

**HB**

**21**

**SFIN**

**FILE**

SENATE FINANCE COMMITTEE

7c file

DATE: 3/16/95

FURTHER:

DATE TURNED INTO OFFICE: 3-22-95

The Finance Committee considered CS FOR HOUSE BILL NO. 21(FIN)

Revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; illegal possession or use of a firearm by a person at least 13 but not yet 18 years of age; efd.

and recommends:

- be replaced with 5 CS CSHB 21 (Fin)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
same title

JCS  
(Fin)  
to follow

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roller</i>	<input checked="" type="checkbox"/>	<i>Steve Thier</i>		<input checked="" type="checkbox"/>	
<i>Best Group</i>	<input checked="" type="checkbox"/>	<i>Dee Deery</i>	<input checked="" type="checkbox"/>		
		<i>Paul P. Zhanoff</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>				
Co-Chair: <i>Kirk Halford</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):\*

Department Date Zero Fiscal

#	Department	Date	Zero	Fiscal
#1	DOLA	2/1/95	<input checked="" type="checkbox"/>	
#2	DPS	1/31/95	<input checked="" type="checkbox"/>	
#3	DHSS	1/30/95	<input checked="" type="checkbox"/>	
#4	DOA	3/3/95	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 4

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Bill Version: CS HB 21 (FIN)  
(H) Publish Date: 3/9/95

Revision Date: \_\_\_\_\_  
Title: "An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance"  
Sponsor: Rep. Porter  
Requestor: (H) FIN

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender  
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ( )	0	0	0	0	0	0

FUND SOURCE: (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	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)  
No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 3/3/95

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Revision Date: 01/27/95  
Title: An act relating to revocation of a driver's license  
Sponsor: Porter and Toohay  
Requestor:

Dept. Affected: Health and Social Services  
BRU: Alcohol and Drug Abuse Svcs  
Component: ADA Administration  
COMPONENT SERIAL NO. 302  
See also (SN#):

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the division.

Prepared by: Patty L. Olson  
Division: Alcoholism & Drug Abuse

Phone: \_\_\_\_\_  
Date: 01/27/95

Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Date: 1/30/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Bill

Version: CS HB 21 (TPA)  
(H) Publish Date: 3/10/95

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: In act relating to revocation of a BRU: Alaska State Troopers  
minor's license for illegal possession, etc. Component: Detachments  
 Sponsor: Representative Brian Porter  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

Federal Receipts						
1003 - Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

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

ANALYSIS: (Attach a separate page if necessary.)  
No material impact.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 01/20/95  
 Approved by Commissioner: *[Signature]* Date: 11/31/95  
 Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

No. 1  
 Bill Version: CS HB21 (TRA)  
 (H) Publish Date: 2/10/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ...revocation of a driver's license for illegal possession or use of a controlled substance...consumption of alcohol... BRU: Prosecution  
 Sponsor: Representative Porter Component: All  
 Requester: Representative Porter COMPONENT SERIAL NO. 0085-90

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

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

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill extends the driver's license revocation penalties, contained in AS 28.15, for minors who possess or use a controlled substance in violation of AS 11.71, or who possess or consume alcohol, in violation of AS 04.16.050, to include violations of municipal ordinances with substantially similar elements. The revocation of licenses is primarily an administrative process within the Department of Public Safety. The Department of Law's involvement consists of representing the Department of Public Safety (when needed) in an appeals hearing, to review a revocation. Such involvement, since the state's revocation penalties took effect last summer, has been minimal. Consequently, a fiscal impact is not expected.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/1/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/1/95  
 Agency: Department of Law

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**COMMITTEE COPY**

*Amend #1*

*P. 3 - 6 RP  
After  
Ordinance  
insert:  
with substantially  
similar elements*

*SCS for* CS FOR HOUSE BILL NO. 21(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

*Add:*

BY THE HOUSE FINANCE COMMITTEE

*"with substantially  
similar elements"*

Offered: 3/9/95  
Referred: Rules

*following  
ordinance throughout  
the bill.*

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use  
2 of a controlled substance or illegal possession or consumption of alcohol by a  
3 person at least 13 but not yet 21 years of age; relating to revocation of a  
4 driver's license for illegal possession or use of a firearm by a person at least 13  
5 but not yet 18 years of age; relating to treatment programs required for issuance  
6 or reissuance of a driver's license; and providing for an effective date."

