

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6176 HOUSE TRANSPORTATION

388

to determine if predatory pricing.  
Interstate Commerce Commission

130 this year so ~~to~~ fiscal year  
329 last fiscal year  
Project total of 200 for this year  
A.R.M. has done everything possible to

Fish + game wish to build electric  
fence for a 60 mile distance along  
each side of track, area where most moose are killed  
Cost around \$30 million  
Does not seem cost effective

Herbicides

Trying to prove the herbicides proposed

contracting University of Alaska to  
look at both questions

Is there a mechanical cost effective  
way to eliminate herbicides  
Are there any safe herbicides.

361,000 passengers. Let four

Companies run the passenger service  
+ A.R.R. charges tour company for  
the space they use.

Bette

Does passenger service pay

Frank

No, does it summer for 3 months  
as losses big residue in other  
9 months

Bill

Do you provide food service

Frank

Contract it out

Frank

Adding passenger service in  
summer to 5 days / week  
Increased passenger service by  
40% to Whittier.

Bette

Are you using bad cars or  
Whittier run

Frank

Moving bad cars to Whittier  
in winter. Whittier people don't  
like bad cars

Frank

Crossing maintenance. When community  
wants crossing they apply for permit.  
Advisory committee looks at application.  
At time crossing is built A.R.R.  
+ community enter into agreement

on who will maintain crossings.  
Usually community agrees to maintain.  
later, if crossing lights are  
required, community ~~also~~ apply to  
A.R.M. for crossing lights.

Installation of crossing lights paid  
for by federal government.

Now - communities are charged \$3,500  
per crossing to help offset costs  
of maintaining crossings.

Railroad does maintaining crossings,  
very expensive, need to be very  
careful about liability.

Communities object to paying \$3,500

### Transport of hazardous materials

Alaska must transport all hazardous  
material. E.P.A. prefers transporting  
hazardous materials by rail, much  
safer. When communities hear  
that hazardous waste is being transported  
on rail they become very upset.

Federal E.P.A. has very strict  
requirements for transporting hazardous waste.  
A.R.M. meets all these requirements.

Are you hit with the problem of  
replacing underground storage tanks?

Yes, most of our equipment is  
older than 10 years, therefore  
need replacement.

Payment in lieu of taxes

House researches made report in 1986 of what A.R.R. taxes would be if paid taxes, estimate = 350,000. Frost + Winby currently doing another tax assessment.

Railroad feels that they do pay to communities in lieu of taxes.

Provide land for parks, dumps, visitors centers etc to the cities at a very very low cost

Foster  
Frank

Committed on behalf of Henry.  
Henry has deliberately training on glaciers.  
A.R.R. agreed to take army troops "free" to glaciers.

Hudson -

Ask A.R.R. to look at tying in rail transportation with other modes of transportation.

Frank

In May this year, A.R.R. going into a 2 day session to look at rail expansion + ways to better address the state's transportation needs

Cato requested A.R.R. inform her office when this meeting is taking place. Cato requested any information of this meeting be forwarded to her office

Page 13, 14, 15

A.H.P. really watches expenses  
Try to put every nickel possible back  
into A.H.P.

A lot of man hours have been  
cut. Page 13 shows this very  
clearly

What happens to money in depreciation  
column?

Apply depreciation to net income. Usually  
pay off debt with it, or invest it  
for a high rate or return + then  
borrow against line of credit if need  
something. Usually rate of return  
on investment is greater than interest  
on debt.

Page 14 clearly shows that  
personal costs are slowly dealing.  
This is very good when we consider  
that costs are increasing

Page 15 shows Balance sheet.  
this is vital for banks

General Accepted Accounting Principles  
for Railroad defines long term  
debt as anything longer than

one year Malroad does not  
carry any debts longer than  
8 years

Hudson

How do you get the

State paid \$27 million for A.R.A.  
State put in \$20 million additional for operating  
the remainder is the net profit over  
the past 4 years

Bill

How do you do your marketing.  
What sort of marketing are  
you involved in

Frank

We do not market nearly as much  
as we should. Marketing is ~~Adverse~~  
consists of 4 people, <sup>in the house</sup> and one in Fairbanks  
1 in Houston, Texas and 3 in Seattle.  
We combine sales + marketing  
We are constantly looking for new business

Bill

What about competitiveness with  
tractors

Frank

I've looked at A.R.A. area

2/21

HB-3

8:35

Grassecut

Alyce 465-2693  
Rep. Hanley HB-3

motion to Adopt Q/S  
move to Adopt Q/S for HB-3  
Any objections, so ordered.

20 Leman

033

4th

Rep Hanley - give brief overview of HB-3  
Resident Artist, Selection Committee be expanded.  
plaque

050

Interkum

054

Helson moved that HB-3 be held <sup>in these transcripts</sup> until Thursday 23rd.

065

R/R

~~Mayor of Anchorage~~ George Sullivan  
Chairman, Cop of R/R.

Introduced members of Board R/R

Vice Chairman of Finance Marie Nether.

457

148

Frank Turpin President.

Summary of Financed

Model problem

Herbicide program

Tourists - passengers

Concerns of Municipalities - <sup>Horridious, Herdly</sup> payments in lieu of taxes

186

11% Gov Return on Investment - \$ 33.2 mill  
Comped to Penn. Fund. Start up

Good Invest. Re invest in to R/R.

50m back into R/R paying Another 17m  
back into R/R.

212

MARU FINN

\* 243 lesson - Sara of Mary

\* 248 - Frank Brown Tax

267 Hd. Is debt broken up by State

272 Fund - Pt State is no liable

279 ~~For~~ FINN 10m line of credit

284 More Referring to the RR not any  
Isolate from State Gov. (Revol from ~~other~~ <sup>with</sup>)

336 -

Frank - Pt of any \$ goes to benefit packing  
State 1/2 &

350 Frank

Frank

first 10 days

New employees

not paid on sick leave

412 Helen

will have sales

1/3 premium cost per person  
Risk Mgmt. Program

418 Frank

write letter on P/In

417

Mered - profits  
200 permit fee

Divide by Red State Resources

519 Helen

500 Merit - Adv. spend - he got denied

Refuge to clients

No share/turn debt

Plan long/H debt

525 Cate

- L/T debt - New equipment

527

Frank. L/T debt. 8yr to P/R.  
3-5-8 yrs

50%  
30% of AIR under 30 days

602 ~~Frank~~ Bird Head Equity explain

606 - MARV.

612 Helen - MKty program (costs 6)

670 Frank - MKty files plan in Ark. 4 people <sup>files</sup>  
Bright prospects (Frank's) 3 settle  
1 Houston, Texas. <sup>works</sup> with Oil Companies in Texas

640

Side B 300<sup>th</sup>

011 Frank <sup>will</sup> ~~more~~ follow 130 this yr 329 last yr  
F&G - fence on each side of R/A  
on 60 acres Open with when next kill it  
\$30 on cost

Herbicide Program - Only for plant growth  
on gravel area, not bush outside the  
gravel area.

Tourist & jewelry. up 14% 361 on  
Tour carry sell - R/R.

Food for everybody. works well

121 Cato

133 Macu 3 month penit buy

139 Bill - Food Service

148. Frank. holding 5 dy week to Sunday.

40% Francis shuttle to Whittier.

6 hrs day in summer 4 hrs when

Ferry not running.

155 Cato Bed Cars

168 -

178 MAU. Bed car helps reduce winter exp.

\* 183 Tmpa Crossing - Community responsible for clearing sight  
major crossing - eligible for Signals.

Route that is followed every week for each  
crossing (4<sup>th</sup> 62 weeks)

268

TRAMP of Harv. WAC

Tramp of Harv. West. All most ships out  
of State.  
Wh. fin. oppor.

Fed. law St. plates procedure. All RR along  
passenger Recommendation

293 Huber

LUST

325

Payment in Lieu of Taxes -  
- 350m yr. in Texas - R/E Available at lot  
provided R/E for parking, toilets, Port Hobos, dump  
at minimal fee

371

Festec -

387

Huber - Need Expansion day need to think about future  
& planning

415

Comm. Board.

Employee Board. Has 15 it.

421

Frank. 29 Real goods but had to measure

late 440

9.53 adjourn

Original sponsors: Hanley, Zawacki,  
and Leman

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 3 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to art in public places; and provid-  
7 ing for an effective date."

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

9 \* Section 1. AS 35.27.020(c) is amended to read:

10 (c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL  
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction  
12 cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE  
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-  
14 ing purposes: the design, construction, mounting and administration of  
15 works of art in a school, office building, court building, vessel of  
16 the marine highway system, or other building or facility that [WHICH]  
17 is subject to substantial public use. All administrative costs,  
18 including those of the department, associated with the art project  
19 shall be paid from the money reserved under this subsection.

20 \* Sec. 2. AS 35.27.020(g) is amended to read:

21 (g) Each selection committee established under AS 35.27.021 [THE  
22 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON  
23 THE ARTS] shall encourage the use of state cultural resources in these  
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists  
25 for the commission of these art works who are residents of the state  
26 under AS 01.10.055.

27 \* Sec. 3. AS 35.27 is amended by adding a new section to read:

28 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes  
29 a work of art for a public school shall be selected by a majority vote

1 of a committee, with the approval of the school board. The committee  
2 shall be composed of the architect, the project manager administering  
3 the facility construction, two representatives from the school dis-  
4 trict staff, and three members of the public who reside in the commu-  
5 nity where the school is located. The president of the school board  
6 or a designee shall provide reasonable public notice that public  
7 member seats on the committee are available. The school board shall  
8 select the representatives from the school district and the members of  
9 the public.

