including teachers and other educational professionals.



HB

278

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:


**3340 Badger Road, Suite 290
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4721**



**Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204**

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: Monday, May 5, 2003
To: Representative Peggy Wilson
From: Representative John Coghill 
Re: HB 278

I am requesting that House Bill 278 "An Act relating to a Masonic lodge license plate" be scheduled for hearing at your earliest convenience.

A sponsor Substitute of this will be read across the House Floor tomorrow. As requested by the new director of DMV, we are changing the one time fee for the license plate to \$100.00. It is the hope of DMV to standardized the fee for vanity plates in the next year or two.

Attached is back up information for committee members.

Thank you.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

3340 Badger Road, Suite 290
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4721



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

Sponsor Statement – Masonic License Plate

Alaska Statutes currently provide for twenty-one specialty license plates including charitable exempt plates for charitable or non-profit organizations, Alaska Native Tribal Village Councils, and church or religious organizations; veteran's plates for Pearl Harbor Survivors, Purple Heart recipients, and veterans who served in the Air Force, Army, Coast Guard, Marine, Navy, and National Guard; ex-Prisoners Of War; amateur radio/call sign plates; Children's Trust plates; disability plates; disabled veteran plates; farm vehicle plates; historic vehicle; prisoner of war plates; University plates; and vanity plates. "Dog Mushing" and "Support of the Arts" have been approved by statute, but have not implemented.

HB proposes that an owner of a motor vehicle who is a member of a Masonic lodge may apply to receive a special license plate that identifies the vehicle as registered to a member of the Masonic lodge. The individual would pay \$100.00 above the normal registration cost to obtain the plates and the excess of the fee over the cost of issuing the special license will be appropriated to the Department of Education and Early Childhood Development.

The policy call here is should the State of Alaska issue special license plates to non-profit, fraternal organizations? I say if they are willing to pay for the service, it's okay.

23-LS1008VD
Ford
5/5/03

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 278
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION**

BY REPRESENTATIVE COGHILL

**Introduced:
Referred:**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a masonic lodge license plate."**

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

3 *** Section 1.** AS 28.10.181 is amended by adding a new subsection to read:

4 (w) Special request masonic lodge plates. The commissioner, after consulting
5 with the Grand Lodge of Free and Accepted Masters of Alaska, shall design a
6 registration plate that identifies the vehicles as registered to a member of a masonic
7 lodge. Upon application by the owner of a passenger vehicle, noncommercial van or
8 pick-up truck, or motor home who is a member of a masonic lodge, the department
9 may issue registration plates that identify the vehicle as registered to a member of a
10 masonic lodge. The department may disapprove the issuance of registration plates
11 under this subsection when the requested plates are a duplication of an existing
12 registration.

13 *** Sec. 2.** AS 28.10.421(d) is amended by adding a new paragraph to read:

14 (16) special request masonic lodge plates \$100
15 plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee required

1 by this paragraph shall be collected only on the first issuance and on the replacement
2 of special request masonic lodge plates; the commissioner of administration shall
3 separately account for the fees received under this paragraph that the department
4 deposits in the general fund; notwithstanding (g) of this section, the annual estimated
5 balance in the account that is in excess of the cost of issuing special request plates may
6 be appropriated by the legislature to the Department of Education and Early
7 Development for the support of programs benefiting public education.



home driver's manuals license plates parking permits vehicle registration

Amateur Radio Plates

Special license plates are available for use on vehicles containing mobile radios, and whose registered owners hold valid Federal Communications Commission (FCC) amateur radio operator's licenses. This class of plate is referred to as "call letter" or "amateur radio" plate.

An individual or organization may request one set of amateur radio plates for each radio license issued to them by the federal government.

The following are required with an **original** request:

- Certificate of Eligibility
- Copy of a current FCC radio operator's license
- Application for Personalized Plates
- Application for Title and Registration (When transferring title to your name.)
- Vehicle Transaction Application (When vehicle is currently in your name.)

If the applicant certifies to all six questions on the Certificate of Eligibility there is no registration fee. If the applicant only certifies to question one, the applicable registration fee for the type of vehicle being registered will be charged.

The first set of standard (blue & gold) license plates are issued free of charge, however, if a customer requests the mountain or caribou plates, the \$30.00 personalized plate fee is charged.

Original requests for amateur radio plates are processed at the Anchorage Field Office. Renewal and transfers may be processed at any field office. Your FCC license and a new Certificate of Eligibility is required.

Due to the paperwork requirements, this type of plate cannot be renewed using our online services.

State of Alaska
Division of Motor Vehicles
ATTN: Research (Am Radio)
1300 W Benson Boulevard STE 200
Anchorage AK 99503-3600

3300 B Fairbanks St., Anchorage, AK 99503
[Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State](#)



[home](#) [driver's manuals](#) [license plates](#) [parking permits](#) [vehicle registration](#)

Charitable Exempt Plates

Vehicles owned by charitable or non-profit organizations, Alaska Native Tribal Village Councils, and church/religious organizations may qualify for a reduced registration fee and "exempt" license plates. Following are the specific requirements to obtain each type of exemption.

CHARITABLE OR NON-PROFIT ORGANIZATIONS

- A letter from the Internal Revenue Service (IRS) that verifies the organization's tax-exempt status.
- Application requesting exempt plates. (Form [812](#) or [821](#))

The Disclosure Section of the IRS is the contact office for questions pertaining to tax-exempt status. The number for that office is 1-877-829-5500.

ALASKA NATIVE TRIBAL VILLAGE COUNCILS

- Must be a federally recognized tribal entity.
- Affidavit stating that the vehicle is used only to conduct Village business.
- Application requesting exempt plates. (Form [812](#) or [821](#))

CHURCH OR RELIGIOUS ORGANIZATION

- Charitable Exempt Affidavit (Form [818](#))
- Application requesting exempt plates. (Form [812](#) or [821](#))

3300 B Fairbanks St., Anchorage, AK 99503

[Title - Registration](#) - [Driver License](#) - [DMV HOME PAGE](#) - [Dept. of Administration](#) - [State](#)



home driver's manuals license plates parking permits vehicle registration

Children's Trust Plates

Children's Trust license plates are available for use on passenger vehicles, including motor homes, non-commercial vans, and trucks.

The vehicle on which the Children's Trust plates are used must be currently registered. There is a fee of \$100.00 for the plates, which is charged at the time of initial issuance, as well as when replacing lost, damaged or stolen plates. The plates remain with the applicant and are transferable from one vehicle to another with a short application and transfer fee of \$5.00.

To apply for Children's Trust license plates, you may request them from any Division of Motor Vehicles office. Complete an application (see above link) and forward it to the address listed below, along with a personalized check or a money order in the amount of \$100.00. Only the registered owner of the vehicle may sign the application.

What to get for that person who has everything?

Looking for a gift that keeps on giving?

Show your support for Alaska's children—display the Alaska Children's Trust License Plate

ALASKA
 Help keep it all for Children's Trust and sharing
AGW 755

Designed by Anshu Gadhikar, a Umatilla youth, all proceeds from the sale of these plates benefit the Alaska Children's Trust—a permanent fund to strengthen families and clear the path to a healthy future for all Alaska's kids.

Alaska Children's Trust license plates cost \$100, all of which is deposited in the principal of the Trust—generating income to help strengthen generations of Alaskans.

Gift Certificates can be purchased and redeemed at State DMVs.
 To contact:
 Children's Trust Plate
 Division of Motor Vehicles
 2150 E. Dowling Road
 Anchorage, AK 99507
 Website address: www.state.ak.us/dmv

For more information on the license plate or the Alaska Children's Trust call 1-800-645-KIDS, or find us on the web at www.gov.state.ak.us/trustact.htm

NOTE: The actual plates have **KID** as the first 3 letters of the plate.

GIFT CERTIFICATES

Gift certificates are available if you would like to purchase the plates for a friend. The gift certificates are non-refundable once they are issued. You may purchase a gift certificate at any DMV office, or request one by sending a request and \$100.00 personalized check or money order to:

State of Alaska
 Division of Motor Vehicles
 Attn: Children's Trust Plates
 1300 W Benson Boulevard STE 200
 Anchorage AK 99503-3600

For more information on the Alaska Children's Trust (ACT), please see
<http://www.eed.state.ak.us/EarlyDev/trust/home.html>

3300 B Fairbanks St., Anchorage, AK 99503

Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State

K&H Graphics
DMV

~~MOTOR VEHICLES~~

home driver's manuals license plates parking permits vehicle registration



Disabled - Parking Privileges



Disabled Vet - Parking Privileges

Disabled Vet plates without parking privileges do not have the wheelchair logo.

A person who qualifies for disability or disabled veteran plates may register **one** vehicle with special plates and is not subject to Motor Vehicle Registration Taxes or registration fees. If an applicant is required to submit an emissions certificate in order to register their vehicle, there is a \$2.00 administrative fee.

Second and subsequent sets of plates are available upon payment of full fees.

Plates cannot be requested by mail unless the applicant lives in a remote part of Alaska and does not have access to a DMV office.

Disability Plates ~ Parking Privileges

Special license plates are available to persons who have a specifically defined disability that limits or impairs their ability to walk. These plates allow that special consideration be given for parking in designated parking spaces. This consideration applies to passenger vehicles, motorhomes and non-commercial trucks or vans titled in the name of the person with the mobility impairment.

An original Application for Disabled Parking Identification is required before the plates can be issued.

Disabled Veteran's Plates ~ Parking Privileges

To apply for disabled veteran's license plates with parking privileges, an applicant must submit the following documentation of a mobility impairment and proof of service related disability:

- An original Application for Disabled Parking Identification, completed in full by both the applicant and their Alaska licensed physician.

- A certificate from an agency of the United States federal government, including the veteran's administration, stating the person has a service related disability.

Disabled Veteran's Plates ~ Without Parking Privileges

A disabled veteran who has a service related disability but does not meet the specifically defined criteria may obtain disabled veteran plates with a certification from the U.S. government that they have a 50% or greater service related disability. The plates issued to these applicants do not have the wheelchair logo and there are no parking privileges associated with the plates.

Parking Placard/Permit

Both permanent and temporary parking permits are available at no charge for individuals who experience a disability as outlined on the application, based on the physicians medical certification. These permits are available in lieu of or in addition to having the license plates.

The applicant may obtain the required application from any DMV office or print the form from our Forms site. An original application is required. [Disabled Parking Application](#)

[Title](#) - [Registration](#) - [Driver License](#) - [DMV HOME PAGE](#) - [Dept. of Administration](#) - [State](#)



home driver's manuals license plates parking permits vehicle registration



Disabled - Parking Privileges



Disabled Vet - Parking Privileges

Disabled Vet plates without parking privileges do not have the wheelchair logo.

A person who qualifies for disability or disabled veteran plates may register **one** vehicle with special plates and is not subject to Motor Vehicle Registration Taxes or registration fees. If an applicant is required to submit an emissions certificate in order to register their vehicle, there is a \$2.00 administrative fee.

Second and subsequent sets of plates are available upon payment of full fees.

