

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
5863 HOUSE JUDICIARY 8672

267

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91

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1989

FURTHER REFERRALS:

Date of Committee Action: _____

The JUDICIARY Committee considered:

CSSB 91(JUDICIARY)

CS FOR SENATE BILL NO. 91 (Judiciary)

[APPOINTMENT OF APOC MEMBERS]

"An Act relating to methods of appointment to the Alaska Public Offices Commission; and providing for an effective date."

RECOMMENDS:

- [] replacing with _____ [] the same title
- [] the attached amendment(s) [] a new title
- do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- zero fiscal notes(s), published: 11/00 2/7/89

SIGNING DO PASS:

Pete Joe
Mr. Kuenberg
Klibe Millard
Mike Davis
Chip Anderson

SIGNING OTHER THAN DO PASS: (Do Not Pass, No Recommendation, Amend)

Pete Joe / Mr. Kuenberg
 Chairman's signature

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 91 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to methods of appointment to the
Alaska Public Offices Commission; and providing for
an effective date."

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

* Section 1. AS 15.13.020(a) is amended to read:

(a) There is created in the Department of Administration the
Alaska Public Offices Commission consisting of five members. The
governor shall appoint all members of the commission in the manner
prescribed in (b) and (c) of this section, subject to confirmation by
a majority of the legislature meeting in joint session.

* Sec. 2. AS 15.13.020(c) is amended to read:

(c) The four members selected under (b) of this section shall,
by a majority vote, nominate to the governor an individual to serve as
[APPOINT] the [REMAINING] fifth member of the commission. The gover-
nor shall either appoint the nominee to the commission, or shall
reject the nominee and request those four members to nominate another
individual to serve as the fifth member of the commission.

* Sec. 3. AS 15.13.020(h) is amended to read:

(h) A vacancy on the commission shall be filled through [BY] the
appropriate appointing method for the position [AUTHORITY] within 30
days after [OF] the occurrence of the vacancy. The appointee shall
serve for the remaining term of the appointee's predecessor.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

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

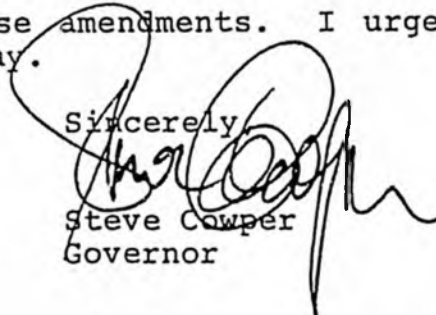
Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to methods of appointment of members of the Alaska Public Offices Commission (APOC).

The bill amends AS 15.13.020 to remedy technical problems with the present appointment process. The proposed amendments provide for legislative confirmation of all APOC members, and clarify the role of the governor in appointing the non-partisan, "fifth member" of the APOC. The bill includes a proposed conforming amendment to AS 15.13.020(h).

The APOC has endorsed these amendments. I urge that this bill be passed without delay.

Sincerely,


Steve Cowper
Governor

Item 3

FISCAL NOTE

REQUEST:

Revision Date: 02/03/89
Title: An act relating to methods of appointment to APOC
Sponsor: Governor
Requestor: Sen. Faiks/Judiciary Committee

Agency Affected: APOC
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	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)

Prepared by: Karla Forsythe, Executive Director
Division: Alaska Public Offices Commission
Approved by Commissioner: Burke Riley, Acting Chairman
Agency: Alaska Public Offices Commission

Phone: 276-4176
Date: 02/02/89
Date: 02/02/89

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

FISCAL NOTE

REQUEST:

Revision Date: 12/19/88
Title: An act relating to methods of appointment to the APOC
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Alaska Public Offices Commiss
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	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)

Prepared by: Karla L. Forsythe, Executive Director Phone: 276-4176
Division: Alaska Public Offices Commission Date: 1/03/89

Approved by Commissioner: Daniel Patrick O'Tierney Date: 1/03/89
Agency: Alaska Public Offices Commission

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



Official Business

COMMITTEE:

HOUSE STATE AFFAIRS

DATE: 2/28/89

SIGN-IN

Subject of meeting:

SB91

HB138

NAME	ADDRESS	PHONE	REPRESENTING	If testifying, which Bill #?
ED MUSSELEWHITE	Box 3-7000 JUNEAU AK 99802	465-2712	SELF	HB138
Karla Fryette	2221 E. N. St. Juneau AK 99801	276 4176	APOC	SB 91
DAVID OTTO	Box 0201 Juneau, AK 99811	465-4430	Div. of Personnel	HB138
DIRK MONTGOMERY P. MONTGOMERY	Law	3600	LAW	SB 91
PAUL SCHOTT	#2 MARINE WAY, JUNEAU	3030 586-3300	SELF	HB 138

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HOUSE COMMITTEE REPORT

(7)

Date Referred: May 2, 1989

FURTHER REFERRALS:

Date of Committee Action: 3-6-90

The JUDICIARY Committee considered:

CSSB 92 (FINANCE)

CS FOR SENATE BILL NO. 92 (Finance)

[MISC. MOTOR VEHICLE LAW AMENDMENTS]

"An Act relating to identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS CSSB 92 (Jud) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to th. _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- zero fiscal note Pub. Safety
- zero with analysis _____
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not
Pass No Rec Amend

Peter J. ...

Max ...

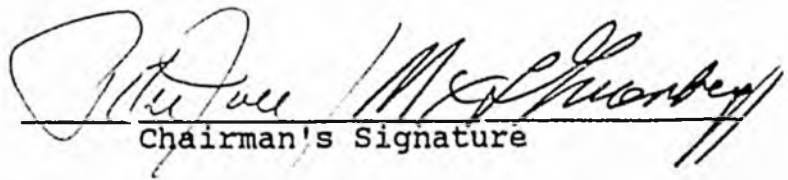
Cliff ...

Terry ...

Mike ...

Phy ...

Mike ...



 Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 11/28/89 Agency Affected: Public Safety
 Title: Miscellaneous motor vehicle BRU: Motor Vehicles
law amendments
 Sponsor: Rules/Governor Component: _____
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
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)

This bill contains provisions that will improve public service and streamline procedures for DMV. There will be no fiscal impact.

JAC
11/28/89 Prepared by: Bill Brown
Division: Motor Vehicles

Phone: 465-4335
Date: 11/28/89

Approved by Commissioner: G.A.H. for Arthur English
Agency: Department of Public Safety

Date: 11-29-89
Page 1 of 1

HOUSE COMMITTEE REPORT

(5)

Date Referred: April 19, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 5/2/89

The TRANS
CS SB 92 FIN

Committee considered:

CS SB 92 FIN

[MISC. MOTOR VEHICLE LAW AMENDMENTS]

"An Act relating to identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

Bette Cato
Ben ...
Richard ...

	Do Not Pass	No Rec	Amend

Bette Cato
Chairman's Signature

MAY 2, 1989

COMMITTEE CALENDAR

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

CS/SB 92: "An Act relating to identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

HB 234: "An Act relating to standardized Railroad crossing permit agreements of the Alaska Railroad."

HJR 41: Relating to the safety of oil tanker traffic into and out of the Port of Valdez.

FOLDER #1
CS/SB 92

- 1: CS/SB 92
- 2: Fiscal Note/Department of Public Safety
- 3: Department of Public Safety Commentary
- 4: Letter to Sen. Kelly
- 5: Statutes

FOLDER #2
HB 234

Packet provided by Rep. Miller

FOLDER #3
HJR 41

- 1: HJR 41
- 2: Fiscal Note/House Resource Committee
- 3: House Committee Report/Resources
- 4: Article/Backup

FISCAL NOTE

REQUEST:

Revision Date: 04/14/89 Agency Affected: Public Safety
 Title: An Act relating to BRU: Motor Vehicles
identification cards issued
 Sponsor: Rules/Governor Component: _____
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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)

This bill contains provisions that will improve public service and streamline procedures of DMV. There will be no fiscal impact.

Prepared by: Bill Brown
 Division: Motor Vehicles

Phone: 465-4335
 Date: 04/14/89

Approved by Commissioner: D.A.H. English
 Agency: Department of Public Safety

Date: 4-14-89

DEPARTMENT OF PUBLIC SAFETY
COMMENTARY

CSSB92 (Finance)

The bill contains several provisions that the division of motor vehicles, in DPS, believes will improve its service to the public or streamline its procedures. A section-by-section description of the bill follows.

Section 1 of the bill provides for the cancellation of identification cards issued under AS 18.65.310. The present law does not authorize DPS to cancel the card if it is later determined that it should not have been issued due to fraud or for some other reason. Identification cards are becoming more and more popular, and fraudulently obtained cards are becoming more common. The department needs statutory authority to cancel those cards under appropriate circumstances. This section also provides for a possible \$100 fine for failure to return a cancelled card to DPS.

Section 2 authorizes Public Safety to suspend or revoke the registration of interstate rental vehicles if it is determined the owner is not complying with fleet rental vehicle registration requirements.

Section 3 removes the part "[,(6)]" which refers to a section of law concerning foreign consul license plates. In Section 9 of this bill the section of law authorizing issuance of special license plates to consular officers of foreign governments is being repealed. The United

States Department of State, Office of Foreign Missions is now responsible for issuance of motor vehicle registrations to foreign mission personnel and their families and have asked the State to discontinue issuing consular plates.

Section 4 provides for the registration of interstate rental trucks and trailers. Alaska statutes do not address the issue of registration of trucks or trailers involved in an interstate rental business. Before 1984, there was no need for this type of legislation because no company offered this type of service to Alaska. However, in the past five years two major companies have started rental operations in the state. These companies typically offer one-way rentals of both trucks and trailers, and during a typical year the vehicles might operate in a number of different states. The entire rental fleet is very mobile and the vehicles not based in any one state. The time or miles spend in any state by any particular vehicle would be difficult to calculate, as these vehicles are used in uncontrolled private applications.

Unlike most other states, Alaska does not have a statute that allows registration of this type of vehicle other than on a full commercial vehicle basis. Paying full fees each time a new vehicle comes into the state for a short period would be overly burdensome and could possibly eliminate a valuable commercial service. To avoid this result, the division of motor vehicles has entered into agreements with interstate rental companies to register and pay fees on a fair share of their total fleet. There is no clearly defined authority for these agreements, however, and they are entirely voluntary.

The statutory scheme in this bill is similar to that used in most other states, and would allow a firm engaged in interstate vehicle rental business to register and pay fees in Alaska on a fair proportion of its vehicle fleet.

Section 5 eliminates the requirement that motor vehicle lien documents be filed with division of motor vehicles. When a person applies for a vehicle title in Alaska, current law (AS 28.10.381) requires that a copy of the document creating or evidencing a lien be filed with DPS. This requirement serves no useful purpose for the state or the public, and should be eliminated. There is no standard or legal requirement for the format of a lien document, so each one must be reviewed carefully as the vehicle title is processed; this delays processing. If the requirement to submit the lien document were eliminated, the same amount of protection could be afforded to both the public and lienholders by having the lienholder's name and address on the title application serve as evidence of the lien. Applicants are acknowledging the lien by signing the application under penalty of perjury. Most other states are successfully using this system.

The amendments in section 6 allow for registration of a broader range of non-commercial trailers. Current AS 28.10.421(b) allows only two- and four-wheel trailers to be registered in the non-commercial category. Travel trailers with six wheels are becoming increasingly common. One-wheel trailers are also still marketed. A common-sense policy dictates that these non-commercial one- and six- (or more) wheeled

trailers be registered on the same basis as the two-and four-wheeled trailers.