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

8 \* Section 1. AS 28.15.183(a) is amended to read:

9 (a) If a peace officer has probable cause to believe [AND BASED ON  
10 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not  
11 yet 21 years of age has possessed or used a controlled substance in violation of  
12 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation  
13 of AS 04.16.050 or a municipal ordinance, and the peace officer has cited the person

1 or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the  
2 municipal ordinance, the peace officer shall read a notice and deliver a copy to the  
3 person. The notice must advise that

4 (1) the department intends to revoke the person's driver's license or  
5 permit, privilege to drive, or privilege to obtain a license or permit;

6 (2) the person has the right to administrative review of the revocation;

7 (3) if the person has a driver's license or permit, the notice itself is a  
8 temporary driver's license or permit that expires seven days after it is delivered to the  
9 person;

10 (4) revocation of the person's driver's license or permit, privilege to  
11 drive, or privilege to obtain a license or permit, takes effect seven days after delivery  
12 of the notice to the person unless the person, within seven days, requests an  
13 administrative review.

14 \* Sec. 2. AS 28.15.183(c) is amended to read:

15 (c) Unless the person has requested an administrative review, the department  
16 shall revoke the person's driver's license or permit, privilege to drive, or privilege to  
17 obtain a license or permit, effective seven days after delivery to the person of the  
18 notice required under (a) of this section, upon receipt of a sworn report of a peace  
19 officer

20 (1) that the officer had probable cause to believe [AND BASED ON  
21 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet  
22 21 years of age and has possessed or used a controlled substance in violation of  
23 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation  
24 of AS 04.16.050 or a municipal ordinance;

25 (2) that the peace officer has cited the person or arrested the person for

26 (A) a violation of AS 11.71 or AS 04.16.050; or

27 (B) possession or use of a controlled substance or alcohol in  
28 violation of a municipal ordinance;

29 (3) that notice under (a) of this section was provided to the person; and

30 (4) describing the circumstances surrounding the violation of the  
31 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions

1 of AS 04.16.050, or the municipal ordinance.

2 \* Sec. 3. AS 28.15.183(g) is amended to read:

3 (g) Except as provided under (h) of this section, the department may not issue  
4 a new license or reissue a license to a person whose driver's license, permit, or  
5 privilege to drive has been revoked under this section unless the person is enrolled in  
6 and is in compliance with, or has successfully completed

7 (1) an alcoholism education or [AND] rehabilitation treatment program,  
8 if the revocation resulted from possession or consumption of alcohol in violation of  
9 AS 04.16.050 or a municipal ordinance; or

10 (2) a drug education or rehabilitation treatment program, if the  
11 revocation resulted from possession or use of a controlled substance in violation of  
12 AS 11.71 or a municipal ordinance.

13 \* Sec. 4. AS 28.15.184(g) is amended to read:

14 (g) The hearing for review of a revocation by the department under  
15 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years  
16 of age but not yet 21 years of age and whether the person possessed or used a  
17 controlled substance in violation of AS 11.71 or a municipal ordinance, or possessed  
18 or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance.

19 \* Sec. 5. AS 28.15.185(a) is amended to read:

20 (a) A person who is at least 13 years of age but not older than 17 years of age  
21 who is convicted or who is adjudicated by a juvenile court of (1) misconduct  
22 involving a controlled substance under AS 11.71 or a municipal ordinance; (2)  
23 possession or consumption of alcohol under AS 04.16.050 or a municipal ordinance;  
24 or (3) an offense involving the illegal use or possession of a firearm that is  
25 punishable under AS 11 or a municipal ordinance is subject to revocation of the  
26 person's driver's license, privilege to drive, or privilege to obtain a license under (b)  
27 of this section.

