

ALASKA LEGISLATURE

COMMITTEE FILES

1987-1988

8672

5515

SSTA

SB

72

-

SB

95

1087

1 annual salary, a superior court judge is entitled to receive a geo-
2 graphic cost-of-living adjustment, based on the location of the
3 judge's primary office assignment, equal to 3.5 percent of the [HIS]
4 annual salary times the number of pay step increases provided under AS
5 39.27.020 for a state employee working in the same election district
6 in those districts for which AS 39.27.020 specifies zero-to-five pay
7 step increases. In an election district for which AS 39.27.020 spec-
8 ifies more than five pay steps, the number of pay step increases under
9 this section is limited to five. Any retirement benefits to which a
10 superior court judge may be entitled shall be computed only on the
11 annual salary.

12 * Sec. 4. AS 22.15.220(d) is amended to read:

13 (d) Except as provided in AS 39.20.095, in [IN] addition to
14 annual salary, a district court judge is entitled to receive a geo-
15 graphic cost-of-living adjustment, based on the location of the
16 judge's [HIS] primary office assignment, equal to 3.5 percent of the
17 [JUDGE'S] annual salary times the number of pay step increases pro-
18 vided under AS 39.27.020 for a state employee working in the same
19 election district in those districts for which AS 39.27.020 specifies
20 zero-to-five pay step increases. In an election district for which AS
21 39.27.020 specifies more than five pay steps, the number of pay step
22 increases under this section is limited to five. Any retirement bene-
23 fits to which a district court judge may be entitled shall be computed
24 only on the annual salary.

25 * Sec. 5. AS 37.05 is amended by adding a new section to read:

26 Sec. 37.05.335. LIMITATIONS ON CERTAIN GRANTS. (a) Notwith-
27 standing AS 37.05.318, a state agency may not grant state money to an
28 organization or entity to which this section applies unless the orga-
29 nization or entity agrees to comply with the salary limit established

1 in AS 39.20.095 during the term of the grant. If an organization or
2 entity violates an agreement to comply with AS 39.20.095, it shall
3 return any state money it has received for that year and shall be
4 ineligible to receive further funding under the grant.

5 (b) This section applies to grants to a person, organization, or
6 entity that received at least 50 percent of its annual budget from the
7 state treasury during the previous fiscal year or that projects that
8 it will receive at least 50 percent of its budget from the state
9 treasury during the current fiscal year.

10 (c) When an amount is appropriated or allocated as a grant under
11 AS 37.05.315, 37.05.316, or 37.05.317, the department responsible for
12 administering the grant shall notify the named grant recipient of the
13 requirements of this section. The department shall request the recip-
14 ient to file its agreement to comply with AS 39.20.095 if required
15 under (b) of this section. If the department is requesting proposals
16 from other qualified persons, organizations, or entities under AS 37.-
17 05.316 or 37.05.317, the department shall also notify them of the
18 requirements of this section. The department shall request them to
19 file an agreement to comply with AS 39.20.095 if required under (b) of
20 this section.

21 (d) In this section "state" has the meaning given in AS 39.20.-
22 095.

23 * Sec. 6. AS 39.20 is amended by adding a new section to read:

24 Sec. 39.20.095. SALARY LIMIT FOR CERTAIN PUBLIC EMPLOYEES. (a)
25 Notwithstanding the provisions of AS 23.40 (the Public Employment
26 Relations Act) and AS 14.20.550 - 14.20.610, the state may not pay an
27 officer or employee a basic salary that is greater than the salary of
28 the governor under AS 39.20.010.

29 (b) In this section

1 (1) "basic salary" is a person's salary including cost-of-
2 living adjustments, geographical differentials, length-of-service
3 increases, and adjustments in the nature of incentive, performance,
4 and year-end bonuses; "basic salary" does not include overtime compen-
5 sation, shift differentials, hazardous duty pay, travel per diem, or
6 travel allowances;

7 (2) "state" includes the executive, legislative, and judi-
8 cial branches of state government; the University of Alaska; school
9 districts; political subdivisions of the state, including municipal-
10 ities; and state instrumentalities, boards, commissions, and author-
11 ities if the instrumentality, board, commission, or authority receives
12 at least 50 percent of its annual budget from the state treasury.

13 * Sec. 7. AS 39.27 is amended by adding a new section to read:

14 Sec. 39.27.027. SALARY LIMIT. Notwithstanding AS 39.27.020 and
15 39.27.022, the state may not pay an officer or employee a salary that
16 exceeds the salary limit under AS 39.20.095.

17 * Sec. 8. AS 42.40.110 is amended by adding a new subsection to read:

18 (c) If the corporation receives at least 50 percent of its
19 yearly budget by direct appropriation or grant from the state trea-
20 sury, the board may not fix a basic salary for the chief executive
21 officer or approve basic salaries for other executive officers that
22 exceed the basic salary of the governor under AS 39.20.010. For
23 purposes of this subsection, "basic salary" has the meaning given in
24 AS 39.20.095.

25 * Sec. 9. AS 42.40 is amended by adding a new section to read:

26 Sec. 42.40.715. EMPLOYEE SALARY LIMIT. Notwithstanding other
27 provisions of this chapter, if the corporation receives at least 50
28 percent of its yearly budget by direct appropriation or grant from the
29 state treasury, the corporation may not pay an employee a basic salary

1 that is greater than the salary of the governor under AS 39.20.010.

2 In this section, "basic salary" has the meaning given in AS 39.20.095.

3 * Sec. 10. Nothing in this Act terminates or modifies a collective
4 bargaining agreement or other contract if the agreement or contract is in
5 effect on the effective date of this Act. However, an employer subject to
6 this Act may not renew or extend a contract after the effective date of
7 this Act unless the contract complies with this Act.

8 * Sec. 11. Nothing in this Act infringes on the independence of the
9 University of Alaska or the Alaska Railroad Corporation except the pro-
10 visions that impose a salary limit on employees.

11 * Sec. 12. This Act takes effect immediately under AS 01.10.070(c).
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ALASKA RAILROAD CORPORATION



P.O. Box 7-2111 • Anchorage, Alaska 99510-7069

January 26, 1987

Senator Paul A. Fischer, Chairman
Health, Education and Social Services Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: SB No. 72, An Act Prohibiting Salaries for Certain
Employees from Exceeding the Governor's Salary

Dear Senator Fischer,

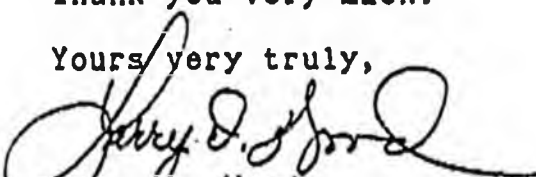
Thank you for inviting the Alaska Railroad Corporation ("ARRC") to comment upon proposed legislation which will limit salaries for certain employees. As you know, the limit will also apply to any person, organization, or entity which receives 50 per cent of its annual budget from the State.

As the enclosed position paper explains, we do not oppose the bill but suggest some amendments which will clarify the Act's application to all of ARRC's employees. We have also requested that the Corporation be mentioned in Section 10 which also recognizes the independence of the University of Alaska.

Unfortunately, Frank Turpin is out of town this week and is unable to send his personal greetings.

Thank you very much.

Yours very truly,


Larry D. Wood
General Counsel

cc: F.G. Turpin, President & CEO

Enclosure

3659L

SB No. 72: An Act Prohibiting Salaries for
Certain Employees from Exceeding the
Governor's Salary

January, 1987

I. INTRODUCTION

In addition to limiting State salaries generally, Senate Bill No. 72 seeks also to amend the Alaska Railroad Corporation Act ("ARCA"). The bill proposes that, should the Alaska Railroad Corporation ("ARRC") receive at least fifty percent of its annual budget by direct appropriation or grant from the State treasury, ARRC's board of directors may not fix a salary for the chief executive officer or approve salaries for the other executive officers that exceed the salary of the governor.

As explained in detail below, ARRC does not oppose such an amendment. With the passage of its enabling legislation, the public corporation received a mandate to operate the railroad as a self-sustaining business until the railroad's eventual transfer to the private sector. In the unlikely event that that mission becomes frustrated or fails, and ARRC receives half of its operating revenues from State sources, little justification may exist to treat ARRC differently than State agencies which are 100% funded by State appropriations. ARRC recommends, however, that certain amendments be made to SB 72 to ensure that, in the event that salaries must be limited, all ARRC salaries are limited. We also recommend an amendment which will recognize and renew the fundamentally independent nature of the railroad's operations.

II. ANALYSIS

In 1985, the state legislature endowed ARRC with the mission of operating the Alaska Railroad on an independent, self-sustaining basis without financial appropriations from the state treasury. Since that time, ARRC has heeded that mission and has carried out the business of running the Railroad based solely upon railroad revenues. Should the time come, however, that ARRC can no longer sustain its financial independence and receives at least 50% of its funding from appropriations or grants from the state treasury, the vision of a financially independent railroad most likely would have failed. At the least, ARRC may have become a de facto State agency. No reasonable justification may then exist to hold the public corporation and its employees immune from the salary limitation recommended by SB 72. Accordingly, ARRC does not oppose Senate Bill No. 72's proposed amendment of ARCA.

However, despite a major economic downturn, ARRC is not presently in danger of failing in its mission of financial autonomy, nor will ARRC become heavily dependent on State financial resources in the foreseeable future. Consequently, the bill's amendment of ARCA may be unnecessary at this time.

The salary limitation could be imposed if and when ARRC receives substantial State funding. Nonetheless, if ARRC is not to be presently deleted from the bill, SB 72 should be modified to insure that it applies to all corporate employees.

Senate Bill No. 72 will limit some, but not all, salaries of ARRC employees should ARRC receive 50% of its annual budget from the State treasury. At the present time, only the salaries of the chief executive officer and the other executive officers would be affected.

Although Section 9 will unquestionably apply to the salaries of some members of State collective bargaining units, that section would not reach ARRC's represented employees. This would have the incongruous effect of allowing ARRC's represented employees in some cases to enjoy a higher salary than executive officers and the governor.^{1/}

In addition to failing to reach ARRC's represented employees, the bill also fails to encompass non-represented employees below the executive officer level. A recommended amendment, shown below, insures that the bill will apply to all ARRC employees.

Finally, while recognizing in Section 10 the special independent nature of the University of Alaska, Senate Bill No. 72 overlooks ARRC's concomitant independent nature and its special direction to operate as a business separate and apart from the State. This managerial independence is a key ingredient, we believe, to the successful execution of the legislature's instruction that ARRC be self-sufficient. Accordingly, we ask that the peculiar aspects of railroad operations be acknowledged in SB 72's Section 10.

^{1/} Section 9 provides that the "state" may not renew or extend collective bargaining agreements unless the agreements comply with the Act. That section technically would not apply to ARRC since the bill generally and the definition of "state" specifically amend Title 39. Because corporation employees are not State employees, Title 39, including the State Personnel Act, does not apply to ARRC. See AS 42.40.710. Even if Section 9 were to be construed to reach ARRC's represented employees, it would still not achieve the State's desired result since ARRC is presently negotiating new contracts with its union and those contracts, when completed, will be "new" contracts, not "renewed" or "extended" contracts as stated in the proposed bill:

III. CONCLUSION

For the foregoing reasons, ARRC respectfully requests that Senate Bill No. 72 be amended in the following ways:

(1) A new Section 9 should be added to read as follows:

Sec. 9. AS 42.40 is amended by adding a new section to read:

Sec. 42.40.886. SALARY LIMIT. (a) Notwithstanding AS 42.40.710, if the corporation receives at least 50 percent of its yearly budget by direct appropriation or grant from the State treasury, the corporation may not pay an employee a basic salary that is greater than the salary of the governor under AS 39.20.010.

