

ASTORIA TUGBOAT COMPANY
1907-1908

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SSTA - SB 252 275

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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.

James A. Smith
Signature of Camera Operator

11/24/89
Date

S B

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COMMITTEE REPORT
SENATE

FURTHER:

3/22/85

Date 4/1/85

Mr. President

The Committee on STATE AFFAIRS considered SB 252
registration to vote and to applications for a ballot.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 252(SA)
 new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tim Kelly

Eric Kay

V. [unclear]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edo De Vries
Chairman
[unclear]
Chairman recommendation

Introduced: 3/22/85
Referred: State Affairs

*Admitted change
See revision
Alvester, Applicant*

1 IN THE SENATE

BY RAY AND KELLY

2

SENATE BILL NO. 252

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 registration to vote and to
7 applications for a ballot."

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

9 * Section 1. AS 15.07.070 is amended by adding a new subsection to
10 read:

11 (g) In preparing forms necessary to achieve the purposes of this
12 chapter, the director shall ensure that a form used for the registra-
13 tion of a voter also permits the person to request the ballots for
14 each state election to be held that year and the director may accept a
15 single application from a person that requests registration and absen-
16 tee ballots for each state election to be held that year.

17 * Sec. 2. AS 15.20 is amended by adding a new section to read:

18 Sec. 15.20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED
19 STATES. (a) The director shall prepare special absentee ballots
20 under this section for use in a state primary, state general election,
21 and state special election where the voter expects to be living,
22 working, or traveling outside the United States at the time of the
23 election and unable to return the ballot by air mail within the time
24 required by this chapter.

25 (b) The director may not distribute an absentee ballot prepared
26 under this section earlier than 60 days before the date of the elec-
27 tion. The director shall identify on the ballot prepared under this
28 section the candidates, offices, ballot issues, and ballot questions
29 then expected by the director to be on the ballot. Except as provided

-15 days-

1 in AS 15.25.070, a voter may use the ballot to write in the name of an
2 eligible candidate for each office and vote on the ballot issues and
3 questions appearing on the ballot.

4 (c) Notwithstanding AS 15.20.081(b), an application for a ballot
5 under this section may be postmarked more than six months before an
6 election but the application shall be postmarked during the year in
7 which the election will be held.

STATE OF ALASKA

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

COMMENTS ON SENATE BILL NO. 252

Prepared by
The Division of Elections
April 1, 1985

The Division of Elections is sensitive to the issues that have prompted the introduction of Senate Bill 252, "An Act relating to registration to vote and applications for a ballot". The following comments are offered to share with the sponsors and with the committee, the Division's thoughts regarding first, the degree to which the proposed provisions address the existing problems, and second, other positive and negative impacts on the election process, which could be anticipated upon passage of this bill.

Our discussion will be divided to address the two separate provisions suggested by this bill:

1. Absentee applications included on all registration forms, and
2. Preparation of a special ballot to be used by military and overseas voters.

Each discussion will include brief comments on the provisions themselves, and the specific problems they address, as well as alternative suggestions for the sponsors' and the committee's consideration.

ABSENTEE APPLICATIONS INCLUDED ON ALL REGISTRATIONS FORMS

Background:

It is our understanding that correspondence received by various members of the legislature from the the Federal Voting Assistance Program, Office of the Secretary of Defense, prompted the introduction of this bill. That correspondence, which has also been received by the Lt. Governor, and the division, expresses concern that restrictive mail turnaround time prevents overseas individuals from being able to apply for and cast ballots in time to be

counted for a specific election. They also expressed concern that Alaska's policies and statutes require 3 and 4 separate communiques before a military individual can be processed for receiving an absentee ballot. Their perception is that in Alaska a military person wanting to vote absentee by mail must write to request registration forms, await receipt of the form, complete it and submit it to the division, then send in a request for an absentee ballot, await the ballots, and finally mail the voted ballots in for counting. If these requirements were indeed the case, it is easy to see that many military voters would be disenfranchised merely by the lengthy and confusing process of getting their ballots. It should be pointed out that there is some misunderstanding by the Department of Defense as to the actual requirements mandated by Alaskan statutes.

Federal Post Card Application:

The Department of Defense has developed a Federal Post Card which is designed to serve as both a registration form and an absentee ballot request. For the most part the form is adequate, however, it has one deficiency which causes difficulty for the individual seeking to use the form for Alaskan registration. Alaska statutes require that for registration purposes and in applying for an absentee ballot, the individual must provide a physical Alaskan residence address. Post office boxes and star route numbers are not sufficient. This specific requirement is not expressed to individuals using the federal post card. Therefore many individuals applying on this card give their post office box or other insufficient address which requires us to ask for more complete information. It is this specific circumstance which accounts for almost all of the additional correspondence we have had to impose on absentee voters using the federal post card.

It is our impression that SB 252 attempts to deal with this problem.

Solution provided by SB 252:

(Lines 9 - 17, pg 1) The new subsection to AS 15.07.070 suggested in this bill under (g) suggests that all registration forms prepared and used by the state should include an application for an absentee ballot. This solution would thereby eliminate the necessity of so much back and forth correspondence between the voter who needs to vote absentee, and the division, and, therefore, simplify absentee processing.

The division is concerned that the benefits derived from this proposal are overshadowed by the potential problems which could result from its implementation.

Major Concerns:

1. The provision suggested in section (g) attempts to solve the problems of a specific target group by offering a global solution, potentially expanding the difficulties to the entire registered population. 88% of the state's registered voters will have no need for, nor any intent to vote absentee. Of the 12% who vote absentee, 6.3% vote absentee in person and need not apply by mail at all. Of the 5.7% of the voters that vote by mail, an even smaller percentage vote from overseas. That means that in order to accommodate this small percentage of voters who need to vote from overseas, we are providing an application on the voter registration form for approximately 97% of the voting population.
2. By allowing an individual to apply for an absentee ballot at the time an individual registers to vote, or updates his or her registration, as is provided for in this bill, we can anticipate a dramatic increase in the potential number of individuals who will be receiving absentee by mail ballots. Because the bill allows people to do this at any time during the calendar year, there could be many months between the time they apply, and the actual election. As we have come to realize through experience, many people's plans change in the ensuing months, and they frequently forget to contact the division to notify us of their changes. We could therefore anticipate that many ballots sent out to these people would be returned as undeliverable, as people have moved between the time they registered and applied for an absentee ballot and the time of the election.
3. It is also important to point out that the registration form is a permanent record, which for some individuals may need no updating, resubmission or revision for many years. Therefore it would be up to the division to cycle through every registration filed within a given year on which there was a request for an absentee ballot, to pull the absentee request from the person's permanent record for subsequent years.
4. The administrative burden on the division in monitoring the accuracy of the absentee by mail

voter list would be almost impossible to deal with. Unreported name changes during the extended timeframe would result in votes not being counted. It would be difficult to monitor the accuracy of permanent and temporary address changes as well. Finally, it would be impossible unless notified by the voter, to determine when the need for the absentee ballots requested at the time of registration, ceased to exist between one election and the next in the applicable year.

5. We could also find that because the option is presented at the time they register, many people who would normally vote at the polls, would apply for absentee by mail ballots even though they have no need for them. Aside from the increased fiscal impact on the state, we feel there could be an increased potential for voter fraud because people would receive a ballot by mail, yet still be in town to vote at the polls. These instances would be caught with the compilation of voter history, this function cannot be completed until after certification of election results, jeopardizing the integrity of election returns, if the instances of fraud became frequent. Prosecution of these cases would result in greater fiscal impact on the state.

Alternative solutions:

The division would like to offer a number of suggestions as alternatives to the provisions of section (g) which would address the specific problems of overseas voters without involving the voter population at large in a potentially disadvantageous procedure. The first options take advantage of the federal provisions which already exist, while the last one suggests an innovation to internal state application forms.

Federal Post Card:

1. First, the division has incorporated into its new direct on line data entry system which will be in effect for the next major election, the ability to accept the federal post card as a voter registration form as well as an application for an absentee ballot.
2. The division intends to provide detailed information to be published in the Voter Assistance Manual issued by the Department of

Defense and utilized worldwide, on the state requirements which must be included on the application form. This should greatly improve the frequency with which we are provided full physical addresses by military and overseas applicants.

State Forms:

1. The division recommends that the application for absentee ballot not be included in the registration form for the reasons stated earlier. Rather, we recommend that we target our revisions to the forms related to the specific group of voters who need to vote absentee by mail.

Specifically, we recommend revising our application for an absentee by mail ballot to include enough required data to also serve as a document from which to register the individual. By doing so, if a voter applies for an absentee ballot for a specific election, and we determine that the applicant is not already registered, we can process the registration then and there, before sending his or her ballots. We have therefore accomplished both while avoiding the delay by having to send the applicant a separate registration form. We would then notify these voters that while we found them to be formerly unregistered, their names will appear on the state's registration rolls. The only thing that would prevent their votes from being counted would be registration after the 30 day cut off before the election, or untimely receipt of their ballots.

SPECIALLY PREPARED BALLOTS FOR OVERSEAS VOTERS

The second part of the bill relates to the preparation of special ballots to be used specifically by voters voting from outside the United States. We assume that the intent of these provisions is to allow for earlier availability of ballots for voters who are overseas, by providing for a ballot which can be prepared prior to the finalization of the regular official ballot which may not be available until a later date.

Solutions provided in SB 252:

(Lines 25 - 29, pg 1, and Lines 1 - 3, pg 2) The provisions of this section, AS 15.20.082 (b), provide that the director shall prepare a special ballot based on his or her best educated guess as to the names and issues that will indeed be on the final ballot that will go before the voters on election day. It is further provided that ballots under this section may not be distributed earlier than 60 days before the date of the election.

Major Concerns:


1. It may be possible for the director to develop such a ballot for a primary election, based on actual candidacy filings and actual petitions that have been successfully certified in the course of the months prior to the election. Of major concern, however, is the preparation of such a ballot for the general election.

Alaska's primary is just over 60 days from the general election. As a rule it takes nearly 5 weeks after election day to certify an election, with the first two weeks available to accept absentee by mail ballots, and three additional weeks to complete the process once these delayed ballots have been counted.

We could anticipate that the increase in advance time for the availability of these ballots would be minimally improved, because our primary is so very tightly scheduled with the general.

2. With the very close races which occur with increasing frequency, the director's best educated guess could indeed be totally incorrect. This would mean that in come cases, a candidate defeated in the primary could end up on the ballot for overseas voters while the victorious candidate's name would not appear. The division expects that most candidates would agree that this would not be a satisfactory situation.
3. Another major concern, is that a judgement call of this nature on the part of the director, would jeopardize the division's totally impartial status as strictly an administering agency. Suddenly, the director would be called upon to make judgements affecting each candidate's access to the ballot. The division is opposed to this concept.

4. Because of the subjective and possibly inaccurate preparation of the special ballot called for by this statute, the division is also concerned about its vulnerability to litigation which could continually occur as candidates, parties and voters surmise that certain judgments exercised by the director in developing the special ballot, may have impacted the outcome of the election.


Sandra J. Stout
Director

SB 252



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 11, 1985

Senator Mitchell E. Abood
Chairman
Senate State Affairs Committee
State Capitol
Juneau, Alaska 99811

RECEIVED
MAR 15 1985

Dear Mr. Chairman:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. The Acts concern the absentee voting rights of all military and merchant marine members and dependents and all U.S. citizens overseas.

Approximately 8,000 Alaskans serve in the Armed Forces. Another 6,000 dependents accompany these members, and another 5,700 citizens who are not affiliated with the federal government and work or live overseas are eligible to vote in Alaska.

