

12061

SENATE

STATE

AFFAIRS

**HB**

**97**

## SECTIONAL ANALYSIS

### CSHB 97(FIN)

An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date.

Section 1. Adds presiding officers of each house of the Legislature and the Lieutenant Governor to the list of persons permitted to administer oaths. This permission is limited to the administration of the oath of office to new legislators (AS 24.05.160) and to the presiding officer for the same purpose during second and special sessions (AS 24.05.170).

Sections 2 and 3. Conform sections of Alaska Civil Procedure concerning notarial acts to the updated language in Sec. 44.50.061 (5). These sections apply to court system employees, U.S. Postmasters, U.S. military personnel and municipal clerks.

Sections 4 and 5. Update 09.63 to include reference to limited liability companies, limited partnerships, and limited liability partnerships. In Section 5, (H) STA added "or Municipality of" on the forms of acknowledgment in recognition of Alaska not having counties.

Section 6. Increases fee per notarial certificate from \$2/three folios to \$5/certificate. "Folio" is an outdated term not used in current practice. The increase reflects the State's cost to process the certificates. Deletes territorial language re: accounting for fees.

Section 7. Two categories of notaries:

- a) notary public without limitation
  - terms are for 4 years
  - can charge fees for service
- b) limited governmental notary public (state, municipal and federal employees)
  - conduct only official government business
  - terms are for the length of government employment
  - cannot charge fees for service (new Sec. 44.50.039)

Can have concurrent commissions as a notary public without limitation and as a limited governmental notary public, as long as the activities are separated.

Section 8. Changes Qualifications to be commissioned notary public:

- Lowers the age from 19 to 18.
- Must have established Alaska residency. The definition of "residency" is updated to a more widely used and more current definition (AS 01.10.055) than current statute (AS 44.50.020).
- Notary public must reside legally in the U.S.
- 10 years between felony conviction/incarceration and ability to apply as notary.

Section 9. Sets out the application requirements for notary public commission whether notary public without limitation or limited governmental notary public.

Restates the current \$40 fee per application along with the current requirement that State limited governmental notaries public are exempt from the fee.

Restates current bonding requirement of \$1,000 with term of four years for notaries public without limitation.

Requires Lieutenant Governor to keep the bond for two years following the notary's term of commission.

Provides opportunities for Lieutenant Governor to deny applications if:

- a) application is incomplete
- b) applicant has been convicted of or incarcerated for a felony less than 10 years previous to application
- c) applicant's commission has been revoked

Clarifies current law as to when a new commission begins.

Section 10. Much of AS 44.50.060 is antiquated language. The changes here acknowledge that the duties of a notary public can be encompassed in the broader language of administering oaths and affirmations, taking acknowledgment of or proof of instruments of writing and giving notarial certificates. (H) JUD added language from this section on which removes impediments to providing electronic notarizations. The language is broad enough to allow for necessary flexibility in what is rapidly changing technology.

Section 11. Defines scope of practice and makes clear that a notary public who is not an attorney may not perform functions that require the practice of law.

Also, sets out what a notary public cannot do (Sec. 44.50.062), the specifications of the official seal, and its care and keeping, what constitutes a "seal impression", changes in notary status and disciplinary actions. It also specifies at (5) (A) – (C) the elements that must be present for a notary public to notarize a document:

- Person must appear and sign the document before the notary public.
- Person must produce identification unless personally known to the notary public.
- The notary must sign in his/her own handwriting the name on his/her commission certificate.
- Notary cannot notarize documents which benefit the notary

This section reorders and clarifies current law defining the notary's seal, and defining the seal impression. The \$5 name change fee is not in addition to the cost of a new certificate under Sec. 44.19.024.

New section 44.50.068 gives the Lieutenant Governor the latitude to suspend or revoke a notary public's commission or to reprimand a notary public for good cause. The Lieutenant Governor may delegate his authority. With regard to a complaint, the Lieutenant Governor may find no merit to the complaint or may refer the complaint to the office of administrative hearings for a formal disciplinary hearing which could end with revocation of the notary public's commission. In all instances the notary public may appeal the Lieutenant Governor's decision to the office of administrative hearings (rewritten by (H) FIN).

Section 12. Describes the information gathered from notaries public on the application which will be public information. House State Affairs Committee added language allowing the Lt. Governor to publish a summary of this chapter and regulations that can be distributed by electronic means. Provides for the Lieutenant Governor to adopt regulations.

Section 13. Defines terms used in this Chapter.

#### Section 14. Repealers:

- AS 44.50.030 (Term of office, now covered in new 44.50.010)
- AS 44.50.040 (Fees, now covered in new 44.50.033)
- AS 44.50.070 (Presence and ID, now covered in new 44.50.062)
- AS 44.50.080 (Seal, now covered in new 44.50.064)
- AS 44.50.090 (Protest of bill or note. Notaries don't do this, antiquated language, repealed and not replaced)
- AS 44.50.100 (Return of papers. There are no papers to return. Repealed and not replaced)
- AS 44.50.110 (APA procedure for disciplinary actions, replaced by more comprehensive 44.50.068)
- AS 44.50.120 (Bond requirements, now covered in new 44.50.034)
- AS 44.50.130 (Filing oath and bond, now covered in new 44.50.035)
- AS 44.50.140 (Disposition of bond, now covered in new 44.50.034)
- AS 44.50.170 (State employees as notaries, now covered in 44.50.010, 44.50.031 (c) and 44.50.039)
- AS 44.50.180(c) (Federal law prohibits postmasters from charging fees. Alaska law is inconsistent and this subsection must be repealed)
- AS 44.50.190 (Savings clause, a transitional measure from 1961 that is no longer necessary and can be repealed).

#### Section 15. Applicability

- Current commissions continue in effect until term of office expires, except if the commissioned is a felon and 10 years have not elapsed since conviction or incarceration.
- Bonds, seals, liabilities in effect continue through the notary public's term of office.
- All notaries with current commissions or who are commissioned following the effective date of the legislation must follow the notarial procedures encompassed in the legislation.
- When commissions expire, notaries public will apply for new commissions under the new AS 44.50.032 (Section 9).

#### Sections 16 and 17. Transition

Allows the Lieutenant Governor to immediately proceed to adopt regulations with an effective date following the effective date of the legislation.

#### Section 18. Effective Date

Effective date is July 1, 2005 to allow time for revision of website, online handbook and forms.

AMENDMENT

#1

OFFERED IN THE SENATE  
TO: CSHB97 (FIN)

BY SENATOR THERRIault

Page 8, line 17-19:

Delete "may not, within 10 years before the commission takes effect, have committed acts for which a notary public commission may be denied or revoked under this chapter; and"

Insert "may not, within 10 years before the commission takes effect,

(i) have had the person's notary public commission revoked under AS 44.50.068(a)(2) or (3) or under the notaries public laws of another state;

or

(ii) have been disciplined under AS 44.50.068 or under the notaries public laws of another state if the disciplinary action prohibits the person from holding a notary public commission when the person applies for a commission; and"

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1 \*\*CORRECTED\*\*  
 Bill Version: HB 97  
 (H) Publish Date: 1/26/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title: An Act relating to oaths, RDU: Office of the Lt. Governor  
affirmations, and acknowledgements ..." Component: Office of the Lt. Governor  
 Sponsor: Governor  
 Requester: Rules Component No: 11

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

The proposed fee changes for certificates from \$2 to \$5, as set out in Section 6 of the bill, will generate anticipated 8.7 in additional unrestricted revenues

Prepared by: Linda J. Perez, Director Phone: 465-3876  
 Division: Administrative Services Date/Time: 1/24/05 3:41 PM  
 Approved by: Lt. Governor Loren Leman Date: 1/24/2005  
 Agency: Office of the Lt. Governor

## SECTIONAL ANALYSIS

### CSHB 97(FIN)

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Sections 4 and 5. Update 09.63 to include reference to limited liability companies, limited partnerships, and limited liability partnerships. In Section 5, (H) STA added "or Municipality of" on the forms of acknowledgment in recognition of Alaska not having counties.

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Can have concurrent commissions as a notary public without limitation and as a limited governmental notary public, as long as the activities are separated.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

#1

AMENDMENT

OFFERED IN THE SENATE  
TO: CSHB97 (FIN)

BY SENATOR THERRIAULT

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## **Notary Commission Revocation Amendment**

Senate State Affairs Committee

TO: CSHB97(FIN): OATHS; NOTARIES PUBLIC; STATE SEAL

### **PURPOSE OF THE AMENDMENT:**

- Notary commissions can be revoked for violation of or non-compliance with notary law, for incompetence or malfeasance in carrying out their duties, or for minor technical reasons (simply moving out of state for example.) The current bill does not consider all possible reasons for revoking a notary commission and treats all revocations as if they were the result of serious offenses.

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**2005 LEGISLATIVE SESSION**

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Prepared by: Linda J Perez, Director Phone: 465-3876  
 Division: Administrative Services Date/Time: 1/24/05 3:41 PM  
 Approved by: Lt Governor Loren Leman Date: 1/24/2005  
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SECTIONAL ANALYSIS  
CSHB 97(FIN)

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Section 13. Defines terms used in this Chapter.

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- Bonds, seals, liabilities in effect continue through the notary public's term of office.
- All notaries with current commissions or who are commissioned following the effective date of the legislation must follow the notarial procedures encompassed in the legislation.
- When commissions expire, notaries public will apply for new commissions under the new AS 44.50.032 (Section 9).

#### Sections 16 and 17. Transition

Allows the Lieutenant Governor to immediately proceed to adopt regulations with an effective date following the effective date of the legislation.

#### Section 18. Effective Date

Effective date is July 1, 2005 to allow time for revision of website, online handbook and forms.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 97(JUD)

1 Page 8, lines 12 - 13:

2 Delete "may not have been incarcerated in a correctional facility for a felony  
3 conviction within 10 years before the commission takes effect"

4 Insert "may not, within 10 years before the commission takes effect, have been  
5 convicted of a felony or incarcerated in a correctional facility for a felony conviction"

6

7 Page 8, line 15, following "jurisdiction":

8 Insert "within 10 years before the commission takes effect"

9

10 Page 8, line 16, following "may not":

11 Insert ",within 10 years before the commission takes effect,"

12

13 Page 10, lines 17 - 18:

14 Delete "applicant has been incarcerated in a correctional facility for a felony  
15 conviction within 10 years before the commission is to take effect"

16 Insert "applicant has within 10 years before the commission is to take effect, been  
17 convicted of a felony or incarcerated in a correctional facility for a felony conviction"

18

19 Page 10, line 19, following "revoked":

20 Insert ",within 10 years before the commission is to take effect,"

21

22 Page 18, line 12, following "(1)":

23 Insert "convicted" or "conviction" means that the person has entered a plea of guilty,

1 guilty but mentally ill or nolo contendere, or has been found guilty or guilty but mentally ill  
2 by a court or jury;

3 (2)"

4

5 Page 18, line 15:

6 Delete "(2)"

7 Insert "(3)"

8

9 Page 18, lines 30, through page 19, line 1:

10 Delete "has been incarcerated in a correctional facility for a felony conviction within  
11 10 years before the notary public's term of office expires under former AS 44.50.030"

12 Insert "has been, within 10 years before the notary public's term of office expires  
13 under former AS 44.50.030, convicted of a felony or incarcerated in a correctional facility for  
14 a felony conviction"

15

16 Page 19, line 2, following "public.":

17 Insert "In this subsection, "convicted" and "conviction" have the meanings given in  
18 AS 44.50.200."

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 97(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 11, line 22, following "handwriting":

2 Insert "or by electronic means as authorized by regulations adopted by the  
3 lieutenant governor"

4

5 Page 13, lines 14 - 15:

6 Delete "; a notary public may not sign through the use of a facsimile stamp or an  
7 electronic or graphic printing method"

8 Insert ", or sign an electronic document by electronic means as authorized by  
9 regulations adopted by the lieutenant governor"

10

11 Page 13, line 19:

12 Following "official":

13 Insert "handwritten"

14 Following "signature":

15 Insert "and information regarding the notary public's electronic signature"

16

17 Page 13, following line 19:

18 Insert a new subsection to read:

19 "(c) Within 10 days after the security of a notary public's electronic signature  
20 has been compromised, the notary public shall provide the lieutenant governor with  
21 written notification that the signature has been compromised. After the notary public  
22 has provided the lieutenant governor with the notification, the notary public shall  
23 provide the lieutenant governor with any additional information that the lieutenant

1 governor requests about the compromise of the signature."

