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499



Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEER STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

February 26, 1990

HAND DELIVERED

Senator Lloyd Jones
Alaska State Legislature
P. O. Box Y
Juneau, AK 99811

Re: SB 499 - An Act relating to appeal of administrative action
against a driver's license.

Dear Senator Jones:


The purpose of SB 499 is to conform the Department of Motor Vehicle driver's license revocation appeal procedure to the procedure followed by other IMV and non-DMV administrative appeals.

The present statute, AS 28.05.141(d), provides that license revocation appeals are to be heard de novo by the district court "in accordance with the applicable Rules of Court governing appeals in civil matters". However, there are no rules governing appeals to district court because there are no other appeals to district court. The statutes defining district court jurisdiction (AS 22.15) do not give the district court appellate jurisdiction. Jurisdiction over appeals from administrative agencies is specifically given to the superior court by AS 22.10.020(d).

This bill would give the superior court appellate jurisdiction over driver's license revocation appeals and these appeals would be on the record rather than de novo. This would both simplify and standardize the administrative appeal process.

Thank you for this opportunity to explain the reason why the court system requested this proposed legislation. I would be happy to answer questions you may have about it.

Sincerely,



Jan Strandberg
Staff Counsel

JS:gb

cc: Senate Transportation Committee members:

Senator Fahrenkamp
Senator Fischer
Senator Pourchot
Senator Coghill

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Alaska Court System
 Title: An Act relating to appeal of administrative action against a driver's license BRU: Trial Courts
 Sponsor: Judiciary Committee Components: _____
 Requestor: Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Jan Strandberg, General Counsel
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/27/90
 Date: 02/27/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)

Fiscal Note

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: February 14, 1990

FURTHER: Judiciary

Date of 5-Day Notice: 2-22-90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-1-90

Transportation Committee considered SB 499

Appeal of administrative action against a driver's license.

and recommended:

replace with _____ CS _____ same title
 attached amendment(s) new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) Court

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]
Paul [Signature]
[Signature]

[Signature]

Chair: Signature and Recommendation



FEB 23 1990

Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEER STRANDBERG
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303 K Street
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(907) 264-8228

February 16, 1990

Senator Lloyd Jones
Chair, Senate Transportation Committee
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Re: SB 499 - An Act regarding appeals of administrative
revocations of driver's licenses

Dear Senator Jones:

The Alaska Court System would appreciate a hearing on this bill at your earliest convenience. The purpose of SB 499 is to bring certain Division of Motor Vehicle appeals into conformity with the regular procedure for administrative agency appeals. The current statute, AS 28.05.141(d), requires driver's license revocation appeals to be filed in the district court and to be heard de novo. There are no court rules that allow appeals to the district court or de novo hearings on appeal. This bill would bring driver's license revocation appeals into conformity with other administrative appeals that are brought in superior court and are based on the record made at the Division of Motor Vehicle hearing.

I would be happy to answer any questions you may have about this bill.

Sincerely,

Jan Strandberg
Staff Counsel

JS:gb