These citizens encounter certain inherent difficulties in attempting to exercise their right to vote, difficulties which Congress and some state legislatures have sought to lessen by passing, respectively, the federal acts above and various complementary state statutes. Alaska law, for instance, allowing for ballots to be counted up to 15 days after election day is very helpful in preventing the disenfranchisement of military and overseas voters.

We write now to recommend a change to Alaska election law which would further facilitate absentee voting for this group of Alaska voters. The Federal Post Card Application (FPCA) was designed to be used as both a registration form and ballot request in each of the 50 states. The information elicited from the voter satisfies the various requirements in all states for both registration purposes and requesting of ballots. Consequently, most states accept the single FPCA as a substitute for the state registration form and simultaneously as a request for a ballot. Nine states accept the single FPCA as a request for both a state registration form and a ballot. Only two states, Alaska and West Virginia, require the voter to submit an FPCA for registration purposes, and then a second FPCA to request a ballot.

Thus, Alaskans serving in the military or residing overseas must make four mailings to exercise their right to vote, if unregistered: one to request registration forms, another to submit the forms, a third to request ballots, and a fourth to submit the ballot. This process is cumbersome for the remote voter, far away from his home, and results in the disenfranchisement of many of them. We request that Alaska law be amended to allow the FPCA to be used in place of the state registration form and also that it would be considered simultaneously as a request for ballots.

We also recommend Alaska provide for voting by military and other persons overseas who due to military contingencies or special circumstances, such as submariners, Peace Corps volunteers, or missionaries, will be out of communication for an extended period and cannot receive and return the normal absentee ballots within the regular mailing time. These voters could request a blank ballot 90 days in advance and write in the names of the candidates or party preferences. California, Connecticut, Georgia, Maine and Washington have adopted such a ballot. (Samples enclosed)

On behalf of military and overseas voters, we would appreciate your support for these initiatives. We will be sending a similar letter to all the other members of the House and Senate State Affairs Committees. John Metz of my staff (202) 694-4928 is available to discuss your comments/suggestions concerning these proposals.

Please let me know if I may be of further assistance.

Sincerely,



Henry Valentino
Director

Enclosure

by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Zellinsky, Schmidt and Wilson, by Secretary of State request)

Read first time February 1, 1984.

1 AN ACT Relating to special absentee ballots; and adding a new
2 section to chapter 29.39 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. Sec. 1. There is added to chapter 29.39 RCW a new
5 section to read as follows:

6 (1) As provided in this section, county auditors shall provide
7 special absentee ballots to be used for state primary or state
8 general elections. A special absentee ballot shall only be provided
9 to a voter who completes an application stating that:

10 (a) The voter believes that she or he will be residing or
11 stationed or working outside the continental United States; and

12 (b) The voter believes that she or he will be unable to vote and
13 return a regular absentee ballot by normal mail delivery within the
14 period provided for regular absentee ballots.

15 The application for a special absentee ballot may not be filed
16 earlier than ninety days prior to the applicable state primary or
17 general election. The special absentee ballot shall list the offices
18 and measures, if known, scheduled to appear on the state primary or
19 general election ballot. The voter may use the special absentee
20 ballot to write in the name of any eligible candidate for each office
21 and vote on any measure.

22 (2) With any special absentee ballot issued under this section,
23 the county auditor shall include a listing of any candidates who have
24 filed before the time of the application for offices that will appear
25 on the ballot at that primary or election and a list of any issues
26 that have been referred to the ballot before the time of the
27 application.

28 (3) Write-in votes on special absentee ballots shall be counted
29 in the same manner provided by law for the counting of other write-in

Sec. 1

1 votes. The county auditor shall process and canvass the special
2 absentee ballots provided under this section in the same manner as
3 other absentee ballots under chapters 29.36, 29.39, and 29.62 RCW.

4 (4) A voter who requests a special absentee ballot under this
5 section may also make application for an absentee ballot under RCW
6 29.36.010 or a service absentee ballot under RCW 29.39.100. If the
7 regular absentee or service absentee ballot is properly voted and
8 returned, the special absentee ballot shall be deemed void and the
9 county auditor shall reject it in whole when special absentee ballots
10 are canvassed.

P.O. Box 89036
Anchorage, Alaska 99508
March 7, 1985

Senator Mitch Abood,
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

RECEIVED
MAR 11 1985

Dear Mitch,

I submit the following comments to House Bill 252 concerning state retirement benefits. *Hold for M*

Section 2. concerning credit for military service. I support this amendment and have done so since double benefits for military service were first permitted.

Section 6. concerning a retroactive increase in retirement benefits for current employees. (Amendments do not benefit retirees unless expressly stated in the amendment. AS 39.35.547)

I disagree with current employees receiving a retroactive increase in benefits for years of service that the retirees were also employees. The retirees have made the same retirement contributions for those past years as the current employees have. The cost of the increased benefits to current employees will come from either the existing PERS resources or from additional state funding. If the state has funds available for retroactive benefits, then those funds should be used to benefit both retirees and employees. In no case should the PERS reserves be used to fund retroactive benefits that are not granted equally to both retirees and employees.

Funding benefits for employees and not retirees impacts the state resources that are available to retirees, because the employee's benefits consume all of the available money leaving nothing to correct the retirees' problems that are caused by inflation and other factors. An example is the recent adjustment made by the Department of Administration whereby the medical benefits deductible was changed from \$50 to \$100. There are 3000 retirees, so the maximum savings to be made is approximately \$150,000. Yet the state is willing to spend money to fund retroactive benefits for current employees.

Benefits for current employees are frequently the subject of APEA negotiations with the state and there may have been trade-offs for the medical deduction increase, but the retirees got no trade-off. The retirees got only the increased expense. The retirees have no representation nor are we in the position to negotiate. Our only representation at the "bargaining table" is by our elected legislators.

The fair solutions are either to grant the retroactive service credit to retirees or to eliminate the retroactive service credit for employees and, instead, apply the benefit formula only to service after the effective date of the Act. Either program should be easy to administer in this day of computers.

Section 10. concerning the post-retirement pension adjustment (PRPA). The present PRPA is a maximum of 4% when approved by the Department of Administration and when the financial condition of the retirement fund permits.

According to the Division of Retirement and Benefits, retirees would continue to benefit from any "ad hoc" PRPA's which might be granted under the old law if that were more to their advantage. However, the financial condition of the retirement fund could be impaired by retroactive benefits granted to current employees so that the PRPA cannot be granted to the current retirees.

The PRPA amendments proposed by HB 252 are skewed to future retirees who are already 65 or older when the consumer price index (CPI) increase is at least 5 1/3%. Those future retirees under 65 will be worse off unless the CPI increase is 8% or more and retirees between 55 and 60 will be worse off regardless of how high the CPI goes. The Division of Retirement and Benefits says that this is intended because the younger retirees have more options available with which to make up their losses to inflation. However, under the proposed law, if an employee retires at 55 and the annual CPI increase is 6%, that retiree will be 19% behind the cost of living at age 60; 30% behind at 65; and 40% behind at 75. During those 20 years, that retiree will have had to supplement his retirement benefits with an additional \$1180 for each \$100 of retirement benefits at age 55 in order to maintain the original standard of living.

Under the present PRPA, that same retiree will be 9% behind at 60; 17% behind at 65; and 32% behind at 75 and will have had to supplement the benefit with \$799 during the 20 years. And, the present law does permit some catch-up for years when the CPI increase is less than 4%.

As admirable as the proposed PRPA for the older retirees might appear, the only way an employee can maintain a semblance of parity with the cost-of-living is to never retire! Current employees benefit from cost-of-living increases in their salaries which are then the basis for calculating their retirement benefits. But the minute the employee retires, he begins to fall behind the power curve of inflation. But if the present PRPA or the proposed PRPA are beneficial, then perhaps similar cost-of-living adjustments should be applied to current employees.

In any case, I believe that all retirees should receive the same PRPA. We all contributed to PERS with the expectation of receiving benefits based on the same formula.

No one anticipated the high rate of inflation that has occurred since 1968. Based on previous experience, the state established the 4% PRPA which was thought to be adequate to maintain parity for retirees. The state presently manages to keep up with the CPI in its employees' salaries, so it seems that it should be able to keep up with the CPI in its retirees' benefits and not expect the retirees to adjust to a 75%, 50% or 25% shortfall.

But, if the state can't afford to fund a PRPA that maintains parity with the CPI for retirees, or it can't afford to retroactively increase benefits to retirees, or it can't afford a \$50 deductible health insurance for retirees, then it can't afford to retroactively increase the retirement benefits of employees.

Sincerely,



Tom E. Main

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
907-456-2899



Senate

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
OFFICE (907) 465-3763
HESS COMMITTEE
(907) 465-3834
HOME 907-780-6027

MEMORANDUM

TO: Senator Mitch Abood

FROM: Senator Bettye Fahrenkamp *Bettye*

RE: Scheduling SB 157, an Act continuing the existence of the
Alaska Administrative Journal

DATE: March 25, 1985

I have previously requested a hearing on SB 157 and understand that you may schedule it for the week of April 1. I have prepared a committee substitute for your consideration (attached). I have also attached a memo from the Attorney General's office which outlines the rationale behind the amendments contained in the committee substitute.

The memo is in the file of the journal



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.

James O. Smith
Signature of Camera Operator

11/24/89
Date

S B

262

COMMITTEE REPORT
SENATE

FURTHER:

4/17/85

Date April 23, 1985

Mr. President

The Committee on State Affairs considered SSSB 262
Amateur Radio Week.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]

Chairman

[Signature]

Chairman recommendation

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

Memo

April 22, 1985

To: Senator Mitch Abood, Chairman
Senate State Affairs

From: Senator Paul Fischer *PF*

Subject: Sponsor Substitute for Senate Bill 262

This legislation will mark the observance of amateur radio week in Alaska annually. It will coincide with the nationwide "Field Day" activities that the American Radio Relay League sponsors annually on the fourth Saturday in June. It recognizes the important role that amateur radio has and will continue to play in Alaska.

The primary reason for the introduction of this legislation is to recognize the important role that amateur radio operators, better known as "Hams", have played in Alaska. Amateur radio operators have provided in many cases the only link between Alaska and the world during natural disasters. A notable example of their service to the citizens of Alaska was during the disastrous 1964 Alaska Earthquake; during this catastrophe amateur radio operators provided the first report that Kodiak had survived the earthquake. They also provided for a time the only communications between Alaska and the lower forty-eight states.

During local emergencies such as fires and automotive accidents amateur radio operators will often relay information that is vital to public safety. In emergencies, amateur radio operators often relay the status of victims and messages to their next of kin. On holidays amateurs send free messages for servicemen to their loved ones.

For these reasons, it is important and appropriate that amateur radio operators be recognized annually.



RECORDS CERTIFICATION

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James O. Smith
Signature of Camera Operator

11/24/89
Date

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COMMITTEE REPORT
SENATE

FURTHER:

3/29/85

Date April 23, 1985

Mr. President

The Committee on State Affairs considered SB 266

placing certificated teachers employed by the Department of Education, in schools operated by the department, in the exempt service; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 2166 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

**MEMBERS SIGNING
DO PASS**

Edna McVey
V. Fischer
Bill Ray
Tom Kelly

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

Bill Board
Chairman
Bob Park
Chairman recommendation

Comm

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 266 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act placing certificated teachers employed by the
7 Department of Education, in schools operated by the
8 department, in the exempt service; and providing for
9 an effective date."

