

12204

HOUSE

L&C



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

Stan Hubbard

Signature of Camera Operator

6-4-2009

Date

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Stan Hubbard

Signature of Camera Operator

6-4-2009

Date

HB

14

STATE OF ALASKA

Sarah Palin, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

*Advisory Board on Alcoholism and Drug Abuse
Alaska Mental Health Board*

P.O. BOX 110608
JUNEAU, AK 99811-0608
PHONE: (907) 465-8920
FAX: 465-4410

February 26, 2007

Testimony to House Labor & Commerce Committee

Re: HB 14

The Advisory Board on Alcoholism and Drug Abuse and the Alaska Mental Health Board strongly support HB 14.

HB 14 uses an **environmental strategy** of prevention that has been proven to reduce alcohol abuse and related problems.

An environmental strategy is one that uses public policy and community-level interventions to affect whole populations. While traditional prevention strategies are aimed at helping the individual resist the temptation to use alcohol through information and skill training, environmental strategies work by changing the overall community system that informs its members what society tolerates, and of what it disapproves.

Three common methods of environmental change that have worked with alcohol abuse are:

1. Restrictions on retail sales or sellers: restrictions on the number, location, or density of retail outlets or on the days and hours of sales;
2. Price controls: sales taxes, or bans on drink discounts such as "happy hour";
3. Controls on advertising and promotion;
4. Purchase laws: minimum legal drinking age for purchasing alcohol.

HB 14 would add a new prevention method in the area of purchase laws by making it more difficult for people legally barred from buying or consuming alcohol to purchase it.

The advantages of environmental strategies such as that provided by HB 14 include:

- Broader reach. The bill has the potential to generate larger effects than prevention aimed at individuals. The bill would produce widespread small changes in behavior that result in substantial net benefits to society in terms of reduced problems;
- More substantial effects. While individually focused prevention efforts such as education and skill-building produce some effects on knowledge and attitudes, many environmental strategies have been shown to substantially reduce consumption and use-related problems including traffic crashes, unintentional injuries, suicide and assaultive offenses;
- More enduring effects. Environmental approaches result in the creation of a substantially changed system that offers few opportunities and inducements to use alcohol for both current and future generations;
- Ease of maintenance and cost-effectiveness. Environmental approaches have the benefits of being comparatively easy to maintain, and less costly than strategies directed at individuals.

We urge the committee pass HB 14 as an effective and responsible means to reduce alcohol abuse and its cost to the State of Alaska.

Alaska State Legislature
House of Representatives

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Representative Harry T. Crawford, Jr.

East Anchorage District 21

E-mail: Representative_Harry_Crawford@legis.state.ak.us

Website www.akdemocrats.org

DMV - can pull it off needs help
from court system.

Changes in blank CS for HR 14 version \L

Section 1

Page 2, Lines 6-8: Insert 04.16.047 (c)

New subsection clarifies that liquor licensees are not required to physically check the identification of every person entering their premises.

Section 2 and Conforming Amendments

Remove "privilege to purchase"

Language establishing the purchase of alcohol as a privilege removed and replaced with "restriction on purchasing alcoholic beverages."

Section 3

Page 3, Lines 11-12: Following "may" inserted "but has no duty or obligation to"

Clarifies that checking the identification of every person to see if it is marked is not mandatory.

Page 3, Line 16: Following "shall" inserted "be"

Correction to typographical error.

New Section 9 and Conforming Title Amendment:

Creates effective date of January 1, 2006. This provides sufficient time for the court system to develop a standardized form for reporting court orders to the DMV.

25-LS0095\L
Luckhaupt
2/26/07

CS FOR HOUSE BILL NO. 14()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE CRAWFORD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase of alcoholic beverages and to access to licensed
2 premises; relating to civil liability for certain persons accessing licensed premises;
3 requiring driver's licenses and identification cards to be marked if a person is restricted
4 from consuming alcoholic beverages as a result of a conviction or condition of probation
5 or parole and relating to fees for the marked license; relating to the information
6 contained on driver's licenses; requiring the surrender and cancellation of driver's
7 licenses under certain circumstances; and providing for an effective date."

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

9 * Section 1. AS 04.16 is amended by adding a new section to read:

10 **Sec. 04.16.047. Access of persons with restriction on purchasing alcohol.**

11 (a) A person who is restricted from purchasing alcohol under AS 04.16.160 may not
12 knowingly enter or remain in premises licensed under this title to obtain or consume
13 alcohol.

1 (b) A licensee may bring a civil action against a person who violates this
2 section if the violation occurs on the premises of that licensee. If judgment is entered
3 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
4 and award reasonable costs and reasonable attorney fees allowed under the Alaska
5 Rules of Civil Procedure.

6 (c) Nothing in this section or AS 04.16.160 creates a duty or imposes an
7 obligation on a licensee to physically check the identification of any person entering
8 licensed premises.

9 * Sec. 2. AS 04.16 is amended by adding a new section to read:

10 **Sec. 04.16.160. Restriction on purchasing alcoholic beverages.** (a) Except as
11 otherwise provided by law, a person who is 21 years of age or older may not purchase
12 alcoholic beverages if the person has been ordered to refrain from consuming
13 alcoholic beverages as part of a sentence for conviction of a crime under
14 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
15 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
16 municipal ordinance. The restriction on purchasing alcoholic beverages applies during
17 the period that the person is required to refrain from consuming alcoholic beverages
18 under the sentence or condition of probation or parole. A person who is restricted from
19 purchasing alcoholic beverages shall be required to pay an enhanced fee to have a
20 driver's license or identification card issued with the information required under
21 AS 28.15.111(a)(6).

22 (b) A court imposing a restriction on a person under (a) of this section, and the
23 Department of Corrections, shall notify the person that an identification card issued
24 under AS 18.65.310 must list the restriction imposed for the period of the person's
25 probation or parole.

26 * Sec. 3. AS 04.21.050 is amended to read:

27 **Sec. 04.21.050. Proof of age and of not being restricted from purchasing**
28 **alcoholic beverages.** (a) If a licensee or an agent or employee of the licensee
29 questions or has reason to question whether a person entering licensed premises, or
30 ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to
31 procure alcoholic beverages,

1 (1) has attained the age of 21 years or is entering without consent in
2 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,
3 agent, or employee shall require the person to furnish proof of age acceptable under
4 (b) of this section or proof of consent in a form determined by the board; if [IF] the
5 person questioned does not furnish proof of age acceptable under (b) of this section, or
6 if a licensee, agent, or employee questions or has reason to question the validity of the
7 proof of age furnished, the licensee, employee, or agent shall require the person to sign
8 a statement that the person is over the age of 21 or 16 years, as appropriate; this [
9 THIS] statement shall be made on a form prepared by and furnished to the licensee by
10 the board;

11 (2) is restricted from purchasing alcoholic beverages under
12 AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation
13 to, require the person to furnish proof acceptable under (b) of this section that
14 the person is not restricted from purchasing alcoholic beverages or require the
15 person to sign a statement that the person is not restricted from purchasing
16 alcoholic beverages under AS 04.16.160; this statement shall be made on a form
17 prepared by and furnished to the licensee by the board.

18 (b) Except as provided in AS 04.16.160, a [A] valid driver's license or a
19 valid identification card is acceptable as proof of age or that the person is not
20 restricted from purchasing alcoholic beverages when used for identification in the
21 purchase of alcoholic beverages and for securing entry to and remaining on premises
22 where alcoholic beverages are sold if the license or identification card is made of or
23 encased in plastic and contains a photograph of the licensee [LICENSE] or card holder
24 and a statement of age or date of birth. A licensee, agent, or employee may elect to
25 not accept a passport, military identification card, or other identification as proof
26 that the person is not restricted from purchasing alcoholic beverages and may
27 require the person to furnish a valid driver's license or state identification card
28 or otherwise furnish proof that the person is not a resident of this state.

29 (c) A licensee, or an agent or employee of the licensee, may not be charged for
30 a violation of AS 04.16.047 - 04.16.052 [AS 04.16.051 - 04.16.052] if a signed
31 statement as provided in (a) of this section is secured in good faith, or a valid driver's

1 license or identification card is presented indicating that the owner and possessor of
2 the presented driver's license or identification card is 21 or 16 years of age or over or
3 is not restricted from purchasing alcoholic beverages, as appropriate.

4 * Sec. 4. AS 18.65.310 is amended by adding new subsections to read:

5 (h) The department shall cancel the identification card of a person on whom a
6 restriction has been imposed under AS 04.16.160 unless the person's identification
7 card contains the information required by (i) of this section. A cancellation under this
8 subsection remains in effect only during the period of time that the person is restricted
9 from purchasing alcoholic beverages under AS 04.16.160.

10 (i) The department shall, to the extent it is able, mark the identification card of
11 an applicant who is restricted from purchasing alcoholic beverages under
12 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.
13 A person who has received a marked identification card under this subsection may
14 apply for an unmarked card when the period of restriction under AS 04.16.160 has
15 expired.

16 (j) The department may by regulation set a fee for issuance of an identification
17 card under (i) of this section. The fee must meet the requirements of AS 04.16.160.

18 * Sec. 5. AS 28.15.111(a) is amended to read:

19 (a) Upon successful completion of the application and all required
20 examinations, and upon payment of the required fee, the department shall issue to
21 every qualified applicant a driver's license indicating the type or general class of
22 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
23 distinguishing number assigned to the license; (2) display the licensee's full name,
24 address, date of birth, brief physical description, and color photograph; (3) display
25 either a facsimile of the signature of the licensee or a space upon which the licensee
26 must write the licensee's usual signature with pen and ink; (4) display a holographic
27 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
28 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
29 (6) to the extent the department is able, be designed to allow the electronic
30 reading and electronic display of the information described under (2) of this
31 subsection and the electronic reading and display and a physical display on the

1 **license that the person is restricted from purchasing alcoholic beverages under**
2 **AS 04.16.160.** A license may not display the licensee's social security number and is
3 not valid until signed by the licensee. If facilities are not available for the taking of the
4 photograph required under this section, the department shall endorse on the license,
5 the words "valid without photograph."

6 * Sec. 6. AS 28.15.161(a) is amended to read:

- 7 (a) The department shall cancel a driver's license upon determination that
- 8 (1) the licensee is not medically or otherwise entitled to the issuance or
9 retention of the license, or has been adjudged incompetent to drive a motor vehicle;
- 10 (2) there is an error or defect in the license;
- 11 (3) the licensee failed to give the required or correct information in the
12 licensee's application; [OR]
- 13 (4) the license was obtained fraudulently; **or**
- 14 **(5) the licensee is restricted from purchasing alcoholic beverages**
15 **under AS 04.16.160; if a license is cancelled under this paragraph, when a new**
16 **license is issued, it must reflect that restriction and the requirements of**
17 **AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.**

18 * Sec. 7. AS 28.15.191 is amended by adding new subsections to read:

19 (g) A court that has ordered a person to refrain from consuming alcoholic
20 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
21 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
22 following a conviction under those sections or a similar municipal ordinance shall

- 23 (1) require the surrender of the person's license and forward the license
24 to the department;
- 25 (2) report the order to the department within two days; and
- 26 (3) inform the person that the person's license is subject to cancellation
27 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when
28 the person obtains a new license, the license must list the restriction imposed by
29 AS 04.16.160 for the period of probation or parole.

30 (h) The board of parole shall notify the department within two days whenever
31 a person has been ordered to refrain from consuming alcoholic beverages as a

1 condition of parole and shall inform the person that the person's license is subject to
2 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to
3 receive a license, when the person obtains a new license, the license must list the
4 restriction imposed by AS 04.16.160.