Plates cannot be requested by mail unless the applicant lives in a remote part of Alaska and does not have access to a DMV office.

Disability Plates ~ Parking Privileges

Special license plates are available to persons who have a specifically defined disability that limits or impairs their ability to walk. These plates allow that special consideration be given for parking in designated parking spaces. This consideration applies to passenger vehicles, motorhomes and non-commercial trucks or vans titled in the name of the person with the mobility impairment.

An original Application for Disabled Parking Identification is required before the plates can be issued.

Disabled Veteran's Plates ~ Parking Privileges

To apply for disabled veteran's license plates with parking privileges, an applicant must submit the following documentation of a mobility impairment and proof of service related disability:

- An original Application for Disabled Parking Identification, completed in full by both the applicant and their Alaska licensed physician.

- A certificate from an agency of the United States federal government, including the veteran's administration, stating the person has a service related disability.

Disabled Veteran's Plates ~ Without Parking Privileges

A disabled veteran who has a service related disability but does not meet the specifically defined criteria may obtain disabled veteran plates with a certification from the U.S. government that they have a 50% or greater service related disability. The plates issued to these applicants do not have the wheelchair logo and there are no parking privileges associated with the plates.

Parking Placard/Permit

Both permanent and temporary parking permits are available at no charge for individuals who experience a disability as outlined on the application, based on the physicians medical certification. These permits are available in lieu of or in addition to having the license plates.

The applicant may obtain the required application from any DMV office or print the form from our Forms site. An original application is required. [Disabled Parking Application](#)

[Title](#) - [Registration](#) - [Driver License](#) - [DMV HOME PAGE](#) - [Dept. of Administration](#) - [State](#)

K&H Graphics
DMV

HOME FOR FARM VEHICLES

home driver's manuals license plates parking permits vehicle registration



Farm Vehicle Plates

To qualify and apply for farm plates, an applicant must make a statement in the affidavit section of the Title & Registration Application that they live on a ranch, farm or dairy, and derives their main source of income from a ranch, farm or dairy, and that the vehicle weighs under 16,000 lbs., unladen weight, and is used only for transporting ranch, farm, or dairy products to or from market or for the transportation of supplies, commodities, or equipment to be used on a ranch, farm or dairy.

If a vehicle weighs over 16,000 lbs., unladen weight, the vehicle must be registered as a commercial vehicle and does not qualify for farm plates.

If the vehicle meets the requirements for heavy vehicle use tax, they are not exempt from this requirement because of the farm plates.

The registration fee for a farm vehicle is \$68.00 and is valid for two years, regardless of the body style or weight of the vehicle.

3300 B Fairbanks St., Anchorage, AK 99503

[Title](#) - [Registration](#) - [Driver License](#) - [DMV HOME PAGE](#) - [Dept. of Administration](#) - [State](#)

K&H Graphics
DMV

home driver's manuals license plates parking permits vehicle registration

Historic Vehicle Plates & Customer Collector Plates



The owner of a **historic vehicle** may display special license plates provided they meet the following criteria. The motor vehicle:

- is 30 or more years in age
- is driven upon a highway for the primary purpose of historical exhibition or similar activity

Because historic vehicles are used only occasionally on the State highway system, annual registration renewal of a historic vehicle registration is not necessary. The initial registration fee for historic vehicles is \$10.00.

The owner of a **custom collector vehicle** may display special license plates provided they meet the following criteria. The motor vehicle:

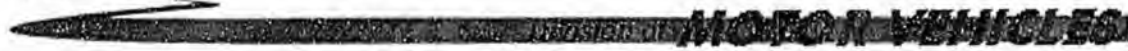
- whose body and frame were manufactured before 1949 or a replica of a vehicle whose body and frame were manufactured before 1949 and that has been modified for safe road use; in this paragraph, "modified" includes a material alteration of the drive train, suspension, brake system or dimensions of the body."

A custom collector vehicle must have the following equipment:

- Hydraulic service brakes on all wheels.
- Sealed beam or halogen headlights.
- Safety belts for all occupants.
- Turn signals and turn signaling switch.
- Safety glass or lexan.
- Electric or vacuum windshield wiper located in front of the driver.
- Standard or blue dot taillights.
- Parking brake that operates at least two wheels on the same axle.

The initial plate fee for custom collector plates is \$50.00, along with all applicable fees for the class and body style of vehicle.

To apply for historic or custom collector plates, an individual must complete a Title & Registration Application and submit the application along with the current or last issued vehicle registration. As not all offices stock these types of plates, it is possible that you may apply for the plates and a temporary permit would be issued. The plates would be mailed to you at a later date.



home driver's manuals license plates parking permits vehicle registration

Prisoner of War & Veteran's Plates

In a measure to honor persons who have served or are serving with United States Armed Forces, the State Legislature has designated several special license plates for veterans, recipients of the Purple Heart Medal, and veterans who have been a Prisoner of War (POW) or who are survivors of Pearl Harbor. There is a \$30.00 plate fee charged at the time of initial application for or replacement of veteran's plates, National Guard plates and Purple Heart plates. There is no charge for POW and Pearl Harbor Survivor plates.

The Veteran's, Purple Heart and National Guard plates are available at most DMV offices. Applicants for the Prisoner of War and Pearl Harbor Survivor plates may obtain application forms at any field office and send their applications to the Division of Motor Vehicles address shown at the bottom of this page.

In order to apply for these special plates, an applicant must provide the following verification:

Applicants for **Veteran's plates** must submit proof they have served or are currently serving with a branch of the United States Armed Forces. Acceptable proof of service include copies of discharge papers, (DD Form 214), or letters of verification from the Veteran's Administration, or other comparable proof of service. Veteran's plates may be used on non-commercial vehicles only.



Air Force



Army



Coast Guard



Marine



Navy

Applicants for **National Guard plates**, must show they are **active** members of the Alaska National Guard. Acceptable proof of service is the official National Guard identification card. The plates may only be issued to a passenger vehicle, noncommercial van, pick-up truck, or motor home owned solely or jointly by the active member of the National Guard.



National Guard

Applicants for **Purple Heart plates** must show acceptable proof by providing a copy of official documentation of the Purple Heart Award to DMV. The DD Form 214 is one document that may contain this information as would a copy of orders awarding the Purple Heart Medal. Each applicant is entitled to Purple Heart Plates for use on a non-commercial vehicle.



Purple Heart

Applicants for **Prisoner of War plates** must provide written verification from the United States Department of Veteran's Affairs that they were POWs. Each applicant may obtain one set of POW plates, free of charge, for display on a non-commercial vehicle.



Ex-Prisoner of War

The following items are to be submitted to DMV when requesting any of these plates:

- Proof of service, current service or other proof as shown above
- Vehicle Transaction Application (vehicle registered in your name) or Application for Title & Registration (New or transfer vehicles)
- Statement on application as to what is being requested (Comments or Affidavit)
- \$30.00, if applicable (See above)
- Copy of registration for vehicle the plates are being requested for

1300 W Benson Boulevard STE 200, Anchorage AK 99503-3600

Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State

K&H Graphics
DMV

MOTOR VEHICLES

home driver's manuals license plates parking permits vehicle registration

Personalized Plates Frequently Asked Questions and Important Information

Please take a moment to read the following information about Personalized Plates. If you have already read the information and are ready to order plates, please click on:

[Order Personalized Plates Now](#)



The "ALASKA" plate shown above is a sample of what the new personalized plates look like. It is a digitally produced plate and the numbers are not embossed (raised). An example of the actual plates are available in all offices. The "SAMPLE" plate shown above is the previous design and is no longer being made in personalized plates. In the previous design, the letters were embossed (raised).

ONCE YOU ORDER THE PLATES, YOU CANNOT CHANGE OR CANCEL THE REQUEST. WE DO NOT ISSUE ANY REFUNDS FOR PERSONALIZED PLATES.

Processing Time:

It takes approximately **12 weeks** to receive your plates. If you move, please contact DMV immediately to assure you receive your plates at the correct address. When the personalized plates are mailed to you, a new registration, month tab and year tab will be included. The registration will be used as a mailing label. Please be careful not to destroy it or throw it away.

Available for use on the Following Vehicle Types:

Non-commercial passenger vehicles, motor homes, vans, trucks and motorcycles. Motorcycles can only be issued in the standard design (blue and gold).

Address:

Your address must be correct on your vehicle registration. If it is not, please [E-mail ALASKA DMV](#) and advise of the new address. We will need your **current license plate number**.

Expired Registration, New Vehicles, Vehicles due to be Sold:

- Personalized plates cannot be ordered for vehicles with expired registration.
- If your registration is due to expire soon, take the steps to renew now so that your registration is current when your new plates arrive. If you renew your registration, be sure to place the new year tab on the your rear license plate. (A new month tab and year tab will be sent with your new plates.)
- If your registration expires after ordering the plates, they cannot be issued until the registration is renewed.
- The vehicle must be in your name before you can request the plates. We cannot order plates for vehicles with temporary permits.
- If you intend to sell your vehicle soon, please **do not** order plates for that vehicle.

Duplicate Plates or Change of Plate Design:

Duplicate plate requests or requests for a change of plate design cannot be processed over the Internet. Complete a new Personalized Plate application and follow all the instructions. For lost plates, submit your application at a DMV office as new plates will need to be issued in the meantime.

Payment Options:

- We accept VISA and MasterCard **credit cards** only.
- To order with a personalized check or money order, please use the Personalized Plates application. Fees are \$30.00.

Transfer of a Personalized Plate:Transferring Plates

Request Plates Now: Personalized Plates

Division of Motor Vehicles
Attn: Research
1300 W Benson Boulevard STE 200
Anchorage, AK 99503-3600
Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State

K&H Graphics
DMV

MOTOR VEHICLES

home driver's manuals license plates parking permits vehicle registration

Prisoner of War & Veteran's Plates

In a measure to honor persons who have served or are serving with United States Armed Forces, the State Legislature has designated several special license plates for veterans, recipients of the Purple Heart Medal, and veterans who have been a Prisoner of War (POW) or who are survivors of Pearl Harbor. There is a \$30.00 plate fee charged at the time of initial application for or replacement of veteran's plates, National Guard plates and Purple Heart plates. There is no charge for POW and Pearl Harbor Survivor plates.

The Veteran's, Purple Heart and National Guard plates are available at most DMV offices. Applicants for the Prisoner of War and Pearl Harbor Survivor plates may obtain application forms at any field office and send their applications to the Division of Motor Vehicles address shown at the bottom of this page.

In order to apply for these special plates, an applicant must provide the following verification:

Applicants for **Veteran's plates** must submit proof they have served or are currently serving with a branch of the United States Armed Forces. Acceptable proof of service include copies of discharge papers, (DD Form 214), or letters of verification from the Veteran's Administration, or other comparable proof of service. Veteran's plates may be used on non-commercial vehicles only.



Air Force



Army



Coast Guard



Marine



Navy

Applicants for **National Guard plates**, must show they are **active** members of the Alaska National Guard. Acceptable proof of service is the official National Guard identification card. The plates may only be issued to a passenger vehicle, noncommercial van, pick-up truck, or motor home owned solely or jointly by the active member of the National Guard.



