

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10899 HOUSE JUDICIARY

- Information we receive from you on applications or other forms, such as [provide illustrative examples, such as “your name, address, social security number, assets, income, and beneficiaries”];
- Information about your transactions with us, our affiliates, or any others, such as [provide illustrative examples, such as “your policy coverage, premium, and payment history”]; and
- Information we receive from a consumer-reporting agency, such as [provide illustrative examples, such as “your creditworthiness and credit history”].

Sample Statement A-5, Alternative 2

We may disclose all of the information we collect, as described [describe location in the notice, such as “above” or “below”] to companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements.

A-6—Explanation of opt out right (institutions that disclose outside of the exceptions)

A licensee may use this statement to meet the requirement of 3 AAC 26.620(a)(7) to provide an explanation of the consumer’s right to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the method by which the consumer may exercise that right. The licensee may use this statement if the licensee discloses nonpublic personal financial information other than as allowed under 3 AAC 26.660 - 3 AAC 26.670.

Sample Statement A-6:

If you prefer that we not disclose nonpublic personal financial information about you to nonaffiliated third parties, you may opt out of those disclosures, that is, you may direct us not to make those disclosures, other than disclosures allowed by law. If you wish to opt out of

disclosures to nonaffiliated third parties, you may [describe a reasonable means of opting out, such as "call the following toll-free number: (insert number)].

A-7-Confidentiality and security (all institutions)

A licensee may use this statement to meet the requirement of 3 AAC 26.620(a)(9) to describe the licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information.

Sample Statement A-7:

We restrict access to nonpublic personal financial information about you to [provide an appropriate description, such as "those employees who need to know that information to provide products or services to you"]. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal financial information. (Eff.

____/____/____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.625. Opt out notices and methods. (a) If a licensee is required to provide an opt out notice under 3 AAC 26.645, the licensee shall provide to each of the licensee's consumers a clear and conspicuous opt out notice that accurately explains the consumer's right to opt out under 3 AAC 26.645.

(b) The opt out notice required in (a) of this section must

(1) state that the licensee discloses or reserves the right to disclose nonpublic personal financial information about a consumer to a nonaffiliated third party;

(2) identify the categories of nonpublic personal financial information that the licensee discloses or reserves the right to disclose as described in 3 AAC 26.620(a)(2);

(3) identify the categories of nonaffiliated third parties to which the licensee discloses nonpublic personal financial information as described in 3 AAC 26.620(a)(3);

(4) state that a consumer can opt out of disclosure of the nonpublic personal financial information identified in paragraphs (2) and (3) of this subsection;

(5) identify the insurance products or services that a consumer seeks to obtain or obtains from the licensee for which the consumer may opt out;

(6) provide a reasonable means for a consumer to opt out, which may include

(A) providing check-off boxes in a prominent position on the opt out notice or on a separate form provided with the opt out notice;

(B) providing a separate reply form with the opt out notice that does not contain check-off boxes;

(C) if a consumer agrees to electronic delivery of information, providing an electronic opt out form that the consumer can send by electronic mail or can process through the licensee's web site; or

(D) providing a toll-free telephone number that a consumer may call to opt out.

(b) A licensee does not meet the requirements of (a)(6) of this section if a consumer is required

(1) to write a letter in order to opt out; or

(2) to use check-off boxes that the licensee provided with the initial notice in order to opt out, but the licensee did not include check-off boxes with a subsequent notice.

(c) A licensee may provide the opt out notice required under 3 AAC 26.645 at the same time and on the same written or electronic form as the initial notice required under 3 AAC 26.610 is provided.

(d) If a licensee provides an opt out notice to a consumer after the initial notice required under 3 AAC 26.610 is provided, the licensee shall provide the consumer the opt out notice and a copy of the initial notice in writing or electronically, if the consumer agrees to electronic delivery of that information.

(e) If two or more consumers jointly obtain an insurance product or service from a licensee

(1) the licensee may provide a single opt out notice;

(2) the licensee shall provide an explanation in the opt out notice of how the licensee will treat a direction by a consumer to opt out;

(3) each consumer may individually opt out either

(A) by one consumer's direction to opt out as applying to all of the consumers who jointly obtain an insurance product or service from the licensee; or

(B) by each consumer's direction to opt out as applying only to that consumer; and

(4) a licensee may not require all consumers to opt out before the licensee implements a direction by one consumer to opt out.

(f) If a consumer opts out, the licensee shall comply with the opt out direction as soon as reasonably practicable after the licensee receives the opt out direction from the consumer.

(g) A consumer may opt out of disclosure at any time.

(h) When a customer relationship terminates, a consumer's opt out direction

(1) continues in effect unless revoked by the consumer in writing or electronically, if the consumer agrees to electronic delivery of information;

(2) remains in effect for all nonpublic personal financial information that the licensee collected during or related to the customer relationship; and

(3) does not apply to a new customer relationship established after termination of the customer relationship to which the opt out direction applied. (Eff. ___/___/___,

Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.630. Revised privacy notices. (a) A licensee may not directly or through an affiliate disclose nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice provided to the consumer under 3 AAC 26.610 unless

(1) the licensee has provided the consumer a clear and conspicuous revised notice that accurately describes the licensee's privacy policies and practices;

(2) the licensee has provided the consumer a new opt out notice that complies with 3 AAC 26.625;

(3) the licensee has given the consumer a reasonable opportunity to opt out before disclosing information to a nonaffiliated third party; and

(4) the consumer does not opt out.

(b) Except as allowed under 3 AAC 26.660 - 3 AAC 26.670, a licensee shall provide a revised notice to a consumer before

(1) disclosing a new category of nonpublic personal financial information to a nonaffiliated third party;

(2) disclosing nonpublic personal financial information to a new category of nonaffiliated third party; and

(3) disclosing nonpublic personal financial information about a consumer who is no longer a customer to a nonaffiliated third party, if that consumer has not had an opportunity to opt out.

(c) A licensee is not required to provide a revised notice to a consumer if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee has adequately described in the licensee's initial notice under 3 AAC 26.610 or a prior revised notice under this section. (Eff. ___/___/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.635. Privacy notices to group policyholders. (a) Unless a licensee provides the privacy notices required under 3 AAC 26.610, 3 AAC 26.615, and 3 AAC 26.630 directly to a covered individual described in 3 AAC 26.715(d), the licensee shall provide the privacy notices

to the plan sponsor, group or blanket insurance policyholder, group annuity contract holder, or workers' compensation policyholder in the manner described in 3 AAC 26.610 - 3 AAC 26.630.

(b) The privacy notice provided under (a) of this section must describe the licensee's privacy practices with respect to nonpublic personal financial information about individuals covered under the policies, contracts, or plans. (Eff. ___/___/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.640. Delivery of privacy notices. (a) A licensee shall provide a notice required under 3 AAC 26.610 - 3 AAC 26.749 to each consumer in the manner each consumer elects to receive the notice.

(b) A licensee may meet the requirements of (a) of this section

(1) by delivering a printed copy of the notice by hand to the consumer;

(2) by mailing a printed copy of the notice to the last known address of the consumer;

(3) if a consumer agrees to electronic delivery of information, by providing the notice by electronic mail or by posting the notice on the licensee's web site and requiring the consumer to acknowledge viewing the notice before obtaining a particular insurance product or service;

(4) for an isolated transaction with a consumer, by posting the notice on the licensee's web site and requiring the consumer to acknowledge viewing the notice before obtaining the insurance product or service;

(5) for annual notices,

(A) by making the licensee's current privacy notice available to the customer upon request, if a customer has directed the licensee to refrain from sending the customer information regarding the customer relationship; or

(B) by continuously posting the licensee's current privacy notice in a clear and conspicuous manner on the licensee's web site, if the customer uses the licensee's web site to access insurance products or services and the customer has agreed to receive notices on the web site.

(c) A licensee may not meet the requirements of (a) of this section

(1) by only posting a sign in the licensee's office of the licensee's privacy policies and practices;

(2) by generally publishing advertisements of the licensee's privacy policies and practices; or

(3) by sending a notice by electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically.

(d) A licensee shall provide notices required under 3 AAC 26.610, 3 AAC 26.615, and 3 AAC 26.630 in a manner that allows the customer to retain the notice or to obtain a written notice in the future, which may include

(1) hand-delivering a printed copy of the notice to the consumer;

(2) mailing a printed copy of the notice to the last known address of the customer;

or

(3) for a customer who obtains an insurance product or service electronically and agrees to receive notice on the licensee's web site, continuously publishing the licensee's current privacy notice on the web site.

(f) A licensee may provide a joint privacy notice from the licensee and the licensee's affiliates or other financial institutions identified in the notice, if the notice accurately reflects the privacy policies and practices of the licensee, the licensee's affiliates, and the other financial institutions.

(g) A licensee may provide a notice on behalf of another financial institution.