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

11 * Section 1. AS 39.25.110(7) is amended to read:

12 (7) certificated teachers employed by the Department of
13 Education as correspondence teachers, [OR] teachers in skill centers
14 operated by the Department of Education, or in Mt. Edgecumbe School;

15 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).

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STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

BILL SHEFFIELD, GOVERNOR

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

April 22, 1985

Honorable Richard I. Eliason
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

ATTN: Ms. Rocky Plotnick-Weller
Administrative Assistant

Dear Senator Eliason:

Your staff has requested a brief outline of the steps that would be necessary to establish and fill teacher positions at the Mt. Edgecumbe Boarding School. The following list indicates the step sequence, the responsible agency or agencies and likely timeframes.

Issue New Position Authorization	OMB	2-4 days
Prepare Position Description		
Questionnaires	DOE	4 days
Draft Class Specifications	DOE or Div. of Per.	2 days
Finalize Class Specifications	DOE and Div. of Per.	2 days
Establish Salary Range	Div. of Per.	4 days
Prepare Recruitment Announcement	Div. of Per.	3-10 days
Public Announcement Period	Div. of Per.	30 days
Examine Applications	Div. of Per. or DOE	14 days
Issue Eligible Lists	Div. of Per.	1 day
Selection Process	DOE	20-30 days
Report for Work	DOE	14 days

The timeframes are generally in work days, so the total represents approximately 17 weeks. The timeframes also make certain assumptions. It assumes that work will proceed before OMB issues the New Positions Authorizations which will coincide with the effective date of the budget. It also assumes that the Department of Education will be able to fund overtime for the Division of Personnel to process applications on an expedited basis. Otherwise, the "first-come first-served" review of application will add nearly two months to the process.

We understand that advertisements have been placed by the Department of Education for these positions. The Placement Office of the University of Alaska, Fairbanks is holding applications from about 300 Alaskans who have already indicated an interest in teaching at Mt. Edgecumbe. This should be more than a sufficient pool to fill the positions, with the possible exception of fairly unique subjects that reflect the Pacific Rim orientation of the planned curriculum.

Senator Richard I. Eliason

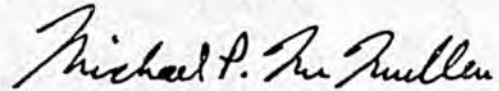
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April 22, 1985

In summary, action to carry out the above schedule must be initiated within approximately two weeks in order to have teachers on board when school opens in the fall. A decision on placing the position in the exempt service would be needed within this period if wasted efforts are to be avoided.

If I may provide any additional information, please feel free to call on me.

Sincerely,



Michael P. McMullen
Deputy Director

MPM/cfm
1/402/0419-09

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

April 19, 1985

The Honorable Mitch Abood
Chairman, Alaska State Senate
Committee on State Affairs
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

During the hearing on SB 266 held on April 18, 1985, several questions were raised concerning the Bill. Without going into excessive detail, I will attempt to address each of these questions.

We are requesting that teachers at Mt. Edgecumbe School be classified as exempt employees. The reason for placing them in the exempt service is that we wish to treat Mt. Edgecumbe teachers in the same manner as the teachers in Centralized Correspondence Study School and the Seward Vocational Technical Center. There is no hidden agenda behind placing them in the exempt service. In that status, we will be able to treat these teachers, and bargain collectively with them if they elect to do so, just as we do our other two teacher bargaining units.

Our other teacher bargaining units have negotiated agreements which provide for employment security very similar to tenure, which is provided for teachers employed by school districts under the provisions of Title 14. As state employees, however, our teachers bargain under the provisions of AS 23.40, not AS 14.20, which applies to certificated employees of school districts. If it is the wish of your committee, we can certainly investigate the ramifications of placing all of our teachers under the collective bargaining and other provisions of Title 14, as has been suggested. However, to do so would be a major shift in state policy, a change that should receive the scrutiny of the legislature in a much broader context than simply dealing with the future employees of the Mt. Edgecumbe School. If the committee is interested in pursuing the matter, I would suggest that we do so during the interim and prepare recommendations for consideration by the next session of the legislature.

Concern was also expressed that including the teachers in the exempt service would somehow circumvent the principal of local and Alaska hire. Let me assure you that we are aggressively recruiting staff from all over Alaska. The nature of the program at Mt. Edgecumbe requires that we make every effort to obtain experienced Alaskan teachers. The University of Alaska, Fairbanks is assisting us in this effort.

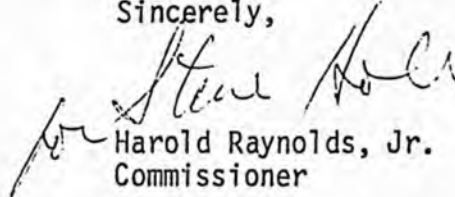
April 19, 1985

A concern was raised that the proposed salary schedule for the Mt. Edgecumbe teachers would place the Sitka School District teachers at an economic disadvantage; the differences between the two salary schedules for next year are slight: the Edgecumbe schedule is \$968 higher at the beginning step, but \$4,200 less at the top step.

The last issue dealt with the actual language of the proposed amendment to AS 39.25.110(7). That amendment would add "or other schools" to the existing description of the teachers employed by the Department who are in the exempt service. That wording was purposely chosen because of the potential which exists for other instructional programs to be assumed by the Department which are presently operated by other agencies. To the extent the proposed amendment is confusing, however, I would suggest replacing it with "or Mt. Edgecumbe School".

If this bill does not pass, and if the teachers at Mt. Edgecumbe are placed in the classified service, then it is my understanding that the classification process will take a minimum of three months. That will mean that many of the teachers interested in applying for positions at Mt. Edgecumbe will be forced to accept other employment because of the unavailability of information concerning salary and job classification at the very time school districts are making employment decisions. I respectfully request your assistance in getting SB 266 enacted into law so that the critical and necessary tasks of recruiting top rate teachers at Mt. Edgecumbe can proceed without delay. It would be tragic if the operation of Mt. Edgecumbe were to fall victim to issues which have nothing to do with its mission.

Sincerely,


Harold Reynolds, Jr.
Commissioner

cc: Members, Senate State Affairs
Committee

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

BILL SHEFFIELD, GOVERNOR

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

April 22, 1985

Honorable Richard I. Eliason
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

ATTN: Ms. Rocky Plotnick-Weller
Administrative Assistant

Dear Senator Eliason:

Your staff has requested a brief outline of the steps that would be necessary to establish and fill teacher positions at the Mt. Edgecumbe Boarding School. The following list indicates the step sequence, the responsible agency or agencies and likely timeframes.

Issue New Position Authorization	OMB	2-4 days
Prepare Position Description		
Questionnaires	DOE	4 days
Draft Class Specifications	DOE or Div. of Per.	2 days
Finalize Class Specifications	DOE and Div. of Per.	2 days
Establish Salary Range	Div. of Per.	4 days
Prepare Recruitment Announcement	Div. of Per.	3-10 days
Public Announcement Period	Div. of Per.	30 days
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Senator Richard I. Eliason

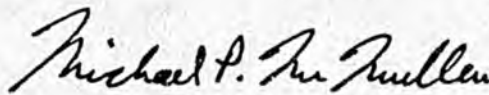
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April 22, 1985

In summary, action to carry out the above schedule must be initiated within approximately two weeks in order to have teachers on board when school opens in the fall. A decision on placing the position in the exempt service would be needed within this period if wasted efforts are to be avoided.

If I may provide any additional information, please feel free to call on me.

Sincerely,



Michael P. McMullen
Deputy Director

MPM/cfm
1/4D2/0419-09

MOUNT EDGECUMBE HIGH SCHOOL
1985 - 1987
Teacher Salary Schedule

Years Experience	BA	BA+16	BA+32	MA	MA+16	(Hours earned beyond BA are semester hours)
0	27,900	29,300	30,700	32,100	33,500	
1	29,300	30,700	32,100	33,500	34,900	
2	30,700	32,100	33,500	34,900	36,300	
3	32,100	33,500	34,900	36,300	37,700	
4	33,500	34,900	36,300	37,700	39,100	
5	34,900	36,300	37,700	39,100	40,500	
6			39,100	40,500	41,900	
7			40,500	41,900	43,300	
8-10				43,300	44,700	
11+				44,700	46,100	

1. Semester hours earned after the BA level will be allowed only if the hours earned are in one's major or minor field.
2. Contract is based on a total of 200 teaching and/or inservice days, plus holidays.
3. Full family health and dental insurance is provided.
4. 2 days of personal leave granted per year, and 3 days of emergency leave with no carry over.
5. Sick leave is granted as 1-1/3 days per month worked.
6. 5 years maximum teaching experience will be granted at the BA level and 7 years maximum at MA level.

Adopted by
State Board of Education
1/28/85

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON



LABOR & COMMERCE COMMITTEE, VICE-CHAIRMAN
LEGISLATIVE COUNCIL, VICE-CHAIRMAN
FINANCE COMMITTEE
RESOURCES COMMITTEE

P.O. BOX 143
SITKA, ALASKA 99835

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Senator Dick Eliason *Dick Eliason*
Sponsor of SB 266

DATE: April 15, 1985

RE: SB 266 Back-up

Your staff has requested a short analysis of SB 266, a definition of "other schools" as used in the bill, and the criteria for student selection at Mt. Edgecumbe High School.

SB 266 ANALYSIS

Senate Bill 266 places teachers employed by the Department of Education to teach at Mt. Edgecumbe High School in exempt service. The purpose of this bill is to allow teachers for Mt. Edgecumbe High School to be hired in an expeditious manner. Without this piece of legislation they will have to go through the regular state classified system, which is a long, laborious process. The school is planned to open this September and so time is a crucial element. This bill will enable Mt. Edgecumbe teachers to be hired in the same way correspondence study, and skill center teachers are now hired.

DEFINITION OF "OTHER SCHOOLS"

Currently the Department of Education operates a correspondence study program and The Seward Skill Center. The only "other school" operated by the Department will be Mt. Edgecumbe. Teachers with correspondence study and at the Skill Center are under exempt status pursuant to AS 39.25.110 (7). Therefore, the definition of "other school" is Mt. Edgecumbe High School. However, if in the future another Department operated school comes into being, teachers will be covered by this act.

CRITERIA FOR STUDENT SELECTION

The Student Selection Priorities as passed by the State Board of Education 1/28/85 are attached.

Student Selection Priorities

Mt. Edgecumbe School

11/26/84

1. Alaska students who are from a village where there is no high School or Alaska students who are attending B.I.A. Schools in the "Lower 48".
2. Alaska students whose family residence is in a village where the high school enrollment is 25 or less.
3. Alaska students whose family residence is in a village where the high school enrollment is from 26 to 50 students.
4. All others.

Students in categories # 2, 3 and 4, will be selected with the cooperation of the local school district, parents and guardians, and Mt. Edgecumbe staff. Placement at Mt. Edgecumbe will be handled similiarly to student placement in special education programs. Social referrals for students who for one reason or another cannot adequately function within their present home environment will be admitted on a case-by-case basis. We are attempting to identify the best educational program for the student with due consideration for social and family conditions.

Students from schools such as the Pribilof's where high school terminates at grade ten will be placed in the #1 category.

Students currently in the State boarding home programs or in correspondence programs will be admitted on a case-by-case basis.

Admittance to Mt. Edgecumbe can only occur at the beginning of each semester.

