

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6181 HOUSE TRANSPORTATION

585



KEEFE THE DENVER POST '82

Another effective deterrent, according to the NTSB and the ABA, are sobriety checkpoints. Twenty-five states have established them, and a number have landed in court as a result. Civil liberties groups, arguing that checkpoints are unconstitutional, have successfully brought suit against them in California, Oregon and Pennsylvania. The California Supreme Court later reversed its ruling, stipulating that law enforcement agencies must give the public advance notice of the checkpoint's location and must use systematic selection criteria.

The Pennsylvania Supreme Court recently outlawed random sobriety roadblocks, saying they were set up at

"such unlikely times and places" that citizens were being stopped unjustifiably by police. But like California, the court upheld their legality, imposing similar restrictions on law enforcement departments. Last September, Oregon banned the use of checkpoints.

Despite constitutional challenges, the NTSB maintains that roadblocks are cost effective and a strong deterrent to drinking and driving.

Alcohol-related fatalities among teen-agers 15 to 19 are a real concern. Deaths in this age group were significantly higher in 1986 than in 1985, according to John Grant of the National Commission on Drunk Driving. He attributes the increase to the fact that

automobiles are more accessible, fuel is cheaper and "kids drive with more abandon and less responsibility."

However, Boston University's Hingson theorizes that the anti-drinking movement had little impact on this group because "it was before their time. The number of new laws geared toward drunk driving reached its zenith in 1985 and evidence shows it may be tapering off. That's a bad sign for a high risk group such as teen-agers who are just entering the driving pool."

Preventing alcohol-related fatalities among teen-agers has spurred many states to enact legislation targeted specifically to those under 21. With the exception of Wyoming, every state has



## Issues worth watching

*"NCSL videos are a wonderful service—thank you."*  
Dorothy Gjerdrum, Legislative Council Service, New Mexico.

*"I recommend NCSL video programs for legislators, businesses and groups... well worth the time."*  
Bill Clemmons, Occidental Chemical, Alabama.

*"The program, 'Hazardous Materials Transportation', raised our level of awareness of the critical nature of this issue."*  
Senator Salvatore Albano, Massachusetts.

*"We're not always able to attend important NCSL meetings, but videos like 'Liability Insurance' bring the information and the issues to us."*  
Representative Richard L. Worden, Indiana.

Whenever you want a quick and thorough look at the latest state policy issues affecting you, your state and the country, turn to videos from the National Conference of State Legislatures and the Foundation for State Legislatures.

These programs, designed for the legislative audience, focus on current issues facing the states. Videos offer the balanced perspective you need to keep up with what's happening across the country.

NCSL videos take you to the source . . . to state capitols, to well known authorities and to people across the country who help shape public policy decisions.

#### Recent releases include:

- ◆ The Evolving American Economy: Part 1, The Challenge to Today's Worker
- ◆ Liability Insurance — Coping With A Crisis
- ◆ An Overview of Legislative Leadership
- ◆ State Legislative Issue: Household Hazardous Waste
- ◆ Safety and Economy: Hazardous Materials Transportation
- ◆ Long Term Care Insurance
- ◆ Privatization of Government Services

#### Future topics include:

- ◆ Telecommunications
- ◆ Economic Development
- ◆ The Leader As Manager
- ◆ Banking Regulations
- ◆ AIDS

Other titles available upon request. So for quick up-to-date information, take a look at our public policy videos.

For more information, call or write:



### NCSL Video Distribution Center

1050 17th Street, Suite 2100  
Denver, CO 80265  
Telephone (303) 623-7800

raised the drinking age to 21 (some with a nudge from Congress, which threatened a loss of federal highway funds without it). State troopers across the country say the laws have already saved many lives.

Maine recently lowered its maximum permissible blood alcohol content to .02 percent for drivers under 21. The new law deals a double blow—a fine is imposed for drinking under age and driving privileges are suspended for one year. Rhode Island has introduced legislation that would lower its legal blood alcohol limit to .04 percent for teen-agers.

As part of its national lobbying effort, MADD is urging all states to lower their maximum blood alcohol limit to .10 percent. But the American Medical Society says that even at .05 percent a person is too impaired to drive. Forty-two states have .10 percent maximum levels and Oregon and Utah have lowered their limits to .08 percent. Colorado recently introduced a bill that would lower the legal limit from .15 percent to .10 percent.

To date, half the states have enacted strong liability legislation—which the studies consider to be effective—aimed at bars and restaurants that serve drinks to intoxicated patrons, and Maine, Oklahoma and Texas are among several states that require or encourage training programs for bartenders to learn how to identify customers who have had too much to drink.

Grant says that drunk-driving legislation in and of itself is not a panacea. He theorizes that the key to getting drunk drivers off the streets and highways lies in a coordinated approach by states.

"Enforcement and implementation of the laws has been the biggest challenge. We don't need any new laws. We need to implement the ones we have.

"Everyone must do their part from judges to more active police enforcement to better court interpretation of what the law says. Education and prevention in the work place and the schools are a big part of it, too. And it's vital that the media keep the issue alive," he says.

6-0219H  
Ford  
1/19/89

Original sponsors: Ulmer, Koponen,  
and Collins

BY THE TRANSPORTATION  
COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 53 (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 the privilege to drive, driver  
7 licensing, driving while intoxicated, and other  
8 procedures and matters related to driving and the  
9 revocation of driving privileges; relating to operat-  
10 ing an aircraft or watercraft; and providing for an  
11 effective date."