2

3 Page 13, line 28:

4 Delete "or"

5 Insert ", "

6

7 Page 13, line 30, following "length":

8 Insert ", or may be an electronic form as authorized by regulations adopted by the  
9 lieutenant governor"

10

11 Page 13, line 31, through page 14, line 1:

12 Delete "in a secure area"

13 Insert "secure and"

14

15 Page 14, line 2, following "lost,":

16 Insert "or the security of the notary public's official electronic seal is compromised,"

17

18 Page 14, line 4:

19 Delete "or"

20 Insert ", "

21 Following "loss":

22 Insert ", or compromised security. After the notary public has provided the  
23 lieutenant governor with the notification, the notary public shall provide the lieutenant  
24 governor with any additional information that the lieutenant governor requests about  
25 the compromise of the seal"

26

27 Page 14, line 12:

28 Delete "A"

29 Insert "With regard to each paper document being notarized, a"

30

31 Page 14, line 15:

1 Delete "of each paper document notarized,"

2

3 Page 14, line 18:

4 Delete "Illegible"

5 Insert "For a notarized paper document, illegible"

6

7 Page 14, following line 23:

8 Insert a new subsection to read:

9 "(d) A notary public may use a seal in electronic form on electronic  
10 documents notarized by the notary public as authorized by regulations adopted by the  
11 lieutenant governor. The seal shall be affixed only at the time the notarial act is  
12 performed."

13

14 Page 15, line 14, following "signature":

15 Insert "and information regarding the notary public's electronic signature"

## Notary Statute Comparison – CSHB 97(FIN)

	<b>Current</b>	<b>Proposed</b>
<b>Qualifications</b>		
	<p>Applicants must be a resident of the state at least 19 years of age.</p> <p>Resident defined to mean a person who maintains a permanent place of abode in the state, and is in fact living in the state.</p>	<p>Minimum age lowered to 18 years.</p> <p>Residency requirements made consistent with general residency statute AS 01.10.055, rather than separate definition.</p> <p>Applicant must reside legally in the United States.</p> <p>Applicants may not, within 10 years before the commission takes effect, have been convicted of a felony or incarcerated for a felony conviction.</p>
<b>Term</b>	<b>Current</b>	<b>Proposed</b>
	<p>Four years.</p> <p>Automatic revocation of commissions of State employee notaries who terminate employment prior to the commission expiration date.</p>	<p>Notaries Public will continue to serve a term of four years.</p> <p>Limited Governmental Notaries Public commissions will be open-ended with automatic revocation upon termination of government employment.</p>
<b>Fees</b>	<b>Current</b>	<b>Proposed</b>
	<p>\$40 application fee for non-state employee notaries.</p> <p>\$2 per Lieutenant Governor certificate.</p>	<p>\$40 application fee for non-state employee notaries (No change).</p> <p>\$5 per Lieutenant Governor certificate (\$3 increase).</p>
<b>Bond</b>	<b>Current</b>	<b>Proposed</b>
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries. Lt. Gov. required to keep for 2 years.</p>

<b>Commission Types</b>	<b>Current</b>	<b>Proposed</b>
	Notaries Public who serve four-year commissions.  Limited Governmental Notaries Public commissions available for State employees only.	Notaries Public who serve four-year commissions.  Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.
<b>Commission Revocation</b>	<b>Current</b>	<b>Proposed</b>
	Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.	By Lieutenant Governor for good cause via a formal disciplinary procedure using administrative hearing office.
<b>Notary Data</b>	<b>Current</b>	<b>Proposed</b>
	Each notary's name, mailing address, surety information and commission dates are available to the public.	The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available.  To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.
<b>Non-Commissioned Notaries</b>	<b>Current</b>	<b>Proposed</b>
	Justices, Judges, Magistrates, Clerks or Deputy Clerks of Court, United States Postmasters, and Commissioned Military Officers are authorized to take oaths, affirmations or acknowledgments.	No change.
<b>Electronic Notarization</b>	<b>Current</b>	<b>Proposed</b>
	Does not address this issue.	Removes impediments for notarizations by electronic means.



## NATIONAL NOTARY ASSOCIATION

March 18, 2005

The Honorable Loren Leman  
Lieutenant Governor, State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

RE: Support for SB 72 and HB 97

Dear Lieutenant Governor Leman:

On behalf of the National Notary Association, an educational organization serving the 4.5 million Notaries of the United States, and the approximately 12,000 Notaries of Alaska, I would like to express the NNA's strong support for Alaska Senate Bill 72 and House Bill 97.

Both bills constitute a long-needed first step in modernizing Alaska's Notary laws. Notably, the bills provide important rules to guide Notaries "in the field" in performing notarial acts and to help the Lieutenant Governor's office more efficiently keep track of the Notaries it oversees.

Additionally, the bills in their present form recognize and accommodate the federal "E-Sign" law (i.e., Electronic Signatures in Global and National Commerce Act) that now authorizes every state-commissioned Notary in the United States to use electronic signatures in performing official acts.

Accordingly, our Association strongly endorses SB 72 and HB 97 as much-needed updates to Alaska Notary law.

Sincerely,

A handwritten signature in cursive script that reads "Charles N. Faerber".

Charles N. Faerber  
Vice President of Notary Affairs



United States  
**NOTARY**  
Association

March 11, 2005

The Honorable Loren Leman  
Office of the Lieutenant Governor  
P.O. Box 110015  
Juneau, AK 99811-0015

RE: CSHB 97 (FIN) 2005

Dear Lt. Governor Leman:

On behalf of the members of the United States Notary Association (USNA), I congratulate you and Governor Murkowski on your legislative initiative to amend House Bill 97, which is intended to revise the chapter of the Alaska Statutes that governs Alaska notaries public: Title 44, Chapter 50 [Alaska Stat. §44.50]. USNA is strongly in favor of the original notarial legislation and the e-notarization amendment that has been added.


The amendment is a logical next step that will authorize you to regulate electronic notarizations and enable notaries to participate in the 21<sup>st</sup> Century.


Because Alaska has adopted the Uniform Electronic Transactions Act (UETA), it should be permissible for notaries to serve their customers by following the guidelines set forth in Alaska Stat. §09.080.010, et seq. We understand that the amendment will not bring about a complete e-notarization system to your state. However, it does address most aspects of electronic notarization, except for which particular electronic signature and seal methods Alaska notaries will eventually use.

Since Alaska Stat. §44.50 has not been comprehensively revised since being enacted in 1961, USNA gives its full support to HB 97 and the e-notarization amendment because this bill intends to repeal obsolete provisions, update antiquated language, and add new provisions where they are needed.

USNA urges the Alaska Legislature to take prompt and favorable action. If I can be of help to you in supporting this bill, please contact me at 800-587-2588 or [usna@enotary.org](mailto:usna@enotary.org). I look forward to reporting on the successful passage of HB 97 in an upcoming issue of *Notary Review*.

For the Association,

  
Marc L. Aronson  
President



14 Wood Street  
Pittsburgh, Pennsylvania  
15222-1921  
ph: 800 587 2588  
fax: 800 707 7075  
[www.enotary.org](http://www.enotary.org)



United States  
**NOTARY**  
Association

March 11, 2005

The Honorable Loren Leman  
Office of the Lieutenant Governor  
P.O. Box 110015  
Juneau, AK 99811-0015

RE: SB 72 e-notarization amendment 2005

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For the Association,

  
Marc L. Aronson  
President

  
14 Wood Street  
Pittsburgh, Pennsylvania  
15222-1921  
ph 800.587.2588  
fax 800.707.7075  
[www.enotary.org](http://www.enotary.org)



# NATIONAL NOTARY ASSOCIATION

March 18, 2005

The Honorable Loren Leman  
Lieutenant Governor, State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

RE: Support for SB 72 and HB 97

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Accordingly, our Association strongly endorses SB 72 and HB 97 as much-needed updates to Alaska Notary law.

Sincerely,

A handwritten signature in cursive script that reads "Charles N. Faerber".

Charles N. Faerber  
Vice President of Notary Affairs

## Searching For Some E-Initiative

By Charles N. Faerber  
cfaerber@nationalnotary.org

It is indeed the law of the land, but no state seems to be in a hurry to implement every one of its provisions.

The federal "E-Sign" statute, otherwise known as the Electronic Signatures in Global and National Commerce Act, was signed into law in the fall of 2000 by President Bill Clinton using, appropriately, an electronic signature – appropriate because the main purpose of the law is to give electronic signatures the same legal status as pen and ink.

Since then, however, the following provision of E-Sign has been all but ignored:

**SECTION 101(g). NOTARIZATION AND ACKNOWLEDGMENT.**  
*If a statute, regulation, or other rule of law requires a signature or record relating to a transaction in or affecting interstate or foreign commerce to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record.*

The above E-Sign provision gives state-commissioned Notaries authority to use electronic signatures in

notarizing other electronic signatures.

While no state legislature has authority to strip any Notary of this new federally bestowed power to notarize electronically, most states are effectively doing so by not moving to legislate or administratively prescribe rules for eNotarization. (It doesn't count that Arizona has mislabeled and adopted "electronic notarization" rules that involve a digital process without commissioned Notaries screening signers for identity, willingness and awareness.)

Though a number of forward-looking state Notary administrators are planning legislation to set guidelines for eNotarization, an almost-equal number are not. Some in the latter camp seem apathetic and a few even hostile to the prospect of such change. A preference for comfortable inertia rather than outright "Luddite-ism" seems to be the reason; indeed, anyone looking for proof of the axiom that government is the least fertile ground for human initiative and innovation might look no further.

Fortunately, initiative and innovation abound in the private sector and consumer demands for a faster, simpler and less expensive mortgage loan process are increasing pressure on government officials for electronic notarization and electronic recording solutions.

It has been widely predicted that the first state to put in place a workable, reliable and understandable-to-the-layman eNotarization system will soon have 49 imitators.

