

ALASKA LEGISLATURE

2193

HOUSE and SENATE FINANCE COMMITTEE FILES,

2001 - 2002

20. Page 23: Old subsection (q) in Section 36 of H version deleted. This referenced the registration plate seizure provisions.

21. Page 23, line 2: After "court" added: "or other court-ordered treatment program". This is to address the concern about an equal protection issue where a defendant may be in an area that does not have a therapeutic court program. Adds (3) referring to the limited driver's license provisions.

22. Page 23, line 5: Deleted "50"; inserted "75". DISCUSSION: Should this be 50% or 75%?

23. Page 25, line 30: Subsection reference changed to reflect M version.

24. Page 26, lines 4-5: Increased sentence and community service language deleted.

25. Page 26: Mandatory forfeiture language for misdemeanors deleted.

26. Page 19, lines 19-22: See #18 above.

27. Page 27: Former Section 45 in H version deleted. This section mandated that treatment was to occur, as much as possible, while person incarcerated and that up to \$10,000 in treatment costs would be required to be reimbursed to the state.

28. Page 28, line 24: Subsection reference changed to reflect M version.

29. Page 28, lines 28-31: : Increased felony minimum sentences deleted.

30. Page 30, line 2: After "court" added: "or other court-ordered treatment program". This is to address the concern about an equal protection issue where a defendant may be in an area that does not have a therapeutic court program. Adds (3) referring to the limited driver's license provisions.

31. Page 30, line 5: Deleted "50"; inserted "75". DISCUSSION: Should this be 50% or 75%?

32. Page 32, line 19: Deleted "convner" and replaces it with "convicted person".

ALASKA STATE LEGISLATURE

House of Representatives

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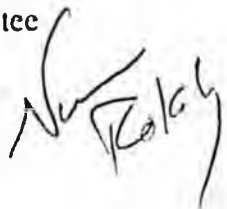
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Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

MEMORANDUM:

TO: Senate Finance Committee

FROM: Rep. Norman Rokeberg 

DATE: April 8, 2002

RE: House Bill 4

The fiscal notes on the H version of the bill came in at a little over \$4 million.

In order to get a bill passed and back over the House for concurrence, I am "forced" by these fiscal notes to propose eliminating some provisions of the bill:

1. Confiscation of registration plates will be eliminated. According to DMV this is a "toothless" provision. Additionally, because of a recent court decision that DMV cannot conduct license revocation hearings via telephonic methods, this also means that DMV would have to conduct face-to-face hearings on plate revocation. (Reduces fiscal note by about \$104,000.)
2. Mandated treatment while incarcerated. Corrections is working on programs for treatment while incarcerated. While I would like to see this continue in the bill, it carries a \$605,000 fiscal note. Again, small change but when you add it to the other provisions, it adds up. Also, this will reduce collection costs that the Department of Law figured for collecting reimbursement for treatment (\$18,000) but also means we will not collect the \$129,700 in treatment fees if even that amount could be collected. I have also been informed by Corrections that since a great majority of the treatment programs are currently funded with federal money, that we could not attempt to collect treatment costs on any federally funded program anyway.

3. With the exception of the increased sentence for manslaughter while driving drunk, take out all the increase jail sentences. This would eliminate approximately \$1,000,000 in this year's fiscal note and even greater amounts in the outer years as the sentences stack. Again this is a bitter pill for me to swallow but I am trying to save the remaining parts of House Bill 4.

4. Take out mandatory forfeiture and/or confiscation for all misdemeanor offenses leaving it at discretionary. This reduces the approximately \$2 million fiscal note that Departments of Law, Administration (Public Defender), and Public Safety have. No matter how I argue with them on this, I cannot convince the Executive Branch of the benefits of a statewide mandatory impoundment/confiscation/forfeiture program such as the ones accomplished in Anchorage and Fairbanks.

What, you might ask, does this leave in the bill? Well, there is still a lot of good in the bill:

1. Mandatory forfeiture for any felony charge. I suspect that Law and the Public Defender still won't like this one but this is my minimum and, frankly, I think it is hard to argue why felons shouldn't have their vehicles confiscated and forfeited.

2. Mandatory revocation of vehicle registration for felons.

3. Ability of local governments to have more stringent standards than the state on municipal impoundment and forfeiture for drunk driving, driving without a license, driving without insurance. I know, for example, that the Municipality of Anchorage is just waiting for this enabling language to go forth with its ordinance on driving while license suspended and driving without insurance.

4. Increased fines for all misdemeanor and felony charges for dwi and refusal.

5. Ability of fine reduction, limited driving license, and jail time reduction for those who successfully complete a therapeutic court program or court ordered treatment program. I hope that this "carrot" is successful in reducing repeat offenders and that the Anchorage Wellness Court concept will spread (which it has as Juneau and Fairbanks are both working on this type of program). If we can keep people in intense treatment, allow them to reorder their lives, and keep them from becoming the repeat offenders, we will have won a small but growing victory!

6. Increased fees for obtaining a drivers license, when eligible, for persons who have drunk driv or refusal convictions.

7. Changes "driving while intoxicated" to "driving under the influence". This more accurately reflects the intent of legislative action and the newly adopted .08 BAC.

8. Adds inhalants to the substances that can charge a DUI charge.

9. Clarifies certain areas of the law regarding the house arrest/electronic monitoring program and availability for use in certain cases and right to independent test for BAC.

10. Keeps the increased reimbursement level for imprisonment costs (goes up from \$1,000 to \$2,000 under HB 4).

By giving up some of the more stringent provisions, which I still would like to see enacted, we have a fiscal note that comes in at about the \$350,000 range after deducting the increased drivers license restatement fees and felony confiscation fees. Our estimates of the revenue from the increased fines, after considering dismal collection rates and the reduced fines for persons who successfully complete a treatment program, is about \$500,000. Thus, the bill shouldn't cost any money with its revisions but might generate \$300,000. These figures are just my in-house "guessestimate" based on information I have gleaned from DPS arrest statistics and fiscal note information.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

House of Representatives

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Representative Norman Rokeberg

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MEMORANDUM

TO: Senator Dave Donley, Co-Chairman
Senate Finance Committee

FROM: Representative Norman Rokeberg 

DATE: March 15, 2002

RE: Senator Hoffman's Question at March 15th Committee Meeting

Senator Hoffman asked about the way a person who owns a vehicle driven by someone arrested for drunk driving, refusal, etc., might protect their vehicle when the offender is not a co-owner of the vehicle in question.

PAGE 6, LINES 16-17: Seizure of registration plates. The language here clearly states that the registration plates may only be seized if the person operating the vehicle is the owner or co-owner of the car. If that person is not an owner or co-owner, the plates cannot be seized.

PAGE 34, LINE 29, THROUGH PAGE 36, LINE 28, Sections 52 and 53:

Section 52 discusses the method to be used for forfeiture of vehicle or aircraft. It covers the hearing and notification as well as disposal options.

Section 53 discusses the method of remission of forfeitures. I will point out that the forfeiture and immobilization provisions contained in the bill (such as on page 19) call for the "motor vehicle, aircraft, or watercraft used in the commission of the offense" is to be forfeited or immobilized without regard to ownership.

There is however, in current law, a remedy for an owner who is not the person convicted of the offense. In Section 53, the only change in this current law is to add "or watercraft". Under current law, a person claiming an ownership interest or security interest in the vehicle must be notified of any hearing, advised of the description of the vehicle, and notified of the right to intervene to protect the

person's interest in the vehicle. The owner then appears at the hearing and must establish ownership interest, that the person was not the one convicted of the offense that resulted in forfeiture, and that the owner did not know it would be used in commission of an offense. The section then goes on to describe the court's options.

I hope this answers Senator Hoffman's questions or concerns.

cc: Senate Finance Committee members

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Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

MEMORANDUM

TO: Senate Finance Committee Members

FROM: Rep. Norman Rokeberg 

DATE: March 15, 2002

RE: Fiscal Notes, House Bill 4

It is my belief that the revenues (including fines, cost reimbursement and fees) should offset much of the cost of the bill. Therefore, I trust the committee could move this bill without any significant impact on our fiscal situation.

Vehicle Forfeiture and Immobilization.

For example, Version V calls for mandatory forfeiture or immobilization on a second misdemeanor, mandatory forfeiture on a third misdemeanor, and mandatory forfeiture on a felony charge (with the adoption of changes suggested in amendment V.3, pages 22, line 27 and page 32, line 11 "may" to "shall"). The Municipality of Anchorage and the City of Fairbanks both run current impoundment and forfeiture programs:

Municipality of Anchorage: Excess revenue is \$85,274 plus 12 vehicles that Anchorage Police Department obtained for undercover work. (see attached e-mail from Tim Rogers and February 6th memorandum from Richard Payne to William Greene)

City of Fairbanks: Provided us with information on numbers and total revenue. Connie Martin, the part-time legal assistant who runs this program, has indicated that the only cost of the program is her salary and that the revenues more than cover that cost.