(h) If two or more consumers jointly obtain an insurance product or service from a licensee, the licensee may comply with the notice requirements in 3 AAC 26.610, 3 AAC 26.615, and 3 AAC 26.630 by providing a single notice to the consumers. (Eff. ___/___/____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.645. Limitation on disclosure of nonpublic personal financial information. (a) Except as allowed under 3 AAC 26.605 - 3 AAC 26.749, a licensee may not directly or through an affiliate disclose to a nonaffiliated third party nonpublic personal financial information unless

(1) the licensee has provided the consumer the initial notice required under 3 AAC 26.610;

(2) the licensee has provided the consumer the opt out notice required under 3 AAC 26.625;

(3) the licensee has given the consumer a reasonable opportunity to opt out by a means that may include the following:

(A) by mailing the notices to the consumer and allowing the consumer to opt out by mailing a form, calling a toll-free telephone number, or other reasonable means within 45 days from the date the licensee mailed the notices;

(B) if a customer opens an on-line account with the licensee and agrees to receive the notices electronically, and the customer is allowed to opt out by any reasonable means within 30 days from the date the customer acknowledges receipt of the notices sent in conjunction with opening the account;

(C) for an isolated transaction with a consumer, by providing the notices at the time of the transaction and requesting that the consumer decide whether to opt out before completing the transaction; and

(4) the consumer does not opt out.

(b) A licensee may allow a consumer to opt out of disclosure

(1) of certain nonpublic personal financial information;

(2) to certain nonaffiliated third parties; or

(3) both (1) and (2) of this subsection. (Eff. ___/___/_____, Register

_____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.650. Limitation on redisclosure and reuse of nonpublic personal financial information. (a) If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution under an exception in 3 AAC 26.665 or 3 AAC 26.670, the licensee may only disclose or use the information by

(1) disclosing the information to the affiliates of the nonaffiliated third party from which the licensee received the information;

(2) disclosing the information to the licensee's affiliates only if the affiliates agree to disclose and use the information only to the extent that the licensee may disclose and use the information; or

(3) disclosing and using the information under an exception in 3 AAC 26.665 or 3 AAC 26.670 in the ordinary course of business to carry out the activity for which the licensee received the information.

(b) If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception in 3 AAC 26.665 or 3 AAC 26.670, the licensee may disclose the information only

(1) to an affiliate of the nonaffiliated financial institution;

(2) to an affiliate of the licensee if the affiliates agree to disclose the information only to the extent that the licensee is allowed to disclose the information; or

(3) to any other person, if the disclosure is allowed by law when made directly to the person by the nonaffiliated financial institution.

(c) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception in 3 AAC 26.665 or 3 AAC 26.670, the nonaffiliated third party may disclose and use the information only by

(1) disclosing the information to the licensee's affiliates;

(2) disclosing the information to the nonaffiliated third party's affiliates but only if those affiliates agree to disclose and use the information only to the extent that the nonaffiliated third party may disclose and use the information; and

(3) using the information under an exception in 3 AAC 26.665 or 3 AAC 26.670 in the ordinary course of business to carry out the purpose for which the nonaffiliated third party received the information.

(d) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception in 3 AAC 26.665 or 3 AAC 26.670, the nonaffiliated third party may disclose the information only

(1) to an affiliate of the licensee;

(2) to an affiliate of the nonaffiliated third party, if the affiliate agrees to disclose the information only to the extent that the nonaffiliated third party is allowed to disclose the information; or

(3) to any other person, if the disclosure is allowed by law when made directly to the person by the nonaffiliated third party. (Eff. ____/____/____, Register ____)

Authority: AS 21.06.09C AS 21.36.162

3 AAC 26.655. Limitation on sharing account number information for marketing purposes. (a) Except as provided in (b) of this section, a licensee may not disclose directly or through an affiliate a policy number or similar form of access number or access code for a consumer's policy or transaction account to a nonaffiliated third party for use in telemarketing, direct mail marketing, or electronic mail marketing to a consumer.

(b) A licensee may disclose a policy number or similar form of access number or access code for a consumer's policy or transaction account

(1) to a consumer-reporting agency;

(2) to a licensee's service provider for the sole purpose of marketing the licensee's own products or services only if the service provider is not authorized to directly initiate charges to the account;

(3) to a licensee who is a producer for the sole purpose of marketing the licensee's own products or services; or

(4) to a participant in an affinity or similar program if the participants in the program are identified to the customer at the time the customer enters into the program.

(c) For purposes of this section

(1) a policy number or similar form of access number or access code for a consumer's policy or transaction account does not include a number or code that is in an encrypted form, only if the licensee does not provide the recipient with a means to decode the number or code; and

(2) "consumer's policy or transaction account" means an account other than a deposit account or a credit card account; "consumer's policy or transaction account" does not include an account to which a third party cannot initiate charges. (Eff. ___/___/____, Register ____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.660. Exceptions to notice and opt out requirements for service providers and joint marketing. (a) A licensee is not subject to the requirements in 3 AAC 26.625 and 3 AAC 26.645 when the licensee provides nonpublic personal financial information to a nonaffiliated third party to perform services for the licensee or on behalf of the licensee, if the licensee

(1) has provided the initial notice as required under 3 AAC 26.610; and

(2) enters into a contractual agreement with the nonaffiliated third party that prohibits the nonaffiliated third party from disclosing or using the information, including using the information under an exception in 3 AAC 26.665 or 3 AAC 26.670, other than to carry out the purpose for which the licensee disclosed the information.

(c) For purposes of this section

(1) "services" may include marketing the licensee's own products or services or marketing financial products or services offered under a joint agreement between the licensee and one or more financial institutions; and

(2) "joint agreement" means a written contract under which a licensee and one or more financial institutions jointly offer, endorse, or sponsor a financial product or service. (Eff. ____/____/____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.665. Exceptions to notice and opt out requirements for disclosure of nonpublic personal financial information for processing and servicing transactions. (a) A licensee is not subject to the requirements for initial notice in 3 AAC 26.610(a)(2), the opt out requirements in 3 AAC 26.625 and 3 AAC 26.645, or the requirements in 3 AAC 26.660 if the licensee discloses nonpublic personal financial information to a nonaffiliated third party and

(1) the information is necessary to effect, administer, or enforce a transaction that a consumer requests or authorizes; or

(2) the information is used in connection with,

(A) servicing or processing an insurance product or service that a consumer requests or authorizes;

(B) maintaining or servicing a consumer's account with the licensee or with another entity as part of a private label credit card program or other extension of credit on behalf of the entity

(C) a proposed or actual securitization; secondary market sale, including the sale of servicing rights; or similar transaction related to a transaction of a consumer;

(D) acquiring reinsurance, stop loss insurance, or excess loss insurance; or

(E) soliciting insurance quotes on behalf of a consumer from an insurance producer.

(b) For purposes of this section, "necessary to effect, administer, or enforce a transaction" refers to a disclosure of information that is

(1) required to enforce a licensee's rights or the rights of another person engaged in carrying out the financial transaction or providing the product or service;

(2) required to

(A) carry out a transaction or service business of which the transaction is a part and record, service, or maintain the consumer's account in the ordinary course of providing an insurance product or service;

(B) administer or service benefits or claims relating to a transaction or a product or service business of which the transaction is a part;

(C) provide a confirmation, statement, or other record of a transaction or information on the status or value of an insurance product or service to the consumer or the consumer's producer;

(D) accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or other party;

(E) underwrite insurance at the consumer's request or for the following purposes in relation to a consumer's insurance:

(i) account administration;

(ii) reporting;

- (iii) investigating or preventing fraud or material misrepresentation;
- (iv) processing premium payments;
- (v) processing insurance claims;
- (vi) administering insurance benefits, including utilization review activities;
- (vii) participating in research projects;
- (ix) as required or specifically allowed by federal or state law; or

(3) made in connection with

(A) the authorization, settlement, billing, processing, clearing, transferring, reconciling, or collection of amounts charged, debited, or otherwise paid by using a debit, credit, or other payment card, check or account number, or other means of payment;

(B) the transfer of receivables, accounts, or interest in the receivables or accounts; or

(C) the audit of debit, credit, or other payment information. (Eff.