28 \* Sec. 6. AS 28.15.185(c) is amended to read:

29 (c) Upon conviction or adjudication of an offense listed in (a) of this section,  
30 the court may, upon petition of the person, review the revocation and may restore the  
31 driver's license, except a court may not restore the driver's license until

Amend. #2

- 1 (1) at least one-half of the period of revocation imposed under this  
2 section has expired; and
- 3 (2) the person has taken and successfully completed a state approved  
4 program of drug education or rehabilitation if convicted <sup>or adjudicated</sup> of misconduct involving a  
5 controlled substance under AS 11.71 or a municipal ordinance, or alcohol education  
6 or rehabilitation if convicted <sup>or adjudicated</sup> of possession or consumption of alcohol under  
7 AS 04.16.050 or a municipal ordinance; this paragraph does not apply to a person  
8 who resides in an area that does not offer a state approved drug or alcohol education  
9 or rehabilitation program or a person that the court determines does not need alcohol  
10 or drug education or rehabilitation.
- 11 \* **Sec. 7. APPLICABILITY.** This Act applies to violations of AS 04.16.050, AS 11, or  
12 a municipal ordinance that occur on or after the effective date of this Act.
- 13 \* **Sec. 8.** This Act takes effect July 1, 1995.

DD  
p. 4 ~~3~~  
~~6~~  
"or adjudicated"  
Adopted  
after Rehab.

MEMO

TO: Legal Services  
FROM: Kathy  
Senate Finance  
2618  
DATE: March 22, 1995  
RE: SCS CSHB 21 (Finance)

Please prepare a draft Senate Finance Committee Substitute for CSHB 21 (Fin), incorporating the following amendments:

Amend. #1: Add: "with substantially similar elements" following municipal ordinance throughout all sections of the bill.

Amend. #2: Add: "or adjudicated" following the word "convicted" at Page 4, Lines 4 and 6.

The bill was reported out of committee this morning and is on its way to Rules, so time is of the essence. Please deliver draft to Kathy or Norma, Room 520, Capitol Building. Thank you.

*Delivered to Legal  
by Rose 11:20am*

*Draft delivered to  
Larry, Sen. Donley,  
& Rep. Porter 2:00pm*

*Kathy -  
(u) Senator Donley's  
Office - Karen - called to  
say Draft of SB21 is fine!  
Norma*

DRAFT DRAFT DRAFT

9-LS0121\NR

SENATE CS FOR CS FOR HOUSE BILL NO. 21(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use  
2 of a controlled substance or illegal possession or consumption of alcohol by a  
3 person at least 13 but not yet 21 years of age; relating to revocation of a  
4 driver's license for illegal possession or use of a firearm by a person at least 13  
5 but not yet 18 years of age; relating to treatment programs required for issuance  
6 or reissuance of a driver's license; and providing for an effective date."

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

8 \* Section 1. AS 28.15.183(a) is amended to read:

9 (a) If a peace officer has probable cause to believe [AND BASED ON  
10 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not  
11 yet 21 years of age has possessed or used a controlled substance in violation of  
12 AS 11.71 or a municipal ordinance with substantially similar elements, or  
13 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal

1 ordinance with substantially similar elements, and the peace officer has cited the  
2 person or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the  
3 municipal ordinance with substantially similar elements, the peace officer shall read  
4 a notice and deliver a copy to the person. The notice must advise that

5 (1) the department intends to revoke the person's driver's license or  
6 permit, privilege to drive, or privilege to obtain a license or permit;

7 (2) the person has the right to administrative review of the revocation;

8 (3) if the person has a driver's license or permit, the notice itself is a  
9 temporary driver's license or permit that expires seven days after it is delivered to the  
10 person;

11 (4) revocation of the person's driver's license or permit, privilege to  
12 drive, or privilege to obtain a license or permit, takes effect seven days after delivery  
13 of the notice to the person unless the person, within seven days, requests an  
14 administrative review.

15 \* Sec. 2. AS 28.15.183(c) is amended to read:

16 (c) Unless the person has requested an administrative review, the department  
17 shall revoke the person's driver's license or permit, privilege to drive, or privilege to  
18 obtain a license or permit, effective seven days after delivery to the person of the  
19 notice required under (a) of this section, upon receipt of a sworn report of a peace  
20 officer

21 (1) that the officer had probable cause to believe [AND BASED ON  
22 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet  
23 21 years of age and has possessed or used a controlled substance in violation of  
24 AS 11.71 or a municipal ordinance with substantially similar elements, or  
25 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal  
26 ordinance with substantially similar elements;

27 (2) that the peace officer has cited the person or arrested the person for

28 (A) a violation of AS 11.71 or AS 04.16.050; or

29 (B) possession or use of a controlled substance or alcohol in  
30 violation of a municipal ordinance with substantially similar elements;

31 (3) that notice under (a) of this section was provided to the person; and

1 (4) describing the circumstances surrounding the violation of the  
2 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions  
3 of AS 04.16.050, or the municipal ordinance with substantially similar elements.

