

ALASKA LEGISLATIVE COMMITTEE FILES 1905-1900 00/2

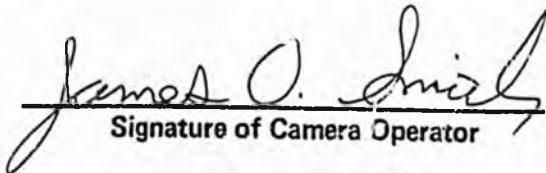
3267 HJUD HB 48 - HB 55

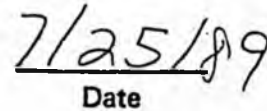


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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	2/3/86	1:30 pm
" "	2/4/86	1:30 pm

COMMITTEE REPORT
HOUSE

3/5

(7)

FURTHER: FINANCE

3/1/85

Date: 2/4/86

Mr. Speaker:

The Committee on JUDICIARY has had HB 48

"An Act relating to compensation of legislators."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 48 (JUD) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsors: Hurley, Pourchot,
Pettyjohn, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 48 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of legislators."

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

8 * Section 1. AS 24.10.100 is amended to read:

9 Sec. 24.10.100. [ANNUAL] SALARY OF LEGISLATORS. Until
10 January 19, 1987, the [THE] annual salary for each member of the
11 legislature is \$46,800. Beginning January 19, 1987, the monthly salary
12 for each member of the legislature is equal to Step A, Range 10 of the
13 salary schedule in AS 39.27.011(a) for Juneau. The president of the
14 senate and the speaker of the house of representatives are each
15 entitled to an additional \$500 a year during tenure of office.

16 * Sec. 2. AS 24.10 is amended by adding a new section to read:

17 Sec. 24.10.115. LEGISLATIVE PER DIEM. (a) Beginning January 19,
18 1987, a member of the legislature is entitled to receive per diem
19 during a legislative session at the same rate allowed for a state
20 employee under AS 39.20.110 and 39.20.160, including regional varia-
21 tions in the rate where applicable.

22 (b) Per diem during a legislative session shall be calculated at

23 (1) the short-term rate if the legislator is not living in
24 the legislator's place of permanent residence during the session;

25 (2) the long-term rate if the legislator is living in the
26 legislator's place of permanent residence during the session.

27 (c) Beginning January 19, 1987, when the legislature is not in
28 session, a legislator is not entitled to receive per diem but is
29 entitled to be reimbursed for actual expenses incurred while on

1 committee business for an interim committee of the legislature in a
2 place that is not the legislator's place of permanent residence.

3 (d) In this section

4 (1) "long-term rate" means the long-term per diem rate for
5 a state employee established in regulations adopted by the commission-
6 er of administration under AS 39.20.160;

7 (2) "short-term rate" means the short-term per diem rate
8 for a state employee established in regulations adopted by the commis-
9 sioner of administration under AS 39.20.160.

10 * Sec. 3. AS 24.10.120 is amended to read:

11 Sec. 24.10.120. METHOD OF PAYMENT. Salaries, per diem, reim-
12 bursments, and additional allowances for members of the legislature
13 shall be paid by warrants drawn on vouchers approved by the legisla-
14 tive fiscal officer. The legislative fiscal officer shall, by
15 January 31 of each calendar year, file with the Office of Management
16 and Budget a report of all vouchers approved for payment under this
17 section during the preceding calendar year. The report shall provide,
18 by legislator, the date of each voucher, the amount paid, and the
19 basis for approval for payment.

Original sponsors: Hurley, Pourchot,
Pettyjohn, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 48 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of legislators."

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

8 * Section 1. AS 24.15 is amended by adding a new section to read:

9 Sec. 24.15.011. LEGISLATIVE PER DIEM. (a) Beginning January 19,
10 1987, a member of the legislature is entitled to receive per diem
11 during a legislative session at the same rate allowed for a state
12 employee under AS 39.20.110 and 39.20.160, including regional varia-
13 tions in the rate where applicable.

14 (b) Per diem during a legislative session shall be calculated at

15 (1) the short-term rate if the legislator is not living in
16 the legislator's place of permanent residence during the session;

17 (2) the long-term rate if the legislator is living in the
18 legislator's place of permanent residence during the session.

19 (c) Beginning January 19, 1987, when the legislature is not in
20 session, a legislator is not entitled to receive per diem but is
21 entitled to be reimbursed for actual expenses incurred while on com-
22 mittee business for an interim committee of the legislature in a place
23 that is not the legislator's place of permanent residence.

24 (d) In this section

25 (1) "long-term rate" means the long-term per diem rate for
26 a state employee established in regulations adopted by the commis-
27 sioner of administration under AS 39.20.160;

28 (2) "short-term rate" means the short-term per diem rate
29 for a state employee established in regulations adopted by the

1 commissioner of administration under AS 39.20.160.

2 * Sec. 2. AS 24.15.020 is amended to read:

3 Sec. 24.15.020. SALARY OF LEGISLATORS. Until January 19, 1987,
4 the monthly salary for each member of the legislature is equal to Step
5 A, Range 22 of the salary schedule in AS 39.27.011(a) for Juneau,
6 Alaska. Beginning January 19, 1987, the monthly salary for each
7 member of the legislature is equal to Step A, Range 10 of the salary
8 schedule in AS 39.27.011(a) for Juneau. The president of the senate
9 and the speaker of the house of representatives are each entitled to
10 an additional \$500 a year during tenure of office.