____/____/____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.670. Other exceptions to notice and opt out requirements for disclosure of nonpublic personal financial information. A licensee is not subject to the requirements for initial notice in 3 AAC 26.610(a)(2), the opt out requirements in 3 AAC 26.625 and 3 AAC

26.645, and the requirements in 3 AAC 26.660 if the licensee discloses nonpublic personal financial information

(1) with the consent or at the direction of the consumer, unless the consumer has revoked the consent or directive;

(2) to protect the confidentiality or security of the licensee's records pertaining to the consumer, service, product, or transaction;

(3) to protect against or to prevent fraud or unauthorized transactions;

(4) for required institutional risk control or for resolving consumer disputes or inquiries;

(5) to a person holding a legal or beneficial interest related to the consumer;

(6) to a person acting in a fiduciary or representative capacity on behalf of the consumer;

(7) to provide information to an insurance rate advisory organization, a guaranty fund or agency, an agency that rates the licensee, a person assessing the licensee's compliance with industry standards, or the licensee's attorney, accountant, or auditor;

(8) to the extent specifically allowed or required under other provisions of law or in accordance with 12 U.S.C. 3401 (Right to Financial Privacy Act of 1978)

(A) to law or regulatory enforcement agencies, including the following:

(i) Federal Reserve Board;

(ii) Office of the Comptroller of the Currency;

(iii) Federal Deposit Insurance Corporation;

- (iv) Office of Thrift Supervision;
- (v) National Credit Union Administration;
- (vi) Securities and Exchange Commission;
- (vii) Secretary of the Treasury, with respect to 31 U.S.C. Chapter 53, Subchapter II (Records and Reports on Monetary Instruments and Transactions) and 12 U.S.C. Chapter 21 (Financial Recordkeeping);
- (viii) state insurance authority;
- (ix) Federal Trade Commission;
- (B) to a self-regulatory organization; or
- (C) for an investigation of a matter related to public safety;
- (9) to a consumer-reporting agency in accordance with 15 U.S.C. 1681 (Federal Fair Credit Reporting Act);
- (10) from a consumer report reported by a consumer-reporting agency under 15 U.S.C. 1681 (Federal Fair Credit Reporting Act) to a nonaffiliated third party;
- (11) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, if the disclosure of nonpublic personal financial information concerns only consumers of the business or unit;
- (12) to comply with federal, state, or local laws or other applicable legal requirements;
- (13) to comply with a properly authorized civil, criminal, or regulatory investigation or a subpoena or summons issued by a federal, state or local authority;

(14) to respond to judicial process or a government regulatory authority that has jurisdiction over a licensee for examination, compliance, investigation, or other purpose authorized by law; or

(15) for a purpose related to the replacement of a group benefit plan, group health plan, group welfare plan, or workers' compensation plan. (Eff. ____/____/____, Register ____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.675. Exceptions for surplus line brokers, surplus lines insurers, and employees, agents, or other representatives of a licensee. (a) A person licensed, registered, or authorized under AS 21 is not subject to the notice and opt out requirements in 3 AAC 26.610 - 3 AAC 26.670, if the person is an employee, agent, or other representative of another licensee and

(1) the licensee for whom the person is acting as an employee, agent, or other representative complies with and provides the notices required in 3 AAC 26.610 - 3 AAC 26.670; and

(2) the person does not disclose nonpublic personal financial information to anyone other than the licensee for whom the person is acting as an employee, agent, or other representative or that licensee's affiliate, except as allowed under 3 AAC 26.660 - 3 AAC 26.670.

(b) A surplus lines broker or surplus lines insurer is not subject to the notice and opt out requirements under 3 AAC 26.610 - 3 AAC 26.670, if

(1) the surplus lines broker or surplus lines insurer does not disclose nonpublic personal information of a consumer to a nonaffiliated third party for any purpose, including joint servicing or marketing under 3 AAC 26.660, except as permitted under 3 AAC 26.665 or 3 AAC 26.670; and

(2) the surplus lines broker or surplus lines insurer delivers a notice to the consumer at the time a customer relationship is established that states in 16-point type the following: "PRIVACY NOTICE: Neither the U.S. broker that handled this insurance nor the insurer that has underwritten this insurance will disclose nonpublic personal information concerning the buyer to a non-affiliated broker or insurer except as permitted by law."

(c) For purposes of this section, "employee, agent, or other representative of another licensee" includes

(1) an insurance producer acting as a broker, an independent adjuster, or other licensee who is employed by another insurance producer, adjuster, or licensee;

(2) an independent adjuster adjusting a claim or benefit on behalf of an insurance company;

(3) an agent as defined in AS 21.90.900;

(4) an insurance producer acting as a broker as described under AS 21.27.560; or

(5) a subagent of a managing general agent. (Eff. ____/____/_____, Register

____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.680. Disclosure of nonpublic personal health information. (a) Except as provided in (b) of this section a licensee may not disclose nonpublic personal health information about a consumer unless authorization that complies with 3 AAC 26.685 is obtained from the consumer whose nonpublic personal health information the licensee seeks to disclose.

(b) A licensee may disclose a consumer's nonpublic personal health information without obtaining authorization from the consumer if the disclosure

- (1) is required by federal or state law or regulation or is otherwise allowed by law;
- (2) is in response to a governmental regulatory authority with jurisdiction over a licensee for examination, investigation, compliance, or other purposes authorized by law;
- (3) is compelled by a subpoena, search warrant, or other order issued by a court or administrative agency of competent jurisdiction;
- (4) is for detection, investigation, or reporting of fraud, misrepresentation, or other violation of law;
- (5) is for the performance of the following insurance functions by or on behalf of the licensee:

- (A) claims administration;
- (B) claims adjustment or management;
- (C) underwriting;
- (D) policy placement or issuance;
- (E) loss control;
- (F) rate development;

- (G) guaranty fund functions;
- (H) reinsurance, stop loss insurance, or excess loss insurance;
- (I) risk management;
- (J) case management;
- (K) disease management;
- (L) quality assurance or improvement;
- (M) performance evaluation;
- (N) verification of provider credentials;
- (O) utilization review;
- (P) peer review activities;
- (Q) actuarial, scientific, medical, or public policy research;
- (R) grievance procedures;
- (S) internal administration of compliance, managerial, and information systems;
- (T) policyholder service functions;
- (U) auditing;
- (V) reporting;
- (W) database security;
- (X) administration of consumer disputes and inquiries;
- (Y) external accreditation standards;

(Z) replacement of a group benefit plan or workers compensation policy or program;

(AA) activities in connection with the sale, merger, transfer, or exchange of all or part of a business or operating unit;

(6) is required, the disclosure is a lawful or appropriate method to enforce the licensee's rights or the rights of other licensees engaged in carrying out an insurance transaction or providing an insurance product or service that a consumer or customer requests or authorizes;

(7) is allowed without requiring authorization under 45 C.F.R. Parts 160 and 165 (Standards for Privacy of Individually Identifiable Health Information). (Eff.

____/____/____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.685. Authorization to disclose nonpublic personal health information. (a)

Authorization to disclose nonpublic personal health information under 3 AAC 26.680 must be in written or electronic form and must contain

(1) the identity of the consumer who is the subject of the nonpublic personal health information;

(2) a description of the types of nonpublic personal health information that may be disclosed;

(3) a description of the person to whom the licensee intends to disclose nonpublic personal health information, the purpose of the disclosure, and how the recipient of the information will use the information;

(4) the signature of the consumer who is the subject of the nonpublic personal health information or an individual who is legally empowered to grant authority for the consumer and the date signed;

(5) the length of time that the authorization is valid; and

(6) a statement to the effect that the consumer may revoke the authorization at any time along with a clear and easy-to-follow description of how the consumer may revoke the authorization.

(b) The duration of an authorization under (a) of this section may be no more than 24 months.

(c) A consumer may revoke an authorization at any time but the revocation may not take effect before the date the licensee receives the revocation.

(d) A licensee shall retain the authorization or a copy of the authorization in the licensee's records of the consumer.

(e) A licensee is not required to deliver an authorization form to a consumer or to include an authorization form in any other notice unless the licensee intends to disclose nonpublic personal health information under 3 AAC 26.680. (Eff. ____/____/____, Register ____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.690. Access to and maintenance of nonpublic personal information. (a)

Within 30 working days from the date a licensee or insurance support organization receives a written request from a consumer for recorded nonpublic personal information about the consumer that adequately describes the information requested, if the licensee or insurance support organization can locate and retrieve the information, the licensee or insurance support organization shall

(1) provide to the consumer a description of the nature and substance of the requested information in writing or in electronic form, if the consumer agrees to electronic delivery of information;

(2) as directed by the consumer,

(A) send the requested information, including the source of the information, to the consumer by mail or electronically; or

(B) allow the consumer to see and copy the requested information in person;

(3) provide to the consumer

(A) if recorded, a listing of the identities of each person to whom the licensee or insurance support organization has disclosed nonpublic personal information within the two years before the date of the consumer's request; or

(B) if not recorded, a listing of the names of the persons to whom the information is normally disclosed; and

(4) provide to the consumer a summary of the procedure the consumer may use to request correction, amendment, or deletion of recorded nonpublic personal information.

(b) A licensee or insurance support organization may charge a fee sufficient to cover the costs of providing a copy of the nonpublic personal information to the consumer under (a) of this section.

(c) Within 30 working days from the date a licensee or insurance support organization receives a written request from a consumer to correct, amend, or delete any recorded nonpublic personal information about the consumer that is in the possession of the licensee or insurance support organization, the licensee or insurance support organization shall

(1) correct, amend, or delete the portion of the information as requested; or

(2) notify the consumer

(A) that the licensee or insurance support organization refuses to make the requested correction, amendment, or deletion;

(B) why the licensee or insurance support organization refuses to make the correction, amendment, or deletion; and

(C) of the consumer's right to file a statement as provided under (e) of this section.