5 * **Sec. 8.** AS 28.15.271 is amended by adding a new subsection to read:

6 (e) The department may by regulation set a fee for issuance of a new license to
7 replace a license cancelled under AS 28.15.161(a)(5) because the person is restricted
8 from purchasing alcoholic beverages under AS 04.16.160. The fee must meet the
9 requirements of AS 04.16.160.

10 * **Sec. 9.** This Act takes effect January 1, 2008.

Alaska State Legislature
House of Representatives

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Representative Harry T. Crawford, Jr.

East Anchorage District 21

E-mail: Representative_Harry_Crawford@legis.state.ak.us

Website www.akdemocrats.org

Changes to blank CS for HB 14 version \K

Section 1

Page 2, Lines 5-7: Insert 04.16.047 (c)

New subsection clarifies that liquor licensees are not required to physically check the identification of every person entering their premises.

Section 3

Page 3, Lines 11-12: Following "may" inserted ", but has no duty or obligation to"

Clarifies that checking the identification of every person to see if it is marked is not mandatory.

Page 3, Line 15: Following "shall" inserted "be"

Correction to typographical error.

New Section 9 and Conforming Title Amendment:

Creates effective date of January 1, 2008. This provides sufficient time for the court system to develop a standardized form for reporting court orders to the DMV.

25-LS0095K
Luckhaupt
2/23/07

CS FOR HOUSE BILL NO. 14()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE CRAWFORD

A BILL

FOR AN ACT ENTITLED

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

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

9 *** Section 1. AS 04.16 is amended by adding a new section to read:**

10 **Sec. 04.16.047. Access of persons with restricted privileges.** (a) A person
11 who is not privileged to purchase alcohol under AS 04.16.160 may not knowingly
12 enter or remain in premises licensed under this title to obtain or consume alcohol.

13 (b) A licensee may bring a civil action against a person who violates this

1 section if the violation occurs on the premises of that licensee. If judgment is entered
2 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
3 and award reasonable costs and reasonable attorney fees allowed under the Alaska
4 Rules of Civil Procedure.

5 (c) Nothing in this section or AS 04.16.160 creates a duty or imposes an
6 obligation on a licensee to physically check the identification of any person entering
7 licensed premises.

8 * Sec. 2. AS 04.16 is amended by adding a new section to read:

9 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) Except as
10 otherwise provided by law, a person who is 21 years of age or older has a privilege to
11 purchase alcoholic beverages, unless the person has been ordered to refrain from
12 consuming alcoholic beverages as part of a sentence for conviction of a crime under
13 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
14 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
15 municipal ordinance. The privilege to purchase alcoholic beverages is restricted during
16 the period that the person is required to refrain from consuming alcoholic beverages
17 under the sentence or condition of probation or parole. A person whose privilege to
18 purchase alcoholic beverages has been restricted shall be required to pay an enhanced
19 fee to have a driver's license or identification card issued with the information required
20 under AS 28.15.111(a)(6).

21 (b) A court imposing a restriction on a person under (a) of this section, and the
22 Department of Corrections, shall notify the person that an identification card issued
23 under AS 18.65.310 must list the restriction imposed for the period of the person's
24 probation or parole.

25 * Sec. 3. AS 04.21.050 is amended to read:

26 **Sec. 04.21.050. Proof of age and privilege to purchase alcoholic beverages.**

27 (a) If a licensee or an agent or employee of the licensee questions or has reason to
28 question whether a person entering licensed premises, or ordering, purchasing,
29 attempting to purchase, or otherwise procuring or attempting to procure alcoholic
30 beverages,

31 (1) has attained the age of 21 years or is entering without consent in

1 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,
2 agent, or employee shall require the person to furnish proof of age acceptable under
3 (b) of this section or proof of consent in a form determined by the board; if [IF] the
4 person questioned does not furnish proof of age acceptable under (b) of this section, or
5 if a licensee, agent, or employee questions or has reason to question the validity of the
6 proof of age furnished, the licensee, employee, or agent shall require the person to sign
7 a statement that the person is over the age of 21 or 16 years, as appropriate; this [
8 THIS] statement shall be made on a form prepared by and furnished to the licensee by
9 the board;

10 (2) is privileged to purchase alcoholic beverages under
11 AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation
12 to, require the person to furnish proof acceptable under (b) of this section that
13 the person is privileged to purchase alcoholic beverages or require the person to
14 sign a statement that the person is privileged to purchase alcoholic beverages
15 under AS 04.16.160; this statement shall be made on a form prepared by and
16 furnished to the licensee by the board.

17 (b) Except as provided in AS 04.16.160, a [A] valid driver's license or a
18 valid identification card is acceptable as proof of age or proof of privilege to
19 purchase alcoholic beverages when used for identification in the purchase of
20 alcoholic beverages and for securing entry to and remaining on premises where
21 alcoholic beverages are sold if the license or identification card is made of or encased
22 in plastic and contains a photograph of the licensee [LICENSE] or card holder and a
23 statement of age or date of birth. A licensee, agent, or employee may elect to not
24 accept a passport, military identification card, or other identification as proof of
25 privilege to purchase alcoholic beverages and may require the person to furnish a
26 valid driver's license or state identification card or otherwise furnish proof that
27 the person is not a resident of this state.

28 (c) A licensee, or an agent or employee of the licensee, may not be charged for
29 a violation of AS 04.16.047 - 04.16.052 [AS 04.16.051 - 04.16.052] if a signed
30 statement as provided in (a) of this section is secured in good faith, or a valid driver's
31 license or identification card is presented indicating that the owner and possessor of

1 the presented driver's license or identification card is 21 or 16 years of age or over or
2 is privileged to purchase alcoholic beverages, as appropriate.

3 * Sec. 4. AS 18.65.310 is amended by adding new subsections to read:

4 (h) The department shall cancel the identification card of a person on whom a
5 restriction has been imposed under AS 04.16.160 unless the person's identification
6 card contains the information required by (i) of this section. A cancellation under this
7 subsection remains in effect only during the period of time that the privilege to
8 purchase alcoholic beverages is restricted under AS 04.16.160.

9 (i) The department shall, to the extent it is able, mark the identification card of
10 an applicant whose privilege to purchase alcoholic beverages is restricted under
11 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.
12 A person who has received a marked identification card under this subsection may
13 apply for an unmarked card when the period of restriction under AS 04.16.160 has
14 expired.

15 (j) The department may by regulation set a fee for issuance of an identification
16 card under (i) of this section. The fee must meet the requirements of AS 04.16.160.

17 * Sec. 5. AS 28.15.111(a) is amended to read:

18 (a) Upon successful completion of the application and all required
19 examinations, and upon payment of the required fee, the department shall issue to
20 every qualified applicant a driver's license indicating the type or general class of
21 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
22 distinguishing number assigned to the license; (2) display the licensee's full name,
23 address, date of birth, brief physical description, and color photograph; (3) display
24 either a facsimile of the signature of the licensee or a space upon which the licensee
25 must write the licensee's usual signature with pen and ink; (4) display a holographic
26 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
27 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
28 (6) to the extent the department is able, be designed to allow the electronic
29 reading and electronic display of the information described under (2) of this
30 subsection and the electronic reading and display and a physical display on the
31 license that the person's privilege to purchase alcoholic beverages has been

1 **restricted under AS 04.16.160.** A license may not display the licensee's social
2 security number and is not valid until signed by the licensee. If facilities are not
3 available for the taking of the photograph required under this section, the department
4 shall endorse on the license, the words "valid without photograph."

5 * **Sec. 6.** AS 28.15.161(a) is amended to read:

6 (a) The department shall cancel a driver's license upon determination that

7 (1) the licensee is not medically or otherwise entitled to the issuance or
8 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

9 (2) there is an error or defect in the license;

10 (3) the licensee failed to give the required or correct information in the
11 licensee's application; [OR]

12 (4) the license was obtained fraudulently; or

13 **(5) the licensee is restricted from purchasing alcoholic beverages**
14 **under AS 04.16.160; if a license is cancelled under this paragraph, when a new**
15 **license is issued, it must reflect that restriction and the requirements of**
16 **AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.**

17 * **Sec. 7.** AS 28.15.191 is amended by adding new subsections to read:

18 (g) A court that has ordered a person to refrain from consuming alcoholic
19 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
20 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
21 following a conviction under those sections or a similar municipal ordinance shall

22 (1) require the surrender of the person's license and forward the license
23 to the department;

24 (2) report the order to the department within two days; and

25 (3) inform the person that the person's license is subject to cancellation
26 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when
27 the person obtains a new license, the license must list the restriction imposed by
28 AS 04.16.160 for the period of probation or parole.

29 (h) The board of parole shall notify the department within two days whenever
30 a person has been ordered to refrain from consuming alcoholic beverages as a
31 condition of parole and shall inform the person that the person's license is subject to

1 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to
2 receive a license, when the person obtains a new license, the license must list the
3 restriction imposed by AS 04.16.160.

4 * **Sec. 8.** AS 28.15.271 is amended by adding a new subsection to read:

5 (e) The department may by regulation set a fee for issuance of a new license to
6 replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to
7 purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The
8 fee must meet the requirements of AS 04.16.160.

9 * **Sec. 9.** This Act takes effect January 1, 2008.

LEGAL SERVICES

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

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FAX (907) 465-2029
Mail Stop 3101


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

MEMORANDUM

February 22, 2007

SUBJECT: HB 14 and Civil Liability of Licensees

TO: Representative Harry Crawford

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have asked if HB 14 imposes new liabilities for civil damages on alcoholic beverage licensees in the following areas:

1. The licensee fails to check the ID of a person whose privilege to purchase alcohol is restricted under AS 04.16.160;
2. The licensee checks the ID, discovers that the person is not eligible to purchase alcohol, but consciously chooses to sell the alcohol to the person anyway;
3. The licensee does not serve the person with the restricted privilege but another person supplies drinks to the person while on the licensed premises.

I do not see where there is any greater civil liability of a licensee to a person whose privilege to purchase alcohol is restricted under the bill or to a third person who might be injured by the actions of the person restricted under any of these scenarios.¹ AS 04.21.020 specifies the civil liability of a licensee or other person for providing alcohol to another person. Subsection (a) of that section provides that:

a person who provides alcoholic beverages to another person may not be held civilly liable for injuries resulting from the intoxication of that person unless the person who provides the alcoholic beverages holds a license authorized under AS 04.11.080 - 04.11.220 or is an agent or employee of such a licensee and

(1) the alcoholic beverages are provided to a person under the age of 21 years in violation of AS 04.16.051, unless the licensee, agent, or employee secures in good faith from the person a signed statement, liquor identification card, or driver's license meeting the requirements of

¹ Under the second scenario listed above, the conscious choice of a licensee to serve a person who is not eligible to purchase alcoholic beverages could subject the licensee to criminal liability as explained in my memorandum of January 31, 2007, and could potentially result in suspension or revocation of the license under AS 04.11.370.

AS 04.21.050(a) and (b), that indicates that the person is 21 years of age or older; or

(2) the alcoholic beverages are provided to a drunken person in violation of AS 04.16.030.

This provision does not waive the immunity traditionally provided to a server of alcohol under the scenarios you have provided. Two other exceptions are also provided in AS 04.21.020(b)² and (d)³ neither of which would apply here.

GPL:med
07-119.med

² (b) A person who sells or barter an alcoholic beverage to another person in violation of AS 04.11.010 is strictly liable (1) to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages; and (2) for the cost to the state or a political subdivision of the state to criminally prosecute a person who receives an alcoholic beverage from a person who violates AS 04.11.010, if the prosecution results from the violation of AS 04.11.010 described in this subsection.