Section 7 allows the issuance of handicap parking permits to organizations. Current AS 28.10.495 allows issuance of a special permit to a disabled or medically handicapped person. The permit, when displayed in the front windshield of a motor vehicle, allows the use of designated parking spaces. The permit is intended for those handicapped individuals who are transported by others in vehicles that do not have a handicap license plate. As currently written, the statute only allows issuance of the permit to an individual; however, there are many organizations that transport disabled or handicapped persons. The amendments in sec. 7 authorize the issuance of permits to these organizations, allowing them to use special parking spaces.

Section 8 requires the handicapped parking permit to be returned to DMV if the organization that obtained one ceases transporting disabled or handicapped individuals.

Section 9 provides two needed repeals concerning issuance of "foreign consul" license plates. The sections being repealed allows the state to issue special license plates for vehicles owned by a consular office of a foreign government. In Alaska only two consular offices are truly official foreign missions: the Japanese and Korean missions. There are several other "honorary" consuls in the state, however, and consular plates have been issued to them in the past.

The United States Department of State, Office of Foreign Missions, through the Diplomatic Motor Vehicle Office, is now responsible for issuing drivers' licenses, motor vehicle registrations, and license plates to qualified, accredited foreign mission personnel and their family members throughout the country. The State Department has asked Alaska to stop issuing consular plates to "honorary consuls". With the State Department issuing all required driver and motor vehicle licenses for official consular officers, AS 28.10.181(g) and AS 28.10.421(d)(6) are unnecessary, and should be repealed.

Finally, section 10 provides for an effective date of January 1, 1990. Because this bill relates to a large number of functions of the Department of Public Safety, the most convenient effective date is the beginning of the calendar year. This will allow the department time to get needed procedures and forms into place, and to train personnel around the state.

Sectional Analysis of CSSB 92 (Finance)

Section 1 gives Public Safety the authority to cancel an identification card if it is later determined the card should not have been issued due to fraud or some other reason.

Section 2 (See Section 4)

Section 3 removes the section "[, (6)]" referring to a section of law concerning foreign consul license plates. In section 9 of this bill the section of law authorizing issuance of special license plates to consular officers of foreign governments is being repealed. The United States Department of State, Office of Foreign Missions, is now responsible for issuance of motor vehicle registration to foreign mission personnel and their families, and have asked the State to discontinue issuing consular plates.

Section 4 provides for a method to register interstate rental trucks and trailers, and specifies how these rental agencies registration fees are to be pro-rated. Section 2 authorizes Public Safety to suspend or revoke the registration of interstate rental vehicles if it is determined the owner is not complying with the law.

Section 5 eliminates the requirement that a lien document be filed with DMV. DMV maintaining a copy of the lien document serves no useful purpose. This change will allow the same amount of protection to the public and the lienholder as they now have, yet remove unnecessary paper processing from DMV.

Section 6 allow for registration of a broader range of non-commercial trailers. Current law allows for only 2 and 4-wheel non-commercial trailers. Six-wheel travel trailers are becoming more popular, plus some one-wheel trailers are still being marketed.

Section 7 allows issuance of handicap parking permits to organizations. Currently the permits are only available to individuals who are handicapped or disabled. Many organizations transport disabled or handicapped persons, and this will allow issuance of the permit to these organizations.

Section 8 requires the handicap parking permit to be returned to DMV if the organization ceases transporting disabled or handicapped individuals.

Section 9 repeals two sections of current law dealing with the "foreign consul" license plates mentioned in Section 3.



592

STATE OF ALASKA
{ OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

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

Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to motor vehicles and related functions of the Department of Public Safety (DPS) and the Department of Commerce and Economic Development (DCED), which makes a number of needed changes in state law.

The bill contains several provisions that the division of motor vehicles, in DPS, believes will improve its service to the public or streamline its procedures. A section-by-section description of the bill follows.

Sections 1 -- 6 and 13 of the bill would require motor vehicle dealers to register with DCED rather than with DPS. Existing law (AS 08.66.010 -- 08.66.090) requires a dealer in motor vehicles, trailers, or semi-trailers to register with DPS. The dealer is required to pay fees and post a bond. However, the licensing of a business, even one dealing with motor vehicles, is a more appropriate function of DCED. That department has the staff and expertise to provide appropriate clerical and administrative support, in addition to enforcement and compliance personnel. The division of motor vehicles, in DPS, has no enforcement or compliance personnel in this area, and provides only limited clerical support for this program. Transfer of the registration requirement would also be more convenient for the dealers, who already are required to obtain a business license from the Department of Commerce and Economic Development. Transfer of this function would also free up motor vehicles personnel to perform other tasks more directly related to vehicle and operator licensing functions.

Section 7 of the bill provides for the cancellation of identification cards issued under AS 18.65.310. The present law does not authorize DPS to cancel the card if it is later determined that it should not have been issued due to fraud or for some other reason. Identification cards are becoming more and more popular, and fraudulently obtained cards are becoming more common. The department needs statutory authority to cancel those cards under appropriate circumstances. This section also provides for a possible \$100 fine for failure to return a cancelled card to DPS.

Sections 8 and 9 provide for the registration of interstate rental trucks and trailers. Alaska statutes do not address the issue of registration of trucks or trailers involved in an interstate rental business. Before 1984, there was no need for this type of legislation because no company offered this type of service to Alaska. However, in the past five years two major companies have started rental operations in the state. These companies typically offer one-way rentals of both trucks and trailers, and during a typical year the vehicles might operate in a number of different states. The entire rental fleet is very mobile and the vehicles are not based in any one state. The time or miles spent in any state by any particular vehicle would be difficult to calculate, as these vehicles are used in uncontrolled interstate applications.

Unlike most other states, Alaska does not have a statute that allows registration of this type of vehicle other than on a full commercial vehicle basis. Paying full fees each time a new vehicle comes into the state for a short period would be overly burdensome and could possibly eliminate a valuable commercial service. To avoid this result, the division of motor vehicles has entered into agreements with interstate rental companies to register and pay fees on a fair share of their total fleet. There is no clearly defined authority for these agreements, however, and they are entirely voluntary.

The statutory scheme in this bill is similar to that used in most other states, and would allow a firm engaged in interstate vehicle rental business to register and pay fees in Alaska on a fair proportion of its vehicle fleet.

Section 10 eliminates the requirement that motor vehicle lien documents be filed with the division of motor vehicles. When a person applies for a vehicle title in Alaska, current AS 28.10.381 requires that a copy of the document creating or evidencing a lien be filed with DPS. This requirement serves no useful purpose for the state or the public, and should be eliminated. There is no standard or legal requirement for the format of a lien document, so each one must be reviewed carefully as the vehicle title is processed; this delays processing. The additional document also increases

microfilm costs. If the requirement to submit the lien document were eliminated, the same amount of protection could be afforded to both the public and lienholders by having the lienholder's name and address on the title application serve as evidence of the lien. Applicants are acknowledging the lien by signing the application under penalty of perjury. Most other states are successfully using this system. Adoption of this amendment would free up staff time that could be devoted to other areas.

The amendments in sec. 11 allow for registration of a broader range of non-commercial trailers. Current AS 28.10.421(b) allows only two- and four-wheeled trailers to be registered in the non-commercial category. Travel trailers with six wheels are becoming increasingly common. One-wheel trailers are also still marketed. A common-sense policy dictates that these non-commercial one- and six- (or more) wheeled trailers be registered on the same basis as the two- and four-wheeled trailers.

Section 12 allows the issuance of handicap parking permits to organizations. Current AS 28.10.495 allows issuance of a special permit to a disabled or medically handicapped person. The permit, when displayed in the front windshield of a motor vehicle, allows the use of designated parking spaces. The permit is intended for those handicapped individuals who are transported by others in vehicles that do not have a handicap license plate.

As currently written, the statute only allows issuance of the permit to an individual; however, there are many organizations that transport disabled or handicapped persons. The amendments in sec. 12 authorize the issuance of permits to these organizations, allowing them to use special parking spaces.

Section 14 provides two needed repeals. The first is of AS 28.05.011(10), which relates to DPS registration of motor vehicle, trailer, and semi-trailer dealers. That function is transferred to the Department of Commerce and Economic Development by secs. 1 -- 6 of the bill.

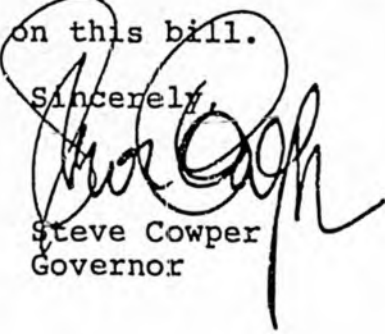
In addition, sec. 14 repeals the current law creating "foreign consul" license plates. AS 28.10.181(g) allows the state to issue special license plates for vehicles owned by a consular office of a foreign government. In Alaska only two consular offices are truly official foreign missions: the Japanese and Korean missions. There are several other "honorary" consuls in the state, however, and consular plates have been issued to them in the past.

The United States Department of State, Office of Foreign Missions, through the Diplomatic Motor Vehicle Office, is now responsible for issuing drivers' licenses, motor vehicle registrations, and license plates to qualified, accredited foreign mission personnel and their family members throughout the country. The State Department has asked Alaska to stop issuing consular plates to "honorary consuls." With the State Department issuing all required driver and motor vehicle licenses for official consular officers, AS 28.10.-181(g) is unnecessary, and should be repealed.

Finally, sec. 15 provides for an effective date of January 1, 1990. Because this bill relates to a large number of functions of the Department of Public Safety, the most convenient effective date is the beginning of the calendar year. This will allow the department time to get needed procedures and forms into place, and to train personnel around the state.

I urge your favorable action on this bill.

Sincerely,



Steve Cowper
Governor

Most Village Public Safety Officers and Village Police Officers are not "police officers" under the definition in paragraph (3). Whether an individual officer is subject to regulation by the Alaska Police

Standards Council depends upon the circumstances of his or her employment and has to be determined on a case-by-case basis. July 1, 1984 Op. Att'y Gen.

Article 3. Identification Cards.

Section

310. Identification cards

Sec. 18.65.310. Identification cards. (a) Upon payment of a \$5 fee, the Department of Public Safety shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the card shall be of a different color and shall state in bold type letters across the face of it that it is for identification purposes only.

(b) A person may obtain an identification card provided for in (a) of this section by applying to the department on forms and in the manner prescribed by the department.

(c) Any person who knowingly makes a fraudulent written statement or application for an identification card concerning age, race, sex, or other identifying characteristics as required by the department is guilty of a misdemeanor.

(d) It is a misdemeanor for any person to possess, use, produce or manufacture a fraudulent identification card.

(e) It is a misdemeanor for any person to allow an identification card issued to them to be used by any other person.

(f) Any person who violates (c), (d), or (e) of this section is guilty of a misdemeanor punishable by a fine of \$500 or 60 days in jail, or both.

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older no charge may be made for issuance of the card. (§ 1 ch 37 SLA 1973; am § 1 ch 259 SLA 1976; am § 48 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "AS 28.15.111" for "AS 28.15.080" in subsection (a).

Article 4. Security Guards.

Section

- 400. License as security guard
- 410. Applications
- 420. Bonding and insurance
- 430. Duration of license
- 440. Revocation of license

Section

- 450. Regulations
- 460. Exceptions to licensure
- 470. Firearms training
- 480. Penalty
- 490. Definitions

Collateral references. — 2d, Occupations, Trades and Professions, §§ 1-24. 53 C.J.S., Licenses, §§ 11-13. Constitutionality of statute requiring proprietor of amusement to furnish fire insurance at his own expense. Liability for false imprisonment of a private person by a known or asserted peace officer to assist in making arrest to be unlawful. 29 AL

Sec. 18.65.400. License for person employed as a security guard. A person who has obtained a license under AS 18.65.400

Sec. 18.65.410. Application for license as security guard. An application for a license as a security guard must be made in accordance with the requirements required by the commission. The application must include a search of criminal records. The application must include a fee of \$25 for a security guard license. (§ 1 ch 59 SLA 1976)

Sec. 18.65.420. Bonding and insurance. Before issuance of a license, the applicant must furnish a bond or proof of insurance in accordance with the requirements of AS 18.65.420. The licensee must maintain the license. (§ 1 ch 59 SLA 1976)

Sec. 18.65.430. Duration of license. A license issued under AS 18.65.400 and may be renewed if the licensee pays a fee of \$25. The fee must be paid for the license. (§ 1 ch 59 SLA 1976)

Sec. 18.65.440. Revocation of license. A license issued under AS 18.65.400 may be revoked for the following reasons: (1) false statement made in the application. (§ 1 ch 59 SLA 1976)

(8) the vehicle or applicant fails to comply with this chapter or regulations authorized by this section.

