

SB

6

HFIN

FILE

CITY OF PALMER, ALASKA

RESOLUTION NO. 1049

A RESOLUTION SUPPORTING ALASKA STATE DIVISION OF FORESTRY CONSOLIDATION PROJECT AT THE PALMER MUNICIPAL AIRPORT.

WHEREAS, the Alaska State Division of Forestry proposes to consolidate its operations from Eagle River, Anchorage, Big Lake, and existing operations at Palmer, and

WHEREAS, the Alaska State Division of Forestry has researched the proposed project and has determined it will increase the overall efficiency and effectiveness of this operation, and

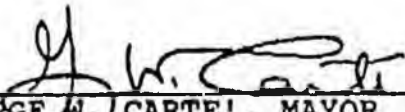
WHEREAS, the Alaska State Division of Forestry has determined that by doing this consolidation it will save in operating expenses \$8.9 million, and

WHEREAS, the City of Palmer does have undeveloped land available at its airport site for a project such as this.

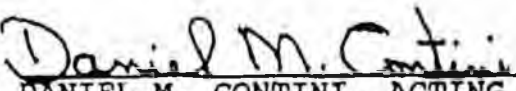
NOW, THEREFORE, BE IT RESOLVED that the City of Palmer supports the Alaska State Division of Forestry proposal to consolidate its operations at the Palmer Municipal Airport site.

BE IT FURTHER RESOLVED that the City of Palmer will work closely with the Division for this project's success including the issuance of "Certificates of Participation" by the City of Palmer and backed by the State of Alaska.

Passed and approved by the Palmer City Council this 28th day of March, 1995.



GEORGE W. CARTE, MAYOR



DANIEL M. CONTINI, ACTING CITY CLERK

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 6 am

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to registration of a motor vehicle and suspension of a driver's license for failure to appear in court"

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Taylor

Requestor: (H) Finance

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	59.6	59.6	59.6	59.6	59.6	59.6
TRAVEL	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTUAL SUPPLIES						
EQUIPMENT	3.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	63.6	60.6	60.6	60.6	60.6	60.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	63.6	60.6	60.6	60.6	60.6	60.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	63.6	60.6	60.6	60.6	60.6	60.6

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME	2	2	2	2	2	2
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

Prepared by: John B. Salemi, Director
Division: Public Defender Agency

Phone: (907) 264-4412
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 2-27-96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 6 am

ANALYSIS: (continued)

This bill, by its provisions which permit the court to suspend an individual's driver's license for failure to appear in court as required by a citation (see Section 3), will have a distinct impact on the Public Defender Agency. The Alaska Court System indicates that 41,000 citations are issued per annum. The Department of Law correctly points out in its fiscal note that an individual who faces loss of driving privileges for failure to appear on a citation will have the right to a jury trial and public counsel if indigent. Both the Court System and the Department of Law had estimated the fiscal impact of this bill. Using their estimates, the Public Defender Agency will need two half-time attorney positions to absorb the additional workload. See fiscal analysis.

BUDGET ANALYSIS

1/2 Attorney II (Anchorage)	29.3
1/2 Attorney II (Palmer)	<u>30.3</u>
	59.6
Personal Services	59.6
Travel	1.0
Equipment (One Time)	<u>3.0</u>
TOTAL	63.6

FISCAL NOTE

No. 3
 Bill Version: SB 6
 (S) Publish Date: 2-9-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: License/Registration - Suspension/ BRU: Trial Courts
 Denial: _____ Components: _____
 Sponsor: Sen. Taylor
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.5	5.5	5.5	5.5	5.5	5.5
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	0.2	0.2	0.2	0.2	0.2	0.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.2	7.2	7.2	7.2	7.2	7.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.2	7.2	7.2	7.2	7.2	7.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	7.2	7.2	7.2	7.2	7.2	7.2

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 284-8228
 Agency: Alaska Court System Date: 02/02/95

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]* Date: 02/02/95
 Agency: Alaska Court System

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Alaska Court SystemFiscal AnalysisSB 6

This bill provides the option of suspending driver's licenses for persons who fail to pay fines in traffic-related offenses and to persons who fail to appear at the court for moving violations. The court will be required to prepare two new forms: (1) a notice of license revocation and (2) a notice of termination of license revocation. During FY 94, the court system processed over 71,700 traffic offenses, of which over 41,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)	17,900	
10% of warrant recipients will receive Notice of Revocation		1,800
80% of notice recipients will receive Notice of Termination of Revocation		1,400
Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)	8,200	
10% of warrant recipients will receive Notice of Revocation		800
80% of notice recipients will receive Notice of Termination of Revocation		600
Total number of notices processed by the courts		4,800

It is assumed that each notice will require 3 minutes of clerical time for preparation, mailing and tracking. Statewide clerical overtime needs are estimated at 230 hours.

Fiscal ImpactPersonal Services

Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk

Amount

5,522

Contractual

Postage - mail 4,600 notices at 32¢ each

1,472

Supplies

Cost of paper and envelopes for printing and mailing notices

202

Total Cost

\$7,198

Alaska State Legislature



State Capitol
Juneau, Alaska 99801-1182
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352 Front Street
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Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force

Senator Robin L. Taylor

SPONSOR STATEMENT

SENATE BILL 6

The intent of this legislation is to encourage individuals to pay some of the 25,000 traffic fines for moving violations that go uncollected each year.

Senate Bill 6 is designed to provide the court system with additional leverage in the collection of fines. It would also apply to an individual who fails to appear in court, as ordered.

SB 6 would be a valuable tool for use by the courts in addressing the problems created by those who choose to ignore the law, especially those who fail to make court-ordered appearances or to pay fines imposed by the court.

The bill is based on statutes from other states. The experience in the state of Washington indicates that over 50 percent of those who receive notice of possible sanctions clear up outstanding matters within one week.

SB 6 allows the court to suspend the driver's license of anyone who fails to make a court appearance or pay a fine. It also includes a provision putting the offender on notice that under existing law their Permanent Fund Dividend could be attached. The bill would actually generate revenue, first by helping to collect outstanding fines and secondly by the reinstatement fees that would be collected by the Division of Motor Vehicles.

DPS
Court
97.2 Court FN

District A

Hyder • Ketchikan • Kupreanot • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCS SB 6 (CRA) am

Revision Date: 02/26/96 Dept. Affected: Alaska Court System
 Title: License/Registration - Suspension/ BRU: Trial Courts
 Denial: _____ Components: _____
 Sponsor: Sen. Taylor
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	513.3	513.3	513.3	513.3	513.3	513.3
TRAVEL						
CONTRACTUAL	121.5	121.5	121.5	121.5	121.5	121.5
SUPPLIES	6.2	6.2	6.2	6.2	6.2	6.2
EQUIPMENT	16.5					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	657.5	641.0	641.0	641.0	641.0	641.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	657.5	641.0	641.0	641.0	641.0	641.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	657.5	641.0	641.0	641.0	641.0	641.0

POSITIONS

FULL-TIME	6.0	6.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY 96) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 02/26/96
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/26/96
 Agency: Alaska Court System

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ALASKA COURT SYSTEM
FISCAL ANALYSIS
HCS SB 6 (CRA)

HCS SB 6 (CRA) provides that the court may suspend the driver's license, privilege to drive, or privilege to obtain a license of a person who fails to appear in court as required by a citation for an offense involving a moving motor vehicle, or who fails to pay a fine as required by the court for an offense involving a moving motor vehicle.