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

13 \* Section 1. AS 28.05.011 is amended to read:

14 Sec. 28.05.011. DUTY OF COMMISSIONER TO ADOPT REGULATIONS. The  
15 commissioner shall, unless otherwise provided by statute, adopt regu-  
16 lations in compliance with the Administrative Procedure Act (AS 44.62)  
17 necessary to carry out the provisions of this title and other statutes  
18 the administration of which is vested in the department. The regula-  
19 tions shall include, but not be limited to:

20 (1) rules of the road relating to the driving, stopping,  
21 standing, parking, and other conduct of vehicles, to pedestrians, and  
22 to official traffic control devices;

23 (2) minimum equipment for vehicles, including, but not  
24 limited to, minimum standards of compliance to be met by manufacturers  
25 and vehicle sales and repairs businesses;

26 (3) inspection of vehicles, and the removal of vehicles  
27 from areas of public use when they are found to be in a defective or  
28 unsafe condition;

29 (4) registration, titling, transfer, and abandonment of

vehicles;

(5) licensing of drivers of vehicles and procedures for obtaining limited license privileges;

(6) financial responsibility relating to vehicles;

(7) management of records of the department required for the administration of this title and regulations adopted under this title, including provisions for insuring the accuracy of information contained in automated and manual information retrieval systems;

(8) [REPEALED;

(9)] definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(9) [(10)] registration of motor vehicle, trailer, and semi-trailer dealers; and

(10) [(11)] certification and regulation of junk yards.

\* Sec. 2. AS 28.15.165(a) is amended to read:

(a) If a chemical test administered under AS 28.35.031(a) to a person driving a motor vehicle for which a driver's license is required produces a result described in AS 28.35.030(a)(2) or if a person under arrest for driving a motor vehicle for which a driver's license is required refuses to submit to a chemical test under AS 28.35.-031(a), a law enforcement officer shall read a notice and deliver a copy to the person. The notice shall advise that

(1) the department intends to revoke the person's driver's license, [OR NONRESIDENT] privilege to drive, or privilege to obtain a license, or refuse to issue an original license to the person;

(2) the person has the right to administrative review of the revocation or determination not to issue an original license;

(3) if the person has a driver's license or a nonresident

1 privilege to drive, the notice itself is a temporary driver's license  
2 that expires seven days after it is delivered to the person;

3 (4) revocation of the person's driver's license, [OR NON-  
4 RESIDENT] privilege to drive, or privilege to obtain a license, or a  
5 determination not to issue an original license takes [SHALL TAKE]  
6 effect seven days after delivery of the notice to the person [UPON  
7 EXPIRATION OF THE TEMPORARY DRIVER'S LICENSE] unless the person,  
8 within seven days, requests an administrative review.

9 \* Sec. 3. AS 28.15.165(c) is repealed and reenacted to read:

10 (c) The department shall revoke the person's license, privilege  
11 to drive, or privilege to obtain a license, or refuse to issue an  
12 original license, effective seven days after delivery to the person of  
13 the notice required under (a) of this section, upon receipt of a sworn  
14 report of a law enforcement officer

15 (1) that a chemical test under AS 28.35.031(a) produced a  
16 result described in AS 28.35.030(a)(2) or that a person refused to  
17 submit to a chemical test under AS 28.35.031(a);

18 (2) that notice under (a) of this section was provided to  
19 the person; and

20 (3) describing the circumstances surrounding the arrest and  
21 the grounds for the officer's belief that the person was intoxicated  
22 while operating or driving a motor vehicle for which a driver's li-  
23 cense is required.

24 \* Sec. 4. AS 28.15.165(d) is amended to read:

25 (d) The period of revocation of a driver's license, privilege to  
26 drive, or privilege to obtain a license by the department under this  
27 section shall be for the appropriate minimum period for court revoca-  
28 tions under AS 28.15.181(c). A department hearing officer may grant  
29 limited license privileges in accordance with the standards set out in

1 AS 28.15.201 to a person whose driver's license or nonresident privi-  
2 lege to drive was revoked under this section.

3 \* Sec. 5. AS 28.15.166(a) is amended to read:

4 (a) A person who has received a notice under AS 28.15.165(a) may  
5 make a written request for administrative review of the department's  
6 action under AS 28.15.165(c) or for limited license privileges under  
7 AS 28.15.165(d). If the person's driver's license has not been previ-  
8 ously surrendered to the department, it shall be surrendered to the  
9 department at the time the request for review is made.

10 \* Sec. 6. AS 28.15.166(b) is amended to read:

11 (b) A request for review of the department's revocation under  
12 AS 28.15.165 shall be made within seven days after receipt of the  
13 notice under AS 28.15.165 or the right to review is waived and the  
14 action of the department under AS 28.15.165(c) is final. If a written  
15 request for a review is made after expiration of the seven-day period,  
16 and if it is accompanied by the applicant's verified statement ex-  
17 plaining the failure to make a timely request for a review, the de-  
18 partment shall receive and consider the request. If the department  
19 finds that the person was unable to make a timely request because of  
20 lack of actual notice of the revocation or because of factors of  
21 physical incapacity such as hospitalization or incarceration, the  
22 department shall waive the period of limitation, reopen the matter,  
23 and grant the review request. An initial request for limited license  
24 privileges may be made at any time. Subsequent requests for limited  
25 license privileges may not be made unless the applicant demonstrates a  
26 significant change in circumstances.