An amendment is offered to require the State to recover the costs of the program from the offenders, as well as benefit from vehicles sales proceeds.

Senate Finance Committee
March 15, 2002
Page Two

Cost Reimbursement and Fees

In previous fiscal notes, the Department of Corrections (\$235.4) and the Division of Motor Vehicles (\$347.5) were the only agencies indicating increases revenues from the increased reimbursements for jail time, treatment, and fees (totaling \$582.9).

Fines

Despite the increased fines called for in the bill, no other agency has indicated the revenues gained from any increased fine amounts. However, it is clear that fines will generate sufficient cash flow to the state, e.g., first offense DUIs number approximately 3181 in a year and the current fine of \$250.00 is increased to \$1500. Therefore, 3181 offenders x \$1250 = \$3,976,250 less Anchorage/Fairbanks (who prosecute their own first time offenders) (50%) = 1,988,125 less 50% uncollectable = \$ 994,062 in first offender fines. All other DUI crimes in this bill include increased fines and penalties.

It will be a pleasure to work with the Senate Finance Committee on HB 4 and the accompanying fiscal notes. I thank the committee members for their time and interest in this important matter.

RE: Vehicle Forfeiture

Subject: RE: Vehicle Forfeiture

Date: Tue, 26 Feb 2002 13:03:42 -0900

From: "Rogers, Tim A." <RogersTA@ci.anchorage.ak.us>

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Hi Janet,

I'm glad you asked the question because my response in the earlier email is incorrect. Here's the correct accounting:

Program Costs	
MOA program costs for Impound/forfeiture:	\$208,820
Court filing fees:	\$ 74,340
Total program costs:	\$283,160
Revenue	
Reimbursement of filing fee:	\$ 74,340
Reimbursement of APD arrest time:	\$195,360
Bond Forfeiture:	\$
27,500	
Auction Proceeds:	\$
71,234	
Total Revenue:	\$368,434
Total Excess revenue:	\$ 85,274

The APD reimbursement is a figure we estimate it costs to arrest someone for a DWI. We ordinarily would not recoup this money, but by making it a part of the impound costs, get paid. It is based on an average time of 4 hours at \$40 per hour.

I'll be down tomorrow and will spend time going over the numbers with you if you would like.

Tim

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CITY OF FAIRBANKS
Office of the City Attorney

Fax

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To: Janet @ Rep. Rokeberg, Juneau **From:** Connle L. Martin, CLA - Legal Assistant

Fax: (907) 465-2040 **Pages:** 1, including cover sheet

Date: February 28, 2002 **Re:** DWI Impound/Forfeiture Statistical Data

Date	Forfeitures	Impounds	Total Arrests	Admn Fee (Ea.)	Total Revenue
1998 (5/11 - 12/31)	63	141	204	\$ 200	\$ 40,800
1999 (1/1 - 12/31)	95	240	335	\$ 200	\$ 67,000
2000 (1/1 - 12/31)	104	194	298	\$ 200	\$ 59,600
2001 (1/1 - 12/31)	117	241	358	\$ 200	\$71,600



MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MUNICIPAL ATTORNEY

MEMORANDUM

DATE: February 6, 2002

TO: William A. Greene, Municipal Attorney

THRU: Linda Johnson, Deputy Municipal Attorney

FROM: Richard K. Payne, Assistant Municipal Attorney

SUBJECT: Projection of Bond Forfeitures and Alaska District Court Fees.

Per your request Lesa Robertson, DWI Legal Secretary, and I have evaluated the Bond Forfeitures which are being distributed to this Office and the savings the office will realize due to the reimbursement of the District Court Filing Fee.

1. District Court Filing Fee:

In 2001 we filed 1,221 cases x \$60.00= \$73,260.00

In 2000 we filed 1,201 cases x \$60.00= \$72,060.00.

In 1999 we filed 1,233 cases x \$60.00= \$73,980.00

In 1998 we filed 1,172 cases x \$60.00 = \$70,320.00

In 1997 we filed 1,132 cases x \$60.00 = \$67,920.00

In 1996 we filed 1,239 cases x \$60.00 = \$74,340.00

2. \$160.00 APD Reimbursement

In 2001 we filed 1,221 cases x \$160.00= \$195,360.00

Post-Net Fax Note	7671	Date	2-26	# of Pages	3
To	Janet Seitz	From	Tom Payne	Co.	
Phone #		Phone #		Fax #	
Fax #	465-2040				

In 2000 we filed 1,201 cases x \$160.00 = \$192,160.00.

In 1999 we filed 1,233 cases x \$160.00 = \$197,280.00

In 1998 we filed 1,172 cases x \$160.00 = \$187,520.00

In 1997 we filed 1,132 cases x \$160.00 = \$181,120.00

In 1996 we filed 1,239 cases x \$160.00 = \$198,240.00

3. Bond Forfeitures

We started forfeiting bonds to the Municipal Attorney's Office on June 8, 2000.

In 2001 we collected a total of \$27,500.00 in bond forfeitures (failures to return automobile as ordered in criminal case).

4. Cars Converted to APD use. *12 were kept for undercover in 2001*

The Office of the Municipal Attorney does not receive lists of which vehicles are kept by APD instead of being auctioned.

5. AUCTION PROCEEDS *-\$71,234 net proceeds in 2001.*

The Office of the Municipal Attorney does not receive itemizations of the auction proceeds.

6. The following table presents DWI impound/forfeiture case statistics for 1994-2000

DESCRIPTION	1994	1995	1996	1997	1998	1999	2000	2001	TOTALS
Cases Received	1229	1650	1,905	1,784	1,832	1,828	1728	1740	13,696
30-day Impound Actions	728	990	1,158	1,037	1,009	1,068	1050	1019	8059
Forfeiture Actions	277	390	490	440	478	485	465	517	3,542
Vehicles Forfeited (figure included in above Forfeiture Actions)	[125]	[161]	[176]	[224]	[262]	[315]	[220]	[268]	[1,751]
Not Subject to 30-day Impound or Forfeiture Action *	208	193	257	307	345	275	213	204	1,995

*Cases not subject to 30-day Impound or Forfeiture Action are felony, prosecutor reduced or declined or stolen vehicles.

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ALASKA STATE LEGISLATURE

House of Representatives

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SECTIONAL ANALYSIS

SCS CSHB 4 (), 22-LS0046/V, Ford, 2/5/02

An Act relating to motor vehicles and to operating a motor vehicle, aircraft, or watercraft; and providing for an effective date.

Prepared by Representative Norman Rokeberg

- Section 1:** Finding and intent section.
- Section 2:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 3:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 4:** Adds new subsection setting forth that the presumptive sentence for manslaughter as a result of driving while under the influence of an alcoholic beverage, inhalant or controlled substance is seven years.
- Section 5:** Changes references from driving while "intoxicated" to driving "while under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 6:** Adds new section permitting municipalities to adopt local ordinances concerning municipal impoundment and forfeiture for: drunk driving; refusal to submit to chemical test; driving while license canceled, suspended, revoked, or in violation of a limitation; or driving without insurance. Municipality may include a fee for administrative costs and the municipal law may be more stringent than or the same as state law.
- Section 7:** Requires the department of administration to refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's first, middle, and last name or a business name.

- Section 8:** Adds new subsection concerning seizure of registration plates resulting from chemical sobriety tests and refusals to submit to tests. Such seizure tracks with driver's license suspension or revocation. Also contains provisions for co-owner to obtain registration plates for vehicles. Protects leased, rented, or borrowed vehicles from license plate seizure.
- Section 9:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 10:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 11:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 12:** Adds references to motor vehicle plate seizure to notice provisions.
- Section 13:** Adds references to motor vehicle plate seizure to request for review of department's action provisions.
- Section 14:** Adds reference to motor vehicle registration plate provisions to temporary permit provisions.
- Section 15:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law.
- Section 16:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 17:** Amends minimum periods of license revocation to reflect references to new provisions in AS 28.35.030(n)(3) and 28.35.032(p)(3).
- Section 18:** Requires that the court shall furnish the Division of Motor Vehicles with information on a driving conviction within five working days.
- Section 19:** Technical amendment relating to the authority of the court to grant limited driver's license privileges following a conviction for DUI
- Section 20:** Requires a person who loses their driver's license for DUI or refusal to take a breath test to meet the alcoholism screening, evaluation, referral, and program requirements under AS 28.35.030(h) imposed under AS 28.15.181(a)(5) or (8) in order to have license reissued.