In 1994, the court system processed over 41,000 moving motor vehicle citations issued by state and municipal authorities. In its fiscal note dated May 6, 1995, the Department of Law has advised that revocation of a driver's license as a penalty stemming from a criminal offense requires a jury trial on the underlying offense. The overwhelming majority of these 41,000 citations do not currently fall into the category of offenses which require a jury trial. The Department of Law has estimated that approximately 800 one-day jury trials will result each year from passage of HCS SB 6 (CRA). One-half of these will be state cases, and one-half will be municipal cases.

Alaska Court SystemFiscal AnalysisHCS SB 6 (CRA) am

This bill provides the option of suspending driver's licenses for persons who fail to pay fines in traffic-related offenses and to persons who fail to appear at the court for moving violations. The court will be required to prepare two new forms: (1) a notice of license revocation and (2) a notice of termination of license revocation. During FY 94, the court system processed over 71,700 traffic offenses, of which over 41,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)	17,900	
10% of warrant recipients will receive Notice of Revocation		1,800
80% of notice recipients will receive Notice of Termination of Revocation		1,400
Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)	8,200	
10% of warrant recipients will receive Notice of Revocation		800
80% of notice recipients will receive Notice of Termination of Revocation		600
Total number of notices processed by the courts		4,800

It is assumed that each notice will require 3 minutes of clerical time for preparation, mailing and tracking. Statewide clerical overtime needs are estimated at 230 hours.

The fiscal impact of this legislation is comprised of two components: Administrative Processing and Jury Trials

Fiscal Impact of Administrative ProcessingPersonal Services

Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk 5,522

Contractual

Postage - mail 4,600 notices at 32¢ each 1,472

Supplies

Cost of paper and envelopes for printing and mailing notices 202

Subtotal of Administrative Costs \$7,198

Fiscal Impact of Jury TrialsPersonal Services

	Salary	Benefits	Total
District Court Judge, Anchorage, PFT, 12 months	\$81,888	\$45,750	\$127,638
District Court Judge, Anchorage, PFT, 12 months	81,888	45,750	127,638
District Court Judge, Fairbanks, PFT, 12 months	83,292	46,382	129,674
In-Court Clerk, range 12A, Anchorage, PFT, 12 months	27,108	12,297	39,405
In-Court Clerk, range 12A, Anchorage, PFT, 12 months	27,108	12,297	39,405
In-Court Clerk, range 12A, Fairbanks, PFT, 12 months	30,780	13,272	44,052
			<u>507,813</u>

Contractual

Jury fees for 800 one-day trials with 6 jurors at \$25 a day 120,000

Supplies

Office supplies for new employees 8,000

Equipment

(one-time cost)

Office equipment for new employees 18,500

Subtotal of Jury Trials 650,313

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCSSB 6 (CRA)

Revision Date: 2/23/96 Dept. Affected: Department of Law
 Title: "...suspension of a driver's license for failure to
appear in court or failure to pay a fine..." BRU: Criminal Division
 Sponsor: Senator Taylor Component: Criminal Division
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	51.4	51.4	51.4	51.4	51.4	51.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	12.0	12.0	12.0	12.0	12.0	12.0
SUPPLIES	3.3	3.3	3.3	3.3	3.3	3.3
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	81.7	66.7	66.7	66.7	66.7	66.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	81.7	66.7	66.7	66.7	66.7	66.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	81.7	66.7	66.7	66.7	66.7	66.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS12.25.200 and AS 28.15.181 to provide that the court may suspend the driver's license, privilege to drive, or privilege to obtain a license of a person who fails to appear in court as required by a citation for an offense involving a moving motor vehicle, or who fails to pay a fine as required by the court for an offense involving a moving motor vehicle. The Department of Law believes that 400 new cases will have to be handled by state prosecutors if this bill is enacted. That is because revocation of a driver's license as a penalty stemming from a criminal offense requires a jury trial on the underlying offense, as provided by the Alaska Supreme Court's ruling in Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970). Consequently, state prosecutors will have to handle a large influx of one-day jury trials in district court.

The Alaska Court System estimates (based on 1994 data) that 20% of the 41,000 persons who are issued citations for moving violations each year fail to appear in court or fail to pay the fines resulting from those violations. Thus, about 8,000 persons fail to appear or pay a fine annually. It is conservatively estimated

Prepared by: Richard J. DeWitt, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Bateman, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/23/96
 Date: 2/23/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCSSB 6 (C&RA)

ANALYSIS CONTINUATION:

that about 10% of these persons (or 800 or more defendants) will continue to avoid appearing in court, or avoid paying a fine, resulting in a one-day jury trial to enforce the license revocation provisions of the bill. We believe that about one-half of these trials (400) will involve citations issued by the Department of Public Safety, requiring prosecution by a state prosecutor.

Although these offenses occur throughout the state, and in many cases will have to be handled by the department's existing staff, an attorney and a legal secretary will be needed in Anchorage to handle the large number of one-day trials (150) that will occur in Southcentral Alaska. And, although these cases do not generally require very much time, their sheer volume and the time necessary to prepare for trial, will require one part-time attorney annually to handle this increased caseload.

	(PPT) <u>Attorney III</u>	(PPT) <u>Legal Secretary I</u>	<u>Total</u>
Personal Services	34.6	16.8	51.4
Travel	0.0	0.0	0.0
Contractual	7.2	4.8	12.0
Supplies	2.1	1.2	3.3
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
Total	50.4	31.3	81.7

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4311

December 19, 1995

ANCHORAGE ASSEMBLY

Honorable Terry Martin
716 West 4th Ave., Ste. 650
Anchorage, AK 99501

Dear Representative Martin:

You asked for an Assembly reaction to an amendment to SB6 proposed by Senator Donley, which I am pleased to provide. As you know, for the last two years I have coordinated Assembly efforts to improve local parking laws and believe that we have one of the most reasonable parking codes in the Nation. As to your specific request:

1. The Legislature would be ill advised to embark on a program of revising state law to deal with one city's local government concerns. Local government was created to deal with local concerns. The SB6 amendments are specifically and inappropriately proposed to deal with what Senator Donley believes to be local concerns in Anchorage. The Assembly and the Mayor would be pleased to hear of any local government concerns Anchorage Legislators may become aware of and respond to them appropriately.
2. In the event that the Legislature passed a law which required local parking laws to be enforced by peace officers, it would likely be imposing a financial burden on Anchorage's local government at time of diminishing state and Federal revenue sharing. Local property taxes might have to increase to pay for the service and the existing revenue bonds committed to by Mayor Knowles could be at risk.