4 \* Sec. 3. AS 28.15.183(g) is amended to read:

5 (g) Except as provided under (h) of this section, the department may not issue  
6 a new license or reissue a license to a person whose driver's license, permit, or  
7 privilege to drive has been revoked under this section unless the person is enrolled in  
8 and is in compliance with, or has successfully completed

9 (1) an alcoholism education or [AND] rehabilitation treatment program,  
10 if the revocation resulted from possession or consumption of alcohol in violation of  
11 AS 04.16.050 or a municipal ordinance with substantially similar elements; or

12 (2) a drug education or rehabilitation treatment program, if the  
13 revocation resulted from possession or use of a controlled substance in violation of  
14 AS 11.71 or a municipal ordinance with substantially similar elements.

15 \* Sec. 4. AS 28.15.184(g) is amended to read:

16 (g) The hearing for review of a revocation by the department under  
17 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years  
18 of age but not yet 21 years of age and whether the person possessed or used a  
19 controlled substance in violation of AS 11.71 or a municipal ordinance with  
20 substantially similar elements, or possessed or consumed alcohol in violation of  
21 AS 04.16.050 or a municipal ordinance with substantially similar elements.

22 \* Sec. 5. AS 28.15.185(a) is amended to read:

23 (a) A person who is at least 13 years of age but not older than 17 years of age  
24 who is convicted or who is adjudicated by a juvenile court of (1) misconduct  
25 involving a controlled substance under AS 11.71 or a municipal ordinance with  
26 substantially similar elements; (2) possession or consumption of alcohol under  
27 AS 04.16.050 or a municipal ordinance with substantially similar elements; or (3)  
28 an offense involving the illegal use or possession of a firearm that is punishable  
29 under AS 11 or a municipal ordinance with substantially similar elements is  
30 subject to revocation of the person's driver's license, privilege to drive, or privilege  
31 to obtain a license under (b) of this section.

1 \* Sec. 6. AS 28.15.185(c) is amended to read:

2 (c) Upon conviction or adjudication of an offense listed in (a) of this section,  
3 the court may, upon petition of the person, review the revocation and may restore the  
4 driver's license, except a court may not restore the driver's license until

5 (1) at least one-half of the period of revocation imposed under this  
6 section has expired; and

7 (2) the person has taken and successfully completed a state approved  
8 program of drug education or rehabilitation if convicted or adjudicated of  
9 misconduct involving a controlled substance under AS 11.71 or a municipal  
10 ordinance with substantially similar elements, or alcohol education or rehabilitation  
11 if convicted or adjudicated of possession or consumption of alcohol under  
12 AS 04.16.050 or a municipal ordinance with substantially similar elements; this  
13 paragraph does not apply to a person who resides in an area that does not offer a state  
14 approved drug or alcohol education or rehabilitation program or a person that the  
15 court determines does not need alcohol or drug education or rehabilitation.

16 \* Sec. 7. APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11, or  
17 a municipal ordinance that occur on or after the effective date of this Act.

18 \* Sec. 8. This Act takes effect July 1, 1995.



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES


### Committee on Finance

Official Business

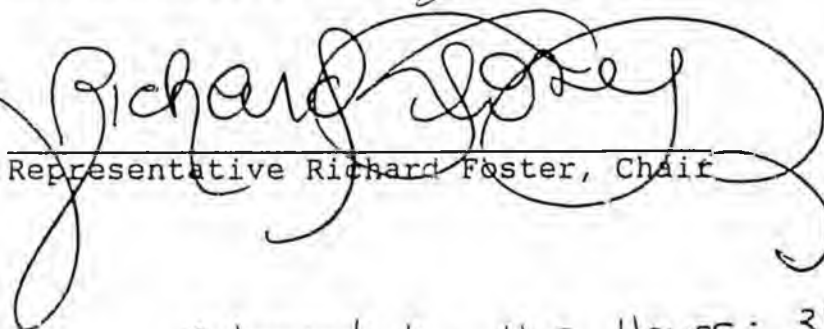
State Capitol  
Juneau, Alaska 99801-1182

LETTER OF INTENT  
FOR  
CS HB 21 (FIN)

It is the intent of the Alaska Legislature that general fund program receipts provided by the driver's license reinstatement fee be divided equally between the Department of Public Safety and the Department of Health and Social Services. The program receipts received by the Department of Health and Social Services should be used for alcohol and drug abuse prevention and treatment programs specifically targeted at youth.