³ (d) A person who knowingly furnishes or delivers an alcoholic beverage to a person under 21 years of age in violation of AS 04.16.051 is civilly liable to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages.

LEGAL SERVICES

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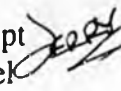
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 26, 2007

SUBJECT: Penalties for Licensees under HB 14
(Work Order No. 25-LS0095\E)

TO: Representative Kurt Olson
Attn: Eleanor Wolfe

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have asked what criminal and civil penalties are provided for licensees who sell or provide alcohol to persons whose ability to purchase alcohol is restricted under HB 14. HB 14 does not specifically provide any penalties for licensees who sell or provide alcohol to persons whose purchase of alcohol is restricted. If a licensee knows that a person's ability to purchase alcohol is restricted and intentionally sells alcohol to that person the licensee could be criminally liable for a violation of AS 04.16.047 under AS 11.16.110(a)(2) as an accomplice. If a licensee knows that a person's ability to purchase alcohol is restricted and intentionally sells alcohol to that person the license could conceivably be suspended or revoked under AS 04.11.370(a)(2) as "continuation of the manufacture, sale, or service of alcoholic beverages by the licensee or permittee" may "be contrary to the best interests of the public."

GPL:med
07-124.med

As printed in the Anchorage Daily News February 22, 2007

Card mark

Weapon against alcohol abuse

Rep. Harry Crawford has a simple bill in the works to enforce court-ordered alcohol abstinence. House Bill 14 would require convicted offenders to pay for a special driver's license or state ID that would carry an identifying mark so that alcohol retailers would know the customer had lost what state law calls the "privilege to purchase."

The law also would allow sellers to seek \$1,000 in civil damages, in addition to attorney fees from cardholders who illegally try to buy alcohol on their premises. That would give bar and liquor store owners and managers the financial incentive to go after violators and help enforce the law.

There shouldn't be much heartburn about this.

Nanny-state fears are groundless. The bill takes aim at those offenders deemed by a court of law, after full due process, to be too irresponsible to consume alcohol, at least during their sentence or while on probation or parole. Reasons for such restrictions are all too familiar -- driving under the influence, domestic violence, public drunkenness.

Sellers wouldn't be required to card every person who walks through the door, but would have an incentive to card more often and to card anyone who raises suspicions. For their part, offenders would carry a reminder of their sentence and the need to stay on the straight and narrow.

The bill does not increase a liquor store or bar owner's liability beyond what the law already provides. The burdens of cost and accountability would fall squarely on offenders, where they belong.

Don't want to carry the offending card? Then don't offend. Don't drink and drive, or drink and assault, or drink and pass out in the middle of the street. As Rep. Crawford says, despite some of the toughest drunken-driving laws in the country, Alaska still has a serious alcohol problem. The Anchorage Democrat's bill is part of the solution. The Anchorage Cabaret, Hotel, Restaurant and Retailer's Association is part of the answer too -- the group backs the legislation. It is possible that shutting out problem drinkers could help business owners' insurance rates.

HB 14 will get its first hearing Friday in the House Labor and Commerce Committee, the first of three House committees with jurisdiction. Members should give it a close look, improve it as needed, then start it on its way to passage.

BOTTOM LINE: A marked card for alcohol abusers will take away their purchasing privileges and prevent more abuse.

Heather Beaty

From: bonniel.jack [bonniel.jack@alaska.net]
Sent: Thursday, February 15, 2007 2:05 PM
To: Rep. Carl Gatto; Representative_Bob_Buch@legis.state.us; Rep. Kurt Olson; Rep. Berta Gardner; Representative_Jay@legis.state.ak.us; Rep. Mark Neuman; Rep. Gabrielle LeDoux
Cc: Rep. Harry Crawford
Subject: Supp.t HB 14, Restrict Access to Alcohol

Members of Alaska State House, Labor & Commerce Committee --

I support the passage of House Bill 14, Restrict Access to Alcohol.

We all know that Alaska has a major alcohol and drunk problem. I drink so I have nothing against drinking if done in moderation. I believe the lack of moderation is what is wrong with the world in general.

I've heard the arguments against this bill based on the privacy of the individual but I believe that the purchase of alcohol is not a right but a privilege. If you are a "repeat drunk driver" then I believe you lost the privilege of purchasing alcohol and that right to privacy.

I'm a mother of two grown children and the grandmother of a 12 year old granddaughter and 8 year old grandson. When they misbehave they are punished. If they repeat the behavior, the punishment increases. Sometimes they do not get to go somewhere or do something that involves them having to tell their friends. Repeat drunk drivers should get no less. My grandchildren, even in their youth, do not make the same mistake very often, if at all. Hopefully, this bill will cause the one time drunk driver to not repeat his/her crime.

It really seems very simple to me.

B/

2/15/2007

Brenda Moore

2200 E 56th Avenue ♦ Anchorage, Ak 99507 ♦ 907-563-7576

February 22, 2007

To: House Labor & Commerce Committee
Re: HB 14

Representative Harry Crawford has introduced HB 14 "An Act relating to the purchase of alcoholic beverages and to requiring identification to buy alcoholic beverages; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole."

This is written in favor of HB 14. A number of years ago the daughter of a close friend was struck while driving her children to an activity. She was killed and one of her children was injured.

The driver of the car that struck and killed my friend's daughter was driving with a revoked license, while under the influence of alcohol. He had several previous convictions of driving while under the influence, which resulted in his license being revoked.

I feel my friend's daughter might be alive today if the driver that killed her had been required to prove his privilege to purchase alcohol.

I am a member of the Mental Health Board and which is also in support of HB 14. I ask that you support the passage of HB 14 as a measure to preserve lives.

Sincerely,

Brenda Moore
Christian Health Associates
Alaska Mental Health Board
Statewide Suicide Prevention Council

Subject: DMV's HB 14 ideas

From: Duane Bannock <duane_bannock@admin.state.ak.us>

Date: Sat, 10 Feb 2007 15:32:51 -0900

To: Lauren Rice <lauren_rice@dps.state.ak.us>, "Hennings, Kerry"

<Kerry_Hennings@admin.state.ak.us>, Douglas A Wooliver <dwooliver@courts.state.ak.us>, Kevin

A Brooks <kevin_brooks@admin.state.ak.us>, R Anne D Carpeneti

<anne_carpeneti@law.state.ak.us>

CC: Frank T Bailey <frank_bailey@admin.state.ak.us>

Hello All,

I've done my best to put into specific words our idea on how HB 14 can be implemented, from DMV's 'practical' point of view. Please review and add/delete/comment as necessary. Perhaps we can create a working group and then formally present this to Rep. Crawford.

I've shared this plan with a few of you and also verbally to Rep. Crawford and his staff member Heather Beaty; they seemed slightly interested, but non-committal.

I did inform the Rep. that if this plan were adopted, the DMV would drop all objection to HB 14; yet that should not be confused with "DMV supports this bill". There would be a fiscal note, but it would be measurable and have verifiable data behind it.

Thank you for your attention to this matter. I'm told by my friend Rep. Kurt Olson that this bill may be heard in (H) L&C this Saturday 2/17.

Duane Bannock
269 5008

DAB's HB 14 idea.doc	Content-Type: application/msword
	Content-Encoding: base64

32-37% of All Div. = multiple offenders

**FILE W/
HARRY'S BILL.
DO NOT
RELEASE IT.**

HB 3: the DMV practical problems

Currently there are no court standard practices restricting the purchase of alcohol and access to licensed premises for persons convicted of DUI or Refusal. Rather, it is left to the judge to make this order within individual judicial discretion. As the DMV is charged in HB 14 with enforcing this restriction by identifying and marking the driver's license and identification cards (DL/ID) of these persons, we submit the following:

- ◆ Currently there is no court standard as to who the alcohol restriction might apply to; i.e. first timer, multiple, felon etc. In the ADN Compass Piece (2/9/07) Rep. Crawford seems to suggest this bill is aimed at repeat offenders, yet as the DMV has recently discovered, some first-time offenders are given the order and other persons with felony convictions for multiple DUI's have not been given the order.
- ◆ Currently there is no court standard as to what the alcohol restriction might be, i.e. can't enter, can't buy or can't drink (one even states "Do not consume intoxicating liquor to excess" and "...to not reside in any residence where alcohol is present")
- ◆ Currently there is no court standard as to how long the alcohol restriction might be i.e. length of probation or parole (our examples include: specific ending date of 2 years; 18 months after serving term of incarceration; 4 years after serving term of incarceration)
- ◆ Currently there is no standard as to how the DMV would receive the order from the court, probation or parole departments.
- ◆ DMV nor the court can provide any type of guess as to how many customers this bill will impact, although we do know that approximately 5,500 DUI arrests are made annually; approximately 5,000 Administrative Actions are enforced and approximately 4,000 persons are criminally convicted and sentenced for DUI.

The remaining questions include:

- ◆ Does a person really lose their driving privilege if they don't get the 'marked' DL?
- ◆ If yes, could they be subjected to driving on a revoked/suspended DL?

The DMV has developed a concept that will accomplish the large amount of the stated goal by Rep. Crawford, as it pertains to the subject of DMV notification and production, but it would require a major rewrite of HB 14.

Rather than relying on the court system, probation or parole departments, this 'mark' would be required and administered via DMV on all DUI/Refusal Admin Actions of any multiple offender (as defined in AS).

The initial cost to develop the program would be small and continued operational costs would remain low. As a set standard for all multiple offenders, this proposal would take the guesswork out of who is impacted as well as eliminating many the problems relating to time-delay and communication from the court, probation and parole agencies.

The legislature would be faced with making the call as to how long this mark would be applicable (for example purposes only please consider 180 days). After that determination is made, DMV would treat the ending date the same as the ending date for a Provisional DL; when the customer returns to DMV, we verify the dates and issue a new duplicate DL (at a cost of \$15) without the special mark.

Under our proposal the scenario would be as follows:

January 1st 2008 Driver is charged with 2nd DUI; law enforcement takes possession of DL; Notice and Order is given to customer to contact DMV for Admin Hearing within seven (7) days or be revoked from driving in seven (7) days.

If driver does not ask for Administrative Hearing:

January 8th, 2008 Driver is revoked and begins serving mandatory 1-year revocation. The DMV record is updated and recorded that the DL is now in Revoked status. (please see 'What's wrong...' below)

(90 days later) April 9th 2008 Driver applies for and is granted 'limited' driving privileges (please note: with passage of HB 19, these dates are subject to change); 'limited' DL is issued with "Alcohol Restricted Limited Driver's License" printed on red banner, as opposed to the more common blue banner.

(90 days later) July 10th 2008 Driver returns to DMV to apply for 'duplicate' limited DL after serving the 180 days with 'marked' DL; pays fee of \$15 and receives "Limited Driver's License".

(after 1-year of revocation) January 10th 2009 Driver returns to DMV to reinstate all driving privileges; pays reinstatement fee and provides other consideration; DMV removes 'limited' restriction and driver receives 'regular' DL with blue banner.

If driver does ask for Administrative Hearing:

If Admin Action is upheld the same timeline segments would remain the same, but the start date would be adjusted to reflect date of hearing adjudication.

If Admin Action were overturned, no consequence or marking of DL would apply.

What's wrong with this plan?

In all fairness, this proposal does still have 'holes' in it. In the above example: if the customer were to come into DMV on Jan 2nd, 2008 to request a 'duplicate' DL (in fact lying to DMV that their original was 'lost'). Or, if the customer were to apply for a SoA Identification Card before DMV was aware of the Notice and Order for the DUI arrest the day prior. In either case, while the DMV could revoke the DL/ID card, the customer would be in possession of a 'non-marked' DL/ID that could be presented to the bar/establishment/liquor store. It must be noted that this 'hole' is also in the current version of HB 14. Indeed, within the current version it may be a 'larger hole' as the amount of time is greater between occurrence date (January 1, 2008) and court order date rather than the amount of time between occurrence date and Administrative Action.