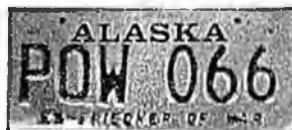
National Guard

Applicants for **Purple Heart plates** must show acceptable proof by providing a copy of official documentation of the Purple Heart Award to DMV. The DD Form 214 is one document that may contain this information as would a copy of orders awarding the Purple Heart Medal. Each applicant is entitled to Purple Heart Plates for use on a non-commercial vehicle.



Purple Heart

Applicants for **Prisoner of War plates** must provide written verification from the United States Department of Veteran's Affairs that they were POWs. Each applicant may obtain one set of POW plates, free of charge, for display on a non-commercial vehicle.



Ex-Prisoner of War

The following items are to be submitted to DMV when requesting any of these plates:

- Proof of service, current service or other proof as shown above
- Vehicle Transaction Application (vehicle registered in your name) or Application for Title & Registration (New or transfer vehicles)
- Statement on application as to what is being requested (Comments or Affidavit)
- \$30.00, if applicable (See above)
- Copy of registration for vehicle the plates are being requested for

1300 W Benson Boulevard STE 200, Anchorage AK 99503-3600
 Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State

K&H Graphics
DMV

MOTOR VEHICLES

home driver's manuals license plates parking permits vehicle registration



University Plates

University license plates are available for use on non-commercial vehicles. Including passenger vehicles, motor homes, vans, trucks, and motorcycles.

The vehicle on which the University plates are used must be currently registered. There is a fee of \$50.00, which is charged at the time of initial issuance, as well as when replacing lost, damaged or stolen plates.

The following items are required to transfer University Plates:

- Application
- Copy of the current registration for the vehicle the plates are being transferred to.
- Copy of last registration showing the university plate to be transferred. (Requested but not required)
- Transfer fee of \$5.00

NOTE: The name on the current registration must match the name on the vehicle the plates are being transferred from.

University plates are available at the DMV Office in the city where each campus is located. Any person may request University plates, it is not necessary that the applicant be a student, graduate, or have any affiliation with the University.

To obtain University plates, you would need to complete a Vehicle Transaction Application and pay the \$50.00 plate fee. Residents from locations other than Fairbanks, Anchorage, Juneau and Valdez, may submit their applications at any DMV office. Their University plates will be mailed to them in approximately 30 days.

University plates are available for the following campuses: University of Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast and Prince William Sound Community College.



[home](#) [driver's manuals](#) [license plates](#) [parking permits](#) [vehicle registration](#)

Personalized Plates Frequently Asked Questions and Important Information

Please take a moment to read the following information about Personalized Plates. If you have already read the information and are ready to order plates, please click on:

[Order Personalized Plates Now](#)



The "ALASKA" plate shown above is a sample of what the new personalized plates look like. It is a digitally produced plate and the numbers are not embossed (raised). An example of the actual plates are available in all offices. The "SAMPLE" plate shown above is the previous design and is no longer being made in personalized plates. In the previous design, the letters were embossed (raised).

ONCE YOU ORDER THE PLATES, YOU CANNOT CHANGE OR CANCEL THE REQUEST. WE DO NOT ISSUE ANY REFUNDS FOR PERSONALIZED PLATES.

Processing Time:

It takes approximately 12 weeks to receive your plates. If you move, please contact DMV immediately to assure you receive your plates at the correct address. When the personalized plates are mailed to you, a new registration, month tab and year tab will be included. The registration will be used as a mailing label. Please be careful not to destroy it or throw it away.

Available for use on the Following Vehicle Types:

Non-commercial passenger vehicles, motor homes, vans, trucks and motorcycles. Motorcycles can only be issued in the standard design (blue and gold).

Address:

Your address must be correct on your vehicle registration. If it is not, please [E mail ALASKA DMV](#) and advise of the new address. We will need your **current license plate number**.

Expired Registration, New Vehicles, Vehicles due to be Sold:

- Personalized plates cannot be ordered for vehicles with expired registration.
- If your registration is due to expire soon, take the steps to renew now so that your registration is current when your new plates arrive. If you renew your registration, be sure to place the new year tab on the your rear license plate. (A new month tab and year tab will be sent with your new plates.)
- If your registration expires after ordering the plates, they cannot be issued until the registration is renewed.
- The vehicle must be in your name before you can request the plates. We cannot order plates for vehicles with temporary permits.
- If you intend to sell your vehicle soon, please **do not** order plates for that vehicle.

Duplicate Plates or Change of Plate Design:

Duplicate plate requests or requests for a change of plate design cannot be processed over the Internet. Complete a new Personalized Plate application and follow all the instructions. For lost plates, submit your application at a DMV office as new plates will need to be issued in the meantime.

Payment Options:

- We accept VISA and MasterCard **credit cards** only.
- To order with a personalized check or money order, please use the Personalized Plates application. Fees are \$30.00.

Transfer of a Personalized Plate:

Transferring Plates

Request Plates Now: Personalized Plates

Division of Motor Vehicles
Attn: Research
1300 W Benson Boulevard STE 200
Anchorage, AK 99503-3600
Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State



[home](#) [driver's manuals](#) [license plates](#) [parking permits](#) [vehicle registration](#)

Prisoner of War & Veteran's Plates

In a measure to honor persons who have served or are serving with United States Armed Forces, the State Legislature has designated several special license plates for veterans, recipients of the Purple Heart Medal, and veterans who have been a Prisoner of War (POW) or who are survivors of Pearl Harbor. There is a \$30.00 plate fee charged at the time of initial application for or replacement of veteran's plates, National Guard plates and Purple Heart plates. There is no charge for POW and Pearl Harbor Survivor plates.

The Veteran's, Purple Heart and National Guard plates are available at most DMV offices. Applicants for the Prisoner of War and Pearl Harbor Survivor plates may obtain application forms at any field office and send their applications to the Division of Motor Vehicles address shown at the bottom of this page.

In order to apply for these special plates, an applicant must provide the following verification:

Applicants for **Veteran's plates** must submit proof they have served or are currently serving with a branch of the United States Armed Forces. Acceptable proof of service include copies of discharge papers, (DD Form 214), or letters of verification from the Veteran's Administration, or other comparable proof of service. Veteran's plates may be used on non-commercial vehicles only.



Air Force



Army



Coast Guard



Marine



Navy

Applicants for **National Guard plates**, must show they are **active** members of the Alaska National Guard. Acceptable proof of service is the official National Guard identification card. The plates may only be issued to a passenger vehicle, noncommercial van, pick-up truck, or motor home owned solely or jointly by the active member of the National Guard.



National Guard

Applicants for **Purple Heart plates** must show acceptable proof by providing a copy of official documentation of the Purple Heart Award to DMV. The DD Form 214 is one document that may contain this information as would a copy of orders awarding the Purple Heart Medal. Each applicant is entitled to Purple Heart Plates for use on a non-commercial vehicle.



Purple Heart

Applicants for **Prisoner of War plates** must provide written verification from the United States Department of Veteran's Affairs that they were POWs. Each applicant may obtain one set of POW plates, free of charge, for display on a non-commercial vehicle.



Ex-Prisoner of War

The following items are to be submitted to DMV when requesting any of these plates:

- Proof of service, current service or other proof as shown above
- Vehicle Transaction Application (vehicle registered in your name) or Application for Title & Registration (New or transfer vehicles)
- Statement on application as to what is being requested (Comments or Affidavit)
- \$30.00, if applicable (See above)
- Copy of registration for vehicle the plates are being requested for

1300 W Benson Boulevard STE 200, Anchorage AK 99503-3600

Title - Registration - Driver License - DMV HOME PAGE - Dept. of Administration - State

HB

282

Representative
HUGH "BUD" FATE
Chair-Resources Committee
Energy Council
119 N. Cushman St. Suite 207
Fairbanks, Alaska 99701
(907) 452-6084
Fax: (907) 452-6096

Alaska State Legislature



While in Session
State Capitol, Room 128
Juneau, Alaska 99801-1182
(907) 465-4976
Fax: 465-3883
Toll Free:
1 866-465-4976
House District 7

House of Representatives

Sponsor Statement HB 282

"An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property."

HB 282 will give the President of the University of Alaska authority to enter into contracts with employees involved in research and development of intellectual property. These contracts would allow both the employee and the University to benefit from businesses associated with that development.

Nearly 57 percent of all research conducted in Alaska is on one of the University's campuses. HB 282 will allow the University an opportunity to realize the full potential of those efforts. The University is a leader in areas such as geophysical, arctic research and new initiatives such as the Center for Nanoscience Technology. This type of technical research is cutting edge, and the benefits could well be staggering.

As an example, if the University had been involved in the development of the operating system software you use on your office computer. It would certainly eliminate the need for them to visit each year asking for funding.

This type of technology advancement continues today, and with the passage of HB 282 our University system could be a leader in funding for, and developing the very tools we use daily. Funding that would be coming from the business side of research, not the general fund.

HB 282 allows the University of Alaska to compete on an equal footing with other major campuses already combining research and business to fund future research. It opens the door to advancements in technology that could bring new high-tech jobs to Alaska as well as millions of new dollars to the University.



Mark R. Hamilton
President

UNIVERSITY OF ALASKA STATEWIDE SYSTEM

202 BUTROVICH BLDG
P.O. BOX 755000
FAIRBANKS, ALASKA 99775-5000
PHONE: (907) 474-7311
FAX: (907) 474-6342
EMAIL: sypres@alaska.edu

May 2, 2003

via fax 465 3883

Representative Hugh "Bud" Fate
Alaska State Legislature
State Capitol, Room 128
Juneau, Alaska 99801 - 1182

Dear Representative Fate:

I am writing in support of HB 282. This bill recognizes the state need to facilitate development of businesses based on intellectual property created or contributed to by University of Alaska employees.


Currently, University faculty and other staff share with the university in intellectual property they produce. On the other hand, the Alaska Executive Branch Ethics Act prohibits university employees from either taking official action or using university information to benefit their own financial interest. In effect, these latter restrictions preclude university employees from nurturing their discoveries either through further research or by participation in local spin-off companies as owners, managers, or consultants.

Such constraints tend to force researchers to choose between exporting their intellectual property without continuing support, and giving up their university employment. This climate provides little incentive for researchers to focus on technologies that are subject to commercialization. It also puts the University of Alaska at a competitive disadvantage in hiring entrepreneurial faculty capable of producing valuable intellectual property.

Other states have successfully encouraged the creation and development of local industries by allowing their universities to work with their employees to continue research on, invest in, and profit from the technologies they develop. Although the shortage of industry in Alaska cannot produce similar results in the short term, enabling business/university partnerships can contribute to the long term economic development of this state.

This bill provides flexibility to negotiate contracts with employees to enhance the potential for creation and development of intellectual property. The provision for direct negotiations allows the president to strike an appropriate balance between the interests of the state and the individual involved, without interjection of interests of other employees.