  
\_\_\_\_\_  
Representative Mark Hanley, Chair

3/8/95  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Representative Richard Foster, Chair

8 MAR 95  
\_\_\_\_\_  
Date

Adopted by the House: 3/15/95

SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 4-25-94

The Finance Committee considered SENATE BILL NO. 166

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

# 1994 Report

and recommends:

replace with CS SB 166 (FINANCE)  
 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

**Cross Ref. - 1995**  
**HB 21**  
**SB 82**

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
Courts	4/18/94		6.9

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DPS	4/18/94		101.9
			247.5

opt. revenue

Appropriation No Fiscal Note

DO PASS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OTHER RECOMMENDATIONS:

Steve King No Recommendation  
 Kathleen DO NOT pass  
 Scott Alford N.R.

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

2. \_\_\_\_\_  
 Co-Chair: Signature/Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 2

Bill Version: CSSB 1166 (TUD)

(S) Publish Date: 4.19.94

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title "An Act relating to registration of a motor vehicle, revocation of driver's license failure appear" BRU: Motor Vehicles  
 Sponsor: Senator Taylor Component: Driver Services Field Services  
 Requestor: (S) JUD COMPONENT SERIAL NO. 500, 501

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	75.1	75.1	75.1	75.1	75.1	75.1
TRAVEL						
CONTRACTUAL	5.8	0	0	0	0	0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>101.9</b>	<b>76.1</b>	<b>76.1</b>	<b>76.1</b>	<b>76.1</b>	<b>76.1</b>
CAPITAL						
REVENUE FUND SOURCE: (1005)	247.5	247.5	247.5	247.5	247.5	247.5

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	101.9	76.1	76.1	76.1	76.1	76.1
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>101.9</b>	<b>76.1</b>	<b>76.1</b>	<b>76.1</b>	<b>76.1</b>	<b>76.1</b>

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)  
See attached analysis.

Prepared By: Juanita Hensley Phone: 465-2650  
 Division: Motor Vehicles Date: 04/18/94  
 Approved by Commissioner: *[Signature]* Date: 04/18/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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For further distribution information call the Governor's Legislative Office

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 a moving traffic violation. It is assumed the court will suspend the driver's license of 10% or 2,500 drivers each year.

This bill impacts the Division of Motor Vehicles by resulting in 4,750 updates to the driving record of the persons being suspended. One entry will add the suspension, and another entry will end the suspension. Reinstating the driver's license will also impact the DMV field offices as the DMV clerk 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% of all persons whose license is suspended will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had his license suspended or revoked. A person will also have to pay a duplicate license fee of \$10.00 prior to the license being issued. This will bring in an additional \$247.5 in new general fund program receipt revenue.

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

	FY95	FY96
<u>Personal Services</u>		
	<u>Salary and Benefits</u>	
Document Processor III (Juneau)	\$38.4	\$38.4
Motor Vehicle Representative II (Anchorage)	\$36.7	\$36.7
<u>Contractual</u>		
Redesign and Order Traffic Citations (one time cost)	\$ 5.8	
<u>Supplies</u>		
Office Supplies	\$ 1.0	\$ 1.0
<u>Equipment</u>		
2 Computer Workstations @\$10.0	\$20.0	
TOTAL	\$101.9	\$76.1

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSSB 166 (S.M)

Revision Date: 04/18/94 Dept. Affected: Alaska Court System  
 Title: Driver's License Revocation BRU: Trial Courts  
 Sponsor: Senate Judiciary Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	5.4	5.4	5.4	5.4	5.4	5.4
TRAVEL						
CONTRACTUAL	1.3	1.3	1.3	1.3	1.3	1.3
SUPPLIES	0.2	0.2	0.2	0.2	0.2	0.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	6.9	6.9	6.9	6.9	6.9	6.9

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

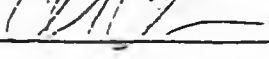
1002 Federal Receipts						
1003 GF Match						
1004 GF	6.9	6.9	6.9	6.9	6.9	6.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	6.9	6.9	6.9	6.9	6.9	6.9