On the subject of ID cards, legislation would also be required to tie the DL Admin Action to the 'mark' on a subsequent ID. Again, HB 14 calls for this but as a result of the court order rather than the Admin Action.

It has also been mentioned that this plan may usurp the court's authority. That certainly is not the intent, nor do I believe that it would. However, the proposal would not enact or be subject to any court ordered alcohol restriction of greater or lessening degrees. It simply does not tie the DMV and the customer's DL/ID card to the court order.

Duane Bannock
Director, DMV
269 5008

Alaska State Legislature
House of Representatives

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Representative Harry T. Crawford, Jr.

East Anchorage District 21

E-mail: Representative_Harry_Crawford@legis.state.ak.us

Website www.akdemocrats.org

MEMORANDUM

To: Representative Jay Ramras
From: Representative Harry Crawford
Re: Questions on HB 14
Date: February 15, 2007

Thank you for allowing me the opportunity to address your concerns regarding HB 14. I have attached a copy of the list of concerns you provided to me, and I have responded to each point individually. Additional information from Legal Services is attached to this memo to further address your concerns regarding criminal liability for liquor licensees. Pursuant to your question regarding civil liability for liquor licensees, an opinion from Legal Services has been requested and I will provide a copy to you as soon as it is available. I have also attached a copy of a memo to Legal Services in which I request two amendments to HB 14 that I hope resolve your concerns and further clarify my intent as the bill sponsor.

As always, I am willing to work with you and other interested parties to make HB 14 an effective and clear piece of legislation. I appreciate you taking the time to meet with me and discuss your concerns. Please let me know if you have any further concerns or need additional information from me.

Cc: Representative Kurt Olson

Doug Griffin

Doug Wooliver

Lauren Rice

Response to Concerns Raised By Representative Ramras

1. "How many people would HB 14 encompass at any given time? It seems like a lot of government intrusion and oversight of many Alaskans in order to keep better tabs on a few."

Information regarding statistics on convicted DUI offenders court-ordered not to drink has been repeatedly requested from the judicial branch. Unfortunately, those statistics are not tracked by Alaska's court system. The only oversight this bill provides is to the individual court-ordered not to drink; the general population will not be subjected to any new requirements under HB 14.

2. "When did drinking become a 'privilege'? Pursuant to our U.S. Constitution drinking is a right once a person reaches majority. This bill should address a restriction of a right subject to the legislature."

The U.S. and Alaska Constitution do not guarantee the consumption of alcohol as a right. In order to write HB 14 in Title 4, a privilege to purchase must be established in order to deny that privilege to those under court-order not to drink. Otherwise, we would have to establish a new crime in the criminal code, which goes against the intent of the sponsor.

3. "Civil Liability. A good lawyer will make the argument that if a licensed premise were to serve liquor to a red-dot and something bad were to happen the premises would have additional liability. The bill may address criminal liability but it does not address civil liability."

An opinion from Legal Services addressing the issue of civil liability has been requested by the sponsor.

4. "Section 1 (b) – Page 1-2, Lines 12-2. This is a waste of court resources, plus a licensed establishment does not want to bother with suing patrons"

The civil penalty against minors on licensed premises, which HB 14 is modeled after, has been a successful tool in combating underage drinking. The sponsor does not believe the penalty is a waste of resources and has been assured by industry that they are willing to pursue the civil penalty when a person with a marked license attempts to purchase alcohol.

5. "Page 3, Line 6 after 'may' insert but has no duty or obligation to"

See attached memo to Legal Services, reference Conceptual Amendment #1.

6. "Electing not to accept a passport, military id card as a valid form of id may be inconsistent with Federal Law."

No evidence has been discovered that shows 04.21.050(b) creates any problems with existing federal law.

7. "Page 3, Line 24 A licensee, or an agent or employee of the licensee, may not charge for a violation of AS 04.16.047-04.16.052. AS 04.16.047 makes no sense in this context since .047 is directed at the patron."

This language reinforces the sponsor's intent that a licensee or their employee may not be held criminally liable. See the attached memo from Legal Services dated January 31, 2007, regarding criminal liability for licensees.

8. "Page 3, Lines 30-31. How would the department cancel an ID card? Court could require a new ID card within a reasonable time as a term of probation, but it is impossible to cancel an ID card."

The DMV requested this language in 2006 to ensure their ability to comply with the law, if enacted. Under AS 04.16.160, an individual will be notified by the court or DOC that their identification card must list the restriction for the required period of time.

9. "AS 04.21.050(a)(2) appears to allow but not require ("may" vs. "shall" in (a)(1) but provision (c) appears to apply to both and indicates that liability may exist if the licensee does not act in accordance with (a)(2)."

Please see the attached memo from Legal Services dated January 31, 2007, regarding criminal liability for licensees.

10. "Page 4, Lines 23-27 Electronic tracking is an unnecessary invasion of privacy. A restaurant is not an airport. Alaska does not need to electronically track the comings and goings of people from bars, dining establishments, and stores."

Alaskan driver's licenses and ID cards were recently redesigned to allow for the electronic storing of information. In addition to a visible mark on the license or ID card, this language provides that the restriction also be available electronically for businesses that have moved on to using electronic scanners. The DMV and businesses do not use this technology to track the movement of Alaskans via their drivers' licenses or ID cards.

11. "Page 5, Lines 8-11 and Lines 17-18 This is confusing and unnecessary. A person's ADL has already been revoked for a DUI or refusal conviction."

Because the restriction can extend into a period when a person has regained the privilege to drive, as in the case of probation or parole, this language clarifies that when the individual is eligible for a new license the restriction must be listed for the appropriate period of time, if applicable.

"Page 5-6, Lines 30-3. Sec 8 is purely punitive. There is already a fee for a new or replacement license. It will not cost DMV more to issue a red-dot license."

The intent of this language is not punitive. The DMV has been unable to estimate what costs may be associated with HB 14. This language ensures that the additional expense, if any, of issuing marked licenses be borne by the individual and not the State of Alaska.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 31, 2007

SUBJECT: Criminal Liability for ABC Licensees and HB 14
(Work Order No. 25-LS0095\E)

TO: Representative Harry Crawford

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have asked if HB 14 provides for criminal liability for a licensee, or their agents or employees, for selling alcohol to a person whose privilege to purchase alcohol is restricted under HB 14. The answer is no, unless the licensee, agent, or employee knows the person is unable to purchase alcohol and sells the alcohol to the person anyway. In that situation the licensee, agent, or employee could be liable as a principle under AS 11.61.110.

In considering what HB 14 does, you can compare these persons who have their privilege to purchase alcohol restricted to persons under 21 years of age who have no privilege to purchase alcohol. Those under 21 may not access licensed premises,¹ may not possess, control, or consume alcohol,² may not be furnished alcohol by other persons,³ and may not be furnished alcohol by licensees, agents, or employees.⁴ HB 14 provides one section, proposed AS 04.16.047, that states that a person whose privilege to purchase alcohol is restricted may not access licensed premises to obtain or consume alcohol. Nothing similar to AS 04.16.052 is provided and so, generally, there would be no liability for a licensee, agent, or employee that sells or serves a person whose privilege to purchase alcohol is restricted. As I previously noted though, a licensee, agent, or employee who has knowledge that a particular person has had their privilege to purchase alcohol restricted who assists that person in obtaining alcohol could be liable as a

¹ AS 04.16.049.

² AS 04.16.050.

³ AS 04.16.051 makes the other person criminally liable for furnishing or delivering to a minor.

⁴ AS 04.16.052 makes the licensee, agent, or employee criminally liable.

principle under the accomplice liability law in AS 11.16.110.⁵

GPL:lhw
07-040.lhw

⁵ Sec. 11.16.110. Legal accountability based upon the conduct of another.
A person is legally accountable for the conduct of another constituting an offense if

(1) the person is made legally accountable by a provision of law defining the offense;

(2) with intent to promote or facilitate the commission of the offense, the person

(A) solicits the other to commit the offense; or

(B) aids or abets the other in planning or committing the offense; or

(3) acting with the culpable mental state that is sufficient for the commission of the offense, the person causes an innocent person or a person who lacks criminal responsibility to engage in the proscribed conduct.

Alaska State Legislature
House of Representatives

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Representative Harry T. Crawford, Jr.

East Anchorage District 21

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MEMORANDUM

To: Legal Services
From: Rep. Harry Crawford
Re: Blank CS for HB 14
Date: February 15, 2007

Please draft amendments to HB 14 (Work order 25-LS0095/E) based on the following conceptual amendments. Should either of the proposed amendments conflict with existing statute, please contact me for further clarification.

Conceptual Amendment #1:

Page 3, Line 6

Following "may" insert ", but has no duty or obligation to,"

Conceptual Amendment #2:

Add to AS 04.16.047 a new subsection clarifying that HB 14 does not create an obligation on a licensee to physically check the ID of every person entering licensed premises to ensure that each customer has a current privilege to purchase alcohol.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB014-DOA-DMV-2-6-07
Bill Version: HB014
() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Administration

Title "An Act relating to the purchase of alcoholic beverages and access to licensed premises..."

RDU Division of Motor Vehicles

Component Motor Vehicles

Sponsor Rep. Crawford

Requester (H) L&C

Component No. 2348

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	*	*	*	*	*	*
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	*	*	*	*	*	*

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill requires the Division of Motor Vehicles (DMV) to physically 'mark' a driver's license or a State issued Identification Card if the holder's privilege to purchase alcohol has been restricted. The DMV today has no direct knowledge of a persons conditions of probation, or parole.

Until the number of customers and method of information transmission is ascertained in conjunction with the Alaska Court System, the DMV has no ability to measure the impact this will have on our planned operation. As a result we respectfully submit an 'indeterminate' fiscal note.

Once this information has been established, the DMV will provide a firm estimate of costs incurred and revenue generated as a result.

Prepared by: Duane Bannock, director
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone 269 5008
Date/Time 2/6/07 12:00 PM
Date 2/7/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB014-LAW-CJL-2-1-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act restricting access to alcohol. RDU Criminal
 Component Criminal Justice Litigation
 Sponsor Representative Crawford
 Requester House Labor & Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would establish new law and amend current statute so as to restrict the purchase of alcohol by persons prohibited from consuming alcoholic beverages as a result of a conviction or condition of probation or parole. It provides that such a person may not knowingly enter or remain in licensed premises to purchase or obtain alcohol.

It provides that the driver's license of a person who has been ordered not to consume alcohol will be marked with the restriction.

The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director Phone 465-5427
 Division Administrative Services Division Date/Time 2/5/07 8:51 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 2/5/2007
 Agency Department of Law

RECEIVED

JAN 23 2007

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
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(fax) 1-907-269-0105

Representative Harry T. Crawford, Jr.

East Anchorage District 21

E-mail: [Representative Harry Crawford@legis.state.ak.us](mailto:Representative_Harry_Crawford@legis.state.ak.us)

Website www.akdemocrats.org

M E M O R A N D U M

To: Representative Kurt Olson, Chairman
House Labor and Commerce Committee

From: Representative Harry Crawford

Re: Scheduling Request, House Bill 14

Date: January 23, 2007

I respectfully request that the House Labor and Commerce Committee schedule House Bill 14, "An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances," for a hearing as soon as possible.