27 \* Sec. 7. AS 28.15.166(g) is amended to read:

28 (g) The hearing for review of a revocation by the department  
29 under AS 28.15.165 [UNDER THIS SECTION] shall be limited to the issues

1 of whether the arresting officer had reasonable grounds to believe  
2 that the person was driving a motor vehicle while intoxicated and  
3 whether

4 (1) the person refused to submit to a chemical test under  
5 AS 28.35.031(a) after being advised that refusal would result in the  
6 suspension, revocation, or denial of the person's license, [OR NON-  
7 RESIDENT] privilege to drive, or privilege to obtain a license. and  
8 that the refusal is a misdemeanor; or

9 (2) the chemical test authorized under AS 28.35.031(a) and  
10 administered to the person produced a result described in AS 28.35.-  
11 030(a)(2).

12 \* Sec. 8. AS 28.15.166(j) is amended to read:

13 (j) If the issues set out in (g) of this section are determined  
14 in the affirmative by a preponderance of the evidence, the hearing  
15 officer shall sustain the action of the department. If one or more of  
16 the issues is determined in the negative, the department's revocation  
17 action shall be rescinded.

18 \* Sec. 9. AS 28.15.166(n) is amended to read:

19 (n) The filing of an appeal under (m) of this section does not  
20 automatically stay the department's [REVOCATION] order. The court may  
21 grant a stay of the order only upon a motion and hearing, and upon a  
22 finding that there is a reasonable probability that the petitioner  
23 will prevail on the merits and that the petitioner will suffer irrepa-  
24 rable harm if the order is not stayed.

25 \* Sec. 10. AS 28.15.181(a) is amended to read:

26 (a) Conviction of any of the following offenses is grounds for  
27 the immediate revocation of a driver's license, privilege to drive, or  
28 privilege to obtain a license:

29 (1) manslaughter or negligent homicide resulting from

driving a motor vehicle;

1 (2) a felony in the commission of which a motor vehicle is  
2 used;

3 (3) failure to stop and give aid as required by law when a  
4 motor vehicle accident results in the death or personal injury of  
5 another;

6 (4) perjury or making a false affidavit or statement under  
7 oath to the department under a law relating to motor vehicles;

8 (5) driving a motor vehicle while intoxicated;

9 (6) reckless driving;

10 (7) using a motor vehicle in unlawful flight to avoid  
11 arrest by a peace officer;

12 (8) refusal to submit to a chemical test under AS 28.35.-  
13 032;

14 (9) driving while license canceled, suspended, revoked or  
15 in violation of a limitation.

16 \* Sec. 11. AS 28.15.181(b) is amended to read:

17 (b) A court convicting a person of an offense described in  
18 (a)(1) - (4), (6), or (7) of this section shall revoke that person's  
19 driver's license, privilege to drive, or privilege to obtain a license  
20 for not less than 30 days for the first conviction, unless the court  
21 determines that the person's ability to earn a livelihood would be  
22 severely impaired and a limitation under AS 28.15.201 can be placed on  
23 the license that will enable the person to earn a livelihood without  
24 excessive danger to the public. If a court limits a person's license  
25 under this subsection, it shall do so for not less than 60 days. Upon  
26 a subsequent conviction of a person for any offense described in  
27 (a)(1) - (4), (6), or (7) of this section occurring within 10 years  
28 after a prior conviction, the court shall revoke the person's license,  
29

privilege to drive, or privilege to obtain a license and may not grant the person limited license privileges for the following periods:

- (1) not less than one year for the second conviction; and
- (2) not less than three years for a third or subsequent conviction.

\* Sec. 12. AS 28.15.181(c) is amended to read:

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle for which a driver's license is required shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165. The court may not, except as provided in AS 28.15.201 [(e) OF THIS SECTION], grant limited license privileges for the following periods:

- (1) at least 90 days if the person has not previously been convicted;
- (2) at least one year if the person has been previously convicted once;
- (3) at least 10 years if the person has been previously convicted more than once [NOT LESS THAN 90 DAYS IF, WITHIN THE PRECEDING 10 YEARS, THE PERSON HAS NOT PREVIOUSLY BEEN CONVICTED OF AN OFFENSE

- (A) DESCRIBED IN (a)(5) OR (8) OF THIS SECTION; OR
- (B) UNDER A LAW OR ORDINANCE IN ANOTHER JURISDICTION WITH ELEMENTS SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED IN (a)(5) OR (8) OF THIS SECTION;

(2) NOT LESS THAN ONE YEAR IF, WITHIN THE PRECEDING 10 YEARS, THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF ONE OFFENSE

- (A) DESCRIBED IN (a)(5) or (8) OF THIS SECTION; OR

1 (B) UNDER A LAW OR ORDINANCE IN ANOTHER JURISDICTION  
2 WITH ELEMENTS SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED IN  
3 (a)(5) OR (8) OF THIS SECTION;

4 (3) NOT LESS THAN 10 YEARS IF, WITHIN THE PRECEDING 1  
5 YEARS, THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF MORE THAN ONE OF  
6 THE FOLLOWING OFFENSES OR HAS MORE THAN ONCE BEEN PREVIOUSLY CONVICTED  
7 OF ONE OF THE FOLLOWING OFFENSES:

8 (A) AN OFFENSE DESCRIBED IN (a)(5) OR (8) OF THIS  
9 SECTION; OR

10 (B) AN OFFENSE UNDER ANOTHER LAW OR ORDINANCE IN  
11 ANOTHER JURISDICTION WITH ELEMENTS SUBSTANTIALLY SIMILAR TO AN  
12 OFFENSE DESCRIBED IN (a)(5) OR (8) OF THIS SECTION].