(b) Nothing in subsection (a) terminates or modifies a collective bargaining agreement or other contract which is in effect. However, the corporation may not renew, extend, or enter into a new contract or collective bargaining agreement unless the contract or agreement complies with subsection (a).

(2) Section 10 of Senate Bill No. 72 should be renumbered as Section 11 and amended to read as follows:

Sec. 11. Except as specifically provided herein, nothing in this Act infringes on the independence of the University of Alaska or the Alaska Railroad Corporation.

(3) Section 11 of Senate Bill No. 72 should be renumbered as Section 12.

3663L

ARRC

POSITION PAPER
(REVISED)
SB 72

SB 72 would limit basic salaries of all State employees to not more than the basic salary of the Governor.

The bill defines basic salary to include base pay, cost-of-living adjustments, geographic differentials, length-of-service increases (longevity increments), and adjustments in the nature of incentive, performance, and year-end bonuses. Excluded from the definition of basic salary are overtime compensation, shift differentials, hazardous duty pay, travel per diem, or travel allowances.

The salary limit proposed by SB 72 would apply to all political subdivisions, other instrumentalities, boards, commissions, and authorities that receive at least 50% of their annual budget from the State treasury; grant recipients that receive 50% of their annual budget from the State treasury; and the Alaska Railroad Corporation if it receives at least 50% of its budget by direct appropriation or grant from the State treasury. Sections 1 through 4 also apply the proposed salary limit to justices of the supreme court, judges of the appeals, superior and district courts.

This bill would have limited impact on the Executive Branch. There are currently only 17 employees whose base salary, as defined by SB 72, exceed the salary of the Governor. Five are employed by independent authorities; the attendant savings resulting from this bill are therefore minimal.

Another consideration is that this bill would reverse long-standing public policy in this state. Geographic differentials have been a matter of law since at least 1966. Longevity increments have been a matter of law since 1972. This bill would limit each of these when they operate to provide a salary greater than the Governor's salary.

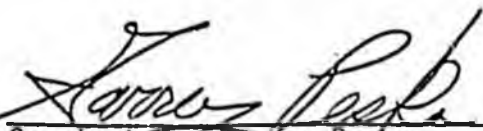
A final consideration that should be kept in mind is that the Governor's salary is set on a different basis than those subject to the State's classification and pay plans created under AS 39.250.150(a) and (b). Setting of the Governor's salary is essentially a political decision for a political office. In addition to the salary, the Governor receives housing through the budget for the Executive Mansion. The salary of jobs subject to the classification plan are based on a "fair and reasonable" compensation for services rendered and reflect the principle of like pay for like work expressed in AS 39.25.150(b).



Diana DeSimone, Director
Division of Personnel

1/29/87

Date



Commissioner Garrey Peska
Department of Administration

1/30/87

Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE (REVISED)

Bill version: SB 72
Publish Date: _____

REQUEST

Revision Date: 1/29/87 Agency Affected: A11
Title: An act prohibiting salaries for BRU: A11
certain employees from exceeding Gov.'s salary
Sponsor: Fischer Components: A11
Requestor: Senate State Affairs Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	(9.7)	(58.5)	(58.5)	(58.5)	(58.5)	(58.5)
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	(9.7)	(58.5)	(58.5)	(58.5)	(58.5)	(58.5)
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	(9.7)	(58.5)	(58.5)	(58.5)	(58.5)	(58.5)
FEDERAL FUNDS						
OTHER						
TOTAL	(9.7)	(58.5)	(58.5)	(58.5)	(58.5)	(58.5)

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See continuation.

Prepared By: Diana DeSimone *Diana DeSimone* Phone: 465-4430
Division: Personnel Date: 1/29/87

Approved by Commissioner: Garrev Peska *Garrev Peska* Date: 1/30/87
Agency: Department of Administration

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS
FOR SB 72

SB 72 would limit basic salaries of employees to not more than the salary of the Governor. The fiscal note assumes that the effective date will be May 1, 1987. It reflects 17 employees in the Executive Branch who are currently paid more than the Governor's base salary of \$81,648 per year. Five are employed by independent authorities. No assumptions are made for future years, so the amount is shown as a constant savings.

The full year savings are currently distributed as follows:

Department of Law	\$(15.5)
Department of Health and Social Services	(15.3)
Department of Natural Resources	(3.7)
Department of Transportation and Public Facilities	(10.3)
Department of Revenue (Alaska Permanent Fund Corporation)	(12.5)
Department of Commerce and Economic Development (Alaska Power Authority)	(1.2)
	<u>\$(58.5)</u>

Additional savings may be realized if those employees are included who would be earning more than the Governor except for their current reduced work weeks.

We note that there are no employees of the Legislature who would be affected by this bill. The effect on the Court System would not be realized until there are vacancies on the bench due to prohibitions on reducing the salary of judges during their tenure, unless the reduction is applied generally to all employees as provided by Article IV, Section 13, of the Alaska constitution. The salary of the Court Administrator is not protected by this section of the constitution.

We do not have information available to estimate the impact on other entities affected by the bill:

- University of Alaska
- Alaska Railroad
- Other quasi-public corporations that process their own payroll
- Grantees

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

May, 1988

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

Mary Van Nimwegen

SENATE State Affairs
February 2, 1987

Alaska State Legislature

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



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

State Senate

To: Senator Mitch Abood, Chairman
Members Senate State Affairs Committee

From: Senator Paul Fischer *PF*

Date: January 28, 1987

Subject: Summary of the effects of SB 72

If SB 72 becomes law, it will have these effects.

- (1) Makes no salary changes in present collective bargaining agreements or other contracts presently in effect.
- (2) Limits other public official's pay to the salary in effect for the Governor, which is now \$81,646.
- (3) Mandates that new, renewed or extended agreements and contracts must conform with the salary cap.
- (4) The ceiling effects any entity receiving at least 50% of its yearly budget from the state treasury.
- (5) This salary limit includes local municipalities, school boards and state grant money recipients, as well as, the University of Alaska, Alaska Railroad, and the AHFC, if they meet the 50% funding criterion.
- (6) The salary limit would take effect immediately.

This packet contains:

Sectional Analysis

Fiscal Note & Analysis

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 23, 1987

SUBJECT: Sectional Analysis of SB 72
(Prohibiting certain salaries from
exceeding the governor's)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of SB 72, prohibiting salaries for certain employees from exceeding the governor's salary. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1 - 4 clarify that the salary limit set out in section 6 of the bill apply to justices and judges of the state court system.

Section 5 prohibits state agencies from granting state money to an entity unless the entity agrees to comply with the salary limit during the term of the grant. The prohibition applies to entities that received at least 50 percent of their annual budget from the state treasury during the previous fiscal year or that expect to receive that much during the current fiscal year.

Section 6 prohibits the state from paying an officer or employee a basic salary that is greater than the salary of the governor. Definitions for "basic salary" and "state" are contained in subsection (b).

Section 7 includes pay step differentials (commonly called geographical differentials) and longevity increments in the basic salary of an employee.

Section 8 applies the salary limit to the Alaska Railroad if it receives at least 50 percent of its yearly budget by direct appropriation or grant from the state treasury.

Senator Fischer
January 23, 1987
Page 2

Section 9 limits the application of the Act to preserve constitutionally-protected contract rights during the life of the contract but requires compliance with the Act if the contract is renewed or extended.

Section 10 clarifies that although the salary limit applies to the University of Alaska, the Act does not in other ways infringe on the independence of the University.

Section 11 is an immediate effective date clause.

If I may be of further assistance, please advise.

TC:mkr
m8/043

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 72
Publish Date: _____

REQUEST _____

Revision Date: _____ Agency Affected: A11
 Title: An act prohibiting salaries for BRU: A11
certain employees from exceeding Gov.'s salary
 Sponsor: Fischer Components: A11
 Requestor: Senate State Affairs Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	(6.2)	(37.2)	(37.2)	(37.2)	(37.2)	(37.2)
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	(6.2)	(37.2)	(37.2)	(37.2)	(37.2)	(37.2)
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	(6.2)	(37.2)	(37.2)	(37.2)	(37.2)	(37.2)
FEDERAL FUNDS						
OTHER						
TOTAL	(6.2)	(37.2)	(37.2)	(37.2)	(37.2)	(37.2)

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See continuation.

Prepared By: Diana DeSimone *Diana DeSimone* Phone: 465-4430
 Division: Personnel Date: 1/26/87

Approved by Commissioner: Garrey Peska Date: _____
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

CONTINUATION OF FISCAL NOTE ANALYSIS
FOR SB 72

SB 72 would limit basic salaries of employees to not more than the salary of the Governor. The fiscal note assumes that the effective date will be May 1, 1987. It reflects ten employees in the Executive Branch who are currently paid more than the Governor's base salary of \$81,648 per year. No assumptions are made for future years, so the amount is shown as a constant savings.

The full year savings are currently distributed as follows:

Department of Law	\$15.5
Department of Health and Social Services	7.7
Department of Natural Resources	3.7
Department of Transportation and Public Facilities	10.3
	<u>\$37.2</u>

Additional savings may be realized if those employees are included who would be earning more than the Governor except for their current reduced work weeks.

We note that there are no employees of the Legislature who would be affected by this bill. The effect on the Court System would not be realized until there are vacancies on the bench due to prohibitions on reducing the salary of judges during their tenure, unless the reduction is applied generally to all employees as provided by Article ~~X~~^{IV}, Section 13, of the Alaska constitution.

We do not have information available to estimate the impact on other entities affected by the bill:

University of Alaska
Alaska Railroad
Other quasi-public corporations that process their own payroll
Grantees

POSITION PAPER

SB 72

SB 72 would limit basic salaries of all State employees to not more than the basic salary of the Governor.

The bill defines basic salary to include base pay, cost-of-living adjustments, geographic differentials, length-of-service increases (longevity increments), and adjustments in the nature of incentive, performance, and year-end bonuses. Excluded from the definition of basic salary are overtime compensation, shift differentials, hazardous duty pay, travel per diem, or travel allowances.

The salary limit proposed by SB 72 would apply to all political subdivisions, other instrumentalities, boards, commissions, and authorities that receive at least 50% of their annual budget from the State treasury; grant recipients that receive 50% of their annual budget from the State treasury; and the Alaska Railroad Corporation if it receives at least 50% of its budget by direct appropriation or grant from the State treasury. Sections 1 through 4 also apply the proposed salary limit to justices of the supreme court, judges of the appeals, superior and district courts.

This bill would have limited impact on the Executive Branch. There are currently only ten employees whose base salary, as defined by SB 72, exceed the salary of the Governor. The attendant savings resulting from this bill are therefore minimal.

Another consideration is that this bill would reverse long-standing public policy in this state. Geographic differentials have been a matter of law since at least 1966. Longevity increments have been a matter of law since 1972. This bill would limit each of these when they operate to provide a salary greater than the Governor's salary.

A final consideration that should be kept in mind is that the Governor's salary is set on a different basis than those subject to the State's classification and pay plans created under AS 39.250.150(a) and (b). Setting of the Governor's salary is essentially a political decision for a political office. In addition to the salary, the Governor receives housing through the budget for the Executive Mansion. The salary of jobs subject to the classification plan are based on a "fair and reasonable" compensation for services rendered and reflect the principle of like pay for like work expressed in AS 39.25.150(b).

