

SB

1 2 3

<TARGET><BILL>SB 123</BILL><SUBJECT>SB
123</SUBJECT><COMM>SCRA28</COMM></TARGET>

Alaska State Legislature



Interim:
716 West 4th Avenue, Room 410
Anchorage, Alaska 99501
(907) 269-0199 Phone
(907) 269-0197 Fax

Session:
State Capitol Building, Room 518
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
(907) 465-3476 Fax

Senator Kevin Meyer Senate District L

TO: Senator Micciche, Chair
Senate Community & Regional Affairs Committee

FROM: Senator Kevin Meyer, Co-Chair 
Senate Finance Committee

DATE: January 28, 2014

RE: Request to Schedule SB 123

With this memorandum, I respectfully request the scheduling of SB 123 in the Senate Community and Regional Affairs committee. This is enabling legislation to allow a municipality to pass an ordinance prohibiting the use of cell phones in school zones and on school property.

Attached to this memorandum please find:

- Sponsor Statement
- SB 123, Version 28-LS0960\A

If you have any questions, please contact my staff member assigned to this bill, Edra Morledge at 465-6874.

SB 123 – version A

Sponsor Statement

Fiscal Note – DPS – DET- 1/31/14

Letter of Support -

David Wight 2/1/14

Mayor Dan Sullivan 2/5/14

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/22/14

FURTHER RULES
DATE TURNED
IN TO OFFICE: 2/6/14

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

Community and Regional Affairs Committee considered SENATE BILL NO. 123

SB 123-PROHIBIT USE OF CELL PHONE WHILE DRIVING

"An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving in school zones or on school property."

and recommends:


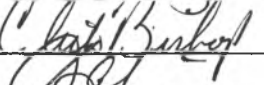
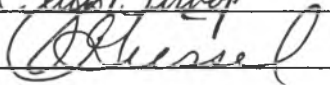
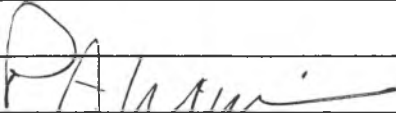
- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

| Dept Abbr. | |
|------------|-----|
| ADM | LWF |
| CED | LAW |
| COR | LEG |
| CRT | MVA |
| EED | DNR |
| DEC | DPS |
| DFG | REV |
| GOV | DOT |
| DHS | UA |

| NEW FISCAL NOTE(S) | | | | |
|--------------------|--------|--------|------|------|
| Dept. | Fiscal | Indet. | Zero | FN # |
| DPS | | | ✓ | 1 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| PREVIOUS FISCAL NOTE(S) | | | | |
|-------------------------|--------|--------|------|------|
| Dept. | Fiscal | Indet. | Zero | FN # |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|  | BISHOP | X | | | |
|  | BISHOP | X | | | |
|  | GIESSEL | X | | | |
| | | | | | |
| | | | | | |
| CHAIR:  | MICCICHE | ✓ | | | |

SENATE BILL NO. 123

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATORS MEYER, Micciche, Egan

Introduced: 1/22/14

Referred: Community and Regional Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular**
2 **telephones while driving in school zones or on school property."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 28.01 is amended by adding a new section to read:

5 **Sec. 28.01.017. Municipal regulation of cellular telephone use.**

6 Notwithstanding other provisions of this title, a municipality may adopt an ordinance
7 prohibiting the use of a cellular telephone by a person operating a motor vehicle while
8 on school property or in a school zone designated under the current edition of the
9 Alaska Traffic Manual prepared by the Department of Transportation and Public
10 Facilities.

Alaska State Legislature



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Senator Kevin Meyer Senate District L

SPONSOR STATEMENT **SENATE BILL 123**

Senate Bill 123 is enabling legislation that authorizes a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving a vehicle within a school zone or on school property. Our current statutes require that traffic laws be uniform across the state unless a municipality demonstrates a special problem. SB 123 removes the burden of individual municipalities having to demonstrate or defend their position that using cell phones while driving in school zones or on school property is dangerous, and instead allows local control in making that determination.