(b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under AS 28.05.131 — 28.05.141. (§ 7 ch 178 SLA 1978)

Collateral references. — 60 C.J.S.
Motor Vehicles, § 100.

Sec. 28.10.050. Application. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.051. Department may suspend or revoke registration. The department may suspend or revoke the registration of a vehicle, the certificate of registration or registration plates for a vehicle, or a special permit when

(1) the department is satisfied that the registration or certificate, plate or permit was fraudulently or erroneously issued;

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

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

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

(5) a registration plate, permit, or certificate is knowingly displayed upon a vehicle other than the vehicle for which issued;

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

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

(8) the department is otherwise required to do so under the laws of this state. (§ 7 ch 178 SLA 1978)

Collateral references. — 7A Am. Jur. registration of automobile, 16 ALR 1108, 35 ALR 62, 38 ALR 1038, 43 ALR 1153, 54 ALR 374, 58 ALR 532, 61 ALR 1190, 78 ALR 1028, 87 ALR 1469, 111 ALR 1258, 163 ALR 1375.
2d, Automobiles and Highway Traffic, §§ 90, 91.
60 C.J.S., Motor Vehicles, §§ 127 to 131.
Civil rights and liabilities as affected by failure to comply with regulations as to

Sec. 28.10.060. Vehicles registered elsewhere. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.061. Registration of vehicles with altered or missing identification number. When the vehicle identification number

Collateral references. — 7A Am. Jur.
2d, Automobiles and Highway Traffic,
§§ 185 to 203.
60 C.J.S. Motor Vehicles, § 26.

Sec. 28.05.090. Citation form. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.091. Seizure of unsafe or defectively equipped vehicle. A motor vehicle which is driven on a highway or vehicular way or area, and which has been determined to be defective in equipment so as to be unsafe for driving, is an unlawful vehicle and may be impounded by a peace officer or an employee of the department officially designated for that purpose. The owner or person in lawful possession of the vehicle shall pay the necessary costs of impounding and storing the vehicle. The impounding of a vehicle is in addition to any other penalty. Nothing in this section prevents the driving or moving of a defective vehicle in the manner directed by the peace officer or employee to a place for

- (1) the correction of a defect in the equipment;
- (2) dismantling or wrecking; or
- (3) storage without repair. (§ 6 ch 178 SLA 1978)

Sec. 28.05.095. Child safety devices. [Effective June 8, 1985.]

(a) Except as provided in (b) of this section, a driver may not transport a child under the age of seven in a motor vehicle unless the driver has provided and properly secured each child as described in this subsection. If the child is less than four years of age, the child shall be properly secured in a child safety device meeting the standards of the United States Department of Transportation for a child safety device for infants. If the child is between four and six years of age, the child shall be properly secured in a child safety device approved for a child of that age and size by the United States Department of Transportation or in a seatbelt, whichever is appropriate for the particular child.

(b) Subsection (a) does not apply to

- (1) a school bus or an emergency vehicle;
- (2) a child or class of children exempted by regulation under AS 28.05.096;
- (3) a child required to be restrained by seatbelts under (a) of this section if the motor vehicle is not equipped with seatbelts; or
- (4) a motor vehicle exempt under AS 28.10.011(11).

(c) A person may not remove a seatbelt from a vehicle solely to be exempted under (b)(3) of this section. (§ 1 ch 99 SLA 1984)

Effective dates. — Section 3, ch. 99, year after enactment. Chapter 99 was SLA 1984, makes this section effective one approved by the governor on June 8, 1984.

Sec. 28.05.096. Exemptions and alternative safety devices. [Effective June 8, 1985.] (a) The commissioner of public safety may

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§ 28.10.081

MOTOR VEHICLES

§ 28.10.108

Effect of amendments. — The 1986 "determines" for "is satisfied" and in-
amendment in paragraph (1) substituted inserted "procured."

**Sec. 28.10.081. Issuance of certificate of registration; certifi-
cate to be signed, carried and displayed.**

NOTES TO DECISIONS

Cited in *Resecker v. State*, Ct. App. Op.
No. 636 (File No. A-1248), P.2d
(1986).

*Sec. 28.10.101. Expiration of registration. [Repealed, § 7 ch 21
SLA 1985. For current law see AS 28.10.108.]*

*Sec. 28.10.105. Staggered registration. [Repealed, § 37 ch 21 SLA
1985. For current law see AS 28.10.108.]*

*Sec. 28.10.107. Staggered registration implementation. [Repealed,
§ 37 ch 21 SLA 1985. For current law see AS 28.10.108.]*

Sec. 28.10.108. Registration procedures. (a) A vehicle required
to be registered under this chapter shall be registered under the proce-
dures set out in this section.

(b) Subject to the provisions of (f) of this section, a vehicle subject to
registration

(1) under AS 28.10.011 and 28.10.421(b)(3) and (4) and (c)(1)-(4)
shall have its initial registration, and may have its annual registra-
tion, renewed during the month of December;

(2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3), (6) and (9)
shall have its initial registration, and may have its annual registra-
tion, renewed during the month of January.

(c) A vehicle subject to registration and not described in (b) of this
section shall have its initial registration, and may have its annual
registration, renewed in the month of initial registration in the state,
subject to the provisions of (f) of this section.

(d) A registered vehicle retains the same annual expiration date
regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month
to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate
prorated applicable fees, a vehicle registered under this section shall
have its registration period extended in monthly increments to allow
annual registration to occur in the month of the owner's choice.

(g) The department shall issue to the registered owner, upon receipt
of the proper application and fees, registration plates, tabs and regis-
tration form displaying the month and year in which the registration
expires.

(h) The department shall mail notice of registration expiration to the registered owner of record at the owner's mailing address as shown in the records of the department. An owner of a vehicle subject to registration who has received notice under this subsection may renew registration of the vehicle by returning the notice form, together with appropriate fees, to the department by mail postmarked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notice form. Upon receipt of a timely postmarked registration renewal and the appropriate fees and taxes, the department shall renew the registration and mail the current registration card and registration plates or tabs to the owner at the owner's mailing address as shown in the department's records.

(i) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer. The exemption from payment of fees and taxes under this subsection applies only if

(1) the dealer is registered with the state; and

(2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

(j) The purchaser of a vehicle for which registration and taxes have been held in abeyance under (i) of this section shall register the vehicle within five working days of purchase and pay the prorated fees and taxes required by the department.

(k) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section. (§ 38 ch 21 SLA 1985)

Sec. 28.10.111. Renewal of registration. (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required fee and tax.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, a person may not display the new registration plates on a vehicle before a date which may be set by the commissioner. (§ 7 ch 178 SLA 1978; am § 39 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment deleted ", and any motor freight carrier fee or bus transportation fee required under AS 42" at the end of subsection (a).

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(b) [Repealed, 1983 Initiative Proposal No. 2, § 6.]

(c) [Repealed, § 6 ch 70 SLA 1986.]

(d) [Repealed, § 41 ch 37 SLA 1986.]

(e) [Repealed, § 3 ch 89 SLA 1987.]

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 70 SLA 1986; am § 3 ch 89 SLA 1987)

Effect of amendments. — The 1985 amendment repealed subsection (b), concerning payment of motor carrier fees.

The first 1986 amendment repealed subsection (d), concerning payments by the Department of Community and Regional Affairs.

The second 1986 amendment added subsection (f).

The third 1986 amendment repealed subsection (c), concerning exemption for residents 65 years of age or older.

The 1987 amendment repealed subsection (e), concerning inclusion of state park and camp ground fees in registration fees.

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111.

(b) The annual registration fees under this subsection are imposed within the following classifications:

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use\$35;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use\$40;
- (3) a taxicab\$70;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists\$85;
- (5) a motorcycle or a motor-driven cycle\$20;
- (6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer\$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle

pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- (1) up to and including 5,000 pounds\$50;
- (2) more than 5,000 pounds to and including 12,000 pounds\$85;
- (3) more than 12,000 pounds to and including 18,000 pounds\$155;
- (4) more than 18,000 pounds\$220.

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

(1) an historic vehicle (one time only upon initial registration under AS 28.10.181)\$10;

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

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 or a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the departmentnone;

(4) a vehicle owned by the statenone;

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

(6) a vehicle owned by a consular officer, unless waived under AS 28.10.181\$35;

(7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181\$35;

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

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

(B) in recognition of service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands from 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storagenone for a mobile amateur radio station vehicle included in (b)(1) or (2) of this section;

(10) dealer registration plates,

(A) the initial set of plates\$45;

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- (B) each subsequent set of plates\$25;
- (11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(e)\$ 5;
- (12) an occasional use vehicle under AS 28.10.181(k)\$15;
- (13) a vehicle owned by a Pearl Harbor survivor or a former prisoner of warnone;
- (14) special request Winter Olympics commemorative plates\$ 70 plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account may be appropriated by the legislature to the Alaska sports fund established under AS 05.35.150.

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats, camper unit, canopy or other equipment removed unless the other applicable registration fee is paid.

(f) In addition to the fees imposed under (b) and (d) of this section, the following special annual registration fee is imposed upon renewal of registration for a passenger vehicle, motor home, pick-up truck, or a van with special request Winter Olympics commemorative plates\$30; the commissioner of administration shall separately account for the fees received under this subsection that the department deposits in the general fund; the annual estimated balance in the account may be appropriated by the legislature to the Alaska sports fund established under AS 05.35.150. (§ 7 ch 178 SLA 1978; am §§ 4, 5 ch 54 SLA 1979; am § 2 ch 151 SLA 1984; am § 41 ch 21 SLA 1985; am §§ 7 — 9 ch 60 SLA 1986; am § 1 ch 70 SLA 1986; am §§ 6 — 8 ch 24 SLA 1988)

Cross references. — For legislative intent regarding appropriation of proceeds from sale of Winter Olympics plates, see sec. 1, ch. 24, SLA 1988 in the Temporary and Special Acts.

Effect of amendments. — The 1985 amendment substituted "AS 28.10.108 and 28.10.111" for "AS 28.10.101 — 28.10.111" at the end of subsection (a).

The first 1986 amendment increased the fees in paragraphs (1) through (5) of subsection (b), increased the fees in subsection (c), and in subsection (d) in para-

graph (2) added "including those authorized for use by Alaska National Guard personnel only" and increased the fee, in paragraph (3) substituted "files a written application for an exemption on a form prescribed by the department" for "complies with AS 28.10.411(c)," and increased the fees in paragraphs (6), (7) and (10).

The second 1986 amendment of paragraph (3) of subsection (d) made by § 1, ch. 70, SLA 1986 was identical to the amendment made by § 9, ch. 60, SLA 1986, which is already in effect.

Collateral references. — 7A Am. Jur. 60 C.J.S., Motor Vehicles, §§ 105 to 107.
2d, Automobiles and Highway Traffic,
§ 54.