- Section 21:** Doubles driver's license reinstatement fees for those convicted of DUI or refusal.
- Section 22:** Amends the current law concerning driving while license canceled, suspended, revoked, or in violation of a limitation to permit a local government's ordinance calling for impoundment or forfeiture of a motor vehicle involved in driving while license suspended, revoked or cancelled to be more stringent than state statutes. The state's statutes are the floor. [Note: This is a duplicate of language in Section 6 and will be removed.]
- Section 23:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 24:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law. Also changes references to "driving while intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 25:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the commercial motor vehicle implied consent law.
- Section 26:** In commercial motor vehicle section, changes "intoxicated" to "under the influence of an alcoholic beverage". Changes references from "intoxicating liquor" to "alcoholic beverage".
- Section 27:** Changes "intoxicating liquor" to "alcoholic beverage".
- Section 28:** Changes references from "intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance".
- Section 29:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Adds "an alcoholic beverage" and "inhalant" to list of items that constitutes crime of driving while "under the influence of an alcoholic beverage, inhalant or controlled substance".
- Section 30:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Changes the penalties (sentence and fine) for misdemeanor DUI. Adds watercraft to list of items that may be forfeited. On second offense provides mandatory vehicle forfeiture OR immobilization. On third and subsequent, provides mandatory vehicle forfeiture. Permits court to order person, while incarcerated or on probation or parole, to take a drug or combination of drugs intended to prevent consumption of an alcoholic beverage.

- Section 31:** Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 32:** Establishes limit imposed on cost of treatment required to be paid by a person convicted of DUI. Specifies that, as much as possible, treatment shall occur while incarcerated. Establishes that the cost of treatment must include at least \$150 for cost of alcohol safety action program if available. Permits state to seek reimbursement for treatment costs from permanent fund dividend. Establishes that subsection does not apply to costs of treatment incurred by a person as a result of treatment not required under this subsection.
- Section 33:** Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of DUI. Clarifies where imprisonment may be served for misdemeanor DUIs, including electronic monitoring.
- Section 34:** Felony DUI section. Increases the penalties for a conviction under this section, including jail time, fine, loss of driver's license, and forfeiture of the vehicle, watercraft or aircraft used in the offense. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.
- Section 35:** Adds definition for "inhalant". Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 36:** Adds provisions relating to restoration of a driver's license following a DUI conviction and relating to failure to satisfy alcoholism treatment requirements. Establishes procedure for surrender of registration plate for any vehicle registered or co-registered in convicted person's name. Establishes that court may suspend, upon successful completion of a therapeutic court program (1) a portion of mandatory minimum sentence; and (2) up to 50% of the minimum fines. Designates the Director of the Division of Motor Vehicles or designee as a person eligible to request and receive criminal justice information.
- Section 37:** Makes technical amendments relating to implied consent law. Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the implied consent law.

- Section 38:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of administering a breath test under the implied consent law.
- Section 39:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administering a breath or blood test under the implied consent law when there is a motor vehicle accident that causes death or serious physical injury.
- Section 40:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 41:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 42:** Changes refusal section to mirror DUI section on fines and penalties for misdemeanors. Provides for mandatory forfeiture or immobilization for second offense. Provides for mandatory forfeiture for third offense. Provides that court may order a person, while incarcerated or as condition of probation or parole, to take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage.
- Section 43:** Changes refusal section to mirror DUI section on treatment. Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 44:** Changes refusal section to mirror DUI section. Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".
- Section 45:** Changes refusal section on treatment language to mirror DUI section. Establishes limit imposed on cost of treatment required to be paid by a person convicted of DUI. Specifies that, as much as possible, treatment shall occur while incarcerated. Establishes that the cost of treatment must include at least \$150 for cost of alcohol safety action program if available. Permits state to seek reimbursement for treatment costs from permanent fund dividend. Establishes that subsection does not apply to costs of treatment incurred by a person as a result of treatment not required under this subsection.
- Section 46:** Changes refusal section on imprisonment costs to mirror DUI section. Increases the limit imposed on the cost of imprisonment required to be paid

by a person convicted of refusal. Clarifies where imprisonment may be served and use of electronic monitoring system.

- Section 47:** Changes refusal section on felony charges to mirror DUI section. Increases the penalties for a conviction under this section, including jail time, fine, loss of driver's license, and forfeiture of the vehicle, watercraft or aircraft used in the offense. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.
- Section 48:** Changes refusal section on driver's license revocation to mirror DUI section. Adds provisions relating to restoration of a driver's license following a DUI conviction and relating to failure to satisfy alcoholism treatment requirements. Establishes procedure for surrender of registration plate for any vehicle registered or co-registered in convicted person's name. Establishes that court may suspend, upon successful completion of therapeutic court program: (1) a portion of mandatory minimum sentence; and (2) up to 50% of the minimum fines.
- Section 49:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage or controlled substance."
- Section 50:** Requires the police to inform a person undergoing a chemical test for intoxication of their right to have an independent chemical test and requires the department to make reasonable and good-faith efforts to assist the person to obtain an independent test.
- Section 51:** Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 52:** Changes language concerning forfeiture of vehicle or aircraft, including description of what "disposal" methods may be used.
- Section 53:** Amends statutes to include watercraft.
- Section 54:** Amends definition of "alcohol safety action program".
- Section 55:** Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".
- Section 56:** Permits the Department of Health and Social Services to develop, implement, and designate an alcohol safety action program.
- Section 57:** Adds standards for alcohol safety action programs to current statute.

- Section 58:** Adds requirements concerning approval of and inspection of alcohol safety action programs.
- Section 59:** Repeals AS 28.35.038 (municipal impoundment and forfeiture) as is covered elsewhere in this legislation. See Section 6
- Section 60:** Applicability section.
- Section 61:** Effective date is July 1, 2002.

ED 7:02/19/02

PROPOSED SENATE CS FOR HOUSE BILL NO. 4 ()
WORK DRAFT 22-LS0046/V, Ford, 2/5/02
Changes from SCS HB 4 (JUD)
By Representative Norman Rokeberg

Note: Parts of this bill that were adopted in 2001's HB 132 (.08, look back, etc.) have been changed to reflect that they are now part of current law. See following: Page 18, lines 2-6; Page 22, lines 1-4; Page 23, lines 15-18; Section 28.35.031(h) was in HB 132 and is not in V Work Draft; Page 31, lines 13-17; Page 33, lines 19-22; Page 33, lines 24-28; Page 34, lines 1-4.

Page 2, line 5, through page 3, line 22: Adds language in findings and intent language concerning therapeutic court models and use of same and recommends that modification of the existing laws on impoundment and forfeiture of a motor vehicle should follow the successful municipal impoundment and forfeiture process established in Anchorage and Fairbanks.

Page 5, line 23, through page 6, line 7: Adds new section 6 on municipal impoundment and forfeiture. Gives municipalities the ability to adopt ordinances concerning motor vehicle impoundment or forfeiture if vehicle used in commission of following offenses:

AS 28.35.030 Operating a vehicle, aircraft or watercraft while intoxicated.

AS 28.35.032 Refusal to submit to chemical test.

AS 28.15.291 Driving while license canceled, suspended, revoked, or in violation of a limitation.

AS 28.22.041 Administrative suspension of drivers' licenses. (concerning motor vehicle insurance/financial responsibility)

Page 19, line 11: "may" changed to "shall"

Page 19, line 16: "may" changed to "shall"

Page 19, lines 22-26: Adds language that indicates that court may order person to take a drug or combination of drugs intended to prevent consumption of an alcoholic beverage while a person is incarcerated or as a condition of probation or parole.

Page 21, lines 7-10: Adds language to make clear that imprisonment under AS 28.35.030(b)(1)(B)-(F) if not subject to felony charges under AS 28.35.030(n) may be served at a community residential center or at a private residence approved by the commissioner when person is under electronic monitoring.

AS 28.35.030(b)(1)(B) Class A Misdemeanor, 2nd offense

AS 28.35.030(b)(1)(C), Class A Misdemeanor, 3rd offense
AS 28.35.030(b)(1)(D), Class A Misdemeanor, 4th offense
AS 28.35.030(b)(1)(E), Class A Misdemeanor, 5th offense
AS 28.35.030(b)(1)(F), Class A Misdemeanor, 6th + offenses

Page 21, lines 24-25: Adds new language to clarify language concerning sentence being served at a private residence.

Page 22, lines 23 and 25: Adds new language concerning ability of court to order person to take drug or combination of drugs intended to prevent consumption of an alcoholic beverage while a person is incarcerated or as a condition of probation or parole.

Page 24, lines 21-26: Changes order of modifier to make it clear that when a person has successfully completed a therapeutic court program, the court may suspend a portion of the mandatory sentence and up to 50% of the minimum fines.

Page 28, lines 16, 21: Changes "may" to "shall".

Page 28, lines 27-31: Adds language that indicates the court may order person to take a drug or combination of drugs intended to prevent consumption of an alcoholic beverage while a person is incarcerated or as a condition of probation or parole.

Page 30, lines 20-23: Adds language to refusal statutes to make clear that imprisonment under AS 28.35.032(g)(1)(B)-(F) if not subject to felony charges under AS 28.35.032(t) may be served at a community residential center or at a private residence approved by the commissioner when person is under electronic monitoring.

AS 28.35.032(g)(1)(B) Class A Misdemeanor, 2nd offense
AS 28.35.032(g)(1)(C), Class A Misdemeanor, 3rd offense
AS 28.35.032(g)(1)(D), Class A Misdemeanor, 4th offense
AS 28.35.032(g)(1)(E), Class A Misdemeanor, 5th offense
AS 28.35.032(g)(1)(F), Class A Misdemeanor, 6th + offenses

Page 31, lines 6-7: Adds new language to refusal statutes to clarify language concerning sentence being served at a private residence.