10 (b) Except as provided in (a) of this section, an artist who  
11 executes a work of art for buildings and facilities shall be selected  
12 by a majority vote of a committee convened by the project manager  
13 administering the facility construction. The committee shall be  
14 composed of the architect, the project manager, a designee of the  
15 Alaska State Council on the Arts, a designee of the principal user of  
16 the public building or facility, and three members of the public who  
17 reside in the community where the building is located. To select the  
18 public members, the department shall advertise for applicants by  
19 appropriate public notice and pick the members by lottery from among  
20 the applicants.

21 (c) All meetings of the selection committee under (a) or (b) of  
22 this section are subject to the public meeting and notice requirements  
23 of AS 44.62.310.

24 \* Sec. 4. AS 44.27.060(b) is amended to read:

25 (b) The commissioner of a department responsible for the design  
26 and construction of a building or facility shall deposit into the art  
27 in public places fund one-half of one percent of the construction cost  
28 of a building or facility if the building or facility is exempt from  
29 the requirements of AS 35.27 and the exemption is because

1 (1) the estimated construction cost of the building or  
2 facility is less than \$250,000; or

3 (2) the building or facility is not designed for substan-  
4 tial public use.

5 \* Sec. 5. AS 44.27.060 is amended by adding a new subsection to read:

6 (e) A work of art shall be identified by a permanent plaque  
7 installed on or near the work of art. The plaque must contain the  
8 name or title of the work of art, the name of the artist, the year of  
9 completion, and the names of the members of the selection committee.

10 \* Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 \* Sec. 7. The amendments made by this Act do not apply to the construc-  
12 tion of a building or facility if, before the effective date of this Act,  
13 the department or the Alaska State Council on the Arts has entered into a  
14 contract to meet the art requirements under this chapter for the building  
15 or facility.

16 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).  
17  
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25  
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28  
29



February 23, 1989

Transportation Speech HB 3 - Percent for Art Program

By: Representative Alyce Hanley

MADAM CHAIR - Thank you for scheduling HB 3. The committee substitute for HB 3 provides that all administrative costs associated with the art project shall be paid from the money reserved under this subsection.

HB 3 does 4 things to improve the percent for art program:

1. It standardizes the percentage of dollars spent on art in public buildings to the same level as those dollars spent in rural areas which is 1/2 of 1% of project cost. I would remind committee members that some municipalities have ordinances requiring 1% of municipal dollars set aside for art. In Anchorage more dollars are appropriated through that ordinance than state statute.
2. Instead of encouraging the use of Alaska resident artists this bill would require the use of Alaskan artists. Three artists have contacted me in the past 2 weeks supporting this provision.
3. Expands public involvement in the art selection process by changing the makeup of the selection committees. This bill defines and expands the members of the selection committee. Each committee will have seven members and three members will represent the public from the local area. This is a change from current statute.
4. The bill will also require a permanent plaque be placed on or near the art projects which identify the artist, title of the piece, date of completion and the names of the selection committee members.

The reduction from 1% to 1/2% of 1% will not significantly effect the percent for art program in Alaska. Even with the reduction the amount of money available to Alaskan artists for commissions for art works will be close to the same if not the amount of money historically awarded to Alaskan artists. In FY 84, FY 85 and FY 86, Alaskan artists received less than 50% of the money paid in commissions for the % for art programs.

I do not want to belabor the point or the merit of keeping public dollars in Alaska, but if we consider the monies paid to artists in the same light as we consider the value of permanent fund dividends paid to Alaskans, we know that each dollar turns over two or three times. While directly supporting Alaskan artists, we are indirectly supporting our whole economy.

I think it is clear that it is not parochial but good public policy to spend our money in Alaska - just as it is in our best interest to provide bidder preferences to Alaskan companies who are established in Alaska and have become part of our communities. I do believe that if one job in our economy is saved by spending our art dollars in Alaska then we have accomplished our task of promoting good public policy and spending our money wisely.

I do not see the requirement for use of Alaskan resident artists as a protectism for artists. I see this as promoting new and upcoming Alaskan artists who are not currently world class artists or even well known but need a market for their art. I also see this as a means of promoting a sense of pride in our state and as a means of offering Alaskan tourists a unique look at our history and culture.

The two other areas of the bill expanding the committee to include public members from the community involved will hopefully result in public art which cultivate appreciation rather than provoking anger. The placement of a plaque on the art piece will give recognition to the artist as well as the selection committee.

I would like to conclude by saying that my bill does not try to rewrite the statutes on the Alaska State Council on the Arts. This bill addresses only the percent for art program. I believe that many of the other programs administered by Alaska State Council are working and working well. I think that the percent for art program has not fulfilled the original intent and this bill seeks to correct that.

Thank you Madam Chair and members of the committee.



Official Business

**COMMITTEE:**

House Transportation Committee

**DATE:** 2/23/89

**SIGN-IN**

**Subject of meeting:**

HB: 3  
HB: 156

**NAME** Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

NAME Please include title	ADDRESS Please use full address. Please include zip.	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Rodney A Wilson Architect	P.O. Box 2 (MS 2500) Juneau 99811	465-2960	DOT/PF	will answer questions
Rupe Weller	Dept of Revenue Asst Comm. Juneau 99811	465-2300	Dept. of Rev.	
Rp Betty Cato	P.O. Box V Juneau, AK 99811	465-4858	HB 156	
Rep. Alyce Harley	P.O. Box V 99811	465-2688	HB 3	

HB 3

# HOUSE COMMITTEE REPORT

(5)  
Date Referred: January 9, 1989

FURTHER REFERRALS: STATE AFFAIRS  
FINANCE

Date of Committee Action: 2/23/89

The TRANSPORTATION Committee recommends that:

HOUSE BILL NO. 3 [ART IN PUBLIC PLACES]  
"An Act relating to art in public places; and providing for an effective date."

[  ] be replaced with c/s HR 3 Transportation [  ] the same title  
[ ] a new title

[ ] have attached amendment(s)

- [  ] 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:  
\_\_\_\_\_

SIGNING DO PASS:

Butler Puto  
Bill Hulse  
Richard J. [unclear]  
[unclear]

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

Ben [unclear] (No Rec)

Butler Puto  
Chairman's signature

**HB**

**11**

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

Mary Van Nimwegen

<i>House Transportation</i>	<i>1/19/89</i>
<i>House Trans</i>	<i>1/24/89</i>

be replaced with C/S HB 11 (Transp)

have attached amendment(s)

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 *Pub. Safety*

zero fiscal note

zero with analysis

APPROVES PREVIOUS:

fiscal note(s) published:  
\_\_\_\_\_

zero fiscal notes(s) published:  
\_\_\_\_\_

SIGNING DO PASS:

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

Ben Grussendorf GRUSSENDORF

Bill Hudson HUDSON

Butte Cat CATO

Richard Foster FOSTER

Bernard A. Lemaw LEMAW

Butte Cat  
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to license plates for veterans  
Sponsor: Martin and Boucher  
Requestor: House Transportation

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

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		32.6				
TRAVEL						
CONTRACTUAL		53.5	10.0	10.0	10.0	10.0
SUPPLIES						
EQUIPMENT		3.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	89.1	10.0	10.0	10.0	10.0

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND		89.1	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	89.1	10.0	10.0	10.0	10.0

POSITIONS:

FULL-TIME	0	1	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached page.

Prepared by: Charles R. Hosack  
Division: Motor Vehicles

Phone: 269-5551  
Date: 1/12/89

Approved by Commissioner: Arthur English  
Agency: Department of Public Safety

Date: \_\_\_\_\_

Analysis:

There are 70,000 veterans living in Alaska according to the Veterans Administration. It is difficult to estimate with any degree of accuracy how many would want this type of license plate. For purposes of this fiscal note the Division will estimate that 10,000 veterans will request the plate during the first year and in subsequent years the requests will be 2,000 annually.

These plates will be available at most offices in the State and the workload will be spread among the offices. The overall increase in workload would be the equivalent of one full-time position to change 10,000 vehicle record and perform other administrative tasks associated with the new program. This position will be in Anchorage where the majority of the registrations will be done. This position will only be needed for the first year of the program.

The breakdown of costs for the first year is as follows:

Personnel

1 PFT Motor Vehicle Representative I/II, Range 9	\$32.6
---	--------

Contractual

10,000 plates @ \$5.00	50.0
Shipping to 30 offices	1.0
APSIN network charges	<u>2.5</u>

Equipment

APSIN terminal and printer	3.0
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TOTAL		\$89.1
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After the first year the on-going costs will be \$10,000 for 2,000 plates at \$5.00 each.

Position Title Motor Vehicle Representative I/II		No. of Positions 1	Range/Step 9B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7-15
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	21.4	////////////////////		
Benefits*	11.2	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	32.6		
Travel				
Contractual		2.5		
Commodities				
Equipment		3.0		
Other				
Total Cost		38.1		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	38.1		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS Scenario #2.				

This position is assigned the administrative tasks associated with the start up and first year's operation of the program. These tasks include design and ordering of the plates, forms design, and coordination with veterans organizations to publicize the program. During the first year of operation, 10,000 vehicle records will be updated with the new plates. Although the plates will be available at offices throughout the state, the majority will be done in Anchorage, and that is where the position will be located.

After the first year the position will no longer be needed, and the workload will be absorbed by the offices.

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
BRU Motor Vehicles  
COMPONENT Field Services

Page 3 of 3  
Revised Date

FY 90

BILL NO: HB 11

DATE: January 12, 1989

TITLE: An Act relating to the  
issuance of special  
registration plates to  
veterans

CONTACT: Charles R. Hosack  
269-5551

DEPARTMENT OF  
PUBLIC SAFETY  
PERMITS

The Department's position on HB-11, An Act relating to the issuance of special registration plates to veterans, is neutral.

The Department does not dispute the concept that there are many special groups or organizations deserving of special recognition by the State. We currently stock and issue 29 different types of plates and there are an additional 10 types either pending or proposed in new legislation. Since each has special requirements, this adds to the complexity of the registration system.