(d) If a licensee or insurance support organization corrects, amends, or deletes recorded nonpublic personal information under (c) of this section, the licensee or insurance support organization shall provide written or electronic notification that includes the correction, amendment, or deletion to

(1) a person specifically designated by the consumer who may have received the recorded nonpublic personal information within the two years before the date the licensee or insurance support organization made the correction, amendment, or deletion;

(2) except for an insurance support organization that no longer maintains recorded nonpublic personal information about the consumer, an insurance support organization whose primary source of nonpublic personal information is the licensee if the insurance support organization systematically received recorded nonpublic personal information from the licensee within seven years before the date the licensee made the correction, amendment, or deletion; and

(3) an insurance support organization that provided to the licensee the nonpublic personal information that the licensee corrected, amended, or deleted.

(e) If a consumer disagrees with a licensee or insurance support organization's refusal to correct, amend, or delete recorded nonpublic personal information, the consumer may file with the licensee or insurance support organization

(1) a statement listing the information the consumer believes is the correct, relevant, or fair information; and

(2) a statement of the reasons why the consumer disagrees with the licensee's or insurance support organization's refusal to correct, amend, or delete recorded nonpublic personal information.

(f) If a consumer files a statement under (e) of this section, the licensee or insurance support organization shall

(1) file the statement with the disputed nonpublic personal information and ensure that anyone who reviews the disputed nonpublic personal information is aware of and has access to the statement;

(2) when disclosing disputed nonpublic personal information to a person, clearly identify the information in dispute and provide the consumer's statement to the person; and

(3) provide the consumer's statement to the persons and in the manner specified in (d) of this section.

(g) For purposes of this section, "insurance support organization" means a person who regularly engages in the practice of assembling or collecting information about an individual to provide the information to a licensee for purposes of transacting insurance including

(1) providing consumer reports or investigative consumer reports to a licensee;

(2) collecting information from a licensee or another insurance support organization to detect or prevent fraud, material misrepresentation, or material nondisclosure.

(Eff. ___/___/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.695. Relationship to federal privacy laws. (a) If a licensee complies with all requirements of 45 C.F.R Parts 160 and 165 (Standards for Privacy of Individually Identifiable Health Information) even though the licensee is not required to comply, the licensee is not required to comply with 3 AAC 26.680 and 3 AAC 26.685.

(b) 3 AAC 26.605 - 3 AAC 26.749 may not be construed to modify, limit, or supercede the operation of 15 U.S.C. 1681 – 1681u (Federal Fair Credit Reporting Act) and no inference may be drawn on the basis of the provisions of 3 AAC 26.605 - 3 AAC 26.749 regarding whether information is transaction or experience information under of 15 U.S.C. 1681 - 1681u, Section 603. (Eff. ___/___/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.700. Nondiscrimination. (a) A licensee may not unfairly discriminate against a consumer because the consumer opts out of disclosure of nonpublic personal financial information under 3 AAC 26.645.

(b) A licensee may not discriminate against a consumer because the consumer has not authorized the disclosure of nonpublic personal health information under 3 AAC 26.680. (Eff. ___/___/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.705. Consumer information security program. A licensee shall develop and implement a comprehensive written consumer information security program that

(1) includes administrative, technical, and physical safeguards for the protection of consumer information;

(2) is appropriate for the size and complexity of the licensee and the nature and scope of the licensee's activities; and

(3) is designed to

(A) ensure the security and confidentiality of consumer information;

(B) protect against any anticipated threats or hazards to the security or integrity of the consumer information; and

(C) protect against unauthorized access to or use of consumer information that could result in substantial harm or inconvenience to a consumer. (Eff.

____/____/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.710. Transition period for compliance. A licensee must comply with 3 AAC 26.605 - 3 AAC 26.749 no later than 90 days after the effective date of this regulation.

(Eff. ____/____/_____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.715. "Consumer" defined. (a) In 3 AAC 26.605 - 3 AAC 26.749, "consumer" means an individual who seeks to obtain, obtains, or has obtained or is a claimant or beneficiary of an insurance product or service that provides coverage primarily for personal, family, or household purposes, including employee job-related injury and disease, and about whom a licensee has nonpublic personal information.

(b) As defined under (a) of this section, "consumer" includes

(1) a legal representative of an individual defined under of this section;

(2) an individual who provides nonpublic personal information to the licensee in connection with obtaining or seeking to obtain financial, investment, or economic advisory services relating to an insurance product or service, regardless of whether the licensee establishes an ongoing advisory relationship;

(3) an applicant for insurance before the effective date of insurance coverage;

(4) an individual about whom a licensee discloses nonpublic personal financial information to a nonaffiliated third party or nonpublic personal health information other than as allowed under 3 AAC 26.660 - 3 AAC 26.670 and 3 AAC 26.680; and

(5) an individual who is

(A) a beneficiary of a life insurance policy underwritten by the licensee;

(B) a claimant under an insurance policy issued by the licensee;

(C) an insured under an insurance policy issued by the licensee;

(D) an annuitant under an annuity contract issued by the licensee; or

(E) a mortgagor of a mortgage covered under a mortgage insurance

policy.

(c) As defined under (a) of this section, "consumer" does not include

(1) an individual who is a consumer of another financial institution for which the

licensee

(A) acts solely as an agent of the financial institution; or

(B) provides only processing or other services to the financial institution;

(2) an individual whose sole relationship with the licensee is that of a beneficiary of a trust for which the licensee is a trustee; or

(3) an individual whose sole relationship with the licensee is due to the individual designating the licensee as a trustee for a trust.

(d) If a licensee provides the notices required under 3 AAC 26.610, 3 AAC 26.615 and 3 AAC 26.630 to a plan sponsor, group or blanket insurance policyholder, group annuity contract holder, or workers compensation policyholder, and the licensee does not disclose nonpublic personal information about an individual described in this subsection to a nonaffiliated third party except as allowed under 3 AAC 26.660 - 3 AAC 26.670, an individual is not a consumer as defined under (a) of this section solely because the individual is

(1) a participant or beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer, or fiduciary;

(2) covered under a group or blanket insurance policy or group annuity contract issued by the licensee; or

(3) a claimant under a workers compensation plan. (Eff. ____/____/____,

Register _____)

Authority: AS 21.06.090 AS 21.36.162

3 AAC 26.749. Definitions. In 3 AAC 26.605 - 3 AAC 26.749, unless the context requires otherwise,

(1) "affiliate" means a company that controls, is controlled by, or is under common control with another company;

(2) "clear and conspicuous" means reasonably understandable and designed to call attention to the nature and significance of the information;

(3) "collect" means to obtain information that is organized or can be retrieved by the name of a consumer or by a number, symbol, or other identifier assigned to the consumer;

(4) "company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship, or other similar organization;

5) "consumer-reporting agency" has the meaning given in 15 U.S.C. 1681a(f) (Fair Credit Reporting Act);

(6) "continuing relationship between a consumer and a licensee" means a relationship in which a consumer is a current policy holder of an insurance product issued by or through a licensee or in which the consumer obtains financial, investment, or economic advisory services relating to an insurance product or service from the licensee for a fee; "continuing relationship between a consumer and a licensee" does not include a relationship in which

(A) a consumer applies for insurance but does not purchase the insurance;

(B) a licensee sells a consumer airline travel insurance in an isolated transaction;

(C) an individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

(D) a consumer is a beneficiary or claimant under a policy, submits a claim under that policy, and chooses a settlement option that involves an ongoing relationship with a licensee;

(E) a consumer is a beneficiary or claimant under a policy, submits a claim under that policy, and chooses a lump sum settlement option;

(F) a consumer's policy lapses, expires, or otherwise becomes inactive under a licensee's business practices and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than to provide annual privacy notices, material required by law, communication at the directive of a state or federal authority, or promotional materials;

(G) an individual is an insured or an annuitant under an insurance policy or annuity but is not the policyholder or owner of the insurance policy or annuity;

(H) a consumer whose last known address in a licensee's records is invalid so that mail sent to the address by the licensee is returned by the postal authorities as undeliverable, and the licensee's subsequent attempts to obtain a current valid address for that consumer are unsuccessful;

(I) the latest of the following occurs when a licensee provides real estate settlement services:

(i) an individual completes the execution of all documents related to a real estate closing;

(ii) the licensee has received payment for the real estate settlement services;

(iii) the licensee completes all the licensee's responsibilities with respect to the real estate settlement including filing documents on the public record;

(7) "control" means

(A) the ownership, authority, or power to vote at least 25 percent of the outstanding shares of any class of voting security of a company;

(B) the authority in any manner over the election of a majority of the board of directors, trustees, general partners, or other individuals exercising similar functions of the company; or

(C) the authority or power to influence the management or policies of a company as determined by the director;

(8) "customer" means a consumer who has a customer relationship with a licensee;

(9) "customer information" means nonpublic personal health information or nonpublic personal financial information about a customer that is maintained by or on behalf of a licensee;

(10) "customer information systems" means the electronic or physical methods used to access, collect, store, use, transmit, protect, or dispose of customer information;

(11) "customer relationship" means a continuing relationship between a consumer and a licensee in which the licensee provides at least one insurance product or service to the consumer and occurs when the consumer

(A) becomes a policyholder of an insurer by delivery of an insurance policy to the consumer;

(B) obtains insurance through a licensee; or

(C) agrees to obtain financial, economic, or investment advisory services relating to insurance products or services for a fee from the licensee;