11 * Sec. 3. AS 24.15.040 is amended to read:

12 Sec. 24.15.040. METHOD OF PAYMENT. Salaries, per diem, reim-
13 bursments, and additional allowances for members of the legislature
14 shall be paid by warrants drawn on vouchers approved by the legisla-
15 tive fiscal officer. The legislative fiscal officer shall, by
16 January 31 of each calendar year, file with the Office of Management
17 and Budget a report of all vouchers approved for payment under thi
18 section during the preceding calendar year. The report shall provide
19 by legislator, the date of each voucher, the amount paid, and th
20 basis for approval for payment.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 2/10/86

REQUEST #2
 Bill/Resolution No.: CSHB 48(Judiciary)
 Title: An Act relating to compensation of legislators
 Sponsor: House Judiciary Committee
 Requestor: Rep. Al Adams
 Date of Request: 2/9/86

FISCAL DETAIL
 Agency Affected: Legislative Affairs
 BRU: Legislative Council
 Components: Salaries & Allowances

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		<856.7>	<1,890.2>	<1,890.2>	<1,890.2>	<1,890.2>
TRAVEL		568.8	568.8	568.8	568.8	568.8
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	<287.9>	<1,321.4>	<1,321.4>	<1,321.4>	<1,321.4>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	<287.9>	<1,321.4>	<1,321.4>	<1,321.4>	<1,321.4>
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill changes the current \$46,800 annual salary (\$3,900 monthly) for a legislator to a Step A, Range 10, of the Salary Schedule in AS 39.27.011(a) for Juneau effective January 19, 1987. currently that monthly rate is \$1,845. (See Page 2)

Prepared by: Pamela A. Stoops, Manager *Pamela Stoops* Phone: (907)465-3850
 Division: Administrative Services Date: 2/10/86
 Approved by Executive Director: Warren W. Endicott *Warren W. Endicott* Date: 2/10/86
 Agency: Legislative Affairs Agency

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 48(Judiciary) Request #2

FY 87	July 1-June 30, 1987 payroll cost before CSHB 48(Jud)	\$3,594,240.00
	after CSHB 48(Jud)	<u>\$2,733,783.60</u>
	Difference of	\$ 860,456.40
FY's 88, 89, 90, 91	July 1-June 30, 1988 payroll cost before CSHB 48(Jud)	\$3,594,240
	after CSHB 48(Jud)	<u>\$1,700,352</u>
	Difference of	\$1,893,888

This bill also reinstates per diem effective January 19, 1987, during session at the same rate allowed for a state employee under AS 39.20.110 and AS 39.20.160. Currently those rates would be as follows:

\$80 a day per diem x 120 days x 57 legislators =	\$547,200
\$60 a day per diem x 120 days x 3 legislators =	\$ 21,600
Total	<u>\$568,800</u>

Section 3 of this bill adds a new section:

The legislative fiscal officer shall by January 31 of each calendar year, file with the Office of Management and Budget a report of all vouchers approved for payment under this section during the preceding calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid, and the basis for approval for payment.

The legislative fiscal officer already provides the Department of Administration, Division of Finance, with totals for allowances, mileage, and salary by January 15 of each year. This information is needed by the Department of Administration for W-2 purposes. In checking with the Office of Management and Budget, they are not aware of any need for the information and would transmit it to the Department of Administration.

Additional staff would have to be hired to compile a report at this time of year to comply with the deadline. Estimated cost would be \$3,725.00.

Supplement
80

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/31/86

REQUEST
Bill/Resolution No.: HB 48
Title: "An Act relating to compensation of legislators."
Sponsor: Hurley
Requestor: Judiciary Committee
Date of Request: 1/31/86

FISCAL DETAIL
Agency Affected: Administration
BRU: Retirement & Benefits
Components: EPORS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
RTMNT & BNFTS						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	[275.3]	[297.3]	[321.1]	[346.8]	[374.5]
TRS MATCH						
TOTAL OPERATING	-0-	[275.3]	[297.3]	[321.1]	[346.8]	[374.5]
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	[275.3]	[297.3]	[321.1]	[346.8]	[374.5]
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	[275.3]	[297.3]	[321.1]	[346.8]	[374.5]

POSITIONS: -0- -0- -0- -0- -0- -0-

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: J.K. Humphreys, Director
 Division: Retirement & Benefits

Phone: 465-4470
 Date: 1/31/86

Approved by Commissioner: Eleanor Andrews
 Agency: Department of Administration

Date: 2/3/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

House Bill 48
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 31, 1986

Analysis: Passage of this bill would decrease the current monthly salary for legislators and would consequently reduce monthly benefit payments to some members of the Elected Public Officers Retirement System (EPORS). We estimate that 17 current EPORS retirees would receive reduced benefits and that three of the five members eligible to retire in FY 87 would also be affected.

The FY 87 savings to the State of \$275.3 is calculated by applying the reduction in salary to the EPORS benefit formula and recalculating the total FY 87 projected cost for each EPORS retiree.

The projected FY 87 savings would be \$275.3 and is estimated to increase by 8% each year thereafter.

This fiscal note reflects cost savings relating to EPORS only. Savings in PERS and TRS benefits will presumably be reflected in the fiscal note prepared by the Legislative Affairs Agency in the Personal Services Component since these costs are charged as a percent of salary.

AN INITIATIVE

For an Act entitled: "An Act relating to the compensation for state legislators."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

* Section 1. AS 24.15.010 is reenacted to read:

Sec. 24.15.010. Legislature per diem.

(a) During the legislative session, each member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate during a legislative session if he does not live in his place of permanent residence during the session.

(c) A legislator is entitled to receive per diem at the long-term rate during a legislative session if he lives in his place of permanent residence during the session.

(d) When the legislature is not in session, instead of receiving per diem a legislator is entitled to be reimbursed for actual expenses incurred while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

(e) In this section

(1) "long-term rate" means the long-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160.