Adopted by
State Board of Education
1/28/85

MT. EDGECUMBE SCHOOL

MISSION STATEMENT

The opening of Mt. Edgecumbe School will provide new and important educational opportunities for Alaskan students, particularly rural Native youth.

Mt. Edgecumbe School will place high expectations upon students, administrators and staff.

Mt. Edgecumbe School is based upon a conviction that students have a great and often unrealized potential.

Mt. Edgecumbe School students will be required to pursue rigorous academic programs that will encourage students to work at their highest levels.

Mt. Edgecumbe School administrators, teachers, and staff members will be required to keep current on educational advances and to initiate innovative, challenging and stimulating classroom programs and activities.

As a boarding school, the Mt. Edgecumbe School will offer students a wide range of support activities to assure the success of all students.

Mt. Edgecumbe School will emphasize a strong curriculum in English, social studies, mathematics, science, fine arts, computers, vocational education, career exploration, second languages, and physical education.

Mt. Edgecumbe School will also place special emphasis on a study of topics specific to Alaska. These topics will include the Alaska environment, history, natural resources and Native Land Claims issues, and the history, culture, and languages of the Pacific Rim.

Mt. Edgecumbe School teachers will develop the capacity to analyze issues in order to anticipate the future social and economic needs of Alaska, such as Alaska's economic position among the Pacific Rim nations, and to integrate an educational approach to these issues into the curriculum.

To facilitate personal growth and decision making skills, each student will be assisted, guided, and challenged to make choices about future academic or technical schooling, rural or urban residence, and alternative methods of making a living. Students will be respected for their cultural backgrounds, and students and teachers will be encouraged and expected to offer insights to increase the effectiveness of the school.

Extraordinary opportunities for leadership, public service, and entrepreneurship will be integrated into the program, both during and after school hours.

Vocational education will be stressed through entrepreneurship. Different cottage industries will be run by students which will incorporate processing of raw products, wholesaling, retailing, purchasing of equipment, billing, etc.

Mt. Edgecumbe School will provide variety in teachers, subjects, and extra curricular activities.

Mt. Edgecumbe School will prepare students for college, for the academic demands of a college curriculum, and the social demands of being away from home and managing time effectively.

Mt. Edgecumbe School will prepare students to make the transition to adulthood helping them to determine what they want to do and developing the skills and the self-confidence to accomplish their goals.

Some students of Mt. Edgecumbe will be selected who presently are having a difficult time with their home environment. Mt. Edgecumbe staff will do every thing possible to help these students become productive citizens.

Adopted by
State Board of Education
1/28/85

MT. EDGECUMBE HIGH SCHOOL

HISTORY: Mt. Edgumbe High School was opened in February 1947 when students were transferred by the Bureau of Indian Affairs (BIA) from Wrangell Institute and Eklutna Vocational School in Seward. Both boarding schools were closed to make way for the opening of Mt. Edgumbe. The BIA ceased all operations at Mt. Edgumbe in September of 1983. During the 36-year BIA operations, nearly 10,000 students attended the school. Over 3,900 earned diplomas. The Class of 1983 was the last to graduate under the BIA. Many community, corporate and state leaders are Mt. Edgumbe graduates.

FACTS ABOUT THE SCHOOL: The school colors are cardinal and gold. The athletic nick-name is 'Braves.' *Taheta* is the name of the school yearbook and the school newspaper is *Channel Light*.

The first year enrollment will be 175 students with 40 total staff. The projected future enrollment is 300 maximum. The school, including dormitories, will be housed in 12 structures. All structures will be renovated and will meet state safety codes. Each dormitory room will accommodate four occupants although present plans provide for a maximum of three to a room. Students will take three meals daily in the modern school cafeteria.

EXTRACURRICULAR ACTIVITIES: Ample opportunity will be provided for student involvement in extracurricular activities such as choir, band, piano, drama, debate, radio, student publications in yearbook and newspaper, photography, student council, clubs and dormitory and class organizations. As a member of the Southeast Alaska High School Activities Association, Mt. Edgumbe teams will compete in cross country, boys and girls; girls volleyball; basketball, boys and girls; boys wrestling; cheerleading, boys and girls; and track, boys and girls. Many of the sporting activities will take place in the spacious fieldhouse, one of the finest athletic plants in the state.

SERVICES: The Public Health—Indian Health Service hospital is adjacent to the campus and will be available for student needs. Other services, such as dental and optical, will be available at the hospital.

The modern school store, Ships Service, will be open during regularly set hours. Ships Service will be the hub for recreation and relaxation and will stock school supplies, personal articles, etc. Snacks, ice cream and sodas will be available.

Laundry equipment and machines will be available for student use at regularly scheduled times. There will be no charge for the use of the laundry equipment.

Sitka is a modern community with all the services of a large urban center. Excellent restaurants, pizzeria and short order eating places are available as well as modern clothing and grocery stores, dry-cleaning establishments, libraries, radio and television, banks, Sears Roebuck and Montgomery Ward stores.

Churches of almost every denomination are located in Sitka.

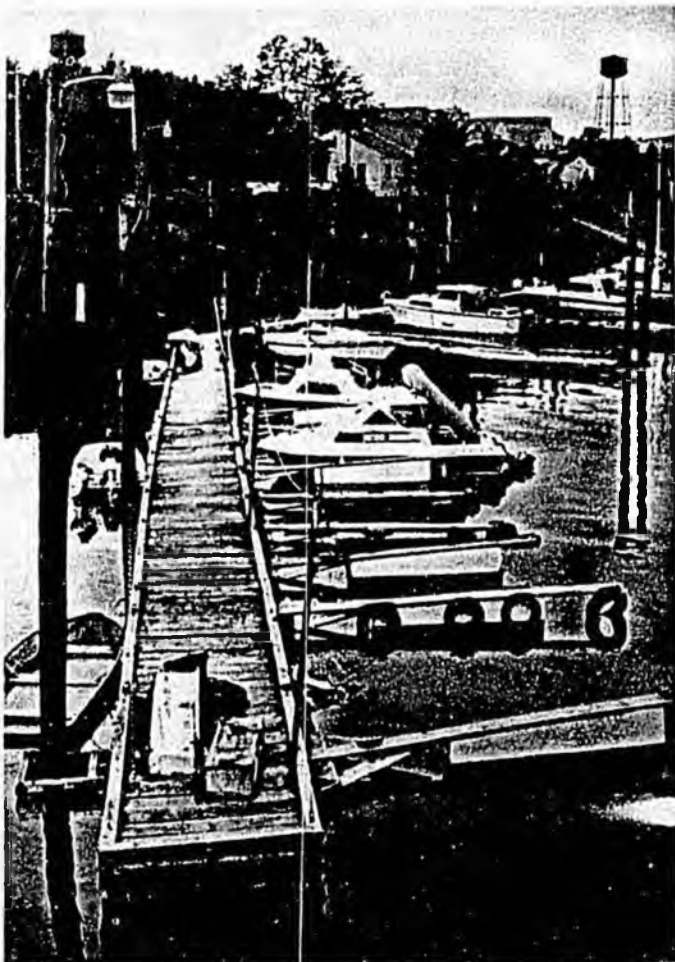
COMMUNITY INFORMATION: Mt. Edgumbe School is located on Japonski Island, one-quarter of a mile from Sitka. The two communities are connected by a bridge. The modern Sitka airport is located on Japonski Island, a three minute drive from Mt. Edgumbe School. Japonski, Alice and Charcoal Islands comprised Army and Navy bases during World War II. Sitka's population is 8,000. Sitka is within easy walking distance from the school.

CLIMATE: Climate is mild the year round. Sitka gets 85 inches of rain per year. Winter temperatures average 35 degrees above zero with little snow.

STUDENT SELECTION: Local school districts, parents or guardians, and Mt. Edgumbe staff will all cooperate to select the initial students to attend Mt. Edgumbe. The following preferences will prevail for admission:

1. Alaska students who are from a village where there is no high school or who are attending BIA schools in the Lower 48.
2. Alaska students whose family residence is in a village where the high school enrollment is from 1 to 25 students.
3. Alaska students whose family residence is in a village where the high school enrollment is from 26 to 50 students.
4. All others.

Students currently enrolled in state correspondence study programs and in the state's boarding school program will be handled on a case by case basis. Social referrals for students who for one reason or another cannot adequately function within their present home environment will also be handled on a case by case basis.



CURRICULUM: Mt. Edgecumbe High School will consist of grades 9 through 12. A basic core curriculum will be offered with a strong emphasis on the basics. The curriculum will be competency based and students must pass minimum competency tests before going on the next level.

English, mathematics, social studies, science, P.E., home economics, shop and trades, drivers education, economics, computer science, art and foreign languages will all be taught.

Leadership and academic excellence will be stressed throughout the curriculum.

Mt. Edgecumbe High School will incorporate Pacific Rim activities into its curriculum. With Alaska doing over \$1 billion in trade across the Pacific Ocean we feel that the language, culture, history and economics of the Pacific Rim countries should be stressed. Our science classes will also be geared toward ocean activities. Our location on the Pacific Ocean will provide outstanding aquaculture and other marine related activities.

COOPERATIVE EFFORTS: The community of Sitka offers an ideal environment for cooperative education. Islands Community College, Sheldon Jackson College, the Sitka School District, and Mt. Edgecumbe High School all provide educational programs. The possibilities of sharing staff and facilities are great. The University of Alaska-Juneau is also in close proximity. Educational opportunities for students from all these educational institutions can be greatly enhanced by cooperative efforts.

Mt. Edgecumbe School
PO Box 2628
Sitka, Alaska 99835

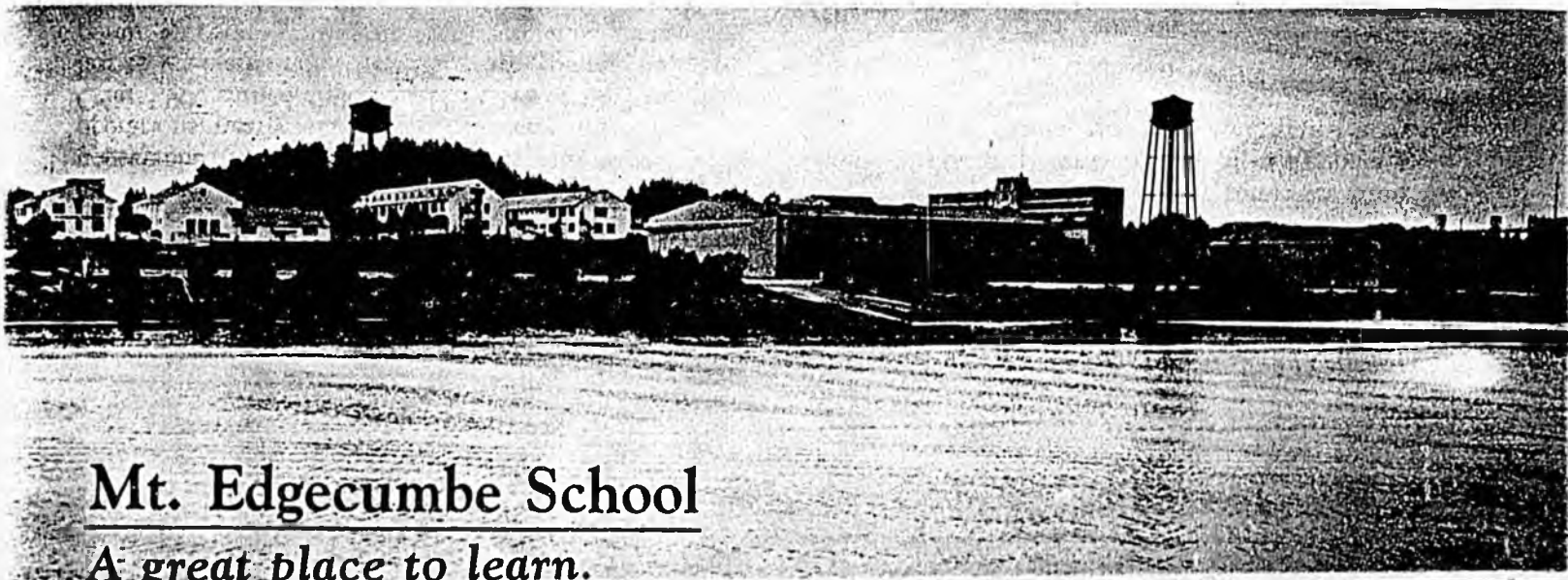
APPLICATION PROCESS: Students who want to attend Mt. Edgecumbe School should:

- 1) Send a letter to:
Mt. Edgecumbe High School
Box 2628
Sitka, AK 99835
Phone (907) 966-2201

The letter should give your name, address, phone number (if you have one) and the school you are currently attending. You should also state the reasons why you would like to attend Mt. Edgecumbe.