13 \* Sec. 13. AS 28.15.181(d) is amended to read:

14 (d) A court convicting a person of an offense described in  
15 (a)(9) of this section shall revoke that person's driver's license,  
16 privilege to drive, or privilege to obtain a license for not less than  
17 the minimum period under AS 28.15.291(b)(4) [AS 28.15.291(c)].

18 \* Sec. 14. AS 28.15.181(f) is amended to read:

19 (f) In [FOR PURPOSES OF] this section, "previously convicted"  
20 means having been convicted in this or another jurisdiction, within 10  
21 years preceding the date of the present offense, of driving while  
22 intoxicated under AS 28.35.030 or another law or ordinance with sub-  
23 stantially similar elements, or of refusal to submit to a chemical  
24 test under AS 28.35.032 or another law or ordinance with substantially  
25 similar elements; convictions for both driving while intoxicated and  
26 for refusal to submit to a chemical test of breath [UNDER AS 28.35.-  
27 031(a)], if arising out of a single transaction and a single arrest,  
28 are considered one previous conviction.

29 \* Sec. 15. AS 28.15.201(a) is amended to read:

1 (a) A court of competent jurisdiction, or a hearing officer  
2 under AS 28.15.165, may, for good cause, impose limitations upon the  
3 driver's license of a person which will enable the person to earn a  
4 livelihood without excessive risk or danger to the public. However,  
5 no limitation may be placed upon a driver's license until after a  
6 review has been made of the person's driving record and other relevant  
7 information, nor may a limitation be imposed when a statute specifi-  
8 cally prohibits the limitation of a license for a violation of its  
9 provisions. In determining whether to grant limited license privi-  
10 leges, a court or hearing officer may consider whether the person

11 (1) is enrolled in an alcoholism treatment program in which  
12 the person receives antabuse or a similar chemical substance intended  
13 to produce an aversion to alcohol in the treatment of alcoholism;

14 (2) operates a motor vehicle with an ignition interlock  
15 device or similar equipment designed to prevent a motor vehicle from  
16 being operated by a person who has consumed an alcoholic beverage;

17 (3) is participating in a program of random urine testing  
18 designed to detect the presence of alcohol.

19 \* Sec. 16. AS 28.15.201(b) is amended to read:

20 (b) A court or hearing officer imposing a limitation under this  
21 section shall

22 (1) require the surrender of the driver's license; and

23 (2) issue to the licensee a certificate valid for the  
24 duration of the limitation.

25 \* Sec. 17. AS 28.15.201 is amended by adding new subsections to read:

26 (d) A court revoking a driver's license under AS 28.15.181(c),  
27 or sustaining the action of the department under AS 28.15.165(c), may  
28 grant limited license privileges (1) only if the court determines that  
29 the person's ability to earn a livelihood would be severely impaired

1 and a limitation under (a) of this section can be placed on the  
2 license that will enable the person to earn a livelihood without  
3 excessive danger to the public; (2) to the person (A) for the final 60  
4 days during which the license was revoked if the person has not been  
5 previously convicted more than once; (B) for the final five years  
6 during which the license was revoked if the person has not been previ-  
7 ously convicted more than twice, and the court determines that the  
8 person has successfully completed an alcoholism education and reha-  
9 bilitation treatment program. The court may not grant limited license  
10 privileges if the person has been previously convicted more than three  
11 times.

12 (e) In this section, "previously convicted" means having been  
13 convicted in this or another jurisdiction, within 10 years preceding  
14 the date of the present offense, of driving while intoxicated under  
15 AS 28.35.030 or another law or ordinance with substantially similar  
16 elements, or of refusal to submit to a chemical test under AS 28.35.-  
17 032 or another law or ordinance with substantially similar elements.

18 \* Sec. 18. AS 28.15.211(a) is amended to read:

19 (a) Except for a point system suspension or revocation under  
20 AS 28.15.221 - 28.15.241 and unless provided otherwise by law, and  
21 unless the suspension or revocation was for a cause that has been  
22 removed, a person whose driver's license, [OR] privilege to drive, or  
23 privilege to obtain a license [A MOTOR VEHICLE IN THIS STATE] has been  
24 suspended or revoked may not apply for a new license, and [NOR MAY]  
25 the person's driving privilege may not be restored, until the expira-  
26 tion of

27 (1) one month from the date on which the license, privilege  
28 to drive, or privilege to obtain a license was suspended or revoked  
29 for a first conviction of the particular offense from which the

suspension or revocation resulted;

(2) three months from the date on which the license, privilege to drive, or privilege to obtain a license was suspended or revoked for a second conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted;

(3) one year from the date on which the license, privilege to drive, or privilege to obtain a license was suspended or revoked for a third or subsequent conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted.