I have attached a sponsor statement, a sectional analysis prepared by Legal Services, and the most recent copy of House Bill 14. Updated statistics and letters of support will be forwarded to your office as soon as they become available. Once a committee hearing is scheduled, any teleconference request and names of witnesses wishing to testify will also be provided.

Please contact me if you have any questions or require any additional information.

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
1-907-465-3438 (phone)
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Representative Harry Crawford
District 21

SPONSOR STATEMENT: HOUSE BILL 14

Alaska has a problem with alcohol. Though we have some of the most punitive drunken driving laws in the nation, Alaskans continue to die in tragic accidents fueled by alcohol. In order to prevent these accidents from occurring, we need a new approach that keeps alcohol out of the hands of repeat offenders.

Repeat drunk drivers are often ordered not to consume alcohol as part of a sentence or as a condition of probation or parole. Currently there is no method by which a vendor of alcoholic beverages may determine whether an individual is under such restriction. House Bill 14 will require that the driver's license or state ID card of an individual court ordered not to drink be marked so that restaurants, bars and liquor stores are aware the individual is prohibited from consuming alcohol.

The bill does not require vendors to check the identification of every individual attempting to purchase alcohol; however, if a vendor catches a person with a marked license attempting to purchase alcohol, the vendor may pursue a \$1000 civil penalty. The civil penalty provides a hefty financial incentive for vendors to check for marked licenses and ensure customers are legally permitted to purchase alcohol.

This new approach will stop repeat offenders who are court ordered not to drink from purchasing alcohol and will save lives. In passing House Bill 14, we will keep Alaskan families safe by preventing tragic accidents from happening. I respectfully ask for your support.

LEGAL SERVICES

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

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


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

MEMORANDUM

January 17, 2007

SUBJECT: Sectional Summary - HB 14 (Work Order No. 25-LS0095\E)

TO: Representative Harry Crawford

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 amends AS 04 by adding a new section that provides that a person who is not privileged to purchase alcohol may not enter or remain on licensed premises; provides a civil remedy for licensees against persons who violate this section.

Section 2 amends AS 04 by adding a new section that provides that the purchasing of alcoholic beverages by a person of legal age is a privilege that can be revoked for conviction of certain crimes or as a condition of probation or parole.

Section 3 provides an amendment to conform AS 04.21.050 to the change made in section 2.

Section 4 amends AS 18.65.310, relating to identification cards, to require that identification cards be marked if a person's privilege to purchase alcohol is restricted.

Section 5 amends AS 28.15.11(a) by requiring that drivers' licenses be designed to allow the license to be electronically read so as to display whether a person is privileged to purchase alcoholic beverages under AS 04.16.160.

Section 6 amends AS 28.15.161(a) to require the department of administration to cancel a driver's license when the licensee's privilege to purchase alcohol is restricted.

Section 7 amends AS 28.15.191 by requiring courts and the board of parole to notify the department of administration when a person's privilege to purchase alcohol is restricted.

Section 8 authorizes the department of administration to charge a fee for issuance of a new driver's license to a person when the privilege to purchase alcohol is restricted.

GPL:ljw
07-017.ljw

*Alaska Cabaret, Hotel,
Restaurant & Retailers Association*



1111 East 80th Ave., Suite 3 • Anchorage, Alaska 99518
(907) 274-8133 • Fax: (907) 274-8640
Toll Free In Alaska: (800) 478-2427

The Honorable Harry Crawford
Alaska State Legislature
House of Representatives
State Capitol, Room 400
Juneau, AK 99801-1182

January 23, 2007

Dear Representative Crawford,

I am writing you today on behalf of the Alaska Cabaret, Hotel, Restaurant and Retailer's Association, a non-profit member-based trade organization for Alaska's hospitality industry.

Alaska CHARR would like to share our support of House Bill 14, an Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to the civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances.

Alaska CHARR supports the intent of this bill, as a voluntary option for licensed premises to civilly prosecute those subject to the conditions of this bill.

We appreciate your commitment to understanding our industry's concerns, and the time you spend working with our industry to create a piece of legislation that can be effectively used to combat abuse of alcohol in Alaska.

Sincerely,

Dale Fox
President & CEO, Alaska CHARR

HB

28

Alaska State Legislature

Session:

State Capitol, Room 118
Juneau, Alaska 99801-1182
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Toll Free: (877) 465-3004

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Toll Free: (877) 465-3004

Representative Jay Ramras House District 10

Chair, House Judiciary Committee • Member, House Labor & Commerce Committee • Member, House Oil & Gas Committee • Member, House Military & Veteran Affairs Committee

Sectional Analysis

HB 28

Power Source Disclosure

02/26/07

Section 1 states that there is a need for more public awareness of fuels used by electric service companies in generating the electricity they sell to consumers.

Section 2 adds the only new section, AS 42.05.695, requiring all retail suppliers of electricity in Alaska to annually disclose their fuel sources for generating electricity.

Section 3 amends current law to include public utilities owned and operated by political subdivisions of the state in the requirement to report fuel sources.

Section 4 amends current law to include utilities grossing less than \$500,000 in the requirement to report fuel sources.

Section 5 amends current law such that cooperatives choosing to be exempt from other provisions of AS 42.05 are still required to report fuel sources.

25-LS0189E
Kane
2/26/07

CS FOR HOUSE BILL NO. 28()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE RAMRAS

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring retail suppliers of electricity to disclose sources of electricity to**
2 **consumers."**

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

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **FINDINGS AND PURPOSE.** (a) The legislature finds that there is a need for reliable,
7 accurate, and timely information regarding fuel sources for electric generation offered for
8 retail sale in the state.

9 (b) The purpose of this Act is to establish a program under which entities offering
10 electrical services in the state disclose reliable, accurate, and easily understandable
11 information on the sources of energy that are used to provide electrical services.

12 *** Sec. 2.** AS 42.05 is amended by adding a new section to read:

13 **Sec. 42.05.695. Electrical generation sources disclosure.** (a) A retail supplier
14 that makes an offering to sell electricity that is consumed in the state shall annually

1 disclose the sources of the electricity to consumers. The time and manner for
2 disclosure by retail suppliers shall be established by regulation by the Regulatory
3 Commission of Alaska.

4 (b) The cost of making the disclosures required by this section shall be
5 considered to be generation-related.

6 * Sec. 3. AS 42.05.711(b) is amended to read:

7 (b) Except as otherwise provided in this subsection and in (o) of this section,
8 public utilities owned and operated by a political subdivision of the state, or electric
9 operating entities established as the instrumentality of two or more public utilities
10 owned and operated by political subdivisions of the state, are exempt from this
11 chapter, other than AS 42.05.221 - 42.05.281, 42.05.385, and 42.05.695 [AND
12 42.05.385]. However,

13 (1) the governing body of a political subdivision may elect to be
14 subject to this chapter; and

15 (2) a utility or electric operating entity that is owned and operated by a
16 political subdivision and that directly competes with another utility or electric
17 operating entity is subject to this chapter and any other utility or electric operating
18 entity owned and operated by the political subdivision is also subject to this chapter;
19 this paragraph does not apply to a utility or electric operating entity owned and
20 operated by a political subdivision that competes with a telecommunications utility.

21 * Sec. 4. AS 42.05.711(f) is amended to read:

22 (f) Notwithstanding any other provisions of this chapter, an electric or
23 telephone utility that does not gross \$500,000 annually may elect to be exempt from
24 the provisions of this chapter other than AS 42.05.221 - 42.05.281 and 42.05.695
25 under the procedure described in AS 42.05.712.

26 * Sec. 5. AS 42.05.711(h) is amended to read:

27 (h) A cooperative organized under AS 10.25 may elect to be exempt from the
28 provisions of this chapter, other than AS 42.05.221 - 42.05.281 and 42.05.695, under
29 the procedure described in AS 42.05.712.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB28-COM-RCA-02-19-07
 Bill Version: HB 28
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Power Source Disclosure RDU Regulatory Commission of Alaska (399)
 Component Regulatory Commission of Alaska
 Sponsor Ramras
 Requester House Labor & Commerce Component No. 2417

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1141 Other: RCA Rcpts	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation requires retail suppliers of electricity to disclose sources of electricity to consumers. The Regulatory Commission of Alaska (RCA) will initially incur the cost of a proceeding to establish regulations proscribing the contents and timing of the annual disclosure requirement imposed on retail suppliers of electricity. Costs of the proceeding include publishing a notice of proposed action, transcribing public meetings and/or public hearings, and staff time necessary to develop and defend a regulations proposal. After establishing regulations proscribing the contents and timing of the annual disclosure requirement, the RCA will incur the expense of ensuring compliance with disclosure requirements.

The Regulatory Commission of Alaska expects to implement the provisions of this legislation with existing resources.

Prepared by: Kate Giard, Chair
 Division: Regulatory Commission of Alaska
 Approved by: Emil Notti, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone 907.276.6222
 Date/Time 2/19/07 11:43 AM
 Date 2/19/2007

February 20, 2007

Representative Jay Ramras
State Capitol, Room 118
Juneau, AK 99801-1182
Fax: 907-465-2070

Dear Representative Ramras:

Chugach Electric Association is not opposed to HB 28. As we understand it, the intent is to provide consumers with information about how their power is generated annually. Chugach already provides this type of information to customers. For instance, our 2006 annual report notes that 88 percent of our power in 2005 was produced with natural gas (the other 12 percent came from hydropower).

Chugach has a long history of providing this sort of information to customers. We expect we could use a short article in our monthly member newsletter to provide the type of information envisioned in HB 28.

Sincerely,



William R. Stwert
Chief Executive Officer

25-LS0189C
Kane
2/15/07

CS FOR HOUSE BILL NO. 28()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE RAMRAS

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring retail suppliers of electricity to disclose sources of electricity to**
2 **consumers."**

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

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **FINDINGS AND PURPOSE.** (a) The legislature finds that there is a need for reliable,
7 accurate, and timely information regarding fuel sources for electric generation offered for
8 retail sale in the state.

9 (b) The purpose of this Act is to establish a program under which entities offering
10 electrical services in the state disclose reliable, accurate, and easily understandable
11 information on the sources of energy that are used to provide electrical services.

12 *** Sec. 2.** AS 42.05.254(i)(2) is amended to read:

13 (2) "exempt utility" means a public utility that is certificated by the
14 commission under AS 42.05.221 - 42.05.281 but, in accordance with AS 42.05.711, is

1 exempt from other regulatory requirements of this chapter, except for the
2 requirements in AS 42.05.695;

3 * Sec. 3. AS 42.05 is amended by adding a new section to read:

4 **Sec. 42.05.695. Electrical generation sources disclosure.** (a) A retail supplier
5 that makes an offering to sell electricity that is consumed in the state shall annually
6 disclose the sources of the electricity to consumers. The time and manner for
7 disclosure by retail suppliers shall be established by regulation by the Regulatory
8 Commission of Alaska.

9 (b) The cost of making the disclosures required by this section shall be
10 considered to be generation-related.

11 * Sec. 4. AS 42.05.711(b) is amended to read:

12 (b) Except as otherwise provided in this subsection and in (o) of this section,
13 public utilities owned and operated by a political subdivision of the state, or electric
14 operating entities established as the instrumentality of two or more public utilities
15 owned and operated by political subdivisions of the state, are exempt from this
16 chapter, other than AS 42.05.221 - 42.05.281, 42.05.385, and 42.05.695 [AND
17 42.05.385]. However,

18 (1) the governing body of a political subdivision may elect to be
19 subject to this chapter; and

20 (2) a utility or electric operating entity that is owned and operated by a
21 political subdivision and that directly competes with another utility or electric
22 operating entity is subject to this chapter and any other utility or electric operating
23 entity owned and operated by the political subdivision is also subject to this chapter;
24 this paragraph does not apply to a utility or electric operating entity owned and
25 operated by a political subdivision that competes with a telecommunications utility.