*Secs. 28.10.172, 28.10.180. Staggered registration; renewal.
[Repealed, § 7 ch 178 SLA 1978.]*

- Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) Historic vehicles. The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) Special request plates. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home, the department may design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) Vehicles owned by disabled veterans and handicapped persons. A

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person who presents to the department written proof that the person is at least 70 per cent disabled or medically handicapped and should be given special consideration by the public with respect to the parking or standing of the person's vehicle in designated spaces, may register one passenger vehicle without charge. The proof required under this subsection may consist of evidence that the person receives at least 70 per cent disability compensation from a government agency at the time of registration or an affidavit signed by a physician licensed to practice medicine in this state. Upon the request of the applicant the department shall issue a specially designed registration plate which displays

(1) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the armed forces of the United States; or

(2) the standard handicap symbol (the wheelchair logo).

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing shall include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection shall be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society or other entity organized, incorporated or headquartered in the state for educational, cultural, scientific or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during the official's term of office.

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "cc." However, the commissioner may waive the registration of consular vehicles and the payment of fees and taxes when consistent with international treaties or agreements.

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle

not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and which vehicle is used exclusively to transport the person's own ranch, farm, or dairy products to and from the market or to transport supplies, commodities or equipment to be used on the person's ranch, farm or dairy, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates shall be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

(k) Occasional users of highways. The department may issue a license to the owner of a vehicle which is only occasionally used on a highway. The applicant must show to the satisfaction of the department that the vehicle to be licensed under this subsection will travel upon state highways less than five per cent of its total hours of operation. The department may not issue more than two licenses under this subsection to a single person.

(l) Vehicles owned by former prisoners of war. The department, upon receipt of written proof, may issue without charge special registration plates for one noncommercial motor vehicle to a person who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations. The design and color of the prisoner of war plates shall be solely within the discretion of the commissioner. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984)

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issued in another jurisdiction. (§ 7 ch 178 SLA 1978; am § 2 ch 99 SLA 1983; am § 84 ch 6 SLA 1984; am § 8 ch 45 SLA 1987)

Effect of amendments. — The 1987 amendment in subsection (d) inserted "or (c)" in the first sentence and deleted "and a certificate of inspection by a peace officer of that jurisdiction stating that the vehicle has been determined to be the vehicle described in the certificate of title and that the vehicle has not been reported stolen" at the end of the section.

Sec. 28.10.261. Evidence.

NOTES TO DECISIONS

Applied in *Keltner v. Curtis*, Sup. Ct. Op. No. 2913 (File No. S-162), 695 P.2d 1076 (1985).

Article 3. Transfer of Vehicle.

Section

321. New owner to secure transfer of registration and new title

Sec. 28.10.321. New owner to secure transfer of registration and new title. (a) Except as provided under AS 28.10.281 and 28.10.291, the new owner shall, within 30 days, present the certificates of title and registration properly endorsed to the department, apply for a new title, and register the vehicle as upon an original registration.

(b) An application for certificates of title and registration shall be accompanied by any required registration fees and taxes, transfer of title and lien fees, and by the previous certificates of title and registration, if any. (§ 7 ch 178 SLA 1978; am § 40 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment deleted "and motor freight carrier or bus transportation fees, if any," following "lien fees" in subsection (b).

Article 5. Fees and Charges.

Section

- 411. Registration fees levied
- 421. Registration fee rates
- 423. Emission control inspection program fees

Section

- 431. Annual motor vehicle registration tax
- 441. Schedule of other fees and charges

Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

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(b) [Repealed, 1983 Initiative Proposal No. 2, § 6.]

(c) [Repealed, § 6 ch 70 SLA 1986.]

(d) [Repealed, § 41 ch 37 SLA 1986.]

(e) [Repealed, § 3 ch 89 SLA 1987.]

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 70 SLA 1986; am § 3 ch 89 SLA 1987)

Effect of amendments. — The 1985 amendment repealed subsection (b), concerning payment of motor carrier fees.

The first 1986 amendment repealed subsection (d), concerning payments by the Department of Community and Regional Affairs.

The second 1986 amendment added subsection (f).

The third 1986 amendment repealed subsection (c), concerning exemption for residents 65 years of age or older.

The 1987 amendment repealed subsection (e), concerning inclusion of state park and camp ground fees in registration fees.

← **Sec. 28.10.421. Registration fee rates.** (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use\$35;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use\$40;
- (3) a taxicab\$70;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists\$85;
- (5) a motorcycle or a motor-driven cycle\$20;
- (6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer\$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle

Sec. 28.10.371. Filing documents evidencing liens or encumbrances. A conditional sales contract, chattel mortgage, or other lien or encumbrance or title retention document on a registered vehicle, other than a lien dependent upon possession, is not valid against a vehicle owner's creditor who acquires a lien dependent upon possession, or by levy or attachment, or against a subsequent purchaser or encumbrancer without notice, until the requirements of AS 28.10.371 — 28.10.401 are satisfied. (§ 7 ch 178 SLA 1978)

Sec. 28.10.380. Dealer's transfer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.381. Provisions for filing and issuance of title. (a) A copy of the document creating and evidencing a lien or encumbrance shall be filed with the department.

(b) If a certificate of title is issued before a lien or encumbrance attaches, the copy of the document creating and evidencing the lien or encumbrance shall be accompanied by the certificate of title issued for the vehicle.

(c) If the vehicle is of a type subject to registration but is not registered and no certificate of title is issued for it, then the certified copy of the document creating and evidencing the lien or encumbrance shall be accompanied by an application from the owner for original certificates of registration and title. When a document creating and evidencing a lien or encumbrance is filed with the department, the lien filing fee required under AS 28.10.441 shall be paid.

(d) Upon receipt of the application and documents, the department shall endorse on them the date of receipt at the central office of the department and file them. If the department is satisfied as to the genuineness and regularity of the application, it shall issue a new certificate of title giving the name of the owner and a statement of liens or encumbrances certified to the department as existing against the vehicle. The certificate of title shall be delivered by the department to the person holding the lien or encumbrance. (§ 7 ch 178 SLA 1978)

Sec. 28.10.390. Transfer to dealer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.391. Filing and date of notice. (a) The filing of the application and documents under AS 28.10.381 and the issuance of a new certificate of title are constructive notice of any liens or encumbrances against the vehicle described in the certificate to a creditor of the owner, or to a subsequent purchaser or encumbrancer. However, a lien or encumbrance on a vehicle for labor, material, transportation, storage or similar activity, whether or not dependent on possession for its validity, is subordinate only to a mortgage, conditional sale contract, or similar lien or encumbrance properly filed on or before the time that the vehicle is subject to, or comes into possession of, the lien or encumbrance claimant for the labor, material, transportation, storage or similar activity.

(b) If the received and after the date notice date. Otherwise, of the documents.

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Editor's note below w/ 28.10.510.

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material fact in an application for registration or certificate of title or falsely affirms with respect to a matter required to be sworn to, affirmed, or furnished under this chapter or regulations adopted under this chapter.

(b) A person convicted of an offense under this section is punishable by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both. (§ 7 ch 178 SLA 1978; am § 6 ch 54 SLA 1979)

Sec. 28.10.493. Misdemeanors relating to transfers. (a) The owner of a vehicle who transfers a vehicle and fails to comply with the requirements of AS 28.10.271 is guilty of a class B misdemeanor.

(b) A vehicle dealer who transfers a vehicle and fails to comply with the requirements of AS 28.10.291 is guilty of a class B misdemeanor. (§ 3 ch 54 SLA 1979)

Cross references. — For sentences for class B misdemeanors, see AS 12.55.035(b)(4) and 12.55.135(b).

Article 7. General Provisions.

Section	Section
495. Parking permit for vehicle transporting disabled person	502. Towing and storage lien 661. Definition of dealer

Sec. 28.10.495. Parking permit for vehicle transporting disabled person. (a) Upon application by a disabled or medically handicapped person, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle which is being used for the transportation of the disabled or medically handicapped person.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for the disabled or handicapped person with respect to whom the permit was issued.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be provided as specified in AS 28.10.181(d). (§ 24 ch 178 SLA 1978; am § 1 ch 11 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the section.

Sec. 28.10.500. Index of liens. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.501. [Renumbered as AS 28.10.661.]

Sec. 28.10.502. Towing and storage lien. (a) A person engaged in the business of towing motor vehicles, who tows, transports or stores

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Section 5

Sec. 28.10.380. Dealer's transfer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.381. Provisions for filing and issuance of title. (a) A copy of the document creating and evidencing a lien or encumbrance shall be filed with the department.

(b) If a certificate of title is issued before a lien or encumbrance attaches, the copy of the document creating and evidencing the lien or encumbrance must be accompanied by the certificate of title issued for the vehicle.

(c) If the vehicle is of a type subject to registration but is not registered and no certificate of title is issued for it, then the certified copy of the document creating and evidencing the lien or encumbrance must be accompanied by an application from the owner for original certificates of registration and title. When a document creating and evidencing a lien or encumbrance is filed with the department, the lien filing fee required under AS 28.10.441 shall be paid.

(d) Upon receipt of the application and documents, the department shall endorse on them the date of receipt at the central office of the department and file them. If the department is satisfied as to the genuineness and regularity of the application, it shall issue a new certificate of title giving the name of the owner and a statement of liens or encumbrances certified to the department as existing against the vehicle. The certificate of title shall be delivered by the department to the person holding the lien or encumbrance. (§ 7 ch 178 SLA 1978)

Sec. 28.10.390. Transfer to dealer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.391. Filing and date of notice. (a) The filing of the application and documents under AS 28.10.381 and the issuance of a new certificate of title are constructive notice of any liens or encumbrances against the vehicle described in the certificate to a creditor of the owner, or to a subsequent purchaser or encumbrancer. However, a lien or encumbrance on a vehicle for labor, material, transportation, storage, or similar activity, whether or not dependent on possession for its validity, is subordinate only to a mortgage, conditional sale contract, or similar lien or encumbrance properly filed on or before the time that the vehicle is subject to, or comes into possession of, the lien or encumbrance claimant for the labor, material, transportation, storage, or similar activity.

(b) If the documents referred to in AS 28.10.271 — 28.10.401 are received and filed in the central office of the department within 10 days after the date that the documents were executed, the constructive notice dates from the time of the execution of the documents. Otherwise, constructive notice dates from the time of receipt and fil-

Secs. 28.10.172, 28.10.180. Staggered registration; renewal. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) **Historic vehicles.** The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) **Special request plates.** Upon application by the owner of a passenger vehicle, motorcycle, noncommercial van or pick-up truck, or motor home, the department shall design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) **Vehicles owned by disabled veterans and handicapped persons.** A person who presents to the department written proof that the person is at least 70 percent disabled or medically handicapped and

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should be given special consideration by the public with respect to the parking or standing of the person's vehicle in designated spaces, may register one passenger vehicle without charge. The proof required under this subsection may consist of evidence that the person receives at least 70 percent disability compensation from a government agency at the time of registration or an affidavit signed by a physician licensed to practice medicine in this state. Upon the request of the applicant the department shall issue a specially designed registration plate that displays

(1) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the armed forces of the United States; or

(2) the standard handicap symbol (the wheelchair logo).

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality, or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality, or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality, or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing must include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection must be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a non-profit association, corporation, society, or other entity organized, incorporated, or headquartered in the state for educational, cultural, scientific, or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during the official's term of office.

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "cc." However, the commissioner may waive the registration of consular vehicles and the payment of fees and taxes when consistent with international treaties or agreements.

holder of the lienholder's title fee required under a new certificate of title.

law. [Repealed, § 7 ch 178

charges.

annual motor vehicle registration schedule of other fees and charges

J.S., Motor Vehicles, §§ 60, 136 to

ied. (a) For every year due to registration under this section the department at the time of annual renewal of registration

al No. 2, § 6.]