I would recommend that Senator Donley's amendment not be adopted.

Sincerely,

Bob Bell
Anchorage Assembly Member

cc: Anchorage Legislative Delegation
Anchorage Assembly Members
Honorable Rick Mystrom
Mr. Ernie Hall, APA Chairman

2
ATTACHMENT

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 6, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/27/96

The FINANCE Committee considered:

SB 6 am

SENATE BILL NO. 6 am

SUSPEND DRIVERS LIC./ TRAFFIC OFFENSES

"An Act relating to suspension of a driver's license for failure to appear in court or failure to pay a fine; relating to court and collection costs for traffic offenses; and relating to citations and court procedures for municipal traffic and parking offenses."

recommends it be replaced with the following committee substitute HCS SB 6 (CRA) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

4 fiscal note(s) (2) DPS (1) COURT fiscal note(s) _____
 (1) Corrections _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Glen Mulder</i>	Mulder	X			
<i>Tom Theriault</i>	Theriault		X		
<i>Sean Pasnell</i>	Pasnell	X			
<i>Vin Kohring</i>	Kohring	X			
<i>Kay Brown</i>	Brown			X	

CO
 CHAIR'S SIGNATURE *Mark Hanley*
 Hanley

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CS SB 6

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to suspension of a driver's license BRU: Community Corrections
for failure to appear in court or failure to pay a fine... Component: _____
 Sponsor: Senator Taylor
 Requester: Senator Taylor COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES		0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL	38.0	38.0	38.0	38.0	38.0	38.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	38.0	38.0	38.0	38.0	38.0	38.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	38.0	38.0	38.0	38.0	38.0	38.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	38.0	38.0	38.0	38.0	38.0	38.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would add failure to pay bail or fines related to moving traffic violations to the list of offenses for which driving privileges could be suspended. Under AS 28.15.291, upon a second conviction of driving a motor vehicle while the defendant's driving privileges have been suspended under AS 28.15.181 could result in a ten day jail sentence. The DOC does not supervise misdemeanor probation or community work service imposed in misdemeanor cases.

The language of related statutes allows considerable discretion to the court and the prosecutor with this offense and it is impossible to accurately predict how many individuals would receive additional time to serve due to the provisions of this bill. These offenders would serve their sentences in a CRC.

Each person who was sentenced to ten days for a second offense would serve 6.67 days at a cost of \$57.00 per day in a CRC for a total cost of \$380.00 per offender. One hundred offenders would result in an additional cost of \$38,000 annually.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: *Margaret M. Peck*
 Agency: (Department of Corrections)

Phone: 465-4652
 Date: 2/26/96
 Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HCS SB 6(CRA)

Revision Date: 2/27/96 Dept. Affected: Public Safety
 Title: An Act relating to registration of a motor vehicle and suspension of a driver license... BRU: Motor Vehicles
 Component: Driver Services & Field Services
 Sponsor: Senator Taylor
 Requestor: House Finance COMPONENT SERIAL NO. 0500 & 0502

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	75.1	75.1	75.1	75.1	75.1	75.1
TRAVEL						
CONTRACTUAL	18.5	12.7	12.7	12.7	12.7	12.7
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	114.6	88.8	88.8	88.8	88.8	88.8

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES (1004 Revenue Code)	416.2	416.2	416.2	416.2	416.2	416.2
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	114.6	88.8	88.8	88.8	88.8	88.8
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	114.6	88.8	88.8	88.8	88.8	88.8

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 02/27/96
 Approved by Commissioner: *Ronald L. Otte* Date: _____
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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This bill allows the courts to suspend a driver's license of a person who has failed to appear in court or failed to pay a fine for a moving traffic offense. The court has advised there are 25,000 moving violations each year where the person fails to pay the fine or fails to appear in court for these offenses. Assuming the court suspends the driver's license of 10 percent or 2,500 driver's license each year.

This bill impacts the Division of Motor Vehicles by resulting to 4,750 updates to the driving record of the persons whose license is being suspended. One computer entry to add the suspension to the driving record; and another entry to end the suspension once the person has complied. Reinstating the driver's license will also impact the DMV field offices. The Motor Vehicle Representative will be required to see proof from the court that the person has complied with the court requirements by, appearing in court, or by paying the fine for the moving violation. It is estimated 90 percent of all persons whose license is suspended will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended or revoked within the 10 years preceding application for a driver's license. It is estimated 1,125 individual's will pay the \$100. If the license was suspended or revoked more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250. It is estimated 1,125 will pay the \$250. A person will also have to pay a duplicate license fee of \$10 prior to the license being issued. The amount of additional new general fund program receipt revenue generated by this bill is approximately \$416.2

Total number of suspension notices received from the courts by DMV	2,500
Total number of suspension notices being ended when a person has complied with the courts	2,250
Total number of license reinstated	2,250

<u>OPERATING</u>	<u>FY 97</u>	<u>FY 98</u>
<u>Personal Services</u>	<u>Salary and Benefits</u>	
Administrative Clerk III (Juneau)	\$38.4	\$38.4
Motor Vehicle Representative II (Anchorage)	\$36.7	\$36.7
<u>Contractual</u>		
Computer line Charges (Mainframe connection) \$0.5 per workstation	\$ 1.0	\$ 1.0
Postage 1st class mail	\$ 0.8	\$ 0.8
Postage is for 2,500 courtesy letters informing the individual of the effective date of the license suspension.		
Telephone lease & line charges	\$ 1.1	\$ 1.1
Redesign and printing of traffic citations	\$ 5.8	
Office lease space allocation 440 sq ft @\$1.85 per sq. ft	\$ 9.8	\$ 9.8
<u>Supplies</u>		
Routine office supplies	\$ 1.0	\$ 1.0
<u>Equipment</u>		
2 Computer Workstations @ \$10.0 each (One time costs)	\$20.0	
TOTAL OPERATING	\$114.6	\$88.8
 <u>REVENUE</u>		
2,250 Reinstatements 1,125 @\$100, 1,125 @\$250	\$393.7	\$393.7
2,250 Duplicate license fees @10	\$22.5	\$22.5
TOTAL REVENUE	\$416.2	\$416.2

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HCSSB 6 (CRA)

Revision Date: February 27, 1996
Title: Suspend driver's license/Traffic offense
Sponsor: Senator Taylor
Requestor: H. Finance

Dept. Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments
COMPONENT SERIAL NO. 0799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	9.6	9.6	9.6	9.6	9.6	9.6
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.6	9.6	9.6	9.6	9.6	9.6
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	9.6	9.6	9.6	9.6	9.6	9.6
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	9.6	9.6	9.6	9.6	9.6	9.6

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would require the Department to reprint the Uniform Traffic Citation. The department is required to provide citations forms for all law enforcement agencies in Alaska. Recently the department purchased 4,000 books at a cost of \$9,231.00.