26 * Sec. 5. AS 42.05.711(e) is amended to read:

27 (e) Notwithstanding any other provisions of this chapter other than
28 AS 42.05.695, any electric or telephone utility that does not gross \$50,000 annually is
29 exempt from regulation under this chapter unless the subscribers petition the
30 commission for regulation under AS 42.05.712(h).

31 * Sec. 6. AS 42.05.711(f) is amended to read:

1 (f) Notwithstanding any other provisions of this chapter, an electric or
2 telephone utility that does not gross \$500,000 annually may elect to be exempt from
3 the provisions of this chapter other than AS 42.05.221 - 42.05.281 and 42.05.695
4 under the procedure described in AS 42.05.712.

5 * Sec. 7. AS 42.05.711(h) is amended to read:

6 (h) A cooperative organized under AS 10.25 may elect to be exempt from the
7 provisions of this chapter, other than AS 42.05.221 - 42.05.281 and 42.05.695, under
8 the procedure described in AS 42.05.712.

HOUSE BILL NO. 28
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAMRAS

Introduced: 1/16/07
Referred: Labor and Commerce, Finance

A BILL
FOR AN ACT ENTITLED

1 **"An Act requiring retail suppliers of electricity to disclose sources of electricity to**
2 **consumers."**

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

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **FINDINGS AND PURPOSE.** (a) The legislature finds that there is a need for reliable,
7 accurate, and timely information regarding fuel sources for electric generation offered for
8 retail sale in the state.

9 (b) The purpose of this Act is to establish a program under which entities offering
10 electrical services in the state disclose reliable, accurate, and easily understandable
11 information on the sources of energy that are used to provide electrical services.

12 *** Sec. 2.** AS 42.05.254(i)(2) is amended to read:

13 (2) "exempt utility" means a public utility that is certificated by the
14 commission under AS 42.05.221 - 42.05.281 but, in accordance with AS 42.05.711, is

The CS deletes this

1 exempt from other regulatory requirements of this chapter, except for the
2 requirements in AS 42.05.695;

3 * Sec. 3. AS 42.05 is amended by adding a new section to read:

4 Sec. 42.05.695. **Electrical generation sources disclosure.** (a) A retail supplier
5 that makes an offering to sell electricity that is consumed in the state shall annually
6 disclose the sources of the electricity to potential end-use consumers. The time and
7 manner for disclosure by retail suppliers shall be established by regulation by the
8 Regulatory Commission of Alaska.

9 (b) The cost of making the disclosures required by this section shall be
10 considered to be generation-related.

11 * Sec. 4. AS 42.05.711(b) is amended to read:

12 (b) Except as otherwise provided in this subsection and in (o) of this section,
13 public utilities owned and operated by a political subdivision of the state, or electric
14 operating entities established as the instrumentality of two or more public utilities
15 owned and operated by political subdivisions of the state, are exempt from this
16 chapter, other than AS 42.05.221 - 42.05.281, 42.05.385, and 42.05.695 [AND
17 42.05.385]. However,

18 (1) the governing body of a political subdivision may elect to be
19 subject to this chapter; and

20 (2) a utility or electric operating entity that is owned and operated by a
21 political subdivision and that directly competes with another utility or electric
22 operating entity is subject to this chapter and any other utility or electric operating
23 entity owned and operated by the political subdivision is also subject to this chapter;
24 this paragraph does not apply to a utility or electric operating entity owned and
25 operated by a political subdivision that competes with a telecommunications utility.

26 * Sec. 5. AS 42.05.711(e) is amended to read:

27 (e) Notwithstanding any other provisions of this chapter other than
28 AS 42.05.695, any electric or telephone utility that does not gross \$50,000 annually is
29 exempt from regulation under this chapter unless the subscribers petition the
30 commission for regulation under AS 42.05.712(h).

31 * Sec. 6. AS 42.05.711(f) is amended to read:

1 (f) Notwithstanding any other provisions of this chapter, an electric or
2 telephone utility that does not gross \$500,000 annually may elect to be exempt from
3 the provisions of this chapter other than AS 42.05.221 - 42.05.281 and 42.05.695
4 under the procedure described in AS 42.05.712.

5 * Sec. 7. AS 42.05.711(h) is amended to read:

6 (h) A cooperative organized under AS 10.25 may elect to be exempt from the
7 provisions of this chapter, other than AS 42.05.221 - 42.05.281 and 42.05.695, under
8 the procedure described in AS 42.05.712.

Alaska State Legislature

Session:

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Representative Jay Ramras House District 10

Chair, House Judiciary Committee • Member, House Labor & Commerce Committee • Member, House Oil & Gas Committee • Member, House Military & Veteran Affairs Committee

Sponsor Statement

HB 28

Power Source Disclosure

02/15/07

There is a need for more public awareness of fuels used by electric service companies to generate the electricity they sell to Alaskan consumers.

Many of Alaska's electricity providers are using innovative alternative methods for generating electricity or buying power from companies that do. If Alaskans become more aware of this they could in turn become more aware of the need to conserve our decreasing supply of traditional fuels.

HB 28 requires all retail suppliers of electricity in Alaska to annually disclose their fuel sources to all their consumers, thus raising awareness of how power is generated and the existence of alternatives to fossil fuels. The simple once-a-year report will also help explain increases in cost per kw/hr and help answer consumers' questions.

Alaska State Legislature

Session:

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Toll Free: (877) 465-3004

Representative Jay Ramras House District 10

Chair, House Judiciary Committee • Member, House Labor & Commerce Committee • Member, House Oil & Gas Committee • Member, House Military & Veteran Affairs Committee

Sectional Analysis

HB 28

Power Source Disclosure

02/15/07

Section 1 states that the legislature finds a need for more public awareness of fuels used by electric service companies in generating the electricity they sell to consumers.

Section 2 amends current law to include provisions of HB 28 in the definition of "exempt" utilities. Thus all non-economically regulated utilities will be required to reveal the fuels they use for generating electricity.

Section 3 adds a new section, AS 42.05.269, requiring all retail suppliers of electricity in Alaska to annually disclose their fuel sources for generating electricity.

Section 4 amends current law to include public utilities owned and operated by political subdivisions of the state in provisions of HB 28.

Section 5 amends current law to include utilities grossing less than \$50,000 in the requirement to report fuel sources.

Section 6 amends current law to include utilities grossing less than \$500,000 in the requirement to report fuel sources.

Section 7 amends current law such that utilities choosing to be exempt from other provisions of AS 42.05 are still required to report fuel sources.



Welcome to the **California Energy Commission**

WWW.ENERGY.CA.GOV / SB1305

POWER SOURCE DISCLOSURE Senate Bill 1305

General Information

[Commission Homepage](#)

Power Source Disclosure

DOCUMENTS

[Forms](#)

[Final Regulations](#)

[Notices](#)

[Docket Log](#)
00-SB-1305

CONSUMER INFO

[Power Content Label](#)

[Your Electricity Bill](#)

[Consumer Energy Center](#)

RETAILER INFO

[SB 1305 Forms](#)

[Retailer Disclosure](#)

[Label Calculator](#)

[Q & A about Program](#)

[Net System Power](#)
(PDF file, 10 pgs, 132 kb)

[Retail Provider Numbers](#)

[2003 Retail Provider Labels](#) (Appendix A)

GENERATORS INFO

[Generation Report](#)

[Certificate Program](#)

Renewable Energy Program

[Main Program Page](#)

[Program Publications and Reports](#)

[Emerging Renewables Program](#)

REBATES

(Rebates for solar, wind, and fuel)

A Program of the California Energy Commission

Senate Bill 1305 (Sher - Statutes of 1997) requires retail suppliers of electricity to disclose to consumers "accurate, reliable and simple to understand information on the sources of energy that are (being) used...." (Public Utilities Code Section 398.1(b)) The law basically requires that these suppliers tell consumers about what type of resource is used to generate the electricity being used. The suppliers are required to use a format developed by the California Energy Commission called the Power Content Label.

SB 1305 also requires electricity generators that report meter data to a system operator to report generation, fuel type and fuel consumption data to system operators on a quarterly basis. Generators that do not report information to system operators but whose electricity is being claimed as a specific purchase report this data directly to the Energy Commission. System operators must then make the generation and fuel source information available to the Energy Commission for the dual purposes of verifying information disclosed to consumers and calculating net system power.

This page links electricity consumers, retailers and generators to information and the forms needed under this program. Also see our [Program Details & Background](#).

For more information about this program contact:

California Energy Commission
Jason J. Orta, Program Manager
1516 Ninth Street, MS-45
Sacramento, CA 95814
Phone: 916-653-5851
FAX: 916-653-8251
E-mail: jorta@energy.state.ca.us

ANNOUNCEMENTS

**Reconciliation of
Retailer Claims,
2005
Commission Report**
(PDF file, 20 pages, 120 kb)
**Notice of Availability
Of Report**

2006 POWER CONTENT LABEL

The Los Angeles Department of Water and Power (LADWP) is providing the following information as required by the California Energy Commission so that consumers can see at a glance the fuel sources and technologies used to create the electricity products they are offered. The Power Content Label assists consumers in making informed decisions by providing a uniform way for all electric service providers to deliver clear and accessible information on their existing and new electricity products.

Los Angeles  Department of Water & Power

1-800-DIAL-DWP (342-5397) or www.ladwp.com

Annual Report of Actual Electricity Purchases for LADWP Calendar Year 2005

2006 POWER CONTENT LABEL

ENERGY RESOURCES	LADWP Power		LADWP Green Power		LADWP Green Power		2005 CA POWER MIX (for comparison)
	ACTUAL MIX	PROJECTED MIX	ACTUAL MIX	PROJECTED MIX	ACTUAL MIX	PROJECTED MIX	
Eligible Renewable	6%	5%	100%	100%	100%	100%	5%
- Biomass & waste	1%	1%	<1%	<1%	<1%	<1%	<1%
- Geothermal	<1%	<1%	<1%	<1%	<1%	<1%	4%
- Small hydroelectric	3%	3%	13%	13%	<1%	<1%	1%
- Solar	<1%	<1%	<1%	<1%	<1%	<1%	<1%
- Wind	<1%	1%	87%	100%	100%	100%	<1%
Coal	51%	53%	-	-	-	-	38%
Large Hydroelectric	5%	6%	-	-	-	-	24%
Natural Gas	29%	26%	-	-	-	-	33%
Nuclear	9%	10%	-	-	-	-	0%
Other	<1%	<1%	-	-	-	-	0%
TOTAL	100%	100%	100%	100%	100%	100%	100%

* 99% of LADWP Power is specifically purchased from individual suppliers.

** 100% of LADWP Green Power is specifically purchased from individual suppliers.

*** Percentages are estimated annually by the California Energy Commission based on the electricity sold in California consumers during the previous year.

15 million (hex 6096)

... In accordance with Los Angeles City Council's action on 10-5-04 for File No. 03-2688 (NS).

For specific information about this electricity product, contact LADWP at 1-800-DIAL-DWP. For general information about the Power Content Label, contact the California Energy Commission at 1-800-555-7194 or www.energy.ca.gov/consumer.

"Power Content Label" from Los Angeles Dept of Water & Power

HB

34

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 34
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Sales of wine by a winery licensee RDU Statewide Support
 Component ABC Board
 Sponsor Representative Ledoux
 Requester House Labor & Commerce Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact on the Department of Public Safety.