\* Sec. 19. AS 28.15.211(b) is amended to read:

(b) A limitation, suspension, or revocation of a driver's license, privilege to drive, or privilege to obtain a license imposed by a court takes effect on the date of final judgment, except that if another limitation, suspension, or revocation [OF LICENSE] is in effect on the date of final judgment, the effective date of the last imposed limitation, suspension, or revocation is at the end of the last day of the previous limitation, suspension, or revocation unless the court specifies otherwise.

\* Sec. 20. AS 28.15.221 is amended to read:

Sec. 28.15.221. POINT SYSTEM. (a) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws, the commissioner shall adopt regulations establishing a uniform system for the suspension, revocation, limitation or denial of a driver's license, privilege to drive, or privilege to obtain a license [OR DRIVING PRIVILEGE] by assigning demerit points for convictions for violations of traffic laws which are required to be reported to the department under AS 28.15.191 and AS 28.37.130.

(b) The regulations adopted under (a) of this section shall include a designated level of point accumulation which identifies

1 drivers who are habitually reckless or negligent or who are habitua  
2 or frequent violators of traffic laws, so as to show a disrespect fo:  
3 traffic laws and a disregard for the safety of other persons. In  
4 formulating the point system authorized by this section, the commis-  
5 sioner shall, in the interest of interstate uniformity, provide for  
6 suspension, revocation or denial of a driver's license, privilege to  
7 drive, or privilege to obtain a license [OR PRIVILEGE] for an accumu-  
8 lation of 12 or more points as a result of offenses committed during  
9 any consecutive 12-month period or 18 or more points as a result of  
10 offenses committed during any 24-month period.

11 \* Sec. 21. AS 28.15.291 is repealed and reenacted to read:

12 Sec. 28.15.291. DRIVING IN VIOLATION OF LICENSE OR PRIVILEGE TO  
13 DRIVE. (a) A person is guilty of a class A misdemeanor if the person

14 (1) drives a motor vehicle on a highway or vehicular way or  
15 area at a time when that person's driver's license, privilege to  
16 drive, or privilege to obtain a license has been canceled, suspended,  
17 or revoked in this or another jurisdiction; or

18 (2) drives in violation of a limitation placed upon that  
19 person's license or privilege to drive in this or another jurisdic-  
20 tion.

21 (b) Upon conviction under (a) of this section, the court

22 (1) shall impose a minimum sentence of imprisonment

23 (A) if the person has not been previously convicted,  
24 of not less than 10 days with 10 days suspended, including a  
25 mandatory condition of probation that the defendant complete not  
26 less than 80 hours of community work service;

27 (B) if the person has been previously convicted, of  
28 not less than 10 days;

29 (C) if the person's driver's license, privilege to

1 drive, or privilege to obtain a license was revoked under circum-  
2 stances described in AS 28.15.181(c)(1), of not less than 20 days  
3 with 10 days suspended, and a fine of not less than \$500, includ-  
4 ing a mandatory condition of probation that the defendant com-  
5 plete not less than 80 hours of community work service;

6 (D) if the person's driver's license, privilege to  
7 drive, or privilege to obtain a license was revoked under circum-  
8 stances described in AS 28.15.181(c)(2) or (3), of not less than  
9 30 days and a fine of not less than \$1,000;

10 (2) may impose additional conditions of probation;

11 (3) may not

12 (A) suspend execution of sentence;

13 (B) grant probation except on condition that the  
14 person serve the minimum imprisonment provided in (1) of this  
15 subsection;

16 (C) suspend imposition of sentence; and

17 (4) shall revoke the person's license, privilege to drive,  
18 or privilege to obtain a license, and the person may not be issued a  
19 new license nor may the privilege to drive or obtain a license be  
20 restored for an additional period of not less than 90 days after the  
21 date that the person would have been entitled to restoration of driv-  
22 ing privileges.

23 (c) In this section, "previously convicted" means having been  
24 convicted in this or another jurisdiction, within 10 years preceding  
25 the date of the present offense, of a violation of this section or  
26 another law or ordinance with substantially similar elements.

27 \* Sec. 22. AS 28.35.030(b) is repealed and reenacted to read:

28 (b) Except as provided in (c) of this section, driving while  
29 intoxicated is a class A misdemeanor. Upon conviction

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours and a fine of not less than \$250 if the person has not been previously convicted;

(B) not less than 20 days and a fine of not less than \$500 if the person has been previously convicted once;

(C) not less than 60 days and a fine of not less than \$1,000 if the person has been previously convicted twice;

(D) not less than 120 days and a fine of not less than \$2,000 if the person has been previously convicted three times;

Took out (E)

(2) the court may not

(A) suspend execution of sentence;

(B) grant probation except on condition that the person serve the minimum imprisonment under (1) of this subsection;

(C) suspend imposition of sentence;

(3) if the offense involved driving a motor vehicle for which a driver's license is required, the court

(A) shall direct that the person's driver's license, privilege to drive, or privilege to obtain a license be revoked in accordance with AS 28.15.181; and

(B) may order the vehicle that was used in commission of the offense to be forfeited under AS 28.35.036;

(4) the court shall order, and the person convicted under this section is required to undertake, for a term specified by the court, a program of alcohol education or rehabilitation that the court, after consideration of any information compiled under (d) of this section, finds appropriate.

