

SCR

2

SENATE FINANCE COMMITTEE REPORT

DATE: 3/9/93

FURTHER:

DATE TURNED INTO OFFICE: 3-29-93

The Finance Committee considered **SENATE CONCURRENT RESOLUTION NO. 2**

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

and recommends:

replace with _____ CS SCR 2 (FINANCE)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts SFC Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
<u>DOT/DF</u>	<u>3-8-93</u>	<u>0</u>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
<u>DPS</u>	<u>3-9-93</u>	<u>0</u>	

Appropriation No Fiscal Note

DO PASS:

Bob Sharp
Alan...
...
Tom Kelly
...

OTHER RECOMMENDATIONS:

1. ...
 Co-Chair: Signature/Recommendation

2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

Revision Date: 03/08/93
Title: Federal-Aid Hy Funding/Drug Enforcement
Sponsor: Transportation
Requestor:

Department Affected: DOT&PF
BRU:

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS **	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692	-19,230,692
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692	-19,230,692

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)


** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 8, 1993

Approved by Commissioner: 
Frank G. Torpin

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 8, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 2
Bill Version: SCR 2
(S) Publish Date: 3-10-93

Revision Date: _____ Dept. Affected: Public Safety
 Title: "Relating to suspension of driver's license for drug offenses" BRU: Motor Vehicles
 Sponsor: Senate Transportation Component: Driver Services
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Motor Vehicles is anticipated.

Prepared By: Juanita Hensley Phone: 465-4361
 Division: Motor Vehicles Date: 3/9/93
 Approved by Commissioner: *[Signature]* Date: 3/9/93
 Agency: Richard L. Burton, Dept. of Public Safety

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Official Business

Alaska State Legislature

SENATE

3-29-93
BS-Adopted
SFC

State Capitol
Juneau, AK 99801-1182

March 26, 1993

LETTER OF INTENT FOR SCR 2

It is the intent of the Alaska State Legislature, in enacting SCR 2, that the State of Alaska continue to vigorously enforce laws prohibiting illegal drug use, while avoiding unnecessary entanglement with the federal government over which method is most effective to prevent illegal drug use. It is also the intent of the Legislature that the State maintain its sovereign right to enact legislation punishing illegal drug use and that the enactment of criminal laws applicable to illegal drug use in the State be reserved to the Legislature.

SHARP

3-29-93
Adopted
8-LS0701N.1 JFC
Ford
3/29/93

.. AMENDMENT

OFFERED IN THE HOUSE
TO: CSHCR 10(HES)

Page 1, line 10:
Delete "31"
Insert "1"

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 29, 1993

SUBJECT: Certification of opposition to federal drug law
(CSHCR 10(HES))

TO: Representative Richard Foster

FROM: Michael F. Ford 
Legislative Counsel

This is in response to your request for information regarding the date by which the state must certify opposition to a federal highway safety provision concerning loss of a driver's license for illegal drug use. Under 23 U.S.C. 159(a), the state will lose federal highway dollars beginning with the 1994 federal fiscal year. That year begins on October 1, 1993. However, under federal regulations implementing the federal law, a state must submit a certification that the state meets the requirements of the federal law by April 1, 1993. This earlier date is apparently necessary in order to allow the various federal agencies time to determine if the state has met the requirements of the federal law.

X Therefore, the date on page 1, line 10 of the resolution should be October 1, 1993, not October 31, 1993, as the state would begin to lose funds on October 1. As an alternative you could simply delete the date language entirely and I do not believe that would affect the substance of the resolution. I have provided alternative amendments to allow either approach.

MFF:lmb
93-088.lmb

3-29-93
BS - Adopted
SFC

DRAFT

8-LS0631N

CS FOR SENATE CONCURRENT RESOLUTION NO. 2(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE TRANSPORTATION COMMITTEE BY REQUEST

A RESOLUTION

1 Relating to allowing the state the right to determine and impose sanctions on
2 motor vehicle drivers.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS the State of Alaska is concerned with drug abuse by its citizens and has
5 enacted numerous laws and initiated programs aimed at reducing both the demand for and
6 supply of illegal drugs; and

7 WHEREAS the State of Alaska currently revokes the driver's licenses of persons
8 convicted of driving a motor vehicle under the influence of drugs; and

9 WHEREAS 23 U.S.C. 159(a) mandates the withholding of certain federal-aid highway
10 funds from states that by October ~~31~~ 1993, fail to either

11 (1) enact legislation requiring suspension of an individual's driver's license
12 upon conviction of a violation of the federal Controlled Substances Act or any drug offense;
13 or

14 (2) file a certification from the Governor that the Governor is opposed to the
15 enactment of such a law and that the legislature has adopted a resolution expressing its
16 opposition to such a law; and