- 2) Mt. Edgecumbe authorities will then send you an application form for enrollment to the school. The form must be signed by your parents or guardian and your school principal or administrator.
- 3) Return the completed application to Mt. Edgecumbe School and you will be notified whether you have been accepted or not. Remember that Mt. Edgecumbe will probably receive many more requests to attend school here than we have openings for. It is important that you complete everything as soon as you can.

TO:



Mt. Edgecumbe School

A great place to learn.

Sec. 39.25.110. Exempt service. Unless otherwise provided by law, the following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

- (1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;
- (2) justices, judges, magistrates, and employees of the judicial branch including employees of the Judicial Council;
- (3) employees of the state legislature and its agencies;
- (4) the head of each principal department in the executive branch;
- (5) officers and employees of the University of Alaska;
- (6) certificated teachers and noncertificated employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer, or operate schools under the control of a regional educational attendance area school board;
- SB 2466 (7) certificated teachers employed by the Department of Education as correspondence teachers or teachers in skill centers operated by the Department of Education;
- (8) patients and inmates employed in state institutions;
- (9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;
- (10) members of boards, commissions, or authorities;
- (11) the officers and employees of the following boards, commissions, and authorities:
 - (A) Alaska Gas Pipeline Financing Authority;
 - (B) Alaska Permanent Fund Corporation;
 - (C) Alaska Energy Center;
 - (D) Alaska Industrial Development Authority;
 - (E) Alaska Commercial Fisheries Entry Commission;
 - (F) Alaska Commission on Postsecondary Education;
- (12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;
- (13) physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities, Department of Health and Social Services;
- (14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;
- (15) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;
- (16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040;
- (17) officers and employees of the state who reside in foreign countries;
- (18) employees of the Alaska Seafood Marketing Institute;
- (19) firefighters employed by the Department of Natural Resources for a fire emergency;
- (20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion;
- (21) [Repealed June 30, 1988] Employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.37.010);
- (22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980;



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.

James O. Smith
Signature of Camera Operator

11/24/89
Date

S B

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COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/9/85

Date April 30 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 275
relating to release of motor vehicle records.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 275 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" ~~NEW~~ FISCAL NOTE
- reports it back without recommendation
- recommend referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edw De Vries

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bice / say No R.C.

[Signature]

Chairman

[Signature]

Chairman recommendation

Edwards
4/29/85 ✓

Original sponsors: Fa' and V.Fischer

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 275 (State Affairs)

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 release of motor vehicle
7 records."
8

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

10 * Section 1. AS 28.05.061(c) is repealed and reenacted to read:

11 (c) The department shall, upon request, subject to the appli-
12 cable provisions of AS 12.62, furnish a municipal, state, or federal
13 administrative or judicial agency with records on file under this
14 section. The department may not charge a fee for records furnished
15 under this subsection.

16 * Sec. 2. AS 28.05.061 is amended by adding new subsections to read:

17 (d) The department shall, upon written request and payment of a
18 fee sufficient to cover the cost of processing the request, furnish a
19 certified copy of a record on file under this section to

20 (1) the vehicle owner, license holder, or driver named in
21 the record;

22 (2) a person who provides on a form furnished by the com-
23 missioner the written authorization of the vehicle owner, license
24 holder, or driver named in the record; or

25 (3) a business or person determined by the commissioner to
26 have a legitimate need for receiving a copy of the record requested.

27 (e) The department shall maintain for one year the name and
28 address of a business or person that receives a copy of a record under
29 (d)(3) of this section and release the name and address, upon request,
to the person named in the record.

1 (f) The department shall provide written notice on applications
2 for drivers' licenses and motor vehicle registration

3 (1) that information concerning an applicant that is on
4 file with the department may be released to persons outside the
5 department with a legitimate need for the information; and

6 (2) that the name and address of a business or person that
7 obtains information from a department record will be released upon
8 request to the person named in the record.

9 (g) Except as otherwise provided in this section, records main-
10 tained under this section are confidential and private.
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ALASKA CREDIT UNION LEAGUE

2509 EIDE STREET, SUITE 4
ANCHORAGE, ALASKA 99503
(907) 278-4949

April 19, 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

275

Dear Mitch:

The Alaska Credit Union League represents all of Alaska's credit unions and their 360,000 members. Our organization is concerned with the implications of SB 275 introduced April 9th. This bill, entitled "An Act relating to release of motor vehicle records" would have a severe impact on the credit unions and other financial institutions in Alaska.

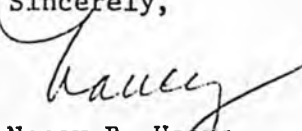
We understand the intent of the legislation is to reduce the State's liability for access to Department of Motor Vehicles records by individuals who may not have reasonable use for this information. However, the language of the bill at the present time restricts access for use by a wide variety of institutions who do have legitimate need for this information. Particularly, credit unions use this information as an aid in locating individuals who are delinquent in paying their legal obligations, among other purposes.

~~We believe an additional subsection should be added to Section 2 (d) which states:~~

~~(4) a business or institution identified as having a legitimate purpose for locating the owner of the vehicle named in the record.~~

~~Thank you for your consideration of our request for amendment of this legislation. If we may provide additional information, or be of assistance, please give me a call.~~

Sincerely,


Nancy B. Usera
President

jf

cc: Senate State Affairs Committee
ACUL GAC

RECEIVED
APR 22 1985



STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 275
 Title: "An Act relating to release of motor vehicle records"
 Sponsor: Faiks/V. Fischer
 Requestor: S. State Affairs
 Date of Request: 4/17/85

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		29.4	30.9	32.4	34.0	35.7
200 TRAVEL						
300 CONTRACTUAL		18.5	17.9	18.8	19.7	20.7
400 SUPPLIES		.2	.2	.2	.3	.3
500 EQUIPMENT		16.1				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		64.2	49.0	51.4	54.0	56.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		64.2	49.0	51.4	54.0	56.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NOTE: 1. Costs in future years reflects 5% inflation rate.
 2. Equipment charge in FY86 only Data Line installation FY86 only
 (see attached page)

Prepared By: John H. Lucking Phone: 269-5551
 Division: Motor Vehicles Date: 4/16/85

Approved by Commissioner: Robert J. Sundberg Date: 4/17/85
 Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

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

7/1/84

100 Personal Services

Anchorage

1 MVR II, Range 9 29.4

TOTAL PERSONAL SERVICES 29.4

200 Travel

(No Travel Requirements Anticipated)

300 Contractual

310 Telephone and Tolls 2.0
Postage 1.5 3.5

320 Request Forms 10.0 10.0

382a DP Line Charges 2.0
CRT/Controller/Printer
Maintenance 1.5
Data Line installation 1.5 5.0

TOTAL CONTRACTUAL SERVICES 18.5

400 Commodities

480 Normal Office Supplies .2

TOTAL COMMODITIES .2

500 Equipment

1 Chair .3
1 Desk .5
1 Calculator .3
1 CRT 3.8
1 Typewriter .9
1 Controller 5.8
1 Printer 4.5

TOTAL EQUIPMENT 16.1

TOTAL FY-86 REQUEST

64.2

1.	POSITION TITLE Motor Vehicle Representative II				RANGE/STEP 9/B	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				ADDITION		JUSTIFICATION			
4.	TYPE OF EXPENDITURE			AMOUNT		<p>This position is required to deal with the additional activity resulting from passage of this bill.</p> <p>Due to the FY 83 elimination of a research position in the Anchorage office, microfiche was made available at the office for individuals to research and find their own information. With passage of this bill, anyone requesting vehicle information will have to be screened to verify eligibility. If the requestor is eligible, they will be provided with the necessary data.</p> <p>This position will do the screening to determine eligibility, and perform the record search when necessary.</p>				
	1		2	3						
	PERSONAL SERVICES									
5.	Salary									
6.	Benefits									
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES			01	29.4					
10.	Travel			02						
11.	Contractual			03	18.5					
12.	Commodities			04	.2					
13.	Equipment			05	16.1					
14.	Other									
15.	TOTAL COST				64.2					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		64.2						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life and Property Protection
BRU Motor Vehicles
COMPONENT Vehicle Services

FY 86

Page 1 of 1
Revised Date _____

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Senate Bill 275

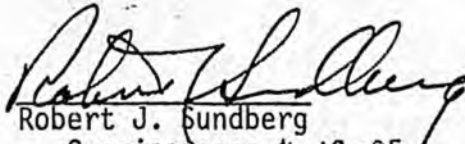
Senate Bill 275 "An Act relating to release of motor vehicle records."

While the bill appears workable there are additional needs to be addressed.

A contract currently exists with R.L. Polk Company, a national firm, to provide them with a complete motor vehicle record and monthly updates on magnetic tape. These records are used by them for research and vehicle safety matters, i.e. recalls of particular vehicles by manufacturers for defect corrections. Additionally, wrecker services dealing with vehicles whose owners are unknown through impounds obtain copies of microfiche which have the state's motor vehicle records. Another need not addressed is private enterprise acting as government agents through contracts to provide service to the state. These three are legitimate needs that need to be accommodated in legislation.

The bill would preclude certain persons now utilizing information from having access. These persons or organizations include private investigation agencies; collection agencies; private individuals wanting to identify trespassing vehicles on their property; automobile insurance industry; attorney services; and, surprisingly, private individuals who purchase cars and do not transfer appropriate paperwork, at some later time lose their paperwork and don't even know who they bought the car from.

In the absence of the now existing opportunity for individual research with DMV records, one motor vehicle representative position would be necessary to screen and accommodate requests for information.


Robert J. Sundberg
Commissioner 4-18-85



Official Business

Alaska State Legislature

Senate Finance Committee

Pouch V
State Capitol
Juneau, Alaska 99811

April 11 , 1985

MEMORANDUM

TO: State Affairs Committee Members

FROM: Senator Jan Faiks *JF*

SUBJECT: Background on SB 275, an Act relating to the release of motor vehicle records.

In March of this year, an Anchorage man was indicted for attempted murder after firing eight shots at a stranger he thought was harassing him. Among his possessions, the Troopers found a list of the names and addresses of 600 Anchorage residents whom he thought were bothering him and a map with X's marked on their homes. The assailant had received this information from the Division of Motor Vehicles by merely providing a license plate number and paying a \$2.00 fee for each number.