Before too long, we're going to see whether that prediction proves true.

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**The Notary Law Institute**  
213 North Fairway Drive  
North Salt Lake, Utah 84054  
(801) 296-0848  
[www.Notarylawn.com](http://www.Notarylawn.com)

February 24, 2005  
The Alaska State Legislature  
Juneau, Alaska

Dear Honorable Senators and Representatives:

I appreciate the opportunity to briefly share our support for Senate Bill 72 that is before you, particularly as it addresses the subject of electronic notarizations. Our company is a notary law training source and we have been training Alaska notaries across the state since 1991. We have no special or economic interest in SB 72. Our desire is to provide a modest bit of our experience and expertise on the subject of electronic notarizations resulting from our conducting notary law research and training nationwide for 14 years.

A great many states have in recent years enacted enabling legislation authorizing the establishment of electronic notarizations in their states. In no state has electronic notarizing successfully proven itself commercially. Moreover, a few states even now speak of repealing their statutory electronic notarization provisions as embarrassing failures.

I was a studious eye witness to the advent of the electronic notarization concept. It was a concept not born out of necessity, but out of commercial entrepreneurship. Promoted by commercial special interests, many states jumped on the band wagon and adopted electronic notarization "model legislation" promulgated by these special interests, while little analysis concerning economic viability and cost-benefits was conducted. In the end, these states enacted laws and procedures intended to "fit" specific information technologies that were too expensive to purchase, and too quick to become outdated.

Information technology is a rapidly moving target around which government cannot reasonably legislate. The lesson learned from the other states' experience is that too much was enacted too quickly with too little understanding. Therefore, it is my view that electronic notarizations will best be realized through more analytical, deliberative and flexible administrative procedures, rather than through rigid statutory standards.

SB 72 authorizes the Lt. Governor to study and promulgate administrative rules to establish the implementation of electronic notarizations in Alaska. This is what the other states should have done, rather than blindly ram-rod the idea at the urging of special interests.

Under administrative rule making authority, the Lt. Governor can nurture the electronic notarization concept through the numerous obstacles that ever-changing technology and economic expectations create. This will allow the process to invoke and consider the brightest thinking of the best experts as strategies and users' needs are articulated and analyzed.

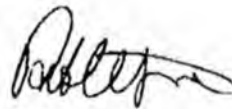
Moreover, by enacting SB 72, the study and development of electronic notarization systems will be conducted outside the influence and pressures of special interests. There is no justification for an electronic notarization system if it is not economically sensible, functionally "user friendly", and legally secure for its users.

Electronic notarizations will be part of our future. It may appeal only to a narrow sector of the Alaskan economy at first, but it will eventually find its way into widespread use as long as the rules and procedures regulating it are readily modified and adaptable.

As an outsider looking in, I would urge your favorable enactment of SB 72.

If you wish to discuss my comments with me further, please do not hesitate to let me know. I only desire to be helpful.

Sincerely,



Peter Van Alstyne, J.D.  
President, Notary Law Institute

**HB**

**116**

# REPRESENTATIVE KEVIN MEYER

---

HOUSE DISTRICT 30

## MEMORANDUM

**DATE:** April 6, 2005

**TO:** Senator Gene Therriault, Chairman  
Senate State Affairs Committee

**FROM:** Representative Kevin Meyer

**RE:** Scheduling request for House Bill 116 *Minors on Licensed Premises*

---

Please schedule CSHB 116 *Minors on Licensed Premises* for a hearing in the Senate State Affairs Committee at your earliest convenience.

HB 116 protects youth volunteers working with peace officers in the enforcement of alcoholic beverage laws from civil actions.

Included in this packet:

- CSHB 116 *Minors on Licensed Premises* version LS-0379\Y
- Sponsor statement
- Sectional analysis
- Fiscal Note
- Summary of changes
- CSHB 116 *Minors on Licensed Premises* version LS-0379\G
- Original version HB 116 LS-0379\A
- Letters of support
  - MADD
  - Alcoholic Beverage Control Board
- Articles
  - Juneau Empire – July 26, 2004
  - Juneau Empire – January 14, 2005
- U.S. Department of Justice – Office of Justice Programs
  - Guide to Conducting Alcohol Purchase Surveys
  - Reducing Third-Party Transactions of Alcohol



# REPRESENTATIVE KEVIN MEYER

---

HOUSE DISTRICT 30

## Sponsor Statement

### House Bill 116

**“An Act relating to the liability of certain persons for entry and remaining on licensed premises.”**

Volunteers under the age of 21 cooperate with law enforcement officials in investigating and enforcing compliance with the state's alcoholic beverage laws. Under current statutes, persons under 21 years of age can be sued by license holders for up to \$1000 for being on the premises. No exemption exists in the law for young people working with law enforcement officials. Recently a liquor license holder sued a volunteer, who was cooperating in an active investigation.

House Bill 116 creates an exception to AS 04.16.049 and .060 to protect young volunteers cooperating with law enforcement from retributive action and liability. Keeping alcoholic beverages out of the hands of people under 21 years of age is a cooperative effort. Young people working with law enforcement should not be subjected to lawsuits for participating in an investigation.

Email: Representative\_Kevin\_Meyer@legis.state.ak.us • Toll Free: (866) 465-4945

Session: State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-4945 Fax: (907) 465-3476

Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0199 Fax: (907) 269-0197



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

**DATE:** February 25, 2005  
**TO:** Representative Paul Seaton  
**FROM:** Mike Pawlowski  
**RE:** Sectional Analysis for CSHB 116  
(Version No. 24 - LS0379\G)

---

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

- Section 1.** Creates an exemption from the liability specified in AS 04.16.049(e) for persons under 21 years of age assisting a peace officer in the enforcement of AS 04.16.049.
- Section 2.** Clarifies that a person cooperating with law enforcement does not violate AS 04.16.060.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB116-DPS-ABC-2-28-05  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Minors On Licensed Premises RDU Statewide Support  
 Component Alcoholic Beverage Control Board  
 Sponsor Representative Meyer ABC Board  
 Requester House State Affairs Component No. 2690

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will aid the Alcoholic Beverage Control Board and law enforcement agencies that conduct compliance checks and other investigations to reduce underage access to alcohol.

Prepared by: Douglas B. Griffin, Director Phone 269-0350  
 Division Alcoholic Beverage Control Board Date/Time 2/28/05 10:12 AM  
 Approved by: Commissioner William Tandeske Date 2/28/2005  
 Agency Department of Public Safety

**Changes to HB 116 in CS HB 116 version 24-LS 0379\Y**

**HB 116**

**CSHB 116**

- **Section 1 & 2:** Added "supervises" and deleted "the person" to line 7 in section 1 and line 13 in section 2: "if the peace officer accompanies, supervises, or otherwise observes the person's entry."

**Changes to HB 116 in CS HB 116 version 24-LS 0379\F**

**HB 116**

**CSHB 116**

- Page 1, line 10-14:  
Adds a new section clarifying that a person does not violate the provisions of 04.16.060 if they perform the act at the request of a peace officer with certain provisions.

**Rationale:**

Persons are subject to civil liability for violations of both AS 04.16.049, and AS 04.16.060. The addition to HB 116 protects volunteers from civil liability under both provisions.



# MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving  
JUNEAU CHAPTER  
211 4th St., Suite 314  
Juneau, AK 99801  
Phone (907)463-2562  
Fax (907)463-2540  
madd@alaska.net  
www.madd.org/ak/juneau

February 8, 2005

Re: HB 116

Dear Representative Meyer,

Thank you for sponsoring HB 116. Mothers Against Drunk Driving and its Youth In Action program support HB 116 because we believe it will help in the prevention of underage drinking in Alaska. This bill will protect law enforcement's youth and adult agents who are essential to making sure that people under 21 are unable to obtain alcohol from licensees or other adults.

In order to check for compliance with Alaska's underage drinking laws, law enforcement officers sometimes use agents who attempt to obtain alcohol for people under 21. MADD has assisted in these checks, particularly in recruiting youth to serve as agents. Under current law, these agents are vulnerable to law suits by liquor licensees who wish to obstruct enforcement of the title four laws that govern the dispensing of alcohol. We believe youth and adults agents who courageously volunteer to help with enforcement of Alaska's liquor laws deserve our gratitude instead of having to fear being sued \$1000.

We believe the intent of statutes 04.16.049 and 04.16.065 is to allow liquor licensees to sue people \$1000 when their aim is to provide alcohol to teens, not to allow licensees to sue agents working with law enforcement. Most liquor licensees have not tried to abuse the law in this manner, however, at this moment at least one 18-year-old agent is being sued by a licensee. It is difficult to attract and retain youth agents for a number of reasons. The threat of a lawsuit will make it more difficult to attract agents in the future.

Studies have shown that ongoing compliance checks are important for ensuring that liquor laws are upheld. The more frequently and consistently compliance checks occur, the better licensees are about complying. In Juneau, for example, once compliance checks were instituted, we saw refusal to sell to minors go from a 67% compliance rate in 2000 to a 100% compliance rate in 2004. However, compliance rates typically slip when checks are discontinued.

We all know underage drinking is a big problem in Alaska. Thank you for helping to keep alcohol out of the hands of our youth.

Sincerely,

Jessica Paris

MADD Youth In Action Coordinator

Cindy Cashen

MADD Executive Director



**State of Alaska**  
**Department of Public Safety**  
**Alcoholic Beverage Control Board**

**Frank H. Murkowski, Governor**  
**William Tandeske, Commissioner**

February 15, 2005

Representative Kevin Meyer  
Alaska House of Representative  
State Capitol  
Juneau, Alaska 99801-1182

RE: HB 116—"An Act relating to the liability of certain persons for entry and remaining on licensed premises."

Dear Representative Meyer:

Your staff has requested a statement from the Alcoholic Beverage Control (ABC) Board regarding HB 116.

The ABC Board has conducted compliance checks for the last four years to address the public safety and welfare problem of selling alcoholic beverages to persons younger than 21 years of age. The compliance checks involve having young people between the ages of 16 and 20 attempt to purchase alcohol under the supervision of ABC Board investigators, municipal police, or Alaska State Troopers. The youth are instructed to be truthful in response to questions regarding their age and identification. The program has been very successful if judged by the metric of reducing sales to these underage customers. When the program began, alcohol was sold nearly 50% of the time and now the sell rate is less than 10%.

One tactic that has been raised by liquor licensees that do not like this increased oversight and enforcement is the claim that law enforcement agents are breaking the law to enforce the law by sending underage persons on to licensed premises in violation of AS 04.16.049. The ABC Board has been advised informally by its legal counsel that the compliance check protocol could be successfully defended under AS 11.81.420(b)(2). This statute says that conduct which would otherwise constitute an offense is justified if the person (in this case our underage customer) "believes the conduct to be required or authorized to assist a peace officer in the performance of the officer's duties." HB 116 applies this broad grant of immunity found in Title 11 to a very specific situation regarding alcohol law enforcement in AS 04.16.049. As long as there is no conflict between the statutes, the change makes very clear that properly administered compliance checks do not constitute a violation of Title 4. The ABC Board supports HB 116 since it does not appear to conflict with existing law.