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on January 1 of the year the exemption from the registration motor vehicle subject to registration (5), or (6). An exemption may be granted for the exemption on a basis of 7 ch 178 SLA 1978; am 1983 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 3 ch

The third 1986 amendment repealed subsection (c), concerning exemption for persons 65 years of age or older. The 1987 amendment repealed subsection (e), concerning inclusion of state park and camp ground fees in registration fees. Collateral references. — Validity of automobile registration or license fee as

affected by classification or discrimination, 126 ALR 1419.

Section 9

Sec. 28.10.420. Assignment. [Repealed, § 7 ch 178 SLA 1978.]

→ Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

(1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use\$35;

(2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use\$40;

(3) a taxicab\$70;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists\$85;

(5) a motorcycle or a motor-driven cycle\$20;

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer\$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

(1) up to and including 5,000 pounds\$51;

(2) more than 5,000 pounds to and including 12,000 pounds\$86;

(3) more than 12,000 pounds to and including 18,000 pounds\$156;

(4) more than 18,000 pounds\$221

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

(1) an historic vehicle (one time only upon initial registration under AS 28.10.181)\$10;

See next Page⁴⁹

AS 28.10.421(d)(6)

Section 9

§ 28.10.421

ALASKA STATUTES

§ 28.10.421

- (2) special request plates for
 - (A) Alaska National Guard personnel\$ 30;
 - (B) veterans or retired veterans\$ 30;
 - (C) recipients of the Purple Heart\$ 30;
 - (D) other special request plates\$ 30;

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

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 or a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department none;

(4) a vehicle owned by the state none;

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

→ [(6) a vehicle owned by a consular officer, unless waived under AS 28.10.181\$35;

(7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181\$35;

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

(9) an amateur mobile radio station vehicle,

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

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

(10) dealer registration plates,

(A) the initial set of plates\$45;

(B) each subsequent set of plates\$25;

(11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(e)\$ 5;

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

(13) a vehicle owned by a Pearl Harbor survivor or a former prisoner of war none;

(14) special request Winter Olympics commemorative plates ...\$70 plus

the fee required for that vehicle under (b)(1) or (2) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates; the commissioner of administration shall separately account for the fees received

AS 28.10.421. (d) (6)

Original sponsor(s): Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 92 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to identification cards issued by
7 the Department of Public Safety, motor vehicle regis-
8 tration and registration fees, filing a lien on a
9 motor vehicle, and issuance of handicapped parking
10 permits; and providing for an effective date."

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

12 * Section 1. AS 18.65 is amended by adding a new section to article 3
13 to read:

14 Sec. 18.65.320. CANCELLATION OF IDENTIFICATION CARD. (a) The
15 department shall cancel an identification card if the person receiving
16 the card fails to give the required or correct information in the
17 person's application. Nothing in this section prohibits reapplication
18 by the person or reissuance of the identification card.

19 (b) A person whose identification card has been cancelled shall
20 return the card to the department. Failure to return a cancelled card
21 within 10 days after receiving notice of the cancellation is a vio-
22 lation punishable by a fine of up to \$100.

23 * Sec. 2. AS 28.10.051(a) is amended to read:

24 (a) The department may suspend or revoke the registration of a
25 vehicle, the certificate of registration or registration plates for a
26 vehicle, or a special permit when

27 (1) the department determines that the registration or
28 certificate, plate or permit was fraudulently procured or erroneously
29 issued;

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

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

7 (4) the department determines that a required fee or tax
8 has not been paid and the fee or tax is not paid upon reasonable
9 notice and demand;

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

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

16 (7) the vehicle has been reported to the department as
17 stolen or unlawfully converted; [OR]

18 (8) the department is otherwise required to do so under the
19 laws of this state; or

20 (9) the department determines that the vehicle owner has
21 violated the requirements of AS 28.10.146 or 28.10.147.

22 * Sec. 3. AS 28.10.108(b) is amended to read:

23 (b) Subject to the provisions of (f) of this section, a vehicle
24 subject to registration

25 (1) under AS 28.10.011 and 28.10.421(b)(3) and (4) and
26 (c)(1) - (4) shall have its initial registration, and may have its
27 annual registration, renewed during the month of December;

28 (2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3) [,
29 (6)] and (9) shall have its initial registration, and may have its

1 annual registration, renewed during the month of January.

2 * Sec. 4. AS 28.10 is amended by adding new sections to read:

3 Sec. 28.10.146. REGISTRATION OF INTERSTATE RENTAL TRUCKS. (a)

4 Notwithstanding any other registration requirement of this chapter, a
5 fleet rental truck owner or authorized representative shall register a
6 percentage of the total fleet as determined under this subsection, and
7 shall pay the fees and taxes required by this chapter. The percentage
8 of fleet rental trucks required to be registered is equal to the total
9 number of miles that all trucks in the rental fleet were driven in
10 this state during a calendar year or other period established by the
11 department by regulation, divided by the total number of miles that
12 all trucks in the rental fleet were driven in all states and the
13 District of Columbia during that period.

14 (b) When applying for registration under (a) of this section,
15 the fleet rental owner or authorized representative shall file with
16 the department a certified report containing verifiable data, report-
17 ing

18 (1) the total number of miles operated by all of the trucks
19 in the rental fleet in all states and the District of Columbia during
20 the preceding calendar year or other period specified by the depart-
21 ment;

22 (2) the total number of miles operated in this state by all
23 of the trucks in the rental fleet during the preceding calendar year
24 or other period specified by the department; and

25 (3) other fleet rental truck registration information that
26 the department may require.

27 (c) A fleet rental owner or authorized representative whose
28 application for registration under this section has been accepted by
29 the department shall preserve records of the period on which the

1 application was based for four years. Upon request of the department,
2 the fleet rental owner or authorized representative shall

3 (1) provide records preserved under this subsection to the
4 department for audit; or

5 (2) pay the cost of an audit conducted by a representative
6 of the department at the office of the owner.

7 (d) After compliance with this section, all trucks identified as
8 part of the rental fleet, and currently registered in any state or in
9 the District of Columbia, may operate in this state.

10 (e) If the department determines that the fleet rental owner or
11 authorized representative has not registered fleet rental trucks as
12 required by this section, the department may suspend or revoke a
13 registration previously issued, and may deny future fleet rental
14 registration under (a) of this section, until the owner or authorized
15 representative has complied with this section. If registration under
16 (a) of this section has been suspended, revoked, or denied, all the
17 owner's fleet rental trucks present in the state must be registered
18 under applicable state law.

19 (f) A fee or tax paid as a result of registration required under
20 this section does not satisfy or offset other fees or taxes levied by
21 the state or a political subdivision in connection with the ownership
22 or operation of fleet rental trucks.

23 (g) In this section, "fleet" means a fleet of 10 or more rental
24 trucks that are rented or offered for rent without a driver.

25 Sec. 28.10.147. REGISTRATION OF INTERSTATE RENTAL TRAILERS. (a)
26 Notwithstanding any other registration requirement of this chapter, a
27 fleet rental trailer owner or authorized representative shall register
28 the average number of trailers present in this state as calculated
29 under this subsection, and shall pay the fees and taxes required by

1 this chapter. The average number of trailers is equal to the total
2 number of trailers in the fleet that were present at any time in the
3 state during a calendar year or other period established by the de-
4 partment by regulation, divided by the number of calendar months in
5 the period.

6 (b) When applying for registration of trailers as required under
7 (a) of this section, the fleet rental owner or authorized representa-
8 tive shall file with the department a certified report containing
9 verifiable data as to the average number of trailers that were present
10 at any time in the state for the previous calendar year or other
11 period specified by the department.

12 (c) A fleet rental owner or authorized representative whose
13 application for registration under this section has been accepted by
14 the department shall preserve records of the period on which the
15 application was based for four years. Upon request of the department,
16 the fleet rental owner or authorized representative shall

17 (1) provide records preserved under this subsection, to the
18 department at its office for audit; or

19 (2) pay the cost of an audit conducted by a representative
20 of the department at the office of the owner.

21 (d) After compliance with this section, all trailers identified
22 as part of the rental fleet, and currently registered in any state or
23 in the District of Columbia, may operate in this state.

24 (e) If the department determines that the fleet rental owner or
25 authorized representative has not registered fleet rental trailers as
26 required by this section, the department may suspend or revoke a
27 registration previously issued, and may deny future registration under
28 (a) of this section, until the owner has complied with this section.
29 If registration under (a) of this section has been suspended, revoked,

1 or denied, all the owner's fleet rental trailers present in the state
2 must be registered under applicable state law.

3 (f) A fee or tax paid as a result of registration required under
4 this section does not satisfy or offset other fees or taxes levied by
5 the state or a political subdivision in connection with the ownership
6 or operation of fleet rental trailers.

7 (g) In this section, "fleet" means a fleet of 10 or more rental
8 trailers that are rented or offered for rent for personal use, not for
9 the transportation of persons or property for hire or other commercial
10 use, and includes a boat trailer, baggage trailer, box trailer, utili-
11 ty trailer, house trailer, or travel trailer.

12 * Sec. 5. AS 28.10.381 is repealed and reenacted to read:

13 Sec. 28.10.381. FILING A LIEN OR ENCUMBRANCE. (a) A lien or
14 other encumbrance on a vehicle may be filed by delivering to the
15 department

16 (1) a manufacturer's certificate of origin or an existing
17 certificate of title;

18 (2) an application for a new certificate of title, signed
19 by the registered owner and containing the name and address of any
20 lienholder and the date of the lienholder's interest;

21 (3) applicable filing fees required by law; and

22 (4) other documents or information required by the depart-
23 ment.

24 (b) Upon approval of the application, the department shall send
25 to the person holding a lien or other encumbrance a new certificate of
26 title which displays the name of the owner and indicates the existence
27 of the lien or other encumbrance.

28 * Sec. 6. AS 28.10.421(b) is amended to read:

29 (b) The annual registration fees under this subsection are im-

1 posed within the following classifications for:

2 (1) a passenger vehicle or motor home not used or main-
3 tained for the transportation of persons or property for hire or for
4 other commercial use.....\$35;

5 (2) a pick-up truck or a van not exceeding 6,000 pounds
6 unladen weight and not used or maintained for the transportation of
7 persons or property for hire or for other commercial use.....\$40;

8 (3) a taxicab.....\$70;

9 (4) a motor bus with a seating capacity for 20 or more
10 persons and used exclusively for commercial purposes in the transport-
11 ing of visitors or tourists.....\$85;

12 (5) a motorcycle or a motor-driven cycle.....\$20;

13 (6) a [TWO- OR FOUR-WHEELED] trailer not used or maintained
14 for the transportation of persons or property for hire or for other
15 commercial use, including, but not limited to, a boat trailer, baggage
16 trailer, box trailer, utility trailer, [OR] house trailer, travel
17 trailer, or a trailer rented or offered for rent.....\$ 5.

18 * Sec. 7. AS 28.10.495(a) is amended to read:

19 (a) Upon application by a disabled or medically handicapped
20 person, or by an organization that transports disabled or medically
21 handicapped persons, the department shall issue to the applicant,
22 without charge, a special permit bearing the control number of the
23 applicant. The permit issued under this section, when displayed in
24 the front windshield of a parked or standing vehicle, shall provide
25 for special consideration by the public with respect to the parking or
26 standing in designated spaces of a vehicle that is being used for the
27 transportation of a [THE] disabled or medically handicapped person.

28 * Sec. 8. AS 28.10.495(b) is amended to read:

29 (b) A person is not entitled to use the special permit provided

1 for in (a) of this section except when providing transportation for a
2 [THE] disabled or handicapped person [WITH RESPECT TO WHOM THE PERMIT
3 WAS ISSUED]. Upon the death of a [THE] disabled or handicapped person
4 to whom a special permit has been issued, the special permit shall be
5 returned to the department. If an organization to which a special
6 permit has been issued ceases transporting disabled or handicapped
7 persons, or ceases operating, it shall return the special permit to
8 the department.