Prepared by: Douglas B. Griffin Phone 269-0351
 Division Alcoholic Beverage Control Board Date/Time 1/26/07 10:11 AM
 Approved by: Commissioner Walt Monegan Date 1/26/2007
 Agency Department of Public Safety

ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-2487
Fax (907) 465-4956

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-8872
Fax (907) 486-5264

Representative Gabrielle LeDoux

Sponsor Statement for House Bill No. 34 "An Act relating to sales of wine by a winery licensee."

Wine production in Alaska has only begun to develop. Wineries in Alaska are "mom and pop" businesses. Under current state law, none of these wineries can sell or ship a bottle of wine to a customer within the state unless the customer is on the premises. Currently, out-of-state wineries can ship their product into the state of Alaska. This bill evens the playing field for small wineries in Alaska by enabling them to participate in direct sales to a niche market.

This bill will allow the holder of a winery license to ship less than five gallons of wine to an individual provided that the shipping address is not located in an area that has not prohibited or limited the importation or possession of alcoholic beverages. According to the Alaska Department of Revenue, in FY 2005 there were six wineries that produced approximately 1,900 gallons of wine and contributed approximately \$4,750 in taxes.

Alaskan wine is a value-added premium product, which is well suited to internet and phone sales. The intent is for small, local winery operations to take advantage of a very specialized market.

HB

35

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB035-COM-OL-02-28-07
 Bill Version: HB 35
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title Extend Board of Midwives
 Sponsor Kawasaki, Wilson
 Requester House Labor & Commerce

Dept. Affected: Commerce
 RDU Corp, Bus & Prof Licensing (117)
 Component Corp, Bus & Prof Licensing
 Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services		12.9	12.9	12.9	12.9	12.9
Travel		2.4	2.4	2.4	2.4	2.4
Contractual		4.9	4.9	4.9	4.9	4.9
Supplies		0.0	0.0	0.0	0.0	0.0
Equipment		0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	20.2	20.2	20.2	20.2	20.2

CAPITAL EXPENDITURES

--	--	--	--	--	--	--

CHANGE IN REVENUES ()

--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156-Receipt Supported Services		20.2	20.2	20.2	20.2	20.2
TOTAL	0.0	20.2	20.2	20.2	20.2	20.2

Estimate of any current year (FY2007) cost: 20.2
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation extends the Board of Certified Direct-Entry Midwives to June 30, 2015. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. FY 2008 funding is included in the Operating Budget request. The costs shown for subsequent fiscal years reflect the direct costs included in the FY 2008 budget.

The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs. New funds are not required to implement this bill.

Prepared by: Chris Wyatt, Administrative Manager
 Division: Corporations, Business, and Professional Licensing
 Approved by: Emil Notti, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone (907) 465-2572
 Date/Time 2/28/07 9:30 AM
 Date 2/28/2007



Representative Scott Jiu Wo Kawasaki

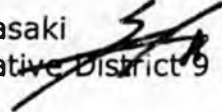
Alaska State Legislature

District 9 Fairbanks

MEMORANDUM

Date: February 14, 2007

To: Representative Kurt Olson, Chair
Labor & Commerce Committee

From: Scott Kawasaki 
Representative District 9

RE: House Bill 35

I respectfully request that you schedule a hearing in the House Labor and Commerce Committee for HB 35, an act relating extending the termination date for Board of Certified Direct-Entry Midwives.

A copy of the bill, a sponsor statement, Legislative Audit Report #08-20044-06 and additional material are attached.

There will be several people from Fairbanks, Anchorage, and the Mat-Su Valley who wish to testify via teleconference. Several people from Juneau will be in the audience to testify.

If you have any questions or need additional information, please call Brodie Anderson at 465-3466.



Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

House Bill 35 Sponsor Statement

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

House Bill 35 extends the sunset date of the Board of Certified Direct-Entry Midwives until June 30, 2015, in accordance with the recommendations of the Legislative Auditor.

The purpose of the board is to protect the health and safety of the public by identifying individuals who are willing to pursue training and meet the qualifications necessary to become a licensed midwife. The board is composed of five members: two certified direct-entry midwives, one certified nurse midwife, one physician licensed by the Alaska State Medical Board, and one public member. Board members are appointed by the Governor to serve four year terms.

The Board examines applicants and issue certificates to qualified applicants, adopts regulations establishing certification and renewal requirements, and issues permits to apprentice midwives. It makes decisions and takes disciplinary action against people who violate the licensing laws. It maintains all educational records; approve curricula, training, and programs for direct entry midwives and apprentices.

The Board has worked proactively to ensure that public safety has been maintained while improving the profession of Midwives. The Board successfully incorporated Certified Professional Midwife standards into Alaska's Certified Direct-Entry Midwives licensing program. The Board continued to work to create and revise regulations that ensure proper training and increase educational requirements. The Board monitors and reviews all applicants desiring to become an Alaskan Midwife.

The legislative auditor has concluded the Board of Certified Direct-Entry Midwives meets the statutory requirements of public need and is in compliance with AS 08.01.065(c), which requires occupational licensing fees to cover the regulatory costs of that occupation.

Accordingly, Alaska's business and professional communities will be well served by your support of this reauthorization.

In Juneau ◦ State Capitol Juneau, Alaska 99801

In Fairbanks ◦ 1292 Sadler Way Fairbanks, Alaska 99701

Juneau ◦ (907) 465-3466 ◦ Fax (907) 465-2937 ◦ **Fairbanks** ◦ (907) 456-7423 ◦ Fax (907) 451-9293

Email: Representative_Scott_Kawasaki@legis.state.ak.us

Boards & Commissions

State of Alaska > Governor > Boards and Commissions

Midwives

Board: Board of Certified Direct-Entry Midwives

Board identification number: 172

Department: DEPARTMENT OF COMMERCE COMMUNITY AND ECONOMIC DEV

Authority: AS 08.65.010

Status: Active

Sunset date: 6/30/2007

Requirements: Legislative Confirmation

Prohibitions: A member may serve no more than two complete consecutive terms on the board (AS 08.65.010 (d)).

Term: 4 years

Description: 5 members appointed by the Governor: 2 certified direct-entry midwives; 1 physician (licensed by the State Medical Board) who has an obstetrical practice or has specialized training in obstetrics; 1 certified nurse midwife (licensed by the Board of Nursing); 1 public member.

Function: Regulates the policies and procedures for the practice of direct-entry midwifery in Alaska; controls applications, licenses, and appeals in the direct-entry midwifery profession.

Chair: Board selects.

Special facts: Members serves at the pleasure of the Governor. Board elects chair and secretary from among members to terms of 1 year. Members serve until a successor is appointed and qualified. A member who has served all or part of two successive terms on a board may not be reappointed to that board unless four years have elapsed since the person has last served on the board (AS 08.01.035).

Compensation: Standard Travel and Per Diem.

Meetings: Shall meet twice a year. Other mtgs as called by chair or as requested by 2 members.

For further information contact:

Mr. Steve Snyder

Corporations, Business, and Professional Licensing

DCED, P.O. Box 110806 M/S 0806

Juneau, AK 99811-0806

Phone: (907) 465-2580, FAX: (907) 465-2974

State of Alaska

Office of Boards and Commissions Roster

MIDWIVES (172)

Member	Date Appointed	Reappointed	Term Expires
Dana L. Brown, CDM, CPM Certified Direct-Entry Midwife Alaska Family Health & Birth Clinic 728 Gaffney Street, Suite 100 Fairbanks, AK 99701-4610	1/19/2000	4/30/2004	3/1/2008
Mila (Melinda) A. Cosgrove Public Department of Administration 1003 B Street Juneau, AK 99801	11/20/2002	2/24/2006	3/1/2010
Barbara Norton Certified Nurse Midwife Geneva Woods Birth Center 373 Rhone Circle, Suite 101 Anchorage, AK 99508	6/3/2005		3/1/2009
Mark E. Richey, M.D. Physician/OB practice 1200 Airport Heights, Suite 205 Anchorage, AK 99508-2969	2/20/1997	8/25/2003	3/1/2007
Holly M. Steiner, R.N., C.D.M. Certified Direct-Entry Midwife 2201 Porcupine Trail Wasilla, AK 99654	6/3/2005		3/1/2008

[Return to the fact sheet](#)

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 9811-3300
(907) 465-3830
FAX (907) 465-2347
lcaudit@legis.state.ak.us

September 15, 2006

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT
BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES
September 11, 2006

Audit Control Number

08-20044-06

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, or program subject to the sunset review process. Currently under AS 08.03.010(c)(8), the Board of Certified Direct-Entry Midwives is scheduled to terminate on June 30, 2007. The board would be allowed one year in which to conclude its administrative operations.

In our opinion, the termination date for the Board of Certified Direct-Entry Midwives should be extended. We recommend that the legislature extend the termination date of the board to June 30, 2015.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing report conclusion and the analysis presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in black ink that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Certified Direct-Entry Midwives (board). Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(8) requires the board to terminate on June 30, 2007. If the legislature takes no action to extend the termination date, the board will have one year from that date to conclude its operations.

Objectives

Central, interrelated objectives of our report are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public interest.
3. To determine if the board has exercised appropriate regulatory oversight of licensed midwives and apprentice midwives.

The assessment of the operations and performance of the board was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the board.

Scope and Methodology

Under the direction and supervision of the Division of Legislative Audit, another auditor conducted the majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

The major areas of our review were board proceedings, licensing, and complaint investigation and resolution functions for fiscal years ending June 30, 2003, 2004, 2005, and 2006. During the course of our examination we reviewed and evaluated the following:

- Applicable statutes and regulations.
- Compliance with statutes and regulation related to the licensing of midwives and apprentice midwives. Our evaluation addressed consideration of applications, testing of candidates, and continuing education necessary for an individual to maintain their license in good standing.

- Minutes of board meetings, budget documents, and annual reports related to, or issued by, the board.
- Files related to applicants for, and holders of, licenses issued by the board.
- Complaints filed with the Department of Commerce, Community, and Economic Development, Division of Corporations, Professional and Business Licensing (division).
- Interviews with employees of the division.
- Reading and correspondence files maintained with the division.

ORGANIZATION AND FUNCTION

The Board of Certified Direct-Entry Midwives (board) was established in 1992. The purpose of the board is to protect the health and safety of the public by identifying individuals who are willing to pursue technical training and meet specified technical qualifications necessary for licensure as midwives.

The board establishes educational, experience, and continuing education requirements for licensed midwives. These requirements are intended to provide assurance that licensed individuals provide a minimum standard of care. State law does allow for midwife services to be provided by unlicensed individuals. As stated in AS 08.65.150, the differentiation is that those not certified under state law "may not practice midwifery for compensation."

The current board is composed of five members: two certified direct-entry midwives, one certified nurse midwife, one physician licensed by the Alaska State Medical Board who has an obstetrical practice or has specialized training in obstetrics, and one public member.

Board members are appointed by the governor to serve four-year terms. The board is responsible for appointing a chair and secretary from among its members. Alaska Statute requires that the public member of the board have no direct financial interest nor be engaged in the occupation the board regulates (midwifery).

**Board of Certified
Direct-Entry Midwives**
(As of June 30, 2006)

Dana L. Brown, CDM, CPM, Chair

Barbara Norton, Certified Nurse Midwife

Mark E. Richey, MD

Holly M. Steiner, R.N., CDM

Mila (Melinda) A. Cosgrove
Public Member

Board Duties and Powers

Alaska Statute 08.65.030 establishes the powers of the board. They include:

1. Examine applicants and issue certificates to qualified applicants.
2. Adopt regulations establishing certification and certificate renewal requirements.
3. Issue permits to apprentice direct-entry midwives.