Please contact me if you have any further questions.

Sincerely,

Douglas B. Griffin  
Director

cc: ABC Board Members  
Commissioner William Tandeske  
Deputy Commissioner Ted Bachman  
Cliff Stone, Special Assistant, Department of Public Safety  
Anne Carpeneti, Asst. Attorney General, Department of Law

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# Juneau Empire



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Web posted Thursday, July 26, 2001

## Stings show drop in alcohol sales to kids

*Purchasing rate of undercover agent fell from 40 to 26 percent*

**By KATHY DYE**  
*THE JUNEAU EMPIRE*

Liquor vendors in Juneau were less willing to sell alcohol to minors in 2001 during a second year of sting operations to crack down on underage drinking.

Although an 18-year-old working undercover was able to buy liquor 40 percent of the time last year, the agent's purchase rate dropped to 26 percent this year, according to data from the state Alcoholic Beverage Control Board, which led the effort with the Juneau Police Department.

The data show liquor vendors are getting the message, said Ed Kalwara, Juneau investigator for the alcohol board.

"That tells me the licensees in Juneau have become more conscientious," Kalwara said. "They're certainly trying harder, and they're a good bunch of people. They want to do the right thing."

Liquor vendors sold alcohol to the undercover agent in 14 of 35 attempts in 2000, compared to four of 15 attempts in 2001, Kalwara said. The sting operation was one of three strategies used this year to bust people for liquor offenses. Investigators also did storefront surveillance to catch adults buying alcohol for minors, and they crashed some parties where kids were drinking.

Authorities this year issued a total of 54 warnings to adults and minors and cited 18 people: 11 minors for underage drinking, three adults for buying liquor for kids and four employees for selling it to them at the Breakwater Inn, Goldbelt Hotel, The Liquor Barrel and DeHarts. The maximum penalty for the employees is one year in jail and a \$5,000 fine, said Kalwara, who added liquor vendors could lose their licenses for multiple offenses.

An employee of DeHarts also was cited last year. However, the store was purchased after the incident, and new owner Lillian Harris said a clerk mistakenly sold alcohol to the agent because he entered the store during its busiest hours.

"You're behind the counter, people are shoving stuff at you from both sides, and he just slipped through," Harris said. "You try to look at everybody and make sure you ask them for the IDs, but it happens."

Eleven Juneau stores refused to sell alcohol to the agent, including Kmart, Kenny's Liquor, Liquor Cache, Percy's, Imperial Bar, Douglas Breeze In, Valley Breeze In, Fred Meyer, Fisherman's Bend, Carrs and Duck Creek Market.

State and local investigators launched the effort in 2000 with funding from a federal grant - about \$100,000 doled out statewide each fiscal year. Juneau's share the past two years was \$11,000 and \$14,000, said Kalwara, noting police officers volunteer for overtime to help in the effort.

Juneau investigators are renewing the grant for the fiscal year that began July 1 and tentatively plan to start a new rash of undercover operations in August. Kalwara said the next round could include a follow-the-keg program, meaning undercover officers posted outside stores would follow people who buy kegs to see if minors consume the beer.

They also might do more storefront stakeouts in which the underage agent, usually an 18-year-old, would ask adults to buy alcohol for him. Officers would cite adults who agree to the illegal transaction.

In addition, officers might pose as store clerks to catch minors who try to buy alcohol and adults who buy it for them, said Kalwara, who added they would first get permission from store owners.

*Kathy Dye can be reached at [kdye@juneauempire.com](mailto:kdye@juneauempire.com).*

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Last weekend, teens working with Mothers Against Drunk Driving's Youth In Action and state Alcohol Beverage Control officers discovered that it is not difficult to find adult strangers who will buy alcohol for teens.

## YIA survey shows adults willing to buy alcohol for minors

Actual violations could result in \$10,000 fine, 1 year in jail

January 14, 2005

### *Mothers Against Drunk Driving*

legal consequences of actually buying for someone underage. An ABC officer stood nearby to ensure the teens' safety and to assure people of the legality of the survey.

One pair of teens, which included a 14-year-old with braces on his teeth, had to wait only eight minutes before a young man said he would buy for them. Another pair of teens had to wait only about a minute before a middle-aged woman agreed. Overall, the teens spent one hour in two different locations downtown and found that four out of the 24 parties they asked were willing to buy.

"We were surprised and disappointed at how easy it was to find someone willing to buy," YIA coordinator Jessica Paris said. "However, we also had some adults who responded very admirably. One woman, not realizing it was a survey, went into the nearest liquor store and asked them to call the police. And at Kenny's Liquor Market, the clerk came out to investigate what the teens were doing."

One adult the teens asked happened to be state Rep. Kevin Meyer, who sponsored legislation last year allowing liquor stores to sue adults for buying alcohol for minors as well as the teens who solicit the alcohol. Rep. Meyer refused to buy for them, warning them he could get in big trouble.

"This survey shows us that we have to work harder to convince people they shouldn't provide alcohol to teens," Paris said. "Adults need to know about the tragedies that accompany underage drinking, as well as the serious legal consequences for providing to a minor."

ABC also conducted compliance checks over the weekend in which teen agents, aged 18 to 19, attempted to buy alcohol directly from liquor stores. Although Juneau had 100 percent compliance in last summer's checks, in 27 checks held last weekend, clerks sold to underage teens twice. Clerks, bartenders and wait staff face the same penalties for providing to an underage person that regular adults do - fines of up to \$10,000 and up to one year in jail, though a typical sentence is \$1,000 and five days in jail.



U.S. Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Office of Juvenile Justice and Delinquency Prevention

# Guide to Conducting Alcohol Purchase Surveys



Prepared by

Pacific Institute

FOR RESEARCH AND EVALUATION

In support of the  
**OJJDP Enforcing the  
Underage Drinking Laws Program**



## Introduction

People who care about youth are aware of the serious problems caused by underage drinking. They realize that:

- Alcohol is the drug most commonly used by youth—more than tobacco and far more than marijuana or any other illicit drug.
- Alcohol is one of the most common contributors to injury, death, and criminal behavior among youth.
- Underage alcohol use can have immediate and potentially tragic consequences, as well as long-range harmful consequences, such as increased risk for chronic alcohol addiction.

There is no doubt that underage alcohol use is an extremely serious problem. But there are many effective strategies for reducing the problem. Strategies that *limit access* to alcohol by youth are some of the most powerful and well-documented approaches to reducing underage drinking and related problems.

The purpose of this guide is to promote the use of an important tool for monitoring underage access to alcohol—the purchase survey. These surveys involve sending young adults who appear underage (or minors under appropriate adult and police supervision) into stores to purchase alcohol. Communities and local groups can carry out purchase surveys of retail alcohol sales outlets to find out how easily available alcohol is to young people and to identify who is selling alcohol to youth. Such surveys provide extremely valuable information that can be used in addressing the problems of underage alcohol purchase and underage drinking.

This guide gives some of the background and rationale for these surveys as well as practical, step-by-step instructions for carrying out alcohol purchase surveys. The guide also shows how the information from the survey can be used to strengthen community awareness, promote better policies, and improve merchant compliance with the law.

Safe, efficient, and valid alcohol purchase surveys can be carried out in almost any community. This guide will show how.

### Alcohol: The drug of choice for youth

National surveys of young people consistently show that alcohol is the drug of choice among young people. By the 12th grade, more than 80 percent of adolescents have experimented with alcohol, more than 50 percent report drinking within the previous month, and more than 30 percent report consuming five or more drinks in a row at least once in the previous 2 weeks (Johnston, O'Malley, & Bachman, 1998).

A recent study indicates that alcohol is responsible for 69 percent of all drug-related hospital stays among 10- to 19-year-olds. In contrast, tobacco accounts for 22 percent and other drugs for 9 percent of these hospital stays. Overall, 87 percent of years of life lost between the ages of 10 and 19 are alcohol related (Xie, Rehm, Single, & Robson, 1996).

In 1996, more than 6,300 young people between 15 and 20 years old died in traffic crashes. Of these fatalities, 2,315 (37 percent) were alcohol related. More than 21 percent of drivers aged 15-20 years old who were killed in traffic crashes in 1996 had been drinking (National Highway Traffic Safety Administration [NHTSA], 1996).

### How Do Kids Get Alcohol?

Underage drinkers can obtain alcohol in many different ways—they can steal it or get it from their friends or their parents. In fact, kids are frequently quite creative in their schemes to get access to alcohol. All too often, however, they simply walk into a store and buy it—no questions asked, no identification requested, no problems encountered. Cutting off this type of easy access is the most important step toward preventing underage drinking in most communities.

Surveys carried out in various areas around the country have found that youth were able to buy alcohol in between 50 percent and 97 percent of stores, bars, and restaurants where attempts were made.

Studies indicate that enforcement of underage sales laws is lax in many communities. Police cite a number of reasons for not enforcing underage sales laws; most importantly, they perceive a lack of public support for such activities. This is unfortunate because research shows that enforcement can significantly reduce alcohol sales to minors.

### Why Conduct Alcohol Purchase Surveys?

Illegal sales to minors can be prevented. A variety of strategies have been shown to be very effective, but most communities need valid information in order to make the best use of these strategies and to monitor their impact. Alcohol purchase surveys can help provide this information. In addition, the data obtained from purchase surveys can be used to increase support from the public and from public officials for policy changes and for more generous allocation of resources. This process is depicted in figure 1 as circular and involves a variety of segments of the community.

### How Do You Conduct Purchase Surveys?

In order to carry out a purchase survey, a representative sample of alcohol outlets is selected. At each outlet in the sample, a buyer who appears to be underage attempts to purchase alcohol without presenting age identification (ID). If the outlet sells alcohol to the buyer, it is considered noncompliant. If the outlet refuses to sell to the buyer, it is considered in compliance. Details of this procedure vary, but the basic process is similar in all alcohol purchase

surveys. A flowchart of the tasks involved in conducting an alcohol outlet purchase survey is presented in appendix 1.

Purchase surveys are extremely useful, and they can be conducted practically, efficiently, and flexibly. This guide explains how to plan and carry out surveys under a variety of circumstances. It also provides sample protocols and materials that can be adapted for use in communities across the country.

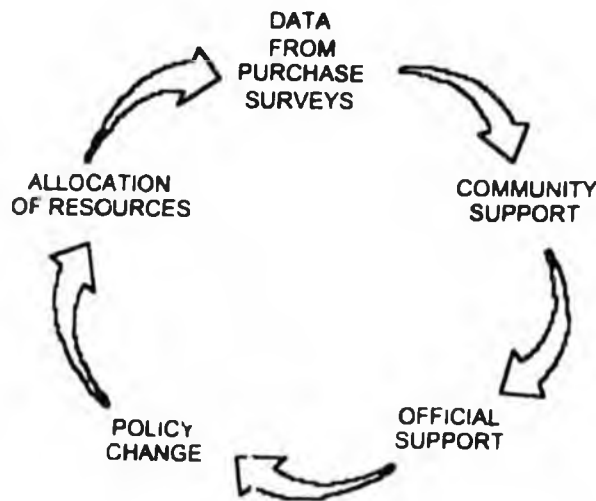


Figure 1. Survey Data and Community Process

### Underage Purchase of Alcohol

Purchase surveys conducted in medium and small cities in Minnesota and Wisconsin have found youth able to purchase alcohol in about half of the attempts in both on- and off-premises outlets (Forster et al., 1994; Forster, Murray, Wolfson, & Wagensar, 1995).