9 * Sec. 9. AS 28.10.181(g) and 28.10.421(d)(6) are repealed.

10 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

SB

101

HOUSE COMMITTEE REPORT

4/24

(7)

Date Referred: April 21, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

(CORRECTED 4/21)

The LABOR & COMMERCE Committee considered:

CSSB 101 (JUD)

CS FOR SENATE BILL NO. 101 (Judiciary)

[LIMITING LIABILITY OF SPORTS OFFICIALS]

"An Act relating to civil liability for sports officiating; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with H C/SCSSB101 (L&C) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____
- fiscal note(s) _____
- zero ^{Senate} fiscal note(s) 3/2/89 - Court
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass No Rec Amend

<u>Thomas M. Collins</u> COLLINS	<u>Mark Greenberg</u> GREENBERG			
_____	<u>David Donley</u> DONLEY		X	
<u>Steven A. Leman</u> LEMAN	<u>Paul Finkelstein</u> FINKELSTEIN		X	
<u>W.A. Boucher</u> BOUCHER				

David Donley

Chairman's Signature

**STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: Bill Version: CS SB 101 JUD
Publish Date: 3/2/89

Revision Date: 3/6/89 Agency Affected: Alaska Court System
Title: An act relating to civil liability for sport officiating... BRU: Trial Courts
Sponsor: Kelly Components:
Requestor: Judiciary

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	.	.	.	.	.	.
Other	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg* Jan Strandberg, General Counsel Phone: 264-8228
Division: Alaska Court System Date: 03/06/89

Approved by: *Arthur H. Snowden, II* Arthur H. Snowden, II, Administrative Director Date: 03/06/89
Agency: Alaska Court System

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

RECEIVED

JAN 31 1990

Interior Alaska Hockey Officials Association

P.O. Box 10714
Juneau, Alaska 99811

January 15, 1990

Representative Mike Davis
Box V
Juneau, AK 99811

Re: SB 101

Dear Rep. Davis:

The Interior Alaska Hockey Officials Association continues to ask for your support of Senate Bill 101 which Senator Kelly introduced last session. This bill proposes that a sports official is not liable for civil damages occurring in an amateur event if the official makes less than \$5000.00 during the previous 12 months.

In March 1989, I suggested that \$7500.00 would be a better ceiling for earnings as there are currently amateur officials within the Interior Alaska Hockey Officials Association that earn close to \$5000.00. I would also like to suggest that Section 09.65.145(a)(2) does not protect an official doing NCAA Hockey games for the University of Alaska as there is presently no officials organization for collegiate ice hockey officials in Alaska.

I would like to add that this legislation is timely as I know of one pending court action in Alaska regarding an ice hockey injury at the collegiate level but it does not involve the officials at the present time. In addition, I suspect that other sports officials in Alaska would be in favor of this legislation if they were informed of its status.

Should you have any questions, I can be contacted at 451-2733(w) or 456-6858(h). Thank you for your time.

Sincerely,

Christopher C. Milles
IAHOA President 1989-90

A

INTERIOR ALASKA HOCKEY OFFICIALS ASSOCIATION
P.O. Box 74514
Fairbanks, Alaska 99707

February 2, 1990

RECEIVED

Representative Mike Davis
Box V
Juneau, AK 99811

FEB 7 1990

Re: SB 101

Dear Representative Davis:

The Interior Alaska Hockey Officials Association asks for your support of Senate Bill 101 which Senator Kelly introduced last session. This bill, currently in the House Judiciary Committee, proposes that a sports official is not liable for civil damages occurring in an amateur event if the official makes less than \$5000.00 during the previous 12 months.

I would like to suggest that \$7500.00 would be a better ceiling for earnings as there are currently officials within the Interior Alaska Hockey Officials Association working amateur events that earn close to \$5000.00.

In addition, I suspect that other sports officials in Alaska would be in favor of this legislation if they were informed of its status.

Should you have any questions, I can be contacted at 451-2733(w) or 456-6858(h). Thank you for your time.

Sincerely,

Christopher C. Milles
IAHOA President 1989-90

OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE



P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7612

SENATOR TIM KELLY

April 25, 1989

Representative Peter Goll, Co-chair
Representative Max Gruenberg, Co-chair
Judiciary Committee
Alaska State House
Box V
Juneau, Alaska 99811

Re: Scheduling SB 101, limiting civil liability of sports officials.

Dear Representatives Goll and Gruenberg,

I would appreciate a committee hearing on SB 101 at your earliest convenience. Nationwide there is a growing recognition of the value and necessity of this kind of legislation (see attachment). This summer I was asked by several Alaskan sports official groups to introduce SB 101.

In the last several years the legislature has passed similar legislation limiting civil liability exposure to a variety of volunteer and paraprofessional groups. Search and rescue and ski patrol groups most recently come to mind. In every case, it is the recognition that the value and public service of certain activities would be drastically affected if the liability implications and the cost of insurance protections were fully realized by the participants.

Alaska is an avid amateur sports state. I believe we have the highest percentage of population, young and old, participating in organized sports activities of all the states in the union. Sports officials are an essential part of these activities, be they volunteers or otherwise. Few, if any, carry or can afford liability insurance. SB 101 provides a solution for this situation.

Thank you for your consideration.

~~Sincerely,~~

A handwritten signature in cursive script that reads "Tim".

TIM KELLY
Alaska State Senator

Hayden

OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7612

April 6, 1989

Representative Dave Donley, Chair
Labor & Commerce Committee
Alaska State House
Box V
Juneau, Alaska 99811

Re: Scheduling SB 101, limiting civil liability of sports officials.

Dear Representative Donley,

I would appreciate a committee hearing on SB 101 at your earliest convenience. Nationwide there is a growing recognition of the value and necessity of this kind of legislation (see attachment). This summer I was asked by several Alaskan sports official groups to introduce SB 101.

In the last several years the legislature has passed similar legislation offering protections from civil liability to a variety of volunteer and paraprofessional groups. Search and rescue and ski patrol groups most recently come to mind. In every case it is the recognition that the value and public service of certain activities would be irreparably harmed if exposed to the full effect of liability and the counter balancing cost of insurance.

Also attached are letters I have recieved supporting SB 101 during it course through the Senate.

Thank you for your consideration.

Sincerely

A handwritten signature in cursive script that reads "Tim".

TIM KELLY
Alaska State Senator



NATIONAL ASSOCIATION
OF SPORTS OFFICIALS

SPECIAL NEWS RELEASE • SPECIAL NEWS R

FOR RELEASE: July 23, 1987

FOR INFORMATION: Barry Mano (415) 692-9100 San Francisco or
(414) 632-5448 Wisconsin
Mel Narol (415) 692-9100 San Francisco or
(609) 452-0808 New Jersey

NATIONAL ASSOCIATION SPEARHEADS LEGISLATIVE EFFORTS FOR SPORTS OFFICIALS

SAN FRANCISCO, CA.

The launching of a national legislative effort to protect sports officials from physical abuse and civil lawsuits will be an important focus of the 7th annual National Convention of Sports Officiating.

Sponsored by the National Association of Sports Officials, this annual event will convene today at the Marriott Hotel at San Francisco International Airport.

With the increased visibility and economic stake in sports, greater attention has been focused on the referees and umpires who work the games. No longer are verbal jabs the only recourse being used by disgruntled players, coaches and fans.

Some examples:

* Last year a parent came out of the stands during a Little League game in Huntington Beach, CA., and attacked a

Phy
ABUSE

17-year old umpire. The attacker was fined \$500 and ordered to write an essay on sportsmanship.

* In 1982, an ice hockey referee was attacked by players and fans on his way from the ice to the dressing room in a Fairfax, VA., arena. He underwent two spinal operations and was totally incapacitated for one year. There was a substantial monetary settlement.

* Last year, a softball umpire was attacked by players with bats in Long Beach, CA., resulting in him nearly losing his eyesight in one eye and suffering serious other injuries. The two attackers were sentenced to jail.

During the past five years, the men and women who participate in the avocation of sports officiating, have begun to fight back. "As officials we must let the players, fans, coaches and parents know we will no longer tolerate physical abuse," stated Barry Mano, founder and President of the 13,000 member National Association of Sports Officials (NASO). And the officials, through the education and awareness campaigns by NASO, have been very successful convincing judges in court that physical abuse cannot be part of sports at any level.

The leading authority on sports officials and the law continues to be New Jersey attorney, Mel Narol. Narol, past Chairman and current NASO board member comments: "Criminal court penalties have increased. Last year in California two men were sentenced to six months and one year respectively for their part in a vicious attack on a softball umpire."

Phy
AB/OSP

Now NASO has drafted Model Legislation which makes it a criminal offense, greater than merely assault, to physically abuse a sports official. This was made public to the more than 500 attendees at the NASO convention and will be sent to all state legislatures for use in statute writing. NASO plans to lend its expertise and support in fostering this type of protection for officials in every state.

Already in 1987 NASO worked in coordination with legislators in Arkansas to assist passage of such a bill. Arkansas Governor Clinton signed the measure in April.

The other state which has adopted similar legislation is Oklahoma. Its 1978 law makes it a felony to assault a sports official. This is punishable by a fine of up to \$1,000 and/or six months in jail.

NASO also made public today Model Legislation which would make it more difficult to sue sports officials. It would only permit such lawsuits to be successful if the official intentionally injured a person or acted in a "grossly negligent manner."

"Currently most states give limited liability to coaches, athletic directors, public institutions and municipalities," emphasized Narol. "We are seeking parity for officials and umpires."

Liability lawsuits have greatly increased during the past five years. Examples of lawsuits now pending or recently concluded:

* Two New York umpires have been sued for their alleged failure to timely stop a Connie Mack League baseball

Phy Abuse

no fee from
copains +
Civil lawsuits

game resulting in a player being struck and killed by lightning.

* A New Jersey track referee was sued by a high school trackster who claimed to have been injured on a slippery take-off board while participating in a long-jump competition. A jury found the referee was not responsible.

* A major-college basketball referee was sued because of a disagreement on a call he made near the end of a Big Ten game. The court ruled judges should not review referee's calls and dismissed the case.

* A California umpires' association has been sued by a softball player who claims second base was not properly fastened in the ground resulting in injury to him while sliding.

The Model Legislation should be viewed in the context of the fees received by the more than 350,000 sports officials in the U.S. "Officials at the high school, recreation and lower levels earn just \$15 to \$40 per game," noted Mano.

Officials are also beginning to rethink whether the risks of officiating are still worth it. Aside from the difficult task of game control and decision making, they now have real concern for their safety and the spectre of being hauled into a court of law.

NASO, headquartered in Racine, Wisconsin, plans to continue its ground-breaking work to improve the environment in which officials work today. The convention in San Francisco demonstrates this commitment.

Prof
Suing
Civil



DAVID J. STRIKE INSURANCE
Auto-Life-Health-Home and Business
2213 EAST TUDOR RD SUITE 54
ANCHORAGE, ALASKA 99507 PHONE (907) 562-2721

February 22, 1969

Senator Jan Faiks
Judiciary Committee
Alaska State Senate
Box V
Juneau, Alaska 99811

Re Senate Bill 101

Dear Senator Faiks:

We need your help!

I am writing to you on behalf of the Anchorage Baseball Officials Association, and fellow referees, umpires and officials throughout this great State of ours.

Sports Officials liability needs to be limited to the point that only if we act in a willful or negligent manner can we be sued.

In most states, Coaches, Athletic Directors, Public Institutions and Municipalities have all been granted limited liability. As sports officials all we are seeking is parity.

Please do all possible to pass this very important piece of legislation.