Diana DeSimone

Diana DeSimone, Director
Division of Personnel

1/26/87

Date

Commissioner Garrey Peska
Department of Administration

Date



Alaska Public
Employees Association **APEA**
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

TO: Senator Mitch Abood
Chairman, State Affairs Committee

FROM: Cherie Shelley, Executive Director

SUBJECT: SB 72, "Limiting State Employees Salaries"

DATE: February 2, 1987

Senator Fischer has introduced SB 72, an act prohibiting salaries from exceeding the salary of the governor. The Alaska Public Employees Association strongly opposes one provision of this bill. That is the inclusion in proposed AS 39.20.095 (b)(1) of geographical differentials as part of the base salary.

Geographical differentials are included in AS 39.27.020, and in the various collective bargaining agreements to which the State is a party, as a recognition that the cost of living differs radically from city to city in Alaska, and that a salary of X dollars buys less in Cordova than it does in Anchorage, and far less in Bethel or Nome. The State's own differential study, done in April 1985 (and which APEA's study showed understates rural costs), found that the costs of living is 45% higher in Barrow and Kotzebue, and 39% higher in Bethel, than in Anchorage. Thus the Governor's current statutory salary of \$85,728 (equal to Range 30, Step F on the salary schedule of AS 39.27.011(a)) actually has a purchasing power of only \$61,675 in Bethel, or \$59,123 in Barrow or Kotzebue. A ceiling should be uniform throughout the State.

In addition, by including geographical differentials in base salaries, SB 72 would cap state salaries in certain rural locations at a far lower level than is appropriate. Given the differentials determined by arbitrator McCaffree in his recent decision, the cap would affect the salary of a mid-level supervisor (Range 21) at the end of the longevity scale in Barrow/Kotzebue (42% differential) or Bethel (38% differential).

Fairbanks Field Office
825 College Road
Fairbanks, AK 99701
Telephone: (907) 458-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-8305

it would affect higher level supervisors (Range 23) in those locations even before they entered the longevity scale. In Nome, with a 34% differential, the cap would take effect for a Range 22 supervisor at the end of the longevity scale, or a Range 24 supervisor still in the merit steps.

In short, we believe that basic fairness to those State employees living in high-cost rural areas requires that geographical differential not be included in the proposed definition of basic salary in SB 72.

SSB

73

Alaska State Legislature

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



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

State Senate

Date: March 19, 1987

To: Senator Mitch Abood, Chairman
Senate State Affairs

From: Senator Paul Fischer *PF*

Subject: SB 72 "Limiting Salaries from Exceeding the Governor's"
SB 73 "Limiting outside Teacher Retirement Credits"

(C)
M

Both these bills have been heard in your Committee. I would greatly appreciate your favorable review and action as soon as possible.

I submitted a possible CS for SB 72 which would require union employees of the railroad to also be effected by this legislation. The backup information should be in your files.

When you last heard SB 73, the closing question was how to allow for Alaskans who do not currently hold a teaching job from being denied outside retirement credit. The argument was put forth that resident unemployed teachers should have the same opportunity as currently employed teachers do-- yet, somehow, close the door to newcomers to the State. After researching how to do this, I've concluded that such provisions or amendments would make the bill hopelessly complicated and unwieldy. I am requesting your favorable consideration on the original bill.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1987

SUBJECT: Sectional analysis of SB 73
(Repealing outside service credits under the
Teachers' Retirement System)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1 and 2 prohibit a member of the Teachers' Retirement System (TRS) who first joins the system on or after July 1, 1987, from claiming creditable outside service under TRS. "Outside service" is defined at AS 14.25.220(25) as

(25) "outside service" means service for full years as defined by (40)(A)(x) and (40)(B)(xi) of this section

(A) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an out-of-state public school within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

Senator Fischer
February 3, 1987
Page 2

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory - Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

Section 3 directs that the Act take effect July 1, 1987.

If I may be of further assistance, please advise.

TC:mkr
m8/088

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 73
Publish Date: _____

REQUEST _____

Revision Date: Bill/Res No: SB 73
Title: An Act relating to repealing
outside service credits under the TRS.
Sponsor: Fischer
Requestor: _____

Agency Affected: Administration
BRU: Retirement and Benefits
Components: Retirement and Benefits

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

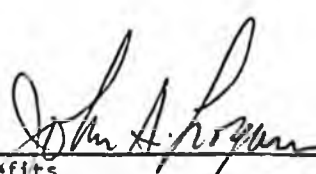
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER I/A & PGM RCPTS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

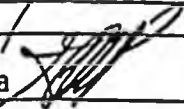
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

An analysis of the impact of this bill on the actuarial soundness of the Teachers' Retirement System (TRS) funds is provided in the attached letter to Senator Abood.

Prepared By: John A. Logan 
Division: Retirement and Benefits

Phone: (907) 465-4470
Date: February 2, 1987

Approved by Commissioner: Garrey Peska 
Agency: Department of Administration

Date: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

P.O. BOX CR
JUNEAU, ALASKA 99811-0203
PHONE: (907)465-4460

2600 DENALI ST. SUITE 401
ANCHORAGE, ALASKA 99503
PHONE (907) 277-7504

Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

STEVE COWPER, GOVERNOR

February 2, 1987

The Honorable Mitch Abood
Chairman, Senate State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Abood:

Re: Senate Bill 73

In accordance with AS 24.08.036, I am providing the analysis below on Senate Bill 73. The analysis includes the long-term and short-term savings to the state if the bill is adopted and the impact the bill will have on the actuarial soundness of the Teachers' Retirement System (TRS) funds.

This bill would prohibit the claiming of outside service in the TRS for members first hired on or after July 1, 1987. It is estimated to result in a .04% decrease in the TRS state contribution rate in FY 88. The state TRS payroll is estimated to be \$48,498,325 in FY 88 and to remain level each year thereafter. The TRS state match contribution rate would also decrease by .04% in FY 88. The TRS state match payroll is estimated to be \$345,200,891 and to remain level each year thereafter.

The savings of \$157.5 is calculated as follows:

The decrease in the TRS contribution rate
(.04%) times the estimated FY 88 University
of Alaska TRS payroll (\$43,057,037) equaling: [\$17.2]

Plus the decrease in the TRS contribution
rate (.04%) times the estimated FY 88 Department
of Education TRS payroll (\$5,441,288) equaling: [\$ 2.2]

Plus the decrease in the TRS state match
contribution rate (.04%) times the
estimated FY 88 TRS state match payroll
(\$345,200,891) equaling: [\$138.1]

Total state FY 88 savings [\$157.5]

The Honorable Mitch Abood

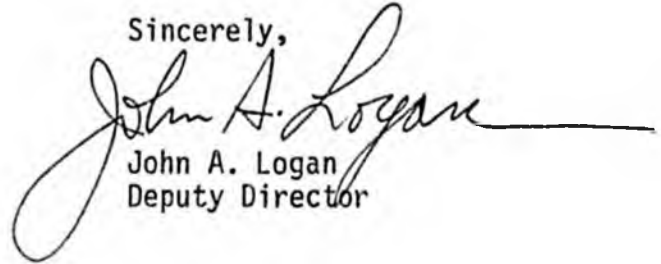
-2-

February 2, 1987

In addition to the state savings described above, there would be a decrease in the school districts' contribution rates of .04% which would result in savings of \$118.7 for FY 88 and each year thereafter.

There will not be any adverse impact on the actuarial soundness of the retirement systems funds if this bill becomes law.

Sincerely,

A handwritten signature in cursive script that reads "John A. Logan". The signature is written in black ink and extends across the page with a long horizontal flourish at the end.

John A. Logan
Deputy Director

JAL/cam/7

POSITION PAPER

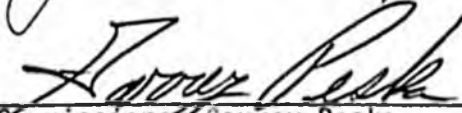
SB 73

This bill applies to members of the Teachers' Retirement System (TRS) who are first hired on or after July 1, 1987. It would prohibit TRS members from claiming credit for Outside service. This bill represents cost savings to the state and school districts. Cost containment measures in the TRS such as this could be used to help offset the cost associated with a change to the TRS statutes for an actuarially funded post retirement pension adjustment mechanism.

Because of the reasons stated above, the Department is neutral on this Bill.


Deputy Director, Division of Retirement & Benefits

2-3-87
Date


Commissioner Garrey Peska
Department of Administration

2/3/87
Date

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

Senate State Affairs

February 4, 1987

SB

74

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 74

Publish Date: _____

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to registration
of motor vehicles.

BRU: Motor Vehicles

Sponsor: Fischer

Components: Field Services

Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

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

REVENUE		(400.0)	(400.0)	(400.0)	(400.0)	(400.0)
---------	--	---------	---------	---------	---------	---------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

1985 receipts from motor vehicle registration/titling was \$24,000,000.00. Above revenue loss is based on 10% of vehicles being registered an average of two months after registration has expired. Assume effective date of July 1, 1987.

Prepared by: Bill Brown
Division: Motor Vehicles

Phone: 465-4335

Date: _____

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 2/3/87

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to registration of motor vehicles.
Sponsor: Fischer
Requestor: Senate State Affairs

Agency Affected: Public Safety
BRU: Division of Motor Vehicles
Components: Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

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

REVENUE	(400.0)	(400.0)	(400.0)	(400.0)	(400.0)	(400.0)
---------	---------	---------	---------	---------	---------	---------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

1985 receipts from motor vehicle registration/titling was \$24,000,000.00. Above revenue loss is based on 10% of vehicles being registered an average of two months after registration has expired. Assume effective date of July 1, 1988.

Prepared by: Jay N. Dulany JND
Division: Motor Vehicles

Phone: 269-5551
Date: 1/12/88

Approved by Commissioner: Charles A. H. [Signature]
Agency: Div. of Public Safety

Date: 1-28-88

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

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M

February 3, 1987

SUBJECT: Motor vehicle registration
SB 74

TO: Senator Paul Fischer

FROM: Michael F. Ford *M.F.*
Legislative Counsel

The following is a section by section analysis of SB 74:

Section 1 - Establishes registration procedures for motor vehicles. Allows renewal of registration to occur in the month of the owner's choice and requires the department to issue registration plates, tabs and a registration form.

Section 2 - Provides for expiration and annual renewal of registration. Provides that a registered vehicle retains the same annual expiration date, except that an owner may renew an expired registration for an annual period beginning the month the renewal registration fee is paid. Also allows multiyear registration.

MFF:mkr
m8/080

SSB

78

SENATE BILL 78

An Act relating to unauthorized use of handicapped parking

1/28/87 Work Draft of CSSB 78 (SA)

1/21/87 Original of SB 78

1/26/87 Brief explanation of bill prepared by Senator
Kertulla's office

1/26/87 Position Paper and Fiscal Note from Department of
Public Safety

Copy of statutes modified by SB 78

BILL NO: SB 78

DATE: 1/26/87

TITLE: "An Act relating to unauthor-
ized use of handicapped
parking.

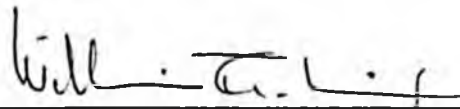
CONTACT: Maj. Walter J. Gilmour
Acting Director

POSTED BY PAPER / DEPARTMENT OF PUBLIC SAFETY

The Division of Alaska State Troopers supports passage of this legislation.

Too often citizens ignore the necessity of handicapped parking restrictions. No state statute has previously existed to enforce handicapped parking, only municipal ordinances in certain jurisdictions.

Passage of this bill will provide statutory authority to state and local law enforcement agencies to enforce handicapped parking restrictions.



WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 78
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act relating to unauthorized use of handicapped parking."
Sponsor: Sen. Kerttula
Requestor: Senate State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & C.I.B.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JNR
1/26/87 Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/26/87

Approved by Commissioner: William R. Nix *W. Nix*
Agency: Public Safety

Date: 1/26/87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

January 26, 1987

Senate Bill No. 78

An Act relating to unauthorized use of handicapped parking.

This is a bill simply to make unauthorized use of handicapped parking an infraction. This makes it possible to set a fine and to take action when a car without a permit parks in the handicapped parking areas around a Shopping Mall or other areas in a Borough or City.

It is extremely unhandy for a person in a wheelchair to go from his/her car into a store if they have to park even two cars away from the ramp and door of a facility.

In sunny nice weather there aren't many problems but let it rain or snow or sleet and then others use the parking places designated for the handicapped because, frankly, it is simply handier or you stay drier using these spaces. This bill makes it illegal and allows a penalty.

I was assured by Mr. Brown at the Department of Motor Vehicles that this bill was important and that it was a necessary bill for enforcing unauthorized use of handicapped parking. He also assured me that although they now have a regulation, there are also limitations that make it less than satisfactory in particular situations.

This is a step toward making life a bit simpler and easier for the handicapped and I ask that the bill be moved out of committee.

Prepared by Sen. Kerthula's office.

5-0391B
Ford
1/28/87

Original sponsor: Kerttula

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
 2 ~~CS~~ FOR SENATE BILL NO. 78 (State Affairs)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FIFTEENTH LEGISLATURE - FIRST SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to unauthorized use of handicapped
7 parking."

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

9 * Section 1. AS 28.35 is amended by adding a new section to read:

10 Sec. 28.35.235. UNAUTHORIZED USE OF HANDICAPPED PARKING. (a) A
 11 person may not park a motor vehicle in a parking place reserved for
 12 disabled or medically handicapped persons unless the person has a
 13 special permit issued by the department under AS 28.10.495 or the
 14 motor vehicle displays a special license plate issued to disabled or
 15 handicapped persons under AS 28.10.181(d).

16 (b) A person who violates this section is guilty of an infrac-
 17 tion. ~~Upon conviction the court shall impose a fine of not less than~~
 18 ~~\$100.~~

26 ~~—~~ New language appearing in CS.

S B

85



ALASKA STATE CHAMBER OF COMMERCE

310 Second Street
Juneau, Alaska 99801
(907) 586-2323

C
APCC bill
my

April 8, 1987

The Honorable Joe Josephson
Alaska State Senate
Post Office Box V
Juneau, AK 99811

Dear Joe:

Sorry to be so long in responding to your March 18 letter concerning SB 85. You are correct in stating the legislation would drastically affect our participation in the political process.

As I read the legislation, it would prevent corporations from giving either to candidates or PAC's, and prevents PAC's from giving money to individual candidates -- the principal purpose for which PAC's were formed. In effect, it would eliminate the business community's participation in the political process.

From our viewpoint, our PAC, the Alaska Business Political Action Committee, as well as other business oriented PAC's, have had much to do with what we perceive as a great turn around over the past few years in legislative attitudes toward business issues. To take that ability away would be grossly unfair to that sector of Alaska which literally pays for the operation of State government.

Granted there may have been abuses of the current system, but in one swoop to do away with our participation in that system is not right. There must be a better way.

Thanks for your interest.

Cordially,

George Krusz
President

GK:cbr

RECEIVED
APR 13 1987

S B

86



National Council of State Garden Clubs, Inc.

Providence, Ky.
March 31, 1986

RECEIVED
MAY 23 1986

Dear Legislative Chairman:

Within the past year, commercial interests related to gardening combined their efforts to have National Garden Week established in April rather than June as National Council of State Garden Clubs, Inc. has proposed and promoted.

Through Senator Mark Hatfield of Oregon, SJR 136 was introduced in the U. S. Senate and was passed on June 18, 1985. Soon after, a corresponding House Joint Resolution (HJR 266) was introduced by Representative Luken of Ohio. This HJR has been referred to the Post Office/Civil Service Committee.

Since the legislation to establish National Garden Week from June 1-8 seems to be in trouble in Washington, National Council wishes to have this legislation introduced and passed in all State Legislatures by April 1987.

Some states have already passed this legislation, and we would like to know the status of this legislation in every state. I know that the Kentucky Legislature enacted this legislation in 1983.

Please investigate the status of your state, and I would appreciate your informing me of your findings as quickly as possible. It is important that this date be set by an act of the legislature rather than by proclamation as a proclamation expires after June 8th. If your legislature is not in session, -however, this date could be set by a Proclamation which would be most helpful this year.

I would also appreciate you sending me a Legislative Report on other legislative activities in your state by April 30th.

Sincerely,

Genev Blue
Mrs. J. Murray Blue (Genev
National Legislative Chair
300 West Main Street
Providence, Ky. 42450



National Council of State Garden Clubs, Inc.

Providence, Ky.

April 16, 1986

Dear Legislative Chairman,

National Council of State Garden Clubs, Inc. would like to have all garden clubs celebrate National Garden Week from June 1-7. This is the time to have flower shows, displays in malls, radio and television programs, talk shows, etc. to proclaim to everyone that we, as gardeners, are showing "Pride In The Land".

I am enclosing an article by our publicity chairman, Mrs. Harold V. Pasley, which will give some ideas on how to accomplish this observance. This would be an excellent time to recruit new gardeners and increase our membership.

A number of our states have enacted in their state legislatures a bill to establish "Garden Week" the first full week in June of each year, while other states have asked Mayors and Governors to issue a proclamation which would proclaim the first week in June as Garden Week.

A proclamation would expire after June 7th, however, legislation would remain from year to year. The real importance is that we let everyone know that this week is the time for a celebration of better gardening and a more beautiful America.

National Council of State Garden Clubs, Inc. does not participate in political activity, and if you desire to seek legislation for setting this date, it must be done on an individual basis.

Please help your president make plans for an exciting observance of this week. Let's show America that we are dedicated to "Gardening With Pride In The Land."

Sincerely,

Geneva Blue (Mrs. J. Murray)

NATIONAL GARDEN WEEK

JUNE 1 - 7

With the theme of our National Council President, Mrs. John N. Fehrer "Pride in the Land" in particular focus this year, members of our 10,553 garden clubs will celebrate NATIONAL GARDEN WEEK June 1 - 7, the first full week in June. Although observances will be varied in form, NATIONAL GARDEN WEEK is an event which brings a sense of togetherness among us and a sense of pride in membership in a garden club federated with the National Council of State Garden Clubs, Inc., the largest organization in the world devoted to gardening in its broad context. Community residents will respond favorably to well-planned observances and these provide our organization with visibility in a very positive way--the ideal climate for securing new club members.

A strong, nation-wide effort to project NATIONAL GARDEN WEEK and "PRIDE IN THE LAND" is now in progress under the direction of Mrs. Graem Yates, Fourth Vice-President and Promotion Coordinator, National Council of State Garden Clubs, Inc., who has completed plans with the McDonald Corporation to carry this message:

SHOW PRIDE IN THE LAND
OBSERVE NATIONAL GARDEN WEEK, JUNE 1 - 7
NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.

on its community service readerboards located in the interior of each restaurant throughout our country.

NATIONAL GARDEN WEEK is our opportunity to tell the story of gardening and its benefits; aesthetic, economic and therapeutic and to tell the story of the importance of garden clubs. Let it be known that the idea of a NATIONAL GARDEN WEEK originated in The National Council of State Garden Clubs.

Whatever may be the form of observance, do relate it to your garden club, your state federation and our National Council of State Garden Clubs, Inc. and to our National Council President's theme "Pride in the Land".

Television and radio stations schedule community service time with advance reservation. It will be an educational experience to participate in a "talk show" not only discussing horticultural practices but also explaining selected National Council programs relating them to your area when applicable, our conservation and environmental concerns and our contributions to the betterment of our country: In a shopping mall, set up a display or a "how to do" exhibit including information about your own club and its projects. Place an artistic design in a location where it can be appreciated. Plan something special for garden therapy.

Within the past year, commercial interests related to gardening, combined their efforts and introduced SJR 136 in the U.S. Senate to hold a "National Gardening Week" beginning on April 13, 1986. The Resolution passed in the Senate on June 18, 1985. Soon thereafter, a corresponding Resolution was introduced in the House of Representatives (HJR 266) which is, as of this writing, yet in the Post Office/Civil Service Committee. It is understood that, should this Resolution become a reality, its duration would be for one year.

Be that as it may, together we will continue on to work, without interruption, for our NATIONAL GARDEN WEEK,

So much work has already been done in that direction by so many people in our organization that it seems in order to proceed to accomplish what is evident our members want, a NATIONAL GARDEN WEEK, in perpetuity.

A number of our states have enacted in their state legislatures a Bill to establish a Garden Week the first full week in June of each year. It is the goal that all states will have such legislation by June 1987, the conclusion of the present biennium. We will then have achieved a NATIONAL GARDEN WEEK for always. Mrs. J. Murray Blue, National Council Legislation Chairman, will direct this activity.

Celebrate NATIONAL GARDEN WEEK June 1 - 7, with pride in your membership and "Pride in the Land".

S B

B 9

SB89

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to extend the Alaska Women's Commission for the more-or-less standard four years. It is currently scheduled to "sunset" June 30, 1987. This commission provides valuable services and should be continued.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Cowper".

Steve Cowper
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST

Bill/Resolution No.: SB 89
 Title: An Act extending the Alaska Women's Commission and providing for an effective date.
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Office of the Governor
 BRU: Alaska Women's Commission
 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	164.4	164.4	164.4			
TRAVEL	27.0	20.1	20.1			
CONTRACTUAL	58.5	27.6	27.6			
SUPPLIES	2.0	2.0	2.0			
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	251.9	214.1	214.1			

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	251.9	214.1	214.1			
FEDERAL FUNDS	9.0					
OTHER						
TOTAL	260.9	214.1	214.1			

POSITIONS :

FULL-TIME	4.0 *	3.0 **	3.0			
PART-TIME	0	0	0			
TEMPORARY	.5	0 xxx	0			

ANALYSIS : Attach a separate page if necessary

* One position will remain vacant to absorb the FY87 budget decrease.

** Will be reduced by one position.

xxx Loss of federal funds

Prepared by: Christine Callahan
 Division: Alaska Women's Commission

Phone: 561-4227
 Date: 11/18/86

Approved by Commissioner: *Michael A. Niguel*
 Agency: _____

Date: 11-24-86

Distribution (by Agency preparing fiscal note):

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

SB

90

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of FEB, 4 1987 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

**FISCAL NOTE(S) ATTACHED / **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/29/87

DATE TURNED INTO OFFICE 2/9/87

Mr. President:

STATE AFFAIRS Committee considered SB 90

relating to the eligible age for service in the militia of the state; efd.

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

[X] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [X] attached or [] adopted fiscal note(s)
[X] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

John Smith
Jack Johnson

[Signature]
Chairman signature and recommendation

[] Committee Backup Attached

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

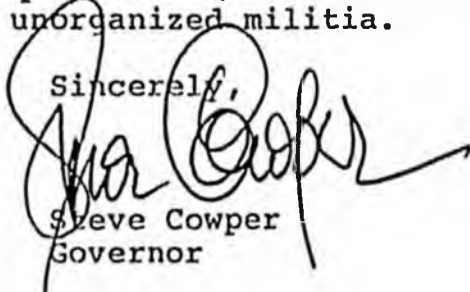
Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to eligibility for service in the militia of the state. The bill amends AS 26.05.010 to remove from the statutes an age ceiling for eligibility in the Alaska State Militia. AS 26.05.010(a) currently states that "able-bodied citizens" between 17 and 59 years of age, with certain other qualifications, comprise the militia of the state.

The Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia (sometimes referred to as the Alaska State Guard) are all components of the organized "militia of the state." It is felt that many Alaskans beyond age 59 are capable of participation in the Alaska State Militia component. Rather than setting a special statutory age limit for that component, it is more appropriate to remove the 59-year age limit from the statute, and authorize the adjutant general to adopt regulations setting the appropriate maximum age for eligibility for the Alaska State Militia. The statutory age limits for the other components of the militia remain, although in slightly different form (see proposed AS 26.05.010(c)).

Section 2 of the bill merely amends AS 26.23.230(7) to assure consistency among the provisions, in two different AS chapters, pertaining to the unorganized militia.

Sincerely,


Steve Cowper
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST SB 90
 Bill/Resolution No.: Law Log #773-87-0003
 Title: Eligibility age in the Alaska
State Militia
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Military & Veterans Affairs
 BRU: Alaska National Guard
 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact on this department.

Prepared by: Richard L. Rountree, Director Phone: 465-4600
 Division: Administrative & Support Services Date: 10/13/86
 Approved by Commissioner: Richard L. Rountree Date: 10/13/86
 for MG Edward G. Paqano
 Agency: Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):

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

1987 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 29 August 1986

DEPARTMENT: Department of Military and Veterans Affairs

SUBJECT OF PROPOSED BILL: Alaska Militia Active Service Age

SUMMARY/EXPLANATION OF INTENT:

AS 26.05.010 establishes the militia of the State and describes the composition plus age limitations. It is believed that many Alaska residents are capable of participation in militia beyond age 59. The original law was written many years ago. Our nation's mortality tables have since been changed to show extended citizen lifespans.

The current law states:

"Sec. 26.05.010. Alaska Militia Established. (a) The militia of the State consists of all able-bodied citizens of the United States and all other able-bodied persons who have declared their intention to become citizens of the United States, who reside in the State, and who are between the ages of 17 and 59 years, inclusive, and are eligible for military service under the laws of the United States or this State.

(b) The militia is divided into two classes:

- (1) the organized militia, consisting of the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia, and
 - (2) the unorganized militia, consisting of all qualified persons available for service but not serving in the organized militia.
- (Subsection 2, Chapter 150, SLA 1955; am Subsection 1, Chapter 44, SLA 1968; am Subsection 1, Chapter 141, SLA 1972.)"

ESTIMATED FISCAL IMPACT:

Capital: None

Operating: None

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous sessions? Yes. Department of Law file no.: 377-014-86.

Rate this bill's importance to the department by priority number (in relationship to your department's other requests if any). 3

COMMISSIONER'S SIGNATURE: _____

Edward C. Pagan

DATE: _____

29 August 1986

Governor's Office Recommendation

DEPARTMENT OF LAW

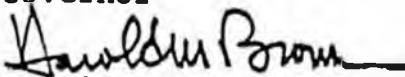
POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

January 13, 1985

M E M O R A N D U M

TO: Honorable Bill Sheffield
Governor

FROM: 
Harold M. Brown
Attorney General

RE: Attached bill regarding military service age
Our file: 377-014-86

Attached is a bill deleting from AS 26.05.010(a) the maximum age for eligibility in the Alaska State Militia. The Department of Military and Veterans' Affairs requested this legislation, and Ray Gillespie approved the request on September 10, 1985.

AS 26.05.010(a) currently provides that only citizens between 17 and 59 years of age, with certain other qualifications, comprise the militia of the state. The militia is composed of several components: the "organized militia," consisting of the Alaska National Guard, Alaska Naval Militia, Alaska State Militia; and the unorganized militia. AS 26.05.010(b). The adjutant general would like to raise the age ceiling for members of the Alaska State Militia, which is sometimes referred to as the Alaska State Guard, to 70 years of age. The bill removes the statutory age limit for the Alaska State Militia, while providing instead that the adjutant general may prescribe the maximum age for eligibility in this group by regulation. The bill continues the 59-year age ceiling for the Alaska National Guard and Naval Militia; the same age limit applies to the unorganized militia.

A draft transmittal letter to the legislature is also attached.

HMB:SDC:pjg

cc w/enc.: Honorable Edward Pagano
Adjutant General
Dept. of Military & Veterans' Affairs

Maj. Bowen

SB

95

BILL NO: SB 95

DATE: February 6, 1987

TITLE: An Act relating to
renewal of a driver's
license

CONTACT: Charles R. Hosack
269-5551

DEPARTMENT OF
PUBLIC SAFETY

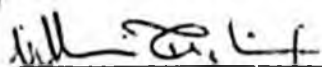
This bill would allow drivers to renew their driver's license by mail if they meet certain criteria. To be eligible for the program a driver must not have had a suspension, revocation, or denial of license because of a DWI conviction, accumulation of points, or resulting from a chemical sobriety test, or refusal to submit to the breath test following an arrest for DWI within the past five years. The driver also must not have had a conviction for a moving violation within the past five years. A driver may renew by mail for two consecutive five year periods provided the criteria is met.

The advantage of the bill is that it will make it easier for a person to renew a driver's license without the need to go to a DMV office. This serves as a reward for those with clean driving records. Another advantage is that it will reduce congestion somewhat in the motor vehicle offices throughout the state.

The disadvantage of the program is that a person may be allowed to drive for up to 15 years without vision screening at license renewal. This vision screening is often the first real indication that their vision has deteriorated to the point of becoming a hazard. The other disadvantage is that a driver may go for 15 years without a current photo on the license which could be detrimental to financial institutions and law enforcement.

This bill will reduce workload somewhat at the field offices, but it will also generate work to prepare and process the mailings. The savings and the new work will offset each other so there will be no change in personnel. Of the 42,000 drivers eligible for the program annually, the division estimates that 12,600 will take advantage of it. This estimate is based on the percentage of drivers that use the mail-in vehicle registration program annually.

The department is neutral on this bill.


WILLIAM R. NIX
Acting Commissioner

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 95
Publish Date: _____

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to renewal of
a driver's license.

BRU: Motor Vehicles

Sponsor: Kerttula

Components: Field Services

Requestor: Senate State Affairs

EXPENDITURES/REVENUES. (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		25.0	10.3	10.6	10.9	11.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		25.0	10.3	10.6	10.9	11.2

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		25.0	10.3	10.6	10.9	11.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See page 2.

A 3% inflation factor was used for FY89 and subsequent years.

Prepared by: Charles R. Hosack
Division: Motor Vehicles

Phone: 269-5551
Date: 2-6-87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 2/6/87

Distribution (by preparer):

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

JNR
2/6/87

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 95

ASSUMPTIONS:

1. Each year 80,000 licenses are due for renewal. (400,000 active licenses divided by 5 year license term)
2. Of these, 70%, or 56,000, will be eligible for mail renewal, and will be sent notices. The other 30% will have a license action or conviction making them ineligible for this program.
3. Of the eligible drivers, 25% have left the State during the 5 year period leaving 42,000 drivers who could take advantage of the program. (Percentage is based on renewal statistics for 1986.)
4. Of these drivers, only 30%, or 12,600, will take advantage of the mail renewal program. The 30% estimate is based on the actual figures from the mail-in vehicle registration program. Other factors affecting this figure will be drivers who have changed addresses and have not notified DMV, and drivers who wish to have a new photo, personal information, or new address recorded on the actual license.

EXPENDITURES:

Contractual	
Postage	
56,000 notices @ \$.18	10.1
12,600 renewals @ \$.22	2.8
Forms	
Renewal notices and stickers	1.5
Savings on photo licenses (12,600 @ \$.75)	(9.4)
Data Processing Costs	
Initial programming (one time cost)	15.0
Monthly runs of renewal notices	5.0
	<u>25.0</u>

ANALYSIS:

Personnel costs were not included because there will be no change in this area. Due to this program it is estimated there will be 12,600 less customers annually statewide in the field offices, which will result in some savings. At the same time, there will be extra work to do the monthly mailing, update the records, and process the returns for mailing. The savings and the extra work are roughly equal, resulting in no change in personnel costs.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 95

ASSUMPTIONS:

1. Each year 80,000 licenses are due for renewal. (400,000 active licenses divided by 5 year license term)
2. Of these, 70%, or 56,000, will be eligible for mail renewal, and will be sent notices. The other 30% will have a license action or conviction making them ineligible for this program.
3. Of the eligible drivers, 25% have left the State during the 5 year period leaving 42,000 drivers who could take advantage of the program. (Percentage is based on renewal statistics for 1986.)
4. Of these drivers, only 30%, or 12,600, will take advantage of the mail renewal program. The 30% estimate is based on the actual figures from the mail-in vehicle registration program. Other factors affecting this figure will be drivers who have changed addresses and have not notified DMV, and drivers who wish to have a new photo, personal information, or new address recorded on the actual license.

EXPENDITURES:

Contractual

Postage

56,000 notices @ \$.18	10.1
12,600 renewals @ \$.22	2.8

Forms

Renewal notices and stickers	1.5
Savings on photo licenses (12,600 @ \$.75)	(9.4)

Data Processing Costs

Initial programming (one time cost)	15.0
Monthly runs of renewal notices	<u>5.0</u>
	25.0

ANALYSIS:

Personnel costs were not included because there will be no change in this area. Due to this program it is estimated there will be 12,600 less customers annually statewide in the field offices, which will result in some savings. At the same time, there will be extra work to do the monthly mailing, update the records, and process the returns for mailing. The savings and the extra work are roughly equal, resulting in no change in personnel costs.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

Senate State Affairs
February 9, 1981

Alaska State Legislature

Senate Advisory Council



P.O. Box V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

MEMORANDUM

TO: Senator Kerttula
Alaska State Legislature

ATTN: Beth Kerttula

FROM: Lee Ann Lucas *lal*
Senate Advisory Council

DATE: February 26, 1987

RE: Renewal by Mail of Driver Licenses
Research Request 87-003173

I contacted Mr. Jerry Holman, Division of Motor Vehicles, who is Program Director for Arizona's renewal by mail program which went into effect January 1, 1987.

Mr. Holman related that the program has presently generated 57,000 applications and he expects it to generate 200,000 applications by the end of the year. Mr. Holman stated that Arizona had looked at California's demonstration program prior to implementing a program; however, Arizona did not model their legislation after California.

Mr. Holman pointed out that Subsection A, paragraph 5 of ARS 23.426.01 (copy attached) has been extended to include vision testing at any state motor vehicle office due to complaints by individuals who do not want to or cannot afford to spend the money to have a vision test by a licensed ophthalmologist, optometrist or physician.

I have asked Mr. Holman to send relevant information on the program as well as any background materials on the enacting legislation. I will make copies available to you as soon as they are received.

LAL:lal
Attachment

TRANSPORTATION

TRANSPORTATION

§ 28-426.01

of a violation of the licensee shall be entitled to provisions of this chapter. or vehicle in any manner used to him.

for in § 3 of this act and to avoid uneven workloads in calendar years 1986, 1987 and 1988 may issue or renew licenses for three years in accordance with the following schedule:

renewal workload as uniformly as practicable throughout the twelve months of the calendar year.

Calendar Year	Not to Exceed
1984	75%
1985	50%
1986	25%

"D. The provisions of this section expire from and after December 31, 1986."

ences, see § 13-801 et seq. risonment, see § 13-701 et

1977 Reviser's Note:

In the section heading "; renewal" was inserted pursuant to authority of § 41-1304.02.