Page 33, lines 6-11: Changes order of modifier to make it clear that when a person has successfully completed a therapeutic court program, the court may suspend a portion of the mandatory sentence and up to 50% of the minimum fines.

Page 34, line 29, through Page 36, line 28: Sets forth procedures concerning forfeiture of motor vehicle. Gives DPS ability to dispose of motor vehicle, aircraft

or watercraft forfeited. Amends 28.35.037 to add watercraft to items that may be forfeited.

Page 38, line 29: Changes "2001" to "2002" in effective date clause.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

JUDICIARY COMMITTEE CHAIRMAN
LABOR & COMMERCE COMMITTEE MEMBER
LEGISLATIVE COUNCIL MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM MEMBER

website: <http://www.akrepublicans.org/Rokeberg.htm>



INTER:
716 WEST 4TH AVENUE SUITE 350
ANCHORAGE AK 99501
PHONE (907) 264-6111
FAX (907) 264-0111

SESS ON:
ALASKA STATE CAPITOL
JUNEAU AK 99901-1180
PHONE (907) 465-4666
FAX (907) 465-2041

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

MEMORANDUM

TO: The Honorable Pete Kelly, Co-Chairman
Senate Finance Committee

The Honorable Dave Donley, Co-Chairman
Senate Finance Committee

FROM: Representative Norman Rokeberg

A handwritten signature in black ink, appearing to read "Norman Rokeberg".

DATE: February 21, 2002

RE: HB 4 (omnibus drunk driving legislation)

I would respectfully request that you schedule **HB 4** for a hearing before your committee. I have previously provided the committee with backup documentation for this legislation.

In addition, I am attaching the following:

1. Work Draft SCS CSHB 4 (), 22-LS0046/V, Ford, 2/5/02. I would appreciate it if the Committee would adopt this version.
2. Sectional Analysis of the V Work Draft.
3. Changes between SCS CSHB 4 (JUD) and the V Work Draft
4. Updated Reader's Digest Version for Work Draft V
5. Suggested amendment 22-LS0046/V.1, Ford, 2/6/02. I would appreciate discussion of this amendment during the committee. It would place in state law a procedure for vehicle forfeiture and impoundment for those individuals who drive while licenses are canceled, suspended, revoked, or in violation of a limitation.

Please note that Section 22 is duplicated in Section 6. Mr. Ford is sending over a technical amendment for the committee to consider. The amendment will remove section 22 and renumber the following sections.

If you have any questions, please do not hesitate to contact me.

Attachments

cc: All Senate Members (w/attachments)

Reader's Digest Version of SCS CSHB 4 (), Work Draft V, Ford, 2/5/02
 Prepared by Representative Norman Rokeberg
 February 19, 2002

TOPIC	SECTION(S) FOUND	COMMENTS
New name: change "DWI" to "DUI" and include inhalants	2, 3, 4, 5, 9, 10, 11, 15, 16, 23, 24, 26, 28, 29, 30, 35, 37, 40, 41, 44, 49, 51, 55	Changes "driving while intoxicated" to "driving under the influence of an alcoholic beverage, inhalant, or controlled substance"
First felony manslaughter DUI	4	Increase presumptive sentence from five to seven years.
Vehicle Registration Plate Seizure	8, 12, 13, 14, 15	Procedure same as current procedure for driver's license: Officer seizes plates at time of seizure of driver's license; issues temporary distinctively colored "plates" (similar to what is now issued for newly registered car permits but in a different distinct color). Person has right of administrative review. Provides owner or co-owner who is not subject of charge to register vehicle.
"Reasonable Cause" changed to "Probable Cause"	15, 24, 25, 37, 38, 39,	Conform to court decision in Alaska Supreme Court <u>Leslie v. State</u> , 711 P.2d 575 (Alaska App. 1986)
Treatment of offenders	32 (DUI), 46 (refusal)	To occur as much as possible when incarcerated.

TOPIC	SECTION(S) FOUND	COMMENTS
Treatment costs - reimbursement	32 (DUI), 46 (refusal)	Up to \$10,000 reimbursed to state that must include \$150 ASAP fee. Reimbursement from PFD to be sought. Subsection does not apply to costs incurred by treatment not required under this subsection.
Treatment records (verifying past treatment)	31 (DUI), 43 (refusal)	Within constraints provided by federal law or regulation, treatment providers are to provide judge, prosecutor, defendant, and treatment agency involved with defendant's treatment with information and reports concerning defendants past and present assessment, treatment, and progress. Information is confidential. This is so adequate information is available for future treatment considerations.
Imprisonment costs recouped	33 (DUI), 46 (refusal)	Increases reimbursement from \$1,000 to \$2,000.
Increased drivers license reinstatement fees	21	Current is \$100 fee if, within 10 years, previously convicted once; new fee is \$200. Current is \$250 fee, if within 10 years, previously convicted two or more times; new fee is \$500.

TOPIC	SECTION(S) FOUND	COMMENTS
Misdemeanor DUI and Refusal- increased fines and sentences.	30 (DUI) 36 (DUI suspensions and reductions); 42 (Refusal), 48 (suspensions and reductions)	See attached comparison table
Vehicle forfeiture DUI and Refusal	30 (DUI), 42 (Refusal)	Second offense - mandatory forfeiture or impoundment; third or subsequent offense – mandatory forfeiture.
Felony DUI and Refusal - increased fines and sentences	34 (DUI), 36 (DUI suspensions and/or reductions); 47 (Refusal) 48 (Refusal suspensions and/or reductions)	See attached comparison table
License revocation DUI and refusal - felony	34 (DUI), 47 (refusal)	Permanent (see also Sections 36 and 48 for procedure to request reinstatement under certain conditions after ten years)
Vehicle registration - Felony DUI & Refusal	34 (DUI), 47 (Refusal)	Revoked
Inhalant defined	35	
License reinstatement procedure after permanent revocation for felony DUI or refusal	36 (DUI), 47 (Refusal)	

TOPIC	SECTION(S) FOUND	COMMENTS
Right to independent test	50	Person administering test is to inform person being tested of right to independent test. If person being tested requests independent test, reasonable efforts shall be made to assist person being tested in receiving independent test. Clarifies current law.
State disposal of forfeited motor vehicle, aircraft or watercraft	52, 53	By way of example, state may: sell at auction, transfer to state or municipal law enforcement agency; declare surplus and transfer to Department of Administration; destroy.
Municipal impoundment and forfeiture.	6	Specifically sets forth in statute ability of municipality to adopt ordinances providing for impoundment or forfeiture for DUI, refusal, driving while license suspended, revoked or cancelled, and administrative suspension of license for lack of insurance. Allows charging administrative fee for costs incurred.
ASAP	56, 57, 58	Defines Alcohol Safety Action Program and sets forth ability of H&SS to develop standards, review, and monitor programs
Repealer (municipal impoundment and forfeiture)	59	Language is replaced by language in section 6
Applicability	60	Section 6 (using full name when registering vehicle) applies to registrations occurring on or after effective date; act applies to offenses committed on or after effective date, except that references to previous convictions including convictions occurring before, on or after effective

		date.
Effective Date	61	July 1, 2002



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

March 4, 2002

The Honorable Pete Kelly
Co-Chair, Senate Finance Committee
State Capitol
Juneau, AK 99801

The Honorable Dave Donley
Co-Chair, Senate Finance Committee
State Capitol
Juneau, AK 99801

Dear Senators Donley and Kelly:

We are writing in support of House Bill 4, the omnibus anti-drunk driving bill, sponsored by Representative Norm Rokeberg. Specifically, we ask that this bill be heard and passed from Senate Finance.

The high incidence rate of alcohol-related traffic fatalities in Alaska concerns us greatly. We are saddened that Alaska is among the top 15 states in alcohol-related traffic fatalities. Alcohol-related accidents are increasing, and we know that habitual offenders do more harm than anyone else. HB 4 addresses these problems. The bill requires vehicle forfeiture, increased penalties, and a strengthened treatment program, all of which are important. The bill will send a message to Alaska motorists that the legislature is serious about addressing this deadly problem. More importantly, it will work, giving a strong wake-up call to first offenders and getting repeat offenders off the roads.

Driving in the State of Alaska is a privilege. Keeping the privilege should require a clean and safe driving record that does not include alcohol abuse. We understand Representative Rokeberg has a proposed substitute updating the bill to account for legislation passed last year and making changes that, among others, help the successful "therapeutic court" model. We support HB 4 and encourage you to hear it and pass it from the Senate Finance Committee as soon as possible.