This bill also has a potential fiscal impact by increasing the number of Driving with a Revoked License cases the department would have to handle.

Prepared By: Lt. Dan Lowden
Division: Alaska State Troopers
Approved by Commissioner: *Ronald L. Otte*
Agency: Ronald L. Otte, Department of Public Safety

Phone: 465-5505
Date: February 27, 1996
Date: _____

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HCS SB 6 (CRA) am

1996 LEGISLATIVE SESSION

Revision Date: 02/27/96Dept. Affected: Alaska Court SystemTitle: License/Registration - Suspension/BRU: Trial Courts

Denial

Components:

Sponsor: Sen. Taylor

Requestor:

COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	5.5	5.5	5.5	5.5	5.5	5.5
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	0.2	0.2	0.2	0.2	0.2	0.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.2	7.2	7.2	7.2	7.2	7.2

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.2	7.2	7.2	7.2	7.2	7.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	7.2	7.2	7.2	7.2	7.2	7.2

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 96) cost: \$

None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff CounselAgency: Alaska Court SystemPhone: 264-8228Date: 02/27/96Approved by: Arthur H. Snowden, II, Administrative DirectorAgency: Alaska Court SystemDate: 02/27/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court SystemFiscal AnalysisHCS SB 6 (CRA) am

This bill provides the option of suspending driver's licenses for persons who fail to pay fines in traffic-related offenses and to persons who fail to appear at the court for moving violations. The court will be required to prepare two new forms: (1) a notice of license revocation and (2) a notice of termination of license revocation. During FY 94, the court system processed over 71,700 traffic offenses, of which over 41,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)	17,900	
10% of warrant recipients will receive Notice of Revocation		1,800
80% of notice recipients will receive Notice of Termination of Revocation		1,400
Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)	3,200	
10% of warrant recipients will receive Notice of Revocation		800
50% of notice recipients will receive Notice of Termination of Revocation		600
Total number of notices processed by the courts		4,600

It is assumed that each notice will require 3 minutes of clerical time for preparation, mailing and tracking. Statewide clerical overtime needs are estimated at 230 hours.

Fiscal ImpactPersonal Services

Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk

5,522

Contractual

Postage - mail 4,600 notices at 32¢ each

1,472

Supplies

Cost of paper and envelopes for printing and mailing notices

202

Total Estimated Costs

\$7,196

SENATE JUDICIARY COMMITTEE

February 8, 1995

1:30 p.m.

SJUD - 2/8/95

SB 6 LICENSING/REGISTRATION SUSPENSION/DENIAL

The next order of business was SB 6. SENATOR TAYLOR, sponsor, asked JOE AMBROSE to testify before the committee. MR. AMBROSE stated the intent of SB 6 is to encourage individuals to make court appearances and pay outstanding fines related to moving vehicle citations and parking offenses. Each year, 25,000 traffic citations for moving violations go unpaid in Alaska, according to the Department of Public Safety. SB 6 is designed to provide the court system, and municipalities, throughout Alaska, with additional leverage in the collection of fines. It would also apply to an individual who fails to appear in court when ordered. SB 6 passed the Senate in a 17-3 vote last year as SB 166. SB 6 would be a valuable tool for use by the courts in addressing the problems created by those who choose to ignore the law, especially those who fail to make court ordered appearances or to pay fines imposed by the court. SB 6 is based on statutes from other states. In the State of Washington, over 50 percent of those who receive notice of possible sanctions clear up outstanding matters within one week. SB 6 ties the failure to settle moving violations to the driver's license and parking violations to vehicle registration which mirrors California law.

Number 096

SENATOR ADAMS asked why both moving and parking violations are included in SB 6, since parking violations are under the jurisdiction of municipalities. MR. AMBROSE replied SB 6 is based on the California statute which operates the same way. When the bill went through the process last year, there seemed to be quite a bit of interest from the urban areas to give them leverage when attempting to collect parking fines.

Number 114

SENATOR ADAMS questioned whether the sentence that allows the department to require electronic reporting in Section 2 could create a burden for municipalities. He asked whether this could be considered an unfunded mandate imposed by the state on municipalities. SENATOR TAYLOR replied that is not the intention; the sentence refers to the use of personal computers and disks as most municipalities now use. SENATOR ADAMS asked, if SB 6 passes, what the time frame would be for municipalities to install the electronic devices, and to notify the state of parking violations.

Number 140

MR. AMBROSE explained SB 6 calls for electronic reporting which would allow a municipality, with a stack of uncollectible parking citations, to make a report to the Division of Motor Vehicles. When that individual tries to renew a vehicle registration, outstanding fines would have to be paid prior to registering the

vehicle. SENATOR ADAMS discussed a scenario in which a person with several vehicles driven by other family members might be prevented from registering a vehicle because an outstanding parking citation on one of the vehicles exists. MR. AMBROSE referred to line 5 of page 2 which states actual notice must be given to the applicant. SENATOR ADAMS expressed concern with the inclusion of parking violations in SB 6.

Number 182

JUANITA HENSLEY, Chief of Driver Services for the Division of Motor Vehicles (DMV), testified. She stated that a similar bill was introduced several years ago in the Legislature to assist municipalities in the collection of parking fines. Two years ago, Senator Taylor introduced a bill to deal with moving violations. At the request of some of the municipalities, the parking citation provision was added. To ease the burden on the Department of Public Safety, the department requested that municipalities have electronic access to motor vehicle registration files to place a hold on vehicle registrations until outstanding fines are paid. She noted line 7 of Section 2 refers to any vehicle, so that all fines on vehicles owned by the applicant would have to be paid before a vehicle could be registered.

SENATOR ADAMS asked if the DMV would notify the owner of the violation a second time, after issuance of the citation. MS. HENSLEY explained notification would occur when the person attempted to register the vehicle.

Number 232

SENATOR ELLIS asked what entity in Anchorage would be transferring information to the DMV. MS. HENSLEY replied the Anchorage Parking Authority. SENATOR ELLIS asked for clarification of the term "any vehicle." MS. HENSLEY replied it would include any vehicle subject to registration in Title 28, such as passenger cars, trucks, and commercial vehicles, but not 3 and 4 wheelers. SENATOR ELLIS expressed concern that the Anchorage Parking Authority would be the entity transferring information.

SENATOR ADAMS asked what time line will be used for municipality notification to the state. MS. HENSLEY stated there has not been any discussion on a time line. SENATOR TAYLOR noted the time for notification would be determined by the municipality.

SENATOR ADAMS referred to the fiscal note from the Trial Court System and asked how the percentages of revocations and terminations were determined. MS. HENSLEY was not familiar with the fiscal note from the Court System. She explained that Section 3 of SB 6 allows the court to suspend a driver's license. In 1994 the Court System estimated it would suspend approximately 2500 drivers' licenses out of the 25,000 unpaid moving violations.