* Section 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. Salary of legislators. The monthly salary for each member of the legislature is equal to Step A, Range 10, [22] of the salary schedule in AS

Exhibit A

39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

* Section 3. AS 24.15.040 is amended to read:

Sec. 24.15.040. Method of Payment. Salaries, per diem and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. The legislative fiscal officer shall, by January 31 of each calendar year, file with the Office of Management and Budget a report of all vouchers approved for payment pursuant to this section during the preceding calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid and the basis for approval for payment.

* Section 4. Any provisions of the Alaska Statutes inconsistent with this Act are hereby repealed.

"PRESCRIBING COMPENSATION FOR STATE LEGISLATORS"

If enacted, this proposed bill would amend state law providing for compensation to state legislators. It would establish the monthly salary for legislators at Step A, Range 10 (currently equal to \$1,757) of the salary schedule in AS 39.27.011(a). The bill would also authorize per diem payments for legislators while the legislature is in session. When not in session, legislators on interim committee business would receive reimbursement of actual expenses only. In addition, the proposed bill would require the legislative fiscal officer to report annually to the Office of Management and Budget on all vouchers approving payments to legislators during the year.

MEMORANDUM

State of Alaska

TO: Honorable Stephen McAlpine
Lieutenant Governor
Office of the Lt. Governor

FROM: Norman C. Gorsuch
Attorney General

By: Diane Colvin
Assistant Attorney General
Department of Law

DATE: September 2, 1983

FILE NO: 366-108-84

TELEPHONE NO: 465-3600

SUBJECT: Amended summary for
initiative petition

On August 31 we transmitted to you our review of the initiative petition concerning legislative compensation, along with an impartial summary. It has come to our attention that the summary may be ambiguous in regard to the description of the proposed salary level for legislators. We have amended the summary accordingly and it is attached.

The change made affects only the second sentence. The previous version was:

It would establish the monthly salary for legislators at Step A, Range 10 of the salary schedule in AS 39.27.011(a), currently set at \$1,757.

We have changed this sentence to read:

It would establish the monthly salary for legislators at Step A, Range 10 (currently equal to \$1,757) of the salary schedule in AS 39.27.011(a).

If you have any questions, please contact us.

DC:d1m

Attachment

STATE OF ALASKA
RECEIVED
SEP 2 '83

LIEUTENANT GOVERNOR

hand carry

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99812
907-465-2800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

July 30, 1981

SUBJECT: CSSSSB 162 (Finance)
TO: Representative Mike Miller
FROM: Thomas A. Sofo
Legislative Counsel

You have asked this office to review the status of SB 162. The issues raised by that review concern the status of a bill not receiving final action in the first regular session of a legislature, the discretion of the presiding officer to transmit a bill, and the status of a bill which passes both houses in identical form except for the relevant effective date clause. In the case of CSSSSB 162 (Finance) the options available to you as Senate President seem to be to hold the bill until the Second Session of the Twelfth Legislature or to transmit the bill for enrollment within a reasonable time following the failure of the House to act on the report of the free conference committee.

CSSSSB 162 (Finance) appropriates money for grain elevator facilities at Seward. It passed the Senate in its entirety while the House action reflects that the immediate effective date clause failed, CSSSSB 162 (Finance) (efd fld H). The failure of the effective date clause by the House is the only aspect in which the bill as passed by each house differs.

The Senate attempted to restore the immediate effective date by refusing to concur in the deletion of the effective date clause and appointed a free conference committee. 1981 Senate Journal, p. 1413. The members of the free conference committee agreed to restore the immediate effective date and recommended that this be done in a report which the Senate accepted. 1981 Senate Journal, p. 1481. The free conference report on SB 162 was never acted on by the House even though the house free conference committee unanimously recommended it pass.

Representative Mike Miller
Page 2
July 30, 1981

1981 House Journal, p. 2161. The free conference committee was never formally discharged by either house nor was a second free conference committee appointed.

It is the opinion of this office that legislation passed by the house and senate which varies only as to the effective date clause is nevertheless valid minus the special effective date provisions. In such cases the act takes effect 90 days after enactment as provided in Article II, section 18, Alaska Constitution. The Attorney General had formerly argued that legislation, otherwise identical except for effective date provisions, was flawed since both houses had not passed the same version of the bill. Although this argument is plausible on the surface the Attorney General now appears willing to accept the approach taken by this office and supported by the weight of authority. By letter dated July 10, 1980, the Attorney General has taken the following position:

It is the universal rule under these circumstances that, except where the effective date constitutes a material difference, the bill is deemed to have passed the legislature. (Citations omitted)

Although not necessary, neither this office nor the Attorney General believe that the appointment of a conference committee to attempt to reconcile the differences as to the effective date was inappropriate. As the Attorney General notes:

There is a question whether the body can refer legislation which is already passed to a conference committee in this manner. We believe that a good faith effort to restore an effective date clause is proper and valid.

Since the executive is not taking issue with whether it was appropriate to appoint a free conference committee in the first place, this memo has taken for granted that such action was proper. The Attorney General has also stated that the signing and transmitting of a bill which has passed both houses is a ministerial, mandatory function, as opposed to a discretionary function, and is enforceable by the courts. Uniform Rule 41(b) in effect at the time CSSSSB 162 (Finance) was voted on provided:

(b) The Committee on Free Conference is appointed in the same manner as a Committee on Conference and may

Representative Mike Miller
Page 3
July 30, 1981

suggest in its report any new amendments germane to the question. When a majority of the membership on the committee from each house agree on amendments to be proposed, the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in both houses the bill is then ordered enrolled by its house of origin. If the Committee on Free Conference fails to agree or its report is not adopted, a second Committee on Free Conference may be appointed but no member of the first committee may be reappointed. The vote on adoption of a free conference committee report is taken by calling of the roll and the recording of the ayes and nays in the journal. Adoption requires a majority of the membership of the house. (Emphasis added)

As pointed out above the free conference report was not adopted in both houses.

At this stage of the analysis there appears to be two available options. AS 24.30.120 provides.