Another study surveyed communities in New York State and Washington, DC. Fully 97 percent of the Washington, DC, outlets sold to youth. Sales rates in New York varied from 44 percent to 80 percent (Preusser & Williams, 1992).

## Five Reasons for Conducting Alcohol Purchase Surveys

1. Purchase surveys indicate who is selling alcohol to minors and how often.
  1. This lets a community know how large the problem of underage sales is and among which outlets. This information can be very useful in allocating scarce enforcement and prevention resources.
2. The results of surveys can be used to help raise community awareness and build support for efforts to reduce sales to minors. For example, some communities have called press conferences in which the buyers pose with all the beer they have managed to purchase from local stores. Such events can bring attention to the problem of alcohol sales to minors and make it easier for policymakers, merchants, and concerned citizens to act.
3. Purchase surveys can be an intervention. Informing merchants that they are being monitored by the community and providing them with feedback can motivate those with good policies and sales practices to continue them and motivate those with poor policies and practices to change them.
4. Purchase surveys can be an important part of enforcement. Some communities choose to issue citations to outlets who sell to minors during the surveys. Other communities use the information from the surveys to help target later enforcement efforts. *In either case, local police or Alcohol Beverage Control (ABC) authorities must always be involved when enforcement efforts are planned as part of a purchase survey.*
5. Purchase surveys can be used to measure the impact of prevention strategies. A series of surveys carried out over time can indicate whether prevention efforts are having an effect on sales to minors. This information can help communities decide whether to continue or discontinue particular policies or programs and can indicate how to modify prevention strategies to make them more effective.

**OJJDP** U.S. Department of Justice

# REDUCING THIRD-PARTY TRANSACTIONS

**TO UNDERAGE YOUTH**

Prepared by

**Pacific Institute**

FOR RESEARCH AND EVALUATION

In support of the  
**OJJDP Enforcing the  
Underage Drinking Laws Program**

community who is aware of alcohol sales to people under the age of 21 (third-party or otherwise) to pass this information along to enforcement agencies. These "tip lines" may be through the police department, liquor control agency, or a community agency/organization working closely with enforcement efforts in the area.

### Surveillance

Surveillance is another strategy for assessing where and when third-party transactions happen in your area. This observation within your jurisdiction can take a variety of forms and levels of intensity. If your department and community are still trying to determine where third-party sales occur, surveillance activity may involve asking officers on their routine patrol to be on the lookout for these transactions. While many third-party sales occur in open areas such as store parking lots or street corners, other exchanges happen in remote, hidden areas of the community, such as dead end streets, woods, and vacant lots. Therefore, it is important for patrol officers to include these areas in their rounds.

If you already have a sense of the "hot spots" in your area, you can conduct more specific surveillance in order to interrupt third-party transactions as they occur. Officers placed at or near locations popular for "shoulder taps" can watch for an exchange to start and address both parties as the transaction occurs. Some enforcement agencies use officers in "plain clothes" during surveillance in order to blend into the scene and not raise the suspicions of the adult purchaser or the youth.

### "Shoulder tap" Enforcement Programs

"Shoulder tap" enforcement programs are similar to compliance check programs except that they target the underage drinkers and/or the non-commercial supplier of alcohol to youth instead of the vendor. Police departments or liquor control agencies carry out these programs, working closely with the community, youth, and local media to ensure their effectiveness. An example of a "shoulder tap" enforcement effort that focuses on stopping the underage purchasers is run by the Montgomery (MD) County Police

### Converting "shoulder tap" enforcement programs using underage decoys

Some enforcement agencies have established procedures for "shoulder tap" enforcement programs using underage decoys. While each department's guidelines must conform to local and state laws, a summary of the California ABC Department's procedures is offered as an example.

#### Implementation

The California ABC Department finds that its Decoy Shoulder Tap Program is most effective in areas where compliance checks have already been completed and where most licensed premises were found in compliance. Additionally, the department uses this program when it has specific information or complaints that underage youth have changed their method of gaining alcohol from attempting to purchase directly from retailers to requesting that adults purchase and furnish them with alcohol. The department obtains this information from a variety of sources, including parents, youth officers, patrol officers, and members of community groups.

#### Preparation

The department contacts the local District Attorney's Office to ensure that they are willing to prosecute any misdemeanor violations found during the "shoulder tap" enforcement program. It is also recommended that the Municipal Court Judge most likely to preside over criminal charges be contacted and given an overview of the program and its purpose. To educate the public and gain support of these efforts, the department sends a formal press release to all local news media to announce the "shoulder tap" enforcement program. The department uses this media contact to emphasize that the goal of the program is not necessarily to make arrests, but to inform the public about the problems related to furnishing alcohol to underage youth and the legal consequences for doing so.

The selection of the underage decoys is clearly a critical part of the department's preparation.

Requirements for the underage operatives include:

- the decoy should be under the age of 20 at the time of the operation, preferably under 19 years old
- the decoy should have the appearance of a person his or her age

Department. Montgomery County police officers dress in "plain clothes" and stand in parking lots of retail establishments. The officers then wait to see if youth ask them to purchase alcohol. Often, the officers will wear clothes that allow them to blend in with a

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

- 23 the decoy should be willing to wear a radio transmitter and to have his or her conversations recorded
- 24 the decoy must be willing to testify in any criminal and administrative proceedings resulting from the operation.

As an additional preparatory step with the underage operatives, the Minneapolis Police Department photographs the decoys immediately before conducting the operations; this procedure offers proof that no attempts were made to make youth look older than their actual ages.

The California ABC Department instructs the underage volunteers to always tell the truth about their age and the fact that they cannot purchase alcohol for themselves.

#### Investigation and operation

The underage decoys are equipped with a radio transmitter and placed under the direct supervision of a law enforcement officer. If the approached adult does furnish alcohol to the decoy, the youth walks to a pre-designated location to provide added security to the youth; the adult is allowed to move away from the decoy before being detained by the enforcement officers. The detained adult is then Mirandized and asked to give a verbal statement. Enforcement officers ask the adult why he or she provided alcohol to the young person and how old he or she thinks the decoy is. The suspect is then booked into the jail whenever justified; the California ABC Department, working with local law enforcement, uses the state's "misdemeanor non-release" provisions whenever possible.

This abbreviated account of the California ABC Department's procedures may offer your department a blueprint if you plan to operate a "shoulder tap" enforcement program. However, it is important that you consult your state and local laws to ensure that the use of underage operatives to purchase and drink alcohol is legal and that the distribution of alcohol to those under the age of 21 will support this strategy.

(California ABC Department, n.d.)

neighborhood's street alcoholics, who are frequently "shoulder tapped" by underage drinkers.

Other "shoulder tap" enforcement programs use underage "decoys" to approach adults outside an alcohol outlet and request that the

adult purchase alcohol on the decoy's behalf. *Not all states permit the use of underage operatives in the enforcement of alcohol statutes; check with prosecutors in your area if you are considering this type of "shoulder tap" enforcement program.* The California Alcohol Beverage Control Department, Montgomery County (MD) Police Department, and the Minneapolis (MN) Police Department are examples of enforcement entities that use this strategy to address third-party transactions. These departments have established procedures for "shoulder tap" enforcement programs (see box on pages 12-13), including guidelines for the decoy's actions that are similar to those used in compliance checks (e.g., no deception, false identification, or attempts to look older). The departments also take precautions to safeguard the underage decoys by training them prior to the operations, equipping them with radio transmitters during the attempts, and placing them under the direct supervision of a law enforcement officer. Attempts to complete these enforcement activities are broken off immediately if there is any sign of danger (e.g., the adult asking the decoy to get into a car, the transaction moves out the direct view of the back-up teams). In conducting these enforcement activities, the California ABC Department discovered an added benefit to these operations. During one year of the "shoulder tap" enforcement program, 37 percent of the adults cited for purchasing alcohol for youth were either on parole, probation, or had outstanding arrest warrants. Therefore, their efforts to reduce underage drinking also resulted in other enforcement benefits in the state.

## *Strategies To Reduce Familiar Third-party Transactions*

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While strangers providing alcohol to youth contribute to underage access, parents, older siblings, other relatives, and friends are also a significant source of alcohol for underage drinkers. Because most of

**HB**

**127**

# ALASKA STATE LEGISLATURE

Session  
State Capitol Building, Room 118  
Juneau, Alaska 99801-1182  
Phone (907) 465-2995  
Fax (907) 465-6592

Interim  
716 West Fourth Avenue, Suite 430  
Anchorage, Alaska 99501  
Phone (907) 269-0250  
Fax (907) 269-0249

REPRESENTATIVE LESLIE MCGUIRE  
HOUSE DISTRICT 28

Chair  
Judiciary Committee  
  
Member  
House Leadership  
Rules Committee  
Health, Education  
& Social Services  
Committee  
Oil & Gas Committee  
Military & Veterans'  
Affairs Committee

## MEMORANDUM

To: Senator Therriault  
Chair, Senate State Affairs Committee

From: Representative Leslie McGuire 

Date: April 4, 2005

Re: Request for hearing, HB 127 – Peace Corps/U.S. Olympic Team-PFD

I respectfully request that HB 127, *"An Act relating to service in the peace corps and members of the United States Olympic Team as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."* be scheduled for a hearing at your earliest convenience. Attached you will find the bill packet containing the most current version of the bill, sponsor statement, background information and letters of the support and a zero fiscal note.

If you have any questions or concerns please feel free to contact me personally, or my staff, Shalon Szymanski at (907) 465-6841. Thank you for your time and consideration.