1 \* Sec. 23. AS 28.35.030(c) is repealed and reenacted to read:

2 (c) A person is guilty of a class C felony if the person is  
3 convicted of driving while intoxicated and has been previously con-  
4 victed four or more times.

5 \* Sec. 24. AS 28.35.030(g) is amended to read:

6 (g) In this section,

7 (1) "operate an aircraft" means to use, navigate, pilot, or  
8 taxi an aircraft in the airspace over this state, or upon the land or  
9 water inside this state;

10 (2) "operate a watercraft" means to navigate or use a  
11 vessel used or capable of being used as a means of transportation on  
12 water for recreational or commercial purposes on all waters, fresh or  
13 salt, inland or coastal, inside the territorial limits or under the  
14 jurisdiction of the state;

15 (3) "previously convicted" means having been convicted in  
16 this or another jurisdiction, within 10 years preceding the date of  
17 the present offense, of driving while intoxicated under this section  
18 or another law or ordinance with substantially similar elements, or of  
19 refusal to submit to a chemical test under AS 28.35.032 or another law  
20 or ordinance with substantially similar elements; convictions for both  
21 driving while intoxicated and for refusal to submit to a chemical test  
22 of breath, if arising out of a single transaction and a single arrest.  
23 are considered one previous conviction.

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

25 (a) If a person under arrest refuses the request of a law  
26 enforcement officer to submit to a chemical test under AS 28.35.-  
27 031(a), after being advised by the officer that the refusal will, if  
28 that person was arrested while operating or driving a motor vehicle  
29 for which a driver's license is required, result in the denial or

1 revocation of the license or nonresident privilege to drive, that t  
 2 refusal may be used against the person in a civil or criminal acti  
 3 or proceeding arising out of an act alleged to have been committed  
 4 the person while operating or driving a motor vehicle or operating a  
 5 aircraft or a watercraft while intoxicated, and that the refusal is  
 6 crime [MISDEMEANOR], a chemical test may not be given, except a  
 7 provided by AS 28.35.035.

8 \* Sec. 26. AS 28.35.032(f) is amended to read:

9 (f) Except as provided in (k) of this section, refusal [RE-  
 10 FUSAL.] to submit to the chemical test of breath authorized by AS 28.-  
 11 35.031(a) is a class A misdemeanor.

12 \* Sec. 27. AS 28.35.032(g) is repealed and reenacted to read:

13 (g) Upon conviction under this section

14 (1) the court shall impose a minimum sentence of imprison-  
 15 ment of

16 (A) not less than 72 consecutive hours and a fine of  
 17 not less than \$250 if the person has not been previously convict-  
 18 ed;

19 (B) not less than 20 days and a fine of not less than  
 20 \$500 if the person has been previously convicted once;

21 (C) not less than 60 days and a fine of not less than  
 22 \$1,000 if the person has been previously convicted twice;

23 (D) not less than 120 days and a fine of not less than  
 24 \$2,000 if the person has been previously convicted three times;

*took out*  
*E*

→ (2) the court may not

25 (A) suspend execution of the sentence required by (1)  
 26 of this subsection;

27 (B) grant probation, except on condition that the  
 28 person serve the minimum imprisonment under (1) of this

subsection; or

1 (C) suspend imposition of sentence;

2 (3) if the offense involved driving a motor vehicle for  
3 which a driver's license is required, the court

4 (A) shall direct that the person's driver's license,  
5 privilege to drive, or privilege to obtain a license be revoked  
6 in accordance with AS 28.15.181; and

7 (B) may order the vehicle that was used in commission  
8 of the offense be forfeited under AS 28.35.036;

9 (4) the court shall order, and the person convicted under  
10 this section is required to undertake, for a term specified by the  
11 court, that program of alcohol education or rehabilitation that the  
12 court, after consideration of any information compiled under (h) of  
13 this section, finds appropriate; and

14 (5) the sentence imposed by the court under this subsection  
15 shall run consecutively with any other sentence of imprisonment im-  
16 posed on the person.

17 \* Sec. 28. AS 28.35.032 is amended by adding new subsections to read:

18 (k) A person is guilty of a class C felony if the person is  
19 convicted under this section and has been previously convicted four or  
20 more times. The sentence imposed under this subsection shall run  
21 consecutively with any other sentence of imprisonment imposed on the  
22 person.

23 (1) In this section, "previously convicted" means having been  
24 convicted in this or another jurisdiction, within 10 years preceding  
25 the date of the present offense, of driving while intoxicated under  
26 AS 28.35.030 or another law or ordinance with substantially similar  
27 elements, or of refusal to submit to a chemical test under this sec-  
28 tion or another law or ordinance with substantially similar elements;

1 convictions for both driving while intoxicated and for refusal to  
2 submit to a chemical test of breath, if arising out of a single trans-  
3 action and a single arrest, are considered one previous conviction.

4 \* Sec. 29. AS 28.40.100(a)(5) is repealed and reenacted to read:

5 (5) "driver's license" or "license," when used in relation  
6 to driver licensing, means a license or permit to drive a motor vehi-  
7 cle, or the privilege to drive or to obtain a license to drive a motor  
8 vehicle, under the laws of this state, whether or not a person holds a  
9 valid license issued in this or another jurisdiction;

10 \* Sec. 30. AS 28.15.166(1), 28.15.181(e), and AS 28.35.030(f) are re-  
11 pealed.