Sincerely,

Johnny Ellis
Democratic Leader

Lyman Hoffman

Donny Olson

The Honorable Pete Kelly
The Honorable Dave Donley
March 4, 2002
Page 2


Bettye Davis


Kim Elton


Georgianna Lincoln

cc: Senator Ward
Senator Austerman
Senator Green
Senator Leman
Senator Wilken

SENATE COMMITTEE REPORT

DATE: 5/1/01

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5-6-01

Judiciary Committee considered CS FOR HOUSE BILL NO. 4(FIN) am
MOTOR VEHICLES & DRUNK DRIVING

"An Act relating to motor vehicles and to operating a motor vehicle, aircraft, or watercraft; and providing for an effective date."

and recommends:

- be replaced with \$ CS CSHB 4 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DH&SS- ^{A&D} Abuse Grant	3/1/01	\$		6
DH&SS- ^{Alcohol} Safety Action	3/1/01	\$		5
All Previous				

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
P/SAFETY	4/20/01	✓		23
LAW	4/13/01	✓		22
CORRECTIONS	4/6/01	✓		21
Admin-PDA	4/13/01	✓		20
Admin-Motor Vehicles	4/6/01	✓		19
ACS	3/8/01	✓		16
HSS-Bethel Youth	3/6/01	✓		12
HSS-Johnson Youth	3/6/01	✓		11

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO	DO NOT	NO REC	AMEND
	PASS	PASS		
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>			x	
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>			X	

Subject: Proposed Amendment to HB4

Date: Tue, 16 Apr 2002 17:34:35 -0800

From: "Karen of AHA!" <krogina@4aha.org>

To: <Representative_Norman_Rokcberg@legis.state.ak.us>

TO: Senator Donley
Senator Kelly
FROM: Karen Rogina, Alaska Restaurant & Beverage Association
RE: Proposed Amendment to HB4
COPIES: Representative Rokeberg
DATE: April 16th, 2002

On behalf of the Alaska Restaurant & Beverage Association and it's members, I am conveying our opposition to the proposed amendment to HB 4 which calls for a distinguishing mark on the face of a drivers license, for those qualified drivers- license holders who are also multiple DUI offenders.

While we are in support of legislation that will decrease the incidence of DUI convictions and reduce the number of community related alcohol problems, we believe this amendment will accomplish nothing more than cause unfair discrimination against the license holder and, will ultimately delay the passage of this important legislation.

We further believe that HB 4, once passed, will go a long way toward accomplishing the goal of reducing alcohol related community problems, and respectfully request that this amendment be rescinded so that HB 4 has the best possible opportunity to pass.

If you have any questions or would like to discuss this further I can be reached at 907-272-1229, ext 4 or via email at krogina@4aha.org

Thanks you for your consideration.

Karen

Karen R. Rogina
Executive Vice President
Alaska Hospitality Alliance
Including....

The Alaska Hotel & Lodging Association
The Alaska Restaurant & Beverage Assoc.
and the AHA Education Foundation...

...United in a common goal to make Alaska
the most hospitable place on Earth!

Visit our web site at www.4aha.org

HB 4-MOTOR VEHICLES & DRUNK DRIVING
SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Don Dapcevidh Subject/Bill No: HB4
Co./Dept./Title: Health & Social Services Phone: 465-2071
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

HB 4-MOTOR VEHICLES & DRUNK DRIVING
SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Don Dapcevich Subject/Bill No: HB4
Co./Dept./Title: DHSS Phone: 465-2071
Address: Box 011607 Zip: 99811

Do you wish to testify? Yes No Respond To Questions

NAME: Mary Marshall Subject/Bill No: HB4
Co./Dept./Title: Motor Vehicles Phone: 269-5559
Address: 3300 B Franklin St, Anch Zip: 99502

Do you wish to testify? Yes No Respond To Questions

NAME: Glenn Carpenter Subject/Bill No: HB4
Co./Dept./Title: Doj L/Crim Phone: 465-3428
Address: Court Bldg 717 Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Candace Brower Subject/Bill No: HB4
Co./Dept./Title: Corrections Phone: 4652
Address: 431 N. Franklin Zip: _____

Do you wish to testify? Yes No Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Linda Wilson - OFFNET Subject/Bill No: HB 4
 Co./Dept./Title: Admin - Public Defender Phone: 334-4416
Anch
 Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Aime Carpenter Subject/Bill No: H23 ✓
 Co./Dept./Title: Law Phone: 465-3128
 Address: Court Bldg Room 717 Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Candace Brower Subject/Bill No: HB 4
 Co./Dept./Title: Corrections Phone: 465-4652
 Address: 5 431 N. Franklin St. Ste 400 Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: LORON Jones Subject/Bill No: HB 4
 Co./Dept./Title: DASS Phone: 465-3351
 Address: [Redacted] Zip: 99801

Do you wish to testify? Yes No Respond To Questions

SITE: ANCHORAGE LIO
 COMMITTEE: Sen Fin
 DATE: April 9, 2002

SUBJECT OF MEETING:
 HB 4
 UPDATE #:



<u>P R I N T</u> YOUR NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
✓ Marti Greeson		MADD	Y-HB 4
Email address:			
✓ James Wanamaker		Self	Y-HB 4
Email address:			
✓ Bob Bailey		Mayor's DWI TF	Y-HB 4
Email address:			
✓ Richard K Payne		MOA	Y-HB 4
Email address:			
✓ Mary Marshburn			"
Email address:			
Jill McLeod			"
Email address:			
✓ Bruce Roberts		Dept. of Law	"
Email address:			
✓ Janet McCabe		Partners for Progress	"

~~3/15~~ 3/15/02

HB 4-MOTOR VEHICLES & DRUNK DRIVING
SENATE FINANCE COMMITTEE

SIGN-IN

✓ NAME: Doug Wooliver Subject/Bill No: HB 4
 Co./Dept./Title: Administrative Atty. AK Court system Phone: 963-4750
 Address: 820 W. 9th Av. Anch, Ak. Zip: 99516
 Do you wish to testify? Yes No Respond To Questions

✓ NAME: Tanet Seitz Subject/Bill No: 4
 Co./Dept./Title: Rep Rokeberg's Office Phone: 465-7968
 Address: Capitol 118 Zip: 99801
 Do you wish to testify? Yes No Respond To Questions

NAME: Candace Brower Subject/Bill No: HB4
 Co./Dept./Title: Legislative Liaison, Dept of Corrections Phone: 465-4652
 Address: 431 N. Franklin Ste. 400 Zip: 99801
 Do you wish to testify? Yes No Respond To Questions

NAME: Don Depceovich Subject/Bill No: HB 4
 Co./Dept./Title: DHSS Phone: 465 2071
 Address: Box 110607 Zip: 99811
 Do you wish to testify? Yes No Respond To Questions

NAME: ~~Clady Casner~~ Subject/Bill No: ~~HB4~~

Co./Dept./Title: ~~MADD~~ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Anne Carpenter Subject/Bill No: HB4

Co./Dept./Title: Law - Criminal Phone: 465-3428

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

SITE: ANCHORAGE LIO

COMMITTEE: Senate Finance

DATE: 3-15-02

SUBJECT OF MEETING:

HB4

UPDATE #: 2



P R I N T YOUR NAME

DO YOU WANT
ADDRESS (MAILING & ZIP)

REPRESENTING

TO TESTIFY?
Y or N

Jeanne Swartz			Ans ?s - HB4
Email address:			
Julia Grimes			Ans ?s - HB4
Email address:			
Chuck Hosack			Y- HB 4
Email address:			
Linda Wilson		Public Def.	Y-HB 4
Email address:			
Email address:			
Email address:			
Email address:			

Teleconference Order Form

Fax #465-2864

TC#7346

Sponsor and/or Committee Name			Date
SFIN - Sen. Donley and Sen. Kelly, co-Chairs			Friday, 3/15/02
Start/End Time	Chairing site	Juneau Room	Testimony
9AM - 11AM	Juneau	532	Yes ___ No ___ Invitational ___
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Mindy Rowland	465-2187	Yes	
Subject of meeting and/or Bills on agenda			
SB 185 PCE's			
SB 339			
HB 4			
Yes, ^(locations) (to come)			
Sites - LIOs	Sites - Offnets	Phone #	
Anchorage	<input checked="" type="checkbox"/>		
Barrow	<input checked="" type="checkbox"/>		
Bethel		Robert Enoch Tuntutuliak Tuntutuliak	
Cordova		Donald Mahon AK Power & Telephone	
Delta Junction			
Dillingham			
Fairbanks			
Glennallen			
Homer			
Juneau			
Kenai			
Ketchikan			
Kodiak			
Kotzebue	<input checked="" type="checkbox"/>		
Matsu			
Nome			
Petersburg			
Seward			
Sitka			
Tok			
Valdez			
Wrangell			
Notes			
UPDATE			

faxed 3/15/02 9:31 AM

Subject: HB 4

Date: Tue, 05 Mar 2002 09:17:16 -0900

From: Janet Seitz <Janet_Seitz@legis.state.ak.us>

Organization: Representative Norman Rokeberg, Alaska State House

To: Laura Glaiser <Laura_Glaiser@legis.state.ak.us>

Laura:

For the 15th, could we get a teleconference hookup to Anchorage LIO so that those who want to listen can.