Number 296

SENATOR ELLIS asked if an individual has an unpaid parking ticket on a personal vehicle, would that outstanding fine effect the registration of business vehicles registered by that individual.

MS. HENSLEY answered affirmatively. SENATOR TAYLOR explained every time the individual attempted to register any vehicle, outstanding fines would have to be paid first. SENATOR ELLIS requested information on the schedule of fines and penalties for outstanding parking citations. SENATOR TAYLOR noted the municipalities requested the inclusion of parking violations to strengthen the municipalities' position against people who waste police officers' time and court time by not taking responsibility for the payment of fines. Currently the municipalities request bench warrants for these people.

SENATOR ADAMS asked what the Department of Public Safety's position would be if Section 2 was deleted. MS. HENSLEY stated the Department would have no problem with the deletion of Section 2.

Number 345

SENATOR MILLER moved SB 6 out of committee with individual recommendations. SENATOR ADAMS objected. He stated Section 2 needs to be eliminated. SENATOR TAYLOR stated SB 6 has a further referral to the Senate Finance Committee, where the municipalities should be requested to present a justification for Section 2. SENATOR ELLIS asked the committee to officially request information on the schedule of parking fines and penalties for late payment. SENATOR TAYLOR agreed. A roll call vote was taken on the motion with the following results: Senators Taylor, Green and Miller voted "Yea," and Senators Adams and Ellis voted "Nay." The motion passed.

MINUTES
SENATE FINANCE COMMITTEE
March 15, 1995
9:07 a.m.

SENATE BILL NO. 6

"An Act relating to registration of a motor vehicle and suspension of a driver's license for failure to appear in court or failure to pay a fine."

Senator Halford announced Joe Ambrose from Senator Taylor's office and asked him to join the committee. Mr. Ambrose stated that Senator Taylor is the sponsor of SB 6. It is designed to provide the court system and municipalities throughout Alaska with additional leverage in the collection of fines relating to moving vehicle citations and parking offenses. He also stated that it applies to an individual who fails to appear in court as ordered. This legislation passed the Senate last year on a 17 - 3 vote as SB 166. SB 6 would be a valuable tool for use by the courts in addressing the problems created by those who choose to ignore the law, especially those who fail to make court ordered appearances or to pay fines imposed by the court. The bill is based on statutes from other states. The experience in the State of Washington indicates that over 50% of those who receive notice of possible sanctions, clear up outstanding matters within a week. SB 6 ties together the failure to settle moving violations to the drivers license, and parking violations to vehicle registration. This mirrors the California law. A new fiscal note from the Department of Public Safety, Division of Motor Vehicles indicates a change for additional leased office space for \$10.0. The bill continues to be a generator of revenue based on the renewal fees for a suspended license.

Co-chair Halford noted that the change from \$104.8 to \$114.6 is reasonable.

Senator Phillips noted a situation that involved a Chugiak resident who received a ticket and was to appear before the court. He claims that he did not receive notice to appear before court due to an incorrect address.

Mr. Ambrose responded that this is an option for the court, it is not mandatory. He mentioned that there are over 25,000 outstanding moving violations fines in a given year. The court system was working on the assumption that approximately 10% of those would fall into this system.

Mr. Ambrose stated that Senator Taylor's office has received a response from the parking ferries. There have been several POM's generated. The opposition is not to the overall thrust of the bill, but rather to Section 2 which applies to unpaid parking fines and would lead to non-renewal of the vehicle registration. The area of concern is in Anchorage, and in particular, the Anchorage Parking

Authority. Section 2 was included last year at the suggestion of several municipal attorneys. The sponsor does not take great ownership in this section, and if it were deleted he would not be upset.

Senator Rieger supports the amendment and asked what it would do to the fiscal note. He stated that the Anchorage Parking Authority cites for improper placement or tagging of license plates. Senator Donley stated that he has a draft amendment, and recommended holding the bill. He stated that there is a problem when ticketed by the Anchorage Parking Authority, in that there are no appellate rights. A prohibitive fee is required to challenge the ticket. When ticketed by a peace officer or a state trooper, one has the right to go to court and defend themselves. He stated that when people are ticketed, based on state rules, they should be provided with the same due process that the state provides.

Senator Zharoff asked if Alaska would have reciprocity with other states regarding the parking and moving violations. Mr. Ambrose responded that he didn't know about parking violations, but that there is an existing arrangement whereby, if the State runs a records check and there is an outstanding warrant, out-of-state, it can be executed.

Senator Zharoff then quoted Section 3, "When the person appears in court or pays the required fine, the court shall terminate the suspension imposed under this subsection and provide the department and the person with written notice of the termination." He noted that this process is very slow. He stated that what should take minutes, often takes weeks

or months. He asked if this particular problem could be remedied? Mr. Ambrose stated that he could not fix that problem in this bill.

Mr. Ambrose reiterated that the intent of the legislation is to give the court additional leverage. If there is a failure to appear in court, the court at this time can issue a warrant. The fact remains that there are so many of these cases that it does not happen.

Senator Donley issued his proposed amendment. Co-chair Halford asked if there was conflict in his amendment insofar as removing Section 2 from SB 6. Senator Donley responded there was no conflict. Senator Phillips moved to delete Section 2 from SB 6. No objection having been raised, Section 2 has been deleted from the bill and will be reflected in a CS.

Discussion was had on Senator Donley's proposed amendment. Co-chair Halford asked that Senators Zharoff and Donley work with Senator Taylor in redrafting the bill. The committee agreed to hold the bill to the next meeting, Friday, March 17th.

MINUTES
SENATE FINANCE COMMITTEE
March 30, 1995

SENATE BILL NO. 6

"An Act relating to registration of a motor vehicle and suspension of a driver's license for failure to appear in court or failure to pay a fine."

Joe Ambrose, Legislative Aid to Senator Taylor, in responding to the wishes of the committee, spoke to the current work draft CSSB 6, draft number #L0091/F, with a fiscal note of \$38.0 from the Dept. of Corrections. The work draft changes the title, and includes additional language.

Senator Donley stated that the costs of \$25 for court, and \$10 for collection seems low compared to actual costs.

Senator Phillips asked that the bill be redefined since there have been several changes. Mr. Ambrose briefly covered each section of the bill and explained the changes made. He pointed out that in Section 1, there is intent language that says, "It is the intent of the legislature that after a person has made a required court appearance or paid a fine required by the court, that any driver's license suspension imposed by the court be terminated as quickly as possible."

Discussion revolved around the Anchorage Parking Authority and the practice of issuing citations for parking violations. The APA cites under municipal ordinance for failing to follow state law. The APA fine is \$75 and follows a different procedure. Senator Donley suggested that the middle ground to solving this procedure is to regulate the fine imposed by the APA to 50%, or some percentage, of the state fine. Senator Phillips said the state issues the license plates and registration, so therefore it should be a state responsibility to enforce those laws. The APA enforces the parking in Anchorage. They want to expand their authority to include other non-moving violations. The question is, does the legislature give them that authority? Co-chair Halford said, they have that authority now. Senator Donley supports the portion of the bill that says the municipality must use the same appeals process that the state uses. He cited the difference between being cited by the state and the municipality.

