

**HB**

**290**

**FISCAL NOTE**

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: HB 290**

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to motor vehicle license plates for ranchers, farmers, and dairymen" BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: Representative Green  
 Requestor: (H) TRANS COMPONENT SERIAL NO. 2151

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

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
OPERATING						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
Revenue Code	(*)	(*)	(*)	(*)	(*)	(*)

**FUNDING: (Thousands of Dollars)**

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.) This bill will allow corporations to register a vehicle using the farm and dairymen exemption. Currently farm vehicle registration fees are \$68.00 biennially. The fee for a corporation to register a vehicle is \$100 to \$400 biennially. This bill has the potential of loss of general fund revenue. DMV is not able to determine the loss of revenue as it is not determined how many vehicles will meet the exemption and qualify for farm vehicle status under this bill.

Prepared By: Juanita M. Hensley Phone: 465-5648  
 Division: Motor Vehicles Date: 2/19/98  
 Approved by Commissioner: *Mark Boyer* Date: 2/18/98  
 Agency: Mark Boyer, Dept. of Administration

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FOR YOUR IMMEDIATE ATTENTION

DATE: April 20, 1998  
TO: Transportation Committee  
(Senator Ward)  
FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

**HOUSE BILL NO. 290**

**RETRIEVE**

Please give the bill file(s) to the page delivering this message. The bill file(s) will be returned to your Committee after the appropriate changes have been made.

Thank you.

# Alaska State Legislature

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ALASKA COURT SYSTEM

Representative Joe Green  
District 10

TO: Senator Jerry Ward, Chairman  
Senate Transportation Committee

FR: Representative Joe Green *J. Green*

RE: HB 290 - License plates for ranchers, farmers, and dairymen

DATE: April 2, 1998

By request of one of our constituents I have introduced HB 290, which has been referred to your committee. HB 290 clarifies the definition of a person for the purposes of qualifying for the agricultural license plates offered by DMV. The bill passed the House by a vote of 38-0.

Please schedule HB 290 for action in the Senate Transportation Committee at the earliest opportunity.

Thank you.



# Alaska State Legislature

## Senate

**JERRY WARD**

State Capital  
Juneau, AK 99801-1182  
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May 6, 1998

Senator Bert Sharp, Co-Chair  
Senator Drue Pearce, Co-Chair  
Senate Finance Committee  
State Capitol  
Juneau, AK 99801

Dear Senators Sharp and Pearce:

On April 28, the Senate Transportation Committee heard CSHB 290 with its accompanying zero fiscal note from the Division of Motor Vehicles (DMV).

During the meeting, it was noted that although the accompanying fiscal note reflected zero fiscal impact, the attached DMV analysis indicated that there was the potential of loss of general fund revenue of an undetermined amount. A member of the Senate Transportation Committee spoke to the fact that more and more fiscal notes are coming before committees reflecting zero fiscal impact but including attachments that say otherwise. Alaska Statute 24.08.035, which defines information that must be included in fiscal notes was referenced, and departmental adherence to the provisions of that statute for preparation of future fiscal notes was emphasized.

Following this discussion, a Transportation Committee Substitute was adopted and the legislation passed out of committee. As a result of the amendment made to this legislation, DMV came back with yet another zero fiscal note with an attachment indicating a potential loss of revenue as high as \$750,000. Again, this tremendous amount of money is not reflected in the fiscal note document. Additionally, it seems questionable that DMV could not determine the dollar amount of lost revenue in the fiscal note for the original version of the bill, but was able to come up with the unreasonable dollar amount of \$750,000 for the amended version.

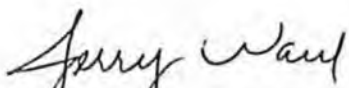
The Senate Transportation Committee supports the passage of this legislation but questions DMV's estimate of the dollar amount of potential lost revenue. We would ask

Senate Finance Committee  
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that when this legislation comes before the Finance Committee, that it be passed out of committee regardless of the attached fiscal note. Further, we request that the Finance Committee seriously question the department about their preparation of fiscal notes and instruct them to comply with the provisions set forth in AS 24.08.035 in the future.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Ward".

SENATOR JERRY WARD, Chair  
Senate Transportation Committee

REVISED

# Alaska State Legislature

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ALASKA COURT SYSTEM

Representative Joe Green  
District 10

## Sponsor Statement

### HB 290 - License plates for farmers, ranchers, and dairymen

HB 290 clarifies the definition of "person" in AS 28.10.181(h), a subsection of the vehicle code dealing with registration of agricultural vehicles, so that a person who has incorporated their business can register certain vehicles as agricultural, as opposed to commercial.

circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state. (AS 1 ch 67 SLA 1983)

#### NOTES TO DECISIONS

**Jurisdiction over divorce action.** — This section does not affect the common-law rule that Alaska courts have jurisdiction over a divorce action when one of the parties is domiciled in Alaska, where

"domicile" is defined as physical presence plus an intent to remain permanently *Perito v Perito*, 756 P2d 895 (Alaska 1988)