Thanks for all your assistance and patience.

Janet

Janet Seitz, Rep. Rokeberg's Office <Janet_Seitz@legis.state.ak.us>

Mindy —

you'll probably have

ANC "on line" anyway,

but here's an

official request.

House Bill 4
per Laura
10:05
3/5/02

Not requested yet.

—thanks.

Laura

HB

6

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB6(CRA)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Municipal Property Tax Exemptions BRU Revenue Operations
 Component Tax Division
 Sponsor Representative Davies
 Requester House Finance Committee Component No. 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

** See Page 2 for analysis of this legislation's potential effect on state revenues.

Prepared by: Dan Dickinson, Director Phone 269-1033
 Division Tax Division Date/Time 4/16/02 3:27 PM
 Approved by: Larry Persily, Deputy Commissioner Date 4/16/2002
 Agency Department of Revenue

**Department of Revenue
Fiscal Note Explanation for CSHB6(CRA)**

April 12, 2002 - Page 2 of 2

This legislation would allow some municipalities to increase — by a vote of the public — the residential property tax exemption from the current \$10,000 per residence to \$40,000 per residence. This legislation also would allow municipalities to exempt from taxation up to \$20,000 in assessed valuation of real property for each residence whose owner serves as a volunteer firefighter or emergency medical services volunteer.

This legislation could reduce state oil and gas property tax revenues if municipalities increase their residential property assessment exemption and then increase their overall property tax mill rate to make up for the lost revenue rather than implement alternative taxes or reduce spending.

The maximum amount the state could lose in property tax revenue under this legislation would be an estimated \$1,400,000. The actual loss to the state would depend on how many municipalities adopt the new, higher residential property tax exemption, and how those municipalities deal with the reduction in their own revenues.

Under Alaska Statute 43.56, the state imposes a 20-mill tax on all oil and gas property in the state. If the municipality in which the oil and gas property is located also has a property tax, the taxpayer is allowed a credit for any local taxes before paying the state tax. For example, assume oil and gas property valued at \$1 million is located in a borough with a 15-mill tax rate. The taxpayer would pay \$15,000 to the locality. When it files its state taxes it has an obligation of \$20,000 (the 20-mill rate), offset by a tax credit of \$15,000, so it would send a check for \$5,000 to the state. Therefore, if the mill rates increase because of this legislation in localities that have extensive oil and gas production property, oil and gas taxpayers will pay more to the localities and less to the state.

The projected maximum cost to the state of this legislation assumes that all of the municipalities with significant oil and gas properties that already grant the \$10,000 residential exemption would increase it to \$40,000, and would also provide for the \$20,000 firefighter and emergency medical service volunteer exemption. The estimate also assumes that the municipalities would want to replace all of the revenues they would lose from the increased exemption. The \$1,400,000 maximum of lost revenue to the state also assumes that the municipalities would use an increased mill rate to replace the lost revenues — thereby reducing state oil and gas property tax collections.

It should be noted that using reasonable assumptions as to the number of eligible firefighters and emergency medical service volunteers, it was concluded that even with an increase in the exemption from \$10,000 to \$20,000 the fiscal effect to state revenues of this specific provision in the legislation would be negligible.

adopted 4/29 N/O

22-LS0075\C.1
Cook
4/17/02

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 6(CRA)

BY REPRESENTATIVE DAVIES

1 Page 2, lines 1 - 3:

2 Delete all material.

3 Insert "municipality volunteer (1) fire fighting services; or (2) emergency medical
4 services. If two or more individuals are eligible for an exemption for the same property, not
5 more than one exemption may be granted. The exemption under this subsection is in addition
6 to any exclusion or exemption that may be authorized for the same property under (a) of this
7 section."

**Department of Revenue
Fiscal Note Explanation for CSHB6(CRA)**

April 12, 2002 - Page 2 of 2

This legislation would allow some municipalities to increase — by a vote of the public — the residential property tax exemption from the current \$10,000 per residence to \$40,000 per residence. This legislation also would allow municipalities to exempt from taxation up to \$20,000 in assessed valuation of real property for each residence whose owner serves as a volunteer firefighter or emergency medical services volunteer.

This legislation could reduce state oil and gas property tax revenues if municipalities increase their residential property assessment exemption and then increase their overall property tax mill rate to make up for the lost revenue rather than implement alternative taxes or reduce spending.

The maximum amount the state could lose in property tax revenue under this legislation would be an estimated \$1,400,000. The actual loss to the state would depend on how many municipalities adopt the new, higher residential property tax exemption, and how those municipalities deal with the reduction in their own revenues.

Under Alaska Statute 43.56, the state imposes a 20-mill tax on all oil and gas property in the state. If the municipality in which the oil and gas property is located also has a property tax, the taxpayer is allowed a credit for any local taxes before paying the state tax. For example, assume oil and gas property valued at \$1 million is located in a borough with a 15-mill tax rate. The taxpayer would pay \$15,000 to the locality. When it files its state taxes it has an obligation of \$20,000 (the 20-mill rate), offset by a tax credit of \$15,000, so it would send a check for \$5,000 to the state. Therefore, if the mill rates increase because of this legislation in localities that have extensive oil and gas production property, oil and gas taxpayers will pay more to the localities and less to the state.

The projected maximum cost to the state of this legislation assumes that all of the municipalities with significant oil and gas properties that already grant the \$10,000 residential exemption would increase it to \$40,000, and would also provide for the \$20,000 firefighter and emergency medical service volunteer exemption. The estimate also assumes that the municipalities would want to replace all of the revenues they would lose from the increased exemption. The \$1,400,000 maximum of lost revenue to the state also assumes that the municipalities would use an increased mill rate to replace the lost revenues — thereby reducing state oil and gas property tax collections.

It should be noted that using reasonable assumptions as to the number of eligible firefighters and emergency medical service volunteers, it was concluded that even with an increase in the exemption from \$10,000 to \$20,000 the fiscal effect to state revenues of this specific provision in the legislation would be negligible.

Alaska State Legislature

Legislative Committees:
House Finance Committee

Legislative Budget Subcommittees:
University of Alaska
Department of Natural Resources
Department of Environmental Conservation

119 N. Cushman Street Suite 207
Fairbanks, Alaska 99701
(907) 456-0172
FAX (907) 451-9293

While in Session:
State Capitol
Juneau, Alaska 99801-3182
(907) 465-4457
FAX (907) 465-3519

Representative John Davies
District 29

Sponsor Statement

House Bill 6

“An act relating to optional exemptions from municipal taxes on residential property.”

HB 6 allows a municipality the option to increase the residential property tax exemption from its current level of \$10,000 to \$40,000 with voter approval. This is an exemption that applies only to homes that are primary residence.

Section 1 raises the limit from \$10,000 to \$40,000

Section 2 allows a municipality with approved by the voters, the ability to add an additional \$10,000 to the amount granted in sec 1 to those giving their time as volunteer fire fighters or providing volunteer emergency medical services.

Recognizing the burden placed on the residential property owner, this bill grants greater relief from property tax.

HB 6 recognizes the commitment to the community by volunteer fire fighters and those providing emergency medical services by allowing municipalities the ability to increase their property tax exemption another \$10,000.

HB 6 is entirely optional at the local government level



FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB6(CRA)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title Municipal Property Tax Exemptions BRU Revenue Operations
Component Tax Division
Sponsor Representative Davies
Requester House Finance Committee Component No. 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

** See Page 2 for analysis of this legislator's potential effect on state revenues.

Prepared by: Dan Dickinson, Director Phone 269-1033
Division Tax Division Date/Time 4/16/02 3 27 PM
Approved by: Larry Persily, Deputy Commissioner Date 4/16/2002
Agency Department of Revenue

**HB-6
Summary Cost Sheet**

Using 10,000 exemption x average mill rate of 18.176

Chena Goldstream Volunteer Fire = 29 eligible volunteers	\$5,272 loss in tax collections
Ester Volunteer Fire Department = 14 eligible volunteers	\$2,545 loss in tax collections
North Star Volunteer Fire Department = 32 eligible volunteers	\$5,817 loss in tax collections
Salcha Rescue 11 eligible volunteers	\$1,999 loss in tax collections
Steese Volunteer Fire Department = 29 eligible volunteers	\$5,272 loss in tax collections
University Fire 7 eligible volunteers commissioners	\$1,272 loss in tax collections
City of North Pole 11 eligible volunteers	\$1,999 loss in tax collections
Two Rivers Rescue 7 eligible volunteers	\$1,272 loss in tax collections

.....
Based on 18.176 mill rate average.

8 departments = 140 eligible volunteers out of 257 volunteers for proposed 10k deduction.

Total estimated impact on the FNSB collections =	\$25,452.
Estimated 10% increase in volunteerism =	\$ 2,545.
Total estimated cost of HB-6	\$27,997

Benefit to volunteer within community = \$181.80

Cost per replacing volunteers with paid Firefighter/medic = 45,000 +42% benefits = \$63,900

HB-6
Worksheet

Mill Rate

North Star Fire Service Area = 16.702
University Fire Service Area (with light district) = 19.65
Average Mill Rate based off high/low = 18.176

Values and members – using North Star Fire Service Area actual and average mill rate.