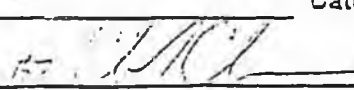
POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)  
See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
 Agency: Alaska Court System Date: 04/18/94

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 04/18/94  
 Agency: Alaska Court System

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Alaska Court System  
Fiscal Analysis  
CSSB 166

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 93, the court system processed over 68,500 traffic offenses, of which nearly 39,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

<u>Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)</u>	<u>17,100</u>	
10% of warrant recipients will receive Notice of Revocation		1,700
80% of notice recipients will receive Notice of Termination of Revocation		1,400
<u>Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)</u>	<u>7,300</u>	
10% of warrant recipients will receive Notice of Revocation		300
80% of notice recipients will receive Notice of Termination of Revocation		500
Total number of notices processed by the courts		<u>4,500</u>

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 225 hours.

Fiscal Impact

Personal Services

	<u>Amount</u>
Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk	5,402

Contractual

Postage - mail 4,500 notices at 29¢ each	1,305
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Supplies

Cost of paper and envelopes for printing and mailing notices	<u>199</u>
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Total Cost	<u><u>56,906</u></u>
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# Alaska Fire Chief's Association

P.O. Box 8508 • Nikiski, Alaska 99635 • (907) 283-4202 • FAX 283-8404

Billy W. Harris  
President

TIMOTHY J. BIGGANE  
1st Vice President  
(907) 488-3400  
North Pole

## Resolution 95-03

MICHAEL G. MCGOWAN  
2nd Vice President  
(907) 474-7916  
Fairbanks

### THE ALASKA FIRE CHIEF'S ASSOCIATION SUPPORTS HOUSE BILL NO. 21

TERI CARTER  
Secretary / Treasurer  
(907) 283-4388  
Nikiski

**WHEREAS,** it is our responsibility as adults and community leaders to send a strong message to our youth that the possession and use of controlled substances, and the use of alcohol dangerous and,

DEWEY WHITSELL  
Director  
(907) 424-6117  
Cordova

**WHEREAS,** only responsible people should be allowed to operate motor vehicles on our roadways and,

GREG BARCLAY  
Director  
(907) 262-4792  
Soldotna

**WHEREAS,** the use and possession of alcohol and controlled substances by minors directly impacts the emergency services by increasing the number of motor vehicle accidents, suicides and attempts, assaults, and domestic disturbances and,

MIKE HOLZMUELLER  
Director  
(907) 474-7721  
Fairbanks

**WHEREAS,** the Alaska Fire Chief's Association is dedicated to reducing the loss of life and property,

MIKE DOLPH  
Director  
(907) 486-6040  
Kodiak

### NOW THEREFORE BE IT RESOLVED THAT,

**THE ALASKA FIRE CHIEF'S ASSOCIATION STRONGLY SUPPORTS THE  
PASSING OF HOUSE BILL NO. 21.**

JOHN P. KRILL  
Director  
(907) 373-8800  
Wasilla

**ADOPTED, THIS 20th DAY OF MARCH, 1995.**

ANDREW POSTISHEK  
Past President  
(907) 265-8794  
Wasilla

Billy W. Harris  
President, AFCA

ATTEST: Secretary





Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

State Capitol  
Juneau, AK 99801-1182

### MEMORANDUM

TO: Senator Rick Halford, Co-Chair  
Senate Finance Committee

FROM: Representative Cynthia Toohey, Joint Sponsor *CT*  
Representative Brian Porter, Joint Sponsor *BP*

DATE: March 15 1995

RE: House Bill 21, "An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; and providing for an effective date."

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We respectfully request that you schedule the above-referenced bill for a hearing in your committee.

This bill will close a small, but important loophole in the "Use It, Lose It" bill that passed last session.

House Bill 21 amends the law to include municipal ordinance as well as state law.

Attached are:

1. Zero fiscal notes from the Department of Public Safety, the Department of Health and Social Services, and the Department of Law
2. Sponsor statement
3. Letter of support

Please contact Marveen at 6820 if you have any questions. Thank you.



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT

House Bill 21 closes a small, but important loophole in House Bill 299 which passed last year.

That law should be amended to include municipal ordinance as well as state law. House Bill 21 does this.