Another concern is the cost associated with any new plate issue. The purchase cost of the plates is higher than regular plates due to the low volume and special designs. In addition significant overhead costs are incurred in ordering, stocking, data entry changes, and special requirements on initial issuance. The best comparison could be made in the retail market where major brand name products cost more than generic products. Usually the Department is required to absorb these costs since the volume when each type is considered separately is low. When all special plates are considered together, they do have an impact that decreases efficiency.

A large portion of these concerns can be alleviated if there is an initial fee charged for these plates in much the same manner as is done for personalized plates. This amount can be appropriated to pay the costs of the program. This will prevent the program from causing a decline in the level of service for all other vehicle registrants.



Arthur English  
Commissioner

# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

JAN 16 1989

STEVE COWPER, GOVERNOR

5700 EAST TUDOR ROAD  
ANCHORAGE, ALASKA 99507-1225  
PHONE 269-5551

October 26, 1988

The Honorable Terry Martin  
Alaska State Legislature  
3960 Reka Drive, B6  
Anchorage, Alaska 99508

Dear Representative Martin:

Thanks for the preview of the Veterans license plates. There are many deserving organizations in the state who, I am sure, would like to have their own distinctive plates. The question is where do we draw the line. Or do we?

The cost of the license plates is fairly nominal. Although the Pearl Harbor Survivor plates are nearly three times the cost of our regular passenger plates, due to low volumes, the pair of plates still cost the state only \$7.28. The significant cost is getting the plate to the applicant.

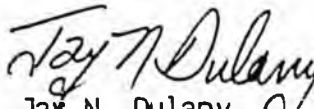
Since it is difficult, and expensive, to maintain stocks of special plates in each division field office, all special plates are handled in the Special Programs section located in the Anchorage headquarters office. Required staff reductions in that section over the last few years have severely hampered our ability to take on new programs such as the one proposed. And with the revenue derived from such programs going to the General Fund, the programs are not self-supporting.

According to the Director of Veterans Affairs, there are approximately 70,000 veterans in Alaska. My guess is that no more than 10,000 would apply for the plates. Figure a cost of \$7.00 per pair of plates plus a \$1,000.00 initial set-up fee. Additionally, clerical costs for processing must be included, along with associated costs for computer program changes, data entry, and, possibly, warehousing.

I really have no objection to these or other specialized license plates, so long as those obtaining the plates pay for them, and so long as a portion of those funds can be used to pay for the program. I must also consider whether handling such special programs causes a decline in our level of public service.

Thanks again for letting me get in on the early stages.

Sincerely,

  
Jay N. Dulany  
Director

vehicle without of the State of The issuance of he registered or -state title, or in e department of osting of a vehi- cle which bond maintain title in that the appli- cally registered mercial vehicle ice of the State § 7 ch 178 SLA

AS 28.10.141," and

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r last sentence, he fact that the another jurisdic- certificate of reg- state and in the t maintained un-

**Sec. 28.10.151. Vehicles transported under special permits.**

(a) When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

- (1) a vehicle under construction and which is not completed;
- (2) a vehicle while being moved from one place to another for the purpose of inspection, weighing, or meeting other requirements of the department;
- (3) a vehicle while being moved or driven from one location to another for the purpose of rebuilding, dismantling, or permanently removing the vehicle from the highways and vehicular ways and areas of the state; or
- (4) an unladen commercial vehicle making a single continuous trip by a noncircular route for a period of time not exceeding 10 days.

(b) A special permit issued under this section shall be prominently displayed. (§ 7 ch 178 SLA 1978; am §§ 6, 7 ch 45 SLA 1987)

**Effect of amendments.** — The 1987 amendment added subsections (a)(4) and (b).

**Sec. 28.10.165. Souvenir winter olympics plate.** The department may issue a souvenir Winter Olympics commemorative license plate. A person may not attach a souvenir plate to a motor vehicle in the manner described in AS 28.10.171 for attachment of registration plates. The department shall charge a fee of \$30 for each plate issued under this section. The commissioner of administration shall separately account for fees received under this section that the department deposits in the general fund. The legislature may appropriate the annual estimated balance in the account to the Alaska sports fund established under AS 05.35.150. (§ 2 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; for approval of design of plates, see sec. 9, ch. 24, SLA 1988 in the Temporary and Special Acts.

\* **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 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 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.

(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 sat-

isfactory 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 Pearl Harbor survivors and former prisoners of war. The department, upon receipt of written proof, shall issue without charge special registration plates for one noncommercial motor vehicle to a person who was on active military duty in Pearl Harbor on December 7, 1941, or 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 Pearl Harbor survivor or prisoner of war plates shall be solely within the discretion of the commissioner.

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

(n) Special request Winter Olympics commemorative plates. The department shall issue registration plates commemorating the Winter

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Olympics upon application by the owner of a passenger vehicle, non-commercial van or pick-up truck, or motor home. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984; am § 5 ch 60 SLA 1986; am §§ 3 — 5 ch 24 SLA 1988)

**Cross references.** — For approval of design of plates authorized under (n) of this section, see sec. 9, ch. 24, SLA 1988 in the Temporary and Special Acts.

**Effect of amendments.** — The 1986 amendment added subsection (m).

The 1988 amendment, in the first sentence in subsection (c), inserted "motorcycle" and substituted "shall" for "may"; in

subsection (l), inserted "Pearl Harbor survivors and" in the catchline and "Pearl Harbor survivor or" in the second sentence and, in the first sentence, substituted "shall" for "may" and inserted "was on active military duty in Pearl Harbor on December 7, 1941, or who"; and added subsection (n).

**Article 2. Title.**

**Section**

201. Title required; exceptions

**Sec. 28.10.201. Title required; exceptions.** (a) Except as otherwise provided in (b) of this section or in AS 28.10.131 and 28.10.141, every owner of a vehicle subject to registration in this state shall apply for a certificate of title under this chapter.

(b) The owner of a vehicle described in AS 28.10.011 as being exempt from registration and the owner of a snowmobile or off-highway vehicle may not apply for, nor may the department issue, a certificate of title for such a vehicle. However, the department may issue a certificate of title to the owner of a vehicle exempt from registration under AS 28.10.011(3), (6), (7), (11), or (12) only upon application by that owner.

(c) The certificate of title issued may, when there is more than one owner, state the name of each owner in the conjunctive or in the disjunctive in order to indicate that the owners own the vehicle together or in the alternative.

(d) Except for vehicles registered under AS 28.10.131(b) or (c) and 28.10.141, the department may not register a vehicle unless the applicant for registration at the same time applies for and obtains a certificate of title under this chapter, or presents satisfactory evidence that a certificate of title was previously issued to the applicant. The department may not accept the application for the original certificate of registration or title to a vehicle unless the vehicle is in the state at the time of application. However, the department may accept an application for registration and certificate of title for a vehicle which is not in the state when the application is made by a registered and bonded dealer or by a resident of the state when the application is accompanied by a manufacturer's statement of origin, or in the case of a used vehicle, when the application is accompanied by a certificate of title

- (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 .....\$30;
- (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 .....\$35;
- (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 ..... \$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 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;

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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 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 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.

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**HOUSE BILL NO. 352**  
**BY MESSRS. BRUNEAU, BRADY, MCCLEARY,**  
**MELANCON, PATTI, AND THERIOT**  
**AN ACT**

To amend and reenact R.S. 47:463.10, relative to the issuance of special prestige license plates, to provide for the issuance of special prestige license plates for veterans and retired veterans of the armed forces of the United States, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.10 is hereby amended and reenacted to read as follows:

**§463.10. Special prestige license plates for veterans and retired veterans**

The secretary of the Department of Public Safety and Corrections shall establish special prestige license plates for motor vehicles, restricted to passenger cars, pickup trucks, and vans, which may be issued to any veteran or retired veteran of the armed forces of the United States upon the veteran's application. The prestige license plate shall be of a color and design selected by the Veterans' Affairs Commission of the state of Louisiana and shall bear the name of the appropriate branch of the armed service.

A. The prestige license plates shall be issued in the same manner as other motor vehicle license plates. Retired members of the armed services of the United States applying for the plates shall present to the issuing official a copy of their active duty retirement orders or other proof of retirement from active service with one of the armed forces of the United States. Veterans of the armed services of the United States who are not retired shall present to the issuing official a copy of their discharge from active service with one of the armed forces of the United States. The charge for the prestige license plate shall be the same as for regular license plates.

B. The prestige license plates shall be used only upon personally or jointly owned private passenger cars, pickup trucks, and vans registered in the name, or jointly in the name, of the member making application, and when issued to the applicant shall be used upon the vehicle for which issued in lieu of the standard license plate normally issued for the vehicle. The prestige license plate issued hereunder shall not be transferable between motor vehicle owners. In the event the owner of a vehicle bearing the distinctive plate shall sell, trade, exchange, or otherwise dispose of it, the plate shall be retained by the owner to whom issued and by him returned to the issuing official.

C. The secretary shall promulgate such rules and regulations as necessary to implement the provisions of this Section. Oversight review of the secretary's proposed rules and regulations shall be conducted by the Joint Legislative Committee on Transportation, Highways and Public Works.

Approved by the Governor, June 8, 1987.

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# Louisiana Department of Public Safety and Corrections



## OFFICE OF MOTOR VEHICLES

October 5, 1988

Jeremiah C. Harrington, President  
Fleet Reserve Association  
Branch 342  
P.O. Box 763  
Elmendorf Air Force Base AK 99506

Dear Mr. Harrington,

The following information concerning the U.S. Veteran and Retired Veteran license plate is being provided as requested in your correspondence of September 22, 1988.

Revised Statute 47:463.18 (See attached copy) which allows the issuance of the above referenced license plates was passed in the 1987 Legislative Session. However, we did not begin issuing these plates until April, 1988. At the present time, we have issued approximately 4,000 of these plates.