Sincerely,



Mark R. Hamilton
President

MRH:dm

University of Alaska

Inventions and Patents

1. The assignment of inventions and patents to the University, except for those resulting from permissible activities outside of University employment without the use of University facilities, shall be mandatory for all University personnel, for persons not employed by the University but who use University facilities in the development of intellectual property, and for those who receive grant or contract funds through the University. Exemptions from such assignments may be authorized in those circumstances where the mission of the University is better served by such action, provided that the overriding obligations to other parties are met and such exemptions are not inconsistent with other Board of Regents' policies or University regulations.

2. University personnel and all those using University facilities in the development of intellectual property shall immediately and properly disclose the conception and/or reduction to practice of potentially patentable inventions. Such disclosure shall be made to the President or President's designee. Persons making disclosures shall execute such declarations, assignments or other documents provided by the University as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights.

3. Subject to restrictions arising from overriding obligations of the University pursuant to grants, contracts or other agreements with outside organizations, the University agrees, for and in consideration of the assignment of patent rights, to pay annually to the named inventor(s), the inventor(s)' heirs, successors or assigns, a royalty share of the net proceeds received by the University for each patent or other intellectual property right assigned to the University, as shown below.

Total Net Royalty Per Invention (\$)	Inventor's Share (%)	University Share (%)
First \$10,000	100%	0%
More than \$10,000	50%	50%

Where there are two or more inventors, each inventor shall share equally in the inventor's share of net proceeds, unless all inventors previously have agreed in writing to a differing distribution of such share. Distribution of the inventor's share shall be made no less than annually. In the event of any litigation, actual or imminent, or any other action to protect patent rights, the University may withhold distribution of all royalty proceeds until resolution of the matter. Of the remaining net proceeds, the share shall be distributed as determined by the President.

University proceeds from University inventions shall be used for the support of University research and scholarly activities; however, exceptions may be granted by the President or President's designee.

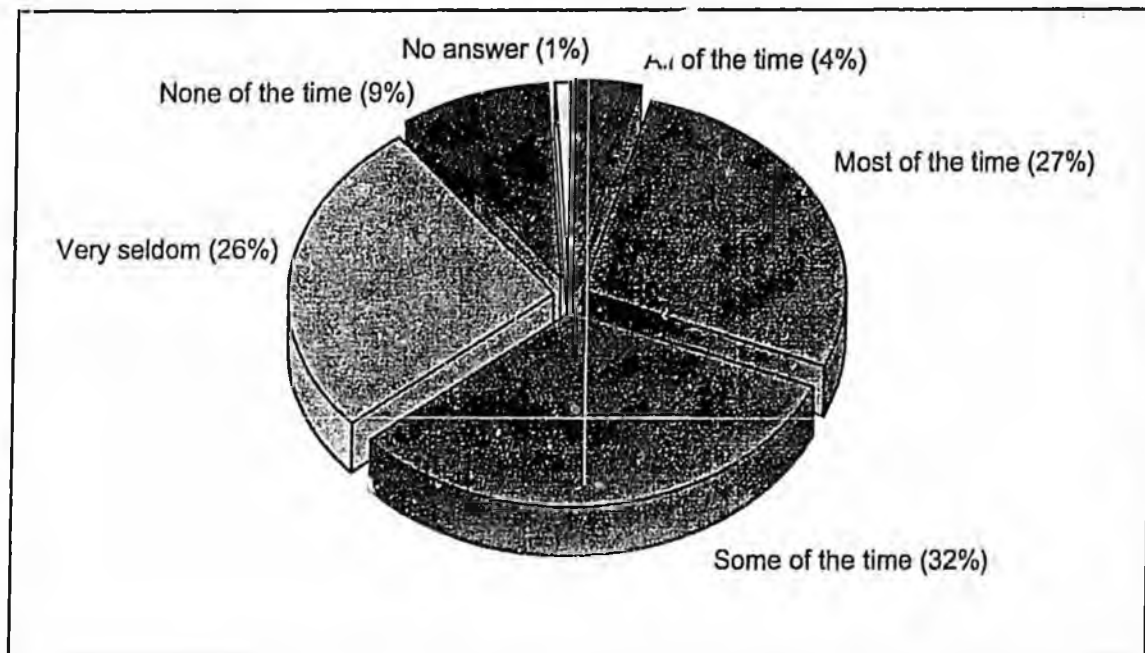
In your department, are there enough material resources to get the job done?

- UA faculty often feel there are not enough material resources to get the job done, with 35 percent of respondents answering *very seldom* or *none of the time*.
- UAS faculty appear the best-supplied, with 44 percent saying there are enough resources *most* or *all of the time*, compared to 30 percent of UAF faculty.

Table 4.

	Total	UAA	UAF	UAS
All of the time	4%	4%	5%	6%
Most of the time	27	28	25	38
Some of the time	32	30	34	31
Very seldom	26	25	28	21
None of the time	9	13	8	4

Chart 4.



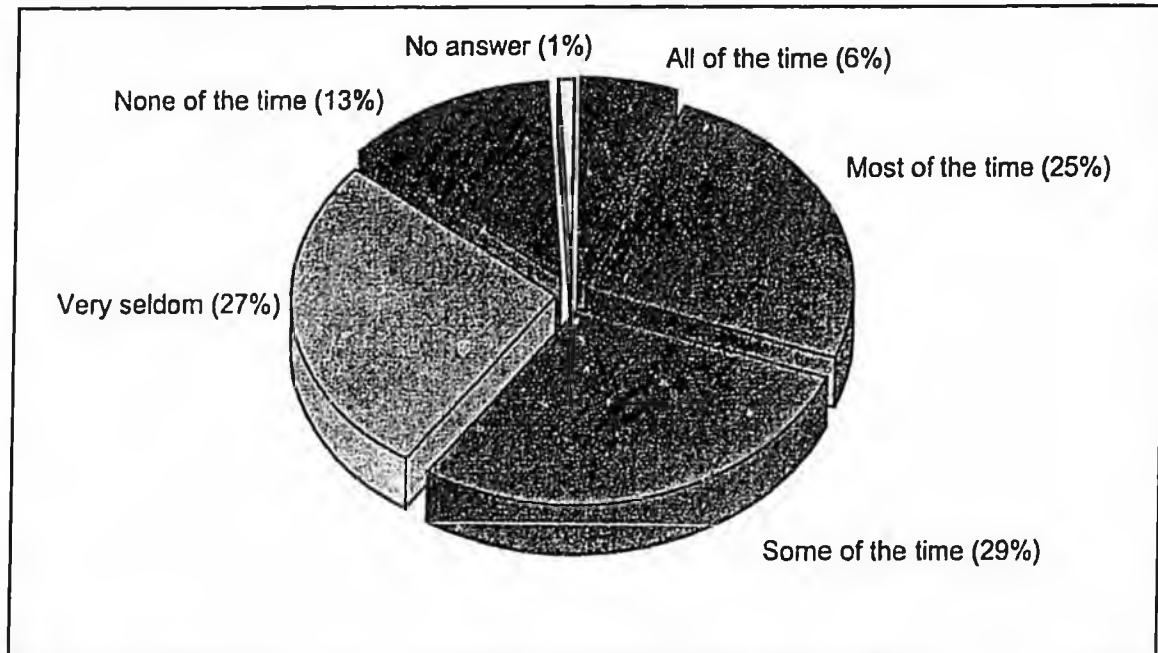
In your department, are there enough people to get the job done?

- Overall, UA faculty give very similar answers for "are there enough people?" to those for "are there enough material resources?"
- Whereas UAS faculty appear the best-supplied in terms of material resources, they are the least likely to answer *most* or *all of the time* when it comes to people.

Table 5.

	Total	UAA	UAF ^a	UAS
All of the time	6%	6%	6%	6%
Most of the time	25	23	27	21
Some of the time	29	27	29	35
Very seldom	27	29	23	31
None of the time	13	14	14	8

Chart 5.



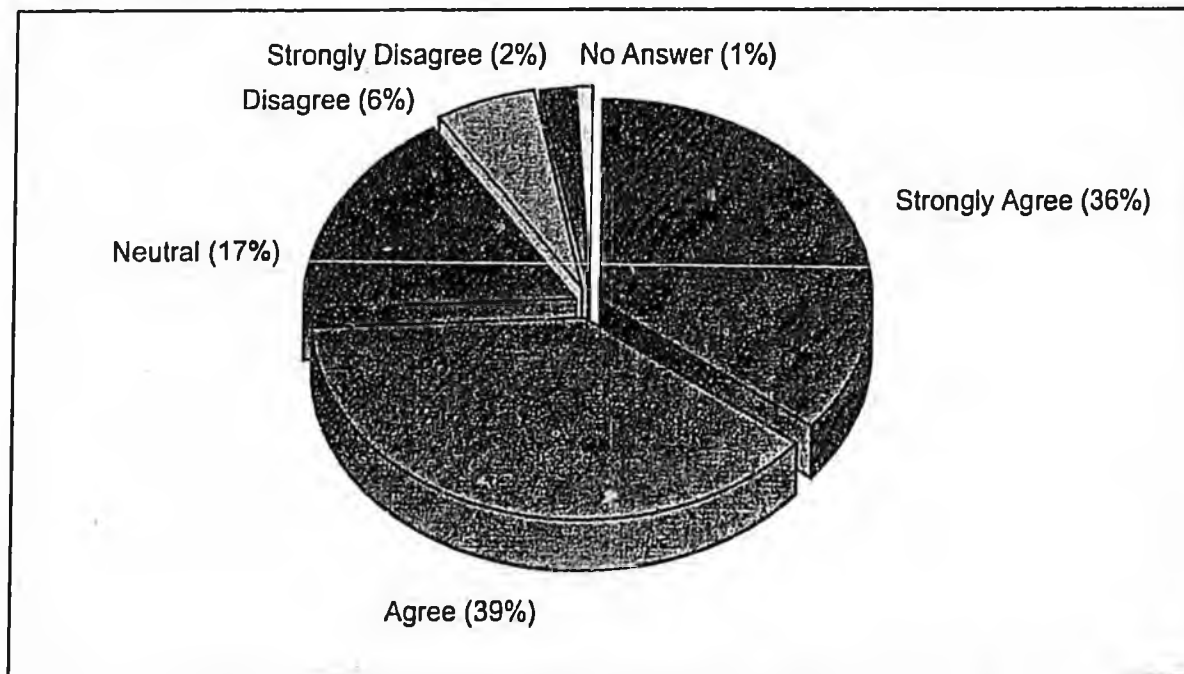
How strongly do you agree or disagree with the following statements about your campus? *It is important that we enhance the University's national image.*

- UA faculty generally feel that it is important to enhance the University's national image, with three quarters (75 percent) agreeing with the statement.
- UAF faculty feel especially strongly about this statement, with 40 percent strongly agreeing, compared to 34 percent of UAA and 27 percent of UAS faculty.
- Male faculty members are more likely to strongly agree with this statement (42 percent, versus 29 percent of female faculty).

Table 21.

	Total	UAA	UAF	UAS
Strongly Agree	36%	34%	40%	27%
Agree	39	34	42	48
Neutral	17	20	13	21
Disagree	6	9	3	2
Strongly Disagree	2	2	2	2

Chart 21.