I encourage your support on SB 123.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 123
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB123-DPS-DET-01-31-14
Title: PROHIBIT USE OF CELL PHONE WHILE
DRIVING
Sponsor: MEYER
Requester: Senate Community & Regional Affairs

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

| | FY2015 Appropriation Requested | Included in Governor's FY2015 Request | Out-Year Cost Estimates | | | | |
|-------------------------------|--------------------------------------|--|-------------------------|----------------|----------------|----------------|----------------|
| | | | FY 2016 | FY 2017 | FY 2018 | FY 2019 | FY 2020 |
| OPERATING EXPENDITURES | FY 2015 | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 | FY 2020 |
| Personal Services | | | | | | | |
| Travel | | | | | | | |
| Services | | | | | | | |
| Commodities | | | | | | | |
| Capital Outlay | | | | | | | |
| Grants & Benefits | | | | | | | |
| Miscellaneous | | | | | | | |
| Total Operating | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Fund Source (Operating Only)

| | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None | | | | | | | |
| Total | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Positions

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

| | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|
| Change in Revenues | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

| | |
|---|---------------------------|
| Prepared By: <u>Kelly Howell, Special Assistant to the Commissioner</u> | Phone: (907)465-4336 |
| Division: <u>Office of the Commissioner</u> | Date: 01/31/2014 03:45 PM |
| Approved By: <u>Gary Folger, Commissioner</u> | Date: 01/31/14 |
| Agency: <u>Office of the Commissioner</u> | |

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB 123

Analysis

This bill would authorize a municipality to adopt an ordinance prohibiting the use of cellular telephones while in a school zone or on school property.

Passage of this bill would have no fiscal impact to the Alaska State Troopers.

Lynne Smith

From: Edra Morledge
Sent: Monday, February 03, 2014 10:08 AM
To: Lynne Smith
Subject: FW: SB 123

Letter in support of SB 123

-----Original Message-----

From: David Wight [<mailto:davidgwight@me.com>]
Sent: Saturday, February 01, 2014 6:18 AM
To: Edra Morledge
Subject: SB 123

Senator Kevin Meyer

I strongly support your SB 123 and have worked with the Anchorage Assembly and Anchorage School District for more than three years to eliminate this high risk use of cell phones in our school zones.

I have volunteered as a crossing guard at the corner of Gregory and Chinook, the intersection in front of Bowman Elementary for the last three years. ASD does not have funding for this intersection. After three years of effort to get users to cease use of cell phones it is apparent that some users have refused to change their behavior. I see no alternative to change their practice except to make it illegal in school zones.

What have I experienced in this time. The worst case was being rear ended right after school was out as I stopped quickly to avoid a child running across the street. The driver behind me did not see my car much less the child in front of me. A cell phone was in use and the driver considered the call important even when told about the child.

I have had people on cell phones run the stop signs, not stop when I direct them to stop, make incorrect turns and go in the exit only lane. They have also turned too sharply, ending up on the curb where children are waiting to cross the street. I have had to tap on car windows as cars approach the stop sign and all I can see is the top of their head while they use their phone. Many times they are driving too fast for safety while using their phones.

I believe cell phone use in school zone is the single most legal risky activity allowed in school zones and will result in a significant tragedy. It should be illegal. It is a very small sacrifice for us to give up cell phone use in school zones for the safety of our children. Maybe 10 minutes twice a day.

David Wight
Volunteer Crossing Guard
Retired CEO of Alyeska Pipeline Service Company

Sent from my iPad

MUNICIPALITY OF ANCHORAGE



Office of the Mayor

Phone: 907-343-7100

FAX: 907-343-7180

Mayor Dan Sullivan

February 5, 2014

The Honorable Peter Micciche
Capitol Building, Room 125
Juneau, Alaska 99801-1182

Dear Senator Micciche,

I am contacting you today regarding SB 123, *Prohibit Use of Cell Phone While Driving*. This bill is currently in the possession of your committee, Senate Community and Regional Affairs and I understand the bill will be considered in a second hearing this week.

I would like to express my support for this legislation. The Municipality Of Anchorage submitted a request to the Legislature in 2013 to have this bill introduced. This problem is not unique to Municipality Of Anchorage. However, my office has received many calls, emails and letters from residents of Anchorage who have found themselves in the frightening situation where a driver is not paying attention to the road, vehicles or pedestrians around them and have had several close calls. We would like to try to address this safety issue before a true tragedy takes place. This bill would provide local Assemblies the authority to adopt ordinances prohibiting the use of cell phones while driving in school zones within their municipalities. HB 123 does not require municipalities to make such changes to their local codes, but gives them the option to do so if the problem exists in their community.

I urge you and your fellow committee members to support this legislation. I appreciate your time and consideration.

Sincerely,

Dan Sullivan
Mayor