1  
2 CLERK'S OFFICE  
3 **AMENDED AND APPROVED**  
4 Date: 3-8-05

Submitted by: Assemblymember TESCHE  
Prepared by: Department of Assembly  
For reading: March 8, 2005

5 ANCHORAGE, ALASKA  
6 AR NO. 2005-62(as amended)  
7

8 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING  
9 LEGISLATION RELATING TO SERVICE IN THE PEACE CORPS AND TO SERVICE  
10 AS A DIPLOMAT IN THE UNITED STATES FOREIGN SERVICE AS ALLOWABLE  
11 ABSENCES FROM THE STATE FOR PURPOSES OF ELIGIBILITY FOR  
12 PERMANENT FUND DIVIDENDS AND TO THE PERIOD FOR FILING AN  
13 APPLICATION FOR A PERMANENT FUND DIVIDEND  
14

15  
16 WHEREAS, for more than 40 years, Peace Corp Volunteers have committed  
17 their time working overseas to promote world peace and friendship with other countries;  
18 and  
19

20 WHEREAS, many young Alaskans volunteer their time promoting democracy in  
21 other countries on behalf of the United States of America by serving in the Peace Corps;  
22 and  
23

24 WHEREAS, this service warrants personal sacrifices of time, family, and life  
25 safety to serve this Country; and  
26

27 WHEREAS, Peace Corp Volunteers are exposed to many risks including rapes,  
28 muggings, assaults, and work in very difficult situations ~~are in harms way every day of~~  
29 ~~their lives~~ with statistics indicating that through 1999, 271 persons have died; and  
30

31 WHEREAS, the State of Alaska has provided that every qualifying Alaskan - both  
32 adults and children - receive a dividend from the Permanent Fund and, although Peace  
33 Corp Volunteers and U.S. Foreign Service Diplomats meet these requirements, and  
34 have an intent to return to the State, they continue to be denied an opportunity to receive  
35 a dividend.  
36

37 NOW, THEREFORE, the Anchorage Assembly resolves:  
38

39 Section 1: That this body supports legislation relating to service in the Peace  
40 Corp and service as a diplomat in the United States Foreign Service as allowable  
41 absences from the State for the purpose of eligibility of permanent fund dividends.  
42

43 Section 2: That copies of the resolution shall be submitted to the Alaska State  
44 Legislature and the Governor immediately upon passage and approval.  
45

46 PASSED AND APPROVED by the Anchorage Assembly this 8<sup>th</sup> day of March,  
47 2005.  
48

49  
50  
51   
Chair

52 ATTEST:

53   
54  
55 Municipal Clerk

56 EGJ/2005RESOLUTIONS/AR19



U.S. DEPARTMENT OF STATE

INTERNATIONAL INFORMATION PROGRAMS

Volunteerism in the U.S.

30 January 2002

## U.S. Peace Corps to Heed President Bush's Call for Volunteers

*Plan to double number of volunteers in the next five years.*

*The U.S. Peace Corps issued a press release January 30 describing how it will expand its presence worldwide, double the number of volunteers over the next five years, and increase its presence in the Muslim world.*

*New missions are expected to be sent to Afghanistan, East Timor and Peru, according to the release.*

*"President Bush is to be commended for his strong emphasis on volunteerism in his State of the Union speech," the release said. The Peace Corps "believes that America's commitment to help others is a fundamental component of our democracy. We also recognize, as the President so clearly articulated, a yearning on the part of Americans to travel to distant countries, to share all that we know and discover the similarities among mankind."*

*Following is the text of the release:*

Peace Corps  
Washington, D.C.  
January 30, 2002

### IMPORTANCE OF PEACE CORPS VOLUNTEERS IS UNDERSCORED BY PRESIDENT; PRESIDENT BUSH RECOGNIZES AMERICANS' WILLINGNESS TO SERVE IN STATE OF THE UNION

WASHINGTON, D.C. -- President Bush is to be commended for his strong emphasis on volunteerism in his State of the Union speech last night and, in particular, his support of Peace Corps volunteers. For more than 40 years, Peace Corps volunteers have worked overseas at the grassroots level with the goal of promoting world peace and friendship by helping to train individuals in their host countries, educating them about Americans, and upon return to the United States, helping to educate Americans about the countries in which they served.

As the President relayed in his message and consistent with the safety and security of each volunteer, Peace Corps will expand its presence worldwide. There is a demand for Peace Corps volunteers throughout the world and an enormous interest on the part of Americans to serve overseas. We are in agreement with the President to double the number of Peace Corps volunteers over the next five years.

Peace Corps believes that America's commitment to help others is a fundamental component of our democracy. We also recognize, as the President so clearly articulated, a yearning on the part of Americans to travel to distant countries, to share all that we know and discover the similarities among mankind.

Peace Corps is also prepared to increase our presence in the Muslim world and other

countries. We share the President's urgency for the need to increase the world presence of Peace Corps volunteers, extending American peace and friendship, and bringing back to Americans a better understanding of other peoples.

Peace Corps has selected a highly skilled assessment team and is prepared to depart with short notice for Afghanistan. Depending on the safety and security situation, Peace Corps is eager to assist in the reconstruction of Afghanistan with the help of Crisis Corps volunteers. These volunteers will likely assist in efforts to address the basic human needs and make life better for Afghans with programs in health, education and construction.

We are excited about the possibility of a Peace Corps program in East Timor which, as the President stated, is the first new country in the 21st century.

Peace Corps has conducted an assessment in Peru and formed an internal Peru re-entry plan and is formally accepting the invitation from the President of Peru to send volunteers to that country.

Contact: Telephone, (202) 692-2230; Fax, (202) 692-2201

(Distributed by the Office of International Information Programs, U.S. Department of State.  
Web site: <http://usinfo.state.gov>)

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# Volunteer application

**Peace  
Corps**

[www.peacecorps.gov](http://www.peacecorps.gov)  
1-800-424-8580

## Instructions

Thank you for your interest in serving as a Peace Corps Volunteer. Should you become a Peace Corps Volunteer, you will be undertaking an exciting and life-changing experience.

The Peace Corps needs Volunteers with a wide variety of skills. These skills can be acquired through education, professional work experience, volunteer experience, or hobbies. This application is designed to give you the best opportunity to tell us about all of your skills.

**To be eligible for Peace Corps service, you must:**

- be a citizen of the United States;
- be at least 18 years of age; and
- meet the medical, legal, and security requirements.

Assignments are filled based on requests from Peace Corps host countries for Volunteers with specific skills. Complete the questions as fully as possible to give yourself the best chance for consideration.

Married couples are eligible, but both spouses must qualify and serve as Volunteers. Each spouse should complete a separate application, but the applications should be submitted together. We are unable to place families with dependent children.

**We recommend that you review the application before you begin. Note that:**

- the pages can be removed for use in a typewriter;
- questions 19 (Employment History), 21 (Community/Volunteer Activities) and 23 (Practical Experience) can be duplicated if additional blocks are needed;
- answers for questions 24 (Cross-Cultural Experience) and 25 (Motivation Statement) can be prepared on a computer and attached; and
- separated pages should be reassembled in sequential order.

Included with this packet is a health status review form. After completing the form, place it in the medical information envelope and submit it with the application packet. To serve as a Peace Corps Volunteer, you must be medically and dentally screened and qualified. If you are nominated for Peace Corps service, you will receive additional forms and instructions for completing your medical and dental examinations.

To apply, send your completed application and health status review form, along with one copy of a current résumé and copies of transcripts from all schools attended since high school, in the envelope provided. We look forward to receiving your application. You will hear from your Regional Office shortly!

**If you have questions, please contact the Peace Corps Regional Office serving your state (see back cover). TDD services are available.**

### IMPORTANT

The Peace Corps does not discriminate based on race, color, national origin, religion, age, sex, handicap, political affiliation, or sexual orientation. Anyone who feels he or she has been discriminated against should contact the Peace Corps American Diversity Office, Washington, D.C. 20526.

### For Office Use Only

EC \_\_\_\_\_ Lang 1 \_\_\_\_\_ Exp \_\_\_\_\_ Lang 2 \_\_\_\_\_ Exp \_\_\_\_\_  
Ed level \_\_\_\_\_ College 1 \_\_\_\_\_ Degree 1 \_\_\_\_\_ Major 1 \_\_\_\_\_ Minor 1 \_\_\_\_\_  
Grad date 1 \_\_\_\_\_ College 2 \_\_\_\_\_ Degree 2 \_\_\_\_\_ Major 2 \_\_\_\_\_ Grad date 2 \_\_\_\_\_  
College 3 \_\_\_\_\_ Degree 3 \_\_\_\_\_ Major 3 \_\_\_\_\_ Grad Date 3 \_\_\_\_\_ Marital \_\_\_\_\_  
Spouse full name \_\_\_\_\_ Spouse SSN \_\_\_\_\_ Dependents \_\_\_\_\_  
Source \_\_\_\_\_ Recruiter \_\_\_\_\_ Completed by \_\_\_\_\_ Date \_\_\_\_\_

# Peace Corps Volunteer Application

Type or print legibly in black ink

1. Name \_\_\_\_\_  
First Middle (not initial) Last

2. Social Security Number  
 \_\_\_\_\_

3. The earliest date you will be available for Peace Corps service

You will be considered for assignments beginning after this date. Please notify your recruiter if this date changes.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Month Day Year

4. Date of Birth  
 \_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Month Day Year

5. Gender  Female  Male

6. Have you previously If yes, give dates and location:

A. Submitted a Peace Corps application?  Yes  No \_\_\_\_\_

B. Participated in Peace Corps training?  Yes  No \_\_\_\_\_

C. Served as a Peace Corps Volunteer?  Yes  No \_\_\_\_\_

7. Are you applying to the Master's International Program?  Yes  No  
 School \_\_\_\_\_

8. Peace Corps Volunteers must be U.S. Citizens

A. Are you a U.S. citizen?  Yes  No  
 If yes, give place of birth.  
 \_\_\_\_\_

B. Certificate of Naturalization number if you are a naturalized citizen, or expected date of naturalization:  
 \_\_\_\_\_

9. Address

A. Current Mailing Address  
 All information will be sent to this address until you notify the Peace Corps of a change of address

\_\_\_\_\_  
Number and Street Apt. No.

\_\_\_\_\_  
City/State/Zip

( ) \_\_\_\_\_  
Home Phone

( ) \_\_\_\_\_  
Work Phone

\_\_\_\_\_  
E-mail address (if available)

B. Name and address of person through whom you can always be reached

\_\_\_\_\_  
First name Last name Relationship

\_\_\_\_\_  
Number and Street Apt. No.

\_\_\_\_\_  
City/State/Zip

( ) \_\_\_\_\_  
Home Phone

( ) \_\_\_\_\_  
Work Phone

C. Do you expect to move in the next 12 months?  Yes  No If yes, when? \_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Month Day Year

Please notify your recruiter of any change in either your address or that of the person through whom you can be reached.

## 10. Intelligence Activities and Organizations

Intelligence activity is defined as the clandestine collection, dissemination, or analysis of information intended for use by any government in formulating or implementing political or military policy in regard to other countries, and/or covert activities of any kind designed to influence events in foreign countries.

Persons who have been employed by an intelligence agency or otherwise associated with intelligence activities are ineligible to serve as Volunteers in most circumstances. This exclusionary policy is one aspect of the broader long-standing policy of maintaining a complete and total separation between the Peace Corps and the intelligence activities of the U.S. Government. This separation is necessary to protect Volunteers' safety and to maintain the trust and confidence of the people in the countries we serve.

### Disqualifying Employment:

Persons who have been employed by the Central Intelligence Agency (CIA) in any capacity are permanently ineligible for Peace Corps service. This exclusion applies to persons who served as interns, volunteers, or contractors for the CIA, regardless of the duties.

Persons who have served in other agencies or divisions of agencies that are substantially involved in intelligence activities are similarly ineligible regardless of the specific duties they may have performed. The National Security Agency, the Defense Intelligence Agency, and the Defense Mapping Agency are among the agencies covered by the policy. However, unlike the permanent disqualification that affects former CIA employees, former employees of these agencies may be eligible for Peace Corps service after ten years from their last date of employment with the agency.

### Other Disqualifying Factors:

Persons whose work history involves a substantial connection with an intelligence agency or activity, through employment or otherwise, are ineligible for Peace Corps service for at least ten years from the date of their last connection with the activity.