A bill introduced but not receiving final action in the first regular session of a legislature carries over in the same reading or status into the second regular session of the same legislature.

Based on AS 24.30.120, CSSSSB 162 (Finance) could be retained for possible House action during the Second Session of the Twelfth Legislature. It would seem to be within the discretion of the presiding officer to handle CSSSSB 162 (Finance) in this manner. As Mason states:

Where a presiding officer is required to sign a bill or ordinance to authenticate its passage, the act of signing is simply ministerial and not an exercise of legislative discretion therefore mandamus will lie to compel its performance. To hold otherwise would give the presiding officer, in effect, a veto upon the acts of the legislative body. But the courts should not require him to sign a legislative proposal which he had ruled not passed, because, in this instance, he was exercising discretion. . . (Emphasis added)

Mason's Manual of Legislative Procedure, sec. 575(3).

Representative Mike Miller
Page 4
July 30, 1981

The other available option is to discharge the free conference committee and transmit the bill within a reasonable time after it appears that efforts of the conferees to reconcile the effective date question have failed.

In Sec. 770(b), Mason's, the following rule is set forth:

When conference committees are unable to agree that the amendments in dispute be concurred in by the house of origin, or that they be receded from or not insisted upon by the house making them, that fact should be reported to the houses. The committee will then be discharged, and committees on free conference appointed in the same manner as the original committee. Also when, for any reason, either house refuses to adopt the report of the committee, the committees should be discharged and new committees on conference or free conference appointed. (Emphasis added)

Strictly speaking the House did not directly fail to adopt the report. The House merely refused to consider it.

It is unparliamentary, but within the power of a house, to indefinitely postpone the consideration of a report of the committee on conference.

Mason's, Sec. 770(8).

As noted above, there is ample authority to support the proposition that CSSSSB 162 (Finance) has been validly enacted without an immediate effective date.

There is some doubt as to which of the two options in this case represents the better rule although both appear to be viable. In our opinion the choice is within the discretion of the presiding officer in the absence of action by the body.

It is more clear that to allow the presiding officer to retain the bill indefinitely, to later discharge the free conference committee at a time of his own choosing, and then transmit the bill would in effect allow him to set the effective date by his control over when the 90 days started running. Such action is analogous to the individual veto of

Representative Mike Miller
Page 5
July 30, 1981

actions of the legislative body criticized by Mason in
Sec. 575(3).

TAS:ljb

INITIATIVE PETITION
ENTITLED "AN ACT RELATING TO THE COMPENSATION FOR STATE
LEGISLATORS."

PROPOSITION #83- _____

If adopted, this initiative would amend state law providing for compensation to state legislators by (1) reducing the annual salary to \$21,084.00 [from Step A, Range 22 to Step A, Range 10 of the salary schedule of AS 39.27.011(a)], and (2) by authorizing per diem payments to state legislators during the period the legislature is in session. When the legislature is not in session, legislators on committee business for an interim committee may receive reimbursement of actual expenses only. The initiative would require a report by the legislative fiscal officer to the Office of Management and Budget for each fiscal year as to payments to legislators under the law.

A BILL

For an Act entitled: "An Act relating to the compensation for state legislators."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

* Section 1. As 24.15.010 is reenacted to read:

Sec. 24.15.010. Legislature per diem.

(a) During the legislative session, each member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate during a legislative session if he does not live in his place of permanent residence during the session.

(c) A legislator is entitled to receive per diem at the long-term rate during a legislative session if he lives in his place of permanent residence during the session.

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(e) In this section

(1) "long-term rate" means the long-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160.

* Section 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. Salary of legislators. The monthly salary for each member of the legislature is equal to Step A, Range 10, [22] of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are

each entitled to an additional \$500 a year during tenure of office.

* Section 3. AS 24.15.040 is amended to read:

Sec. 24.15.040. Method of Payment. Salaries, per diem and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. The legislative fiscal officer shall, by January 31 of each calendar year, file with the Office of Management and Budget a report of all vouchers approved for payment pursuant to this section during the preceding calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid and the basis for approval for payment.

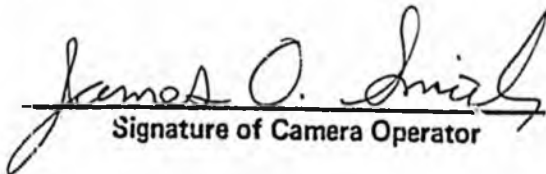
* Section 4. Any provisions of the Alaska Statutes inconsistent with this Act are hereby repealed.

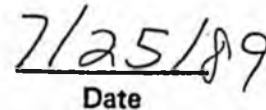


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HB

50

ALASKA CHAPTER
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

POSITION STATEMENT

ON LEGISLATION INCREASING

THE

ALASKA BIDDER PREFERENCE (HB 50)



POSITION PAPER ON HB 50

The Alaska Chapter, Associated General Contractors of America, Inc. (A.G.C.) represents more than 900 member companies, including most of the general contracting companies engaged in Alaska's commercial construction.

A.G.C. is opposed to HB 50 which proposes to raise the Alaska bidder preference percentage, contained in AS 37.05.230, from 5% to 10%. Primarily, A.G.C. opposes any local preference for the construction industry including the existing 5% preference. A.G.C.'s opposition is founded on both practical and philosophical considerations.

From a practical perspective, a preference for local contractors:

- inflates the cost to the owner
- increases the uncertainty in the bidding process
- increases construction bidding requirements
- increases the potential for litigation
- delays the awarding of projects

Further, there is a strong likelihood that such a scheme is unconstitutional. In Attorney Robert Goldberg's recent study submitted to the Department of Labor, pages 50 and 51 state in part:

". . . While that court has not decided the constitutionality of the five percent bidder preference in AS 37.05.230, two of the five justices (Rabinowitz and Burke) have already announced that they regard the preference as manifestly unconstitutional because: 'A discrimination between residents and non residents solely on the object of assisting the one class over the other economically cannot be upheld under either the privileges and immunities or equal protection clauses.' Irby-Northface v. Commonwealth Electric Co., 664 P.2d 557, 562 (Alaska 1983) (Rabinowitz, J., concurring), quoting Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975)"

From a philosophical perspective, A.G.C. opposes government regulations of the construction industry. A.G.C. supports the free market, competitive bidding system for awarding construction contracts. This system has stood the test of time as the most economical system for the owner and a fair system for the contractors. Consistency dictates that A.G.C. not see special regulatory favor for Alaska contractors. Further, local preference is not consistent with the competition free market system.

Although this legislation has no effect on projects awarded by the Department of Transportation and Public Facilities, it would affect such State agencies as: The Alaska Power Authority, University of Alaska, Department of Corrections, Department of Administration, Pioneer Homes and the Court System. The Alaska Power Authority has experienced bidder preference law suits, including a case that had to be settled by the Supreme Court before the bid could be let. Litigation prior to project award increases the cost and is not in the best interest of the construction industry or the general public.

A 10% bidder preference will unnecessarily and substantially increase the cost of building Alaska's infrastructure. At a time of dwindling oil revenues we suggest that the 10% bidder preference not be approved.

D. Statutory Provisions Governing Public Contracts

Title 36 of the Alaska Statutes, which governs public contracts, includes three chapters granting preferences to Alaskan individuals and businesses. AS 36.10, discussed above, requires preferential hiring of Alaska residents in the performance of public works contracts. AS 36.15 requires the use, wherever practicable, of Alaska forest products in state-funded construction. AS 36.20.010 provides that: "In making purchases or awarding contracts for supplies, commodities or material for an office or institution of this state preference shall be given, whenever practicable, to producers and dealers in the state, price and quality being equal." This provision is implemented in AS 37.05.230(1) which establishes competitive bidding requirements but provides that "a bid shall be awarded to an Alaska bidder if the bid is not more than five percent higher than the lowest nonresident bidder's..."

The future of these preferences, however, appears uncertain at best. The Superior Court has recently ruled AS 36.10.010 to be violative of the privileges and immunities clause in Francis v. Robison, et al., 3AN 83-9969 Civil, a decision the state is currently appealing to the Alaska Supreme Court. While that court has not decided the constitutionality of the five percent bidder preference in AS 37.05.230, two of the five

justices (Rabinowitz and Burke) have already announced that they regard the preference as manifestly unconstitutional because: "A discrimination between residents and non residents solely on the object of assisting the one class over the other economically cannot be upheld under either the privileges and immunities or equal protection clauses." Irby-Northface v. Commonwealth Electric Co., 664 P.2d 557, 562 (Alaska 1983) (Rabinowitz, J., concurring), quoting Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975).

Conspicuous by their absence from Alaska's public contract statutes are provisions in effect in some jurisdictions permitting or requiring bidding preferences or set-asides for small business and/or minority business enterprises. Nor does Alaska have a statutory requirement that contractors have affirmative action programs, although such requirements are in practice included in some state contracts. As discussed below, measures such as these could serve as constitutionally permissible means of fighting unemployment in Alaska.

E. DOT & PF Affirmative Action Program

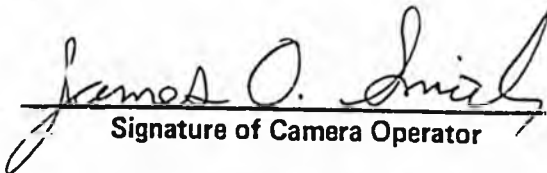
One major state agency has made commitments to increase contracting opportunities for minority business enterprises. In 1980, the Department of Transportation and Public Facilities (DOT & PF) entered into a settlement agreement

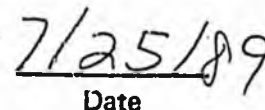


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Signature of Camera Operator


Date

H B

5 5

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/8/85	1:30 pm
" "	4/13/85	9 AM

4/15

COMMITTEE REPORT

HOUSE

(7)

FURTHER:

FINANCE

1/21/85

(L&C waived 1/21/85)

Date: _____

The Committee on JUDICIARY has had HB 55

"An Act relating to licensed premises."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 55 (JUD) same title
- IT do pass new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee *W/analysis Sup 48*

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Max Hunter

Chick

John Taylor

CHAIRMAN

Original sponsors: Collins, Uehling
and Gruenberg

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 55 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL,

6 For an Act entitled: "An Act relating to liquor licensees' duty to contact
7 taxis for patrons and to display alcohol warning
8 signs."

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

10 * Section 1. AS 04.21 is amended by adding new sections to read:

11 Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licens-
12 ee's agent or employee shall make reasonable efforts to procure a
13 taxi, where regular taxi service is available, for any person in the
14 premises who requests a taxi. The licensee is not responsible for
15 paying the cost of the taxi.

16 Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A li-
17 censee, except a common carrier licensee, shall conspicuously display
18 at each public entrance and exit of premises where alcohol is sold at
19 retail, a sign that reads "Drunk Drivers Go To Jail, Pay Fines and
20 Lose Their Licenses - Why Risk It - Call A Taxi." The sign shall
21 include a prohibitory symbol. The sign must be at least 18 inches
22 wide and six inches high, with lettering at least one and one-fourth
23 inches high.

24 (b) The Department of Revenue shall furnish, without cost, signs
25 required under this section to any licensee requesting them.
26
27
28

Edwards
4/9/85

Original sponsors: Collins, Uehling
and Gruenberg

To Be Offered As An Amendment
By Gruenberg
BY THE JUDICIARY COMMITTEE

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IN THE HOUSE

CS FOR HOUSE BILL NO. 55 (Judiciary)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to liquor licensees' duty to contact taxis for patrons and to display alcohol warning signs."

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

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Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A licensee shall conspicuously display at each entrance and exit of premises where alcohol is sold at retail, a sign that reads "Drunk Drivers Go To Jail, Pay Fines and Lose Their Licenses - Why Risk It - Call A Taxi." The sign shall include a prohibitory symbol containing a stylized automobile and cocktail glass. It must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

(b) The Department of Revenue shall furnish, without cost, signs required under this section to any licensee requesting them.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 55(JUD)
 Title: An Act relating to licensees' duty to contact taxi & display signs
 Sponsor: Collins
 Requestor: House Judiciary
 Date of Request: 4/13/85

FISCAL DETAIL

Agency Affected: Dept. of Health & Social Services
 Program Category Affected: Office of Alcoholism & Drug Abuse
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

According to testimony before the Judiciary Committee by the Department of Health & Social Services, Office of Alcoholism and Drug Abuse, that because this bill represents a positive approach to problems caused by alcohol abuse, the department is willing to fund the cost of the required signs up to the amount cited in the original fiscal note. The funds will come from the operating budget and require no additional appropriation.

Prepared By: Hayden Kaden, Counsel *HK* Phone: 465-4990
 Division: House Judiciary Committee Date: 4/15/85

Approved by Commissioner *[Signature]* Date: _____
 Agency: Legislature

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST

Bill/Resolution No: HB 55
 Title: An Act relating to
licensed premises
 Sponsor: Rep. Collins
 Requestor: House Commerce Committee
 Date of Request: January 22, 1985

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: Public
Protection
 BRU, Program of Subprogram(s) Affected:
Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	2.9	1.5	1.5	1.5	1.5	1.5
400 SUPPLIES	.5	.5	.5	.5	.5	.5
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	3.4	2.0	2.0	2.0	2.0	2.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	3.4	2.0	2.0	2.0	2.0	2.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page for analysis.

Computation attached

Prepared By: Patrick L. Sharrock, Director
 Division: Alcoholic Beverage Control Board

Phone: 277-8638
 Date: 1/30/85

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
Requestor

Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE HB 55
Attachment

Licenses applicable to legislation:

beverage dispensary	866
package store	487
restaurant	272
club	73
recreational site	16
pub	<u>1</u>
Total licenses (12/31/85)	1,815
Number of signs per premises (assume three signs per licensed premises)	<u>x 3</u> 5,445
Cost per 1,000 (two-color)	\$ 410 <u>x 5.45</u>
1. Estimated printing cost	\$2,235
2. Postage \$649; envelopes \$407;	<u>\$1,056</u>
3. Total initial cost (assume cost to be incurred during FY 86)	<u>\$3,291</u>
4. Annual costs for replacement and new issue signs are assumed to be 50% of initial cost.	<u>\$1,645</u>

HOUSE BILL 55

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE

April 8, 1985

Purpose. One of the priority issues identified by the Governor's Task Force on Drunk Driving was State funding for directing and funding public awareness programs on alcohol and drug use and responsible motor vehicle operation. House Bill 55 is an attempt to respond to this concern. HB 55 is designed to improve public awareness and information at the sites where alcoholic beverages are purchased or consumed.

Statement of the Problem: In the last few years there has been an increased public interest in the problem of drinking and driving. In response to this rising concern, the State of Alaska in recent years has enacted legislation aimed at removing the drunk driver from our streets and thus reducing alcohol-related accidents and fatalities. These statutes provide for the following:

1. Raised legal drinking age of twenty-one.
2. An implied consent statute
3. Preliminary breath testing on the roadway
4. Administrative license revocation upon arrest
5. Breath test refusal penalties same as DWI conviction
6. Citizen reporting, i.e., REDDI
7. Definition of Breath Alcohol level at .10 illegal per se
8. Mandatory sentencing
9. Mandatory fines
10. Victim compensation
11. Driver licensing information
12. Rehabilitation education
13. Compliance with conditions of court order
14. Mandatory liability insurance
15. Four new judges in the Anchorage area
16. Decrease in time between arrest and sentencing

Despite all of these efforts, drinking and driving continues to be a significant problem for the citizens of our state.

Recent newspaper headlines attest to the increasing public interest in the drunk-driving problem. Much of this increase results from campaigns conducted by such citizen groups as MADD (Mothers Against Drunk Driving). Organizations like MADD have been very effective in enlisting public and official support for more severe penalties for drunk drivers. In the past, efforts to strengthen drunk-driving laws have generally focused on increasing penalties.

One justification frequently cited for this approach is the apparent success of drunk-driving laws carrying strict penalties and ensuring that such penalties are actually carried out. Unfortunately, in the past it generally has been the experience that public concern has been temporary, and when the interest of the moment has passed, the intensity of the effort to overcome the drinking-driving problem tends to fade. If current efforts are to have a long-term effect, it is important that public awareness accompany all current and future legislation to stem the tide of drunk driving.

The passage of stricter drunk-driving laws alone will not reduce alcohol-related accidents or the incidents of drunk driving. For stricter laws to be effective, the public must know the laws and penalties and have an increased fear of apprehension and conviction.

To have an impact on the rate of accidents caused by drunk drivers, laws must not only be enacted but also well publicized and enforced. In some cases, it appears that current DWI laws and their penalties are not as highly publicized throughout Alaska as they could be.

A review of the research on the scope of the problem as it exists in other states as well as in Alaska is well documented. It is clear from reviewing the information that drinking and driving is a very complex problem which requires a combination or a variety of approaches. Although it appears from reviewing the literature that enactment of stronger drunk-driving laws has been successful in stemming the tide, it has not been entirely successful in eliminating the problem.

To be effective, enforcement programs must be accompanied by public information activities which ensure that there is a perception of increased probability of detection. A review of the research further indicates there is a strong connection between public awareness and the effectiveness of drunk-driving laws. Public awareness and accurate knowledge of the law, along with thorough enforcement procedures and stiff penalties are the major components, which will have a lasting impact on the large numbers of persons drinking and driving in Alaska, particularly in the case of social drinkers. Although this approach may not be as effective with problem drinkers, research indicates that the passage of stricter drunk-driving laws alone does not reduce alcohol-related accidents or the incidence of drunk driving. To increase the effectiveness of our efforts, the public must know the laws and the penalties and have an increased fear of apprehension and conviction.

The sale of alcohol is one of society's most highly regulated industries. There is good reason for this; it is a potentially dangerous substance posing extreme hazards to the health and welfare of consumers and motor vehicle operators on our public roads.

In the past decade, the vast majority of Americans have been concerned over public safety. This concern has risen steadily since 1971. In a recent Harris survey, 87% of the adult Americans polled blamed consumers themselves for injury resulting from misuse of products. Of the consumers surveyed, 73% believed that product safety objectives should be accomplished through publicity on product risks and dangers or by health warnings such as those required for cigarettes and over-the-counter drugs.

If a product has a hidden hazard, an unknowing consumer may be denied the valuable information necessary in deciding whether or not to risk using the product in the first place or how abuse of the product could impact his future welfare. Often, hazards in the use of alcohol are not visible to a consumer, and thus the consumer may not have a full appreciation for the severity of the decision to expose himself to that hazard. The probability of a hazard actually occurring, therefore, is of prime consideration in the consumer's behavior. Following this line of reasoning, an educated product consumer of alcoholic beverages is likely to be a more responsible consumer.

RECOMMENDATIONS:

The approaches for dealing with the drunk-driving problem are many, which include punitive, educational, rehabilitation, and behavioral. The value of placing warning signs in establishments where alcohol is sold and/or consumed should be effective because the message is subliminal. Research has shown that subliminal advertising has a greater long-term effect in influencing behavior than any other form of advertising. The prominent display of DWI warning signs in establishments that sell alcohol would, over a period of time, effect consumer behavior in a positive manner. Subliminal messages are conveyed to the unconscious rather than to the conscious level. Once having established the message on the unconscious level, repeated exposure to the message reinforces its effect and eventually will lead to changes in behavior which will influence consumers of alcoholic beverages to act responsibly, not necessarily for the good of others, but for themselves.

HB 55 REPRESENTS GOOD LEGISLATION; IT MAXIMIZES THE EFFECT OF CURRENT LAW AT MINIMAL EXPENSE TO THE PUBLIC TREASURY. HB 55 CARRIES A FISCAL NOTE OF APPROXIMATELY \$3,000.00; A SMALL PRICE FOR A BIG PROBLEM.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY. ON BEHALF OF MYSELF AND
ALL THOSE WHO WILL BENEFIT FROM THIS BILL, I REQUEST YOUR SUPPORT IN PASSING
HB 55 OUT OF COMMITTEE.

I AM AVAILPBLE FOR ANY QUESTIONS YOU MAY HAVE.

TIMELINE SUMMARY OF SIGNIFICANT LEGISLATION
REGARDING CONTROL OF DRUNK DRIVERS

MUNICIPALITY OF ANCHORAGE

ALASKA STATE STATUTE

January, 1977

Established Mandatory
Minimum Sentence:

1st offense	24 hours
2nd offense	3 days
3rd & subsequent	10 days

Illegal to operate motor
vehicle with BAC .10% or
higher (Per Se law)
(AO 267-76)

January, 1978

[Adopted procedure whereby in-
voluntary blood test was made
in medical setting upon refu-
sal of breathalyzer test.
(Administrative Procedure)]

Established mandatory judicial re-
ferral for alcohol screening/reha-
bilitation
(ch. 152 SLA 1978)

Established mandatory jail sentence
of 10 days for DWLS.

Disallowed limited license on second
offense for serious traffic misde-
meanor
(ch. 178 SLA 1978)

November, 1978
(11/28/78)

Increased Mandatory Minimum
sentence:

1st offense	3 consecutive days
2nd & subsequent	10 consecutive days

(AO 78-230S)

November, 1979

Adopted breath as well as
blood standard for measurement
of BAC
(AO 79-194)

1980

(September)

Adopted mandatory minimum jail sentence:

1st offense 3 consecutive days

2nd offense 10 consecutive days

Illegal to operate motor vehicle with BAC .10% or higher

Adopted breath alcohol measurement standard

Established admissibility of refusal under implied consent law as evidence in prosecution
(ch. 129 SLA 1980)

(August)

Adopted state statute
(AO 80-122)

1981

Assumes validity of chemical test if taken within four hours of arrest
(AO 81-75)

[Reduction in hours of legal sale of alcohol]

1982

(September)

Established refusal under implied consent laws as misdemeanor offense with same sentence as DWI offense

Allowed for application of DWI law to airplanes and watercraft

Allowed forceable blood test for BAC in fatalities, injuries or cases where defendant is incapable of refusing

Required use of limited license for at least 60 days (rather than only 30 days)

Revised mandatory minimum sentence
1st offense 72 consecutive hours
2nd offense 10 consecutive days
20 days if subsequent offense
within one year
(ch. 117 SLA 1982)

Adopted state statute but leaves
in validity of chemical test if
taken within four hours of arrest
(AO 82-126)

November, 1982

Allows forfeiture of motor
vehicle to Municipality on
2nd or subsequent offense
within 5 years of first
offense

Permit impoundment (temporary
seizure) of vehicle to Municipality for 30 days for 1st and 2nd offense, 60 days for 3rd offense and 90 days on 4th or subsequent offense.
(AO 82-205)

June, 1983
Effective 10/17/83

Revised mandatory minimum sentence
1st offense 72 hours (unchanged)
2nd offense w/in 10 years 20 days
3rd offense w/in 10 years 30 days

Established mandatory minimum fines
1st offense \$250
2nd offense \$500
3rd offense \$1000

Established administrative revocation of driver's license by law enforcement officer if BAC is .10% or higher or driver refuses breath test. Driver receives 7-day temporary license; driver has seven days to appeal.

Revises terms of license revocation under administrative or court authority - provides minimums:

- 1st offense 90 days (last 60 days may be limited)
- 2nd offense 1 year
- 3rd offense 10 years

Court revocation may be either concurrent or consecutive with administrative action.

Revises procedure to recover valid license: driver must post SR22, pay fee and pass written and road test.

Revises penalty for driving with license revoked. If revocation was for 1st DWI conviction, mandatory minimum 30 days in jail. If revoked for 2nd or subsequent DWI, mandatory jail sentence of 90 days to serve.

Allows for impoundment or forfeiture of vehicle on 3rd & subsequent offense.

Suspended imposition of sentence is no longer permitted for DWI, Breath Test Refusal, or Driving with License Revoked.

[Minimum legal age to purchase/
consume increased from 19 to
21 -- over three year period,
effective January, 1984.]

[State tax on alcohol increased
(last increase was 1962).]

Introduced: 1/16/85
Referred: Labor & Commerce,
Judiciary and Finance

1 IN THE HOUSE

BY COLLINS

2

HOUSE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to licensed premises."

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

8 * Section 1. AS 04.21 is amended by adding new sections to read:

9 Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licens-
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11 taxi, where taxi service is available, for any person in the premises
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14 censee shall conspicuously display at each entrance and exit of prem-
15 ises where alcohol is sold at retail, a sign that reads "Intoxicated
16 Drivers Go To Jail, Pay a Fine and Lose Their License - Why Risk It? -
17 Call a Taxi" and that includes a prohibitory symbol containing a
18 stylized automobile and cocktail glass.

19 (b) The sign required by (a) of this section must be at least 18
20 inches wide and six inches high, with lettering at least one and
21 one-fourth inches high.

22 (c) The Department of Revenue shall furnish signs required under
23 this section to a licensee who requests them.

Introduced: 1/16/85
Referred: Labor & Commerce,
Judiciary and Finance

ADAMENDMENT
BY COLLINS

IN THE HOUSE

HOUSE BILL NO. 55

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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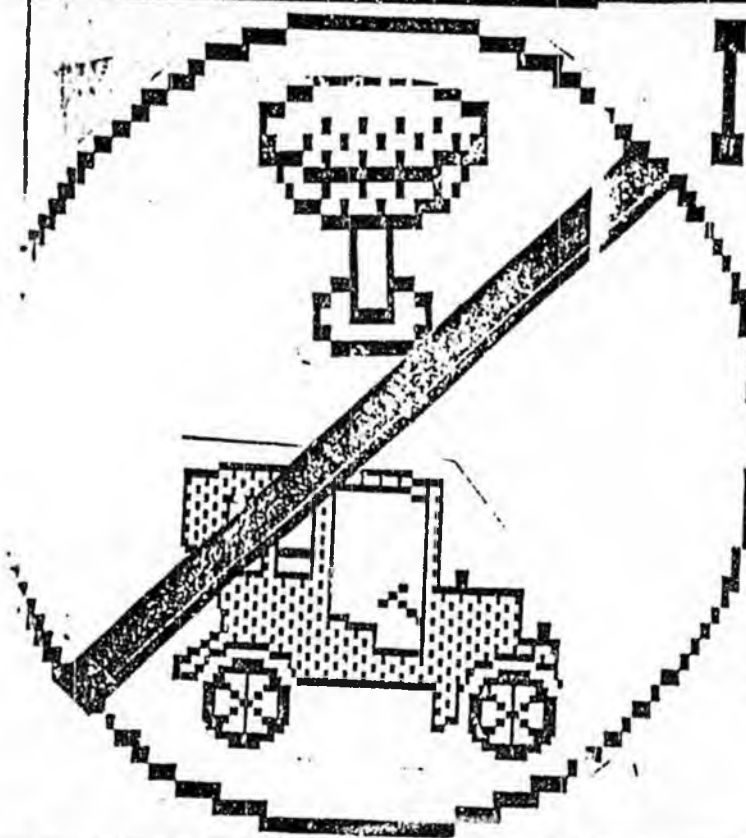
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(b) The sign required by (a) of this section must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

(c) The Department of Revenue shall furnish signs required under this section to a licensee who requests them.



INTOXICATED DRIVERS
GO TO JAIL, PAY A FINE
AND LOSE THEIR
LICENCE - WHY RISK IT.
CALL A TAXI

*Letters on
1/4" smaller
than original
by HBS*

*
* DELIVER TO: JFOM *
*
* ORIGINAL *
* SENT: 04/09/85 TIME: 15:25 *
* FROM: JUNE GALLEY *
* SUBJECT: POM *
* PRINT DATE: 04/09/85 TIME: 15:26 *
*

TO: HOUSE JUDICIARY MEMBERS: M.M. MILLER, SUND, CLOCKSIN,
GRUENBERG, JR., PETTYJOHN, PHILIPS AND TAYLOR

FROM: CAROL LAMARE
BOX 6121
KETCHIKAN, ALASKA 99901
225-6785

RE: HB 55-WARNING SIGNS/TAXIS FOR INTOXICATED PERSONS

MESSAGE: HB 55 IS A STEP IN THE RIGHT DIRECTION. I APPRECIATE
YOUR EFFORT TO KEEP DRUNK DRIVERS OFF THE STREET.
EOM/JG