12 \* Sec. 31. APPLICABILITY. The provisions of this Act apply to judicial  
13 proceedings and administrative proceedings by the Department of Public  
14 Safety relating to offenses that are committed after December 31, 1989.

15 \* Sec. 32. This Act takes effect January 1, 1990.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the privilege  
to drive, etc..."  
Sponsor: Rep. Ulmer & Koponen  
Requestor: \_\_\_\_\_

Agency Affected: Department of Corrections  
BRU: Statewide Operations

Components: \_\_\_\_\_

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	100.2	100.2	100.2	100.2	100.2	100.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	100.2	100.2	100.2	100.2	100.2	100.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>	<b>100.2</b>

**POSITIONS:**

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

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

See attached analysis.

*Susan E. Knighton*

Prepared by: Susan E. Knighton, Director  
Division: Administrative Services

Phone: 465-3376  
Date: 1-23-89

Approved by Commissioner: *Ray Barnett*  
Agency: Department of Corrections

Date: 1-23-89

**Distribution (by preparer):**

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

FISCAL NOTE  
House Bill 53  
Page 2

ANALYSIS

This fiscal note reflects the increased cost of housing persons convicted on 3rd and subsequent DWI offenses. The note reflects 1st through 4th time offenders in community residential centers and 5th and subsequent offenders in institutions.

It also reflects decreased costs for the incarceration of persons serving time for Driving With License Suspended and Driving With License Revoked.

The attached chart reflects the effect of the proposed changes upon the number of days to be served and subsequent costs to the State.

Current Law

	Estimated # persons	Current Proposal	Less GT	Days Served	Total Man Days
1st DWI	280*6= 1680	3 days	0	3 days	5040
2nd DWI	124*6= 744	20 days	-7	13 days	9672
3rd DWI	24*6= 144	45 days	-15	30 days	4320
4th DWI	5*6= 30	149 days	-49	100 days	3000
5th DWI	2*6= 12	120 days	-40	80 days	960
6th & ...	1*6= 6	180 days	-60	120 days	720
					-----
					23712
DWLS A	354	10 days	-3	7 days	2478
DWLS B	78	30 days	-10	20 days	1560
DWLS C	168	90 days	-30	60 days	10080
					-----
					14118
					=====
					37830

HB 53

	Estimated # persons	DOC Proposal	Less GT	Days Served	Total Man Days
1st DWI	1680	3 days	0	3 days	5040
2nd DWI	744	20 days	-7	13 days	9672
3rd DWI	144	60 days	-20	40 days	5760
4th DWI	30	120 days	-40	80 days	2400
5th DWI	12	365 days	-120	245 days	2940
6th & ...	6	365 days	-120	245 days	1470
					-----
					27282
DWLS A	354	3 days	0	3 days	1062
DWLS B	78	20 days	-7	13 days	1014
DWLS C	168	30 days	-10	20 days	3360
					-----
					5436
					=====
					32718

Summary

Man Days to Serve

Offense	Current	HB 53
1st DWI	5040	5040
2nd DWI	9672	9672
3rd DWI	4320	5760
4th DWI	3000	2400
5th DWI	960	2940
6th & ..	720	1470
	-----	-----
	23712	27282
DWLS A	2478	1062
DWLS B	1560	1014
DWLS C	10080	3360
	-----	-----
	14118	5436
	-----	-----
Total	37830	32718
	=====	=====

Costs to Incarcerate

Offense	Current	HB 53	Difference
1st DWI	\$ 151,200	\$ 151,200	
2nd DWI	\$ 290,160	\$ 290,160	
3rd DWI	\$ 129,600	\$ 172,800	+\$ 43,200
4th DWI	\$ 90,000	\$ 72,000	-\$ 18,000
5th DWI	\$ 28,800	\$ 257,250	+\$ 228,450
6th & ..	\$ 21,600	\$ 128,625	+\$ 107,025
	-----	-----	-----
	\$ 711,360	\$ 1,072,035	+\$ 360,675
DWLS A	\$ 74,340	\$ 31,860	-\$ 42,480
DWLS B	\$ 46,800	\$ 30,420	-\$ 16,380
DWLS C	\$ 302,400	\$ 100,800	-\$ 201,600
	-----	-----	-----
	\$ 423,540	\$ 163,080	-\$ 260,460
	-----	-----	-----
Total	\$ 1,134,900	\$ 1,235,115	+\$ 100,215
	=====	=====	=====

FISCAL NOTE

REQUEST:

Revision Date: 1/23/89  
Title: An Act relating to the privilege to drive . . . .  
Sponsor: Rep. Ulmer  
Requestor: House Trans.

Agency Affected: Public Safety  
BRU: Motor Vehicles  
Component: \_\_\_\_\_

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

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is anticipated there will be a slight increase in the number of requests for limited licenses. This will be handled by the Driver Improvement office with current staff.

Prepared by: Bill Brown  
Division: Motor Vehicles

Phone: 465-4335  
Date: 01/23/89

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

Date: 1-23-89





# Alaska State Legislature

## House

Official Business

M E M O R A N D U M

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 16, 1989

TO: Representative Bette Cato, Chair  
House Transportation Committee

FROM: Representative Fran Ulmer

RE: HB 53, "An Act relating to the privilege to drive  
drive licensing, driving while intoxicated, and  
other procedures and matters related to driving  
and the revocation of driving privileges; relating  
to operating an aircraft or watercraft; and pro-  
viding for an effective date."