In order to obtain the plate, the applicant has to submit a copy of the discharge papers (DD 214) showing an honorable discharge for a veteran license plate and a copy of the retirement orders for the retired veteran license plate. The plates are issued for private passenger automobiles, pickup trucks and vans. The fee for the special license plate is the same as regular plates (\$12.00 - Automobiles, \$40.00 - Pickup trucks & Vans). This is for a 4 year registration period. The plate bears the appropriate branch of armed service for which the veteran served. See attached copy of a veteran license plate and a retired veteran license plate. The branches of service for which we issue the plates are: Navy - Navy Retired, Army - Army Retired, USMC - USMC Retired, USAF - USAF Retired and USCG - USCG Retired.



# FLEET RESERVE ASSOCIATION BRANCH 342

P.O. BOX 763 • ELMENDORF AIR FORCE BASE, ALASKA 99506

14 October 1988

Rep. Terry Martin  
Alaska State House Legislative Office  
3111 C Street  
Anchorage, Alaska 99503

Dear Terry:

Recently I attended the national convention of the Fleet Reserve Association at San Jose, California.

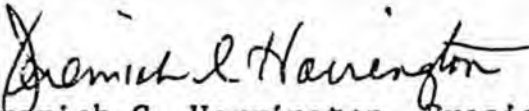
While there I observed an auto driven by a Shipmate from the state of Louisiana. My attention was drawn to the license plate which bore not only the usual identification numbers and year of registration, but the word "NAVY" and also the word "RETIRED" was prominently engraved on the plate. The word "VETERAN" may also appear, depending upon the circumstances.

I considered this an intriguing idea to identify Alaska veterans in a special way. Upon my return to Anchorage I corresponded with the Louisiana Department of Motor Vehicles at Baton Rouge. I requested information concerning the program, and a copy of the law, statute, regulations, rules, etc.

For your information I am enclosing a copy of the letter responding to my request, and a copy of the laws of Louisiana concerning this matter. Perhaps this program could be developed for veterans of the various branches of the U.S. military services here in Alaska.

If you require any assistance regarding this matter, or if more information is needed, please call me.

Sincerely, in  
LOYALTY-PROTECTION-SERVICE

  
Jeremiah C. Harrington, President  
Phone 561-NAVY

JCH:lyn  
Enclosures

*Representing All Enlisted Personnel of the*  
U.S. NAVY ☆ U.S. MARINE CORPS ☆ U.S. COAST GUARD

1303 New Hampshire Avenue, N.W., Washington, D.C. 20036 • (202) 785-2768

The appreciation we have received from the veterans for this special recognition has been tremendous. Good luck on your efforts to give the same recognition to the Alaska war veterans.

If further assistance or information is needed, please contact this office.

Sincerely,

Faye Whiddon, Supervisor  
Specialized Processing Unit  
Office of Motor Vehicles  
(504)925-6337

FW:dg  
Enclosure



ASSOCIATION OF THE UNITED STATES ARMY

January 12, 1989

Rep. Terry Martin  
Ak State House Legislative Office  
3111 C Street  
Anchorage, AK 99503

Dear Mr. Martin:

The members of the executive board of The Last Frontier Chapter of the Association of the U S Army support Jeremiah Harrington's initiative to convince the State of Alaska to issue vehicle license plates similar to those issued by the State of Louisiana. His letter to you of October 14, 1988 explains the plates in detail. Thankyou for your help in achieving this worthwhile goal.

Sincerely,

A handwritten signature in cursive script that reads "Carl Bradford Jr".

Carl Bradford Jr  
President,  
Last Frontier Chapter



PROPOSED CHANGES BY CS HB 11

Page 1, Line 20 has been amended to read:

..... \$10;  
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.

Summary of changes

The above change stipulates the amount persons applying for veterans license plates would be charged. Upon application for veterans license plates, a person would be charged a fee of \$45.00 (\$10.00 for the special veterans plates and a \$35.00 annual registration fee) The \$10.00 fee is a one time only charge and therefore only the \$35.00 annual registration fee would be paid in subsequent years.

6-0183E  
Ford  
1/19/89

Original sponsors: Martin, Boucher,  
Gruenberg, et al.

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 11 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle license plates for  
7 veterans."

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

9 \* Section 1. AS 28.10.181 is amended by adding a new subsection to  
10 read:

11 (o) Vehicles owned by veterans. The department, upon receipt of  
12 written proof, shall issue special registration plates for one noncom-  
13 mercial motor vehicle to a person who is a veteran or retired veteran  
14 of the armed forces of the United States. The commissioner, after  
15 consulting with the director of the division of veterans affairs,  
16 shall determine the design and color of the veteran or retired veteran  
17 plates.

18 \* Sec. 2. AS 28.10.421(d) is amended by adding a new paragraph to read:

19 (15) special request veteran or retired veteran plates  
20 ..... \$10;  
21 plus the fee required for that vehicle under (b) of this section; the  
22 fee required by this paragraph shall be collected only on the first  
23 issuance and on the replacement of special request plates.

FISCAL NOTE

REQUEST:

Revision Date: 1/23/89 Agency Affected: Public Safety  
Title: An Act relating to license BRU: Division of Motor Vehicles  
plates for veterans  
Sponsor: Martin and Boucher Component: Field Services  
Requestor: House Transportation

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		32.6				
TRAVEL						
CONTRACTUAL		53.5	10.0	10.0	10.0	10.0
SUPPLIES						
EQUIPMENT		3.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	89.1	10.0	10.0	10.0	10.0

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	100.0	20.0	20.0	20.0	20.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	89.1	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	89.1	10.0	10.0	10.0	10.0

POSITIONS:

FULL-TIME	-0-	1	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached page.

Prepared by: Charles R. Hosack  
Division: Motor Vehicles

Phone: 269-5551  
Date: 1/23/89

Approved by Commissioner: Arthur English  
Agency: Department of Public Safety

Date: \_\_\_\_\_

Analysis:

There are 70,000 veterans living in Alaska according to the Veterans Administration. It is difficult to estimate with any degree of accuracy how many would want this type of license plate. For purposes of this fiscal note the Division will estimate that 10,000 veterans will request the plate during the first year and in subsequent years the requests will be 2,000 annually.

These plates will be available at most offices in the State and the workload will be spread among the offices. The overall increase in workload would be the equivalent of one full-time position to change 10,000 vehicle record and perform other administrative tasks associated with the new program. This position will be in Anchorage where the majority of the registrations will be done. This position will only be needed for the first year of the program.

The breakdown of costs for the first year is as follows:

Personnel

1 PFT Motor Vehicle Representative I/II, Range 9	\$32.6
---	--------

Contractual

10,000 plates @ \$5.00	50.0
Shipping to 30 offices	1.0
APSIN network charges	<u>2.5</u>

Equipment

APSIN terminal and printer	3.0
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TOTAL	\$89.1
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After the first year the on-going costs will be \$10,000 for 2,000 plates at \$5.00 each.

Revenue

A fee of \$10.00 over and above the cost of regular vehicle registration will be charged when the veteran license plates are originally issued. Using the estimate of 10,000 veteran plates the first year the revenues would be 10,000 x \$10 for a total of \$100,000. After the first year revenue would be for 2,000 plates per year x \$10 for a total of \$20,000.

Position Title Motor Vehicle Representative I/II		No. of Positions 1	Range/Step 9B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7-15
Type of Expenditure		Amount		
1	2	3		
Salary*	21.4	////////////////////		
Benefits*	11.2	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	32.6		
Travel				
Contractual		2.5		
Commodities				
Equipment		3.0		
Other				
Total Cost		38.1		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	38.1		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS Scenario #2.				
Justification				
<p>This position is assigned the administrative tasks associated with the start up and first year's operation of the program. These tasks include design and ordering of the plates, forms design, and coordination with veterans organizations to publicize the program. During the first year of operation, 10,000 vehicle records will be updated with the new plates. Although the plates will be available at offices throughout the state, the majority will be done in Anchorage, and that is where the position will be located.</p> <p>After the first year the position will no longer be needed, and the workload will be absorbed by the offices.</p>				

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 BRU Motor Vehicles  
 COMPONENT Field Services

Page 3 of 3  
 Revised Date

FY 90

1/24 8:32

Grassle

000

Motion to accept U.S. for HB 53

Fork

Objectives

005 Analysis, proposed changes

~~Rep.~~ Rep. Cato would like to move bill out  
Fiscal Note, will go to Finance Ind.  
they will settle

Had 27 d.f. of c/s

Had 30 - 12 percent sth <sup>out</sup> 120 people  
Dept. of Law

48 Had. move sub for HB 53 out of

55 Cato my objection

6/5 HB 11 Motion U.S. Accept for HB 11

70 Cato. Any objection  
50 ordered 510

Replacement plan. One for 570

2 Had. Review - natural

Cato 85 Review Positive

101. Lower <sup>more</sup> pass of 143 11  
with Ind. Reconciliation

Cuts  
109 objct. Obj. \$0 or less.

Holser All March Actively. HB 1009 Spertne.  
119.

148 cuts after Committ meeting  
- work session

165 Pennine Rep. Caseload in meeting

206 Fisher Bar before Committee

8:45

1/15/89

9:35

Foster Absent

Rep Caldwell meeting to order  
addressed the issues.

Rep Martin gave brief discussion of bill.

Rep M. explained the fact of Rep. generating  
bill, not freeby. Army, Navy, Air, Marine, plates.

Doing something for State. That people want  
\$ 5-7 plate cost. people want object to paying.

Rep M. doesn't agree to more people. Show pride.

4 Rep Helson - co-sponsor - disagrees with Fiscal note  
of 89 mil <sup>presented why not</sup> - one yr. Contract. Support of  
idea Veterans despite price, too much  
cost - Fiscal Note.