Library References

Automobiles § 136.
C.J.S. Motor Vehicles §§ 21, 146 et seq.

"B. The director of the department of transportation may enact rules which will establish a random basis for selection of applicants to be issued a three year license so as to distribute the

§ 28-426.01. Driver's license; renewal by mail; application; eyesight standards; rules; violation; classification

A. On payment of the fee prescribed in § 28-205, the department may renew by mail the operator's or motorcycle operator's license of a person who meets all of the following requirements:

1. Has not been convicted of a moving traffic violation pursuant to chapter 6 of this title for the four years immediately preceding the determination of eligibility for renewal under this section.
2. Has not had his license suspended, revoked, cancelled or denied according to the records of the department for the four years immediately preceding the determination of eligibility for renewal under this section.
3. Is renewing the license for the same class of license currently held.
4. Is not seventy years of age or older.
5. If sixty years of age or older, has presented or mailed to the department on a form prescribed by the department a report based upon an examination not more than three months prior to the date of its submission of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine.
6. Has been issued a driver's license for at least seven years, the last three years of which have been issued by this state.
7. The license issued by this state has not been renewed by mail in the last four years immediately preceding the expiration of the current license.

B. The department shall notify persons meeting the requirements of subsection A of this section that they may renew their license by mail and shall enclose an application in the form prescribed by the director. If renewing by mail, the applicant shall complete and return the application to the department.

C. The department shall issue a certificate of renewal to those applicants qualifying which shall include the applicant's name, date of birth, address, driver's license expiration date, number of the license renewed and other information as the department requires. The certificate is not valid until it is signed by the applicant and attached to the last license issued by this state which contains the photograph of the applicant.

D. The department shall decide whether in each case the eyesight reported pursuant to subsection A, paragraph 5 of this section is sufficient to meet current eyesight standards.

E. An ophthalmologist or optometrist licensed to practice in this state who examines a person licensed under this article and determines that such a person does not meet the standards set by the medical advisory board pursuant to § 28-433 shall notify the director of such failure to meet the standards. Upon receipt of such a notification, the director shall promptly notify the individual that his eyes must be examined within ten days of notification as prescribed by the director. If the individual fails the eye examination or fails to report for the eye examination, his license shall be revoked until such time that he passes the examination.

ion by mail

operator's or chauffeur's the applicant's birthday.

six months prior to the res four years from the require an examination of

chauffeur's license expires to renew his operator's or te of his discharge from

operator's or motorcycle of this state at the time the period to last at least thirty not extend the expiration by the applicant of the fee of extension which is valid In addition, applicants for

applicants, except that the

§ 28-205, the department license of a spouse or child armed forces of the United photograph of the licensee. applicant would be denied a in this state. In addition,

ants. § 3, Laws 1984, Ch. 31, §

enacting the provisions of the Revised Statutes, the director of transportation, in order to of the four year license provided

F. The department may promulgate rules for the issuance of the renewals of licenses under this section as it deems necessary for the safety and welfare of the traveling public.

G. Notwithstanding § 13-2704, a person who makes a false certification on an application permitted under this section is guilty of a class 1 misdemeanor.

Added by Laws 1986, Ch. 308, § 3, eff. Jan. 1, 1987.

¹ Section 28-601 et seq.

Effective January 1, 1987

For delayed effective date of provision of Laws 1986, Ch. 308, see Historical Note following § 16-112.

1986 Reviser's Note:

Pursuant to authority of § 41-1304.02, in the heading of this section "eyesight standards;" was added following "application;"

§ 28-427. Notice of change of address or name

Cross References

Service of notice of suspension, revocation, or cancellation of operator's or chauffeur's license, see § 28-453.

Law Review Commentaries

Name change, minors. 18 Ariz.L.Rev. 725 (1976).

§ 28-429. Records to be kept by department

A. The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each application a note of the reasons for the denial.
2. All applications granted.
3. The name of every licensee whose license has been suspended or revoked by the department and after each name a note of the reasons for the action.

B. The department shall also file all abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of the licensee and the traffic accidents in which he has been involved is readily ascertainable and available for the consideration of the department upon an application for renewal of license and at other suitable times.

C. The department shall maintain all such records for a period of five years after the application, suspension, revocation or abstract of a court record of conviction has become inactive.

Amended by Laws 1983, Ch. 66, § 2.

Notes of Decisions

1. Construction and application

In personal injury action wherein motorist and his wife alleged that State breached duty owed to them when motor vehicle department issued driver's license in violation of statute to driver with known history of psychomotor seizure who, while unconscious due to seizure, struck motorist and thereby injured him, substantial fact issue existed as to whether any duty state may have breached was owed to public generally and not to plaintiffs, precluding summary judgment. *Oleszczuk v. State* (1979) 124 Ariz. 373, 604 P.2d 637.

Statutory duties requiring motor vehicle department to keep records of driver's license applications, suspensions of licenses and reasons therefor and convictions and traffic accidents for all licensees and to establish medical advisory board to advise department of medical standards for driver licensing are specific and designed to protect that portion of public using highways. *Id.*

Portion of driver's license application which required applicant to indicate whether he was subject to epilepsy, seizures, or fainting spells was designed to protect persons who might be injured in automobile accident as result of driver suffering such spell. *Id.*

sued to him.

History.—s. 28, ch. 19551, 1939, CGL 1940 Supp. 4151(642), 8135(58); s. 28, ch. 2451, 1941; s. 1, ch. 29683, 1955; s. 1, ch. 57-757, s. 1, ch. 59-432; s. 2, ch. 67-174, s. 1, ch. 67-265; s. 1, ch. 69-81; s. 209, ch. 71-136, s. 1, ch. 71-144; s. 5, ch. 77-120; s. 14, ch. 77-121; s. 16, ch. 78-334, s. 10, ch. 79-3, s. 1, ch. 82-132, s. 1, ch. 85-121; s. 12, ch. 85-309.

322.17 Duplicate and replacement certificates.—

(1) In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of \$5, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence address, proof of birth as provided in s. 232.03, and proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the payment of a \$1 replacement fee, the department shall issue a replacement license to make a change in name, address, or restrictions.

History.—s. 29, ch. 19551, 1939, CGL 1940 Supp. 4151(643); s. 29, ch. 20451, 1941; s. 1, ch. 71-73, s. 2, ch. 75-228, s. 1, ch. 77-174, s. 5, ch. 85-98.

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(1) An original operator's, restricted operator's, or chauffeur's license may be issued only after the applicant successfully passes the required driver's license examination and presents the application to the department.

(2) Each applicant who is entitled to the issuance of a driver's license, as provided in this section, shall be issued a driver's license, as follows:

(a) An applicant applying for an original issuance shall be issued a driver's license which expires at midnight on the licensee's birthday which next occurs on or after the sixth anniversary of the date of issue.

(b) An applicant applying for a renewal issuance shall be issued a driver's license which expires at midnight on the licensee's birthday which next occurs 4 years after the month of expiration of the license being renewed, except that a driver whose driving record reflects no convictions for the preceding 3 years shall be issued a driver's license which expires at midnight on the licensee's birthday which next occurs 6 years after the month of expiration of the license being renewed.

(3) If a license expires on a Saturday, Sunday, or legal holiday, it shall be valid until midnight of the next regular working day and may be renewed on that day without payment of a delinquent fee.

(4) Except as otherwise provided in this chapter, all licenses shall be renewable every 4 years or 6 years, depending upon the terms of issuance and shall be issued upon application, payment of the fees required by s. 322.21, and successful passage of any required examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license.

(5) All renewal operator's licenses or chauffeur's licenses may be issued after the applicant licensee has been issued a certificate of eligibility by the department.

(6) If the licensee does not receive a certificate of eligibility, the licensee or applicant may apply to the department, under oath, at the nearest driver's license ex-

amining office. Such application shall be on a form prepared and furnished by the department. The department shall make such forms available to the various examining offices throughout the state. Upon receipt of such application, the department shall issue a license or temporary permit to the applicant or shall advise the applicant that no license or temporary permit will be issued and advise the applicant of the reason for his ineligibility.

(7) An expired Florida driver's license may be renewed any time within 12 months after the expiration date, with reexamination, if required, upon presenting to the department a valid certificate of eligibility and upon payment of the required delinquent fee or taking and passing the written examination. If the final date upon which a license may be renewed under this section falls upon a Saturday, Sunday, or legal holiday, the renewal period shall be extended to midnight of the next regular working day. The department may refuse to issue any license if:

(a) It has reason to believe the licensee is no longer qualified to receive a license.

(b) Its records reflect that the applicant's driving privilege is under suspension or revocation.

(8) To implement a 6-year license term for licensees whose driving record reflects no convictions for the preceding 3 years, the department may issue a one-time 4-year license extension by mail, without reexamination, for licenses which expire between November 1, 1985, and October 31, 1989.

(a) If the department determines from its records that the holder of a license about to expire has no convictions for the preceding 3 years, the department shall mail a certificate of eligibility to the licensee at his last known address, not less than 30 days prior to the licensee's birthday. The licensee shall have the option of obtaining a 4-year license extension by mail or a 6-year license renewal at a driver license examining station.

(b) Upon receipt of a properly completed certificate of eligibility form and payment of a service fee of \$15, the department shall mail a license extension sticker to the licensee to affix to the expiring license as evidence that the license term has been extended for 4 years.

(c) The department shall not issue more than one license extension to a licensee. Upon expiration of the license extension period, renewal with reexamination as provided in s. 322.121 shall be required.

(d) A renewal applicant whose driving record reflects no convictions for the preceding 3 years shall be issued a 6-year renewal license upon payment of the fees required by s. 322.21 and passing the required examinations if application is made at a driver license examining station.

(e) Any person who knowingly possesses any forged, stolen, fictitious, counterfeit, or unlawfully issued license extension sticker, unless possession by such person has been duly authorized by the department, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(f) The provisions of paragraphs (a), (b), (c), and (d) shall expire on October 31, 1989, and paragraph (e) shall expire on October 31, 1993.

(9)(a) A restricted operator's license shall not be issued to any person who has previously held a restricted operator's license issued by this state.

(b) An original restricted operator's license is not renewable.

History.—s. 39, ch. 19551, 1939, CGL 1940 Supp. 4151(644); s. 30, 20451, 1941; s. 1, ch. 24346, 1947; s. 1, ch. 26911, 1951; s. 1, ch. 61-13; s. 2, ch. 67-242; ss. 24, 35, ch. 69-106; s. 1, ch. 72-211; ss. 3, 5, ch. 75-228; s. 17, ch. 78-394; s. 2, ch. 82-132; s. 22, ch. 84-359; s. 6, ch. 85-98.

Note.—As amended, effective November 1, 1985.

322.19 Notice of change of address or name.— Whenever any person, after applying for or receiving an operator's or chauffeur's license, moves from the address named in such application or in the license issued to him, or when the name of a licensee is changed by marriage or otherwise, such person shall within 10 days thereafter notify the department in writing of his old and new addresses, or of such former and new names, and of the number of his license. A violation of this section is a nonmoving violation with a penalty as provided in s. 318.18(2).

History.—s. 31, ch. 19551, 1939, CGL 1940 Supp. 4151(645); s. 31, ch. 20451, 1941; s. 18, ch. 84-359.

322.20 Records of the department; fees; destruction of records.—

(1) The department shall maintain a record of every application for license received by it. The possession of such an application form, whether filled out or in blank, or of a counterfeit thereof, not authorized by the department or its personnel constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The department shall also maintain a record of all accident reports, abstracts of court records of convictions, and notices of revocation or suspension of a person's driver's license or driving privilege.