Currently, any person can contact the Division with a license plate number and, after paying the \$2.00 fee, will be given the name and address of the registered owner of the vehicle.

There is no justifiable reason why this information should be available to the general public. Not only can it lead to an invasion of privacy of the vehicle owners, it could possibly result in liability for the State.

Senate Bill 275 will restrict access to this personal information. It will authorize the Division to release records only to the vehicle owner, license holder, or driver, to a person who has the owner's authority, to a legitimate lienholder on the vehicle, or to a government agency.

Senator Vic Fischer brought this situation to my attention after one of his constituents notified him of the enclosed newspaper account. Together we ask that you act favorably on this bill before a comparable incident leads to a more serious ending.

Assault target on list

Names and maps found in home

By LARRY CAMPBELL
and SHEILA TOOMEY
Daily News reporters

A Hillside man indicted Wednesday for attempted murder kept a list of approximately 600 Anchorage residents he believed were harassing him.

The alphabetized list was accompanied by a map with X's marking homes of those people, some of whom apparently never knew the accused assailant.

Carl R. Snyder, 39, was arrested by Alaska State Troopers on March 12 after allegedly firing at least eight shots at Kenneth Myers outside the victim's home. Myers was one of the people on the list.

Snyder was indicted Wednesday on a charge of attempted murder. He is presently being held at Cook Inlet Pre-trial Facility in lieu of \$500,000 bond.

Snyder, interviewed at the jail Thursday evening, said the list of names he'd gathered were not intended as a "hit list," but were of people he believed were sent by his ex-wife to harass him and his two sons shortly after the couple were divorced early last year. Snyder refused to identify his former wife.

The slight, soft-spoken Snyder said he was "stressed-out" the night of the shooting. In addition to a difficult divorce, he had lost his job and been forced to drop out of college, he said.

"The situation got away from me," he said. "Thank goodness nobody got hurt."

Snyder said the fact that he failed to "hit" Myers even though he was firing from about 25 feet away, leads him to believe that subconsciously he intended to miss.

List, maps in Hillside home

Continued from Page A-1

"Nobody could have bungled it that badly," he said.

Snyder said Myers was acquainted with his ex-wife and harassed Snyder "on her behalf." Snyder said that he had followed Myers several times prior to the night of the shooting and said Myers had also followed him on occasion.

Even though the two live in the same Hillside neighborhood, Myers insists he never knew either Snyder or the man's ex-wife. He also denied following Myers.

According to trooper reports, the assailant waited for Myers that Tuesday afternoon outside the victim's office at Surveyors Exchange on DeArmour Road and followed Myers home.

Myers pulled into his driveway followed by the assailant. Both men got out of their vehicles and the assailant immediately began firing at Myers with a handgun.

"He caught me totally by surprise," Myers said. "I never even knew this guy."

Myers escaped by dashing behind a snowbank and running to the back of his house while the assailant stopped to reload. After firing a few more shots at the house and windows, the suspect tried to back his car out of the driveway but got stuck in a ditch.

Snyder was trying to dig his station wagon free when troopers arrived and arrested him, they said.

Later that evening, authorities armed with a search warrant seized the lists, the map and other books about weapons and the CIA, according to Snyder's oldest son, Chris.

Troopers and prosecutors have declined to comment on the case.

The 15-year-old said he had helped his father compile the list. They began early last year, a few months after his stepmother had moved out, the youth said. Strangers in cars, sometimes with cameras and binoculars, roved the secluded street in front of their

home.

"We started taking down license numbers because we wanted to check these people out," the young Snyder said Thursday evening. "People were driving around the house, sometimes 12 or 15 times, and we just wanted to know who they were."

Armed with scribbled license plate numbers, Snyder or his son would go to the Department of Motor Vehicles office on Dowling Road and, for a \$2 fee, obtain the names and addresses of the registered owners of the cars.

"It got to where I was going there so much I got to know a couple of the women there," the youth said. "Sometimes, we'd compare them to names in the phone book. The list started getting bigger and bigger — kinda out of proportions."

Another man on the list was Larry Wilmarth, owner of the survey equipment supply company Myers works for.

"I'd like to know myself why I was on that list," Wilmarth said. "I don't think I've ever met the guy. There's another Wilmarth on the list, too, a distant relative of mine. But he's been dead 11 years now."

The name gathering ceased last summer, and so did the harassment, the youth said. But every so often, Snyder would spot news reports of drug arrests and find that names of those arrested on drug charges matched the names he and his son had gathered.

"We figured maybe we were on to something with these drug people," the younger Snyder said. "We had figured that my stepmom was involved with some of these people, and maybe they were worried that we knew something."

Myers and Wilmarth deny any involvement in drugs.

In fact, Myers added, a trooper checking out the names on Snyder's list jokingly said "I was one of the more boring people he'd ever investigated."

MAR 22 1985

ARIZONA LEGISLATIVE COUNCIL

SB 2151

APR 22 1985

MEMO

05991

December 1, 1980

FROM: Patricia Dilgard, Staff Attorney

RE: Driver License Information; Public Access (R-34-391)

We have written to the driver licensing authorities of the fifty states and asked them what their policy is regarding disclosure of licensees' addresses. The overwhelming majority provided this information with no or few restrictions.

Public Record

In many states such information is deemed to be a public record by statute. The Attorney General of South Carolina in an opinion sets forth his reasons for concluding that such information falls within the definition of public record. These reasons are:

1. The North Carolina statute, based on federal law, exempts from public record "information of a personal nature where public disclosure would constitute an unreasonable invasion of personal privacy."

2. Federal courts have construed the above phrase to mean information which consists of intimate details of a highly personalized nature. One's name and address are not considered intimate details as they are easily obtainable through alternative sources.

3. Other federal courts have used a balancing test in determining whether such information should be disclosed, balancing the individual's interest in having the information remain confidential versus the public's interest in having the information available.

According to the South Carolina Attorney General, the public's interest in disclosure, including using the information for military, VISTA and educational recruiting, overrides the person's interest to remain anonymous or avoid solicitation.

Arguably, the above interests are not interests of the public at all, but represent interests of private or government agencies who use such information for their private gain. It does not seem that providing listings of names and addresses furthers the purpose of the public records law, which is to keep citizens informed of governmental activities.

We believe it would have been legally defensible to have concluded to the contrary that addresses of licensees are not items the disclosure of which serves any legitimate public interest. Along this line of approach, the Director of the Motor Vehicle Division in Puerto Rico, interpreting the federal Privacy Act, concluded that such information is in fact restricted.

Right to Privacy

There does not appear to be any common law right of privacy that would protect the anonymity of one's address.

Thus on a public street or public place there is no legal right to be alone. Nor is it an invasion of privacy to follow a person to his home and watch him there. Prosser, William, Handbook of the Law of Torts, p. 808, 809 (1971).

As one legal authority has stated:

/A/ll of us must, to some reasonable extent lead lives exposed to the public gaze. Anyone who is not a hermit must expect the more or less casual observation of his neighbors and the passing public as to what he is and does and some reporting of his daily activities. Ibid, p. 811.

Although the disclosure of one's address does not necessarily violate a legal right such as to give rise to a cause of action for invasion of privacy, a more pertinent question is what state interest is served when the state discloses this information. It would appear that the state would have an interest in providing such information when it furthers the purposes of the motor vehicle registration or licensing law. Examples of this might be the disclosure of the identity and address of a car owner to persons who have suffered injury or loss because of a violation of the motor vehicle laws, or to car dealers to confirm ownership of title.

The real administrative problem is how to screen persons who have a legitimate need for such information from those whose motives may be only pecuniary or even criminal or malicious.

Some states require a person requesting driver license information to provide identification and a statement of a legitimate need for the information (Georgia, South Dakota).

In other states an administrative official informally screens such requests and determines, on a case by case basis, if the need is legitimate (Nebraska).

One state sends a copy of such request to the licensee (North Dakota). In this manner at least a licensee can learn of inquiries made about him.

The concern with privacy rights as they relate to record keeping in today's society of computerized information storage and exchange and in consideration of the vast number of sources collecting and maintaining information on each of us individually has not been adequately dealt with by most state legislatures.

Enclosed is a summary of the laws or policies, as closely as we can determine, of various states in regard to disclosure of drivers' addresses. We should point out that many states, in responding to our inquiries, did not differentiate between state driver licensing laws and state automobile registration laws.

Additionally I would like to mention that the National Conference of Commissioners on Uniform State Laws has just recently adopted a Uniform State Information Practices Code. Under this proposal state agencies are mandated to make certain information available to the public such as agency rules, decisions, public records and records an individual seeks about himself. Other information, including records which refer to any individual, is described as being within categories which do not require agency disclosure, but anticipate the exercise of administrative discretion in consideration of general interests which include the privacy rights of individuals about whom the government possesses personal information. In such a situation the person to whom the record relates would receive notice and have an opportunity to object to a disclosure. Additionally the act anticipates that state statutes may specifically identify certain information as exempt from disclosure. Since this proposal is a significant statement of all governmental information practices we believed that it might well be beyond the scope of your interest in this regard. If you do wish to be provided with a copy of this proposal merely inform us to such effect.

If we can be of further assistance please contact this office.

Encl.

Alabama

No telephone inquiries (except by law enforcement officers).

Alaska

No telephone inquiries (except by law enforcement officers). Driving records are confidential.

Arkansas

No telephone requests. Records kept of each inquiry.

California

Addresses of law enforcement officers are confidential.

Colorado

No telephone requests.

Connecticut

By statute public records.

Delaware

Public records.

District of Columbia

Florida

Vehicle registration, including address, is public record.

Georgia

Identification and statement of legitimate reason for request. Screening and denial of request if no showing of legitimate reason. \$.50 fee.

Idaho

Furnishes "abstracts" of record.

Illinois

Any person upon request. \$2.00 fee.

Indiana

Request must be in writing. Records of requests are kept. \$1.00 fee.

Iowa

Public record. No telephone requests (except by law enforcement officers).

Kansas

Public records available for inspection in person.

Kentucky

Public records open for inspection.

Louisiana

Public access, no restriction. \$2.00 charge.

Maryland

Public records open for inspection.

Massachusetts

No statutory provision.

Michigan

Public records open for inspection. \$5.00 fee.

Minnesota

Public records.

Mississippi

No telephone requests. Records of requests kept one year.

Missouri

Public records open to inspection.

Montana

Public access to anyone.

Nebraska

Per phone call from division there is an informal screening.

Nevada

No statutory provision.

New Hampshire

May furnish and sell compilations.

New Jersey

Open to public.

New Mexico

Public records.

New York

Open to public.

North Carolina

Any information furnished if request is in writing.

North Dakota

Open to public for inspection. Send copy of request to owner. Keep record of request.

Ohio

Furnishes name and addresses for fee.

Oklahoma

All information in registration certificates is confidential, except to government agencies, law enforcement officers and tax commission.

Oregon

Public records open to inspection.

Pennsylvania

Open for public inspection. Written request required with statement of purpose.

Puerto Rico

Public access only when authorized by licensee or in cases pending action by courts of justice.

Rhode Island

Public records.

South Carolina

Public records open to inspection. Attorney General Opinion outlines law of privacy in this area. Right to inspection is not unrestricted.

South Dakota

"Legitimate" requests are honored. Questionable calls referred to office supervisor. Unknown persons must submit request in writing. Record kept of requests. Personnel advised to use discretion to protect public right to privacy.

Tennessee

\$3.00 fee. Furnishes copies.

Texas

Public record.

Utah

Public records. Request must be in person.

Vermont

Information furnished upon proper identification.