Dis  
not for  
vehicle

5 Rep G - Simple clear. identifying plates for Cop. (concern)  
Supports 1) clear - copy 2) Fiscal Note

7 Rep M. - Agrees wholly. Compliance with military regulation  
Correction, Prison. job not cost to State.

170 Rep  
Lam - Agreed - but wants 0 Fiscal note, identify  
cost

6 Rep Helson - Duncan <sup>has</sup> legislation - look at this bill, <sup>if he change</sup> 30 plate  
maybe balance to Veterans Affairs.

8\* Rep M - Agreed with Rep Helson idea.

7 Rep Coto

R

225 Rep G

Retired Ancharge

235

Trinidad Harrington - Master Chief U.S. Navy  
White Handly Support for 70 Vets in AK.  
St. of Miss and Louis. have plate law.

Rep Lamm 270 - Cost of plate in other State

— # 12 J.H

277 Rep Cato - <sup>Commissioner</sup> Value Post express view

Opposed to leg. Veterans have benefits  
License plate. Are not benefit. - Shows who  
and what they are. - Supports Handicap  
but Any and everybody Rottory.

36 Rep M - Concept of users fee. people buy plates,  
why not Veterans plate.

309 Rep C. pointed the issue of Funds.

320 Rep M - want it to pay for self.

331 Rep C. - Fiscal Note - why

333 Rep <sup>Bill</sup> Brown - Contract with Vendor, issuing Add.  
plates. Cost Varies by # of plates  
Stamped out. Depends on Volume.  
One Addit. position Arch field  
off 1 yr. only.

Bill Brown  
Div. Motor Vehicle  
Dept. + Public Safety  
Arrangements, AIC

Help print by lines

Rep C. 355

7 Fiscal Note.

IS this Inventory,  
Speake naming - Sargent

365 - Bob

One Design for Veterans plate. \$30  
Special name on it, see and above.

376 Rep H.

- where are plate produced

B-B - Oregon. plates reduced Committee plate

Rep Hud. ordered shipped to Arch

- Bob - 1000 at \$5

386 Rep Cato

- 1000 1000 If cost were higher.  
(Valley Main work level in Arch.  
outside can see)

400 Rep Lem

- long lines to order DMV.

Rep C. any question B - App M.

Rep H. - back to Spenser to Redraft.

does support. but address remains  
invetrolty.

- Rep. C.

- fake possession  
consideration

Sponsor Substantive, Review

429 Rep M. New Fiscal not from Dept.  
Don't make Substitute

Rep 443 -  
Gov.

452 Rep Cato -

456 next item

HB 53  
Rep C. Addressed Issue. Rep Ulmer  
Comparison of HB 53 - 26 - 2

472 Rep U. HB 2-26 Address same problem.  
good legislation, prefer not to join bills

Rep C. 485 provide with Arsen, the comparison.

\* 498 Susan Knitta. Dir Adm Serv. Dept of Corrections  
~~She~~ Has not seen HB 2-26 but knows  
53.

503 Cato - or <sup>comparison</sup> comparison of Bills

\* 513 Susan - 590m Fiscal Mte Felony on 3  
prison 4th 35m increased cost per yr.

Rep G 513 less  
Cost understood for 0 Fiscal at 6  
to 1/2 mil. at (4 Felony). cost to  
process criminals.

548 Rep ~~Law~~ Quarterly Statistic from  
previous test names

Rep C - Stats do not make sense.

52 Had. Current law Statistic, increase # ~~in~~ jail  
increase cost.

76 Rep U. -

~~582~~ Study - <sup>2 month</sup> (Oct - Nov) gather all DWI names,  
based Statistics on those 2 months

594 Rep H: ~~Law~~ ~~Crack~~ - Dist. likes Earn back  
concept, can't incurse, need  
Alternatives (~~the~~ crowded jails)

60 Study - Lessen Susp. - less force. DWI pay long  
to jail.

614 Law - ? DWI jails too nice when held.

620 Study - current ways people are placed 1/2 way home  
days in jail.

64 Rep G. Fiscal Note relates to easy Case  
load. his thought

43 Study - takes treatment to clear problem

---

B 001

Rep Hubs - Referred to Craig Atkins, Are sick people.  
maybe take Vehicle.  
can't force people to get treated

098  
Page #

053 R.G. legislative to take 99% that  
This leg. efforts:  
(see page in the sixth day efforts)

081 Ulan - 2 pts. Stern Stop Powell (now today)  
~~get~~ get the Series

Michelle of Starts longer. Pointed out the  
Compromise for 6th. The lesser of bads  
Sung, me please the lesser of bads  
only for jail.  
133 R.C. exactly (in that effort so for people.  
(prolong with that)

1.145 Personal expense with family 4th rate thru  
Cato 1st no log. 6th

09/21 Bill - what does committee want to  
Supports bill.

184 G. 2 Amendments - Amendments  
1) ~~the book after 3 days~~ instead of not  
Pg. 10 in 10 one - five

3rd Devt craft even broke lines  
R.G. - New Amendment #1 230

Pop cut called for. Cont

~~234~~ 234 Lema had greater than Amendment

Rep G. Explained Amendment.  
No comeback after 3 DUI's  
until through Statute presented.

~~278~~ 278 <sup>late</sup> - after 4th DUI ten yr. loss license

Rep. H - Supports Amendments. you get  
3 opportunities, but after Society  
rejects

301 Lema - ~~Requested for~~ believe <sup>we</sup> allow  
loop hole, in Amendment.

p.G.  
320. pointed the fact it on conditional  
Bases.

339 Lema - pointed Drafting, Restrictive  
(if person has been convicted 2)

\* 350 Mike <sup>ready for legislation</sup> Draft. gave input on how  
to draft the wording to specify  
the wording to Accomplish Amendment  
clearly (Arguing so there is no loop hole)

385 Lema Agreed as by us loophole.  
First 2 cases to convict only  
5 years cannot be convicted more than 2

Colo 412 Amel # passes

419 Rep G. Amel 2 move Amel #2  
Section Delete the word 5 insert the word of  
E Pr 15 line 7  
Section C

34 Colo double check with ~ ~  
437 - would be consistent

~~44 Rep H explained Amel~~  
Rep G. 448

460 Colo Object to Amel #2  
none #2 passed.

467 Legal Counsel - partial fact of breath test

477 - Draft bill so no inconsistency  
bring back as committee Sub.  
Any objections

483 - Agency 9:52



Official Business

**COMMITTEE:**  
HOUSE LABOR & COMMERCE

**DATE:** 1/19/87

# SIGN-IN

## Subject of meeting:

HB-11  
HB-53

PLEASE PRINT  
**NAME & TITLE**

**REPRESENTING**

**ADDRESS & ZIP**

**PHONE**

**DO YOU WANT  
TO TESTIFY?**

**SUBJECT:  
BILL #**

NAME & TITLE	REPRESENTING	ADDRESS & ZIP	PHONE	DO YOU WANT TO TESTIFY?	SUBJECT: BILL #
Terry Martin	Self-Sponsor of Bill	P.O. Box V 801 Juneau, AK.	H _____ W _____	L	HB 11
Mike Ford	Legal Services Division	Legislative Council Juneau, AK 99811	H _____ W _____	if Q's	HB 53
Bill Parnell	CORRECTIONS	PO Box T, Juneau 99811	H _____ W _____	if Q's	HB 53
Susan Knighton	Dept of Correction	P.O. Box T Juneau 99811	H _____ W _____	Yes	HB 53
Laurie Otto	Law	PO Box KC Juneau	H _____ W 3428	if Q's	HB 53
GAYLE HORETSKI	D. P. S.	PO BOX K, JUN.	H _____ W 4322	IF Q'S	HB 53
Bill Brown	DANV	11 11 N "	H <del>43</del> W 4375	if Q's	HB 11
			H _____ W _____		
			H _____ W _____		
			H _____ W _____		



**HB**

**26**

(5)

Date Referred January 9, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 1/31/89

The TRANSPORTATION Committee recommends that:

HOUSE BILL NO. 26 [FORFEITURE OF VEHICLE]  
"An Act relating to motor vehicle forfeiture."

[  ] be replaced with C/S HB 26 (Transportation) [  ] the same title  
[  ] a new title

[  ] have attached amendment(s)

- [  ] 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: \_\_\_\_\_

SIGNING DO PASS:

Aaron A. Suman (PS fiscal note should be revised downward)

Richard Jones  
RESERVATIONS! does NOT address multi-owned comm. vessels OR PAY-BAXIS

Bitte Cato

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

Bill Hudson - No Rec.

Bitte Cato  
Chairman's signature

A M E N D M E N T

OFFERED IN THE HOUSE

BY KOPONEN

TO: HB 26

Page 4, line 13, after "department":

Insert "by:

(1) selling the motor vehicle; proceeds from the sale shall be deposited into the general fund;

(2) taking custody of the property and authorizing its use by the state or another political subdivision of the state; or

(3) destroying property that is harmful to the public"

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

January 26, 1989

SUBJECT: Sectional analysis - HB 26  
TO: Representative Niilo Koponen  
FROM: Michael F. Ford  
Legislative Counsel

The following is a section by section analysis of HB 26:

Section 1 - Requires forfeiture of a vehicle used in the commission of the offense of driving while intoxicated, if the person has been convicted more than once for the offense within the preceding ten years. Provides that the forfeiture is subject to remission under AS 28.35.037.

Section 2 - Requires forfeiture of a vehicle used by a person who refused to submit to a chemical test of blood under AS 28.35.032, if the person has been convicted more than once within the preceding ten years of driving while intoxicated or refusal to take the chemical test of blood.

Section 3 - Establishes procedures for forfeiture and provides for extinguishment of third party rights to the motor vehicle. Allows the department to dispose of a forfeited vehicle.

Section 4 - Requires that notice of forfeiture be given to third parties.

Section 5 - Allows a third party to request a court hearing on remission of forfeiture.

Section 6 - Repealer.