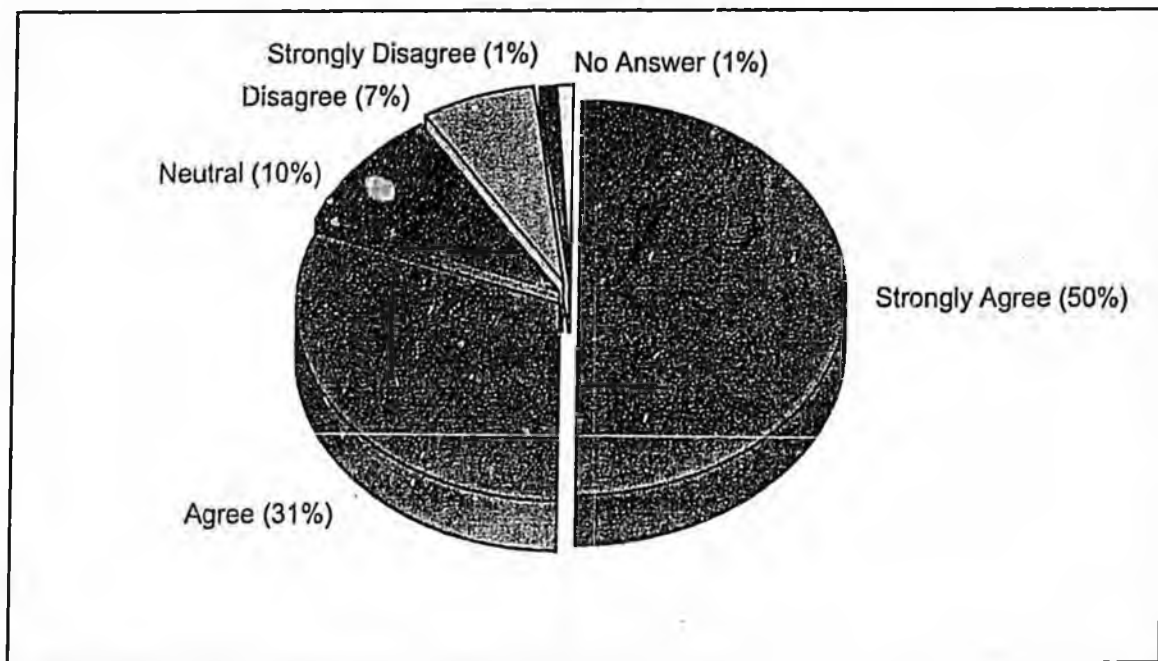
How strongly do you agree or disagree with the following statements about your campus? *Meeting Alaska's higher education and research needs is our top priority.*

- The vast majority – 81 percent – of UA faculty agree that meeting Alaska's higher education and research needs is the University's top priority.
- Only 10 percent of faculty are neutral on this issue – the lowest neutral response on this survey.

Table 22.

	Total	UAA	UAF	UAS
Strongly Agree	50%	54%	47%	48%
Agree	31	28	34	35
Neutral	10	10	10	10
Disagree	7	6	7	6
Strongly Disagree	1	1	2	0

Chart 22.



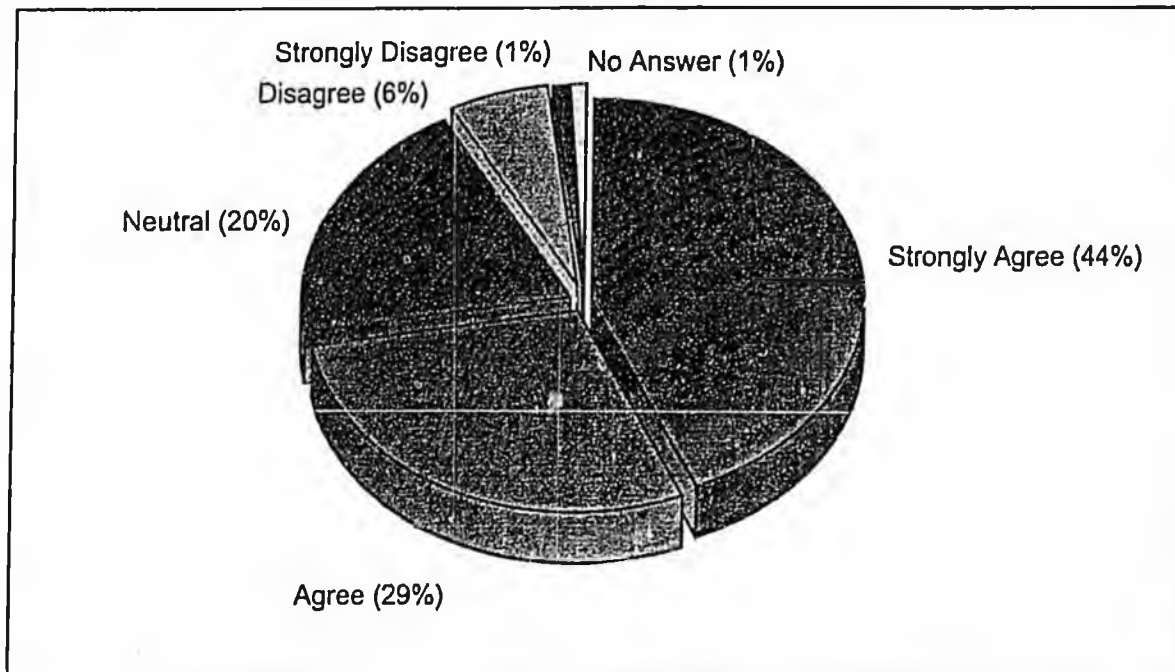
How strongly do you agree or disagree with the following statements about your campus? *The University is suffering from an out-migration of valuable faculty to better paying jobs.*

- Nearly three-quarters of faculty (73 percent) agree that the University is suffering from an out-migration of valuable faculty, with only 7 percent disagreeing.
- UAS faculty are much more likely to *strongly agree* with this statement (58 percent, compared with 43 percent of UAA faculty and 41 percent of UAF faculty).

Table 23.

	Total	UAA	UAF	UAS
Strongly Agree	44%	43%	41%	58%
Agree	29	31	29	25
Neutral	20	17	23	13
Disagree	6	7	5	4
Strongly Disagree	1	1	1	0

Chart 23.



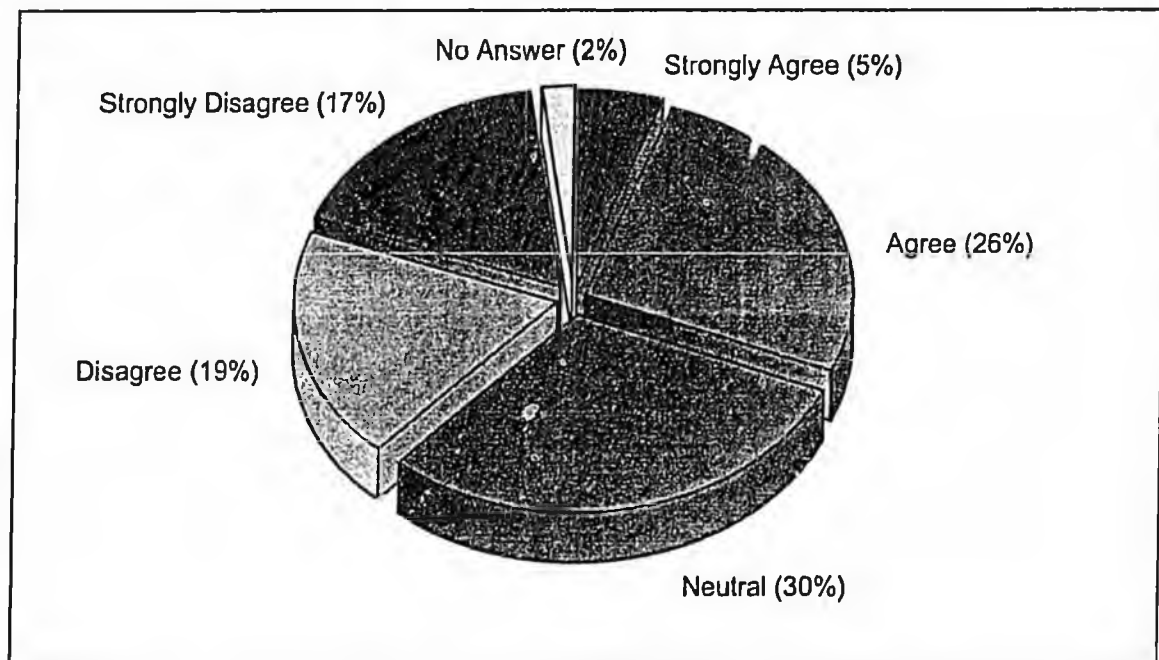
How strongly do you agree or disagree with the following statements about your campus? *In general, faculty morale has improved over the last several years.*

- Faculty are more likely to disagree with this statement (36 percent) than to agree (31 percent).
- Interestingly, the campus which appears to have the highest morale judging from responses to other questions, was the least likely to agree with this statement – not one UAS faculty member answered *strongly agree*, while 23 percent answered *agree*.
- UAA faculty were the most likely to disagree with this statement (45 percent, compared to 29 percent of UAF faculty and 38 percent of UAS faculty).
- Male faculty members are more likely to agree with this statement (37 percent, versus 24 percent of female faculty members).

Table 24.

	Total	UAA	UAF	UAS
Strongly Agree	5%	5%	6%	0%
Agree	26	23	30	23
Neutral	30	27	32	37
Disagree	19	24	14	21
Strongly Disagree	17	21	15	17

Chart 24.



In the last two years, have you developed a new course?

- Nearly three-quarters of UA faculty say they have developed a new course in the last two years.
- UAS faculty are the most likely to have developed a new course (88 percent), while UAA faculty are the least likely (71 percent).
- According to CHE survey results, 72 percent of faculty members said they had developed a new course in the last two years – an almost identical percentage to UA faculty’s 73 percent.

Table 34.

	Total	UAA	UAF	UAS
Yes	73%	71%	73%	88%
No	19	23	19	4
Not sure	1	1	1	0
Not applicable	7	4	8	8

In the last two years, have you served as a paid consultant?

- Just over one-third of UA faculty members report serving as a paid consultant in the last two years.
- UAF faculty are the most likely to have served as a paid consultant in the last two years (61 percent, compared to 56 percent of UAS and 55 percent of UAA faculty).
- The CHE survey reports that 38 percent of nationwide faculty have served as a paid consultant in the last two years, comparable to UA faculty’s 36 percent.

Table 35.

	Total	UAA	UAF	UAS
Yes	36%	40%	32%	35%
No	58	55	61	56
Not sure	0	0	0	2
Not applicable	6	5	6	8

In the last two years, have you published at least one paper in a peer-reviewed journal?

- One half of faculty members say they have published a paper in a peer-reviewed journal in the last two years.
- This question produced the widest variance of responses among the different campuses of any question on the survey. Given UAF's research focus, faculty there are the most likely to have answered yes (67 percent), followed by UAA faculty (37 percent) and UAS faculty (29 percent).
- Male faculty are more likely to have published a paper (58 percent, versus 41 percent of female faculty).
- The CHE survey results state that 59 percent of nationwide faculty say they have published at least one paper in the last two years – a somewhat higher percentage than UA faculty's 51 percent. Among faculty at public universities, that percentage changes to 83 percent; at public four-year colleges, 65 percent.