Virginia, Washington, West Virginia

Only to specified government agencies and entities and other persons. No access to information except by law enforcement officers and courts. Every request screened. Federal Fair Credit Reporting Act and State Freedom of Information are used as guidelines.

Wisconsin

Information available but addresses not updated so of "limited value after one year".

Wyoming

Drivers license information "very restricted" except to qualified organizations and officers.

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senator Jan Faiks

ATTN: Steve White
Aide to Senator Faiks

FROM: Carol R. Berryhill *CRB*
Research Assistant

DATE: April 26, 1985

RE: Access to Motor Vehicle Records

RECEIVED
APR 29 1985

The attached memorandum to Senate State Affairs Committee summarizes the information I gathered concerning access to motor vehicle records. The Division of Motor Vehicles' telephone numbers in each state are:

California	(916) 445-5281
Oklahoma	(405) 521-3221
South Dakota	(605) 773-3545
Virginia	(804) 257-0523
Washington	(206) 753-6915
West Virginia	(304) 348-2723
Wyoming	(307) 777-5271

I have forwarded a copy of the memorandum to Senator Abood and Senator Vic Fischer at Elizabeth Hickerson's request.

If you have any questions, or wish further assistance, please contact me.

Attachment:
cc: Senator Abood ✓
Senator Vic Fischer
Elizabeth Hickerson

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Carol R. Berryhill *CRB*
Research Assistant

DATE: April 26, 1985

RE: Access to Motor Vehicle Records

The Division of Motor Vehicles in the ensuing states provided, via telephone April 25-26, 1985, the following information regarding the policies and procedures administered to inquiries concerning motor vehicle registration records.

California

The state of California has an official form that is filled out by the inquirer. For a \$4.00 fee the inquirer may obtain the motor vehicle registration information on file on the individual about whom the inquiry is made. A portion of the form is mailed to that individual so that he/she is aware of the inquiry. Of these seven states, California is the only state with this procedure.

Account codes are assigned to specific agency's, i.e., law enforcement, so that they may obtain information via a verbal request. Addresses of law enforcement officers remain confidential. The policies regarding access to driver's license information differ. The driver's license number and/or birthdate must be presented to obtain driver's license record information. There is a \$1.00 to \$2.00 fee for this.

These procedures are mandated by California Vehicle Code 18.08.

Oklahoma

Title 47, § 22.24 of the Oklahoma statutes, copy attached, mandates the procedures to be administered by the Division of Motor Vehicles concerning motor vehicle registration inquiries. In short, the information is confidential except to government agencies, law enforcement officers and the tax commission.

South Dakota

Motor vehicle registration information is provided to law enforcement officers, financial institutions, etc., upon verbal request. Written requests must be furnished from private inquirers. Legitimate requests only are honored. Questionable inquiries are referred to the office supervisor. If the inquiry is denied then the inquirer may contact his/her local authority. The fee for motor vehicle registration record information varies from \$1.00 to \$5.00 depending on the depth of the record requested, i.e., previous owner or case history.

Virginia

Requests for registration information must be provided in writing. This includes requests from financial institutions, insurance companies, and attorneys.

If a request is received from a private individual then he/she must certify that his/her request is valid. An abandoned vehicle on one's private land would constitute a valid reason for a vehicle registration information inquiry. After the request is received it is screened, and if approved, upon receipt of a \$3.00 fee, the information may be provided to the inquirer.

The state of Virginia uses the Federal Fair Credit Reporting Act and the State Freedom of Information Act as guidelines.

Washington

RCW 46.12.380, copy attached, mandates the procedures to be administered by the Division of Motor Vehicles concerning motor vehicle registration inquiries. Agencies such as insurance companies maintain account codes. They have authorization to obtain lists of vehicle record information whereas the general public does not. The fee for one to ten records is \$2.00 each; \$0.20 for each ensuing record.

A request by a private individual may be honored if the request is legitimate. Files of requests are maintained and are public record; however, the state of Washington does not have a centralized filing system for these records so it may be an arduous task if one wanted to know if an inquiry had been made regarding his/her record.

The state of Washington uses the Federal Fair Credit Reporting Act and the State Freedom of Information Act as guidelines.

Senate State Affairs Committee
April 26, 1985
Page 3

West Virginia

The policies and procedures used by the Division of Motor Vehicles in the state of West Virginia are set by Administrative Code. The Federal Fair Credit Reporting Act and the State Freedom of Information Act are used as guidelines.

All requests must be provided in writing. The one exception is that of law enforcement officials who have hands-on access to vehicle records. Individual requests are at the discretion of the Commissioner. The fee for vehicle registration information is \$3.00. Files of the request are maintained for one year.

Wyoming

Requests for vehicle registration information are honored providing the request is in writing and it is legitimate. The request is generally at the discretion of the Motor Vehicle employee recipient. The fee for such information is \$1.00. Files of the requests are maintained for one year and then sent to archives.

If you have any questions, or if I may be of further assistance, please contact me.

Attachments:

46.12.360

MOTOR VEHICLES

allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

Added by Laws 1975-76, 2nd Ex.Sess., ch. 91, § 7, eff. July 1, 1976. Amended by Laws 1980, ch. 32, § 7, eff. Sept. 1, 1981.

Effective date—Transfer of mon- amendment of § 46.12.360 by Laws
eys—Laws 1980, ch. 32 § 7: "Section 7 1980, ch. 32.
of this act shall take effect on Septem- Severability—Effective date—Laws
ber 1, 1981. Any moneys held on that 1975-76, 2nd Ex.Sess., ch. 91: See His-
date in the account disestablished by torical Note following § 46.12.300.
section 7 of this act shall be transferred Library References
to the motor vehicle fund." [Laws 1980, States 127.
ch. 32, § 8.] Section 7 of this act is the C.J.S. States § 158.

46.12.370. Lists of registered and legal owners of vehicles—Furnished for certain purposes—Penalty for unauthorized use

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; or

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) and (3) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Added by Laws 1982, ch. 215 § 1.

Library References

Records 31, 52, 55.
C.J.S. Records §§ 36, 37, 40.

46.12.380. Disclosure of names and addresses of individual vehicle owners

Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor or other public agency except upon written request,

Washington

MOTOR VEHICLES

signed by the person requesting disclosure, stating t and address. The request for disclosure is itself a pub inspection and copying, and shall be retained by the d two years.

When deemed appropriate by the disclosing agency disclosure request has been honored may be sent to owner, indicating the name and address of the persc sure.

This section shall not apply to persons who routinel of vehicle registration information for use in the course occupation.

Added by Laws 1984, ch. 241, § 2.

CHAPTER 46.16—VEHICLE LICE

Sec.

- 46.16.006. "Registration year", defined—Registration mont month".
- 46.16.015. Emission control inspections required—Exception.
- 46.16.016. Emission control inspections—Rules for licensing
- 46.16.035. Exemptions—Private school buses.
- 46.16.048. Temporary letter of authority for movement of special community event.
- 46.16.063. Additional fee for recreational vehicles.
- 46.16.104 to 46.16.106. Repealed.
- 46.16.115. Repealed.
- 46.16.216. Renewal, payment of parking fines required— charge—Change of registered owner—Statem fines to registered owners [New].
- 46.16.225. Vehicle registration periods may be adjusted to st
- 46.16.275. Replacement plates required, when.
- 46.16.311. Antique vehicles—Application to vehicles manufa presently licensed.
- 46.16.315. Vehicles more than thirty years old and operat license, plates for—Fees, disposition.
- 46.16.355. Repealed.
- 46.16.381. Special parking privileges for disabled persons—l rized use or parking [New].
- 46.16.390. Special plate, card, or decal issued by another jur
- 46.16.500. Liability of operator and/or owner or lessee for v
- 46.16.505. Campers—License and plates—Application—Fee.
- 46.16.510 to 46.16.550. Repealed.
- 46.16.555. Decodified.
- 46.16.560. Personalized license plates—Defined.
- 46.16.565. Personalized license plates—Application.
- 46.16.570. Personalized license plates—Design.
- 46.16.575. Personalized license plates—Issuance to registere
- 46.16.580. Personalized license plates—Application requirem
- 46.16.585. Personalized license plates—Fees—Renewal—Pen
- 46.16.590. Personalized license plates—Transfer fees.
- 46.16.595. Personalized license plates—Transfer or surrender release of vehicle ownership—Penalty.
- 46.16.600. Personalized license plates—Rules and regulation
- 46.16.605. Personalized license plates—Disposition of fees—
- 46.16.610. Referral to electorate.
- 46.16.620. Congressional Medal of Honor recipients—Special
- 46.16.630. Moped registration.

action following a satisfactory showing by the departments, or transpositions were made in entering the the stolen vehicle file.

'6, 2nd Ex.Sess., ch. 91, § 7, eff. July 1, 1976. Amended by , eff. Sept 1, 1981.

transfer of mon- amendment of § 46.12.360 by Laws
2 & 7: "Section 7 1980, ch. 32.
effect on Septem- Severability—Effective date—Laws
bers held on that 1975-76, 2nd Ex.Sess., ch. 91: See His-
disestablished by torical Note following § 46.12.300.
all be transferred Library References
nd." [Laws 1980, States §127.
of this act is the C.J.S. States § 158.

registered and legal owners of vehicles—Furnished
tain purposes—Penalty for unauthorized use

other authority which it may have, the department of
lists of registered and legal owners of motor vehicles
s specified in this section to:

ers of motor vehicles, or their authorized agents, to
ose manufacturers to carry out the provisions of the
Motor Vehicle Safety Act of 1966 (15 U.S.C. sec.
amendments or additions thereto, respecting safety-
or vehicles;

ntal agency of the United States or Canada, or political
to be used by it or by its authorized commercial
s only in connection with the enforcement of motor
vs by, or programs related to traffic safety of, that

Only such parts of the list as are required for
work required of the agent or contractor shall be
nt or contractor; or

regularly making loans to other persons to finance the
ehicles, to be used to assist the person requesting the
ership of specific vehicles for the purpose of determin-
to provide such financing. In the event a list of
owners of motor vehicles is used for any purpose other
l in subsections (1), (2) and (3) of this section, the
mental agency, financial institution or their authoriz-
ors responsible for the unauthorized disclosure or use
ar access to such information by the department of

h. 215 § 1.

37, 40.

e of names and addresses of individual vehicle

ne provisions of chapter 42.17 RCW, the name or
al vehicle owner shall not be released by the depart-
or other public agency except upon written request,

signed by the person requesting disclosure, stating their full legal name
and address. The request for disclosure is itself a public record, subject to
inspection and copying, and shall be retained by the disclosing agency for
two years.

When deemed appropriate by the disclosing agency, notice that such a
disclosure request has been honored may be sent to the affected vehicle
owner, indicating the name and address of the person requesting disclo-
sure.

This section shall not apply to persons who routinely request disclosure
of vehicle registration information for use in the course of their business or
occupation.

Added by Laws 1984, ch. 241, § 2.