At the recommendation of the Department of Law, the bill was amended in the House Finance Committee to include court revocation of a minor's license for a minor who is convicted or adjudicated for an offense involving the illegal use or possession of a firearm that is punishable under state statute or municipal ordinance. The House Finance Committee Substitute passed out with eight do-passes and three no-recs.

There are zero fiscal notes from the Department of Public Safety, the Department of Health and Social Services, and the Department of Law. The simple fix will cost the state nothing, but will increase the effectiveness of this law which provides additional incentive for youth not to use alcohol or drugs or illegally use or possess firearms.

House Bill 21 passed the House unanimously.

Municipality  
of  
Anchorage



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4250

*Rick Mystrom, Mayor*

DEPARTMENT OF LAW  
Office of the Prosecutor  
320 L Street, Suite 100

January 19, 1995

I am writing to express my strongest support for proposed House Bill 21, sponsored by Representative Porter.

As a state, Alaska, sorrowfully, has one of the highest incidents of alcohol abuse in the nation. Unfortunately that abuse often begins at a young age. At least 50% of all juvenile crime in Alaska is linked to alcohol. Alcohol is also a factor in a tremendous number of suicides. In fact as many as 72% of suicides by Native men aged 15 to 24 are alcohol related. Chillingly, nationwide almost 70% of juveniles who report using drugs or alcohol state their first experiences were with drugs or alcohol taken from their parents' supplies.

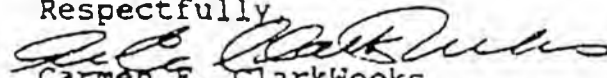
This abuse causes carnage on the roadway. Here in Anchorage there were 13 DWI traffic fatalities compared to 24 murders in 1994. In 1993 Alaska had the 3rd highest percentage of alcohol-related traffic deaths in the nation. Drunk drivers kill 26,000 Americans every year or 1 every 20 minutes. One and a half million people are seriously injured or crippled each year while economic losses range over \$24 billion a year.

Young people generally lack the maturity of judgement to make them the best of drivers at any time. Their sense of immortality can make them disregard or fail to perceive dangers the adult driver would readily see. Couple those characteristics with a proven disposition to consume alcohol and a recipe for disaster is created. Thus, taking their driver's license is both a remedial measure which removes a likely risk from the road and a rehabilitative measure that teaches the relationship between behavior and consequences. The unpleasant consequence, loss of the license, should lead to a decrease in the frequency of the undesirable behavior. The end results will be safer roads and children growing up without the health and social risks associated with early alcohol consumption.

The language chosen for the proposed amendments is also laudable. The Court of Appeals is required to give restrictive interpretation to legislative language. Using the language selected will allow communities to explore approaches to lessening juvenile drug and alcohol abuse tailored to the community's specific needs and problems instead of forcing a complete mirroring of the state statutory prohibitions. In the long run that can only lead to more effective treatment and enforcement.

In closing, I urge the passage of House Bill 21.

Respectfully,



Carmen E. ClarkWeeks  
Acting Municipal Prosecutor

03/15/95

HOUSE JOURNAL

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REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONSENT THAT CSHB 21(FIN) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

CSHB 21(FIN) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CSHB 21(FIN) PASS THE HOUSE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSHB 21(FIN)  
THIRD READING  
FINAL PASSAGE

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

03/15/95

HOUSE JOURNAL

PAGE 0747

HB 21

YEAS: AUSTERMAN, BRICE, BUNDE, DAVIES, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, POSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KOTT, KUBINA, MACKIE, MACLEAN, MARTIN, MASEK, MOSES, MULDER, NAVARRE, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, SANDERS, THERRIALT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: BARNES, NICHOLIA

ABSENT: BROWN

AND SO, CSHB 21(FIN) PASSED THE HOUSE.

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONS

03/15/95

HOUSE JOURNAL

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03/15/95

HOUSE JOURNAL

PAGE 0747

HB 21

YEAS: AUSTERMAN, BRICE, BUNDE, DAVIES, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, FOSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KOTT, KUBINA, MACKIE, MACLEAN, MARTIN, MASEK, MOSES, MULDER, NAVARRE, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, SANDERS, THERRIALT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: BARNES, NICHOLIA

ABSENT: BROWN

AND SO, CSHB 21(FIN) PASSED THE HOUSE.

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONS