

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900

4063

SJUD

SB

83

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SB

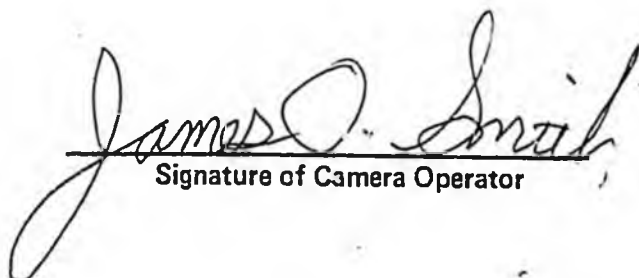
86

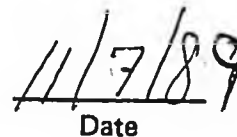
939



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

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BILL CONTACT/ACTION

| DATE | CONTACT/ACTION |
|------|-----------------------------------------------------|
| 3/13 | New fiscal note requested - Fish & Game - Jim Myers |
| 3/15 | Finance Committee - Chairman of the Board of |
| | Emerald Fisheries Commission |
| | Bill ready |
| | |
| 3/21 | First hearing - held over |
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Cass M. Parsons
Executive Director

UNITED FISHERMEN OF ALASKA

315 Seward Street, Suite #17
Anchorage, Alaska 99501-1128
(907) 561-0620

UNITED FISHERMEN OF ALASKA

RESOLUTION 85-8

WHEREAS the efficient administration of AS 16.43 et seq. (The "Limited Entry Act") is vital to the functioning of the Alaskan fishing industry; and

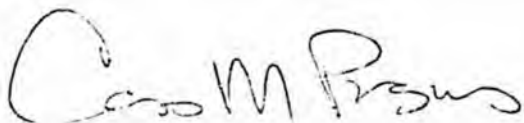
WHEREAS occasional adjustments to the provisions of the Act, in order to conform the law to the realities faced by the Commercial Fisheries Entry Commission are, from time to time, appropriate and entirely in order; and

WHEREAS Governor Sheffield has introduced legislation which would amend the Limited Entry Act in a number of minor ways which the Commission believes will improve the administration of and help to preserve the Limited Entry Program; and

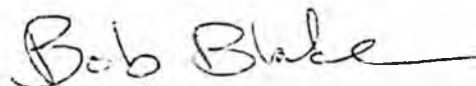
WHEREAS the proposed legislation is embodied in Senate Bill 83, currently before the Alaska Legislature; and

WHEREAS the proposed legislation will support the interests of those who rely on the Limited Entry Program.

NOW THEREFORE BE IT RESOLVED the Board of Directors of the United Fishermen of Alaska does hereby urge the Alaska Legislature to give prompt and favorable consideration to SB 83.



Cass M. Parsons
UFA Executive Director



Robert M. Blake
President

2/19/85

Date

2/19/85

Date

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/10/85

REQUEST

Bill/Resolution No.: SB 83
 Title: "An Act amending the Limited Entry Act"
 Sponsor: Governor
 Requestor: Sponsor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Fish & Game
 Program Category Affected: Natural Resource Management
 BRU, Program or Subprogram(s) Affected: Commercial Fisheries Entry Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FI 83 | FI 84 | FI 85 | FI 86 | FI 89 | FI 90 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| <u>OPERATING</u> | | | | | | |
| 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 |
| <u>CAPITAL</u> | 0 | 0 | 0 | 0 | 0 | 0 |
| <u>REVENUE</u> | 0 | 17.9 | 1.7 | 1.7 | 1.7 | 1.7 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

The only section of the bill which would have fiscal impact is section 3, allowing the Commission to charge interest on fee arrearages.

(Analysis on attached page)

Prepared By: Christine Kelly, Licensing Admn. Phone: 465-4081
 Division: Commercial Fisheries Entry Commission Date: 1/10/85
 Approved by Commissioner: [Signature] Date: 1-10-85
 Agency: C.F.E.C.

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL ANALYSIS FOR SEC. 3 - "An Act Amending the Limited Entry Act"

In 1979, the Commission began screening its permit holder data base for potential cases of residency fraud. These efforts are estimated to have yielded 513 actionable cases of residency fraud as of 1984, for which approximately \$189,300 has been assessed. Past experience indicates that the Commission can expect to collect \$113,600 of the total amount outstanding, as some of the permit holders will prevail on their claims and have their records cleared and others will drop out of the fisheries making it unlikely their arrearages will ever be collected. On the average, arrearages are collected 20 months after being assessed due to lengthy due process and adjudicatory proceedings.

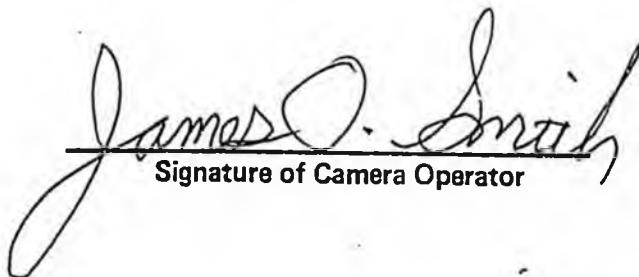
Calculated at the legal rate of interest (10.5%) for 18 months (the legislation provides a 60-day grace period) interest on outstanding arrearages which will be collected is estimated at \$17,900. In each subsequent year, the Commission expects to discover about 50 actionable cases of residency fraud among new entrants to the fisheries, for which \$11,700 in arrearages would be collected. Interest on this amount would be \$1,700 annually. Although the legislation would allow the Commission to charge interest on other types of arrearages (such as bad checks) this interest is estimated to be less than \$100 annually.

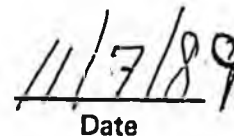


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

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BILL CONTACT/ACTION

| DATE | CONTACT/ACTION |
|------|-------------------------------------|
| 2/23 | Bill reviewed in Committee |
| | |
| 3/21 | 1 st hearing - held over |
| 3/26 | letter from Bill Brown re: variety |
| | Haps |
| 3/28 | CS Drafted |
| 3/28 | 2nd hearing |
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB84(SA)
 Title: An Act relating to motor vehicle laws
 Sponsor: Rules/Governor
 Requestor: Sen. Judiciary
 Date of Request: 2-27-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Motor Vehicles

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 | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-2650
 Division: Motor Vehicles Date: 2-27-85
 Approved by Commissioner: Michael J. Clemens Date: 2-27-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

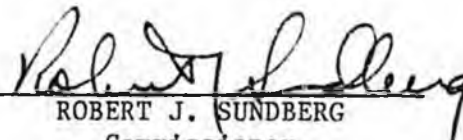
DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB84(SA)

February 27, 1985

CSSB84(SA) An Act relating to motor vehicle laws.

The Department supports this piece of legislation. It basically contains housekeeping measures which will enhance our operation by correcting problem areas we have experienced with Title 28.


ROBERT J. SUNDBERG
Commissioner

COMMITTEE REPORTS (Senate)(cont'd)

SB 75 (cont'd)

--Sec. 11, amendment to AS 28.35.030(c) (Operating a vehicle, aircraft or watercraft while intoxicated): "... In addition, if the offense involved driving a motor vehicle for which a driver's license is required, the person's driver's license or privilege to obtain a driver's license shall be revoked"

--Sec. 12, amendment to AS 28.35.032(g) (Refusal to submit to chemical test): "... If the offense involved driving a motor vehicle for which a driver's license is required, the person's driver's license or privilege to obtain a driver's license shall be revoked"

--Sec. 13, amendment to AS 28.40.050(b), (Penalty for violations of law, regulations, and municipal ordinances). Section establishes a maximum fine of \$500 for misdemeanor convictions under the motor vehicle code for which no specific penalty is set. Amendment: "In addition, the privilege to drive or to obtain a license or the registration of vehicles may be suspended or revoked."

Adds new Sec. 4 which enacts AS 28.15.176, "Suspension or Revocation of Privilege to Obtain a License." Allows the court or the Dept. of Public Safety (DPS) to suspend or revoke a person's privilege to obtain a driver's license in the same manner and for the same reasons as a driver's license. Provides that if a court or DPS is required by statute or regulation to suspend or revoke a license, then the privilege to obtain a license is automatically suspended or revoked if the person does not have a license. States that procedures and references in the motor vehicle code (AS 28) relating to the suspension or revocation of a license are equally applicable to the suspension or revocation of the privilege to obtain a driver's license.

Motor Vehicle
Laws
(amending)

SENATE BILL NO. 84, (see page 106). Reported back to the Senate on February 22 by State Affairs with the committee recommending it be replaced with a State Affairs CS and that it do pass. Concurring: Abood (Chairman), DeVries, Kelly, Ray and Vic Fischer. To Judiciary.

The State Affairs CS eliminates the portions of the bill (Secs. 8, 13 & 15) which would have established it as a privilege, not a right, to obtain a driver's license. Covered in CSSB 75(SA), above.

Excise Tax on
Cigarettes
(increasing)

SENATE BILL NO. 94, (see page 114). Reported back to the Senate on February 22 by Health, Education & Social Services with the committee recommending it be replaced with a HESS CS and that it do pass. Concurring: Fahrenkamp (Chmn.), DeVries, Sturgulewski and P. Fischer. To Finance.

The HESS CS increases the excise tax to "an amount sufficient to make the total of the federal tax and the additional state tax levied by this section on each cigarette imported or acquired in this state equal to (1) 9.5 mills on each small cigarette; and (2) 18.3 mills on each large cigarette." Small and large cigarettes

* DELIVER TO: JPOH
* ORIGINAL
* SENT: 04/09/85 TIME: 12:00
* FROM: PAULA GRAY
* SUBJECT: FOM-FAIRBANKS
* PRINT DATE: 04/09/85 TIME: 12:00

TO: SENATE JUDICIARY COMMITTEE

SENS: RODEY, KELLY, FAIKS, ~~HALFORD~~, ZIEGLER

INTERIOR DELEGATION

SENS: COGHILL, BENNETT, FAHRENKAMP

REPS: N.W. MILLER, RINGSTAD, FRANK, DAVIS, KOPONEN

FROM: WOLFGANG FALKE, PO BX 1166, FAIRBANKS, AK, 99707

PHONE: 452-4275-H

RE: CSSB 84, MOTOR VEHICLE LAWS, HEARING AT 1:30 TODAY

NOTE: COPIES OF THIS P.O.M. FOR SENATE JUDICIARY COMMITTEE MEMBERS WERE DELIVERED TO THE COMMITTEE CHAIRMAN FOR DISTRIBUTION BEFORE SENATE JUDICIARY HEARING AT 1:30 TODAY

MSG: AS 28.05.141 (C) AND (D) MUST REMAIN UNALTERED. THE PROPOSED CHANGES INVITE GESTAPO LIKE TACTICS TO CONFISCATE PRIVATE PROPERTY WITHOUT DUE PROCESS OF LAW. A TRIAL "DE NOVO" AND TO PROVIDE ADDITIONAL EVIDENCE MUST NOT BE DENIED.

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MSG: AS 20.05.141 (C) AND (D) MUST REMAIN UNALTERED. THE PROPOSED CHANGES INVITE GESTAPO LIKE TACTICS TO CONFISCATE PRIVATE PROPERTY WITHOUT DUE PROCESS OF LAW. A TRIAL "DE NOVO" AND TO PROVIDE ADDITIONAL EVIDENCE MUST NOT BE DENIED.

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INTERIOR DELEGATION

SENS: COGHILL, BENNETT, FAHRENKAMP

REPS: H.W. MILLER, RINGSTAD, FRANK, DAVIS, KOPONEN

FROM: WOLFGANG FALKE, PO BX 1166, FAIRBANKS, AK, 99707

PHONE: 452-4275-H

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MSG: AS 29.05.141 (C) AND (D) MUST REMAIN UNALTERED. THE PROPOSED CHANGES INVITE GESTAPO LIKE TACTICS TO CONFISCATE PRIVATE PROPERTY WITHOUT DUE PROCESS OF LAW. A TRIAL "DE NOVO" AND TO PROVIDE ADDITIONAL EVIDENCE MUST NOT BE DENIED.

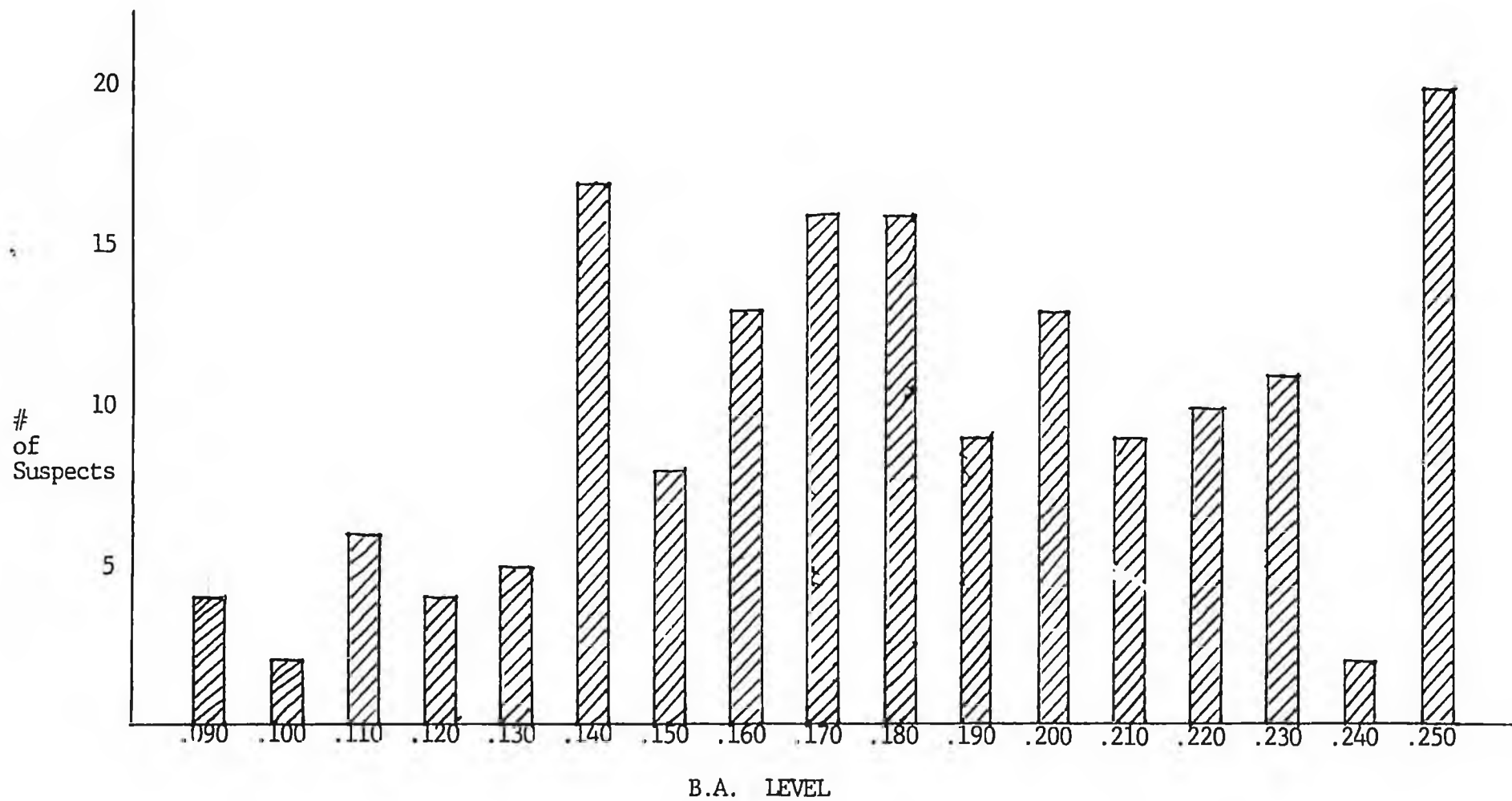
JUNEAU POLICE DEPARTMENT
BREATH TEST

| | |
|---------------------------|------------------|
| Data Base | 6/14/84 - 4/6/85 |
| Total | 193 |
| Intoximeter 3000 | 167 |
| PBT | 98 |
| Refusals | 17 |
| Other | 9 |
| Intox/PBT Pairs | 94 |
| Intox Values > PBT Values | 61/94 (64%) |

FAIRBANKS
BREATH/BLOOD ALCOHOL
TEST

| | |
|--------------------------------------------|----------------|
| Data Base | 5/12/84-8/1/84 |
| Total | 50 |
| # Negative Percent Difference (BAC lower) | 6 |
| # Positive Percent Difference (BAC higher) | 35 |
| # -0- Percent Difference (BAC the same) | 9 |

JUNEAU POLICE DEPARTMENT BREATH TEST



PERCENT DIFFERENCE
BLOOD (BAC) / INTOXIMETER 3000

FAIRBANKS DWI CASES

| DATE | DEFENDANT | INTOX | BAC | DIFFERENCE | % |
|------|-----------|-------|-----|------------|-------|
| 5/12 | | .12 | .13 | .01 | 8.3 |
| 5/13 | | .10 | .16 | .06 | 60.0 |
| 5/14 | | .19 | .19 | | 0 |
| 5/16 | | .24 | .24 | | 0 |
| 5/19 | | .24 | .28 | .04 | 16.6 |
| 5/20 | | .25 | .25 | | 0 |
| 5/21 | | .21 | .26 | .05 | 23.8 |
| 5/21 | | .21 | .28 | .07 | 33.3 |
| 5/21 | | .20 | .21 | .01 | 5.0 |
| 5/22 | | .22 | .26 | .04 | 18.1 |
| 5/22 | | .16 | .17 | .01 | 6.2 |
| 5/29 | | .25 | .25 | | 0 |
| 5/30 | | .18 | .19 | .01 | 5.5 |
| 5/31 | | .21 | .23 | .02 | 9.5 |
| 5/31 | | .21 | .21 | | 0 |
| 5/24 | | .17 | .23 | .06 | 35.2 |
| 5/27 | | .19 | .16 | -.03 | -15.7 |
| 6/3 | | .19 | .18 | -.01 | - 5.2 |
| 6/3 | | .16 | .19 | .03 | 18.7 |
| 6/4 | | .34 | .31 | -.03 | - 8.8 |
| 6/6 | | .22 | .20 | -.02 | - 9.0 |
| 6/10 | | .14 | .15 | .01 | 7.1 |
| 6/12 | | .12 | .15 | .03 | 2.5 |
| 6/12 | | .16 | .16 | | 0 |
| 6/12 | | .15 | .16 | .01 | 6.6 |
| 6/13 | | .28 | .29 | .01 | 3.5 |
| 6/15 | | .20 | .20 | | 0 |
| 6/18 | | .13 | .14 | .01 | 7.6 |
| 6/20 | | .20 | .21 | .01 | 5.0 |
| 7/4 | | .20 | .24 | .04 | 20.0 |
| 7/4 | | .14 | .14 | | 0 |
| 7/5 | | .19 | .20 | .01 | 5.2 |
| 7/5 | | .08 | .09 | .01 | 12.5 |
| 7/3 | | .18 | .19 | .01 | 5.5 |
| 7/3 | | .20 | .27 | .07 | 3.5 |
| 7/3 | | .20 | .23 | .03 | 15.0 |
| 7/3 | | .21 | .20 | -.01 | - 4.7 |
| 7/6 | | .16 | .19 | .03 | 18.7 |
| 7/6 | | .15 | .16 | .01 | 6.6 |
| 7/7 | | .23 | .24 | .01 | 4.3 |
| 7/10 | | .16 | .18 | .02 | 10.5 |
| 7/14 | | .18 | .22 | .04 | 22.2 |
| 7/15 | | .18 | .19 | .01 | 5.5 |
| 7/16 | | .18 | .18 | | 0 |
| 7/17 | | .18 | .20 | .02 | 11.1 |
| 7/24 | | .25 | .24 | -.01 | - 4.0 |
| 7/31 | | .16 | .18 | .02 | 11.1 |
| 7/31 | | .18 | .24 | .06 | 33.3 |
| 7/31 | | .20 | .23 | .03 | 15.0 |
| 8/1 | | .25 | .26 | .01 | 4.0 |

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

BILL SHEFFIELD, GOVERNOR

P.O. BOX 20
JUNEAU, ALASKA 99802-0020

PHONE: (907)465-4335

March 26, 1985

Senator Patrick M. Rodey
Chairman, Senate Judiciary
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Rodey:


During testimony on SB 84, you requested information on personalized (vanity) license plates which I was not able to provide at that time. I have since determined that in 1984, DMV issued 2,532 new sets of this type plate.

If the fee was raised from \$20.00 at the time of initial application to \$50.00, the increased revenue to the State would be approximately \$76,000.00 annually. There is no way to predict how many people who pay the extra \$20.00 would decide not to purchase the special plates if the cost were increased.

In 1981, a survey was conducted by another state to determine the amount charged by different states for this type plate. Of the states responding, the fees ranged from \$10.00 to \$100.00. The average cost was \$32.00.

If I can be of any further assistance, let me know.

Sincerely,


Bill Brown
Chief of Driver Services

BB/nb
cc: Senator Jan Faiks

final
C.S.

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 84 (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 motor vehicle laws and senior
7 citizen motor vehicle tax exemptions; and providing
8 for an effective date."

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

10 * Section 1. AS 28.05.091 is amended to read:

11 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
12 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
13 highway or vehicular way or area, and which has been determined to be
14 defective in equipment so as to be unsafe for driving, or on which the
15 vehicle identification number has been removed, defaced, or otherwise
16 altered, is an unlawful vehicle and may be impounded by a peace offi-
17 cer or an employee of the department officially designated for that
18 purpose. The owner or person in lawful possession of a vehicle that
19 is driven on a highway or vehicular way or area and that is so defec-
20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
21 the necessary costs of impounding and storing the vehicle. The im-
22 pounding of a vehicle is in addition to any other penalty. Nothing in
23 this section prevents the driving or moving of a defective vehicle in
24 the manner directed by the peace officer or employee to a place for

- 25 (1) the correction of a defect in the equipment;
- 26 (2) dismantling or wrecking; or
- 27 (3) storage without repair.

28 * Sec. 2. AS 28.05.141(c) is amended to read:

29 (c) If at the hearing under (a) of this section it appears that

1 the record of the person sustains suspension, revocation, limitation,
2 denial, or other remedial action, the hearing officer shall so order
3 and the department may suspend, revoke, limit, deny, or take other
4 remedial action against that person's license, registration, or title
5 and, if appropriate, the department shall adjust the person's point
6 total accumulated under AS 28.15.231.

7 * Sec. 3. AS 28.10.051 is amended to read:

8 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

9 The department may suspend or revoke the registration of a vehicle,
10 the certificate of registration or registration plates for a vehicle,
11 or a special permit when

12 (1) the department determines [IS SATISFIED] that the reg-
13 istration or certificate, plate or permit was fraudulently procured or
14 erroneously issued;

15 (2) the department determines that a registered vehicle is
16 mechanically unsafe to be driven or moved on a highway, vehicular way
17 or area, or other public property in this state and the vehicle has
18 been seized or impounded under AS 28.05.091;

19 (3) a registered vehicle has been scrapped, dismantled or
20 destroyed beyond repair;

21 (4) the department determines that a required fee or tax
22 has not been paid and the fee or tax is not paid upon reasonable
23 notice and demand;

24 (5) a registration plate, permit, or certificate is know-
25 ingly displayed upon a vehicle other than the vehicle for which is-
26 sued;

27 (6) the department determines that the owner of a vehicle
28 has committed an offense under this chapter involving the registration
29 or the certificate, plate, or permit to be suspended or revoked;

1 (7) the vehicle has been reported to the department as
2 stolen or unlawfully converted; or

3 (8) the department is otherwise required to do so under the
4 laws of this state.

5 * Sec. 4. AS 28.10.181 is amended by adding a new subsection to read:

6 (m) Special request plates for Alaska National Guard personnel.
7 Upon application by the owner of a passenger vehicle, noncommercial
8 van or pick-up truck, or motor home who presents satisfactory proof of
9 current membership in the Alaska National Guard, the department may
10 design and issue registration plates that identify the vehicle as
11 registered to a member of the Alaska National Guard. The owner shall
12 return the registration plates to the department within 10 days fol-
13 lowing discharge from the Alaska National Guard.

14 * Sec. 5. AS 28.10.411(c) is amended to read:

15 (c) A resident 65 years of age or older on the date that the tax
16 is due is entitled to an exemption from the tax levied under AS 28.-
17 10.431(b) and the registration fee required [TAX] under this section
18 for one motor vehicle subject to registration under AS 28.10.421(b)-
19 (1), (2), (5), or (6). An exemption may not be granted except upon
20 written application for the exemption on a form prescribed by the
21 department.

22 * Sec. 6. AS 28.10.411(d) is repealed and reenacted to read:

23 (d) The Department of Community and Regional Affairs shall reim-
24 burse a municipality that elects to levy a tax under AS 28.10.431 for
25 revenue lost because of the exemption from the tax provided by (c) of
26 this section. If appropriations are less than the amount necessary
27 for full reimbursement to all municipalities under this section, pay-
28 ments to all municipalities entitled to receive reimbursement under
29 this section shall be prorated.

1 * Sec. 7. AS 28.10.421(d) is amended to read:

2 (d) The special registration fees under this subsection are
3 imposed annually, unless otherwise specified, for:

4 (1) an historic vehicle (one time only upon initial regis-
5 tration under AS 28.10.181).....\$10;

6 (2) special request plates including those authorized for
7 use by Alaska National Guard personnel only.....\$30;
8 plus the fee required for that vehicle under (b)(1) or (2) of this
9 section; the fee required by this paragraph shall be collected only on
10 the first issuance and on the replacement of special request plates;

11 (3) a vehicle owned by a disabled veteran or other handi-
12 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
13 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

14 (4) a vehicle owned by the state.....none;

15 (5) a vehicle owned by an elected state official.....the
16 fee required for that vehicle under (b) of this section;

17 (6) a vehicle owned by a consular officer, unless waived
18 under AS 28.10.181.....\$30;

19 (7) a vehicle owned by a rancher, farmer, or dairyman and
20 registered under AS 28.10.181.....\$30;

21 (8) a snowmobile or off-highway vehicle.....\$ 5;

22 (9) an amateur mobile radio station vehicle,

23 (A) with a transceiver capable of less than 5-band
24 operation.....the
25 fee required for that vehicle under (b) or (c) of this section;

26 (B) in recognition of service to the public: a mobile
27 amateur radio station owned by an amateur with general class or
28 higher license, provided the station must be satisfactorily
29 proved capable of operating on at least five bands between 160

1 through 10 meters, must have an antenna, and must have a power
2 supply and wiring as a permanent part of the vehicle; the trans-
3 mitting unit may be removed from the car for service or dry
4 storage.....none
5 for a mobile amateur radio station vehicle included in (b)(1) or
6 (2) of this section;

7 (10) dealer registration plates,

8 (A) the initial set of plates.....\$40;

9 (B) each subsequent set of plates.....\$20;

10 (11) a vehicle owned by a municipality or charitable orga-
11 nization meeting the requirements of AS 28.10.181(c).....\$ 5;

12 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;

13 (13) a vehicle owned by a former prisoner of war.....none.

14 * Sec. 8. AS 28.15.051(d) is amended to read:

15 (d) The department may issue a special driver's permit to a per-
16 son who is at least 14 years of age with the consent of the person's
17 parents, [OR] guardians, or spouse who is 18 years of age or older,
18 for the purpose of driving a motor-driven cycle. This permit may be
19 issued upon application and successful completion of all prescribed
20 tests and fees, and is valid for the same period of time as a driver's
21 license. The permit is not valid in a municipality which by ordinance
22 prohibits the driving of a motor-driven cycle by a person under the
23 age of 16 years; a borough may adopt the ordinance on a nonareawide
24 basis only, unless the power to adopt it on an areawide basis is
25 acquired under AS 29.33.250 - 29.33.290.

26 * Sec. 9. AS 28.15.071(a) is amended to read:

27 (a) The application of a person under the age of 18 years for an
28 instruction permit or driver's license must be signed by the father,
29 mother, [OR] guardian, or spouse who is 18 years of age or older, or

1 if there is no parent, [OR] guardian, or spouse, then by another re-
2 sponsible adult who is willing to assume the obligation imposed under
3 this section upon a person signing the application. The application
4 must be signed and verified before a person authorized to administer
5 oaths, or be signed in the presence of an authorized representative of
6 the department.

7 * Sec. 10. AS 28.15.071(c) is amended to read:

8 (c) If a minor deposits, or there is deposited on behalf of the
9 minor, proof of financial responsibility for the minor's driving of a
10 motor vehicle, in the form and amount required in AS 28.20, then the
11 department may accept the application of the minor signed as required
12 under (a) of this section, and, while proof of financial responsibil-
13 ity is maintained, the parent, guardian, spouse, or other responsible
14 adult is not subject to the liability imposed under (b) of this sec-
15 tion.

16 * Sec. 11. AS 28.15.171(a) is amended to read:

17 (a) The privilege of driving a motor vehicle on a highway or
18 vehicular way or area of this state given to a person licensed in an-
19 other jurisdiction is subject to suspension, [OR] revocation, or limi-
20 tation by the department or a court in the same manner and for the
21 same reasons as a driver's license issued under this chapter.

22 * Sec. 12. AS 28.15.231 is amended by adding a new subsection to read:

23 (f) The notice required under (a) of this section may be given
24 by first class mail.

25 * Sec. 13. AS 28.35.032(a) is amended to read:

26 (a) If a person under arrest refuses the request of a law en-
27 forcement officer to submit to a chemical test under AS 28.35.031(a),
28 after being advised by the officer that the refusal will, if that per-
29 son was arrested for [WHILE] operating or driving a motor vehicle for

1 which a driver's license is required, result in the denial or revoca-
2 tion of the license or nonresident privilege to drive, that the refus-
3 al may be used against the person in a civil or criminal action or
4 proceeding arising out of an act alleged to have been committed by the
5 person while operating or driving a motor vehicle or operating an air-
6 craft or a watercraft while intoxicated, and that the refusal is a
7 misdemeanor, a chemical test shall not be given, except as provided by
8 AS 28.35.035.

9 * Sec. 14. AS 28.40.100(a)(19) is amended to read:

10 (19) "vehicular way or area" means a way, path or area,
11 other than a highway [OR PRIVATE PROPERTY], which is designated by
12 official traffic control devices or customary usage and which is open
13 to the public for purposes of pedestrian or vehicular travel [, AND
14 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
15 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
16 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

17 * Sec. 15. AS 29.53.020(a) is amended to read:

18 (a) The following property is exempt from general taxation:

19 (1) municipal, state or federally owned property, except
20 that private leaseholds, contracts or other interest in the property
21 shall be taxable to the extent of those interests;

22 (2) household furniture of the head of a family or a house-
23 holder not exceeding \$500 in value;

24 (3) property used exclusively for nonprofit religious,
25 charitable, cemetery, hospital or educational purposes;

26 (4) property of a nonbusiness organization composed en-
27 tirely of persons with 90 days or more of active service in the armed
28 forces of the United States whose conditions of service and separation
29 were other than dishonorable, or the property of the auxiliary of such

1 organization;

2 (5) money on deposit;

3 (6) the real property of certain residents of the state to
4 the extent and subject to the conditions provided in (e) of this
5 section;

6 (7) real property to the extent and subject to the condi-
7 tions provided in (j) of this section;

8 (8) inventories located within a foreign trade zone estab-
9 lished under AS 45.77.010, before those inventories are cleared by the
10 United States Customs Service and admitted into domestic commerce;

11 (9) real property or an interest in real property that is
12 exempt from taxation under 43 U.S.C. 1620(d), as amended;

13 (10) a motor vehicle of certain residents of the state to
14 the extent and subject to the conditions provided in (m) of th's
15 section.

16 * Sec. 16. AS 29.53.020 is amended by adding new subsections to read:

17 (m) The motor vehicle owned by a resident 65 years of age or
18 older on January 1 of the assessment year is exempt from the property
19 tax levied by a municipality under AS 29.53.010. Only one exemption
20 may be granted for the same motor vehicle and, if two or more persons
21 are eligible for an exemption for the same property, the parties shall
22 decide who shall receive the exemption. A motor vehicle that the
23 assessor determines after notice and hearing to the parties concerned
24 has been conveyed to the applicant primarily for the purpose of ob-
25 taining the exemption may not be exempted under this subsection.

26 (n) The state shall reimburse a municipality for the revenue
27 lost to it under (m) of this section. To the extent that a municipal-
28 ity exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
29 would otherwise be exempt under this section, no reimbursement will be

1 made under this subsection.

2 * Sec. 17. Sections 6, 14, and 15 of this Act take effect January 1,
3 1986.

2nd S.

Edwards
4/1/85✓

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 CS FOR SENATE BILL NO. 84 (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 motor vehicle laws and senior
 7 citizen motor vehicle tax exemptions; and providing
 8 for an effective date."

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

10 * Section 1. AS 28.05.091 is amended to read:

11 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
 12 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
 13 highway or vehicular way or area, and which has been determined to be
 14 defective in equipment so as to be unsafe for driving, or on which the
 15 vehicle identification number has been removed, defaced, or otherwise
 16 altered, is an unlawful vehicle and may be impounded by a peace offi-
 17 cer or an employee of the department officially designated for that
 18 purpose. The owner or person in lawful possession of a vehicle that
 19 is driven on a highway or vehicular way or area and that is so defec-
 20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
 21 the necessary costs of impounding and storing the vehicle. The im-
 22 pounding of a vehicle is in addition to any other penalty. Nothing in
 23 this section prevents the driving or moving of a defective vehicle in
 24 the manner directed by the peace officer or employee to a place for

- 25 (1) the correction of a defect in the equipment;
- 26 (2) dismantling or wrecking; or
- 27 (3) storage without repair.

28 * Sec. 2. AS 28.05.141(c) is amended to read:

29 (c) If at the hearing under (a) of this section it appears that

1 the record of the person sustains suspension, revocation, limitation,
2 denial, or other remedial action, the hearing officer shall so order
3 and the department may suspend, revoke, limit, deny, or take other
4 remedial action against that person's license, registration, or title
5 and, if appropriate, the department shall adjust the person's point
6 total accumulated under AS 28.15.231.

7 * Sec. 3. AS 28.10.051 is amended to read:

8 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

9 The department may suspend or revoke the registration of a vehicle,
10 the certificate of registration or registration plates for a vehicle,
11 or a special permit when

12 (1) the department determines [IS SATISFIED] that the reg-
13 istration or certificate, plate or permit was fraudulently procured or
14 erroneously issued;

15 (2) the department determines that a registered vehicle is
16 mechanically unsafe to be driven or moved on a highway, vehicular way
17 or area, or other public property in this state and the vehicle has
18 been seized or impounded under AS 28.05.091;

19 (3) a registered vehicle has been scrapped, dismantled or
20 destroyed beyond repair;

21 (4) the department determines that a required fee or tax
22 has not been paid and the fee or tax is not paid upon reasonable
23 notice and demand;

24 (5) a registration plate, permit, or certificate is know-
25 ingly displayed upon a vehicle other than the vehicle for which is-
26 sued;

27 (6) the department determines that the owner of a vehicle
28 has committed an offense under this chapter involving the registration
29 or the certificate, plate, or permit to be suspended or revoked;

1 (7) the vehicle has been reported to the department as
2 stolen or unlawfully converted; or

3 (8) the department is otherwise required to do so under the
4 laws of this state.

5 * Sec. 4. AS 28.10.411(c) is amended to read:

6 (c) A resident 65 years of age or older on the date that the tax
7 is due is entitled to an exemption from the tax levied under AS 28.-
8 10.431(b) and the registration fee required [TAX] under this section
9 for one motor vehicle subject to registration under AS 28.10.421(b)-
10 (1), (2), (5), or (6). An exemption may not be granted except upon
11 written application for the exemption on a form prescribed by the
12 department.

13 * Sec. 5. AS 28.10.411(d) is repealed and reenacted to read:

14 (d) The Department of Community and Regional Affairs shall reim-
15 burse a municipality that elects to levy a tax under AS 28.10.431 for
16 revenue lost because of the exemption from the tax provided by (c) of
17 this section. If appropriations are less than the amount necessary
18 for full reimbursement to all municipalities under this section, pay-
19 ments to all municipalities entitled to receive reimbursement under
20 this section shall be prorated.

21 * Sec. 6. AS 28.10.421(d) is amended to read:

22 (d) The special registration fees under this subsection are
23 imposed annually, unless otherwise specified, for:

24 (1) an historic vehicle (one time only upon initial regis-
25 tration under AS 28.10.181).....\$10;

26 (2) special request plates including those authorized for
27 use by Alaska National Guard personnel only.....\$30;
28 plus the fee required for that vehicle under (b)(1) or (2) of this
29 section; the fee required by this paragraph shall be collected only on

1 the first issuance and on the replacement of special request plates;

2 (3) a vehicle owned by a disabled veteran or other handi-
3 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
4 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

5 (4) a vehicle owned by the state.....none;

6 (5) a vehicle owned by an elected state official.....the
7 fee required for that vehicle under (b) of this section;

8 (6) a vehicle owned by a consular officer, unless waived
9 under AS 28.10.181.....\$30;

10 (7) a vehicle owned by a rancher, farmer, or dairyman and
11 registered under AS 28.10.181.....\$30;

12 (8) a snowmobile or off-highway vehicle.....\$ 5;

13 (9) an amateur mobile radio station vehicle,

14 (A) with a transceiver capable of less than 5-band
15 operation.....the
16 fee required for that vehicle under (b) or (c) of this section;

17 (B) in recognition of service to the public: a mobile
18 amateur radio station owned by an amateur with general class or
19 higher license, provided the station must be satisfactorily
20 proved capable of operating on at least five bands between 160
21 through 10 meters, must have an antenna, and must have a power
22 supply and wiring as a permanent part of the vehicle; the trans-
23 mitting unit may be removed from the car for service or dry
24 storage.....none
25 for a mobile amateur radio station vehicle included in (b)(1) or
26 (2) of this section;

27 (10) dealer registration plates,

28 (A) the initial set of plates.....\$40;

29 (B) each subsequent set of plates.....\$20;

1 (11) a vehicle owned by a municipality or charitable orga-
2 nization meeting the requirements of AS 28.10.181(c).....\$ 5;

3 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;

4 (13) a vehicle owned by a former prisoner of war.....none.

5 * Sec. 7. AS 28.15.051(d) is amended to read:

6 (d) The department may issue a special driver's permit to a per-
7 son who is at least 14 years of age with the consent of the person's
8 parents, [OR] guardians, or spouse who is 18 years of age or older,
9 for the purpose of driving a motor-driven cycle. This permit may be
10 issued upon application and successful completion of all prescribed
11 tests and fees, and is valid for the same period of time as a driver's
12 license. The permit is not valid in a municipality which by ordinance
13 prohibits the driving of a motor-driven cycle by a person under the
14 age of 16 years; a borough may adopt the ordinance on a nonareawide
15 basis only, unless the power to adopt it on an areawide basis is
16 acquired under AS 29.33.250 - 29.33.290.

17 * Sec. 8. AS 28.15.071(a) is amended to read:

18 (a) The application of a person under the age of 18 years for an
19 instruction permit or driver's license must be signed by the father,
20 mother, [OR] guardian, or spouse who is 18 years of age or older, or
21 if there is no parent, [OR] guardian, or spouse, then by another re-
22 sponsible adult who is willing to assume the obligation imposed under
23 this section upon a person signing the application. The application
24 must be signed and verified before a person authorized to administer
25 oaths, or be signed in the presence of an authorized representative of
26 the department.

27 * Sec. 9. AS 28.15.071(c) is amended to read:

28 (c) If a minor deposits, or there is deposited on behalf of the
29 minor, proof of financial responsibility for the minor's driving of a

1 motor vehicle, in the form and amount required in AS 28.20, then the
2 department may accept the application of the minor signed as required
3 under (a) of this section, and, while proof of financial responsibil-
4 ity is maintained, the parent, guardian, spouse, or other responsible
5 adult is not subject to the liability imposed under (b) of this sec-
6 tion.

7 * Sec. 10. AS 28.15.171(a) is amended to read:

8 (a) The privilege of driving a motor vehicle on a highway or
9 vehicular way or area of this state given to a person licensed in an-
10 other jurisdiction is subject to suspension, [OR] revocation, or limi-
11 tation by the department or a court in the same manner and for the
12 same reasons as a driver's license issued under this chapter.

13 * Sec. 11. AS 28.15.231 is amended by adding a new subsection to read:

14 (f) The notice required under (a) of this section may be given
15 by first class mail.

16 * Sec. 12. AS 28.35.032(a) is amended to read:

17 (a) If a person under arrest refuses the request of a law en-
18 forcement officer to submit to a chemical test under AS 28.35.031(a),
19 after being advised by the officer that the refusal will, if that per-
20 son was arrested for [WHILE] operating or driving a motor vehicle for
21 which a driver's license is required, result in the denial or revoca-
22 tion of the license or nonresident privilege to drive, that the refus-
23 al may be used against the person in a civil or criminal action or
24 proceeding arising out of an act alleged to have been committed by the
25 person while operating or driving a motor vehicle or operating an air-
26 craft or a watercraft while intoxicated, and that the refusal is a
27 misdemeanor, a chemical test shall not be given, except as provided by
28 AS 28.35.035.

29 * Sec. 13. AS 28.40.100(a)(19) is amended to read:

1 (19) "vehicular way or area" means a way, path or area,
2 other than a highway [OR PRIVATE PROPERTY], which is designated by
3 official traffic control devices or customary usage and which is open
4 to the public for purposes of pedestrian or vehicular travel [, AND
5 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
6 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
7 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

8 * Sec. 14. AS 29.53.020(a) is amended to read:

9 (a) The following property is exempt from general taxation:

10 (1) municipal, state or federally owned property, except
11 that private leaseholds, contracts or other interest in the property
12 shall be taxable to the extent of those interests;

13 (2) household furniture of the head of a family or a house-
14 holder not exceeding \$500 in value;

15 (3) property used exclusively for nonprofit religious,
16 charitable, cemetery, hospital or educational purposes;

17 (4) property of a nonbusiness organization composed en-
18 tirely of persons with 90 days or more of active service in the armed
19 forces of the United States whose conditions of service and separation
20 were other than dishonorable, or the property of the auxiliary of such
21 organization;

22 (5) money on deposit;

23 (6) the real property of certain residents of the state to
24 the extent and subject to the conditions provided in (e) of this
25 section;

26 (7) real property to the extent and subject to the condi-
27 tions provided in (j) of this section;

28 (8) inventories located within a foreign trade zone estab-
29 lished under AS 45.77.010, before those inventories are cleared by the

1 United States Customs Service and admitted into domestic commerce;

2 (9) real property or an interest in real property that is
3 exempt from taxation under 43 U.S.C. 1620(d), as amended;

4 (10) a motor vehicle of certain residents of the state to
5 the extent and subject to the conditions provided in (m) of this
6 section.

7 * Sec. 15. AS 29.53.020 is amended by adding new subsections to read:

8 (m) The motor vehicle owned by a resident 65 years of age or
9 older on January 1 of the assessment year is exempt from the property
10 tax levied by a municipality under AS 29.53.010. Only one exemption
11 may be granted for the same motor vehicle and, if two or more persons
12 are eligible for an exemption for the same property, the parties shall
13 decide who shall receive the exemption. A motor vehicle that the
14 assessor determines after notice and hearing to the parties concerned
15 has been conveyed to the applicant primarily for the purpose of ob-
16 taining the exemption may not be exempted under this subsection.

17 (n) The state shall reimburse a municipality for the revenue
18 lost to it under (m) of this section. To the extent that a municipal-
19 ity exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
20 would otherwise be exempt under this section, no reimbursement will be
21 made under this subsection.

22 * Sec. 16. Sections 5, 13, and 14 of this Act take effect January 1,
23 1986.

Edwards
3/28/85

1st CS

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 CS FOR SENATE BILL NO. 84 (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 motor vehicle laws and senior
 7 citizen motor vehicle tax exemptions; and providing
 8 for an effective date."

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

10 * Section 1. AS 28.05.091 is amended to read:

11 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
 12 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
 13 highway or vehicular way or area, and which has been determined to be
 14 defective in equipment so as to be unsafe for driving, or on which the
 15 vehicle identification number has been removed, defaced, or otherwise
 16 altered; is an unlawful vehicle and may be impounded by a peace offi-
 17 cer or an employee of the department officially designated for that
 18 purpose. The owner or person in lawful possession of a vehicle that
 19 is driven on a highway or vehicular way or area and that is so defec-
 20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
 21 the necessary costs of impounding and storing the vehicle. The im-
 22 pounding of a vehicle is in addition to any other penalty. Nothing in
 23 this section prevents the driving or moving of a defective vehicle in
 24 the manner directed by the peace officer or employee to a place for

- (1) the correction of a defect in the equipment;
- (2) dismantling or wrecking; or
- (3) storage without repair.

25 * Sec. 2. AS 28.05.141(c) is amended to read:

(c) If at the hearing under (a) of this section it appears that

1 the record of the person sustains suspension, revocation, limitation,
2 denial, or other remedial action, the hearing officer shall so order
3 and the department may suspend, revoke, limit, deny, or take other
4 remedial action against that person's license, registration, or title
5 and, if appropriate, the department shall adjust the person's point
6 total accumulated under AS 28.15.231.

7 * Sec. 3. AS 28.05.141(d) is amended to read:

8 (d) A person aggrieved by the decision of the hearing officer
9 may, within 30 days, initiate a proceeding in district court to re-
10 scind the department's action by filing a notice of appeal in accor-
11 dance with the applicable rules of court governing appeals in civil
12 matters. The district court shall base its review on the record of
13 the hearing, without taking additional testimony. The court may re-
14 verse the department's determination if the court finds that the hear-
15 ing officer misinterpreted the law, acted in an arbitrary and capri-
16 cious manner, or made a determination unsupported by the evidence in
17 the record. The filing of an appeal under this section does not auto-
18 matically stay the hearing officer's order. The court may grant a
19 stay of the order only upon a motion and hearing, and upon a finding
20 that there is a reasonable probability that the petitioner will pre-
21 vail on the merits and that the petitioner will suffer irreparable
22 harm if the order is not stayed [THE COURT SHALL CONDUCT A HEARING DE
23 NOVO. THE DECISION OF THE DEPARTMENT SUSPENDING, REVOKING, CANCELING,
24 LIMITING, RESTRICTING OR DENYING A LICENSE, REGISTRATION, TITLE,
25 PERMIT OR PRIVILEGE IS STAYED AND DOES NOT TAKE EFFECT DURING THE
26 PENDENCY OF AN APPEAL].

27 * Sec. 4. AS 28.10.051 is amended to read:

28 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
29 The department may suspend or revoke the registration of a vehicle,

1 the certificate of registration or registration plates for a vehicle,
2 or a special permit when

3 (1) the department determines [IS SATISFIED] that the reg-
4 istration or certificate, plate or permit was fraudulently procured or
5 erroneously issued;

6 (2) the department determines that a registered vehicle is
7 mechanically unsafe to be driven or moved on a highway, vehicular way
8 or area, or other public property in this state and the vehicle has
9 been seized or impounded under AS 28.05.091;

10 (3) a registered vehicle has been scrapped, dismantled or
11 destroyed beyond repair;

12 (4) the department determines that a required fee or tax
13 has not been paid and the fee or tax is not paid upon reasonable
14 notice and demand;

15 (5) a registration plate, permit, or certificate is know-
16 ingly displayed upon a vehicle other than the vehicle for which is-
17 sued;

18 (6) the department determines that the owner of a vehicle
19 has committed an offense under this chapter involving the registration
20 or the certificate, plate, or permit to be suspended or revoked;

21 (7) the vehicle has been reported to the department as
22 stolen or unlawfully converted; or

23 (8) the department is otherwise required to do so under the
24 laws of this state.

25 * Sec. 5. AS 28.10.411(c) is amended to read:

26 (c) A resident 65 years of age or older on the date that the tax
27 is due is entitled to an exemption from the tax levied under AS 28.-
28 10.431(b) and the registration fee required [TAX] under this section
29 for one motor vehicle subject to registration under

1 AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted
 2 except upon written application for the exemption on a form prescribed
 3 by the department.

4 * Sec. 6. AS 28.10.421(d) is amended to read:

5 (d) The special registration fees under this subsection are
 6 imposed annually, unless otherwise specified, for:

7 (1) an historic vehicle (one time only upon initial regis-
 8 tration under AS 28.10.181).....\$10;

9 (2) special request plates.....\$20;

10 plus the fee required for that vehicle under (b)(1) or (2) of this
 11 section; the fee required by this paragraph shall be collected only on
 12 the first issuance and on the replacement of special request plates;

13 (3) a vehicle owned by a disabled veteran or other handi-
 14 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
 15 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

16 (4) a vehicle owned by the state.....none;

17 (5) a vehicle owned by an elected state official.....the
 18 fee required for that vehicle under (b) of this section;

19 (6) a vehicle owned by a consular officer, unless waived
 20 under AS 28.10.181.....\$30;

21 (7) a vehicle owned by a rancher, farmer, or dairyman and
 22 registered under AS 28.10.181.....\$30;

23 (8) a snowmobile or off-highway vehicle.....\$ 5;

24 (9) an amateur mobile radio station vehicle,
 25 (A) with a transceiver capable of less than 5-band
 26 operation.....the
 27 fee required for that vehicle under (b) or (c) of this section;

28 (B) in recognition of service to the public: a mobile
 29 amateur radio station owned by an amateur with general class or

1 higher license, provided the station must be satisfactorily
2 proved capable of operating on at least five bands between 160
3 through 10 meters, must have an antenna, and must have a power
4 supply and wiring as a permanent part of the vehicle; the trans-
5 mitting unit may be removed from the car for service or dry
6 storage.....none
7 for a mobile amateur radio station vehicle included in (b)(1) or
8 (2) of this section;

9 (10) dealer registration plates,

10 (A) the initial set of plates.....\$40;

11 (B) each subsequent set of plates.....\$20;

12 (11) a vehicle owned by a municipality or charitable orga-
13 nization meeting the requirements of AS 28.10.181(c).....\$ 5;

14 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;

15 (13) a vehicle owned by a former prisoner of war.....none.

16 * Sec. 7. AS 28.15.051(d) is amended to read:

17 (d) The department may issue a special driver's permit to a per-
18 son who is at least 14 years of age with the consent of the person's
19 parents, [OR] guardians, or spouse who is 18 years of age or older,
20 for the purpose of driving a motor-driven cycle. This permit may be
21 issued upon application and successful completion of all prescribed
22 tests and fees, and is valid for the same period of time as a driver's
23 license. The permit is not valid in a municipality which by ordinance
24 prohibits the driving of a motor-driven cycle by a person under the
25 age of 16 years; a borough may adopt the ordinance on a nonareawide
26 basis only, unless the power to adopt it on an areawide basis is
27 acquired under AS 29.33.250 - 29.33.290.

28 * Sec. 8. AS 28.15.071(a) is amended to read:

29 (a) The application of a person under the age of 18 years for an

1 instruction permit or driver's license must be signed by the father,
2 mother, [OR] guardian, or spouse who is 18 years of age or older, or
3 if there is no parent, [OR] guardian, or spouse, then by another re-
4 sponsible adult who is willing to assume the obligation imposed under
5 this section upon a person signing the application. The application
6 must be signed and verified before a person authorized to administer
7 oaths, or be signed in the presence of an authorized representative of
8 the department.

9 * Sec. 9. AS 28.15.071(c) is amended to read:

10 (c) If a minor deposits, or there is deposited on behalf of the
11 minor, proof of financial responsibility for the minor's driving of a
12 motor vehicle, in the form and amount required in AS 28.20, then the
13 department may accept the application of the minor signed as required
14 under (a) of this section, and, while proof of financial responsibil-
15 ity is maintained, the parent, guardian, spouse, or other responsible
16 adult is not subject to the liability imposed under (b) of this sec-
17 tion.

18 * Sec. 10. AS 28.15.171(a) is amended to read:

19 (a) The privilege of driving a motor vehicle on a highway or
20 vehicular way or area of this state given to a person licensed in an-
21 other jurisdiction is subject to suspension, [OR] revocation, or limi-
22 tation by the department or a court in the same manner and for the
23 same reasons as a driver's license issued under this chapter.

24 * Sec. 11. AS 28.15.231 is amended by adding a new subsection to read:

25 (f) The notice required under (a) of this section may be given
26 by first class mail.

27 * Sec. 12. AS 28.35.032(a) is amended to read:

28 (a) If a person under arrest refuses the request of a law en-
29 forcement officer to submit to a chemical test under AS 28.35.031(a),

1 after being advised by the officer that the refusal will, if that per-
2 son was arrested for [WHILE] operating or driving a motor vehicle for
3 which a driver's license is required, result in the denial or revoca-
4 tion of the license or nonresident privilege to drive, that the refus-
5 al may be used against the person in a civil or criminal action or
6 proceeding arising out of an act alleged to have been committed by the
7 person while operating or driving a motor vehicle or operating an air-
8 craft or a watercraft while intoxicated, and that the refusal is a
9 misdemeanor, a chemical test shall not be given, except as provided by
10 AS 28.35.035.

11 * Sec. 13. AS 29.53.020(a) is amended to read:

12 (a) The following property is exempt from general taxation:

13 (1) municipal, state or federally owned property, except
14 that private leaseholds, contracts or other interest in the property
15 shall be taxable to the extent of those interests;

16 (2) household furniture of the head of a family or a house-
17 holder not exceeding \$500 in value;

18 (3) property used exclusively for nonprofit religious,
19 charitable, cemetery, hospital or educational purposes;

20 (4) property of a nonbusiness organization composed en-
21 tirely of persons with 90 days or more of active service in the armed
22 forces of the United States whose conditions of service and separation
23 were other than dishonorable, or the property of the auxiliary of such
24 organization;

25 (5) money on deposit;

26 (6) the real property of certain residents of the state to
27 the extent and subject to the conditions provided in (e) of this
28 section;

29 (7) real property to the extent and subject to the

1 conditions provided in (j) of this section;

2 (8) inventories located within a foreign trade zone estab-
3 lished under AS 45.77.010, before those inventories are cleared by the
4 United States Customs Service and admitted into domestic commerce;

5 (9) real property or an interest in real property that is
6 exempt from taxation under 43 U.S.C. 1620(d), as amended;

7 (10) a motor vehicle of certain residents of the state to
8 the extent and subject to the conditions provided in (m) of this
9 section.

10 * Sec. 14. AS 29.53.020 is amended by adding new subsections to read:

11 (m) The motor vehicle owned by a resident 65 years of age or
12 older on January 1 of the assessment year is exempt from the property
13 tax levied by a municipality under AS 29.53.010. Only one exemption
14 may be granted for the same motor vehicle and, if two or more persons
15 are eligible for an exemption for the same property, the parties shall
16 decide who shall receive the exemption. A motor vehicle that the
17 assessor determines after notice and hearing to the parties concerned
18 has been conveyed to the applicant primarily for the purpose of ob-
19 taining the exemption may not be exempted under this subsection.

20 (n) The state shall reimburse a municipality for the revenue
21 lost to it under (m) of this section. To the extent that a municipal-
22 ity exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
23 would otherwise be exempt under this section, no reimbursement will be
24 made under this subsection.

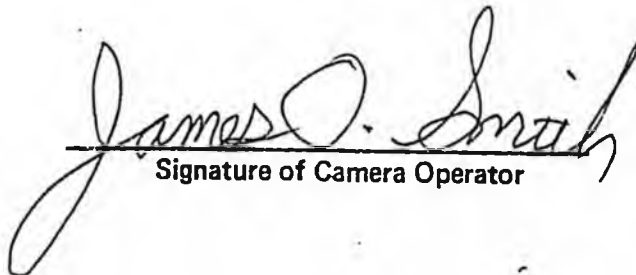
25 * Sec. 15. Sections 5, 13, and 14 of this Act take effect January 1,
26 1986.

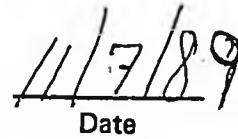


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I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and 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

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BILL CONTACT/ACTION

| DATE | CONTACT/ACTION |
|------|--------------------------------|
| 4/2 | called RANVEIKUMU'S OFFICE FOR |
| | CONTACT LIST FOR SB 2104 |
| | DUNN FIRM - ANCHORAGE |
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 86
 Title: "An Act relating to runaway
 and missing minors"
 Sponsor: Judiciary Committee
 Requestor: Senate Judiciary
 Date of Request: 4/9/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: DPS Administration -
 Data/Word Processing

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------------|-------------|-------------|-------------|-------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 34.4 | 24.3 | 25.8 | 27.3 | 28.9 |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 5.7 | 4.9 | 5.2 | 5.5 | 5.8 |
| 400 SUPPLIES | | 1.0 | 1.1 | 1.2 | 1.3 | 1.4 |
| 500 EQUIPMENT | | .8 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 41.9 | 30.3 | 32.2 | 34.1 | 36.1 |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------------|-------------|-------------|-------------|-------------|
| GENERAL FUND | | 41.9 | 30.3 | 32.2 | 34.1 | 36.1 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 41.9 | 30.3 | 32.2 | 34.1 | 36.1 |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | | | | | |
| PART-TIME | | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

(See attached page)

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349
 Date: 4/11/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Department of Public Safety

Date: 4/12/85

Distribution (by Agency preparing fiscal note):

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

7/1/84

Fiscal Note
CSSB 86

A 6% inflation factor has been used for FY 87 and beyond.

We assume that the Department of Health & Social Services will fund the costs of transportation, lodging, food, and necessary medical care required by this legislation. Also, any charges by the Department of Administration for data processing resources have not been included due to the unavailability of estimates at this time.

Note: A similar position was included in fiscal notes for SB 219 and HB 330 (Missing & Criminally Exploited Children). Should either of those fiscal notes be funded, this position would no longer be needed.

| | | | | | | | | | | | |
|--------------------------------------|--------------------------------------|----------------------------|-----------|------------|--------------------|-----------------------|-------------------|------|---------|---------|--|
| 1. | POSITION TITLE Analyst/Programmer | | | | RANGE/STEP 17/A | BARG. UNIT ACU | PAGE/LINE | COV. | APPROV. | DISAPT. | |
| 2. | TYPE OF POSITION PPT | STAFF MONTHS 6 PFT/6PPT | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEC. | | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT | | | | | | | |
| | 1 | 2 | 3 | | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | | |
| 5. | Salary | \$2895/month | 26,055 | | | | | | | | |
| 6. | Benefits | 18.0577% | 4,705 | | | | | | | | |
| 7. | Supplemental Benefits | | 1,597 | | | | | | | | |
| 8. | Fixed Benefits | | 2,049 | | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 34,406 | | | | | | | |
| 10. | Travel | | 02 | | | | | | | | |
| 11. | Contractual | | 03 | 5,700 | | | | | | | |
| 12. | Commodities | | 04 | 1,000 | | | | | | | |
| 13. | Equipment | | 05 | 800 | | | | | | | |
| 14. | Other | | | | | | | | | | |
| 15. | TOTAL COST | | | 41,906 | | | | | | | |
| 16. | RECEIPT CODE | FUNDING SOURCE | | | | | | | | | |
| 17. | | Federal Receipts 1002 | | | | | | | | | |
| 18. | | C.F. Match 1003 | | | | | | | | | |
| 19. | | General Funds 1004 | | 41.9 | | | | | | | |
| 20. | | I-A Receipts 1005 | | | | | | | | | |
| 21. | | Program Receipts 1028 | | | | | | | | | |
| | | Other | | | | | | | | | |
| FOR BSM USE ONLY KEY NUMBER _____ | | | | | | | | | | | |

The "INQUIRE" data processing software system was purchased several years ago to assist in two major homicide investigations. To utilize this system for missing persons, an interface to the National Crime Intelligence Center (NCIC) is required. During the initial six months, this position will be utilized full-time to develop the necessary modifications to the existing software and NCIC link. After the first six months, this position will be reduced to half-time in order to operate, maintain and otherwise support the system. Contractual costs of the initial installation (\$1,150) and annual maintenance (\$4,500) are included.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety

PROGRAM Crime ID & Apprehension

BRU DPS Administration

COMPONENT Data/Word Processing

FY 86

Page of
Revised Date

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSS SB 86 (HESS)

NEUTRAL

April 10, 1985

CSSB 86 - "An Act relating to runaway and missing minors".