**Sec. 01.10.060. Definitions.** In the laws of the state, unless the context otherwise requires,

- (1) "action" includes any matter or proceeding in a court, civil or criminal;
- (2) "daytime" means the period between sunrise and sunset;
- (3) "month" means a calendar month unless otherwise expressed;
- (4) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;
- (5) "nighttime" means the period between sunset and sunrise;
- (6) "oath" includes affirmation or declaration;
- (7) "peace officer" means
  - (A) an officer of the state troopers;
  - (B) a member of the police force of a municipality;
  - (C) a village public safety officer;
  - (D) a United States marshal or deputy marshal; and
  - (E) an officer whose duty it is to enforce and preserve the public peace;
- (8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;
- (9) "personal property" includes money, goods, chattels, things in action, and evidences of debt;
- (10) "property" includes real and personal property;
- (11) "real property" is coextensive with land, tenements, and hereditaments;
- (12) "signature" or "subscription" includes the mark of a person who cannot write, with the name of that person written near the mark by a witness who writes the witness's own name near the name of the person who cannot write; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names to the sworn statement;
- (13) "state" means the State of Alaska unless applied to the different parts of the United States and in the latter case it includes the District of Columbia and the territories;
- (14) "writing" includes printing. (§ 4 ch 62 SLA 1962; am § 2 ch 66 SLA 1965; am § 10 ch 117 SLA 1968; am § 19 ch 74 SLA 1985; am § 1 ch 60 SLA 1990)

**Revisor's notes.** — Reorganized in 1985 to alphabetize the defined terms.

**Cross references.** — For additional definition of "peace officer", see AS 11.81.900(b); for listing of peace officers for purposes of the Fish and Game Code, see AS 16.05.150; for a definition of "police officer", see AS 18.65.290.

**Effect of amendments.** — The 1990 amendment rewrote paragraph (7).

**Opinions of attorney general.** — The statutory framework of the Alaska Statutes viewed as a whole contemplates that for any publicly employed law enforcement officer to be considered a peace officer within the meaning of present paragraph (7), he or she must be empowered with a full range of police duties and authority and must be currently function-

ing on essentially a full-time basis in that role. September 18, 1977, Op. Att'y Gen.

Law enforcement officers within the category "peace officers" as used in present paragraph (7) include, but are not limited to, state troopers, fish and wildlife protection officers and police officers employed by police departments of incorporated municipalities. September 18, 1977, Op. Att'y Gen.

Law enforcement officers with limited police authority with respect to specific statutes or ordinances are not police officers and are not necessarily peace officers either, at least within the meaning of present paragraph (7). September 18, 1977, Op. Att'y Gen.

Comparing the classification of "peace officer" in present paragraph (7) with that of "police officer," it is apparent that police officers, as defined in AS

**Sec. 29.45.060. Farm or agricultural land.** (a) Farm land included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use and may not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the land for both full and true value and farm use value. If the land is sold, leased, or otherwise disposed of for uses incompatible with farm use or converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight percent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (d) of this section for the preceding seven years. The balance of the payment shall be made to the municipality.

(b) An owner of farm use land shall, to secure the assessment under this section, apply to the assessor before May 15 of each year in which the assessment is desired. The application shall be made upon forms prescribed by the state assessor for the use of the local assessor, and shall include information that may reasonably be required to determine the entitlement of the applicant. If the land is leased for farm use purposes, the applicant shall furnish to the assessor a copy of the lease bearing the signatures of both lessee and lessor along with the completed application. The applicant shall furnish the assessor a copy of the lease covering the period for which the exemption is requested.

(c) In the event of a crop failure by an act of God the previous year, the owner or lessee may submit an affidavit affirming that 10 percent of gross income for the past three years was from farming.

(d) Subject to legislative appropriations for the purpose, the state shall reimburse a borough or city, as appropriate, for the property tax revenues lost to it by the operation of this section.

(e) In this section "farm use" means the use of land for profit for raising and harvesting crops, for the feeding, breeding, and management of livestock, for dairying, or another agricultural use, or any combination of these. To be farm use land, the owner or lessee must be actively engaged in farming the land, and derive at least 10 percent of yearly

gross income from the land. This section does not apply to land for which the owner has granted, and has outstanding, a lease or option to buy the surface rights. A property owner wishing to file for farm use classification having no history of farm-related income may submit a declaration of intent at the time of filing the application with the assessor setting out the intended use of the land and the anticipated percentage of income. An applicant using this procedure shall file with the assessor before February 1 of the following year a notarized statement of the percentage of gross income attributable to the land. Failure to make the filing required in this subsection forfeits the exemption. (§ 12 ch 74 SLA 1985)

**Revisor's notes.** — Subsection (e) was formerly (c). Relettered in 1992, at which time (d) and (e) were relettered as (c) and (d) respectively.

**Opinions of attorney general.** — This section applies only to commercial greenhouses. April 2, 1992 Op. Att'y Gen.

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

Ronald L. Otto, Commissioner

## DEPARTMENT OF PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

2150 East Dowling Road  
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PHONE: (907) 269-5551

January 7, 1997

Mosesian Farms of Alaska Inc  
13700 Specking Rd  
Anchorage AK 99515

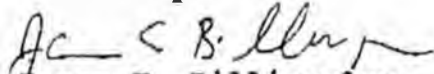
Plate #: 3828FA  
SERIAL #: 1GCGG39Y9SF226686  
RE: PLATE ERROR

Our records show that you were issued Farm Plates in error. Vehicle(s) titled in a business or company name are considered commercial vehicle(s) and are to be register commercially.

You will need to return your plates to one of the DMV offices or mail them to the above address and the correct plates will be issued. The correct fee for renewal is \$86 registration and \$88 MVRT for a total of \$174, since you have paid \$35 the amount due came to \$139. If returning plates my mail please enclosed a check for \$139, if you come into one of the DMV offices the additional fee will be collected at that time.

I'm enclosing a 30 day temporary permit to allow you use the vehicle will this matter is being taken care of.

Sincerely



James E. Billingsley, MVR IV/AFO