1 **WHEREAS** failure of this legislature to take either mandated action will result in the
2 withholding of federal-aid highway funds: and

3 **WHEREAS** actions of the Congress to coerce states into passing ineffective laws are
4 inappropriate: and

5 **WHEREAS** the State of Alaska has and will continue to address illegal drugs in
6 effective and cost beneficial ways:

7 **BE IT RESOLVED** that the Alaska State Legislature certifies that it is opposed to the
8 requirement by the federal government that the state enact legislation to revoke or suspend the
9 driver's license of a person convicted of a drug offense if the offense does not involve the
10 operation of a motor vehicle, aircraft, or watercraft: and be it

11 **FURTHER RESOLVED** that the Alaska State Legislature will continue its efforts in
12 drug abuse education and enforcement programs and will commit its limited resources to
13 programs that, based on experience in Alaska, have a reasonable chance of reducing drug
14 abuse; and be it

15 **FURTHER RESOLVED** that the Governor is respectfully requested to certify the
16 Governor's opposition to adoption of legislation requiring revocation of the driver's license
17 of a person convicted of a drug offense.



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: SCR 2

APPROVED: W. J. Gentan

TITLE: Federal-Aid Hy Funding/Drug
Enforcement

DATE: March 1, 1993

This bill fulfills an urgent federal mandate, that, if ignored, will result in the loss of millions of dollars in federal highway funding. It is based on Public Law 101-516, Nov. 5, 1990, which directs each state to enact a law which requires the revocation of driving privileges of those persons convicted of any type of drug offense, or alternatively, the state must indicate formal opposition to such a law in a manner defined below.

In responding to this federal mandate (some would say blackmail) the state has three options. First, on or before April 1, 1993 the state may enact legislation requiring the revocation of a person's driving privileges upon conviction for a drug offense. Enactment must be accompanied by enforcement, provided there have been circumstances calling for the law's penalties to be imposed. That is the intent of this bill.

Alternatively, on or before April 1, 1993, if the Governor and both houses of the Legislature indicate by certification and resolutions respectively, that they are opposed to the enactment or enforcement of such a law, then the fiscal sanctions will not be imposed on the state. Several other states have selected this option, in most instances as a symbolic act against federal intrusion into states' sovereignty.

Finally, in the absence of the state taking positive, timely action to either enact and enforce the mandatory license revocation law, or indicating formal opposition, a 5% withholding of highway federal-aid funds will begin in Federal Fiscal Year 1994. The penalty would remain the same in FFY '95. Further, funds withheld in these two years would be returned to the state if prior to September 30, 1995 the state achieves compliance with the federal act.

In subsequent federal fiscal years, the penalty rises to 10% and there is no further restoration provision for withheld funding. The approximate magnitude of these penalties is significant, and would be on the order of \$9.6 million in FFYs '95 & '96, and \$19.2 million thereafter. I would therefore urge favorable action on either approach to comply with Public Law 101-516.

For Further Information contact Katy McHugh at 465-3900.

FISCAL NOTE

*Updated
by 3-8-93
note from
dept.*

Revision Date: 03/03/93
Title: Federal-Aid Hy Funding/Drug Enforcement
Sponsor: Transportation
Requestor:

Department Affected:
BRU:
Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS **	-9,615,346	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	-9,615,346	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 3, 1993

Approved by Commissioner: 

Phone: 465-3901

Frank G. Turjola

Agency: Department of Transportation and Public Facilities

Date: March 3, 1993

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STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Last Version: SCR 2
(S) Publish Date: 3-3-93

FISCAL NOTE

Revision Date: _____ Department Affected: DOT&PF
 Title: Federal-Aid Hy Funding/Drug Enforcement BRU:
 Sponsor: Transportation Component:
 Requestor: _____ Component Serial Number: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS **	0	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 1, 1993

Approved by Commissioner: 

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 1, 1993

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NATE COMMITTEE REPORT

Frank DATE: 3/3/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 3-8-93

JUDICIARY Committee considered SENATE CONCURRENT RESOLUTION NO. 2

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

and report it back as follows

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

PF

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DOT + PF	03/03/93		19,615,346

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

3) No Rec - Suzanne Little
1) Rick Halford - do not pass
2) George Taylor - Jacko

1) Chris L. Taylor - Do Not Pass
 Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Just

DATE: 2/24/93

FURTHER: JUDICIARY
FINANCE

Date of 5-Day Notice: 2-25-93
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 3-2-93

TRANSPORTATION Committee considered SCR 2

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

and recommends: *Maj do pass*

replace with _____ CS _____ ()

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

same title
 new title
 technical title change (HB only)

70

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
<i>DOT</i>	<i>3/1</i>	<i>Revenue</i>	<i>X</i>

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Red E Red Do Pass PHILLIPS
Lincoln

Shawn - do pass
Chair: Signature and Recommendation