(12) "designed to call attention" means a notice that

(A) contains a heading written in plain language and is conspicuous;

(B) is written using a typeface and a type size that are easy to read;

(C) contains wide margins and line spacing;

(D) is written using boldface or italics for key words;

(E) if distributed with other information, is written using a type size, style, and graphics, such as shading or sidebars that are distinct from the type size, style, and graphics of the other information;

(F) if provided on a web page, is written using text or visual cues to encourage scrolling down the page when necessary to view the entire notice and is designed to ensure that other elements on the web page such as text, graphics, hyperlinks, or sound do not distract attention from the notice, and the licensee

(i) places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

(ii) places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature, and relevance of the notice;

(13) "financial institution" mean a business that engages in a financial activity or an activity incidental to a financial activity under 12 U.S.C. 1843(k) (Bank Holding Company Act of 1956); "financial institution" does not include

(A) with respect to a financial activity, a person that is subject to the Commodity Futures Trading Commission under 7 U.S.C. 1 et seq. (Commodity Exchange Act);

(B) the federal Agricultural Mortgage Corporation or any person charged and operating under 12 U.S.C. 2001 et seq. (Farm Credit Act of 1971); or

(C) a business chartered by the Congress of the United States specifically to engage in securitization of assets, secondary market sales, sales of servicing rights or similar transactions related to a transaction of a consumer, when the business does not sell or transfer nonpublic personal information to a nonaffiliated third party;

(14) "financial product or service" means a product or service that a financial holding company could offer by engaging in a financial activity or an activity incidental to a financial activity under 12 U.S.C. 1843(k) (Bank Holding Company Act of 1956); "financial

product or service” includes evaluation or brokerage of information that a financial institution collects in connection with a request or an application from a consumer for a financial product or service;

(15) “health care” means

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, services, procedures, tests, or counseling that

(i) relates to the physical, mental, or behavioral condition of an individual; or

(ii) affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organ, or any other bodily tissue; or

(B) prescribing, dispensing ,or furnishing to an individual drugs, biologicals, medical devices, or health care equipment or supplies;

(16) “health care provider” means a person licensed, accredited, or certified in any state to provide health care services; “health care provider” includes a health care facility regardless whether the facility is licensed, accredited, or certified to provide health care services;

(17) “health information” means oral or recorded information or data, excluding age and gender, created by or derived from a health care provider or consumer that relates to

(A) the past, present, or future physical, mental, or behavioral health or condition of an individual;

(B) the provision of health care to an individual; or

(C) payment for the provision of health care to an individual;

(18) "insurance product or service" means a product or service offered by a licensee, including evaluation, brokerage, or distribution of information that a licensee collects in connection with a request or an application from a consumer for an insurance product or service;

(19) "licensee" means a person licensed or required to be licensed, authorized or required to be authorized, or registered or required to be registered under AS 21, including a surplus lines insurer or surplus lines broker;

(20) "nonaffiliated third party" means

(A) a person that is not

(i) an affiliate of a licensee; or

(ii) employed jointly by a licensee and a company that is not an affiliate of a licensee;

(B) a company that is an affiliate of the company due to the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities described 12 U.S.C. 1843(k)(4)(H) (Bank Holding Company Act) or insurance company investment activities described in 12 U.S.C. 1843(k)(4)(I) (Bank Holding Company Act);

(21) "nonpublic personal information" means nonpublic personal financial information and nonpublic personal health information;

(22) "nonpublic personal financial information" means personally identifiable financial information; a list, description, or other grouping of consumers and publicly available

information pertaining to the consumers that is derived using personally identifiable financial information that is not publicly available; and a list of individual names and street addresses that is derived using personally identifiable financial information that is not publicly available, such as account numbers; "nonpublic personal financial information" does not include

(A) health information;

(B) publicly available information, unless included in a list described in this paragraph;

(C) a list, description, or other grouping of consumers and publicly available information pertaining to the consumers that is derived without using personally identifiable financial information that is not publicly available; or

(D) a list of individual names and addresses that contains only publicly available information that is not derived using personally identifiable information that is not publicly available and that does not indicate that an individual on the list, description, or other grouping is a consumer of a financial institution;

(23) "nonpublic personal health information" means health information

(A) that identifies an individual who is the subject of the information; or

(B) in which a reasonable basis exists to believe that the information could be used to identify an individual;

(24) "opt out" means to direct a licensee not to disclose nonpublic personal financial information about a consumer to a nonaffiliated third party, except as allowed under 3 AAC 26 660 - 3 AAC 26 670;

(25) "personally identifiable financial information" means information a consumer provides to a licensee to obtain an insurance product or service from the licensee, information about a consumer resulting from a transaction between a licensee and a consumer involving an insurance product or service, or information a licensee obtains about a consumer in connection with providing an insurance product or service to the consumer; "personally identifiable financial information"

(A) includes

(i) information a consumer provides to a licensee on an application to obtain an insurance product or service;

(ii) account balance information and payment history of a consumer;

(iii) the fact that an individual is or has been a customer of a licensee or has obtained an insurance product or service from the licensee;

(iv) information about a licensee's consumer if the information is disclosed in a manner that indicates that the individual is or has been the licensee's consumer;

(v) information that a consumer provides to a licensee or that the licensee or the licensee's agent obtains in connection with collecting a loan or servicing a loan;

(vi) information a licensee collects from an information collecting device through an internet web server; or

(vii) information from a consumer report;

(B) does not include

(i) health information;

(ii) a list of names and addresses of customers of an entity that is not a financial institution; or

(iii) information that does not in any way identify a consumer;

(26) "publicly available information" means information that a licensee has a reasonable basis to believe is lawfully made available to the general public from

(A) federal, state, or local government records, including information from government real estate and security interest filings;

(B) widely distributed media, including information from a telephone book, a television or radio program, or a newspaper that is available to the general public on an unrestricted basis or from a web site that is available to the general public regardless of whether a fee or password is required to access the web site; or

(C) disclosures to the general public that are required to be made by federal, state, or local law;

(27) "reasonable basis" means a licensee takes action to determine

(A) that the information is of a type that is available to the general public;

and

(B) if an individual can direct information to not be made available to the general public and the individual has not directed that the information not be made available to the general public;

(28) "reasonably understandable" means a notice in which

(A) information is presented using clear and concise sentences, paragraphs, and sections;

(B) short explanatory sentences or bullet lists are used whenever possible;

(C) definite, concrete, everyday words and active voice are used when possible;

(D) multiple negatives are avoided;

(E) legal and highly technical business terminology is avoided when possible; and

(F) imprecise and ambiguous explanations are avoided;

(29) "service provider" means a person that maintains, processes, or otherwise is allowed access to customer information due to the service the person furnishes directly to a licensee. (Eff.

____/____/____, Register _____)

Authority: AS 21.06.090 AS 21.36.162

Alaska State Legislature



Out of Session:
PO Box 531
Golovin, Alaska 99762
(907) 443-5599

In Session:
State Capitol, Suite 510
Juneau, Alaska 99801-1182
(800) 597-3707
(907) 465-3707
(907) 465-4821 Fax

SENATOR DONALD C. OLSON

DISTRICT T

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brevig Mission
Browerville
Buckland
Chevak
Deering
Diomedea
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

May 4, 2004

MEMORANDUM

To: Representative McGuire, Chair
House Judiciary Committee

From: Senator Olson 

Re: Committee schedule for SB 217, Genetic Privacy.

I would appreciate a Judiciary Committee hearing of SB 217 at your earliest convenience. Attached is my sponsor statement, a sectional, Senate Letter of Intent and support documentation. If you need any other information, please contact me or Dave Gray in my office.

Thank you for consideration of this request.

Alaska State Legislature



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PO Box 531
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SENATOR DONALD C. OLSON

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Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

SPONSOR STATEMENT

SB 217, State Genetic Privacy Laws

We are all familiar on how useful DNA identification has been for law enforcement and paternity disputes. But there is another side to this new technology and that is the special need for a genetic privacy law in Alaska.

On June 26, 2000, The Human Genome Project, a public consortium, and Celera Genomics, a private company, jointly announced the completion of a "working draft of the human genome." Spelling out the 3 billion "letters" of the human genome—the biochemical messages encoded in our DNA for manufacturing and operating a complete human being.

This is the stepping-stone in deciphering the blueprint that makes us human. Every human cell (hair, blood, fingernail parings, and body tissue) carries a complete set of our genes. Consequently, these genetic profiles will yield

information that could be used against us. For example, insurance companies can decide whether to issue life insurance based upon our gene make-up (i.e. predisposition to cancer, alcoholism, or other health concerns).

We have state laws to restrict access to medical records; however, the State of Alaska has yet to specify any protection of genetic information. Medical information is presumed confidential, but the increasing capability to store and rapidly transfer data escalates the challenge of protecting privacy.

At the present time, there is no national statute regarding genetic privacy laws. Fifteen states have required informed consent for a third party to perform or require a genetic test or to obtain genetic information. Twenty-three states require informed consent to disclose genetic information.

I have introduced SB 217 to give special consideration of the advancing biotechnology in DNA analysis and to give Alaskans a right of privacy to their genetic information.