Best Personal Regards,

David J. Strike

DJS:sjd

Encl (1)

RECEIVED

APR 5 1989

SENATOR TIM KELLY
SENATE PRESIDENT

INTERIOR ALASKA HOCKEY OFFICIALS ASSOCIATION
P.O. Box 74514
Fairbanks, Alaska 99707

March 31, 1989

Senator Tim Kelly
Box V
Juneau, AK 99811

Re: SB 101

Dear Senator Kelly:

On February 28, 1989 I spoke with Dave Gray of your office about Senate Bill 101. This bill proposes that a sports official is not liable for civil damages occurring in an amateur event if the official makes less than \$5000.00 during the previous 12 months. During my conversation with Mr. Gray, I suggested that \$7500.00 would be a good ceiling for earnings as there are individuals within the Interior Alaska Hockey Officials Association who are very close to the \$5000.00 limit while belonging to a national, state, or local organization.

Section 09.65.145(a)(2) does not protect an official doing NCAA Hockey games for the University of Alaska as there is presently no NCAA officials organization for hockey officials in Alaska. This may change in the future, however, the IAHOA strongly urges you to broaden the scope of this subsection. I do not know if this same scenario exists with other NCAA sports in Alaska.

While the IAHOA commends you on the introduction of this bill, it would better serve IAHOA officials, as well as other officials, if the limit was raised to \$7500.00.

Should you have any questions, I can be contacted at 451-2733(w) or 456-6858(h). Thank you for your time.

Sincerely,



Christopher C. Milles
IAHOA President 1988-89

cc: Senator Steve Frank
Senator Bettye Fahrenkamp
Senator Dick Eliason
Senator Pat Rodey
Senator Jan Falks
Senator Jack Coghill
Senator Jay Kerttula

The Honorable Tim Kelly
President Alaska Senate
P.O. Box V, MS 3100
Juneau, Alaska 99811

Date 3/5/87

Dear Senator Kelly:

The Anchorage Softball Umpires Association (ASUA) supports Senate Bill 101 as originally introduced on January 11, 1989. ASUA believes the bill is a positive step toward reducing the opportunity for needless liability claims and lawsuits, while maintaining a high level of responsibility on trained and qualified amateur sports officials.

Passage of the bill into law would likely have the effect of reducing insurance costs to sports officiating associations and individual officials.

The ASUA has an annual membership of approximately one hundred and twenty individuals. Members are required to attend annual umpiring clinics on rules, mechanics and handling of games at all levels of organized softball. In addition, each member must pass a national association sanctioned test before he/she is eligible to umpire in the ASUA.

Such preparation in training and qualifying umpires clearly reduces the opportunity for needless liability claims, yet the threat of such claims remains. Passage of Senate Bill 101 will remove that threat and hold sports officials fully responsible for acts of gross negligence or reckless or intentional misconduct.

The ASUA does not support the Senate Judiciary Committee amendment that removes the benefits of this bill from amateur officials who are compensated in excess of \$5,000.00 annually.

A small percentage of ASUA umpires work multiple sports events. Several work high school basketball, football and volleyball. The multiple sports officials will generally earn between \$5,000.00 and \$7,500.00 per year in officiating fees. Under the Judiciary Committee amendment multiple sports officials will receive limited benefits under the proposed law, unless they limit their participation in officiating.

Alaska, statewide, does not have an abundance of amateur sports officials. The compensation level currently in the bill presents a disincentive to maintaining an adequate number of officials.

The ASUA appreciates you sponsoring Senate Bill 101. Thank you.

Sincerely,

Lorena Christie

President ASUA

AMATEUR SOFTBALL

ASSOCIATION



March 6, 1989

PATRICIA A. LILLIAN
Alaska State Commissioner
2950 Drake Drive
Anchorage, Alaska 99508
(907) 272-7683

The Honorable Tim Kelly
President, Alaska Senate
P.O. Box V, MS 3100
Juneau, AK 99811

Dear Senator Kelly:

This letter is intended to convey the Alaska Amateur Softball Association's support for Senate Bill 101.

The Alaska Association represents a statewide membership of over 14,000 individuals in 20 communities.

Senate Bill 101, as originally drafted, will reduce the opportunity for trivial liability claims and needless lawsuits, thus reducing insurance costs to officiating and amateur sports associations. In addition, the passage of Senate Bill 101 into law will serve as yet another incentive for individuals to enter the arena of sports officiating.

Recent Senate Judiciary Committee action on the bill added language that limits its application to officials that are compensated at an annual level of \$5,000 or less. The Alaska Association does not support such an amendment.

There is no relationship between applying a compensation level and the original intent of the bill, i.e., reduce trivial liability claims, reduce insurance costs, and provide added incentive for individuals to enter the field of amateur sports officiating.

I urge you and your fellow members of the Senate to pass Senate Bill 101 into law minus the compensation level requirement.

Thank you for sponsoring Senate Bill 101.

Sincerely,

Patricia A. Lillian
ASA Commissioner - Alaska



RECEIVED

MAR 6 1989

SENATOR TIM KELLY
SENATE PRESIDENT

March 3, 1989

The Honorable Tim Kelly
President Alaska Senate
P.O. Box V, MS 3100
Juneau, Alaska 99811

Dear Senator Kelly:

The Anchorage Sports Association (ASA) would like to take this opportunity to convey its support for Senate Bill 101.

The ASA represents over 7,500 adults in the organized sports of softball, volleyball and broomball. Active players represented by the ASA are residents of the Municipality of Anchorage.

It is the Board of Directors opinion that passage of SB 101, as originally drafted, would reduce the opportunity for frivolous liability claims and the potential for subsequent law suits. In addition, the provisions of SB 101 would likely reduce the cost of liability insurance for individual officials and officiating associations. Hopefully a portion of such savings can be passed on to ASA members through reduced costs of programs.

ASA does not support recent amendments to SB 101 that limit liability protection to sports officials who's annual compensation is \$5,000.00 or less. The vast majority of amateur sports officials in Alaska earn less than \$5,000.00 annually. A small percentage of officials who work more than on sport will likely exceed the \$5,000.00 amount.

The net result of applying a compensation level may be that an individual will officiate until the compensation level is reached and then decline to work additional events. Such a situation may tax the sports associations ability to secure the most qualified officials during the latter part of the year. Thus the application of a compensation level appears to have no relationship to the bills intended purpose.

ASA appreciates your efforts in sponsoring SB 101. The Association would appreciate your continued efforts toward it becoming law.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Rod Hill".

Rod Hill
Executive Director

SAMPLE OF CURRENT PAY RATES FOR AMATEUR SPORTS OFFICIALS

by D. Gray

	JNU	ANC	FBKS
	(\$/game unless otherwise noted)		
H. S. Basketball	40-45	45	
College Basketball	75	125	115
Adult Basketball	15	17-35	
Softball	11	11	
H. S. Baseball Am. Legion	20/10	25	
College (Glacier Pilots, et. al.)		50	50
Little League		25	
H. S. Football	35	295(7)*	
Junior Football	15		
Youth Soccar	10		
Wrestling	3-5/match	3-5	
H. S. Volleyball	25		
H. S. Ice Hockey			30
Junior Hockey		15	10-18
Adult Hockey		20	15-100
College Hockey		90	45,90
Skiing			
Swimming			

*Cost of 7 officials.

Information Sources: Claire Markey, Bob Sims, Juneau; Dave Strike, Jim Brett, Emmitt Wilson, Anchorage; Chris Milles, Fairbanks.

Sports Officials

States that have
Limited Liability

States with pending
legislation limiting
liability

Arkansas

Rd. Island

N. Jersey

Miss.

Maryland

(5)

Ohio

Calif.

Texas

Virginia

Colorado

N.Y.

Washington

Wisconsin

Iowa

Penn.

Minn.

(11)

D. Gray from call to Barry MANO, Pres.
Natl. Assoc. of Sports Officials

S B

1 2 3

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 20, 1989

FURTHER REFERRALS:

Date of Committee Action: 5/4/89

The JUDICIARY Committee considered:

CSSB 123 (JUDICIARY)

CS FOR SENATE BILL NO. 123 (Judiciary)

[UNIFORM CONSERVATION EASEMENT ACT]

"An Act adopting the Uniform Conservation Easement Act; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with HCSCSSB 123 (JUD) [X] the same title [] a new title
[] have attached amendment(s)
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the Committee

ADOPTS: letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact
[] zero fiscal note
[] zero with analysis

- [] fiscal note(s)
[X] zero fiscal note(s) 3/15/89 F&G 4/19/89 CLR
[] zero fn/analysis 3/19/89 DNR 4/20/89 A H. Res

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

Handwritten signatures: Peter Jace, Mike Dennis, Mike Miller, Terry Martin, Guy Smith

Table with 4 columns: Do Not Pass, No Rec, Amend, and an empty column. Multiple rows for tracking votes.

Chairman's Signature: Handwritten signature of Peter Jace

A M E N D M E N T ^{#1}

OFFERED IN HOUSE JUDICIARY

TO: CSSB 123 (Judiciary)

By: Gruenberg

Page 3, line 23, after "trust", insert ", exempted from
taxation under 26 USC 501(c)(3) and"

HOUSE COMMITTEE REPORT

(9)

Date Referred: April 19, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4-19-89

The RESOURCES Committee considered:

CSSB 123 (JUDICIARY)

CS FOR SENATE BILL NO. 123 (Judiciary)

[UNIFORM CONSERVATION EASEMENT ACT]

"An Act adopting the Uniform Conservation Easement Act; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____
[] zero fiscal note HRC
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

[Handwritten signatures]

Richard George

Bert Sharp

SIGNING:

(Check, approp. column)

	Do Not Pass	No Rec	Amend
<i>[Signature]</i>		<input checked="" type="checkbox"/>	

[Handwritten signature]

Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DNR
 Title: Act adopting the Uniform Conservation
 Easement Act; e.d. BRU: _____
 Sponsor: Senator Sturgulewski Components: _____
 Requestor: House Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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-

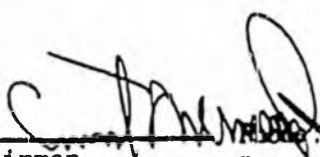
FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-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)

Prepared by: House Resources Committee  465-4944
 Division: Representative Curt Menard, Chairman Date: 4/19/89

Approved by Commissioner: _____ Date: _____
 Agency: _____

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

Alaska State Legislature



Senate

SENATOR
ARLISS STURGULEWSKI
Senate President Pro Tempore
Chairman, Senate Rules Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

M E M O R A N D U M

07 April 1989

TO: Representative Peter Goll, Co-Chair
Representative Max Gruenberg, Co-Chair
House Judiciary Committee

FROM: Senator Arliss Sturgulewski *as*

I respectfully request that you schedule a hearing in your committee as soon as is practicable (pending referral from the House Resources Committee) on Senate Bill 123 "An Act adopting the Uniform Conservation Easement Act; and providing for an effective date"

A conservation easement is a voluntary legal agreement made by a private property owner. The agreement limits, for the benefit of the public, the type or amount of use of a property. It is a restriction on the use of real estate.

This act is necessary because common law does not allow such a restriction on the use of land to be a perpetual restriction unless the recipient of the easement owns an adjoining piece of land.

This act, adopted by 46 states, is a Uniform act. Two changes to the Uniform Act were made in the Senate Judiciary Committee.

The first change to the original bill was the addition of (e) to Sec. 34.17.010 stating that neither the state nor a municipality may establish a conservation easement by eminent domain.

The second change was the addition of a provision to Title 29 which requires land upon which there is a conservation easement to be assessed by a municipality both as

though there were no easement and as though there were. In addition, the owner of property on which there is a conservation easement is subject to pay any tax liability that was abated because of the easement if the property should be used contrary to the easement.

The Act itself does not impose restrictions or affirmative duties; it allows the private parties to enter into consensual arrangements with a charitable organization or a governmental body to protect land and buildings without the encumbrance of certain potential common law impediments.