3,230,020 Total value of volunteer properties at North Star

32 people own property / 10 additional members related to same property = 57%

31 people rent = 43%

Total members 73

32 eligible members X 10,000 exemption = \$320,000

BEFORE 10k vol exemption	AFTER 10 k exemption
3,230,020	\$2,910,020

Chena Goldstream Volunteer Fire

50 number of total volunteers minus 43% average who are not eligible = 21

29 x 181.8 = \$5,272

Ester Volunteer Fire Department

25 number of total volunteers minus 43% average who are not eligible = 11

14 x 181.8 = \$2,545

Salcha Rescue

20 number of total volunteers minus 43% average who are not eligible = 9

11 x 181.8 = \$1,999

Steese Volunteer Fire Department

50 number of total volunteers minus 43% average who are not eligible = 21

29 x 181.8 = \$5,272

University Fire

7 eligible x \$181.8 average = \$1,272

City of North Pole Fire Department

20 number of total volunteers minus 43% average who are not eligible = 9

11 x 181.8 average = \$1,999

Two Rivers Rescue

12 number of total volunteers minus 43% average who are not eligible = 5

7 x 181.8 average = \$1,272

*Estimated Revenue Loss
Due to Increased Allowance for
Residential Exemption*

Municipality	Residential Exempt \$ @ \$10K (Actual-Reported)	Residential Exempt \$ @ \$50K (Estimated)	Local Assessed Value-Excluding Residential Exemption	Boro/City Wide Mill Rate (TY 2000)	Revenue Generated
Fairbanks North Star Borough	\$ 128,824,767	\$ 644,123,835	\$ 3,857,010,224	15.343	\$ 59,178,108
Kenai Peninsula Borough	\$ 92,514,500	\$ 432,572,500	\$ 3,503,198,694	7.800	\$ 26,624,310
North Slope Borough	\$ 1,900,500	\$ 9,502,500	\$ 10,821,684,071	18.500	\$ 200,201,155
City of Valdez	\$ 8,500,775	\$ 42,503,875	\$ 919,309,050	20.000	\$ 18,386,181
Totals	\$ 231,740,542	\$ 1,158,702,710	\$ 19,101,202,039		\$ 304,389,754
	Local Assessed Less New \$50K Exemption Increase	New Mill Rate Necessary to Rate Same Revenues	Value of AS 43.56 Property	Revenue Generated from AS 43.56 with "old mill rate"	Revenue Necessary for New Exemption from AS 43.56 Property
Fairbanks North Star Borough	\$ 3,341,711,156	17.7089	\$ 258,225,360	\$ 3,961,952	\$ 4,572,893
Kenai Peninsula Borough	\$ 3,133,140,694	8.4976	\$ 461,506,410	\$ 3,507,449	\$ 3,921,717
North Slope Borough	\$ 10,814,082,071	18.5130	\$ 10,553,757,880	\$ 195,244,521	\$ 195,381,772
City of Valdez	\$ 885,305,950	20.7682	\$ 623,410,970	\$ 12,468,219	\$ 12,947,103
Totals	\$ 18,174,239,871		\$ 11,896,900,620	\$ 215,182,141	\$ 216,823,485
			Estimated increased cost to state		\$ 1,641,344

Office of the State Assessor
Steve Van Sant
(907) 269-4605

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 12, 2002

SUBJECT: Municipal exemption from taxes on residential property; sectional summary (HB 6)

TO: Representative John Davies

FROM: Tamara Brandt Cook *TBC*
Director

This bill changes an existing optional municipal tax exemption that is available for all residential property. It adds another optional municipal tax exemption for certain municipal volunteers.

Sec. 1. Increases the maximum amount of the existing optional municipal tax exemption for residential property from \$10,000 to \$40,000.

Sec. 2. Adds a new optional tax exemption for the residences of volunteers who provide fire fighting services or emergency medical services. The exemption must be approved by the municipal voters and may not exceed \$10,000.

TBC:med
02-374.med



Eric Mohrmann
Fire Chief

CHENA-GOLDSTREAM FIRE & RESCUE

P.O. Box 80487, Fairbanks, Alaska 99708
Business: (907) 479-5672 FAX: (907) 479-5858
Emergency: 911



David Rohwer
President

January 19, 2001

Representative John Davies
State Capitol Rm. 422
State of Alaska
Juneau, Alaska. 99801-1182

Re: House Bill No. 6

Dear Representative Davies:

Chena-Goldstream Fire & Rescue is a primarily volunteer fire and ambulance service providing protection to the resident of Goldstream Valley, Chena Ridge/Chena Pump and portions of the Rosie Creek areas. We also provide ambulance service to Ester and to the south boundary of the borough. The largest portion of our funding comes from a self-imposed tax of 1.7 mils established by the residents of our fire service district. This is one of the lowest rates in any of the fire service districts.

The property in our district is primarily residential in nature and most parcels are eligible for the current \$10,000.00 residential exemption. There are 1,354 such exempted parcels leaving a total \$274,873,096.00 taxable valuation in the district. Should the exemption proposed in your House Bill # 6 pass, and be adopted by the Fairbanks North Star Borough, it would reduce our income by 15% making it very difficult to provide the level of service we now provide. On a separate note, I would like to thank you for proposing a \$10,000.00 exemption for volunteer firefighter and EMS personnel. This certainly demonstrates that you have a respect for the men and women who risk their lives and expend their time and resources to help their neighbors.

Our district is rapidly growing placing more demands on the volunteers and small staff we now have. State and federal mandates are making it more and more expensive to provide the service needed. A substantial reduction in the budget would cause us to seek an increase in the mil rate for fire protection to pay to the equipment and supplies needed to provide a safe and effective service.

I personally believe that this large an impact on the municipalities would spur similar mil rate increases in order to pay for schools and other governmental functions thereby defeating the intent of the bill. I respectfully request that you consider the impact your bill could potentially have on our small department and other such departments trying to provide the citizens the best service possible for a very small cost.

Sincerely,

David Rohwer
President, Board of Directors

Cc: Mayor Rhonda Boyles

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Wednesday, January 10, 2001

GO

Article last updated:

Wednesday, January 10, 2001 3:12 PM MST

Bill would ease tax burden for homeowners

By SEAN COCKERHAM
News-Miner Juneau Bureau

JUNEAU--The impact of last year's failed property taxpayer revolt is being felt in the halls of the state Capitol.

Two Interior lawmakers, with support from members of the Fairbanks North Star Borough Assembly, have introduced legislation that would allow local communities the choice of increasing the household property tax exemption.

Under the current exemption, \$10,000 is shaved off the tax assessments of homeowners living in the Fairbanks borough and in a handful of other Alaska municipalities that choose to do so.

So if a Fairbanks family lives in a house assessed at \$150,000, it can pay borough taxes as though the house is worth \$140,000.

That \$10,000 is the most that can be exempted under current state law. But Sen. Gene Therriault, R-North Pole, and Rep. John Davies, D-Fairbanks, have filed bills that would allow local ordinances to increase the exemption up to \$50,000.

"It's a maximum," Davies said. "And it's totally optional."

A group of Fairbanks North Star Borough Assembly members and the executive director of the Alaska Municipal League have said that increasing the exemption cap would give local governments room to examine how they bring in revenue.

"If the Legislature allows us that flexibility, it is one more arrow in our quiver," said Karen Parr, presiding officer of the Fairbanks assembly.

But that does not mean the borough would exercise the option and increase the household exemption, Parr said. Borough staff is studying just how much the move would drain the coffers, she said.

"Obviously those tax dollars have to be made up somehow," Parr said, noting that borough residents are not clamoring for cuts in services.

Parr said some level of sales tax would be the most likely option for replacing the lost property tax revenue, but that would require a boroughwide vote and raise thorny issues such as what goods to exempt



from the sales tax.

The borough mayor, and some assembly members, have said they want to consider alternative revenue sources in the wake of the debate over last year's failed statewide initiative to limit local property taxes to 1 percent of a home's assessed value.

An ordinance to revive the borough's revenue task force is expected to go before assembly members soon.

Raising the household exemption would not hurt the borough's bottom line as much as simply lowering the tax rate, since the largest borough taxpayers are commercial properties.

Davies' bill would put the maximum exemption at \$40,000 for most households, with an additional \$10,000 possible for those who volunteer as firefighters or emergency personnel.

Therriault's proposal would make an across-the-board exemption cap of \$50,000. Both lawmakers said their numbers are flexible.

Davies said the \$10,000 maximum exemption became law in the early 1970s and that he is figuring out just how much inflation has risen since then. He also said he is researching whether local governments could raise the exemption themselves or would also need the approval of voters.

Therriault said he is waiting to hear from the local governments regarding just how much they want the maximum exemption to be. "It's a local call," he said.

