

**MINUTES**  
**SENATE FINANCE COMMITTEE**  
**May 03, 2002**  
**4:23 PM**

**TAPES**

SFC-02 # 87, Side A

**CALL TO ORDER**

Co-Chair Pete Kelly convened the meeting at approximately 4:23 PM.

**PRESENT**

Senator Dave Donley, Co-Chair  
Senator Pete Kelly, Co-Chair  
Senator Jerry Ward, Vice Chair  
Senator Loren Lemam  
Senator Lyda Green  
Senator Alan Austerman  
Senator Lyman Hoffman

**Also Attending:** ANNE CARPENETI, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law

**Attending via Teleconference:**

There were no teleconference participants.

**SUMMARY INFORMATION**

HB 4-MOTOR VEHICLES & DRUNK DRIVING

The Committee heard from the Department of Law, adopted a committee substitute, and reported the bill from Committee.

#hb4

SENATE CS FOR CS FOR HOUSE BILL NO. 4(JUD)

"An Act relating to motor vehicles and to operating a motor vehicle, aircraft, or watercraft; and providing for an effective date."

This was the fifth hearing for this bill in the Senate Finance Committee.

Co-Chair Kelly informed the Committee that although Amendment #18 was adopted during the April 25, 2002 meeting, it has been removed from the proposed committee substitute Version "N" currently before the Committee as the amendment created "some problems."

ANNE CARPENETI, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law, stated Amendment #18 would create an ambiguity in State law. She explained that the addition of subsection (s) to Section 33 of the bill would "inadvertently eliminate" felony Driving While Intoxicated (DWI) charges based on blood or breath alcohol content because the convictions specified in subsection (s) are not included in the felony conviction provisions in subsection (n) of the bill. She elaborated that this amendment would change the third offense of driving with a 0.04 percent or more by weight of alcohol in the person's blood to a misdemeanor instead of a felony, as intended. She exemplified that a person apprehended for driving with a 0.20 alcohol content could only be charged with a felony offense through subsection (a) as specified in State Statute AS.28.35.030. She continued that a court would find for the defendant in a case of ambiguity interpretation.

Co-Chair Donley moved for adoption "of the 'N' version of House Bill 4" as a working draft.

There being no objections, SCS CS HB 4, 22-LS0046\N was ADOPTED as a working draft.

Co-Chair Donley offered a motion to report "the Senate CS for CS for House Bill 4, the 'N' version, the new Finance Committee substitute, from Committee with individual recommendations" and forthcoming fiscal notes.

Co-Chair Kelly clarified the motion as a motion to "move House Bill 4, Finance, with individual recommendations and forthcoming fiscal notes with the exception of the Department of Law." He stated the Department of Law fiscal note "would be replaced with a Senate Finance note dated May 3, 2002."

Co-Chair Donley stated, "so moved."

There being no objections, SCS for CS for HB 4 (FIN), 22-LS0046\N was MOVED from Committee with new fiscal notes from the Department of Law dated 5/03/02 for \$138,000; Division of Motor Vehicles, Department of Administration dated 5/07/02 for \$59,400; the Legal

Division, Department of Administration dated 5/06/02 for \$135,600; the Department of Public Safety dated 5/07/02 for \$105,500; the Department of Corrections dated 5/06/02 for \$100,000; and new zero fiscal notes from the Department of Health and Social Services dated 4/02/02 and the Court System dated 4/15/02.

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**ADJOURNMENT**

Co-Chair Pete Kelly adjourned the meeting at 04:29 PM