Table 36.

	Total	UAA	UAF	UAS
Yes	51%	37%	67%	29%
No	38	50	25	58
Not sure	0	0	0	0
Not applicable	10	13	7	13

In the last two years, have you received at least one firm job offer from another institution?

- Three out of ten faculty members say they have received at least one firm job offer from another institution in the last ten years.
- Newer faculty members are the most likely to have received another job offer (45 percent), while those who have been with the University the longest are the least likely (15 percent).
- Men are more likely than women to say they have received a job offer (34 versus 25 percent).
- In the CHE survey, 28 percent of faculty members say they have received at least one firm job offer in the last two years, very similar to UA faculty's 30 percent.

Table 37.

	Total	UAA	UAF	UAS
Yes	30%	31%	30%	33%
No	52	51	53	56
Not sure	1	0	1	0
Not applicable	17	18	16	12

National Association of College and University Attorneys
Research Universities: Evolving Intellectual Property Policy
Advanced Workshop November 12, 1998

Intellectual Property Policies
Christine Maitland, Ph.D.
National Education Association

Historical Notes on Intellectual Property

Three hundred years after the invention of the printing press, Immanuel Kant and every other writer in the German city states, had a problem. The public was suddenly inundated with printed works --- plays, poems, novels, and philosophy. Once the works were published in one city-state they were copied in others without payment to the authors. The debate raged for over 20 years and involved many of the best minds in Germany. Kant wrote in the Critique of Judgment (1790): "Every artistic work consists of a physical object and a piece of its creator's spirit. People can buy the object but not the spirit, for soul cannot be purchased. Thus readers can freely copy books, but only in ways that respect the writer's integrity." This idea grew into the current European system of copyright ("Who Will Own Your Next Good Idea?" *Atlantic Monthly*, September 1998).

There is a 300-year legal history of protection of copyright in English and American law. At its earliest conception in England it was viewed as a natural right of authors to protect their written work so they could "reap the profits of their own ingenuity and labor." ("Preserve Copyrights and Protect Us All," *Washington Post*, Outlook Section, Sunday November 1, 1998)

By the time of the writing of the U.S. Constitution copyright was recognized as a common-law right that served to both reward and author's efforts and provide an incentive to create original works for public dissemination. The founders believed that copyright was essential to democracy and included it in the constitution. Article I, Section 8 instructs Congress to "secure for limited Times to Authors and inventors the exclusive Right to their Respective Writing; and Discoveries. " When George Washington asked Congress to enact copyright legislation he argued that it would increase the national stock of knowledge. And knowledge, he said, is the "surest basis of public happiness." (*Atlantic Monthly*, Sept. 1998, p. 5)

Now like eighteenth century Germans, we are experiencing powerful cultural changes. The rise of digital media and the Internet for communication is forcing us to revisit the question of intellectual property. In the fall, Congress passed the Digital Millennium Copyright Act of 1998 which has important implications for campuses. Also enacted was

the Sonny Bono Copyright Term Extension Act which extends the copyright protection from 20 years to 50 years after the death of the author (or 75 years after publication for corporate authors) and makes it a crime to circumvent copyright protections. The legislation brings the United States in compliance with the terms of the World Intellectual Property Organization Treaty on Copyrights (WIPO). There is a session on the new legislation tomorrow, so I won't go into further details here.

NEA's concern in lobbying for this legislation and for WIPO was the protection of the rights educators to own their work, and the "fair use" of materials for educators." NEA, library groups, and other education groups were successful in preventing a provision that would have established legal protections for virtually any collection of information (databases), even those currently in the public domain.

Intellectual Property Language in Bargaining Agreements

Karen Hershey outlined what was necessary for a good policy on intellectual property in her remarks. In NEA's view a good policy is a well-negotiated labor agreement with binding arbitration. We assert that "faculty and staff should own the rights to their intellectual property." Unions protect faculty rights in this area through negotiations.

NEA maintains a database with over 500 higher education contracts for two and four-year campus. When language on patents, copyrights, royalties is reviewed there are several trends that become apparent (Note: Attachment 1 has examples of contract language in this area):

1. If the research is funded by another agency then the contract or grant for that research determines the distribution of income from the product.
2. If a faculty member invents, writes, or produces a product without the use of campus resources then they own full rights to the income from that product.
3. If the faculty member uses campus resources there are several options:
 - a. The proceeds are shared by the individual faculty and the campus - percentages are determined by the labor agreement.
 - b. Or the proceeds are shared until the "fair market value" of the resources has been repaid.
 - c. Sometimes there are provisions that students and other faculty on the campus may use the product for no charge. If it is marketed off the campus than the individual faculty member and the campus share the proceeds.
4. The faculty own the copyright to their classroom lecture notes and materials; and to their publications.
5. The administration cannot make signing away rights a condition of employment.

Distance education and other uses of technology are raising new questions: Who owns the products of distance learning? If a web site is created for a course who owns copyright? If a class is video taped who owns the tape? Administrators did not care about owning faculty members' lecture notes or books that sold 500 copies. But the market is hungry for courseware and now those notes suddenly have value, especially when they are in an electronic format.

Future Trends

We may be disputing the ownership of outmoded products. Several developments will bring up new ownership issues.

1. The invention of electronic paper - a flexible, cordless computer screen that looks and acts like a piece of paper. If e-paper is widely accepted it will "turn the world of copyright upside down, and with its literary culture." Each Gyricon sheet is made of transparent silicone rubber with millions of plastic balls, smaller than a human hair, which carries an electrostatic charge. Arranging these balls creates black and white dots that can be arranged like pixels on a computer screen. Once they have been given a charge they will last a very long time, but they can also be run through the charge again to make another image. Other companies are developing versions of electronic books that will look and feel like a paper. (*Atlantic Monthly*, September 1998)
2. Musicians face new challenges in the digital age where people can download the latest music from the Internet. Companies are developing markers that will make it possible to determine who owns the product and which web sites it has been on. The same markers are being developed for printed materials ("New Electronic Tags Carry Copyright Information About On-Line Publications," *The Chronicle of Higher Education*, October 3, 1997)
3. There is growing resistance to the high cost of refereed journals in higher education. Faculty members in some disciplines are looking for ways to have research peer reviewed through publications on the Internet without the journals.
4. The NEA is releasing a multi-media, interactive CD-ROM on the future of higher education. Included are scenarios on campuses that may exist in the future. To obtain a copy send an e-mail to HigherEd@nea.org or visit web site at <http://www.nea.org/he>

In preparing for this session, several web sites that have good information on the topic were found. The URL's are below:

<http://www.wtaccess.com/users/gummess/coprby/coprby.htm>). George Washington University graduate students developed "Copyright Bay" that uses coastal metaphors to help teachers and faculty members navigate "Fair Use Harbor" and avoid the dreaded "Infringement Reef."

<http://www.lib.uiowa.edu/proj/webbuilder/copyright.html>

Sites about copyright that are linked to the University of Iowa's Copyright and Multimedia Law for Webbuilders and Multimedia Authors.

<http://www.theatlantic.com/issues/98sep/copy.htm>

Who will own your next good idea? This article in the September 1998 issue of Atlantic Monthly talks about the future of copyright and impact of inventions like electronic paper.

Attachment 1 Intellectual Property Language in Labor Agreements

Article 10 of the University of Hawaii 1995-1999 on Intellectual Property, Patents and Copyrights has the following provisions:

General Scope

Except in the case of works written or produced for hire, and subject to any restrictions imposed by outside sponsoring or funding organizations, a Faculty Member who writes or produces any work shall have exclusive rights thereto, including the ownership of copyright.

It is recognized that there are usually three interests involved in connection with research work and invention performed with the resources of the University. These three interests are the Faculty Member researcher or inventor, the University, and the general public whose taxes support the University. If the research is financed wholly or in part by an outside agency, there exists an additional interest. Rights, royalties, and other net profits shall be shared fairly amongst the parties. In most cases, the Faculty Member will receive fifty percent (50%) of the net profits from the sale or exploitation of Patents.

A. Classroom lectures and the recording of presentations.

Faculty Members shall own all rights to materials prepared on their own initiative for classroom, educational or professional purposes, and shall be exclusively entitled to the benefit of any royalties derived therefrom.

For personal educational purposes, students may record classroom lectures or other presentations, using tape recorders or other electronic or mechanical devices, unless the Faculty Member denies permission for such recording. Permission shall not be denied when the student requires such devices as the result of a physical disability.

B. Distance Learning and Multimedia Presentations

The Employer may transmit or record for transmission any classroom instruction, lecture or other instructional or performance event produced by Faculty Members as a part of a program of distance learning, e.g., HITS and SkyBridge, where the Faculty Member has received either an equivalent reduction in other classroom assignments or overload compensation as set forth in Article XX, Salaries. The Employer, however, may not sell or re-transmit in future semesters any such recording except under the terms of a written

Agreement between the Employer and the Faculty Member providing each party with a fifty percent (50%) interest in the net profits from either the sale or rebroadcast.

C. Patents and Copyrights

The rights of Faculty Members relating to patents and copyrights shall be governed by the University of Hawaii Patent and Copyright Policy (effective 11/22/68), and the Executive Policy E5.500 Administration of the Patent and Copyright Policy and the Administrative Procedures A5.500, A5.501, and A5.502 (as in effect on 12/14/96), which are incorporated herein by reference. (See R-10, R-11, R12, R-13, R-14 of Reference Section.)

D. Review and Amendment

The parties recognize that the issue of intellectual property is complex and that there may be a need to amend or modify the current University of Hawaii Patent and Copyright Policy. Therefore, a Joint Committee shall be established to periodically review the issue of intellectual property rights and the applicable policies and procedures. The Joint Committee shall be comprised of three representatives appointed by the UH President and three representatives appointed by UHPA. The Joint Committee shall meet at least once each academic year and report its deliberations, findings, and recommendations, if any, to the Employer and the Union.

Agreement for Youngstown State University 1993 – 1996 (Ohio)

24.3: Research Proceeds: All proceeds which result from faculty research, including marketable computer software programs, belong to the faculty member unless the research is subsidized by YSU or an external agency which stipulates contrary terms in a separate and specific contract as a condition of support. Research is considered to be subsidized by YSU only if the faculty member receives a reduction in teaching load, a Research Professorship, a Sabbatical/Faculty improvement Leave, or a University Research Council grant, for the purpose of conducting the research. Under no circumstances shall YSU's share exceed 25% of the proceeds after the recovery by YSU of the cost of subsidy specified in the contract. The signing of a specific contract with YSU for subsidized research cannot be a stipulated condition of employment. This policy shall not apply to royalties, which shall go exclusively to the author.

Agreement for State University System of Florida 1995-1998 (excerpts)

Article 18 Inventions and Works.