MF:kb  
wkk1/082

P O S I T I O N   P A P E R

HB 26 - "AN ACT RELATING TO MOTOR VEHICLE FORFEITURE"

Alaska ranks third highest per capita nationwide in alcohol-related accident fatalities. After HB 6 was signed into law in September 1983, the prosecution was given the option to request the confiscation of a vehicle for second time DWI offenders. In Fairbanks, during a recent three year period, only one person has been ordered to forfeit their car. Alaska statistics show that in 1985, there were 365 drunk driving accidents involving third time offenders. During the first 11 months of 1986, this figure increased to 412 drunk driving accidents. These alarming statistics led me to introduce this legislation.

The purpose of HB 26 is to strengthen the original legislative intent of AS 28.35.036 by stating that "... the state shall [may] move the court to order the forfeiture of the motor vehicle..." The primary intent of HB 26 is to limit drunk driving fatalities. This legislation may also act as a deterrent by convincing first time DWI offenders that they will no longer have their vehicle if they are convicted of a second time DWI offense.

Under the proposal in AS 28.35.037 (Remission of Forfeitures) an offender can go to court in order to retrieve his or her car, thereby protecting third party interests in the motor vehicle. The offender must follow the statutory guidelines and present relevant arguments to the judge. Sec. 28.35.037(c) states that if the person satisfies these requirements, the court shall order that the motor vehicle and title be released. Otherwise, the vehicle will be auctioned or turned over to Public Safety for police use.

It is routine practice of Alaska game wardens to immediately confiscate cars, trucks and guns when a hunting violation is charged, prior to completion of the violator's due process proceedings. It is my opinion that the protection of human life should be considered at least as important in state law as a hunting or parking violation.

Table 1.56

Criminal sanctions, administrative licensing actions, and related actions for driving while intoxicated offenses

By jurisdiction, as of January 1986

Jurisdiction	Criminal sanctions					Administrative licensing actions			Other actions				
	Term of imprisonment	Mandatory minimum term of imprisonment	Fine	Mandatory minimum fine	Community service	Restitution	Pre-conviction licensing action	Suspension or revocation	Mandatory minimum term of withdrawal	Alcohol education or treatment program	Education or treatment program as alternative to sanctions	Vehicle impoundment confiscation	Vehicle forfeiture
Alabama	S	S	S		S	(b)	S	S	S				
Alaska	S	S	S		S	(b)	S	S	S				
Arizona	S	S	S	S	S	(b)	S	S	S				
Arkansas	S	S	S	S	S	(b)	S	S	S				
California	S	S	S	S	S	(b)	S	S	S				
Colorado	S	S	S	S	S		(c)	S	S		S		
Connecticut	S	S	S	S	S		(a)	S	S		S		
Delaware	S	(f)	S	S	S		S	S	S		S		
District of Columbia	S		S	S	S		S	S	S				
Florida	S	S	S	S	S		S	S	S				
Georgia	S	S	S	S	S		S	S	S				
Hawaii	S	S	S	S	S		S	S	S				
Idaho	S	S	S	S	S	(b)	S	S	S				
Illinois	S	S	S	S	S	S	S	S	S		S		
Indiana	S	S	S	S	S	S	S	S	S		S		
Iowa	S	S	S	S	S	S	S	S	S		S		
Kansas	S	S	S	S	S	S	S	S	S		S		
Kentucky	S	S	S	S	S	S	S	S	S		S		
Louisiana	S	S	S	S	S	S	S	S	S		S		
Maine	S	S	S	S	S	S	S	S	S		(i)		
Maryland	S	S	S	S	S	S	S	S	S		S		
Massachusetts	S	S	S	S	S	S	S	S	S		S		
Michigan	S	S	S	S	S	S	S	S	S		S		
Minnesota	S	S	S	S	S	S	S	S	S		S		
Mississippi	S	(g)	S	S	S	S	S	S	S		S		
Missouri	S	S	S	S	S	S	S	S	S		S		
Montana	S	S	S	S	S	S	S	S	S		S		
Nebraska	S	S	S	S	S	S	S	S	S		S		
Nevada	S	S	S	S	S	S	S	S	S		S		
New Hampshire	S	S	S	S	S	S	S	S	S		S		
New Jersey	S	S	S	S	S	S	S	S	S		S		
New Mexico	S	S	S	S	S	S	S	S	S		S		
New York	S	S	S	S	S	S	S	S	S		S		
North Carolina	S	S	S	S	S	S	S	S	S		S	(g)	S (§20-25.2)
North Dakota	S	S	S	S	S	S	S	S	S		S		
Ohio	S	S	S	S	S	S	S	S	S		S		
Oklahoma	S	S	S	S	S	S	S	S	S		S		
Oregon	S	S	S	S	S	S	S	S	S		S		
Pennsylvania	S	S	S	S	S	S	S	S	S		S		
Puerto Rico	S	S	S	S	S	S	S	S	S		S		
Rhode Island	S	S	S	S	S	S	S	S	S		S		
South Carolina	S	S	S	S	S	S	S	S	S		S		
South Dakota	S	S	S	S	S	S	S	S	S		S		
Tennessee	S	S	S	S	S	S	S	S	S		S		
Texas	S	S	S	S	S	S	S	S	S		S		S (§67011-7)
Utah	S	S	S	S	S	S	S	S	S		S		
Vermont	S	S	S	S	S	S	S	S	S		S		
Virginia	S	S	S	S	S	S	S	S	S		(n)		
Washington	S	S	S	S	S	S	S	S	S		(y)		
West Virginia	S	S	S	S	S	S	S	S	S		S		
Wisconsin	S	S	S	S	S	S	S	S	S		S		
Wyoming	S	S	S	S	S	S	S	S	S		S		

Notes: See Note, table 1.53. "The sanctions listed for convictions of alcohol driving offenses... are those specified by statute. If a sanction is not specified by law... it is not listed" (U.S. Department of Transportation, National Highway Traffic Safety Administration, Digest of State Alcohol-Highway Safety Related Legislation, January 1983 (Washington, D.C.: U.S. Department of Transportation, 1983), (p. 1, 2)). "Term of imprisonment" refers to both jail sentences and prison sentences. "The term 'mandatory sanction' means either a criminal sanction or an administrative licensing action which must be imposed by either a court or administrative agency" (Source, p. 1-1). "Pre-conviction licensing action" refers

to provisions which enable the State licensing agency to suspend a license prior to conviction based on blood alcohol concentration level. "Mandatory minimum term of withdrawal" refers to a mandatory minimum term of either license suspension or revocation. Because of variation among the jurisdictions within categories of sanctions, e.g., terms of imprisonment or amounts of fines, the Source document as well as individual jurisdictions' statutes should be consulted. In the table, "S" indicates that such a provision is provided expressly by statute. Statutes should be consulted for the full text and meaning of specific provisions.

Table 1.54

Statutory provisions authorizing blood alcohol concentration tests for persons suspected of driving while intoxicated, and sanctions for refusal to take such tests

By jurisdiction, as of January 1986

Jurisdiction	Preliminary breath test			Implied consent chemical test		
	Statutory authorization	Sanctions for refusal to submit to preliminary breath test		Arrest required for consent	Sanctions for refusal to take implied consent chemical test	
		Criminal	Administrative licensing action		Criminal	Administrative licensing action
Alabama				Yes		S
Alaska	S	S		Yes	S	S
Arizona				Yes		S
Arkansas				Yes		S
California				Yes		S
Colorado	S			Yes		S
Connecticut				Yes		S
Delaware	S			Nb		S
District of Columbia				Yes		S
Florida	S			Yes		S
Georgia				Yes		S
Hawaii				Yes		S
Idaho				Nb		S
Illinois				Yes		S
Indiana	S			Nb		S
Iowa	S <sup>a</sup>			Nb <sup>b</sup>		S
Kansas				Yes		S
Kentucky	S			Yes		S
Louisiana				Yes		S
Maine				Nb		S
Maryland	S			Yes		S
Massachusetts				Yes		S
Michigan	S			Yes		S
Minnesota	S		S	Nb		S
Mississippi	S			Nb		S
Missouri				Yes		S
Montana				Yes		S
Nebraska	S	S		Yes	S	S
Nevada	S		S	Yes		S
New Hampshire	S			Yes		S
New Jersey				Yes	S	S
New Mexico				Yes		S
New York	S <sup>c</sup>	S		Yes		S
North Carolina	S			Yes		S
North Dakota	S		S	Yes		S
Ohio				Yes	S	S
Oklahoma				Yes		S
Oregon				Yes		S
Pennsylvania	S			Nb		S
Puerto Rico	S			Yes		S
Rhode Island	S			Yes	S	S
South Carolina				Yes		S
South Dakota	S			Yes		S
Tennessee				Nb		S
Texas				Yes		S
Utah				Yes		S
Vermont	S			(d)		S
Virginia	S			Yes		S
Washington				Yes		S
West Virginia	S			Yes		S
Wisconsin	S			Yes		S
Wyoming				Yes		S

Notes: See Note, table 1.53. In the table, "S" indicates that such a provision is provided expressly by statute. Statutes should be consulted for the full text and meaning of specific provisions.

<sup>a</sup>Applies only when there has been either an injury or death related accident.

<sup>b</sup>A test may be a prior condition to an implied consent chemical test under certain circumstances but is not required in all conditions.

<sup>c</sup>Limited to drivers involved in accidents and traffic law violations.

<sup>d</sup>Unclear, but probably not.

Sources: U.S. Department of Transportation, National Highway Traffic Safety Administration, Digest of State Alcohol-Highway Safety Related Legislation, 4th ed., March 1986 (Washington, DC: USGPO, 1986), pp. 3-1-3-379. Table adapted by SOURCEBOOK staff.

Table 1.56

Criminal sanctions, administrative licensing actions, and related actions for driving while intoxicated offenses

By jurisdiction, as of January 1986--Continued

<sup>1</sup>Not for first offense but may apply to second and/or subsequent offenses.