4. Hold hearings and order the disciplinary sanction of a person who violates statutes or regulations governing direct-entry midwives.
5. Supply forms for applications, licenses, permits, certificates, and other papers and records.
6. Enforce statutes relating to midwifery and adopt regulations necessary to carry out statutory provisions.
7. Approve curricula and adopt standards for basic education, training, and apprentice programs.
8. Provide for surveys of the basic direct-entry midwife education programs in the state at the times it considers necessary.
9. Approve education, training, and apprentice programs that meet the requirements of this chapter and of the board, and deny, revoke, or suspend approval of such programs for failure to meet the requirements.

Department of Commerce, Community, and Economic Development (DCCED), Division of Corporations, Business and Professional Licensing (division)

The division provides administrative and investigative assistance to the board. Administrative assistance includes budgetary services and functions such as collecting fees, maintaining files, receiving and issuing application forms, and publishing notices of examinations and meetings.

Alaska Statute 08.01.065 mandates that DCCED adopt regulations to establish the amount and manner of payment of fees for applications, examinations, licenses, registration, permits, investigations, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the division with the authority to conduct an investigation on its own initiative or in response to a complaint.

REPORT CONCLUSIONS

In our opinion, the Board of Certified Direct-Entry Midwives (board) is operating in the public's best interest and should continue to regulate midwives. The board is safeguarding public interest by promoting the competence and integrity of those who hold themselves out to the public as qualified and competent direct-entry midwives.

The board serves a public purpose and has demonstrated an ability to conduct its business in a satisfactory manner. The board continues to propose regulation changes that will improve its effectiveness and ensure that midwives and apprentice midwives are licensed in the State of Alaska.

Alaska Statute 08.03.010(c)(8) requires that the Board of Certified Direct-Entry Midwives be terminated on June 30, 2007. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs. We recommend that the legislature extend the board's termination date until June 30, 2015.

A ANALYSIS OF PUBLIC NEED D

The following analyses of Board of Certified Direct-Entry Midwives (board) activities relate to the public-need factors defined in the sunset review law at AS 44.66.050(c). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commission, or program has operated in the public interest.

The board, through its administration of the licensure of midwives and apprentice direct-entry midwives, has endeavored to present competent professionals to the public. To promote continued competence, all licensees must provide proof of continuing education for license renewal and are subject to a full continuing education audit.

The board has issued licenses in a uniform manner, held required meetings, and administered examinations in accordance with statutory requirements.

The board adopted or revised regulations regarding professional licensure and educational requirements. Applicants must show that they have completed the required Midwifery Education Accreditation Council courses of study in midwifery and pharmacology, and have completed their required supervised clinical experience. The board also accepts Midwives Association of Alaska courses and other curricula reviewed by the board. Applicants for certification by examination must pass an examination given by the North American Registry of Midwives, an independent examiner. Applicants for certification by credentials must prove that they were previously licensed in another state and all current required courses of study are up-to-date. All applications are thoroughly reviewed by the board at each meeting.

Throughout the audit period, the board worked to develop regulations that would benefit the public. A self-study course related to state regulations was developed for CPE hours. The board successfully incorporated Certified Professional Midwife standards into Alaska's Certified Direct-Entry Midwives licensing program.

Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

During the period under review, the board supported passage of Chapter 118, SLA 2004, revised by Chapter 57, SLA 2005 which requires the licensure of midwifery birth centers in a more standardized manner.

During the period under review, the board implemented regulatory changes to benefit the public interest. These changes included:

- Requirement that the applicant hold a current certification in Basic Life Support for Health Care Providers and Neonatal Resuscitation (12 AAC 14.110(b)(5)).
- Including regulations requiring certification in the use of intravenous (IV) therapy for the administration of allowable medicines and IV Therapy for Group B Streptococci;¹ two new developments in the profession (12 AAC 14.110(b)(5)).

Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.

General licensing statutes require that the Department of Commerce, Community, and Economic Development adopt regulations that establish the amount of fees to be charged to licensees of an occupation. The department must adopt fees that provide for financial self-sufficiency. Additionally, the department must perform an annual review to determine whether the financial self-sufficiency requirement has been met.

A significant issue for this board has been the amount of licensing fees charged to license holders. Currently, Certified Direct-Entry Midwives pay a biennial licensing fee of \$2,088. This amount is an increase from \$1,350 paid in the previous two-year licensing period. These fees are set by the Division of Corporations, Business, and Professional Licensing. The general licensing statutes at AS 08.01.065(c) require *“that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation.”*

The board sets fees based on a two-year cycle, with the majority of the revenue collected in odd-numbered fiscal years. Based upon the financial data presented in Exhibit 1 on the next page licensing fees appear appropriately set at this time.

From Exhibit 1, it is evident contractual expenditures were high in both FY 03 and FY 04. This was the result of legal fees related to a license revocation case. Fiscal prudence by the board is demonstrated by the decrease in personal services and travel expenditures over the four year period. During the same time revenues rose slightly as a result of increased license fees in response to the litigation charges incurred in FY 03 and FY 04. The board had licensing fees set sufficient to cover their annual operating costs; however, the financial impact of litigation charges continue for multiple periods as seen in Exhibit 1.

¹ Group B streptococcus (group B strep) is a type of bacteria that causes illness in newborn babies, pregnant women, the elderly, and adults with certain illnesses. Group B strep is the most common cause of life-threatening infections in newborns.

Exhibit 1

Board of Certified Direct-Entry Midwives Schedule of License Revenues and Board Expenditures FY03 – FY 06 (Unaudited)				
	FY 06	FY 05	FY 04	FY 03
Revenue	\$ 8,271	\$ 51,087	\$ 15,055	\$33,120
Direct Expenses				
Personal Services	12,105	12,099	18,958	19,750
Travel	1,767	2,960	2,951	7,825
Contractual	3,923	2,302	28,537	18,224
Supplies	71	0	47	109
Equipment	0	0	0	0
	<u>17,866</u>	<u>17,361</u>	<u>50,493</u>	<u>45,908</u>
Indirect Expense	<u>1,800</u>	<u>1,700</u>	<u>1,400</u>	<u>1,300</u>
Total Expenses	<u>\$ 19,666</u>	<u>\$ 19,161</u>	<u>\$ 51,893</u>	<u>\$47,208</u>
Annual Surplus (Deficit)	<u>(11,395)</u>	<u>32,026</u>	<u>(36,838)</u>	<u>(14,088)</u>
Beginning Cumulative Surplus (Deficit)	<u>(13,000)</u>	<u>(45,026)</u>	<u>(8,188)</u>	<u>5,900</u>
Ending Cumulative Surplus (Deficit)	<u><u>\$(24,395)</u></u>	<u><u>\$(13,000)</u></u>	<u><u>\$(45,026)</u></u>	<u><u>\$(8,188)</u></u>

The Board of Certified Direct-Entry Midwives has discussed with the Division of Corporations, Business and Professional Licensing a proposal to set up a fund to cover legal costs for all professional organizations. Such a fund would be supported by an annual fee from each licensee. The board feels that this would help alleviate the financial burden of investigative and legal costs for smaller occupational boards. At this time, no such fund has been created.

Looking prospectively, the board will likely eliminate the cumulative deficit if annual expenditures, licensing fees, and the number of licensees remain relatively constant over the next biennial licensing period. Given this scenario, the Division of Corporations, Business and Professional Licensing should maintain the current license fee for the next licensing period. Following that period, the division should reevaluate the need for a fee change to ensure occupational fees are set to avoid an operational surplus or deficit.

Determine the extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.

The locations, dates, and times of upcoming board meetings and proposed changes in regulations were published in the *Anchorage Daily News*, as well as posted on the board's website. Adequate time was provided for interested individuals to plan to attend or to submit written comment for review.

Determine the extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

Public notices of proposed regulations are published in the *Anchorage Daily News* and the Alaska Online Public Notice System. The board meeting minutes show that unlimited time was allotted for the scheduled public comment period. All proposed regulation changes are subject to the public participation process.

Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.

For the period July 2002 through June 2006, the division opened nine investigative cases related to six different individuals licensed by the Board of Certified Direct-Entry Midwives.

The types of complaints filed included:

- Incompetence (5)
- Negligence (2)
- Unlicensed practice (1)
- Other (1)

Approximately 67% of the cases were filed by a Peer Review Committee member, the remaining were filed by another government agency (22%) and patients (11%).

Seven, or 78%, of the cases closed in a reasonable period of time. Only one case (11%) remained open for a period greater than 120 days. That case complaint related to an unlicensed practice; the case was closed due to insufficient evidence. We found it reasonable that one case remained open at June 30, 2006 given that the case opened less than two months prior to that date.

We have reviewed the nature and extent of the complaints filed involving midwives. The division, in conjunction with the board, took appropriate investigative action, prioritized

complaints in a reasonable manner, and proceeded in a manner consistent with the potential threat the complaints posed to the public welfare.

No complaints or investigations specifically involving the actions and activities of the Board of Certified Direct-Entry Midwives were received, or undertaken by, either the Office of the Ombudsman or the Office of Victims' Rights within the past four fiscal years.

Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.

The application process for licensing appears reasonable and appropriate. The licensing process is neither unduly restrictive nor too lax. Continuing education is required and adequately monitored by the board to promote a high level of quality performance and to help ensure the integrity of the profession.

Each applicant is required to satisfy the requirements for licensing. Board meeting minutes reflect that the board considers each application and verifies the licensing requirements are satisfied prior to issuing a license.

Exhibit 2

New Licenses and Permits Issued (exclusive of renewals)	FY 03	FY 04	FY 05	FY 06	Current Licenses (as of June 30, 2006)
Midwives	2	6	4	2	28
Apprentices	4	0	5	3	8
Total licensees at end of year	31	35	32	36	

Exhibit 2 is a summary of new licenses and permits issued by the board for FY 03 through FY 06.

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action, in qualifying applicants.

Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Since inception of the board in 1992, biennial licensing fees for this occupation have ranged from an initial fee of \$350 to the current fee of \$2,088. During this audit review period, the licensing fees increased 55% from \$1,350 to \$2,088 and are not expected to decrease for the

next licensing period.

Currently, the licensing fees established for this board are the highest of any other licensed profession.² The fees are high because of the limited number of licensed midwives and unpredictable legal and investigative costs.

High licensing fees may, to some individuals, represent a barrier of entry into a profession. In the case of direct-entry midwives, Exhibit 2 shows that the licensing fees have not stopped the growth in the number of individuals being licensed as midwives or entering into the apprenticeship program. However, as long as the fees remain high the board should monitor for any substantial negative impact the fees have on the number of direct-entry midwives practicing in Alaska.

Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.

Broad objectives identified by the board included:

- Proposing regulation changes.
- Clarify the current rules and regulations to benefit the public.
- Increase professional and public awareness of direct-entry midwifery.
- Approve additional avenues for study to gain licensure.
- Approve new curriculums for continuing education.
- Work towards lowering license fees.

It appears that the board has effectively and efficiently obtained its objectives and purposes. In proposing regulatory changes, the board has worked to ensure the objective of the regulation is clearly defined. They have provided for consistent language throughout the Certified Direct-Entry Midwives regulations and have updated the regulations and statutes to reflect new changes in the professional environment. Evidence suggests the board establishes and meets its operational objectives annually.

Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

The board does not duplicate any activities of other government agencies or private sector organizations. The board is solely responsible for drafting regulations to carry out the laws governing the practice of direct-entry midwifery. The board makes final licensing decisions and takes disciplinary action against people who violate the licensing laws. The board, along with the licensing examiner from the Division of Corporations, Business and Professional

² For the biennial licensing period January 2005 through December 2006.

Licensing, are responsible for overseeing all the regulations, codes of conduct, continuing education requirements, and investigating complaints related to the midwifery profession.