

COMMITTEE REPORT
SENATE

FURTHER:

4/19/85

Date 5/1/85

Mr. President

The Committee on FINANCE considered SB 20

implied consent to preliminary breath test by aircraft and watercraft.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 20 (Hoss)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
AFN Pub Serf.
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 20 (HESS)
 Title: An Act relating to implied consent to preliminary breath test...
 Sponsor: Sen. Ray
 Requestor: Sen. HESS
 Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2-6-85

Approved by Commissioner: *Michael J. ...* Date: 2-6-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Offered: 4/8/85
Referred: Judiciary

Original sponsors: Ray, Sturgulewski,
Kelly and Faiks

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 20 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 BY THE HEALTH, EDUCATION AND
8 SOCIAL SERVICES COMMITTEE
9 For an Act entitled: "An Act relating to implied consent to preliminary
10 breath test by aircraft and watercraft operators."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 28.35.031(b) is amended to read:
13 (b) A person who operates or drives a motor vehicle in this
14 state or who operates an aircraft or watercraft shall be considered to
15 have given consent to a preliminary breath test for the purpose of
16 determining the alcoholic content of the person's blood or breath. A
17 law enforcement officer may administer a preliminary breath test at
18 the scene of the incident if the officer has reasonable grounds to
19 believe that a person's ability to operate a motor vehicle, aircraft,
20 or watercraft is impaired by the ingestion of alcoholic beverages and
21 that the person
22 (1) was operating or driving a motor vehicle, aircraft, or
23 watercraft that is involved in an accident; or
24 (2) committed a moving traffic violation or unlawfully
25 operated an aircraft or watercraft.
26 * Sec. 2. AS 28.35.031(d) is amended to read:
27 (d) The result of the test under (b) of this section may be used
28 by the law enforcement officer to determine whether the driver or
29 operator should be arrested.
* Sec. 3. AS 28.35.031(f) is amended to read:
(f) If a driver or operator is arrested, the provisions of (a)
of this section apply. The preliminary breath test authorized in this

1 section is in addition to any tests authorized under (a) of this
2 section.

3 * Sec. 4. AS 28.35.031 is amended by adding a new subsection to read:

4 (g) In this section, "unlawfully" means in violation of any
5 federal, state, or municipal statute, regulation, or ordinance.

SECTIONAL ANALYSIS FOR SENATE BILL 20

An Act relating to implied consent to preliminary breath test by aircraft and watercraft operators

Section 1

Under current law, a person that operates or drives a motor vehicle is considered to have given consent to a preliminary breath test for the purpose of determining blood alcohol levels. This bill adds language which would also cover operators of aircraft or watercraft. A law enforcement officer would have reasonable grounds to administer the breath test if a person was:

- 1) operating an aircraft or watercraft that was involved in an accident
- 2) or unlawfully operated an aircraft or watercraft

Section 2

A clarification change which adds the words "or operator" because current law only refers to drivers who should be arrested because of the result of a breath test.

Section 3

Again, the words "or operator" are added for clarification.

Section 4

Defines "unlawfully" which is added in Section 1, as being in violation of any federal, state or municipal statute, regulation or ordinance.

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER _ CSSB 20(Hess)

Support

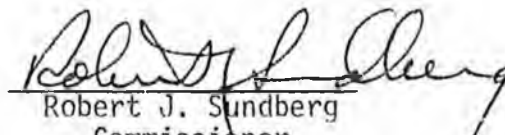
April 17, 1985

CSSB 20(Hess) - "An Act relating to implied consent to preliminary breath test by aircraft and watercraft operators."

The purpose of this legislation is to include aircraft and watercraft operators in the implied consent statute for breath tests.

Passage of this legislation will allow law enforcement officers to administer the preliminary breath test which can provide probable cause to administer an additional test of sufficient validity to stand as court evidence of operating a vehicle, watercraft, or aircraft while intoxicated.

During the past few years numerous instances have taken place where lives have been lost due to watercraft operators and pilots being under the influence of alcohol.


Robert J. Sundberg
Commissioner

Introduced: 1/14/85
Referred: Health, Education and Social
Services, Judiciary and
Finance

BY RAY, STURGULEWSKI,
KELLY AND FAIKS

1 IN THE SENATE

2 SENATE BILL NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to implied consent to preliminary
7 breath test by aircraft and watercraft operators."

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

9 * Section 1. AS 28.35.031(b) is amended to read:

10 (b) A person who operates or drives a motor vehicle in this
11 state or who operates an aircraft or watercraft shall be considered to
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13 determining the alcoholic content of the person's blood or breath. A
14 law enforcement officer may administer a preliminary breath test at
15 the scene of the incident if the officer has reasonable grounds to
16 believe that a person's ability to operate a motor vehicle, aircraft,
17 or watercraft is impaired by the ingestion of alcoholic beverages and
18 that the person

19 (1) was operating or driving a motor vehicle, aircraft, or
20 watercraft that is involved in an accident; or

21 (2) committed a moving traffic violation or unlawfully
22 operated an aircraft or watercraft.

23 * Sec. 2. AS 28.35.031(d) is amended to read:

24 (d) The result of the test under (b) of this section may be used
25 by the law enforcement officer to determine whether the driver or
26 operator should be arrested.

27 * Sec. 3. AS 28.35.031(f) is amended to read:

28 (f) If a driver or operator is arrested, the provisions of (a)
29 of this section apply. The preliminary breath test authorized in this

1. section is in addition to any tests authorized under (a) of this
2. section.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/8/85

Date 4-18-85

Mr. President

The Committee on JUDICIARY considered SB 20
implied consent to preliminary breath test by aircraft and watercraft operators.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB20 (HESS)
- new title
- same title and recommends majority do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Zeigler

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Mark Zeigler

Chairman

Do Pass

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY
FINANCE

1/14/85

Date

4-4-85

Mr. President

The Committee on HESS considered SB 20
relating to implied consent to preliminary breath test by aircraft and
watercraft operators.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for ~~SB 20~~ SB 20 (HESS)
new title
- same title and recommends ~~SB 20~~
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
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MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edm. De Vries
 Joe. Josephson
 Curtis Sturgulinski
 Carl Fricker

Lettie Fabunling
 Chairman
Do Pass
 Chairman recommendation