<sup>2</sup>May be required where involved in accident causing damages, injury, or death.

<sup>3</sup>Administrative per se with a blood alcohol concentration level of 0.15 percent; the period of license revocation is 1 year.

<sup>4</sup>Where there has been a previous conviction or if defendant is under 21 years of age.

<sup>5</sup>Police may take and hold a drivers' license for 24 hours if the driver has a blood alcohol concentration level of 0.10 percent or more.

<sup>6</sup>These minimum sanctions may not be suspended by the Court; the law is silent as to prohibiting the Court from placing a person on probation.

<sup>7</sup>Yes, but only if convicted of driving with suspended or revoked license.

<sup>8</sup>First offense only.

<sup>9</sup>In lieu of fine.

<sup>10</sup>In lieu of imprisonment for first offense and in lieu of fine for second and subsequent offenses.

<sup>11</sup>In lieu of fine or imprisonment except for injury related driving while intoxicated offenses.

<sup>12</sup>After two-thirds of license suspension period has passed, offender may be issued a license if they have completed an alcohol education/treatment program. Special provisions apply.

<sup>13</sup>If defendant consents.

<sup>14</sup>A limited license may be issued for employment purposes or attendance at an alcohol treatment program.

<sup>15</sup>The law does not specifically prohibit suspending or placing persons on probation for the minimum imprisonment term.

<sup>16</sup>In lieu of imprisonment.

<sup>17</sup>Applies to all offenses, however, injury must have been intentionally inflicted for the victim to be compensated.

<sup>18</sup>Administrative per se with a blood alcohol concentration level of 0.13 percent; the period of revocation varies with number and type of alcohol related convictions.

<sup>19</sup>Except for the driving while intoxicated death or bodily injury offense.

<sup>20</sup>Where there is serious bodily injury or a 0.20 percent blood alcohol level.

<sup>21</sup>To be paid by the defendant if a sentence is either suspended or deferred.

<sup>22</sup>Where there has been a previous conviction. Also, license may be seized if the blood alcohol concentration level is 0.10 percent or above.

<sup>23</sup>May be imposed if defendant is an alcoholic or suffering from acute alcohol intoxication.

<sup>24</sup>Administrative per se with a blood alcohol concentration of 0.08 percent.

<sup>25</sup>Generally no; but there are limited alternatives.

Source: U.S. Department of Transportation, National Highway Traffic Safety Administration, *Digest of State Alcohol-Highway Safety Related Legislation*, 4th ed., March 1986 (Washington, DC: U.S. Department of Transportation, 1986), pp. 3-1--3-379. Table adapted by SOURCEBOOK staff.

COMPARISON OF PROPOSED PENALTIES FOR DWI OFFENDERS

	<u>Current law</u>	<u>C/S</u> <u>HB 53(Trans)</u>	<u>HB 26</u>	<u>HB 2</u>
1st DWI	3 days in jail 90 day loss/license \$250 fine	3 days in jail 90 day loss/license Earn back last 60 \$250 fine		ILS court option
2nd DWI	20 days in jail 1 year loss/license \$500 fine	20 days in jail 1 year loss license Earn back last 60 days \$500 fine		ILS court option
3rd DWI	30 days in jail 10 yr loss/license \$1000 fine	60 days in jail 10 yr loss/license Earn back last 5 years \$1000 fine	forfeiture of vehicle	ILS court option
4th	30 days in jail 10 yr loss/license \$1000 fine	120 days in jail 10 yr loss license \$2000 fine		ILS court option
5th	30 days in jail 10 yr loss/license \$1000 fine	Class C felony		ILS court option
6th DWI	30 days in jail 10 yr loss/license \$1000 fine	Class C felony		ILS court option

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

December 8, 1988

SUBJECT: Motor Vehicle Forfeiture  
(W.O. No. 16-0324A)

TO: Representative Niilo Koponen

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

The attached work draft is, with one exception, identical to CSHB 52(Jud) that was approved by the House Judiciary committee during the last session.

The version of CSHB 52(Jud) approved by the Judiciary committee contained an amendment to section 3, adding a new subsection (d) to AS 28.35.036. This subsection was, I believe, intended to ensure that convictions for driving while drunk and for refusing the breath test would be considered a single conviction, if both occurred during the same incident. Similar language occurs in AS 28.35.030(f) and AS 28.35.032(j). The manner in which AS 28.35.036 was repealed and reenacted made the addition of subsection (d) meaningless. There is no longer any required consideration of multiple convictions in that section. As every statute is presumed to have a meaning, I have deleted that subsection in order to avoid raising an implication that the court may reexamine the issue of multiple convictions at the hearing on remission of forfeiture.

Enclosure

MFF:gc  
WKG4/098

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: "An Act relating to motor vehicle forfeiture." BRU: Alaska State Troopers  
 Sponsor: Representative Koponen Component: Detachments  
 Requestor: House Transportation

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		139.9	139.9	139.9	139.9	139.9
TRAVEL		4.0	4.0	4.0	4.0	4.0
CONTRACTUAL		193.0	193.0	193.0	193.0	193.0
SUPPLIES		6.0	6.0	6.0	6.0	6.0
EQUIPMENT		46.4				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	389.3	342.9	342.9	342.9	342.9

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

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND		389.3	342.9	342.9	342.9	342.9
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	389.3	342.9	342.9	342.9	342.9

POSITIONS:

FULL-TIME	0	2	2	2	2	2
PART-TIME	0	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Francis C. Allan  
 Division: Alaska State Troopers

Phone: 269-5691  
 Date: 1/27/89

Approved by Commissioner: Arthur English  
 Agency: Department of Public Safety

Date: 1-30-89

Department of Public Safety

Summary of Fiscal Impact - HB 26

Forfeiture of the motor vehicle of a repeat DWI offender is allowed under existing law (AS 28.35.030(c)). This bill makes forfeiture of the motor vehicle mandatory upon a third DWI conviction within 10 years. The Department of Law has developed guidelines for the preliminary investigation necessary to allow successful forfeiture of a motor vehicle. Among the additional tasks a law enforcement officer must perform:

- 1) a check of the criminal and driving record of each DWI arrestee, to determine if the present offense would be his or her third conviction; the written record must be attached to the police report and forwarded to the prosecutor's office;
- 2) Division of Motor Vehicles (DMV) title records must be checked to determine the owner of the subject vehicle, and a certified copy of the title record obtained;
- 3) if the vehicle is jointly owned, the officer must investigate the circumstances surrounding the offender's possession of vehicle at the time of the offense, as this information will be required at the "remission" hearing under AS 28.35.037; this information must be added to the police report;
- 4) if DMV records show a lien against a vehicle title the lien holder must be contacted, and the present extent of his financial interest determined; this information must be added to the police report.

The Department of Law estimates that 250 vehicles per year will be subject to forfeiture under the provisions of this bill. The Department of Public Safety estimates that enforcement of this new law will require a substantial amount of staff time. This additional time will fall into three general areas: (1) locating and impounding the vehicle in question, (2) investigating title history for lien holders and co-owners and, (3) processing the vehicle administratively.

Locating and Impounding Vehicles

Troopers will likely spend up to seven hours performing this task. This estimate includes having to travel to the location where the vehicle is most likely to be found, traveling from point to point tracking down the vehicle, and time spent waiting for tow trucks and completing the impound procedures. This does not include those instances where the convicted owner may be attempting to conceal the location of the vehicle from authorities or transfer the vehicle to someone else.

Department of Public Safety  
Summary of Fiscal Impact - HB 26

Investigation of Title History

This bill would allow persons having a claim against the vehicle to have a hearing before the court. Establishing legitimate lien holders and co-owners will likely require personal contact with those claiming an interest in the vehicle, obtaining written statements, and research of existing records. This process could well take six or more hours per vehicle.

Administrative Processing

This time will include completing the necessary documents and other records that this bill will necessitate as a result of seizure and disposal of each vehicle. This procedure will most likely take two or more hours per vehicle.

Additional Costs

The bill provides a 90-day period during which persons who claim to have a financial interest in the vehicle may seek remission of forfeiture. An additional 30 days is anticipated before a hearing will likely be held. During this 120-day time period the Department of Public Safety would be responsible for daily storage charges of approximately five dollars per day. Over the course of one year this could total \$150,000. (120 X 250 X \$5.00)

An average charge for towing a vehicle in the Anchorage area is approximately \$75.00. 250 vehicles would result in towing fees estimated at \$18,750.

Estimated Additional Personnel

PERSONAL SERVICES COSTS:

		<u>Personal Services</u>	<u>Total Position Costs</u>
State Trooper	12 mos.	\$ 60.7	\$ 99.9
State Trooper	12 mos.	60.7	99.9
Admin. Asst. I	6 mos.	18.5	20.7
TOTAL		<u>\$139.9</u>	<u>\$220.5</u>

An average number of hours worked during a 12-month period equals approximately 1922. Estimated additional personnel resources required to manage this function were based upon these numbers.

Equipment

Equipment is needed in the first year only.

Department of Public Safety  
 Division of Alaska State Troopers  
 HB 26  
 Fiscal Note Summary  
 FY90

	State Trooper <u>12 mos.</u>	State Trooper <u>12 mos.</u>	PPT Admin. Asst. <u>6 mos.</u>	Other Costs	<u>Total</u>
Personal Services	60.7	60.7	18.5	-	139.9
Travel	2.0	2.0	-	-	4.0
Contractual	11.5	11.5	1.2	168.8*	193.0
Supplies	2.5	2.5	1.0	-	6.0
Equipment	<u>23.2</u>	<u>23.2</u>	<u>-</u>	<u>-</u>	<u>46.4</u>
Total	<u>99.9</u>	<u>99.9</u>	<u>20.7</u>	<u>168.8</u>	<u>389.3</u>

\*\$18.8 for towing and \$150.0 for storage.