SECTIONAL ANALYSIS

CS SB 217 (Jud), Genetic Privacy

By Senator Olson's Office

Section 1. A new chapter is added to AS 18 entitled, **Chapter 13, Genetic Privacy**. It contains the following sections:

Sec. 18.13.010. Subsection (a) establishes a person's right to genetic privacy. It prohibits the collection, analyses, retention, and disclosure of DNA information without the written consent of the individual, their legal guardian, or authorized representative.

Subsection (b) provides a list of exceptions to the prohibition above. These exceptions are for DNA collection and analysis for law enforcement purposes, determination of paternity, medical procedures required by law or for emergency medical treatment purposes

In subsection (c), the Department of Health and Social Services may develop a uniform written consent form. A person using the form to obtain the written consent requirements of this chapter is exempt from the civil and criminal liability actions that are established. An individual may revoke or amend their informed consent at any time.

Sec. 18.13.020. This section specifically creates a right of civil action for violations of an individual's right to genetic privacy in 18.13.010. Minimum liability for damages is set at \$5000 or \$100,000 if the profit or monetary gain resulted from the violation.

Sec. 18.13.030. In this section, a criminal action may be brought against person who knowingly violates an individual's right to genetic privacy in 18.13.030. Conviction of the crime is a class A misdemeanor.

Sec. 18.18.040 is the definition section.

Section 2 establishes the applicability of the act.

SB 217 – An Act relating to genetic privacy.

States that require informed consent for a third party to either perform or require a genetic test or to obtain genetic information:

Arizona	New Jersey
Delaware	New Mexico
Florida	New York
Georgia	Oregon
Massachusetts	South Carolina
Michigan	South Dakota
Nebraska	Vermont
Nevada	

States that require informed consent to disclose genetic information:

Arizona	Missouri
Arkansas	Nevada
California	New Hampshire
Colorado	New Jersey
Delaware	New Mexico
Florida	New York
Georgia	Oregon
Hawaii	South Carolina
Illinois	Texas
Louisiana	Vermont
Maryland	Virginia
Massachusetts	

States that require written authorization to disclose genetic information:

Rhode Island
Washington

Subject: Review of CS for Senate Bill No. 217 ()

Date: Tue, 27 Jan 2004 12:08:01 -0900

From: "Bert Boyer" <ffbbb@uaf.edu>

To: "David Gray" <david_gray@legis.state.ak.us>

CC: "Bert B Boyer" <bert.boyer@uaf.edu>

Dear Senator Olson,

It was nice talking with Dave Gray about the working draft for Senate Bill No. 217 this morning.

I applaud your efforts to address the complicated issues of genetic privacy in Senate Bill 217. The submission of this bill is timely and important for Alaskans. I have been working towards development of a participatory research program involving genetic risk to chronic diseases increasingly prevalent among Alaska Natives for the last 10 years and many of the issues we have faced and discussed are addressed in the working draft of Senate Bill 217. As a medical research scientist, I believe it is important that we discuss and collaboratively develop guidelines to protect the privacy of individuals and use of their genetic samples, while affording reasonable opportunities for the medical and research community to make advances in genetic research that will benefit many people in the future.

I would be happy to work with you in the future.

Sincerely,

Bert

Bert Boyer, Ph.D.
Associate Professor of Molecular Biology
Institute of Arctic Biology
Center for Alaska Native Health Research
311 Irving I Bldg.
Fairbanks, Alaska 99775
Phone - 907-474-7733
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<http://www.alaska.edu/canhr/>

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 217(HES)
 (S) Publish Date: 1/30/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to genetic privacy, and RDU Administration and Support
amending Rule 82, Alaska Rule of Civil Procedure...." Component Legislation & Regulations
 Sponsor Senator Olson
 Requester Senate Health, Education & Social Svces Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	****	****	****	****	****	****

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	****	****	****	****	****	****

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds Chapter 13 to AS 18 in order to define the rights of individuals whose genetic information is collected, retained, or disclosed and the rights of the individuals' blood relatives. It defines the circumstances under which an individual may be subject to genetic testing and the circumstances under which such genetic information may be collected, retained, or disclosed, and it protects against discrimination by an insurer or employer based upon an individual's genetic characteristics. It defines the circumstances under which a DNA sample or genetic information may be used for research. The bill allows the Attorney General to bring an action against a person who violates this chapter, or intervene in a civil action brought under this chapter, if in the opinion of the Attorney General, the action is of general public importance.

Prepared by: Kathryn A. Daughhete, Director
 Division: Administrative Services
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General
 Agency: Department of Law

Phone 465-3673
 Date/Time 1/23/04 11:39 AM
 Date 1/23/2004

FISCAL NOTE #1

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. CSSB 217(HES)

ANALYSIS CONTINUATION

In terms of actions brought or an intervention by the Attorney General, this legislation will have no foreseeable fiscal impact on the Department of Law. There is an indeterminable fiscal impact occurring contingent on to what extent regulations related to this new chapter impact Department of Law attorneys in their development and finalization.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 217(HES)
 (S) Publish Date: 1/30/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to genetic privacy RDU Statewide Support
 Component Laboratory Services
 Sponsor Senator Olson
 Requester Senate Health, Educ. & Social Svcs Component No. 527

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires informed consent of an individual before obtaining genetic information from the individual's DNA. The bill states that an individual's genetic information and DNA sample are private and must be protected, and requires that DNA samples from an individual be promptly destroyed upon the request of that individual. It provides for a criminal penalty for unlawfully obtaining, retaining, or disclosing genetic information (Class A Misdemeanor).

This bill does not appear to affect current DPS DNA collection and handling protocols because DNA and associated genetic information obtained in connection with AS 44.41.035 (the DNA Registration System) and criminal investigations are exempted (Sec. 18.13.020 27, Sec 18.13.030 12 and 28, Sec.18.13.040 12). It is noted that the criminal penalties for unlawful disclosure of DNA information under AS 44.41.035 are more severe.

No fiscal impact is anticipated for the Department of Public Safety.

Prepared by: Chris W. Beheim Phone 269-5743
 Division: Statewide Services Date/Time 1/23/04 8:50 AM
 Approved by: Commissioner William Tandeske Date 1/23/2004
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSSB 217(HES)
 (S) Publish Date: 1/30/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Genetic Privacy BRU Alaska Court System
 Component Trial Courts
 Sponsor Senator Olson Component No. _____
 Requester _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Alaska Court System does not anticipate any fiscal impact from the passage of SB 217.

Prepared by: Doug Wooliver Administrative Attorney Phone _____
 Division Alaska Court System Date/Time 1/22/04 4:27 PM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 1/22/2004
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 217(JUD)
(S) Publish Date: 3/4/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to genetic privacy, and RDU Administration and Support
amending Rule 82, Alaska Rule of Civil Procedure...." Component Legislation & Regulations
Sponsor Senator Olson
Requester Senate Health, Education & Social Svces Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
This bill adds a new section to uncodified law in order to clearly state that genetic testing provides certain critical information but that such information needs to be closely protected and the rights of the individual preserved. The bill amends AS 18 by setting forth circumstances under which a person be subject to genetic testing and underscores that a DNA sample and the results of DNA analysis are the exclusive property of the persons except as it applies to certain defined criminal, law enforcement, paternity determination, newborn screening, emergency medical treatment or research circumstances. It allows for a private right of action and defines penalties for violations of this chapter. Passage of this legislation will have no foreseeable fiscal impact on the Department of Law beyond that of a routine regulations project.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
Division Administrative Services Date/Time 2/17/04 3:55 PM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/17/2004
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSSB 217(JUD)
(S) Publish Date: 3/4/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: An Act relating to genetic privacy RDU: Statewide Support
Component: Laboratory Services
Sponsor: Senator Olson
Requester: Senate Judiciary Component No.: 527

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires informed consent of an individual before obtaining genetic information from the individual's DNA. The bill states that an individual's genetic information and DNA sample are private and must be protected, and requires that DNA samples from an individual be promptly destroyed upon the request of that individual. It provides for a criminal penalty for unlawfully obtaining, retaining, or disclosing genetic information (Class A Misdemeanor).

This bill does not appear to affect current DPS DNA collection and handling protocols because DNA and associated genetic information obtained in connection with AS 44.41.035 (the DNA Registration System) and criminal investigations are exempted. It is noted that the criminal penalties for unlawful disclosure of DNA information under AS 44.41.035 are more severe.

No fiscal impact is anticipated for the Department of Public Safety.

Prepared by: Chris W. Beheim Phone 269-5743
Division: Statewide Services Date/Time 2/18/04 8:47 AM
Approved by: Commissioner William Tandeske Date 2/18/2004
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB217CS(HES)-DHSS-DAS-01-28-04
() Publish Date: _____

Revision Date/Time (Note if correction):
Title GENETIC PRIVACY

Dept. Affected: Health & Social Services
RDU Departmental Support Services
Component Information Technology Services

Sponsor OLSON
Requester SENATE (HES)

Component No. 2754

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
1061 (CIP Receipts)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

If enacted, this bill will cost the Department of Health and Social Services approximately \$3.4 in legal services from the Department of Law. The Department of Law would have to create regulations and a uniform consent form and this would take approximately 30 hours of service. Funding for this is available internally within DHSS.