(3) The department shall maintain convenient records or make suitable notations, in order that the individual driver history record of each licensee is readily available for the consideration of the department upon application for renewal of a license and at other suitable times. The release by the department of the driver history record, with respect to accidents involving a licensee, shall not include any notation or record of the occurrence of a motor vehicle accident unless the licensee received a traffic citation as a direct result of the accident.

(4) It is unlawful for any person to falsify, alter, erase, remove, or destroy, or cause to be altered, erased, removed, or destroyed, any record maintained by the department unless the alteration, erasure, removal, or destruction has been duly authorized.

(5) The department shall promulgate rules and procedures to ensure adequate safeguards and auditing capabilities to enable records of uniform traffic dispositions to be reported to the department in an automated fashion, through cooperative arrangements which may be entered into between court clerks and the department, in order to enhance the effectiveness and efficiency of dispositions reported on the uniform traffic citation. Automated procedures must be subjected to tests to ensure that the integrity of the driver file is enhanced or maintained and that the intent of this chapter, as stated in s. 322.263, is given priority consideration with respect

to either on-line data entry activities between the courts and the department or the forwarding of electronically recorded data. Departmental rules shall require that data verification be accompanied by comparison with data from uniform traffic disposition reports.

(6) The department shall tabulate and publish statistics of traffic citation dispositions and provide records to court clerks for the purpose of verifying that the data was properly received and recorded.

(7) The requirement for the department to keep records shall terminate upon the death of an individual licensed by the department upon notification by the Department of Health and Rehabilitative Services of such death. The department shall make such notification as is proper of the deletions from their records to the court clerks of the state.

(8) The department may, upon application, furnish to any person, from the records of the Division of Driver Licenses, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. Each person who requests such information shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to any state agency or to any state attorney, sheriff, or chief of police. Such state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the noncomplying state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

(9) The Division of Driver Licenses is authorized, upon application of any person and payment of the proper fees, to search and to assist such person in the search of the records of the department and make reports thereof and to make photographic copies of the departmental records and attestations thereof.

(10)(a) The department is authorized to charge the following fees for the following services and documents:

- 1. For providing a transcript of any one individual's driver history record for the past 3 years or for searching for such record when no record is found to be on file\$2.00
- 2. For providing a transcript of any one individual's driver history record for the past 7 years or for searching for such record when no record is found to be on file\$3.00
- 3. For providing a certified copy of a transcript of the driver history record for any one individual\$3.00
- 4. For providing a certified photographic copy of a document, per page\$1.00
- 5. For providing an exemplified record\$15.00
- 6. For providing photocopies of documents, papers, letters, clearances, or license or insurance status reports, per page\$0.50
- 7. For assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee\$2.00

department in its discretion has successfully passed the examination not involving a motorcycle, license permit entitling the applicant during daylight hours to travel on streets, roads, and highways of two months; provided the applicant does not own a motorcycle at any time. Upon expiration of the operator license the applicant is qualified to operate a motorcycle.

shall issue to an applicant a license for an operator license in accordance with the provisions of this act. If the applicant's driving privilege is revoked for cause, a license shall not be issued to operate a motorcycle.

Application for either a motorcycle license or a motorcycle license accompanied by a fee of \$8. Application for such licenses shall be accompanied by a fee of \$5 except that renewal applications for persons 21 years of age and over shall be accompanied by a fee of \$3.

of Chapter 2, Title 41, pertaining to an operator license shall apply to a motorcycle license under this act, not limited to fees, requirements, and the renewal of licenses. It is a misdemeanor for a person to operate a motorcycle in this state without being licensed.

be filed - Suitable indices kept and shall file every application for a license in alphabetical order and suitable indices containing:

names denied and on each there shall be a note of denial; and names granted; and names of every licensee whose license has been renewed or revoked by the department with a note of the reasons for such action.

Department shall also file all accident reports of court records of convictions for traffic violations under the laws of this state and shall maintain convenient records of such convictions in order that an individual licensee showing the convictions in which he was convicted in traffic accidents in which he was convicted where a conviction has resulted in a suspension of license and available for the department upon any application for a license and at other suitable times.

Officer shall have the authority to issue citations for traffic violations of which he has knowledge and forward a record of all such citations to the department to be copied on the license file.

Annual report. The Department shall collect a fee determined pursuant to Subsection 63-38-3 for the license files and making copies of the same by any person or company.

for a report on the driving record of any person licensed as an operator in the state. Effective July 1, 1963. 1964

41-2-12.2. Fees deposited in transportation fund - Expenses of tax commission - Budget.

All fees collected under this act shall be transmitted monthly to the state treasurer for deposit in the transportation fund. The expenses of the state tax commission in carrying out the provisions of this act shall be provided for by legislative appropriation from this fund. The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements for carrying out the provisions of this act for the fiscal year next following the convening of the legislature. 1977

41-2-12.3. No fee for reports made to governmental agencies.

Provided further, that no charge shall be made for reports furnished to municipal, county, state or federal agencies. 1957

41-2-13. Licenses issued to operators - Contents - Anatomical gifts indication - Temporary licenses - Minor's licenses and permits.

(1) The department shall issue to every person privileged to drive as an operator, a license certificate indicating the type or general class of vehicle the licensee may drive. No person shall drive any class of motor vehicle unless licensed in that class.

(2) Every such license certificate shall bear thereon (a) the social security number and/or the distinguishing number assigned to the licensee, (b) the name, age and residence address of the licensee, a brief description of the licensee for the purpose of identification, and (c) a photograph of the licensee and a photograph or other facsimile of the licensee's signature. The license shall be of an impervious material, resistant to wear, damage and alteration. The size, form and color of said license shall be as prescribed by the commissioner of public safety and the commissioner may prescribe the issuance of a special type limited license as authorized in subsection 41-2-18(d). In addition, the commissioner may in his discretion authorize the issuance of renewed or duplicate driver licenses without pictures in instances where the applicants are not then living within the boundaries of the State of Utah.

(3)(a) With every operator's license issued or renewed on and after July 1, 1981, the division shall, upon the request of the licensee, provide a sticker which can be affixed to the back of the license and which will indicate the licensee's intent to make an anatomical gift pursuant to the requirements of the anatomical gift act in Chapter 26 of Title 26. The statement must be signed in the presence of at least one witness who shall sign the statement in the presence of the licensee.

(b) The division or any of its employees shall not be liable for any loss, detriment, or injury, directly or indirectly, which results from false or inaccurate information contained in the sticker issued to and signed by the licensee.

(4) The department, upon determining after an examination that an applicant is mentally and physically qualified to be granted a license, may issue to such a person a receipt for the fee which shall serve as a temporary license certificate allowing him to operate a motor vehicle while the department is completing its investigation and determining all of the facts bearing upon whether he is entitled to be licensed. Such receipt must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license certificate has been issued or for good cause the privilege has been refused. The department shall indicate on such receipts a date after which it ceases to be valid as a license certificate.

session while operating a motor vehicle, and it shall be invalid when the applicant's license certificate has been issued or for good cause the privilege has been refused. The department shall indicate on such receipts a date after which it ceases to be valid as a license certificate.

(5) The department will, when issuing to any person under 21 years of age, issue to all such persons who have qualified, an instruction permit or a temporary permit which is plainly printed with the word "minor," or an operator's license of a special color not used for issue to persons 21 years of age and over.

(6) The department shall issue such temporary licenses, of the same nature except as to duration as the licenses which they temporarily replace, as are necessary to implement applicable provisions of section 41-2-19.6. 1963

41-2-13.1. Change of address - Duty of licensee to notify department.

Whenever any person after applying for or receiving an operator's license shall move from the address named in such application or in the license issued to him such person shall within 10 days thereafter notify the department in writing of his new address and of the number of any license then held by him. 1963

41-2-14. Duplicate license certificate - Fee.

In the event that an operator's license certificate issued under the provisions of this act shall be lost, stolen, or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof satisfactory to the department that such license certificate has been lost, stolen or destroyed and upon payment of a fee of \$3. In the event that the department is advised that an operator's license certificate has been lost, stolen or destroyed, the same shall forthwith be void. 1963

41-2-15. License to be carried when driving - Production in court.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display the same upon demand of a justice of peace, a peace officer or a field deputy or inspector of the department. It shall be a defense to any charge under this subsection that the person so charged produce in court an operator's license theretofore issued to such person and valid at the time of his arrest. 1963

41-2-16. Expiration dates of licenses - Renewal - Fees for renewal - Extension without examination - Files, forms and clerical help - Licensees in armed forces.

(1) Every operator's license renewed after June 30, 1967 shall expire on the licensee's birth date in the fourth year following the year of issuance of such license, and no new license shall be issued to any person after the expiration of his license until he has again passed the examinations specified in subsection 41-2-11(1) and has paid the required fee. Any operator's license granted without specific expiration date, heretofore designated as good-until-revoked license, shall expire on the date last stamped by the department upon such license and may be renewed as any other operator's license referred to in this chapter for the applicable period of time set forth above.

(2) The holder of a valid license may secure a renewal thereof by making application at any time within six months before such license expires, by

LEGISLATIVE AFFAIRS DIVISION

passing the examination specified in subsection 41-2-11(2) and by paying a fee of \$10, except for those 65 years of age and over who shall pay a fee of \$3.00. Upon the payment of such fee and the passing of such examinations, the department shall issue a new license to such holder.

The commissioner may allow the holder of a valid operator's license to renew said license more than six months prior to its expiration date; provided, the applicant furnishes proof that such applicant will be absent from the state during the six-month period prior to the expiration of the license.

(3) At the discretion of the commissioner and under standards established by the department, operators' licenses expiring after July 1, 1980, may be extended for four years without examination for licensees whose driving records for the four years immediately preceding the determination of eligibility for extension show driving violation penalty points not exceeding 50, no suspensions or revocations, and no outstanding warrants for traffic violations, except that a person 65 years of age or older must take and pass the eye examination specified in subsection 41-2-11(1). No extension shall be granted to any person who is identified by the department as having a medical impairment which may represent a hazard to public safety. The department shall charge \$10 per extension for each person under 65 years of age and \$3.00 per extension for each person 65 or over. During the period of the extension, or prior thereto, the department shall notify each licensee granted an extension under this subsection of changes to the traffic code.

(4) The department shall establish the necessary files, application blanks, license certificate blanks, and clerical help to put into effect the provisions of this act.

(5) Utah operators' licenses held by persons ordered to active duty in any of the armed forces of the United States shall be honored as valid until 90 days after the person has been discharged or has left the service, unless such license is suspended or revoked for cause by the department.

(6) All operators' licenses in effect as of the effective date of this act unless expressly otherwise provided herein, shall continue in force and effect for the period for which such license was issued.

41-2-17. Court to report convictions and may recommend suspension of license.

(a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the operator's license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator's license certificates then held by the person so convicted and the court shall thereupon forward the same together with the record of such conviction to the department.

(b) Every court having jurisdiction over offenses committed under this act or any other act of this state or under any city ordinance regulating the operation of motor vehicles on highways, shall within 10 days forward to the department an abstract of the court record of the conviction of any person in said court for a moving traffic violation of any said laws or ordinances, and may recommend the suspension of the operator's license of the person so convicted.

Said abstract shall be made upon a form approved and furnished by the department and shall

include the name and address of the party charged, the number of his operator's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail was forfeited, and the severity of the violation, which shall be graded by the court "minimum," "intermediate," or "maximum" with respect to a conviction or bond forfeiture for speeding, the severity of violation shall be graded as "minimum" for exceeding the posted speed limit by up to 9 miles per hour; as "intermediate" for exceeding the posted speed limit by from 10 to 19 miles per hour; and as "maximum" for exceeding the posted speed limit by 20 or more miles per hour.