If you have applied for employment with any intelligence agencies, you will be required to withdraw that application before entering Peace Corps service and to supply the Peace Corps with a copy of the letter to the agency requesting the withdrawal.

Individuals with close family relations who have engaged in intelligence activities may also be ineligible for Peace Corps service. If you have been associated, even through a close family member, with the CIA or other intelligence agencies, or otherwise with an intelligence activity, you or the relevant family member should consult with the General Counsel of the respective agency who will, in turn, consult with the Peace Corps General Counsel.

- A. Are you now or have you ever been associated with intelligence activities of any agency of the U.S. government or any other government?  Yes  No

*If yes, provide details including dates and agency or division for which the work was performed and/or the nature of the association. If military, give your MOS number code or designator, and any service schools attended, on a separate sheet of paper and attach to this page.*

- B. Are you currently applying for employment with any intelligence agency or other organization associated with intelligence activities?  Yes  No

## 11. Legal and Financial Information

Take special note that if you fail to disclose any prior or pending offenses or any unsatisfied financial obligations, the Peace Corps may delay your departure for training, revoke your invitation to serve, or disqualify you from Peace Corps service.

### A. Prior or Pending Offenses:

If invited to serve in the Peace Corps, you must undergo, at a minimum, a National Agency Check (NAC) background investigation to help determine your legal eligibility for service. The necessary forms and fingerprint charts will be sent to you later.

- 1) Have you ever been convicted of, or pled guilty to, any offense in a civilian or military court or tribunal, or have you been subjected to any disciplinary action by a military court or tribunal?  Yes  No

Include misdemeanors, felonies, "open container" violations, and DUI/DWIs, but do not include traffic violations for which the entire penalty was a fine of \$200 or less, or non-felony offenses that occurred before your 18th birthday.

- 2) Are any charges (for any offense, including traffic offenses), civil suits, or judgments outstanding against you?  Yes  No

If you answered "yes" to either question, attach a separate sheet with your name and a complete explanation of each arrest, suit, judgment, disciplinary action, and pending charge, including the circumstances and nature of the charge or suit, its current status or disposition, and any sentence or fine imposed.

### B. Financial Obligations:

Before you can serve in the Peace Corps, you must provide documentation establishing that you have made arrangements satisfactory to your lender(s) to defer, pay, or otherwise fulfill your financial obligations. Should you be recommended for an assignment, you will be required to submit this documentation to the Peace Corps Placement Unit. The Peace Corps may also obtain a credit report on you.

- 1) As of the date of this application, do you have any student loans?  Yes  No  
If yes, please provide the following information (attach a separate sheet if necessary):

Type of Student Loan	Amount
_____	_____
_____	_____
_____	_____

- 2) As of the date of this application, do your other financial obligations (including, but not limited to, a mortgage, consumer debt, or credit card debt) total more than \$5,000?  Yes  No

If yes, please provide the following information (attach a separate sheet if necessary):

Type of Financial Obligation	Amount
_____	_____
_____	_____
_____	_____

- 3) Do you have any financial obligations—regardless of the amount, and including those listed above—that will not be paid in full, deferred, or otherwise fulfilled to your lender(s)' satisfaction prior to your departure for Peace Corps training?  Yes  No

If you have any questions about these legal and financial issues that your recruiter cannot answer, you may call the Peace Corps Legal Eligibility Office at (800) 424-8580, ext. 1845, for assistance.



**14. Dependents**

A. Are any persons partially or totally dependent upon you for support whether or not they are living with you? (If you answer no, skip to #15.)  Yes  No

B. List all children under age 18, whether or not they are dependent upon you for financial support.

Name of child	Address	Age	Dependent?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

C. List all dependents not listed above for whom you have support obligations.

Name of dependent	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Do you have adequate means to continue to meet your support obligations while serving without salary as a Volunteer?  Yes  No

If yes, please specify what arrangements would be made on a separate sheet of paper and attach to this page.

**15. Job Preferences**

List the work assignments in which you have an interest.  
(Assignments are listed in the Peace Corps catalogue.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**16. Education**

Attach a copy of transcripts from all schools attended since high school (an official copy is not necessary). Beginning with high school, list all schools attended.

Name of School, City and State	Major	Minor	From Mo/Yr	To Mo/Yr	Type of degree or diploma	Date rec'd or expected
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

**17. Language Skills**

Some assignments require previous language study. Please indicate your number of years of experience in learning and speaking languages other than English within the past ten years.

Language	# Years Studied			Spoken Abroad/Spoken at Home Place	From Mo/Yr	To Mo/Yr
	High School	College	Other			
Spanish	_____	_____	_____	_____	_____	_____
French	_____	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____	_____

**18. Licenses/Certificates**

Are you or will you be a state-certified teacher?

Yes  No

Subject and grade level \_\_\_\_\_

List other job-related licenses or certificates such as nursing, CPR, and skilled trades rankings including journeyman status, that you have or will have before entering the Peace Corps. *Include a photocopy of each current license/certificate.*

License or Certificate	Expiration Date	State or other Licensing Agency
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

## 19. Employment History

Attach to this page one copy of a current résumé.

Please complete this section starting with your most recent experience. Go back at least ten years. Include any self-employment, home management, and full- or part-time paid employment. Photocopy this page if additional sheets are necessary.

### A. Current Employer

\_\_\_\_\_  
City/State

\_\_\_\_\_  
From (Mo/Yr) to (Mo/Yr)

\_\_\_\_\_  
Your title

\_\_\_\_\_  
Hours per week

\_\_\_\_\_  
Name of supervisor

\_\_\_\_\_  
May we contact your  
current employer?  Yes  No

### B. Employer

\_\_\_\_\_  
City/State

\_\_\_\_\_  
From (Mo/Yr) to (Mo/Yr)

\_\_\_\_\_  
Your title

\_\_\_\_\_  
Hours per week

\_\_\_\_\_  
Name of supervisor

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Reason for leaving

### C. Employer

\_\_\_\_\_  
City/State

\_\_\_\_\_  
From (Mo/Yr) to (Mo/Yr)

\_\_\_\_\_  
Your title

\_\_\_\_\_  
Hours per week

\_\_\_\_\_  
Name of supervisor

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Reason for leaving

### D. Employer

\_\_\_\_\_  
City/State

\_\_\_\_\_  
From (Mo/Yr) to (Mo/Yr)

\_\_\_\_\_  
Your title

\_\_\_\_\_  
Hours per week

\_\_\_\_\_  
Name of supervisor

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Reason for leaving

### E. Employer

\_\_\_\_\_  
City/State

\_\_\_\_\_  
From (Mo/Yr) to (Mo/Yr)

\_\_\_\_\_  
Your title

\_\_\_\_\_  
Hours per week

\_\_\_\_\_  
Name of supervisor

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Reason for leaving

### F. Employer

\_\_\_\_\_  
City/State

\_\_\_\_\_  
From (Mo/Yr) to (Mo/Yr)

\_\_\_\_\_  
Your title

\_\_\_\_\_  
Hours per week

\_\_\_\_\_  
Name of supervisor

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Reason for leaving

## 20. Time Gaps

Give specific dates and activities for each period of time greater than three months not otherwise accounted for by employment, school, military, etc.

\_\_\_\_\_  
\_\_\_\_\_

## 21. Community/Volunteer Activities

Peace Corps assignments require applicants with leadership ability, creativity, initiative, and a willingness to work with others. Please describe your community, volunteer, or organizational work that demonstrates the following skills or abilities:

- Initiating or carrying out activities;
- Planning activities involving others;
- Organizing others to participate in activities or to perform tasks;
- Motivating others to get and stay involved; or
- Leading, supervising, or managing others.

List your most recent activity first. Do not include experiences already listed in employment history. Photocopy this page if additional sheets are necessary.

### A. Organization

\_\_\_\_\_  
 Position held \_\_\_\_\_  
 From (Mo/Yr) \_\_\_\_\_ to (Mo/Yr) \_\_\_\_\_  
 Hours per week \_\_\_\_\_  
 Name of supervisor \_\_\_\_\_  
 Phone number \_\_\_\_\_  
 Duties/achievements \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### C. Organization

\_\_\_\_\_  
 Position held \_\_\_\_\_  
 From (Mo/Yr) \_\_\_\_\_ to (Mo/Yr) \_\_\_\_\_  
 Hours per week \_\_\_\_\_  
 Name of supervisor \_\_\_\_\_  
 Phone number \_\_\_\_\_  
 Duties/achievements \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### B. Organization

\_\_\_\_\_  
 Position held \_\_\_\_\_  
 From (Mo/Yr) \_\_\_\_\_ to (Mo/Yr) \_\_\_\_\_  
 Hours per week \_\_\_\_\_  
 Name of supervisor \_\_\_\_\_  
 Phone number \_\_\_\_\_  
 Duties/achievements \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### D. Organization

\_\_\_\_\_  
 Position held \_\_\_\_\_  
 From (Mo/Yr) \_\_\_\_\_ to (Mo/Yr) \_\_\_\_\_  
 Hours per week \_\_\_\_\_  
 Name of supervisor \_\_\_\_\_  
 Phone number \_\_\_\_\_  
 Duties/achievements \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## 22. Geographic Preference

Where a Volunteer is placed depends primarily upon how well the individual's experience meets the requirements of a specific assignment. We ask you to be flexible about your geographic area of assignment. However, if you do have preferences for particular regions of the world, indicate them below:

- No preference   
  Africa   
  North Africa/Middle East   
  Eastern Europe/Central Asia  
 Asia   
  Pacific Islands   
  Caribbean   
  Latin America

Briefly explain any preferences: \_\_\_\_\_  
 \_\_\_\_\_

Indicate countries in which you would not want to work and explain: \_\_\_\_\_  
 \_\_\_\_\_

## 23. Practical Experience

Experience gained from hobbies, volunteer activities, and part-time or summer jobs may help you qualify for Peace Corps service. Listed below are a number of skill areas. In the blocks below, please describe significant experiences you have had in one or more of these areas. If you have described an experience elsewhere in the application, it is not necessary to repeat the information here.

### Business

Accounting/Bookkeeping  
Business Management  
Business Training  
Cooperatives/Credit Unions  
Fund-raising  
Marketing  
Volunteering with or  
working for non-profits

### Education/Teaching

Adult Education  
Business Education  
English/ESL/TEFL Tutoring  
Art/Drama  
Library Experience

### Agriculture and Environment

Beekeeping  
Environmental Education/  
Conservation  
Farming (after age 13)  
Fisheries  
4-H/FFA/FHA  
Forestry/Greenhouse/Nursery  
Parks/Wildlife  
Vegetable Gardening

### Health and Social Services

Health Outreach  
Home Economics  
Social Work/Counseling  
Youth Work/Coaching/Sports

### Skilled Trades

Auto/Diesel Mechanics  
Construction  
Electricity  
Masonry  
Metalworking  
Plumbing  
Vocational Education  
Woodworking

### Other

Computer Science  
Computer Literacy

---

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

---

Brief description of experience

---

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

---

Brief description of experience

---

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

---

Brief description of experience

---

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

---

Brief description of experience

---





## 26. Certification

Please sign below and return this application to the Regional Office serving your state.  
See back of application for addresses.