CHAPTER 46.16—VEHICLE LICENSES

- Sec.
- 46.16.006. "Registration year", defined—Registration months—"Last day of the month".
 - 46.16.015. Emission control inspections required—Exceptions.
 - 46.16.016. Emission control inspections—Rules for licensing requirements.
 - 46.16.035. Exemptions—Private school buses.
 - 46.16.048. Temporary letter of authority for movement of unlicensed vehicle for special community event.
 - 46.16.063. Additional fee for recreational vehicles.
 - 46.16.104 to 46.16.106. Repealed.
 - 46.16.115. Repealed.
 - 46.16.216. Renewal, payment of parking fines required—Distribution of surcharge—Change of registered owner—Statement of unpaid parking fines to registered owners [New].
 - 46.16.225. Vehicle registration periods may be adjusted to stagger renewal periods.
 - 46.16.275. Replacement plates required, when.
 - 46.16.311. Antique vehicles—Application to vehicles manufactured after 1931 and presently licensed.
 - 46.16.315. Vehicles more than thirty years old and operated as collector's item, license, plates for—Fees, disposition.
 - 46.16.355. Repealed.
 - 46.16.381. Special parking privileges for disabled persons—Penalties for unauthorized use or parking [New].
 - 46.16.390. Special plate, card, or decal issued by another jurisdiction [New].
 - 46.16.500. Liability of operator and/or owner or lessee for violations.
 - 46.16.505. Campers—License and plates—Application—Fee.
 - 46.16.510 to 46.16.550. Repealed.
 - 46.16.555. Decodified.
 - 46.16.560. Personalized license plates—Defined.
 - 46.16.565. Personalized license plates—Application.
 - 46.16.570. Personalized license plates—Design.
 - 46.16.575. Personalized license plates—Issuance to registered owner only.
 - 46.16.580. Personalized license plates—Application requirements.
 - 46.16.585. Personalized license plates—Fees—Renewal—Penalty.
 - 46.16.590. Personalized license plates—Transfer fees.
 - 46.16.595. Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership—Penalty.
 - 46.16.600. Personalized license plates—Rules and regulations.
 - 46.16.605. Personalized license plates—Disposition of fees—Costs.
 - 46.16.610. Referral to electorate.
 - 46.16.620. Congressional Medal of Honor recipients—Special license plates.
 - 46.16.630. Moped registration.

or dispose of, or have in his possession for sale, use or storage any used home on which the registration fees or excise taxes have not required by law:

identification, manufactured home registration receipt, Manufactured Home Decal or excise tax receipt on an assigned certificate of title. Violating the provisions of this subsection, upon conviction, shall be guilty

of any portion of the Motor Vehicle License and Registration Act. If a specific penalty has not been imposed, upon conviction, shall constitute a separate offense and the person having violated it shall be fined not less than Ten Dollars and not to exceed One Hundred Dollars (\$100.00).

Violation of any provision of the Motor Vehicle License and Registration Act on every day such violation has occurred shall constitute a separate offense.

1979, c. 292, § 5, emerg. eff. July 5, 1979. Amended by Laws 1981, c. 253, § 14, operative July 1, 1981.

Section of this title.

1984. Emergency.

C.J.S. Motor Vehicles §§ 588, 596 et seq.

16.

Installment payments of license fees—Licenses—New license tags

Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fee on any resident owner, either individual, partnership, or Oklahoma corporation, trailer or semitrailer, not used primarily for farm use, exceeds the amount of One Thousand Dollars (\$1,000.00), said license fees may be paid in equal installments. The first installment shall be paid at the time of the registration of said vehicles and not later than January 15 of each year. The second installment shall be paid on or before the first day of July of each year.

License fees shall not operate to reduce the amount of the license fees due. If a license fee is not paid on or before the date due, all unpaid installments of such year on each vehicle shall be deemed delinquent and immediately payable, and there shall be added a penalty of twenty-five cents (\$.25) for each day the balance of the license fee due on each vehicle for each day the balance is not paid up to thirty (30) days, after which the penalty due on each vehicle shall be Five Dollars (\$5.00). The penalty for vehicles registered by weight in excess of seven thousand (7,000) pounds shall be an amount equal to the license fee for the 30th day each such vehicle involved shall be considered as delinquent and as not currently registered, and all of the provisions of the Motor Vehicle License and Registration Act¹ relating to enforcement, including the seizure and sale of vehicles not registered and not displaying license tags, shall apply to said vehicles.

Taxes levied by the Motor Vehicle License and Registration Act shall remain a first lien upon the vehicle upon which said fees or taxes are levied. Said lien shall have priority to all other liens. Provided further, the lien on a vehicle may be transferred until the unpaid balance on the vehicle is paid in full. Provided that any unpaid balance of said license fees shall constitute a lien against any and all property of the owner, both real and personal, and any license tag fee balance shall remain unpaid. Provided the unpaid balance under these provisions shall be immediately due and payable when any vehicle is sold, wrecked, or otherwise retired from use.

License fees shall be required to be paid on a semiannual installment basis, as shall be required to purchase a new license tag for the last half of the sum of One Dollar (\$1.00) for each tag to cover the costs of said

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license tags; said license tags for each half shall be plainly marked in designating the half for which they were issued. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned in the same manner as the license fees on such vehicles are apportioned by law.

Added by Laws 1978, c. 2, § 1, emerg. eff. Jan. 25, 1978. Amended by Laws 1982, c. 95, § 4, emerg. eff. April 6, 1982.

Section 22 et seq. of this title.

Section 2 of Laws 1977, c. 2, provided for the codification of this section.

Title of Act:

An Act relating to motor vehicles; providing for additions to the Motor Vehicle License and

Registration Act; providing for semiannual payment of certain license fees; providing certain controls over control of such payments; directing codification; and declaring an emergency. Laws 1978, c. 2.

§ 22.24. Information contained in certificates and applications as confidential—Exceptions—Certified copies—Fees

A. All information contained in certificates of title, applications therefor, or registration certificates is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Commission in the regular course of their employment, except as follows:

1. To law enforcement officers in the regular course of their duties;
2. To other governmental agencies when required in their governmental functions; and

3. To any motor vehicle manufacturer or his authorized representative for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C.1974; provided that said manufacturer or his representative shall, when requesting information pertaining to motor vehicles, furnish the Commission with an affidavit stating the purpose for which the information is to be used, and that the confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Commission shall be authorized to review the use of and the measures employed to safeguard said information; and provided, further, that the manufacturer or his representative shall bear the cost incurred by the Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection (d) of Section 205 of Title 68 of the Oklahoma Statutes, shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or his representative violating the provisions of this subsection, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00).

B. Notwithstanding the foregoing, the Commission may, when requested for a particular vehicle, furnish desired information for the sum of One Dollar (\$1.00) per vehicle or make copies of certificates of title, applications therefor and registration certificates and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Commission relative to certificates of title and registration certificates issued under the laws of this state, duly certified by the Commission, may be received in evidence with the same effect as the original, when such original is not in the possession or under the control of the party desiring to use the same. For each certified copy furnished under this section, a fee of Two Dollars (\$2.00) per instrument shall be charged and collected by the Commission. All such funds shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Provided however, that the provisions of subsections A and B of this section shall not apply to vehicles in excess of twenty-six thousand (26,000) pounds, or to trailers or semitrailers which may be used in combination with such vehicles. Provided further, the Oklahoma Tax Commission shall establish an appropriate fee to cover the cost of furnishing the requested data and shall issue specific rules and regulations for the dissemination of information that shall apply only to vehicles registered in Oklahoma with a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, or the applicable trailers or semitrailers.

The release of such information shall be limited to Oklahoma incorporated and domiciled, nonprofit, tax exempt industry trade groups and organizations for the

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express purpose of making such data directly available to the heavy duty motor transportation industry.

Amended by Laws 1968, c. 177, § 1, emerg. eff. April 15, 1968; Laws 1969, c. 163, § 1, emerg. eff. April 14, 1969; Laws 1977, c. 103, § 45, emerg. eff. May 30, 1977; Laws 1978, c. 209, § 19, eff. July 1, 1978; Laws 1984, c. 227, § 1, emerg. eff. May 23, 1984.

Section 4 of Laws 1984, c. 227 provides for an effective date.

Section 2 of Laws 1969, c. 163 repealed conflicting laws and specifically repealed title 68, § 2109.

Notes of Decisions

1. In general

The utilization of a private vendor under contract, acting as agent for Data Processing and

Planning Division, to keypunch data from motor vehicle registrations, is not a violation of 68 Okl. St. Ann. § 205 or 74 Okl. St. Ann. § 118.17, however, individuals in possession of the information found in such registrations are bound by the same confidentiality as employees of the State Board of Public Affairs, Data Processing and Planning Division. Op. Atty. Gen. No. 77-257 (Dec. 5, 1977).

Individuals can copy records of Oklahoma Tax Commission regarding ownership of vehicles. Op. Atty. Gen. No. 68-165 (April 12, 1968).

§§ 22.25 to 22.27. Repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977; State Question No. 524, Initiative Petition No. 300, adopted at election held Nov. 7, 1978

Section 22.26 was also repealed by State Question No. 524, Initiative Petition No. 300, adopted

at election held Nov. 7, 1978, effective 90 days after approval and passage.

§ 22.28. Special mobilized machinery

A. Special mobilized machinery shall not be subject to any section or provision of the Motor Vehicle License and Registration Act,¹ except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Commission or their² authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. Certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined.

D. Equipment of this class shall use the highways of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. Permits shall be issued on payment of a Five Dollar (\$5.00) fee to the Commissioner of Public Safety or his authorized agents.

In those cases where the equipment or machinery conforms to all safety requirements under the law, then the permit shall be issued for the term of one (1) calendar year and shall be nonrestrictive as to time and route of travel.

Permits for such oversize or overweight machinery permissible road speed of thirty-five (35) miles per hour, to be carried and may exclude use of highways of the interstate system shall be included in the Commissioner of Public Safety or his authorized agent purposes of this chapter will be served by such use and restrictions will not be violated. Oversize or overweight machinery properly operating on the highways of the interstate system shall meet minimum speed requirements.

When such equipment has a width greater than eight (8) feet or a height in excess of thirteen (13) feet, the permit may restrict movement to a fifty-mile radius operating base, may designate highways to be traveled, and flagmen may be required to precede or follow the equipment.

Possession of a permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways. Provided that nothing in this act shall be construed to exempt such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways or road material production.

E. Upon the issuance of a special mobilized machinery permit provided in this subsection, special mobilized machinery shall be permitted to move upon the highways of this state for delivery and exclusive use without the state or when temporarily returned to Oklahoma for modification or repair. Special driveaway permits shall be issued by the Commissioner of Public Safety or his designated agents, upon the payment of a fee therefor of Fifteen Dollars (\$15.00) for each such movement. The Commission hereby authorized to issue to the operators of said special mobilized machinery special plates or other identifying evidence that the permit was obtained. Other provisions of this section relating to registration, fees, or licensing shall not apply to special mobilized machinery when the same is manufactured in this state relating to registration, fees, or licensing shall not apply to special mobilized machinery when the same is manufactured in this state or when modified or repaired. This subsection shall in no way be construed to exempt such equipment from the levy of ad valorem taxes.

It is provided that the size of the special mobilized machinery shall be such as to create a safety hazard in the judgment of the Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum road speed of thirty-five (35) miles per hour, designate highways to be traveled, hours of travel, and may exclude use of highways of the interstate system.

When such equipment has a width greater than eight (8) feet or a height in excess of thirteen (13) feet, the permit may designate highways to be traveled, hours of travel, and flagmen may be required to precede or follow the equipment.

Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways.

Amended by Laws 1977, c. 103, § 46, emerg. eff. May 30, 1977; Laws 1978, c. 209, § 2, eff. Oct. 1, 1978.

¹ Section 22 et seq. of this title.

² Should probably read "its".

§ 22.29. Repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977.

§ 22.30a. Licensing of new motor vehicles—Temporary procurement of registration and licensing by

A. The purchaser of every new motor vehicle shall register the motor vehicle within twenty (20) days from the date of purchase.