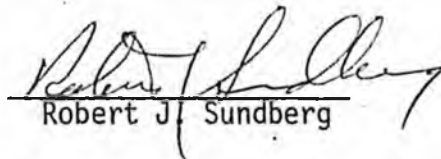
The legislation requires law enforcement agencies to make an effort to locate runaways and missing minors and if located, take them into protective custody.

The Department feels that there is a defined difference between a "runaway" and a "missing" minor.

In the first instance, a "runaway" minor is one who has the intent of purposely evading the legal custodian. In the second instance, a missing minor may be away from a legal custodian because a circumstance beyond his or her control and is a willing subject participant to be returned to such custody or other protective environment.

If it is determined that the minor is a "runaway" and cannot immediately be returned to his or her legal custodian and there is no available facility or contract agency specified by the Department of Health and Social Services nor other suitable place, then the police officer should have the prerogative of placing the "runaway" in an available place of confinement.

It is recommended that the bill be amended to reflect that availability to a police officer for "runaway" minors.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSSB 86 (HESS)
 Title : "An Act relating to runaway
 and missing minors."
 Sponsor : Senator DeVries
 Requestor : Senate Judiciary
 Date of Request : 4/03/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : DPS Administration
 Components : DPS Administration
Data/Word Processing

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | | 37.1 | 23.2 | 24.4 | 25.6 | 26.9 |
| TRAVEL | | | | | | |
| CONTRACTUAL | | 5.7 | 4.9 | 5.2 | 5.4 | 5.7 |
| SUPPLIES | | 1.0 | 1.0 | 1.1 | 1.2 | 1.2 |
| EQUIPMENT | | .8 | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 44.6 | 29.1 | 30.7 | 32.2 | 33.8 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------------|-------------|-------------|-------------|-------------|
| GENERAL FUND | | 44.6 | 29.1 | 30.7 | 32.2 | 33.8 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 44.6 | 29.1 | 30.7 | 32.2 | 33.8 |

POSITIONS :

| | | | | | | |
|-----------|--|-----|---|---|---|---|
| FULL-TIME | | 1/2 | | | | |
| PART-TIME | | 1/2 | 1 | 1 | 1 | 1 |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

(see attached page)

Prepared by : Kathy Nilsson, Admin Assistant Phone : 465-4336
 Division : Commissioner's Office Date : 4/01/86

Approved by Commissioner : [Signature] Date : 4/17/86
 Agency : Public Safety

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. CSSSSB 86 (HESS)

A 5% inflation factor has been used for FY 88 and beyond.

We assume that the Department of Health and Social Services will fund the costs of transportation, lodging, food and necessary medical care required by this legislation.

Note: A similar position was included in fiscal notes for SB 219 and HB 330 (Missing & Criminally Exploited Children). Should either of those fiscal notes be funded, this position would no longer be needed.

| | | | | | | | | |
|--------------------------------------|-----------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|------|---------|---------|
| Position Title Analyst/Programmer | | | No. of Positions 1 | Range/Step 17A | Barg. Unit GGU | Gov. | Approv. | Disapp. |
| Time Status PPT | Staff Months 6 PFT/6 PPT | RP Number | Location Anchorage | | Election District | Leg. | | |
| Type of Expenditure | | | Justification | | | | | |
| | | Amount | <p>The "INQUIRE" data processing software system was purchased several years ago to assist in two major homicide investigations. To utilize this system for missing persons, an interface to the National Crime Intelligence Center (NCIC) is required. During the initial six months, this position will be utilized full-time to develop the necessary modifications to the existing software and NCIC link. After the first six months, this position will be reduced to half-time in order to operate, maintain and otherwise support the system. Contractual costs of the initial installation (\$1,200) and annual maintenance (\$4,500) are included.</p> | | | | | |
| 1 | 2 | 3 | | | | | | |
| Salary \$2895/month | 26,055 | | | | | | | |
| Benefits 25% | 6,514 | | | | | | | |
| Premium Pay | | | | | | | | |
| Other | 2,271 | | | | | | | |
| Total Personal Services | | 37,111 | | | | | | |
| Travel | | | | | | | | |
| Contractual | | 5,700 | | | | | | |
| Commodities | | 1,000 | | | | | | |
| Equipment | | 800 | | | | | | |
| Other | | | | | | | | |
| Total Cost | | 44,611 | | | | | | |
| Receipt Code | Funding Source | | | | | | | |
| | Federal Receipts | 1002 | | | | | | |
| | G. F. Match | 1003 | | | | | | |
| | General Funds | 1004 | 44.6 | | | | | |
| | I-A Receipts | 1005 | | | | | | |
| | Program Receipts | 1028 | | | | | | |
| | CIP Receipts | 1061 | | | | | | |
| | Other | | | | | | | |
| For B&M Use Only | | | | | | | | |
| Key Number _____ | | | | | | | | |

**Request For
New Position**

Agency Department of Public Safety
 BRU DPS Administration
 Component Data/Word Processing

Page 3 of 3
 Revised Date _____

FY 87

Hein ✓
4/1/86

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 288 (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 the taking of fish and game for
7 subsistence and personal use; and providing for an
8 effective date."

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

10 * Section 1. AS 16.05.251(a)(6) is amended to read:

11 (6) classifying as commercial fish, sport fish, personal
12 use fish, subsistence fish, or predators or other categories essential
13 for regulatory purposes;

14 * Sec. 2. AS 16.05.251(a) is amended by adding a new paragraph to read:

15 (12) regulating commercial, sport, subsistence, and personal
16 use fishing as needed for the conservation, development, and utiliza-
17 tion of fisheries.

18 * Sec. 3. AS 16.05.251 is amended by adding new subsections to read:

19 (d) Regulations adopted under (a) of this section must, con-
20 sistent with sustained yield and the provisions of AS 16.05.258,
21 provide a fair and reasonable opportunity for the taking of fishery
22 resources by personal use, sport, and commercial fishermen.

23 (e) The Board of Fisheries shall establish criteria for the
24 allocation of fishery resources among personal use, sport, and commer-
25 cial fishing. The criteria may, as appropriate to particular alloca-
26 tion decisions, include factors such as

27 (1) the history of each personal use, sport, and commercial
28 fishery;

29 (2) the number of residents and nonresidents who have

1 participated in each fishery in the past and the number of residents
2 and nonresidents who can reasonably be expected to participate in the
3 future;

4 (3) the importance of each fishery for providing residents
5 the opportunity to obtain fish for personal and family consumption;

6 (4) the availability of alternative fisheries resources;

7 (5) the importance of each fishery to the economy of the
8 state;

9 (6) the importance of each fishery to the economy of the
10 region and local area in which the fishery is located;

11 (7) the importance of each fishery in providing recreation-
12 al opportunities for residents and nonresidents.

13 * Sec. 4. AS 16.05.255(a) is amended by adding a new paragraph to read:

14 (10) regulating sport hunting and subsistence hunting as
15 needed for the conservation, development, and utilization of game.

16 * Sec. 5. AS 16.05.255 is amended by adding a new subsection to read:

17 (d) Regulations adopted under (a) of this section shall provide
18 that, consistent with the provisions of AS 16.05.258, the taking of
19 moose, deer, elk, and caribou by residents for personal or family
20 consumption has preference over taking by nonresidents.

21 * Sec. 6. AS 16.05 is amended by adding new sections to read:

22 Sec. 16.05.258. SUBSISTENCE USE AND ALLOCATION OF FISH AND GAME.

23 (a) The Board of Fisheries and the Board of Game shall identify the
24 fish stocks and game populations, or portions of stocks and popu-
25 lations, that are customarily and traditionally used for subsistence
26 in each rural area identified by the boards.

27 (b) The boards shall determine

28 (1) what portion, if any, of the stocks and populations
29 identified under (a) of this section can be harvested consistent with

1 sustained yield; and

2 (2) how much of the harvestable portion is needed to pro-
3 vide a reasonable opportunity to satisfy the subsistence uses of those
4 stocks and populations.

5 (c) The boards shall adopt subsistence fishing and subsistence
6 hunting regulations for each stock and population for which a harvest-
7 able portion is determined to exist under (b)(1) of this section. If
8 the harvestable portion is not sufficient to accommodate all consump-
9 tive uses of the stock or population, but is sufficient to accommodate
10 subsistence uses of the stock or population, then nonwasteful subsis-
11 tence uses shall be accorded a preference over other consumptive uses,
12 and the regulations shall provide a reasonable opportunity to satisfy
13 the subsistence uses. If the harvestable portion is sufficient to
14 accommodate the subsistence uses of the stock or population, then the
15 boards may provide for other consumptive uses of the remainder of the
16 harvestable portion. If it is necessary to restrict subsistence
17 fishing or subsistence hunting in order to assure sustained yield or
18 continue subsistence uses, then the preference shall be limited, and
19 the boards shall distinguish among subsistence users, by applying the
20 following criteria:

21 (1) customary and direct dependence on the fish stock or
22 game population as the mainstay of livelihood;

23 (2) local residency; and

24 (3) availability of alternative resources.

25 (d) The boards may adopt regulations consistent with this sec-
26 tion that authorize taking for nonsubsistence uses a stock or popula-
27 tion identified under (a) of this section.

28 (e) Fish stocks and game populations, including bison, or
29 portions of fish stocks and game populations, not identified under (a)

1 of this section may be taken only under nonsubsistence regulations.