Prepared by: Janet Clarke, Director
Division Administrative Services
Approved by: Joel S. Gilbertson, Commissioner
Agency Department of Health and Social Services

Phone 465-1630
Date/Time 01/28/2004
Date 01/28/2004

SB

224

From the office of . . . Senator John J. Cowdery
State Capitol Building, Rm # 101
Juneau, AK 99801
907-465-3879 phone
907-465-2069 fax

MEMORANDUM

DATE: May 6, 2003
TO: REP. LESIL McGUIRE,
Chair, House Judiciary Committee
FROM: Senator John J. Cowdery
RE: SB 224

Please schedule a hearing for **SB224**, "an act relating to a minor operating a vehicle after consuming alcohol, after"

A copy of the bill, a sponsor statement and fiscal notes are attached.

Thank you for your attention to this matter.

ALASKA STATE LEGISLATURE
SENATE DISTRICT O

Interim:
716 West 4th Ave.
Anchorage, AK 99501
Phone: 907-269-0222
Fax: 907-269-0223
Toll Free: 1-888-269-3879



Session:
State Capitol Building
Juneau, AK 99801
Phone: 907-465-3879
Fax: 907-465-2069
Toll Free: 1-888-269-3879

John J. Cowdery

Senate Rules, Chair

Senate Transportation Committee, Chair

World Trade State & Federal Relations, Chair

State Affairs, Legislative Council

SPONSOR STATEMENT CSSB224

“An Act relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date.”

The purpose of SB224 is to change Alaska's law to require stiffer penalties to apply to person under the legal drinking age drives after consuming any amount of alcohol.

Under current Alaska law, a person under 21 who drives with a BAC of below .08 will receive a charge of minor consuming and/or minor operating a vehicle after consuming, both of which are infractions.

SB224 applies mandatory fines and community service for minors to drive after consuming any amount of alcohol. A first-time offender faces a \$300 fine, which increases to \$1000 for a second offense and \$1500 for additional offenses. Community service requirements increase similarly.

Drivers between the ages of 15 and 20 years old make up roughly 7% of the total driving population. That 7% constitutes 14% of the alcohol related fatalities. Zero Tolerance laws can act as a deterrent and dramatically help change deadly behavior.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 224
(S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to lowering the legal BRU Legal and Advocacy Services
level of intoxication Component Office of Public Advocacy
Sponsor Senator Cowdery
Requester (S) Transportation Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	48.7	48.7	48.7	48.7	48.7	48.7
Travel	2.4	2.4	2.4	2.4	2.4	2.4
Contractual	11.5*	11.5*	11.5*	11.5*	11.5*	11.5*
Supplies	1.4	1.4	1.4	1.4	1.4	1.4
Equipment	3.4	0.4	0.4	0.4	0.4	0.4
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Public Advocacy will be fiscally impacted by this legislation. Expanding the crime of DUI to include persons under 21 whose blood or breath alcohol level is more than .02, instead of over .08, will increase the caseload and workload of OPA staff, and increase contractual costs for areas not served by OPA staff attorneys and conflict counsel. More cases involving juveniles charged with this offense will be assigned to OPA. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content, leaving 232 cases where the minor was under .08. Moreover, experience in the field has shown that many officers only cite minors for minor consuming rather than driving after consuming. All of the aforementioned cases would henceforth be prosecuted as DUI and the defendant would be entitled to counsel. As a result, it is conservatively anticipated that there will be between 400-600 new DUI cases a year, a good portion of which will come to OPA. Because of the more severe penalties, and the fact that the reliability of the intoximeter as such low levels is highly questionable, these cases will be fully litigated (evidentiary hearings and trials). OPA will need an additional 1/2 time position, and contract costs will increase, though the amount is indeterminate.

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
Division Office of Public Advocacy Date/Time 2/24/04 12:00 AM
Approved by: Mike Miller, Commissioner Date _____
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act Lowering the Limits for DUI for those under RDU Alaska State Troopers
21 years of age Component AST Detachments
 Sponsor Sen. Cowdery
 Requester Senate Transportation Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 224, if passed, will amend AS 28.35.030 to make it a criminal offense to drive under the influence if the person is under 21 years of age, and has a blood alcohol content of .02 or more.

The fiscal impact to the Department of Public Safety is indeterminable for several reasons.

Based on data provided by DMV, there were about 82 individuals who may have been subjected to the provisions of this bill had it been law in 2003. It is not known how many of those 82 individuals would have been handled by the Alaska State Troopers.

(see page 2)

Prepared by: Lt Al Storey Phone 269-4532
 Division: Alaska State Troopers Date/Time 2/20/04 9:30 AM
 Approved by: Commissioner William Tandeske Date 2/20/2004
 Agency: Department of Public Safety

FISCAL NOTE #2

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. SB 224

ANALYSIS CONTINUATION

DMV's data also reports that there were about 144 other individuals contacted by law enforcement officers, but the officer determined that there was insufficient probable cause to arrest them and obtain a blood alcohol sample. It could be assumed that some of these persons would have had a blood alcohol level of .02 to .079. Processing the increased number of suspects in accordance with this proposed bill would be time consuming for law enforcement officers.

As written, SB 224 will be challenged repeatedly in the adjudication process. This is especially true for the lower blood alcohol levels. The defense will target the accuracy of the blood alcohol measuring instruments, the probable cause that led to the contact, and the process that the officer used to determine the individual was under the influence prior to asking for a breath sample. All of this will cost additional court time in order to make the officers available for testimony. It will require additional testimony from the Crime Lab technicians regarding the accuracy of the instruments used to measure blood alcohol.

The amount of time that will be required to achieve a conviction, and the time needed to handle arrestees under the age of 18 (juveniles), is unknown. Therefore, the fiscal impact to the Department of Public Safety is indeterminate.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: "An Act relating to lowering the legal level c RDU: CRIMINAL
intoxication for operating a motor vehicle, aircraft, or watercraft to .02 Component: Criminal Justice Litigation
 Sponsor: Senator Cowdery
 Requester: Senate Transportation Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0
	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This bill changes the Driver's License Act by including as an offense of operating a vehicle or aircraft while under the influence of an alcoholic beverage, inhalant or controlled substance, a person with a blood alcohol content of .02 who is less than 21 years of age.

 Passage of this legislation will have a fiscal impact on the Department of Law as it will, if enforced, result in a much larger number of DUI charges filed. How many of those will be referred to the state for prosecution is not determinable. It is also likely to result in more legal challenges to driver's license revocations, but we are similarly unable to quantify the impact.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division: Administrative Services Date/Time 2/23/04 4:48 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/23/2004
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title: "Act Lowering the Limits for DUI for those under 21 years of age....." RDU: Administration & Operations
 Component: Institution Director's Office
 Sponsor: Senator Cowdery
 Requester: _____ Component No. 1381

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures	*	*	*	*	*	*
Grants & Claims	*	*	*	*	*	*
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts	*	*	*	*	*	*
1003 GF Match	*	*	*	*	*	*
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts	*	*	*	*	*	*
1037 GF/Mental Health	*	*	*	*	*	*
Other (Specify Type-Do not abbreviate)	*	*	*	*	*	*
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This legislation if passed would amend AS 28.35.030 making it a criminal offense to drive under the influence if the person is under 21 years of age, and has a blood alcohol content of .02 or more.

The fiscal impact to the Department of Corrections is indeterminate at this time for several reasons:

Based on data provided to the Department of Public Safety by DMV, there were approximately 82 individuals who may have been subjected to the provisions of this bill had it been law in 2003. It is not known how many of those 82 individuals would have been convicted and sentenced as adults.

Prepared by: Jerry D. Burnett, Director
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone (907) 465-3339
 Date/Time 2/24/04 10:04 AM
 Date 2/24/2004

ANALYSIS CONTINUATION

DMV's data also reports that there were about 144 other individuals contacted by law enforcement officers, but the officer determined that there was insufficient probable cause to arrest them and obtain a blood alcohol sample. It could be assumed that some of these persons would have had a blood alcohol level of .02 to .079.

The number of convictions is unknown therefore the fiscal impact to the Department of Corrections is indeterminate.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/28/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Minors operating veh. after consuming alcohol RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Sen. Cowdery
 Requester (S) State Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will enhance the penalties for minors operating a vehicle after having consumed alcohol, refusal of a breath test, or operating a vehicle within 24 hours after being cited for minor operating a vehicle after consuming alcohol. The offenses under AS 28.35.280, AS 28.35.285, and AS 28.35.290 respectively, will remain infractions. Under current statute, a fine of not more than \$1000 can be assessed. With the proposed legislation, mandatory minimum fines will be established. The amount of the fine will be increased for each subsequent offense.