Co-chair Halford invited Juanita Mensley, Dept. of Motor Vehicles. She stated that the Anchorage Parking Authority (APA) by issuing the citation has a compliance standard, higher than in other areas of the state. Mr. Ambrose read a letter from the Mayor of Anchorage, dated March 24th, "By not allowing parking code enforcement officers to cite registration on parked vehicles, the bill would put us in the position of either not enforcing the 35,000 registration violations we currently cite per year, or having the police department provide that enforcement. Senator Sharp stated

that the complaints are coming from people who not only did

register their vehicles, but mistakingly placed the sticker in the wrong place or on the wrong plate, and therefore obtained a fine. Ms. Hensley stated that in 1987, this legislature passed a law that allowed a municipality to set their own fines, and to collect those fines for revenue for that municipality.

Currently, the cities of Fairbanks, Anchorage, Juneau, Sitka and Ketchikan, write their own traffic citations under their own city ordinances. The state does not see the money from the fines. If they contest the citation, it goes to court, and the court keeps a portion of it and remits the remaining to the city.

Senator Phillips MOVED to adopt CSSB 6(FIN), version L0091\F. No objection having been heard, it was ADOPTED.

Senator Rieger answered Senator Zharoff's question stating that AS 43 23 065 is the statute which exempts a portion of the permanent fund dividend from attachment, except for specific exemptions.

Senator Rieger MOVED for passage of CSSB 6 (FIN) with individual recommendations and accompanying fiscal notes. No objection having been heard CSSB 6 (FIN) was REPORTED OUT of committee with the following fiscal notes: Dept. of Public Safety, Troopers, zero; Alaska Court System, \$7.2; Dept. of Public Safety, Dept. of Motor Vehicles, \$114.6; and Dept. of Corrections \$38.0. Co-chair Frank and Senators Phillips and Donley recommended "do pass". Co-chair Halford and Senators Rieger, Zharoff, and Sharp signed "other recommendations".

ADJOURNMENT

The meeting was adjourned at approximately 10:00 a.m.

SENATE FIN BASIS - 2 - 03/30/95

**ANCHORAGE
PARKING
AUTHORITY**

700 WEST 6th AVENUE, SUITE 206
ANCHORAGE, ALASKA 99501
(907) 276-7275

January 5, 1996

**Honorable Terry Martin
House of Representatives
Alaska State Legislature
State Capital
Juneau, Alaska**

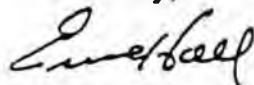
Dear Representative Martin:

Thank you for your inquiry regarding the Anchorage Parking Authority's position on the amendment Senator Donley proposes attaching to SB6. Another Legislator asked the question recently and I am taking the liberty of sending to you a very thorough memorandum prepared by our Hearing Officer as part of that correspondence. Senator Donley's idea, we believe, is not based on a very thorough understanding of the facts. I would be surprised if, after reviewing the Hearing Officer's analysis, there would be further concern since due process, free of charge, is very well protected and operated according to law within the Authority. However, if there are further questions, I would be most pleased to respond.

The Legislature might also be interested in knowing that the Authority is governed by a board of directors and an executive director, all of whom are appointed by the Mayor and confirmed by the Assembly. Our charge is to uphold our facility, maintenance, operating and enforcement responsibilities as dictated by ordinance and bond indenture. Our friends within the Anchorage delegation can be assured that this citizen board is mindful of its public interest obligations and is extremely citizen oriented. That having been said, when laws are finally adopted, we require the professional, efficient and non-selective enforcement of them. And, I should add, our Board is very pleased with the difficult but well managed effort provided by the staff of APA.

All best wishes to you.

Sincerely,



**Ernie Hall
Chairman, APA Board of Directors**

P.S. I thought you'd also be interested in knowing that last summer APA offered to appear before all Community Councils; five accepted. Following presentations, all enthusiastically endorsed the Authority's work (See attached).

**cc: Anchorage Assembly
Anchorage Legislative Delegation
Honorable Rick Mystrom, Mayor**



Downtown C.C.

Downtown Community Council
600 Barrow Street, Suite 200
Anchorage, Alaska 99501



July 10, 1995

Dave Harbour
Executive Director
Anchorage Parking Authority
700 West 6th Avenue, Suite 206
Anchorage, Alaska 99501

Dear Dave:

At the recent July 6th, Downtown Community Council meeting, a motion was passed to by the Council to send a letter of appreciation to you and the Anchorage Parking Authority. The Anchorage Parking Authority has done an excellent job maintaining and improving APA facilities. The Council commends the Parking Authority, and you, for its efficient operation. We also thank you for listening to the concerns of our members about parking issues and your efforts towards making parking Downtown more user friendly.

Very truly yours:

DOWNTOWN COMMUNITY COUNCIL

Nonie W. Turville
Corresponding Secretary

OCT. -20' 95 (FRI) 09:13 ANCH PARK AUTHORITY

TEL: 907 2795073

P. 002

September 29, 1995

Board of Directors
Anchorage Parking Authority
700 W. 6th Avenue, Suite 206
Anchorage, Ak. 99501

Dear APA Board:

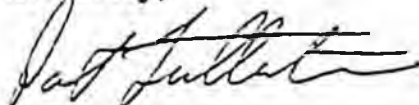
On July 5, our Community Council invited your Executive Director to address Members on the history, evolution, accomplishments and issues concerning the Authority. A number of penetrating questions were asked. Attending that meeting were a number of Members of the Assembly and the State Legislature.

Following the presentation, the former president of our council (who now serves as the President of the Federation of Community Councils) moved that, "the Spenard Community Council does hereby express appreciation to the Anchorage Parking Authority for its effective management of public assets entrusted to it; for its efficient and fair enforcement practices; and, for the other contributions it makes to the public interest, including Saturday Market."

The Authority is frequently on the receiving end of criticism from those who obtain parking tickets; but we have come to know that your role is important to our community and that you perform it well and without favoritism.

Please let me know how our Council may be of further help to you.

Sincerely,



Pat Fullerton
President

Spenard C.C.

Post-It® Fax Note	7671	Date	9/20	pages	1
To	David Harbour	From	Pat Fullerton		
Co./Dept.	APA	Co.	S.C.C.		
Phone #		Phone #	563-3372		
Fax #	279-5073	Fax #	167-7000		

SOUTH ADDITION COMMUNITY COUNCIL

RESOLUTION

NUMBER 6-2-95

BE IT RESOLVED by the South Addition Community Council that the enforcement and community work being performed by the Anchorage Parking Authority is of great benefit to our community and deserves our support and thanks.