18.1 University Authority and Responsibilities. Section 240.229, Florida Statutes, authorizes each university to establish rules and procedures regarding patents, copyrights,

and trademarks. Such rules and procedures shall be consistent with the terms of this Article.

18.2 Definitions. The following definitions shall apply in Article 18: (a) A "work" includes any copyrightable material, such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, pictorial or graphic works, and sculptural works. Instructional technology material, as defined in Section 9.8(b), is included in this definition.

(b) An "invention" includes any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any mark used in connection with these items. Instructional technology material, as defined in Section 9.8(b), is included in this definition.

(c) "Instructional technology material" is defined in Section 9.8(b).

(d) "University support" includes the use of university funds, personnel, facilities, equipment, materials, or technological information, and includes such support provided by other public or private organizations when it is arranged, administered, or controlled by a university.

18.3 Works

(a) Independent Efforts.

A work made in the course of independent efforts is the property of the employee, who has the right to determine the disposition of such work and the revenue derived from such work. As used in this Section, the term "independent efforts" means that:

- (1) the ideas came from the employee;
- (2) the work was not made with the use of university support; and
- (3) the university is not held responsible for any opinions expressed in the work.

(b) University-Supported Efforts.

(1) If the work was not made in the course of independent efforts, the work is the property of the university and the employee shall share in the proceeds therefrom.

(2) Exceptions. The university shall not assert rights to the following works:

- a. Books, articles, and similar works, the intended purpose of which is to disseminate the results of academic research or scholarly study; and
- b. Works developed without the use of appreciable university support and used solely for the purpose of assisting or enhancing the employee's instructional assignment.

Legal Definition

Intellectual Property is any product of human intellect that is unique and un-obvious with some value in the marketplace. Intellectual property laws cover ideas, inventions, literary creations, unique names, business models, industrial processes, computer program code, and more. Intellectual Property law is primarily an umbrella term for three distinct areas of the law: Copyright, Trademark and Patent. Intellectual Property also deals with publicity rights, misappropriation, and unfair competition.

University of Kentucky

INTELLECTUAL PROPERTY DISPOSITION AND ADMINISTRATIVE REGULATION (APPROVED BY THE BOARD OF TRUSTEES)

I. PREAMBLE

Research leading to new knowledge and the transfer of this new knowledge through teaching and service are two of the major responsibilities of the University of Kentucky. Traditionally, these responsibilities have been met through teaching, publication, and demonstration. As early as 1946, the University recognized that some new knowledge or technology had commercial value and warranted protection through the patent process. In 1974, a copyright policy recognized the traditional rights of faculty to the written fruits of their scholarly activity and the University's rights of ownership to other materials produced as a result of direct assignments, e.g., videotapes, films, and programmed instruction materials.

Implicit in these developments was the understanding that the University not only had a responsibility to bring new knowledge into use by the general public, but also that such knowledge or technology sometimes has commercial value and should be treated as a financial asset to be used, conserved, or applied in such a way as to generate an appropriate financial return. Transfer of such information or technology through licensing satisfied both objectives, i.e., dissemination for use and the realization of a return.

Developments in recent years have broadened the scope of information and technology that can have potential commercial value and that, therefore, should be treated as assets subject to University ownership and control. In addition to new machines, compositions of matter, and written materials which traditionally have been the subject of patents and copyrights, new life forms, bioengineered agents, plant varieties, computer software, video courses, etc., are now normal outcomes of University activities. Thus, a broad policy covering all aspects of intellectual property is provided.

OBJECTIVES OF THE POLICY

- A. To facilitate the transfer of knowledge and technology and the utilization of such knowledge and the technology to the general benefit of society.
- B. To encourage research, scholarship, and a spirit of inquiry, thereby generating new knowledge.
- C. To provide an administrative system to determine the commercial significance of discoveries and new developments and to assist in bringing these into public use.
- D. To provide for the equitable disposition of interests in new intellectual property among the developer, author, or inventor (the originator), the University, and, where applicable, the sponsor.
- E. To provide incentives to originators in the form of personal development, professional recognition, and financial compensation.
- F. To safeguard intellectual property so that it may receive adequate and appropriate legal protection against unauthorized use.

ADMINISTRATIVE PROCEDURES

If the IPC determines that the University has a legal interest in the property and judges that there is a reasonable chance for successful commercialization, it shall: (1) inform the originator in writing that the University claims ownership rights to the property; (2) determine and record the rights of the originator to share in any income in accord with Section VII; and (3) refer the matter to UKRF together with its recommendations as to appropriate courses of action. The originator shall execute an assignment of ownership rights to UKRF as the designated agent of the University.

ROYALTY INCOME SHARING POLICY

A. Net income is defined as gross royalties, license fees, or other such payments received by UKRF on behalf of the originator and the University less necessary deductible costs, e.g., mailing or courier costs, interferences, licensing costs, patent enforcement, necessary travel, auditing fees, or sponsor shares. The phrase "gross royalties, license fees, or other such payments" means agreed upon payments specified in a license or other commercialization agreement usually expressed as a percentage of sales or a fixed dollar amount per unit manufactured in return for the right to use, copy, reproduced, make, or sell an item of intellectual property or product based on such property. UKRF shall reserve the right to suspend distribution of income where there is reason to believe that substantial deductible costs will be incurred in the future. The originator shall be informed of such decisions. An annual detailed accounting of income and costs shall be made available to the originator by UKRF.

B. Except as otherwise provided through supplementation under Section VII.C., net calendar year royalty or license income as defined in Section VII.A. derived from commercialization of intellectual property covered by this policy shall be shared as follows: 40% to the originator, 20% to the originator's department or immediate administrative unit, 20% to the dean of the originator's college, and 20% to UKRF.

C. In certain University units, because of conditions of employment and the nature of work assignments, and the fact that units often assume continuing responsibilities for maintenance and periodic revision of the property, an alternate distribution of net income to employees may be appropriate. Units wherein these situations may occur should propose appropriate modifications to the distribution scale in Section VII.B. Upon approval by the President, such modifications shall be added to this policy as unit supplements. Such modifications may not increase the combined shares of the originator and the department as specified in Section VII.B., except in unusual and very specific circumstances.

D. The department's share shall be retained in a separate account in UKRF and shall be available for expenditure by the department in accord with a budget to be approved by the Vice President for Research and Graduate Studies. Such funds may be allowed to build across fiscal years to reach amounts necessary for major purchases or other nonrecurring purposes. Such funds may be invested, and the income shall be credited to the account in accord with existing policy regarding investment of restricted funds.

E. The originator's rights to share in net income as stated above (but not including the department's share) shall remain with the individual or pass to the individual's heirs and assigns for so long as net income is derived from the property.

F. Where more than one individual is considered to be the originator, such persons will determine among themselves the individual share each will receive. In the event that they cannot reach such agreement, the determination shall be made by the IPC after giving each individual an opportunity to present a personal position. Such determination by the IPC shall be final.

G. Originators are encouraged to consider making a gift of all or a part of their income shares to support University research activities. Upon request by an originator, UKRF will retain all or a part of the originator's share in a separate account within UKRF for expenditure in accord with the originator's wishes. The originator may restrict such gifts to any particular program or unit of the University including the originator's own research program. Such requests may be limited in duration to a specific time period or to some specific future event, e.g., the originator's retirement or resignation from the University, and may be cancelled or modified by the originator at any time.

H. This policy shall not change income-sharing agreements entered into prior to the adoption of this policy.

Revenue Distribution (Indiana University)

Monetary Proceeds: All monetary proceeds from the transfer or commercialization of applicable intellectual property shall be distributed as follows, unless legal requirements or contractual agreements require otherwise:

Of the first \$100,000 of net revenue:

The Creator(s), or Creator's heirs, successors, and assigns, shall receive one-half (50%) of the net revenue arising from applicable intellectual property.

The Campus(es) responsible for the applicable intellectual property shall receive one-quarter (25%) of the net revenue arising from the applicable intellectual property to support research activities.

The University shall receive one-quarter (25%) of the net revenue arising from the applicable intellectual property to support research and technology transfer activities.

Of the next \$300,000 of net revenue:

The Creator(s), or Creator's heirs, successors, and assigns, shall receive forty percent (40%) of the net revenue arising from applicable intellectual property.

The Campus(es) responsible for the applicable intellectual property shall receive one-quarter (25%) of the net revenue arising from the applicable intellectual property to support research activities.

The University shall receive thirty-five percent (35%) of the net revenue arising from the applicable intellectual property to support research and technology transfer activities.

Of the next \$600,000 of net revenue:

The Creator(s), or Creator's heirs, successors, and assigns, shall receive thirty percent (30%) of the net revenue arising from applicable intellectual property.

The Campus(es) responsible for the applicable intellectual property shall receive one-quarter (25%) of the net revenue arising from the applicable intellectual property to support research activities.

The University shall receive forty-five percent (45%) of the net revenue arising from the applicable intellectual property to support research and technology transfer activities.

Of net revenue in excess of \$1,000,000:

The Creator(s), or Creator's heirs, successors, and assigns, shall receive twenty-five percent (25%) of the net revenue arising from applicable intellectual property.

The Campus(es) responsible for the applicable intellectual property shall receive one-quarter (25%) of the net revenue arising from the applicable intellectual property to support research activities.

The University shall receive one-half (50%) of the net revenue arising from the applicable intellectual property to support research and technology transfer activities.

The University Research and Policy Committee shall review the dollar thresholds set forth above, and revise them as necessary in light of inflation and other economic factors, not less than once every five years after the effective date of this Policy.

In the absence of a written agreement to the contrary, multiple Creators shall receive equal portions of the Creator(s)' share of net revenue. When multiple Creators are located on different Campuses, each Campus shall receive the same percentage of the total Campus share of net revenue as the Creators located on that Campus receive of the total Creator share of net revenue.

The distribution on each Campus of the Campus(es)' share of net revenue among Schools and Departments shall be determined according to written policies to be developed on each Campus. Those policies shall ensure that such distributions equitably reflect the role of Schools and Departments in the development of applicable intellectual property.

Special facts concerning applicable intellectual property may warrant a different distribution of net revenue. Agreements with respect to alternative allocation of revenues shall be in writing and require the consent of the Creator(s), the Dean(s) of the Creator(s)' School(s), the Chancellor(s) of the Creator(s)' Campus(es), and the Vice President for Research and Dean of the Graduate School or his or her designee.

Equity Interests

The Technology Transfer Office may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to monetary consideration as a part of an agreement between Indiana University and an external entity relating to applicable intellectual property. Such negotiations shall comply with federal and state statutes, and conflict of interest and commitment and other University policies.

Except as provided below, each Creator shall make an irrevocable election between subparagraphs (a) and (b) below as to the distribution of his or her share of equity interests, or the proceeds from the sale therefrom, resulting from the transfer or commercialization of applicable intellectual property, unless legal requirements or contractual agreements require otherwise:

The University shall own the equity interests. If and when monetary proceeds are generated by the sale of equity interests, those proceeds shall be distributed according to the policies set forth herein for revenue distribution. The University does not act as a fiduciary for any Creator concerning equity interests or other nonmonetary consideration received under the terms of this Policy and no Creator shall have any interest in, or legal right to, such equity interests or nonmonetary consideration.