Position Title State Trooper			No. of Positions 1	Range/Step 76/A	Org. Unit PSEA
Time Status PFT	Staff Months 12		Location Statewide		Election District
			Justification		
Type of Expenditure			Amount		
1	2	3			
Salary*	42,495	////////////////////	The Department estimates that approximately thirteen hours of time will be needed on each of approximately 250 impounds. The current staff of AST is unable to absorb this increased workload without additional staffing.		
Benefits*	18,241	////////////////////	This new position is a commissioned State Trooper assigned to road patrol, which would include DWI enforcement. The location of this position is not yet determined, but its addition to AST will offset the workload increase throughout the state. The position would become active on July 1, 1989. Equipment, consisting primarily of a patrol vehicle, would be needed in FY 90 only.		
Premium Pay (Included in Above)	////////////////////	////////////////////			
Other	////////////////////	////////////////////			
Total Personal Services	////////////////////	60.7			
Travel		2.0			
Contractual		11.5			
Commodities		2.5			
Equipment		23.2			
Other					
Total Cost		99.9			
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004				
Program Receipts/GF	1005	99.9			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 BRU Alaska State Troopers  
 COMPONENT Detachments

Page 5 of 7  
 Revised Date

FY 90

Position Title State Trooper		No. of Positions 1	Range/Step 76/A	Barg. Unit PSEA
Time Status PFT	Staff Months 12	Location Statewide		Election District
Type of Expenditure		Justification		
		The Department estimates that approximately thirteen hours of time will be needed on each of approximately 250 impounds. The current staff of AST is unable to absorb this increased workload without additional staffing. This new position is a commissioned State Trooper assigned to road patrol, which would include DWI enforcement. The location of this position is not yet determined, but its addition to AST will offset the workload increase throughout the state. The position would become active on July 1, 1989. Equipment, consisting primarily of a patrol vehicle, would be needed in FY 90 only.		
Type of Expenditure				
1	2	3		
Salary*	42,495	////////////////////		
Benefits*	18,241	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services:	////////////////////	60.7		
Travel		2.0		
Contractual		11.5		
Commodities		2.5		
Equipment		23.2		
Other				
Total Cost		99.9		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	99.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 BRU Alaska State Troopers  
 COMPONENT Detachments

Page 6 of 7  
 Revised Date

FY 90

Position Title Administrative Assistant I			No. of Positions 1	Range/Step 12/A	Barg. Unit ASEA
Time Status PPT	Staff Months 6		Location Anchorage		Election District 6-16
			Justification		
Type of Expenditure			Amount		
1	2	3			
Salary*	12,432	////////////////////			
Benefits*	6,046	////////////////////			
Premium Pay (Included in Above)	////////////////////	////////////////////			
Other	////////////////////	////////////////////			
Total Personal Services	////////////////////	18.5			
Travel		-			
Contractual		1.2			
Commodities	1	1.0			
Equipment					
Other					
Total Cost		20.7			
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	20.7			
Program Receipts/Gr	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
			This position will prepare records involving seized vehicles and their later disposition. The Department is estimating that it will take approximately two hours of administrative effort per seizure. Because the legal responsibilities may require a working knowledge above that found in a typical clerical employee, an Administrative Assistant I is requested. Because the workload is insufficient in this program alone to warrant a fully-funded position only six months funding is requested.		

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 BRU Alaska State Troopers  
 COMPONENT Detachments

Page 7 of 7  
 Revised Date

FY 90

BILL NO: HB 26

DATE: January 27, 1989

TITLE: "An Act relating to motor  
vehicle forfeiture."

CONTACT: Gayle A. Horetski  
Deputy Commissioner  
465-4322

DEPARTMENT OF  
PUBLIC SAFETY

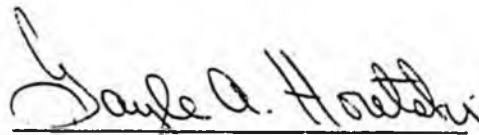
House Bill 26 makes forfeiture of the motor vehicle mandatory upon the driver's third DWI conviction within 10 years.

Drunk drivers are a serious problem in Alaska. In over 50% of all traffic related fatalities occurring on Alaska's highways, one or more of the persons involved in the accident has been drinking. Statistics show that a substantial number of persons arrested for DWI have previously been convicted for the same offense.

Although the Department of Public Safety is in favor of any reasonable measures which might act as a deterrent to repeat DWI offenders, the mandatory nature of the sanction in this bill presents practical problems, and would be very costly to enforce; these costs are outlined in the Department's fiscal note on the bill.

One practical problem is that a substantial number of vehicles are owned and registered to more than one person in the household, i.e., husband and wife. If forfeiture is ordered following conviction of one of the owners (e.g.: the husband), it is expected that the other owner (the wife) will usually be able to meet the requirements of proposed AS 28.35.037(b), thereby retaining the vehicle. The convicted owner would quite likely continue to have access to the vehicle upon demand, although his name would no longer be on the title.

Although the Department of Public Safety supports the imposition of significant sanctions against those who endanger lives and property through drunk driving, we believe that the practical problems in enforcing the mandatory forfeiture provision and the significant additional cost involved outweigh the possible deterrent benefits of the bill.

  
for Arthur English  
Commissioner

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act relating to motor vehicle forfeiture"  
Sponsor: Representative Koponen  
Requestor: House

Agency Affected: Dept. of Administration  
BRI: Public Defender Agency

Components: Third Judicial District

**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-

CAPITAL	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94

REVENUE	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

As vehicle forfeiture is a mandatory sanction under the provisions of this bill, it appears clients of the Public Defender Agency will not be entitled to litigate the issue. Subsequent litigation following forfeiture will  
(Continued over)

Prepared by: John B. Salemi Acting Public Defender Phone: 279-7541  
Division: Public Defender Agency Date: 1/26/89

Approved by Commissioner: John Andrews Date: 1/27/89  
Agency: Department of Administration

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 26

likely occur between the Department of Law and any person or entity other than the defendant who claims an ownership interest in the vehicle. Therefore, we anticipate no fiscal impact with respect to our agency.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to motor vehicle forfeiture."  
 Sponsor: Rep. Koponen  
 Requestor: House Judiciary

Agency Affected: Administration  
 BRU: Office of Public Advocacy  
 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						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

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

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

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: *Brant McGee*  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: 1/26/89

Approved by Commissioner: John Andrews  
 Agency: Department of Administration

Date: 1/27/89

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

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to motor vehicle forfeiture."  
 Sponsor: Repr. Koponen  
 Requestor: House Transportation

Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: Third Judicial District

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		107.5	110.7	114.0	117.4	122.0
TRAVEL		3.6	3.7	3.8	3.9	4.0
CONTRACTUAL		37.6	38.7	39.9	41.1	42.4
SUPPLIES		11.7	7.4	7.6	7.8	8.0
EQUIPMENT		11.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>171.4</b>	<b>160.5</b>	<b>165.3</b>	<b>170.2</b>	<b>176.4</b>

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

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

**FUNDING:** (Thousands of Dollars)

GENERAL FUND		171.4	160.5	165.3	170.2	176.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME		2	2	2	2	2
PART-TIME		1	1	1	1	1
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Please see the attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services

Phone: 465-3672  
 Date: January 27, 1989

Approved by Commissioner: Grace Berg Schaible, Atty. Gen.  
 Agency: Department of Law

Date: January 27, 1989

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 26

This bill amends AS 28.35 to provide that the court shall order the forfeiture of the motor vehicle involved when a person is convicted for a third, or subsequent time, for driving while intoxicated or refusal to submit to a chemical test. Under existing law, the state has the option of seeking forfeiture, but it is not currently mandated to do so.

The bill also provides that the state shall provide written notice to each person with an ascertainable ownership or security interest in the motor vehicle, other than the person convicted of the offense resulting in the forfeiture, advising of the forfeiture and advising of the person's right to intervene to protect an interest in the motor vehicle. The state must, in the same written notice, also advise that failure to seek remission of forfeiture within 90 days will extinguish the rights of the person to the vehicle. The bill further provides that the court shall schedule a hearing to determine if remission of forfeiture shall be ordered, if a person with an ownership or security interest in the forfeiture vehicle, other than the person convicted, makes a request for a hearing within the 90-day notification period.

During 1988, 528 drivers had their drivers' licenses revoked for 10 years, indicating that nearly this number of persons had been convicted of driving while intoxicated three or more times. The number of 10 year license revocations increased by nearly 10% in 1988. About 60% of all DWI prosecutions are handled by the state, and the remainder are handled by municipal prosecutors in Anchorage, Fairbanks, Juneau, and Ketchikan. Moreover, the Department of Law prosecutes 96% of all state DWI arrests, and the department's DWI conviction rate is over 80%. Consequently, the department believes that it will be involved in about 250 to 300 motor vehicle forfeitures, if this bill is enacted.

In the event of a forfeiture, the state must give actual written notice to person with an ascertainable interest in the motor vehicle. Basic due process considerations will also require publication of legal notices, because many persons hold security interests in motor vehicles that are not readily ascertainable from title documents. As a consequence, the department will be substantially involved with the division of motor vehicles and persons with ownership or security interests, in determining the extent ownership and security interests, notifying those with such interests, and preparing for and attending remission hearings. This high volume of work cannot be absorbed with our present staff. The department believes that the addition of one part-time attorney, one full-time paralegal assistant, and one full-time clerk typist will be necessary to carry-out the bill's forfeiture provisions.

Motor vehicle forfeiture will undoubtedly result in some revenue to the state. However, it should be pointed out that forfeited vehicles with the highest value are those that are most likely to involve a third-party ownership or security interest. Conversely, vehicles having the least value are those that are most likely not to have a third-party interest. In this latter event, the actual cost of forfeiture, storage, and disposal may be substantially less than the value of the forfeited vehicle.