I CERTIFY that all of the statements made on all pages of this application, including attachments, are true, correct, and complete to the best of my knowledge and are made in good faith. I understand that any misleading, inaccurate, or incomplete information may be cause for disqualification or termination. In addition, any intentionally false statement may be subject to criminal sanctions pursuant to 18 U.S.C. § 1001.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Request for Racial and Ethnic Data

This information is voluntary. Your response will not affect consideration of your application. By providing this information you will assist us in assuring that the Peace Corps is administered in a nondiscriminatory manner and reflects the diversity of the United States.

The information requested in this section is covered by the Privacy Act Notice on the following page.

Please check the box next to the classification that applies to you.

- Black**, not of Hispanic origin (1)
- Hispanic** (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race) (2)
- American Indian or Alaskan Native** (a person having origins in any of the original peoples of North America) (3)
- Asian or Pacific Islander** (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippines, Samoa, and Vietnam.) (4)
- White**, not of Hispanic origin (having origins in any of the original peoples of Europe, North Africa, or the Middle East) (7)
- More than one of the above (comment if you wish) (5)

## Privacy Act and Paperwork Reduction Notice

The Peace Corps, an agency of the Federal Government, is required by provisions of the Privacy Act of 1974 (5 U.S.C. 552a) to advise you of the following information regarding this application:

- A. This application is authorized by provisions of the Peace Corps Act (22 U.S.C. 2501, et seq.), which authorize the collection of information regarding the suitability and qualifications of applicants.
- B. The principal purpose for which the information provided will be used is to evaluate your suitability and qualifications to serve in a Peace Corps full-time volunteer program.
- C. Information in this application may routinely be disclosed as follows:
  - 1. to host country agencies for the purpose of determining placement, obtaining visas, and other program-related matters;
  - 2. to police or judicial authorities where appropriate;
  - 3. to the Treasury and other Federal agencies for use in connection with support payments and Social Security and Federal Income tax matters;
  - 4. to the Office of Personnel Management, other Federal agencies, and others, if necessary, for the purpose of a background suitability investigation;
  - 5. to other Federal agencies having an interest in employment of the applicant or Volunteer, provided that except for information required for authorized security clearances, information provided will be limited to dates of service and a standard description of service;
  - 6. to a court or other appropriate tribunal upon subpoena or other request;
  - 7. to a member of Congress upon request indicating that such member has been requested by an individual about whom the record is maintained to obtain such information;
  - 8. a source for management information or preparation for statistical reports (without personal information);
  - 9. to the National Archives and Records Administration, GSA, in authorized management inspections;
  - 10. when required under provisions of the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a);
  - 11. to the Bureau of the Census for the purposes of planning or carrying out a census survey or related activity pursuant to the provisions of Title 13, U.S. Code;
  - 12. to Peace Corps personnel who have a need for the information in the performance of their duties;
  - 13. to the Volunteer's family members in emergency situations; and
  - 14. in the case of United Nations Volunteers, to appropriate UN officials.
- D. The completion of this application is voluntary, however, failure to provide information requested may result in the Peace Corps' inability to assess the qualifications of an applicant and result in non-selection for the volunteer program for which that applicant has applied.
- E. The Peace Corps estimates that it will take 8 hours to complete this form. Send comments on this form to Peace Corps, Paperwork Reduction Project, Washington, DC 20526 OMB control number 0420-0005. The Peace Corps may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Continuous use form.

Russell W. Walker  
9730 Arlene Drive  
Anchorage, AK 99502  
907-243-4989  
alaska\_walker@hotmail.com

March 3, 2005

Honorable Lesil McGuire  
State Capital  
Room 118  
Juneau, Ak 99801-1182

HB 127  
Peace Corps PFD Exemption

Dear Lesil,

During a conversation with James Elkins, who I have known for many years, regarding HB127, we discussed the severe risks and hazards to which peace corps volunteers are exposed, including the murders, rapes, muggings and assaults of volunteers.

After I mentioned the existence of peace corps data recording these crimes perpetrated against volunteers Jim asked for and I have forwarded to him such data.

I know you have been a strong advocate of correcting this unreasonable PFD disqualification of peace corps volunteers while representing the US under hazardous situations in third world countries and am forwarding this data to you also.

After reviewing the lists of deaths while serving ( 271 to 1999) and in addition the hundreds of other serious crimes perpetrated against volunteers, I think you must agree this data confirms this work representing the U.S. in developing countries is no walk in the park- they are in harms way 24/7.

During my time as a peace corps volunteer in Africa, of the 43 volunteers in my group I was about the only one who was not either mugged, robbed, assaulted, shot-at, or car-jacked--several more than once.

I also enclose my written testimony submitted in support of the earlier version of HB 127 (HB 347) which passed in the House but was not voted on in the Senate.

I would appreciate this material be placed before the appropriate committees and HB127 be passed.

Your support is appreciated.

  
Russell W. Walker

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## Peace Corps Death in Service database

<u>Last Name</u>	<u>FirstName</u>	<u>Gender</u>	<u>Died</u>	<u>Age</u>	<u>Country of Service</u>
<u>Ackerman</u>	William	M	11/27/68	23	Colombia
<u>Adkins</u>	Darryl A	M	12/12/81	25	Jamaica
<u>Aldrich</u>	Elizabeth	F	12/04/72	60	Kenya
<u>Amador</u>	Carlos	M	03/04/01	27	El Salvador
<u>Ashton</u>	Thomas	M	08/01/66	22	Iran
<u>Baciewicz</u>	Marian	F	06/29/80	24	Ghana
<u>Bahler</u>	Bethanne	F	05/11/74		Jamaica
<u>Baker</u>	Gregory	M	08/27/73	23	Dominican Republic
<u>Banner</u>	Alan C	M	04/16/72	25	Samoa
<u>Barakatt</u>	Thomas J	M	05/08/94	26	Samoa
<u>Barnum</u>	Florence	F	04/17/66	42	Togo
<u>Beckner</u>	John	M	11/23/68	23	Malaysia
<u>Bensen</u>	Robert H	M	11/10/78	32	Micronesia
<u>Bhansali</u>	Justin	M	01/07/00	25	Guinea
<u>Blake</u>	Denise	F	05/31/74	24	Afghanistan
<u>Blum</u>	John	M	11/30/67	23	India
<u>Bock</u>	Robert	M	08/12/98	32	Philippines
<u>Bogenschneider</u>	David R	M	10/20/70	23	Kenya
<u>Bond</u>	Paul	M	04/27/66	24	Ecuador
<u>Bosch</u>	Judith	F	04/29/70	24	Iran
<u>Bowers</u>	Elizabeth	F	03/06/02	22	Zambia
<u>Boyd</u>	Nancy	F	03/02/63		Philippines
<u>Bradfield</u>	George	M	02/12/76	65	Chile
<u>Bryan</u>	Jerry Dean	M	03/31/78	25	Brazil
<u>Butler</u>	Steven L	M	12/21/88	36	Tunisia
<u>Carmona</u>	Margaret	F	04/09/81	55	Philippines
<u>Carpenter</u>	ThomasL	M	02/07/76	24	Sierra Leone
<u>Cecchini</u>	Ronald	M	08/15/84	40	Thailand
<u>Chaljub</u>	Paul	M	09/13/81	22	Chile
<u>Challed</u>	William E	M	09/23/72	25	Iran
<u>Chezam</u>	Jacqueline	F	04/08/75	23	Costa Rica
<u>Christie</u>	Barbara	F	09/20/75	24	Benin
<u>Clutterbuck</u>	Marie	F	05/31/70	22	Peru
<u>Cooper</u>	Theodore	M	03/04/81	24	Philippines
<u>Copeland</u>	Audrey	F	04/06/85	23	Ecuador

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<u>Corbin</u>	Jeanne	F	10/16/81	61	Jamaica
<u>Corley</u>	Judith	F	12/24/65		Cameroon
<u>Courtway</u>	Rene L	M	06/17/73	25	Benin
<u>Coutu</u>	Nancy	F	04/09/96	29	Madagascar
<u>Crawford</u>	Brenda	F	12/16/88	27	Swaziland
<u>Cronin</u>	Thomas M	M	12/25/75	22	Philippines
<u>Cross</u>	June	F	10/09/76	53	Liberia
<u>Crotty</u>	Kathryn	F	08/2	83 24	Mali
<u>Crozier</u>	David	M	04/22/62		Colombia
<u>Cyr</u>	Philip	M	03/19/81	28	Nepal
<u>Darling</u>	Joy	F	01/03/65	22	Bolivia
<u>Davey</u>	Susan	F	01/13/70	23	Liberia
<u>Davidson</u>	John	M	12/21/72	71	Ecuador
<u>Davis</u>	Robert	M	08/15/76	25	Burkina Faso
<u>Detjen</u>	Frederick	M	10/04/63		Colombia
<u>Didlego</u>	William	M	02/07/00	26	Cote D'Ivoire
<u>Drabiski</u>	Michelle	F	03/30/89	23	Paraguay
<u>Driscoll</u>	James	M	12/05/65	20	Togo
<u>Dunn</u>	Lowell	M	08/23/66	25	Thailand
<u>Edens</u>	Brian	M	08/16/81	26	Senegal
<u>Edwards</u>	David J	M	02/01/91	33	Namibia
<u>Estrand</u>	Mark T	M	12/24/83	27	Niger
<u>Fahey</u>	Diane M	F	05/30/75	22	Liberia
<u>Farrar</u>	Henry	M	12/13/69	23	Afghanistan
<u>Fillmore</u>	Dianna P	F	12/19/80	25	Gabon
<u>Fink</u>	Linda	F	01/16/73	22	Zaire
<u>Flynn</u>	Gerald F	M	04/27/66	26	Ecuador
<u>Galgas</u>	Eugene	M	12/25/78	34	Ghana
<u>Gamber</u>	H. Benjamin	M	12/26/75	25	Kenya
<u>Gardner</u>	Deborah	F	10/14/76	23	Tonga
<u>Gliessman</u>	Lester	M	02/02/78	55	Kenya
<u>Glotfelty</u>	Scott A	M	03/23/88	27	Togo
<u>Gould</u>	Bruce	M	02/13/67	25	Philippines
<u>Greenwald</u>	Daniel	M	07/06/81	32	Philippines
<u>Gross</u>	Gail	F	05/31/70	23	Peru
<u>Haggard</u>	Marshal C	M	10/03/81	22	Nepal
<u>Hahn</u>	Kalman	M	02/21/71	23	Ghana
<u>Hamer</u>	Stephen W	M	10/23/75	25	Malaysia
<u>Harding</u>	Susan	F	03/09/92	24	Cote D'Ivoire
<u>Hassett</u>	Thomas	M	07/12/66	22	Nepal
<u>Hellyer</u>	William	M	12/26/68	26	India
<u>Henrietta</u>	James	M	12/20/71	24	Liberia
<u>Hess</u>	Diana L	F	08/27/83	23	Kenya
<u>Hill</u>	Helene	F	01/10/99	57	Namibia
<u>Hoffman</u>	James E	M	02/29/76	25	Liberia
<u>Holland</u>	Phillip	M	02/27/71	24	India
<u>Hughes</u>	James	M	07/30/65		Ecuador

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