Therriault said he does not believe that property owners bear the entire local tax burden in the Fairbanks borough and that they pass some of the cost on to renters. But he wants local governments to have the option to diversify their tax base.

Davies, a former borough assembly member, believes it may be a good idea for the Fairbanks borough to institute a modest sales tax and increase the household property tax exemption.

"It would spread the burden a little bit," he said. "I think it would be a little more fair."

HB

8

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 8(TRA)
(H) Publish Date: 01/29/01

Revision Date: _____
Title: *An Act establishing the Legislative
Road Development Task Force; and providing....
Sponsor: Representative Rokeberg
Requestor: House Transportation

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council and Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07
PERSONAL SERVICES	0	0	0	0	0	0.0
TRAVEL	6.0	0	0	0	0	0.0
CONTRACTUAL	1.5	0	0	0	0	0.0
SUPPLIES	2.3	0	0	0	0	0.0
EQUIPMENT	0	0	0	0	0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.8	0	0	0	0	0.0

CAPITAL	0	0	0	0	0	0.0
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REVENUE FUND SOURCE	0	0	0	0	0	0.0
---------------------	---	---	---	---	---	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.8	0	0	0	0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	9.8	0	0	0	0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0.0
PART-TIME	0	0	0	0	0	0.0
TEMPORARY	0	0	0	0	0	0.0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary) HB8 establishes a thirteen member Legislative Road Development Task Force. The task force will be composed of 9 public members, 2 Legislators, and 2 state officials. The task force shall identify roads that are important to the future economic development of the state, study and research the feasibility of upgrading roads, and establish a priority ranking for projects to develop or upgrade those roads. The task force shall submit a report of its findings to the Legislature and the Governor before the 2nd session of the 22nd Alaska State Legislature convenes.

Prepared By: Karla Scholfield, Deputy Director *Karla Scholfield* Phone: 465-3852
Division: Administrative Services Date: 1/24/01

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
Agency: Legislative Affairs Agency Date: 1/24/01

COMMITTEE COPY

Approved (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

22-LS0102U
Utermohle
2/5/01

adopted N/O

CS FOR HOUSE BILL NO. 8(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Legislative Pioneer Road Development Task Force; and**
2 **providing for an effective date."**

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

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **LEGISLATIVE PIONEER ROAD DEVELOPMENT TASK FORCE.** (a) There is
7 established in the legislative branch of state government the Legislative Pioneer Road
8 Development Task Force. The task force shall consist of 11 voting members, as follows:

- 9 (1) one member designated by the Alaska Trucking Association, Inc.;
- 10 (2) one member designated by the International Union of Operating
- 11 Engineers, Local 302;
- 12 (3) one member designated by Teamsters Union Local 959;
- 13 (4) one member who is a civil engineer designated by the State Board of
- 14 Registration for Architects, Engineers and Land Surveyors;

- 1 (5) one member designated by the Alaska State Chamber of Commerce;
2 (6) one member designated by the Associated General Contractors of Alaska;
3 (7) one member designated by the Alaska Miners Association;
4 (8) one member who resides in a rural area designated by the Alaska
5 Federation of Natives;
6 (9) one member designated by the Resource Development Council for Alaska;
7 (10) one member appointed by the President of the Senate from among the
8 members of the Senate;
9 (11) one member appointed by the Speaker of the House of Representatives
10 from among the members of the House of Representatives.

11 (b) The commissioner of transportation and public facilities or the commissioner's
12 designee and the commissioner of community and economic development or the
13 commissioner's designee shall serve as nonvoting members of the task force.

14 (c) The legislator members of the task force shall serve as co-chairs of the task force.
15 The staff of the legislator members of the task force shall serve as staff to the task force.

16 (d) The task force shall identify roads that are important to the future economic
17 development of the state, study the feasibility of developing or upgrading those roads in order
18 to promote the future economic development of the state, research existing plans to develop or
19 upgrade those roads, determine the availability and source of funds to develop or upgrade
20 those roads, review alternative funding sources for ongoing maintenance, and establish a
21 priority ranking for projects to develop or upgrade roads identified by the task force.

22 (e) The task force shall place particular emphasis on reviewing the following road
23 projects to determine whether the road projects should be identified as important to the future
24 economic development of the state:

- 25 (1) Williamsport Road from Iliamna Bay to Pile Bay;
26 (2) a road to the Pogo Mine;
27 (3) Rock Creek Road in the Nome area;
28 (4) a road to Tazlina Lake;
29 (5) a road from Wasilla to Bethel;
30 (6) a road from Wasilla to Tyonek;
31 (7) a road along the west shore of Cook Inlet;

- 1 (8) a road to Nome;
- 2 (9) a road to Cordova;
- 3 (10) a road to Ruby;
- 4 (11) a road to Fort Yukon;
- 5 (12) Donlin Creek Road;
- 6 (13) a road to Dillingham;
- 7 (14) a road around the northern end of Lake Iliamna;
- 8 (15) upgrading the Dalton Highway;
- 9 (16) a road from Rampart to Eureka;
- 10 (17) a road from Ruby to McGrath;
- 11 (18) a road from Healy to the Richardson Highway;
- 12 (19) a road from Ruby to Takotna;
- 13 (20) a road from Takotna to Flat to Crooked Creek;
- 14 (21) Tonsina North Access Road;
- 15 (22) a road from Juneau to Atlin, British Columbia,
- 16 (23) a road from the Dalton Highway west to the Ambler copper district;
- 17 (24) Bradfield Canal Road;
- 18 (25) Shelter Cove Road;
- 19 (26) any other road that the task force feels merits review.

20 (f) The task force shall meet as frequently as its members determine necessary to
21 perform its work. The task force may meet and vote by teleconference.

22 (g) The members of the task force appointed under (a)(1) - (9) of this section are not
23 eligible for compensation but are entitled to per diem and travel expenses authorized for
24 boards and commissions under AS 39.20.180.

25 (h) The task force shall submit a written report of its findings and recommendations to
26 the legislature and the governor before the Second Regular Session of the Twenty-Second
27 Alaska State Legislature convenes.

28 * Sec. 2. This Act is repealed March 15, 2002.

29 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

2/6/01

22-LS0102\F.2
Utteriohle
2/6/01

in lobby
Adopted

AMENDMENT

#1

OFFERED IN THE HOUSE
TO: CSHB 8(TRA)

By Rep. Bunde

- 1 Page 2, line 21 following "force.":
- 2 Insert: "The task force shall consider rights-of-way under former 43 U.S.C. 932 (R.S.
- 3 2477) when establishing a priority ranking for projects. The task force shall also recommend
- 4 a schedule of appropriations, subject to the availability of federal or other funds, for projects
- 5 to develop or upgrade the roads and rights-of-way identified as important to the future
- 6 economic development of the state."

2/6/01 #2

Held

By Representative Ken Lancaster

Amendments to House Bill 8 - "Establishing the Legislative Pioneer Road Development Task Force"

Page 1: Line 8

The task force shall consist of 13 voting members

Page 2: Line 6

(9) One member designated by the Alaska Railroad

(10) One member representing energy delivery in Alaska (i.e. corridor)

Then numbers would be renumbered accordingly

2/6/01

#3

22-LS0102F3
Utermohle
2/6/01

Failed 2/8

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 8(TRA)

BY REPRESENTATIVE DAVIES

1 Page 1, lines 1 - 2:

2 Delete all material and insert:

3 "An Act relating to the nomination of pioneer roads for consideration for inclusion in
4 the Statewide Transportation Improvement Plan; and providing for an effective date."

5

6 Page 1, line 6 through page 2, line 25:

7 Delete all material and insert:

8 "NOMINATION OF PIONEER ROADS FOR INCLUSION IN THE STATEWIDE
9 TRANSPORTATION IMPROVEMENT PLAN. (a) The commissioner of transportation
10 and public facilities shall nominate the following roads for evaluation for development as
11 pioneer roads and for inclusion in the Statewide Transportation Improvement Plan:"

12

13 Page 3, lines 20 - 27:

14 Delete all material.

15 Insert new subsections to read:

16 "(b) The commissioner shall also nominate for evaluation for development as pioneer
17 roads and for inclusion in the Statewide Transportation Improvement Plan other pioneer roads
18 that are proposed by the governing body of a municipality and for which there are existing
19 plans to develop or upgrade the roads or for which there is potential for alternative funding for
20 construction or maintenance of the roads.

21 (c) A road nominated for evaluation under (a) or (b) of this section must be evaluated
22 especially for its potential to foster economic development in the region where it is located.
23 Additional weight shall be given to a road for which there are existing plans to develop or
24 upgrade the road or for which there is potential for alternative funding for construction or

22-LS0102\F.3

- 1 maintenance of the road.
- 2 (d) The commissioner shall prepare a written report before January 10, 2002,
- 3 describing the roads nominated for evaluation under this section, the evaluation process used
- 4 to evaluate the roads, and the status of each road in the Statewide Transportation
- 5 Improvement Plan process."