I will appreciate your hearing this bill soon. Please call me or Melissa Fouse of my staff if you have any questions.

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 6, 1989

The Honorable Jan Faiks
Chair, Senate Judiciary Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Subject: Senate Bill 123, Uniform Conservation Easement Act.

Position: The department does not object to this bill and at the present time has no plans or funding to purchase conservation easements. The bill allows for the preservation and conservation of natural and historic resources for the public benefit while maintaining private ownership of the property.

Background: SB 123 has support from historic preservation and natural history conservation groups. The bill provides a process which allows conservation easements to be donated or sold to a governmental or charitable non-profit organization.

Common land law does not allow a conservation easement restriction to attach to land in perpetuity. It is based on model legislation drafted by the National Conference of Commissioners on Uniform State Laws. Alaska is one of four states without a conservation easement law.

Conservation easements will provide public land managers with an alternate acquisition method to employ in appropriate circumstances so as to benefit both the private and public sectors. It is a cost-effective way to protect historic and natural values on private lands without the cost of fee simple purchase of the land. The owner is compensated through purchase of the easement or the ability to deduct the value of the easement from federal income taxes as a charitable gift. Because the property remains in private ownership, it remains on local tax rolls, and the public does not take on the responsibility of maintenance and operation of the property.

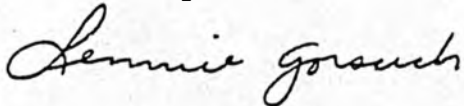
Senator Faiks

- 2 -

March 6, 1989

Conservation easements can be used to protect public values in historic structures and archaeological sites, natural, scenic and open spaces, fishing streams or watershed or critical waterfowl nesting areas.

Sincerely,



Lennie Gorsuch
Commissioner

cc: Bill Sponsor
Committee Members
Bob Evans
Denby Lloyd
Gary Gustafson
Neil Johannsen
Judith Bittner

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 123
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 6-Mar-89 Agency Affected: Natural Resources
 Title: An Act adopting the Uniform BRU: Parks Management
Conservation Easement Act Land & Water Mgmt
 Sponsor: Sturgulewski Components: Parks Management
 Requestor: Senate Judiciary Land & Water Mgmt

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: ^{LB} Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 6-Mar-89
 Approved by Commissioner: Lennie Gorsuch Date: 6-Mar-89
 Agency: Department of Natural Resources

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Fish and Game
 Title: Uniform Conservation BRU: Habitat
Easement Act
 Sponsor: Sturgulewski Components: _____
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
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 FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks Phone: 465-4100
 Division: Commissioner's Office Date: 3/15/89
 Approved by Commissioner: *Don Callisworth* Date: 3-15-89
 Agency: Fish and Game

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

SB _____ ALASKA CONSERVATION EASEMENT BILL

WHAT WOULD THE
BILL DO?

SB _____ would provide the legal process to create conservation easements on private property in Alaska.

WHAT IS A
CONSERVATION
EASEMENT?

A conservation easement is a legal agreement made voluntarily by a private property owner to limit, for the benefit of the public, the type or amount of use of a property. The easement may be donated or it may be sold. An easement is created to protect natural, scenic, open space, historical or cultural values. The easement is accepted, held and monitored by a governmental agency or an appropriate nonprofit corporation. Simply put, the easement is a restriction on the use of real estate.

WHAT KIND OF
EASEMENTS ARE
WE TALKING
ABOUT?

Two types of easements which would be frequently used are Historic Easements and Wildlife Conservation Easements. A typical Historic Easement would be the voluntary written agreement of the owner of a historic building to preserve the historic character of the building and not to replace it with any other structure. A Wildlife Conservation Easement might provide for the perpetual preservation of the watershed of a particularly unique fishing stream or a critical waterfowl nesting area.

IS THIS A
NEW IDEA?

No, conservation easements were first used in the 1880s. Alaska is one of four states without a conservation easement law to take advantage of the land management tool which has been called a "terrific alternative to fee acquisition."

WHY DO WE NEED
A LAW TO DO
THIS?

An Alaska conservation easement law is necessary because the common laws that govern land do not allow such a restriction to attach to the land in perpetuity in those instances where the Grantee of The Easement does not own an adjoining parcel of land. The new law would remove that restriction to allow certain charitable and governmental organizations to have enforceable easements without owning the adjoining land.

SB ¹² is essentially verbatim from the Uniform Conservation Act which was drafted as a model law by the National Conference of Commissioners on Uniform State Laws.

WHAT ARE THE
PUBLIC
ADVANTAGES?

A conservation easement provides a cost-effective way to protect public values of private land. These values may be natural, historic, scenic or cultural. It allows such values to be protected without the cost of fee simple purchase of land. The land stays in private ownership.

Because the land stays in private hands, it also stays on the local tax rolls. The assessed valuation may increase or decrease depending on the nature of the easement. For example a historic easement may make the property more valuable for tourist related use while a critical habitat easement would probably reduce value because development would be prohibited.

Furthermore, since the property stays in private ownership the public does not incur the management costs that would come if the lands or buildings were publicly owned. While the public holder of the easement must monitor the agreement this would be an extremely modest cost.

WHY WOULD A PRIVATE
LANDOWNER WANT
TO CREATE AN
EASEMENT?

The landowner who donates a conservation easement, to a public agency or qualified charity, can claim federal income tax deductions for the charitable gift. In the alternative the landowner may sell the easement for what he considers a fair price. All such transactions * would be voluntary. No governmental taking through eminent domain would be involved.

Estate taxes can also be reduced through the donation of an easement. Property restricted by a perpetual conservation easement either before the landowner's death or executed as an element of his/her will, must be valued in the estate at its restricted value, resulting in lower taxes.

HOW LONG DOES
AN EASEMENT LAST?

A conservation easement would restrict the land for only as long as agreed to by the owner.

WHAT ABOUT
PUBLIC ACCESS?

Understandably, most landowners want to retain an ability to control access to land that is still theirs. The landowner and the grantee of the easement may, however, provide for public access if the landowner so agrees.

IN SUMMARY: Conservation easements are flexible, adaptable agreements tailored to the needs of the property owner and the character of the property. Specific public benefits are provided -- without the expense of purchase and while maintaining the land in private ownership.

Keeping downtown in shape

Deal insures facade of Wendler Building

By RON ZELLAR
Times Business Writer

The owner of a downtown landmark acquired from the Municipality of Anchorage in 1984 has donated the building's exterior and air rights to a city-created, non-profit corporation.

Bill Mundy, owner of the Wendler Building at 400 D St., said terms of the agreement with Anchorage Historic Properties Inc. require him to maintain the facade and to insure the building or replacement, among other conditions.

In return, he will receive a tax benefit for the donation, known as a "historic preservation and conservation easement," and retain ownership of the building's interior.

Mundy made the donation just before the end of the 1988 tax year. The size of the tax benefit will not be known until an appraisal is done within the next three months to see how the donation affects the property's value, he said.

Kerry Hoffman, executive director of Anchorage Historic Properties, said the potential tax benefit is sizable, and the corporation hopes the transaction will put interest in easements to help preserve the city's historic buildings.

The Wendler Building was built by merchant A.J. Wendler in 1915 as a grocery store with living quarters on the second floor. The grocery, situated at fourth Avenue and I Streets, See Building, page B-3

Building

Continued from page B-1

was one of 82 businesses that opened on the city's main street the same year.

The business was converted to a restaurant and bar by Wendler's daughter and was renamed Club 25. In 1982, the property was sold and the building donated to the city on the condition that it be moved. A renovation plan by a partnership that included Mundy was accepted by the city, which spent \$47,000 to move the building to its present location.

Another structure, called the Landmark Building, was built behind the historic building to boost its available space. Mundy said a portion of the Landmark's second floor was designed to be used with the Wendler Building as a restaurant — a plan he still hopes to pursue when the Anchorage economy improves.

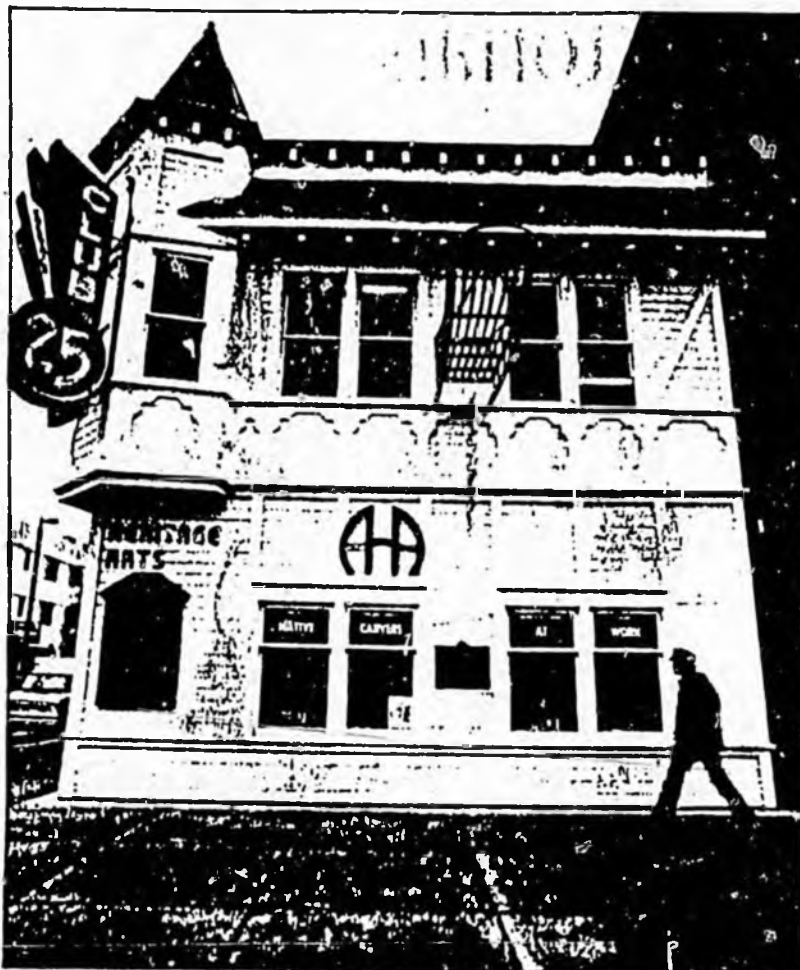
Donation of the air rights means no structure taller than the existing buildings can be built on the site.

The insurance provision requires that if the Wendler Building burns or is destroyed by an earthquake or some other disaster, proceeds must be used to build a replica, or to insure and restore another historic building on the site.

For example, he said, Anchorage Historic Properties might want to move one of several other buildings now in storage at the Cook Street Pretrial Facility if the Wendler Building were destroyed.

Mundy said tax incentives for historic buildings changed along with other tax laws in 1986, and it is doubtful the renovation project could have been done under current rules, which limit an individual's use of rehabilitation investment credits.

Hoffman said changes to restore some of the tax benefits are scheduled for consideration by Congress, but stable benefits remain under present laws for businesses owning historic structures.



Bill Mundy will get a tax benefit for donating the Wendler Building's exterior to a non-profit.

To be eligible for tax benefits, landmark buildings must be listed on the National Register of Historic Places. About a dozen Anchorage buildings are on the registry, she said.

Anchorage Historic Properties plans an effort this year to get more buildings listed or de-

clared eligible for listing if owners decide to pursue the designation.

Anchorage Historic Properties Inc. was formed by a \$1.7 million voter initiative as part of the city's Project 99 program that also led to the construction of parks and public buildings.

The corporation uses the money as an endowment to protect historic properties and to operate a revolving loan fund.

Hoffman said the organization is working to be self-supporting through earned revenues, memberships, contributions and project grants.