2 (f) Takings authorized under this section are subject to reason-
3 able regulation of seasons, catch or bag limits, and methods and
4 means. Takings and uses of resources authorized under this section
5 are subject to AS 16.05.831 and AS 16.30.

6 Sec. 16.05.259. ADMINISTRATIVE APPEALS. The Board of Fisheries
7 and the Board of Game, acting jointly, may establish by regulation an
8 appeal procedure for persons aggrieved by the adoption or repeal of a
9 regulation.

10 * Sec. 7. AS 16.05 is amended by adding new sections to read:

11 Sec. 16.05.261. NO SUBSISTENCE DEFENSE. In a prosecution for
12 the taking of fish or game in violation of a statute or regulation, it
13 is not a defense that the taking was done for subsistence uses.

14 Sec. 16.05.262. LICENSE REQUIRED FOR SUBSISTENCE TAKINGS. A
15 person who takes fish or game for subsistence uses shall have in
16 possession a current, valid resident hunting, trapping, and sport
17 fishing license that was issued under AS 16.05.340(a)(6)(B) to the
18 person or to another individual for whose benefit the person is taking
19 the fish or game.

20 * Sec. 8. AS 16.05.330 is amended by adding a new subsection to read:

21 (c) The Board of Fisheries and the Board of Game may adopt
22 regulations providing for the issuance and expiration of subsistence
23 permits for areas, villages, communities, groups, or individuals as
24 needed for authorizing, regulating and monitoring the subsistence
25 harvest of fish and game. The boards shall adopt these regulations
26 when the subsistence preference requires a reduction in the harvest of
27 a fish stock or game population by nonsubsistence users.

28 * Sec. 9. AS 16.05.940(22) is amended to read:

29 (22) "subsistence fishing" means the taking of, fishing for,

1 or possession of fish, shellfish, or other fisheries resources by a
2 resident domiciled in a rural area of the state for subsistence uses
3 with gill net, seine, fish wheel, long line, or other means defined by
4 the Board of Fisheries;

5 * Sec. 10. AS 16.05.940(23) is amended to read:

6 (23) "subsistence uses" means the noncommercial, customary
7 and traditional uses [IN ALASKA] of wild, renewable resources by a
8 resident domiciled in a rural area of the state for direct personal or
9 family consumption as food, shelter, fuel, clothing, tools, or trans-
10 portation, for the making and selling of handicraft articles out of
11 nonedible by-products of fish and wildlife resources taken for per-
12 sonal or family consumption, and for the customary trade, barter, or
13 sharing for personal or family consumption; in [FOR THE PURPOSES OF]
14 this paragraph, "family" means [ALL] persons related by blood, mar-
15 riage, or adoption, and a [ANY] person living in [WITHIN] the house-
16 hold on a permanent basis;

17 * Sec. 11. AS 16.05.940 is amended by adding new paragraphs to read:

18 (28) "domicile" means the true and permanent home of a
19 person from which the person has no present intention of moving and to
20 which the person intends to return whenever the person is away; domi-
21 cile may be proved by presenting evidence acceptable to the boards of
22 fisheries and game;

23 (29) "fish stock" means a species, subspecies, geographic
24 grouping or other category of fish manageable as a unit;

25 (30) "game population" means a group of game animals of a
26 single species or subgroup manageable as a unit;

27 (31) "personal use fishing" means the taking, fishing for,
28 or possession of finfish, shellfish, or other fishery resources, by
29 Alaska residents for personal use and not for sale or barter, with

1 gill or dip net, seine, fish wheel, long line, or other means defined
2 by the Board of Fisheries;

3 (32) "rural area" means a community or area of the state in
4 which the noncommercial, customary, and traditional use of fish or
5 game for personal or family consumption is a principal characteristic
6 of the economy of the community or area;

7 (33) "subsistence hunting" means the taking of, hunting for,
8 or possession of game by a resident domiciled in a rural area of the
9 state for subsistence uses by means defined by the Board of Game.

10 * Sec. 12. AS 16.05.251(b), 16.05.255(b), and 16.05.257 are repealed.

11 * Sec. 13. This Act takes effect June 1, 1986.
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Hein
4/2/86 ✓

Original sponsor: DeVries

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 86 (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 the waiver of children's court
 7 jurisdiction, and to the detention, fingerprinting,
 8 and sentencing of minors; and amending Rule 24 of the
 9 Alaska Rules of Children's Procedure."

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

11 * Section 1. AS 12.55.015 is amended by adding a new subsection to
 12 read:

13 (e) If the court sentences a defendant to a term of imprisonment
 14 and the defendant is a minor over whom children's court jurisdiction
 15 is waived under AS 47.10.060, the court shall

16 (1) order that the defendant be confined in an institution
 17 designated by the Department of Health and Social Services for offend-
 18 ers under 18 years of age; and

19 (2) order that the defendant be transferred to an adult
 20 correctional facility when the defendant reaches 18 years of age if
 21 more than one year then remains of the defendant's term of imprison-
 22 ment.

23 * Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

24 (j) A person convicted of a first felony offense after waiver of
 25 children's court jurisdiction under AS 47.10.060 is not subject to the
 26 mandatory minimum and presumptive sentences required for first offen-
 27 ders.

28 * Sec. 3. AS 47.10.060 is repealed and reenacted to read:

29 Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall

1 order a case closed, and a minor may be prosecuted as an adult, if the
2 court finds at a hearing on a petition

3 (1) that the minor was 16 years of age or older at the time
4 of the offense and that there is probable cause to believe that the
5 minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or
6 11.41.434; or

7 (2) that the minor is not amenable to treatment under this
8 chapter and there is probable cause to believe that the minor is
9 delinquent.

10 (b) In determining whether a minor is amenable to treatment
11 under this chapter, the court shall consider

12 (1) the seriousness of the offense;

13 (2) whether the offense constituted a substantial danger to
14 the public;

15 (3) whether the offense was committed in an aggressive,
16 violent, premeditated, or wilful manner;

17 (4) whether the offense was against persons or against
18 property, greater weight being given to an offense against persons,
19 especially if personal injury resulted;

20 (5) whether the offense is a part of a repetitive pattern
21 of delinquent acts, even though previous offenses may have been less
22 serious;

23 (6) the age, maturity, educational background, and degree
24 of criminal sophistication of the minor;

25 (7) the success of any previous attempts to rehabilitate
26 the minor;

27 (8) whether children's court jurisdiction over the minor
28 can be retained long enough to allow for effective treatment or reha-
29 bilitation; and

1 (9) the treatment resources available under children's
2 court proceedings.

3 (c) The court shall determine the weight to be given to each of
4 the factors listed in (b) of this section and shall issue a written
5 decision. A finding that a minor is not amenable to treatment under
6 this chapter may be based on any one or a combination of the factors.

7 (d) A minor ordered held pending trial or sentencing as an adult
8 under (a) of this section shall be confined in an institution desig-
9 nated by the Department of Health and Social Services for offenders
10 under 18 years of age.

11 * Sec. 4. AS 47.10 is amended by adding a new section to read:

12 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-
13 ment agency or the Department of Health and Social Services may fin-
14 gerprint a minor only

15 (1) in accordance with a search warrant;

16 (2) if children's court jurisdiction over the minor has
17 been waived under AS 47.10.060(a) and the minor is being prosecuted as
18 an adult;

19 (3) if the minor is adjudicated a delinquent for the
20 commission of an offense that would constitute a felony if committed
21 by an adult;

22 (4) with the consent of the minor and a parent or legal
23 guardian of the minor, both of whom shall have been advised that the
24 fingerprints may not be taken without their consent; or

25 (5) by order of the court.

26 (b) Fingerprints of a minor shall be kept separate from those of
27 adults, shall be kept within the state rather than at a federal cen-
28 tral depository, and shall be made available on request only to the
29 following:

1 (1) a public agency for use in the investigation and prose-
2 cution of criminal offenses for which the fingerprinted minor is a
3 suspect;

4 (2) the minor or the minor's attorney.

5 (c) Fingerprints of a minor taken under this section shall be
6 destroyed by the authority charged with their maintenance

7 (1) if the minor is adjudicated for the offense regarding
8 which the minor's fingerprints were taken and is found not to be
9 within the jurisdiction of the court for the offense; or

10 (2) if the minor is not adjudicated for the offense regard-
11 ing which the minor's fingerprints were taken within two years of the
12 date the fingerprints were taken.

13 * Sec. 5. AS 47.10.130 is amended to read:

14 Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age
15 who is detained pending hearing may not be incarcerated in a jail
16 unless assigned to separate quarters so that the minor cannot communi-
17 cate with or view prisoners 18 years of age or older except those
18 incarcerated under AS 47.10.100 [ADULT PRISONERS CONVICTED OF, UNDER
19 ARREST FOR, OR CHARGED WITH A CRIME]. When a minor is detained pend-
20 ing hearing, the minor's parent, guardian, or custodian shall be
21 notified immediately.

22 * Sec. 6. AS 47.10.190 is amended to read:

23 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court
24 commits a minor to the custody of the department, the department shall
25 arrange to place the minor [JUVENILE] in a detention home, facility or
26 another suitable place that [WHICH] the department designates for that
27 purpose. A minor [JUVENILE] detained in a jail or similar institution
28 at the request of the department shall be held in custody in a room or
29 other place apart and separate from prisoners 18 years of age or older

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except those incarcerated under AS 47.10.100 [ADULTS].

* Sec. 7. Rule 24, Alaska Rules of Children's Procedure, is amended to read:

No child shall be [FINGERPRINTED OR] photographed while in custody except with the consent of the children's court upon good cause shown. Such cause exists where the child is in custody for a serious offense against persons or property or where identification of the child appears necessary for the safety of the child or others.

* Sec. 8. Section 7 amends Rule 24 of the Alaska Rules of Children's Procedure by deleting the reference to fingerprints.

* Sec. 9. Rule 24, Alaska Rules of Children's Procedure, is amended by adding a new subsection to read:

(b) A child may not be fingerprinted while in custody except in accordance with AS 47.10.125.

* Sec. 10. Section 9 amends Rule 24 of the Alaska Rules of Children's Procedure by incorporating the statutory requirements for obtaining fingerprints from a child in custody.