Adopted by unanimous vote on June 29, 1995.

Attest:

South Addition Community Council



Seth Eames
President

He. copy *SE*

4139 Raspberry Road
Anchorage, Alaska 99502
October 20, 1995

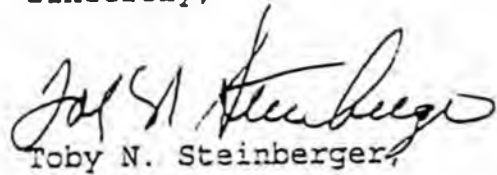
David Harbour
Anchorage Parking Authority
700 W. 6th Ave.
Anchorage, Alaska 99519-6650

Re: Sand Lake Community Council Resolution

Dear Mr. Harbour:

On October 11, 1995, the Sand Lake Community Council passed the attached resolution.

Sincerely,



Toby N. Steinberger,
Secretary,
Sand Lake Community Council

cc: Federation of Community Councils

RESOLUTION 95-04
SAND LAKE COMMUNITY COUNCIL

SUBJECT: COUNCIL'S COMMENDATION FOR DAVID HARBOUR AND THE
EMPLOYEES OF THE ANCHORAGE PARKING AUTHORITY

The Sand Lake Community Council hereby resolves that it commends David Harbour and the employees of the Anchorage Parking Authority for their management of the Authority and for their development and maintenance of the Saturday Market.

Adopted this 11th day of October, 1995 by the Sand Lake Community Council.

PRESIDENT

Glen E Cravez

SECRETARY

Toby H. Steinboer

9/21/95

Northeast Community Council

**Ernie Hall
Chairman of the Board
Anchorage Parking Authority/
Saturday Market
700 W. 6th Ave. Suite 206
Anchorage, Ak. 99501**

Dear Mr. Hall:

In the Northeast Community Council Area we are striving to transform our public areas and neighborhoods into attractive parts of the Anchorage community.

We believe that while your enforcement efforts are not universally appreciated, they are necessary for a civilized community. We are in general support of the laws which exist and appreciate your properly enforcing those within your area of responsibility including our area.

We also appreciate your efforts to maintain and market garages and lots; to operate your agency as much like a successful private company as the laws permit; to be interested in supporting the community with the Saturday Market.

In short, we appreciate your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed McCoy, Chairman". The signature is written in a cursive style with a large, sweeping initial "E".

RM

MEMORANDUM

To: Dave Harbour, Executive Director

From: Kevin J. Kinney, Hearing Officer

Date: September 25, 1995

Re: Review of Appeal Process

Background. SB-6 and the discussions related to the "Parking Authority" amendment communicate concern with the appeal process used for parking citations. The purpose of this memo is to explain and clarify the appeal process under which a citizen may challenge any parking citation. The cornerstone of the process is the Administrative Hearing Office. This office reviews and rules on citations issued by the Anchorage Police Department, Alaska State Troopers, Municipal Street Maintenance, Anchorage Telephone Utility, Anchorage Parking Authority as well as other entities empowered to issue parking citations. In reviewing the process it is important to look at facts related to specific citations and appeals.

First, the administrative appeal process under review is one of the most user friendly appeal processes in Alaska or any other state. All proceedings are in compliance with the Administrative Procedures Act and Anchorage Municipal Code Chapter 3.60, concerning administrative adjudication. The Anchorage Parking Authority operates a toll free 800 number to answer questions about citations or appeals. A citizen may request and file appeals in person, via facsimile or through the mail. Our office is open from 9:00 a.m. - 5:00 p.m. and, on request, I will schedule appeals on the weekends or evenings. Finally, any citizen has the right to appear in person to plead her case, present witnesses, ask for discovery, request the presence of and question the citing officer or present his case through written statements.

Second, the appeal process for parking citations within the Municipality of Anchorage is one of the most liberal in the country. No fee of any kind is charged by the administrative hearing office for filing an appeal. In 1994, the municipal assembly, at the request of and with the cooperation of the Hearing Office and the management of the Anchorage Parking Authority acted to increase the time period for filing an appeal from seven (7) to thirty (30) days. In fact, even if a citation is affirmed, no late payment penalty is assessed until at least thirty days after the issuance of a written decision from the Hearing Officer.

Third, the first issue dealt with in every appeal is whether a violation of municipal ordinance has occurred. Appellants often admit the violation either through their written or oral testimony. Unless there is an error on the face of the citation, which APA relies on for its case, it constitutes a prima facie case that a violation has occurred. However, appellants may show, by a preponderance of the evidence, that no violation has occurred. If this happens, the citation is dismissed. Even if a violation of municipal ordinance is found to exist, the Hearing Officer always considers the surrounding facts and circumstances. If a legal excuse or justification which would excuse an appellant's violation is proven, the citation is dismissed. Concerning registration/display violations, the Hearing Officer may affirm the citation, reduce the citation, or grant the appeal and dismiss the citation. This is a simplification of the Hearing Process, but it is a valid overview.

Fourth, in the event that the Hearing Officer affirms a citation, the decision is issued in writing within fifteen (15) days of the hearing date. Every decision affirming or reducing a citation specifically informs the citizen of her right to appeal the Hearing Officer's determination to Superior Court within thirty (30) days of the date of the decision. The Administrative Appeals Office preserves the administrative record of every appeal for two (2) years. The files are open to the public and an administrative record will be prepared for an appeal to the Superior Court upon request. State Court rules state that the appellant is responsible for the cost associated with preparation of the record. However, if an appellant obtains permission from the court to file a tape recording of the hearing rather than a transcript, the cost is usually nominal (\$5.00 - \$10.00).

Fifth, filing an appeal in the Superior Court involves a filing fee and a bond requirement. This is not a requirement of the Anchorage Parking Authority or the Administrative Hearing Office. This is a charge for filing an appeal for the review of a decision in an Administrative Adjudication; every citizen's appeal to the Administrative Hearing Office is provided free of charge. There is presently no blanket exception to the fee requirements for appeals to the Superior Court. However, the court clerk's office will provide appellants with forms for requesting waiver of the filing fee and bond requirement. It is within the discretion of the judge who is assigned to each case to waive either or both the filing fee or bond requirement. The Hearing Office and the Anchorage Parking Authority have instructed the Municipal Attorney's Office to routinely file "Non-Opposition" to requests for waiver of the bond requirement when the appeal is related to a parking citation. Waiver of the filing fee is solely within the discretion of the assigned judge. Waiver of the bond requirement is almost always granted. It may be within the power of the Presiding Judge of the Third Judicial District to except all appeals of parking violations from bond requirements.

Conclusion. The administrative hearing process has been reviewed by the Ombudsman, the Superior Court and on limited issues by the Supreme Court. To date it has met or exceeded all due process concerns raised. The existent process is fair to any citizen appealing a citation. If you have any further questions please do not hesitate to contact me.