It is not anticipated that this legislation will have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Allen Storey Phone 907-269-4532
 Division: Alaska State Troopers Date/Time 4/27/04 4:41 PM
 Approved by: Commissioner William Tandeske Date 4/27/2004
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/28/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Minor operating a vehicle after BRU Alaska Court System
consuming alcohol Component Trial Courts
 Sponsor Senator Cowdery
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Committee Substitute for SB 224(STA) increases the fines and provides for mandatory community work service for the offenses of (1) minor operating a vehicle after consuming alcohol, (2) minor's refusal to submit to a chemical test and (3) driving during the 24 hours after being cited for alcohol of breath test offenses. Although these offenses remain infractions, the mandatory community work service triggers the right to appointed council and a jury trial. Because of these additional rights, passage of CSSB 224(STA) will impact the court system. At this time, however, the extent of that impact is too speculative to support a fiscal note.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 4/28/04 12:03 PM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 4/28/2004
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 7
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/28/04
 Dept. Affected: Health & Social Services
 RDU Juvenile Justice
 Component Probation Services

Revision Date/Time (Note if correction):
 Title LOWERING B.A.C. TO .02 OR THE
EQUIVALENT FOR MINORS

Sponsor COWDERY
 Requester SENATE (STA)

Component No. 2134

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CS SB 224 (STA) is consistent with federal law and requirements and will not result in additional costs to the Division of Juvenile Justice.

Prepared by: Jana Heard
 Division: Juvenile Justice
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-1385
 Date/Time 03/17/2004
 Date 04/28/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 8
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/29/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "...minor operating a vehicle after RDU Division of Motor Vehicles
consuming alcohol..." Component Motor Vehicles
 Sponsor Sen. Cowdery
 Requester (S) Finance Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 DMV does not anticipate an increase in workload. The number of arrests will remain relatively constant unless law enforcement increases their staffing dramatically. DMV has a system in place for handling these cases and an additional criminal charge will not substantially change the workload.

Prepared by: Duane Bannock Phone 269 5008
 Division: Motor Vehicles Date/Time 4/29/04 7:08 AM
 Approved by: Kevin Jardell, Deputy Commissioner Date 4/29/2004
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 9
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/29/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to a minor operating a vehicle BRU Legal and Advocacy Services
after consuming alcohol... Component Office of Public Advocacy
 Sponsor Senator Cowdery
 Requester (S) State Affairs Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures						
Grants & Claims						
Miscellaneous					*	*
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

This bill will have a fiscal impact on the operations of the Office of Public Advocacy, though the impact will be indeterminate. Amending the minor operating a vehicle after consuming alcohol(MOVAC) offense and related refusal and driving 24 hours after citation offenses to further increase the penalties by setting mandatory fines and mandatory minimum community work service for 1st, 2nd, and multiple offenders will increase the caseload and workload of the Agency. Minors charged with these offenses will be entitled to a jury trial and court-appointed counsel. See *Auliye v. State*, 57 P3d 711 (Alaska App. 2002); *Booth v. State*, 903 P.2d 1079, 1087-88 (Alaska App. 1995). More cases involving juveniles charged with these offense will be assigned to the Agency. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content. As a result, it is conservatively anticipated that there will be over 200 more cases a year assigned public counsel for these offenses because of the increased penalties. The workload on these cases will also increase because of the more severe penalties.

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
 Division Office of Public Advocacy Date/Time 4/28/04 12:00 AM
 Approved by: Kevin Jardell, Deputy Commissioner Date 4/29/2004
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 10
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/29/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to lowering the legal BRU Legal and Advocacy Services
level of intoxication Component Public Defender Agency
 Sponsor Senator Cowdery
 Requester (S) State Affairs Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	97.4	97.4	97.4	97.4	97.4	97.4
Travel	4.8	4.8	4.8	4.8	4.8	4.8
Contractual	23.1	23.1	23.1	23.1	23.1	23.1
Supplies	2.7	2.7	2.7	2.7	2.7	2.7
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	134.7	128.7	128.7	128.7	128.7	128.7

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	134.7	128.7	128.7	128.7	128.7	128.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	134.7	128.7	128.7	128.7	128.7	128.7

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have a fiscal impact on the operations of the Public Defender Agency. Amending the minor operating a vehicle after consuming alcohol(MOVAC) offense and related refusal and driving 24 hours after citation offenses to further increase the penalties by setting mandatory fines and mandatory minimum community work service for 1st, 2nd, and multiple offenders will increase the caseload and workload of the Agency. Minors charged with these offenses will be entitled to a jury trial and court-appointed counsel. See *Aulive v. State*, 57 P3d 711 (Alaska App. 2002); *Booth v. State*, 903 P.2d 1079, 1087-88 (Alaska App. 1995). More cases involving juveniles charged with these offense will be assigned to the Agency. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content. As a result, it is conservatively anticipated that there will be over 200 more cases a year assigned to the Agency for these offenses because of the increased penalties. The workload on these cases will also increase because of the more severe penalties. Since most of these offenses occur in Anchorage or Palmer, the Agency will need one full time attorney in one of these locations to handle this increased caseload.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time 4/28/04 12:00 AM
 Approved by: Kevin Jardell, Deputy Commissioner Date _____
 Agency Administration

SB

229



UNIVERSITY of ALASKA ANCHORAGE

Office of the Vice Chancellor for Administrative Services

February 19, 2004

Regarding: Senate Bill 229

The Honorable Lesil McGuire
House of Representatives
Alaska State Capital, Room 118
Juneau, AK 99801-1182

Dear Representative McGuire:

I am writing on behalf of the University of Alaska to request your support for the passage of Senate Bill 299. The current bad check statute allows us to collect up to \$25 to cover "costs incurred" for collecting a bad check. This creates an accounting burden on businesses to track and record costs of collection, instead of assigning a fixed penalty to the person writing the bad check. The proposed change in the statute would set a reasonable handling fee that is not subject to challenge.

Please help Alaska businesses by eliminating the requirement to document the costs of collecting bad checks. Many other states have removed this administrative burden by simply assigning a fixed penalty.

On behalf of University of Alaska business officers, I strongly urge you to support SB299 to make this simple change.

Sincerely,

Cynthia Matson
Vice Chancellor for Administrative Services

Ok
~~for~~ Vanessa
for when
it comes
up in
court.

March 26, 2004

Committee Chairperson

RE: Senate Bill 299: Relating to a charge for a bad check

Chairperson:

The City of Valdez supports the passage of Senate Bill 299. The current bad check statute requires that to collect up to \$25 to cover "costs incurred" for collecting bad checks, we must account for our time and expenses for every bad check. There is a considerable burden and expense just in the accounting for the costs of a bad check collection, much less the indirect costs of lost cash flow. For a municipality, which is undergoing fiscal stress, this is a waste of taxpayer's resources.

The proposed change in the statute would set a reasonable handling fee that is fixed, and requires a much simpler approach to the problem.

We urge you to support SB 299 to make this change.

Meg Weaver
Accounts Receivable Manager

SB

255

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271


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

Senate

REQUEST FOR HEARING

To: Representative Lesil McGuire, Chairman
House Judiciary Committee

Subject: Senate Bill 255

Sponsor: Senator Gene Therriault 

Date: April 27, 2004

I would like to respectfully request that SB 255 be scheduled for a hearing before the House Judiciary Committee.

Passage of SB 255 would reserve the possession and use of Traffic Preemption devices for authorized users including emergency response providers and road maintenance vehicles. Also included would be public transit vehicles after approval of the municipal council of that community. The bill would make unauthorized possession or use of the device a class A misdemeanor.

Thank you for your consideration.

Alaska State Legislature

SENATOR
GENE THERRIAULT

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While in session
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SENATE DISTRICT F

Senate

Sponsor Statement SB 255

Senate Bill 255: "An Act relating to traffic preemption devices"

Sponsor: Senator Gene Therriault 

Senate bill 255 was introduced to reserve the use of Traffic Preemption Devices (TPDs) for legitimate authorized users, including emergency response providers, road maintenance and public transit vehicles. TPDs allow vehicles approaching a traffic signal to override the normal signal control and change the light from red to green. This enables emergency vehicles to proceed more rapidly to the situation they are responding to. Unfortunately, without a change in state law, these devices are available for purchase and use by the general public and indiscriminate use could lead to accidents.

This bill is intended to keep these accidents from occurring, by assuring that only authorized personnel use TPDs. This is accomplished by making it illegal to own a TPD unless you are an approved user. In addition, authorized individuals would only be able to use the device in an official capacity, as defined by this bill. The bill also guarantees that mechanics and other repair personnel are allowed to possess and use TPDs, when installing, repairing or testing them in an official capacity.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB255-DPS-FP-2-9-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: Illegal use of Traffice Preemtion Device RDU: Fire Prevention
Component: Fire Prev. Operations
Sponsor: Senator Therriault
Requester: Senate State Affairs Component No.: 494

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)
This bill makes it unlaful to possess or use a traffic preemtion device when not operating an emergency vehicle.

SB 255 will have no fiscal impact to the Department of Public Safety.

Prepared by: Gary Powell, Director Phone: 269-5491
Division: Fire Prevention Date/Time: 2/9/04 9:39 AM
Approved by: Commissioner William Tandeske Date: 2/6/2004
Agency: Department of Public Safety