(c) For the purposes of this act the term "conviction" shall mean conviction by the court of first impression. Also, for the purposes of this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(d) Where a convicted person secures a judgment of acquittal or reversal in any appellate court after conviction in the court of first impression, the department shall reinstate his operator's license and return his license certificate immediately upon receipt of a certified copy of said judgment of acquittal or reversal.

41-2-18. Mandatory revocation or suspension of license - Extension of period - Hearing - Limited driving privileges - Instructional programs.

(a) Except as hereinafter provided, the department shall forthwith revoke or, in those cases in which suspension is in this code specifically provided for, suspend the license of any person upon receiving a record of the conviction of such person of any of the following crimes:

(1) Manslaughter resulting from the operation of a motor vehicle or automobile homicide provided for in section 76-5-207.

(2) Driving or being in actual physical control of a vehicle while under the influence of alcohol or any drug or combination thereof to a degree which renders the person incapable of safely driving a vehicle as prohibited in section 41-6-44 or as prohibited in an ordinance that complies with the requirements of subsection 41-6-43(1).

(3) Driving or being in actual physical control of a vehicle with a blood alcohol content of .08 or higher as prohibited in section 41-6-44 or as prohibited in an ordinance that complies with the requirements of subsection 41-6-43(1).

(4) Perjury or the making of a false affidavit to the department under this act or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways.

(5) Any crime punishable as a felony under which the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used.

(6) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.

(7) Two charges of reckless driving committed within a period of twelve months; provided, however, that if, upon a first conviction of reckless driving, the judge or justice shall recommend suspension of the convicted person's license, the department may, after a hearing suspend the said license.

FOUCH V. STATE
CARRIAGE
JUNEAU, ALASKA 99811

4. For such other and further relief as to this court seems proper.

Dated: _____, 19____.

_____, 19____.

(Sign)

(Verification)

§ 12812. Restricted driver's license as to person presumed to be negligent operator

(a) Except as provided in subdivision (b), if a driver is presumed to be negligent operator pursuant to Section 12810.5, the department may, as a condition of probation, issue a restricted driver's license to permit driving a vehicle for which the person is licensed and also certificated, where required, while in the course of the driver's employment during specified hours of employment or any other restrictions as determined by the department. The restrictions shall be noted on the driver's license.

(b) If a driver who holds a certificate issued pursuant to Section 12804 or 12804.3, or both, is presumed to be a negligent operator as defined in subdivision (a) of Section 12810.5, the department may suspend or reinstate the certificate or continue the certificate under terms of probation.

Amended Stats 1984 ch 667 § 12, operative July 1, 1985.

Amendments:

1984 Amendment: Substituted the section for the former section.

§ 12814.5. Extension of licenses

(a) At the discretion of the director, drivers' licenses expiring on or after January 1, 1983, may, subject to subdivision (b), be renewed by mail for a four-year period for licensees, not holding a probationary license, whose records, for the four years immediately preceding the determination of eligibility for the renewal, show no convictions of violating traffic laws, no involvement in a traffic accident, and no notification of a violation of subdivision (a) of Section 40509.

A driver's record that shows involvement in not more than one traffic accident within any two-year period preceding driver's license renewal shall not be considered to be involvement in a traffic accident for purposes of subdivision (a) if (1) the driver met the requirements of Chapter 1 (commencing with Section 16000) of Division 7 with respect to the accident and (2) the driver was not cited for any violation of this code in connection with the accident.

No renewal by mail shall be granted to any person who is 70 years of age or older.

(b) The director may establish a demonstration program to evaluate the effect of traffic safety and other effects of renewing driver's licenses by mail. If such a demonstration program is established, the director may, under that program, renew by mail driver's licenses expiring on or after January 1, 1983, for licensees whose records, for the two years immediately preceding the determination of the eligibility for the renewal, show no convictions of violating traffic laws, no involvement in a traffic accident, and no notification of a violation of subdivision (a) of Section 40509, and additionally for licensees whose records, for the four years immediately preceding that determination, do not show a violation which has a violation point count of two or more as determined in accordance with Section 12810 or a fatal accident notation. The department shall terminate the demonstration program when its evaluation shows that the program is not cost effective.

California Vehicle Code Supplement



is completed or may terminate the program at any time the department determines that the program has an adverse impact on traffic safety.

(c) The department shall charge a fee of ten dollars (\$10) for each license renewal granted pursuant to subdivision (a) or (b).

(d) The department shall monitor and conduct a continuing study of the effects of the license renewal by mail under subdivisions (a) and (b) and submit an interim report to the Legislature not later than January 1, 1986, and a final report to the Legislature not later than March 1, 1989, on its findings. The study shall include, but not be limited to, safety issues. The final report shall specifically include information regarding the impact on traffic safety of persons who receive a second extension under subdivision (b), which information shall cover a period not less than 24 months of experience following the second consecutive extension.

(e) The department shall notify each licensee granted a renewal by mail pursuant to this section of major changes to the Vehicle Code affecting traffic laws occurring during the prior four-year period.

(f) The department shall not renew a driver's license by mail if the license has been previously renewed by mail two consecutive times for four-year periods.

Amended Stats 1984 ch 985 § 1.

Amendments:

1984 Amendment: Added the second paragraph of subd (a).

§ 12816. Term of licenses; Period for renewal

(a) Every original driver's license expires on the fourth birthday of the applicant following the date of the application for the license.

(b) Renewal of a driver's license shall be made for a term which expires on the fourth birthday of the applicant following the expiration of the license renewed, if application for renewal is made within six months prior to the expiration of the license to be renewed, or within 90 days after expiration of the license. If renewal is not applied for within 90 days after expiration of the license, the application and fee is considered the same as an application for an original license.

(c) The department may accept application for a renewal of a driver's license made more than six months prior to the date of expiration. The renewal shall be made for a term which expires on the fourth birthday of the applicant following the date of the application for the renewal license.

(d) The department may accept an application for a license of a different class made more than six months before the expiration of the license previously issued, if the previously issued license is surrendered for cancellation in accordance with Section 13100. The driver's license issued from that application expires on the fourth birthday of the applicant following the date of the application.

Amended Stats 1984 ch 34 § 1, operative July 1, 1985.

Amendments:

1984 Amendment: In addition to making technical changes, substituted (1) "expires" for "issued after January 1, 1975, shall expire" in subd (a); and (2) "different" for "higher" after "license of a" in subd (d).

§ 12950 and following sections—general references:

Within Evidence 2d § 318A

[2 Veh Code]

§ 12814

DRIVERS' LICENSES

1963 Amendment: Added (1) "at any office of the Department of Motor Vehicles" in the first sentence; and (2) the last sentence.

1968 Amendment: Added (1)"; except that the department shall not require an examination of the driving ability of any applicant for the renewal of a four-year license who is otherwise eligible for the renewal of such license unless the department finds evidence of a condition which may affect the ability of the applicant to safely operate a motor vehicle" at the end of the second sentence; and (2) the third and fourth sentences.

1973 Amendment: (1) Designated the former section to be subd (a); (2) amended subd (a) by (a) adding "(a)"; (b) substituting ", or an examination deemed by the department to be appropriate considering the licensee's record of convictions and accidents, or an examination deemed by the department to be appropriate in relation to" for "; except that the department shall not require an examination of the driving ability of any applicant for the renewal of a four-year license who is otherwise eligible for the renewal of such license unless the department finds"; (c) substituting "a license" for "an applicant"; (d) deleting "such" after "evidence of"; (e) adding "requiring an examination of the driving ability"; (f) adding "or licensee" in the fourth sentence; and (3) added subds (b) and (c).

1974 Amendment: Added subd (d).

1979 Amendment: Deleted (1) "and, at the discretion of the director, licenses may be extended for not to exceed one year when the number of renewal applications to be processed in a year will exceed the number of applications in the previous year or the next subsequent year by more than 10 percent" after "by the department" in subd (b); and (2) former subd (d) which read: "(d) The department shall report to the Legislature on or before August 1st, annually, describing the number of licenses extended during the preceding fiscal year pursuant to subdivision (b) and the reason for such action. Such report shall also include the regulations adopted pursuant to subdivision (c), the categories of test waivers granted, the purposes for which waivers were granted, and the result of the evaluation made during the preceding fiscal year of the selective testing program."

Note —"the the" so appears in the second sentence of subd (a) of Veh C § 12814 in the enrolled bill.

Cross References:

Application for original license: § 12800.

Fee on application for renewal of license: § 14900.

Collateral References:

8 Cal Jur 3d Automobiles § 122.

Attorney General's Opinions:

33 Ops Atty Gen 151 (examination of applicant for renewal of driver's license as though he were applying for original license where application not timely made).

§ 12814.5. Extension of licenses

(a) At the discretion of the director, drivers' licenses expiring on or after January 1, 1983, may, subject to subdivision (b), be renewed by mail for a four-year period for licensees, not holding a probationary license, whose records, for the four years immediately preceding the determination of the eligibility for the renewal, show no convictions of violating traffic laws, no involvement in a traffic accident, and no notification of a violation of subdivision (a) of Section 40509.

No renewal by mail shall be granted to any person who is 70 years of age or older.

(b) The director may establish a demonstration program to evaluate

the traffic safety and other effects of renewing driver's license by mail. If a demonstration program is established, the director may, under that program, renew by mail driver's licenses expiring on or after January 1, 1983, for licensees whose records, for the two years immediately preceding the determination of the eligibility for the renewal, show no convictions of violating traffic laws, no involvement in a traffic accident, and no notification of a violation of subdivision (a) of Section 40509, and additionally whose records, for the four years immediately preceding that determination, do not show a violation which has a violation point count of two determined in accordance with Section 12810 or a fatal accident notation. The department shall terminate the demonstration program when its evaluation is completed or may terminate the program at any time the department determines that the program has an adverse impact on traffic safety.

(c) The department shall charge a fee of ten dollars (\$10) for each license renewal granted pursuant to subdivision (a) or (b).

(d) The department shall monitor and conduct a continuing study of the effects of the license renewal by mail under subdivisions (a) and (b) and submit an interim report to the Legislature not later than January 1, 1986, and a final report to the Legislature not later than March 1, 1989, on its findings. The study shall include, but not be limited to, safety issues. The final report shall specifically include information regarding the impact on traffic safety of persons who receive a second extension under subdivision (b), which information shall cover a period not less than 24 months of experience following the second consecutive extension.

(e) The department shall notify each licensee granted a renewal by mail pursuant to this section of major changes to the Vehicle Code affecting traffic laws occurring during the prior four-year period.

(f) The department shall not renew a driver's license by mail if the license has been previously renewed by mail two consecutive times for four-year periods.

Added Stats 1978 ch 658 § 1; Amended Stats 1979 ch 625 § 2; Stats 1981 ch 541 § 34, effective September 17, 1981, operative January 1, 1982; Stats 1982 ch 776 § 1.

Amendments:

1979 Amendment: Prior to 1979 the section read: "(a) The department may establish a demonstration program to evaluate the effect of extending drivers' licenses. At the discretion of the director, during the demonstration program, licenses expiring on or after July 1, 1979, may be extended for licensees whose records, for the four years immediately preceding the expiration date of their licenses, or expiration date of their extended licenses, show no convictions of violating traffic laws, no involvement in a traffic accident, and no notification of a violation of subdivision (a) of Section 40509. The periods of the extension shall be for one or two years and in no event shall there be more than two consecutive extensions nor shall two consecutive extensions exceed two years.