Withdrawn

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCSSB 6 (CRA)

Revision Date: 2/23/96 Dept. Affected: Department of Law
 Title: "...suspension of a driver's license for failure to appear in court or failure to pay a fine..." BRU: Criminal Division
 Sponsor: Senator Taylor Component: Criminal Division
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	51.4	51.4	51.4	51.4	51.4	51.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	12.0	12.0	12.0	12.0	12.0	12.0
SUPPLIES	3.3	3.3	3.3	3.3	3.3	3.3
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	81.7	66.7	66.7	66.7	66.7	66.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	81.7	66.7	66.7	66.7	66.7	66.7
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	81.7	66.7	66.7	66.7	66.7	66.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS12.25.200 and AS 28.15.181 to provide that the court may suspend the driver's license, privilege to drive, or privilege to obtain a license of a person who fails to appear in court as required by a citation for an offense involving a moving motor vehicle, or who fails to pay a fine as required by the court for an offense involving a moving motor vehicle. The Department of Law believes that 400 new cases will have to be handled by state prosecutors if this bill is enacted. That is because revocation of a driver's license as a penalty stemming from a criminal offense requires a jury trial on the underlying offense, as provided by the Alaska Supreme Court's ruling in Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970). Consequently, state prosecutors will have to handle a large influx of one-day jury trials in district court.

The Alaska Court System estimates (based on 1994 data) that 20% of the 41,000 persons who are issued citations for moving violations each year fail to appear in court or fail to pay the fines resulting from those violations. Thus, about 8,000 persons fail to appear or pay a fine annually. It is conservatively estimated

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 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Boehm, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/23/96
 Date: 2/23/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCSSB 6 (C&RA)

ANALYSIS CONTINUATION:

that about 10% of these persons (or 800 or more defendants) will continue to avoid appearing in court, or avoid paying a fine, resulting in a one-day jury trial to enforce the license revocation provisions of the bill. We believe that about one-half of these trials (400) will involve citations issued by the Department of Public Safety, requiring prosecution by a state prosecutor.

Although these offenses occur throughout the state, and in many cases will have to be handled by the department's existing staff, an attorney and a legal secretary will be needed in Anchorage to handle the large number of one-day trials (150) that will occur in Southcentral Alaska. And, although these cases do not generally require very much time, their sheer volume and the time necessary to prepare for trial, will require one part-time attorney annually to handle this increased caseload.

	(PPT) <u>Attorney III</u>	(PPT) <u>Legal Secretary I</u>	<u>Total</u>
Personal Services	34.6	16.8	51.4
Travel	0.0	0.0	0.0
Contractual	7.2	4.8	12.0
Supplies	2.1	1.2	3.3
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
Total	50.4	31.3	31.7

SENATE STATE AFFAIRS COMMITTEE

February 2, 1995

3:37 p.m.

ssta - 2/2/95

SB 6 LICENSING/REGISTRATION SUSPENSION/DENIAL

Number 001

CHAIRMAN SHARP calls the Senate State Affairs Committee to order at 3:36 p.m. and brings up SB 6 as the first order of business. The chairman calls the first witness.

Number 022

SENATOR TAYLOR, prime sponsor of SB 6, relays information contained in his sponsor statement. Senator Taylor thinks SB 6 will increase revenue to the state because it is an impetus for people to pay outstanding fines.

CHAIRMAN SHARP notes that Juanita Hensley and Joe D'Amico, both from the Department of Public Safety, are available to answer questions.

Number 083

SENATOR DONLEY asks if the administration has a position on SB 6.

Number 088

JUANITA HENSLEY, Chief, Driver Services, Div. of Motor Vehicles, Dept. of Public Safety (DPS), says she is present to testify on the technical affect SB 6 would have on DPS and how SB 6 would be administered. She guesses that the administration would be neutral on this legislation at this time.

CHAIRMAN SHARP asks Ms. Hensley if it would be "do-able" to pick these fines off the computer at the time of re-registration.

Number 105

MS. HENSLEY replies SB 6 would allow the court system to suspend a person's driver's license for failure to appear in court to pay a moving violation. Also, for those communities that have parking offenses, an electronic update of the vehicle record could be placed by the municipality on the offender's motor vehicle file. Before DPS would register a vehicle, DPS would require the registrant to show proof of having paid their parking and traffic fines. This bill does allow, and would require, a reinstatement fee upon reissuance of driver's licenses. So that would be a revenue generator for the state.

Number 123

SENATOR RANDY PHILLIPS makes a motion to discharge SB 6 from the Senate State Affairs Committee with individual recommendations.

SENATE STA FASIS - 1 - 02/02/95

CHAIRMAN SHARP, hearing no objection, orders SB 6 released from committee with individual recommendations.

HOUSE COMMITTEE REPORT

4/28/95

(7)

Date Referred: April 19, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4-27-95

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

SB 6 am

SENATE BILL NO. 6 am

SUSPEND DRIVERS LIC./ TRAFFIC OFFENSES

"An Act relating to suspension of a driver's license for failure to appear in court or failure to pay a fine; relating to court and collection costs for traffic offenses; and relating to citations and court procedures for municipal traffic and parking offenses."

recommends it be replaced with the following committee substitute HCS for SB 6 (C+RA) [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

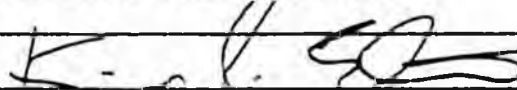
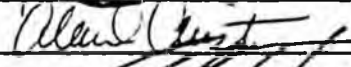
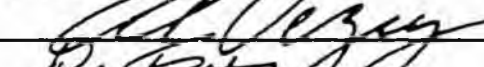

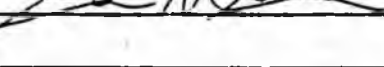
ATTACHES NEW FISCAL NOTE(S): (Dept) _____
[] fiscal note(s) _____

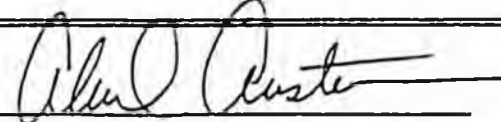
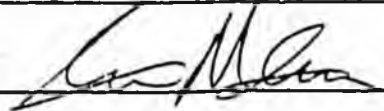
APPROVES PREVIOUS: (Dept/Date) 3/30/95 3/30/95
[] ^{senate} fiscal note(s) Corrections, Public Safety

Court System 2/9/95

[] zero fiscal note(s) _____

[] ^{senate} zero fiscal note(s) Public Safety 2/3/95

SIGNING WITH RECOMMENDATIONS	DP	D'NP	NR	AM
 ELTON			<input checked="" type="checkbox"/>	
 AUSTERMAN			<input checked="" type="checkbox"/>	
 VEZEY	<input checked="" type="checkbox"/>			
 KOTT	<input checked="" type="checkbox"/>			
 IVAN	<input checked="" type="checkbox"/>			
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CO-CHAIR'S SIGNATURE  AUSTERMAN  IVAN