The University shall distribute to any Creator making this election that Creator's share of the equity interests resulting from the transfer or commercialization of applicable intellectual property. The Creator's share of the equity interests shall be determined according to the following formula:

The fair market value of the equity interests shall be determined as of the next business day after the day on which the Creator requests the distribution.

The University shall then set aside that portion of the equity interests which is equal in value to the direct expenses incurred by the University for obtaining intellectual property protection of the applicable intellectual property (unless those expenses have been covered as part of the distribution of monetary proceeds).

The University shall then transfer to the Creator that portion of the remaining equity interests to which the Creator would be entitled under Section 4(a) (Monetary Proceeds) above, based on the total value of the remaining equity interests.

The Creator shall not have the right to specify the distribution of equity interests under Section 4(b)(ii)(b) where such distribution is impossible or impractical.

LEGAL SERVICES

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

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


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

MEMORANDUM

January 22, 2004

SUBJECT: Immunity for business jointly owned by the University of Alaska and an employee of the university. (HB 282)

TO: Representative Sharon Cissna
Attn: Heather Gardner

FROM: Jean M. Mischel
Legislative Counsel 

You have asked for a brief opinion today pertaining to whether a business enjoys civil immunity if the business is jointly owned by the University of Alaska and one of its employees, as allowed on page 2, lines 4 - 6 of HB 282. Due to its context, your question is being interpreted as a question of whether the business entity enjoys sovereign immunity as an entity of the state.

The short answer is no since there is no express provision in the bill regarding the immunity status of the business and since the business does not operate as an exclusive entity to fulfill a statewide function.

A court will review the circumstances in a particular case to determine whether a business is an exclusive entity needed to meet statewide needs and therefore should be treated as an arm of the state for sovereign immunity purposes under AS 09.50.250.

The Alaska Supreme Court has reviewed the status of the university itself as a state entity in a couple of instances. In those cases, the court held that the corporate status of the university did not preclude consideration of the university as an arm of the state. See, e.g., Elstad v. Department of Natural Resources, 979 P.2d 1000 (1999); University of Alaska v. Aircraft Services, 536 P.2d 121 (1975). But the court also reviewed the evidence to determine whether the university was an exclusive entity fulfilling a governmental function.

In the instance of a jointly-owned business described in HB 282, a court will probably question whether the business is being operated in place of a state entity to fulfill a governmental function. Since the business would be set up for research and development purposes or as a result of research already conducted, the business appears to fulfill a joint public and private function and therefore would probably not be construed by a court to be a state entity for sovereign immunity purposes.

If I may be of further assistance, please advise.

JMM:med
04-069.med

HB

292

ALASKA STATE LEGISLATURE

Vice Chair:

Joint Armed Services Committee

Member:

Military and Veterans Affairs Committee

Labor and Commerce Committee

State Affairs Committee

Economic Development, Trade, &

Tourism Committee



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) 269-0171

Fax: (907) 269-0177

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON

Representative_Nancy_Dahlstrom@legis.state.ak.us

HB 292

SPONSOR STATEMENT

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

Since the early 1970's, Alaskan physicians who perform or induce abortions are required, in regulation, to inform patients "of the medical implications and the possible emotional and physical sequelae of the procedure" (12 A.A.C. 40.070). HB 292 raises these regulations into statute, and standardizes the information presented to the patients by means of a website maintained by the Department of Health and Social Services. This website will list accurate, objective information that explains resources available to a pregnant woman that may assist her in making and implementing her own reproductive decisions. This bill will enable women to make healthy, educated choices regarding their own individual and private circumstances.

ALASKA STATE LEGISLATURE

Vice Chair:
Joint Armed Services Committee

Member:
Military and Veterans Affairs Committee
Labor and Commerce Committee
State Affairs Committee
Economic Development, Trade, &
Tourism Committee



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

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LANE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

HB 292

SECTIONAL ANALYSIS (Version H)

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

Section 1 FINDINGS language describes the interests and intentions of the Legislature's intervention in this issue. Interests include regulating medical practice, protecting the life and health and choices of pregnant women, and clarifying a physician's requirements to obtain informed consent, which will in turn, conserve legal and judicial resources.

Section 2 directs the Department of Health and Social Services to develop a website designed to assist a pregnant woman with her reproductive choices. This pamphlet will provide resources for women to use in order to make and implement these decisions. The material will include information specific to geographic region, adoption services, counseling, abortion, clinics, medical assistance benefits, requirements for doctors who performs abortions, the father's liability, fetal development, and medical risks/rewards for each procedure option.

Section 3 adds that abortion may not be performed unless informed consent is obtained, as outlined in Section 4. This elevates 12 A.A.C. 40.070 to statute.

Section 4 adds civil liability for a person who performs or induces an abortion without meeting the informed consent provisions. A doctor who prints the website's information and distributes it to the pregnant woman is not liable under this section.

Section 5 states the terms of qualification for consent to an abortion to be informed and voluntary. Medical emergency, as defined in this section, bypasses the informed consent requirements. The pregnant woman or her parent/guardian/etc. will certify the requirements in writing as met. Voluntary informed means: at least 24 hours before the procedure, in an individual and private and confidential setting, the physician will provide information on the women's individual circumstances including the physician's name, gestational estimation of the pregnancy, and the nature and risks of the procedure and its alternatives, and the availability of the website's information.

Section 6 adds to the current abortion reporting law. In preparing the report, the state registrar must require whether or not the pregnant woman received the website's information.

Section 6 provides severability of this legislation.

LEGAL SERVICES

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

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

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

MEMORANDUM

March 21, 2003

SUBJECT: Information and services for pregnant women; informed consent requirements before an abortion (Work Order No. 23-LS0867\A)

TO: Representative Nancy Dahlstrom

FROM: Terri Lauterbach
Legislative Counsel *TLauterbach*

Enclosed is a work draft on the above subject.

Section 1. Requires the Department of Health and Social Services to prepare a standard information pamphlet containing the types of information listed on pages 1 - 3 of the draft.

Sections 2 - 4. Establish a specific type of informed consent requirement applicable to abortions. Provides for civil damages, in addition to the criminal sanction that would exist, for violation of the informed consent requirement.

Section 5. Provides a special severability clause.

Because this bill requires a specific type of informed consent before an abortion may be performed, there are some legal issues about the bill that you may wish to consider.

First, as background, I want to let you know that a patient's informed consent is already a requirement before a physician may perform an abortion. In general, of course, a physician must always have the consent of a patient before treatment; otherwise, the physician could be guilty of an assault. But, there is also a specific regulation of the State Medical Board requiring physicians to obtain informed consent before an abortion is performed. The regulation is 12 AAC 40.070. It requires that the patient's consent be in written form and be put on the patient's chart. The regulation requires the physician to advise the patient "of the medical implications and the possible emotional and physical sequelae of the procedure." Disciplinary sanctions can be imposed by the State Medical Board for failure to comply with its regulations. (AS 08.64.326(a)(7))

Secondly, in my opinion, the language of Sec. 18.16.060(a) overlooks situations where, because of mental incompetence, a woman is incapable of providing voluntary, informed consent. The subsection could be amended to allow consent to be provided by the

Representative Nancy Dahlstrom
March 21, 2003
Page 2

woman's parent or legal guardian when the woman has been legally determined to be mentally incompetent.

Thirdly, there are two specific features of the informed consent requirements in this bill draft that may be challenged as unconstitutional.

One type of challenge could be based on the requirement that all women must be given the type of information described in the definition of "informed consent." This could be challenged as interfering with the privacy of the patient-physician relationship and the exercise of the physician's best medical judgment. The definition of "informed consent" would require certain types of information about abortions and abortion procedures to be given to every woman seeking an abortion, regardless of the physician's judgment of the relevancy of the information to a particular patient, the medical desirability of giving the patient the information, and whether the patient wants to know the information. This type of restraint on a physician's discretion might be struck down by an Alaska court. The Alaska Supreme Court, in *Korman v. Mallin*, 858 P.2d 1145 (Alaska 1993) (a case not relating to abortion) has recognized that a

physician retains a qualified privilege to withhold information on therapeutic grounds, as in those cases where a complete and candid disclosure of possible alternatives and consequences might have a detrimental effect on the physical or psychological well being of the patient or where the patient... has specifically requested that [s]he not be told. [Additional citations omitted.]

The risk that the enclosed draft could be found unconstitutional in this area could be decreased by adding the following two exceptions to Sec. 18.16.060(a) (where there is already an exception for medical emergencies): (1) when, in the judgment of the physician, a complete and candid disclosure of possible alternatives and foreseeable complications has a substantial possibility of having a severely detrimental effect on the physical or psychological well being of the woman, or (2) when a patient has specifically requested that she not be told about certain matters included in the definition of "informed consent."

A second type of constitutional challenge could be based on the requirement that the physician personally impart the required information to the patient.¹ A recent case from

¹ While AS 18.16.060(b), enacted in sec. 4 of the bill, does not say that the requirements of AS 18.16.060(b) are the **only** way to measure whether consent is voluntary and informed, the rebuttable presumption established in sec. 3 of the bill places a distinct threat of civil liability on any other method of informed consent, and the requirement in AS 18.16.010(a)(5), enacted in sec. 2 of the bill, that "applicable requirements of AS 18.16.060" must be satisfied in order to avoid criminal liability, places a physician at risk of criminal liability as well if informed consent is not obtained in the precise manner described in sec. 4 of the bill.

Representative Nancy Dahlstrom

March 21, 2003

Page 3

the Tennessee Supreme Court, *Planned Parenthood of Middle Tennessee v. Sundquist*, 38 S.W.3d 1 (Tenn 2000), invalidated a requirement of physician-only counseling because it conflicted with the "standard throughout the medical community" of allowing other health care professionals to provide the needed counseling. The Tennessee court used strict scrutiny under the Tennessee constitution's right of privacy and found that the physician-only counseling restriction was not tailored narrowly enough to overcome the pregnant woman's fundamental right of "procreational autonomy." Since the Alaska Supreme Court, under our constitution's right to privacy clause, has also found that "reproductive rights are fundamental" in *Valley Hospital Ass'n v. Mat-Su Coalition for Choice*, 948 P.2d 963 (Alaska 1997), our court may well make the same kind of decision as the Tennessee court and strike down the physician-only counseling requirement of the enclosed draft.

This potential constitutional infirmity could be mitigated by amending Sec. 18.16.060(b)(1) so that a member of the physician's staff could also provide the information, with (perhaps) the opportunity, at the patient's request, to consult the physician after the information is provided.

I also have one additional question: on page 1, line 10, the draft uses the word "should." Do you want to use "shall" instead, or do you want to leave some discretion with the department and allow for the listing to be incomplete from time to time because new agencies start up and old agencies become defunct or change addresses? (Please note that this "should" is a word that applies only to subparagraphs (1)(A) and (B). Paragraphs (2) - (9) fall under the "shall" on page 1, line 7.)

Please let me know if this memorandum raises additional questions or if I can be of other assistance on this matter.

TML:med
03-337.med

Enclosure