---

HB 53 corrects several problems with Alaska's present driving laws. This bill is substantially similar to CSHB 354 (Jud) which passed the House last session. The major thrust of this legislation is to target the worst drunk drivers. It increases penalties for repeat DWI offenses to reflect the seriousness of the crime (see attached comparison of penalties). Specifically, the bill:

- Makes the sixth and subsequent DWI's a felony, and increases jail sentences for repeat drunk drivers.
- Brings the penalties for the major driving crimes into balance by treating driving while intoxicated as a more serious offense than driving while license suspended. Current law makes it more than three times as serious to drive after having your license suspended for lack of insurance, for example, than it does to drive while intoxicated.
- Makes the penalties for someone who never gets a driver's license and then commits crimes the same as the penalties for someone who has a driver's license and commits crimes. This eliminates the incentive in current law to never get a driver's license.
- Allows those convicted of DWI to earn back a limited license through their good conduct after their release from prison. A person convicted of a second

DWI could apply to the judge for a limited license for the last 60 days of a one-year revocation.

--Raises the penalties for a third or subsequent refusal to take a breathalyzer to track DWI penalties. This follows the practice of current law and is necessary to eliminate any incentive for someone arrested for DWI to refuse the required breath test.

This bill seeks to ensure that Alaska's driving laws impose the most serious penalties on the most dangerous drivers. We need to get the less serious DWLS offenders out of jail and get the most dangerous drunk drivers off the road and into treatment in jail.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 14, 1989

SUBJECT: Driving while intoxicated - HB 53  
TO: Representative Fran Ulmer  
FROM: Michael F. Ford *M. F.*  
Legislative Counsel

The following is a sectional analysis of HB 53.

Section 1 - Requires the commissioner of the Department of Public Safety to adopt regulations concerning procedures for obtaining a limited driver's license.

Section 2 - Amends the notice required to be given a person prior to administrative revocation of a driver's license for D.W.I. or refusal to submit to a chemical breath test.

Section 3 - Requires the department to revoke a driver's license seven days after the person receives notice under AS 28.15.165(a), if the department receives a sworn report from a law enforcement officer that contains the information described in this section.

Section 4 - Specifies that administrative revocation applies to persons not yet licensed. Provides that a department hearing officer may grant limited license privileges under AS 28.15.201.

Section 5 - Provides that a person whose license is revoked may make a written request for limited license privileges under AS 28.15.165(d).

Section 6 - Specifies that an initial request for limited license privileges may be made at any time and that subsequent requests may not be made unless the applicant demonstrates a significant change in circumstances.

Section 7 - Specifies the issues reviewed in the administrative revocation hearing.

Representative Fran Ulmer

Page 2

January 14, 1989

Section 8 - Requires that the department's license revocation action be rescinded if after hearing an issue is not proven by the department.

Section 9 - Provides that a person filing an appeal of the department's order does not automatically get a stay of the order.

Section 10 - Establishes that both privilege to drive and to obtain a license are revoked for conviction of the listed offenses.

Section 11 - Establishes that both privilege to drive and to obtain a license shall be revoked for committing the described offenses.

Section 12 - Establishes that both privilege to drive and to obtain a license shall be revoked for committing the described offenses. Except as provided under AS 28.15.201, the court may not grant limited license privileges for certain periods depending on prior convictions.

Section 13 - Provides that both privilege to drive and to obtain a license as well as a driver's license shall be revoked for driving with a suspended or revoked license.

Section 14 - Defines the term "previously convicted" as used in AS 28.15.181.

Section 15 - Gives authority to a hearing officer to grant limited license privileges. Provides statutory factors that the court or hearing officer may consider. Limits the ability of the court to grant limited license privileges after revocation for D.W.I. or refusal of a chemical test of breath.

Section 16 - Requires the court or hearing officer to take possession of the driver's license and issue a temporary license when granting limited driving privileges.

Section 17 - Limits the restoration of the privilege to drive or to obtain a license for specified periods following a suspension or revocation.

Section 18 - Provides that a court imposed revocation, suspension or limitation includes the privilege to drive or

to obtain a license. Establishes minimum periods of license revocation.

Section 19 - Establishes that a court imposed revocation takes effect on the date of final judgment unless another period of revocation is already in effect or unless otherwise specified by the court.

Section 20 - Provides that point system penalties apply to the privilege to drive or to obtain a license.

Section 21 - Provides that driving with a canceled, suspended or revoked license is an A misdemeanor. Establishes penalties for initial and subsequent convictions and adds a definition of "previously convicted" as used in this section.

Section 22 - Establishes that D.W.I. is a class A misdemeanor, except that it is a C felony if the person has been convicted five or more times, and provides for minimum jail sentences and fines for initial and subsequent convictions.

Section 23 - Provides that a person convicted of D.W.I. five or more times is guilty of a class C felony.

Section 24 - Adds a definition of "previously convicted" for purposes of AS 28.35.030.

Section 25 - Amends the notice required to be given when a person under arrest refuses to take a chemical breath test.

Section 26 - Provides that refusal to take a chemical breath test is a class A misdemeanor, except that it is a C felony under AS 28.35.032(k).

Section 27 - Provides for minimum jail sentences, fines and license penalties for persons convicted of refusal to take a chemical breath test.

Section 28 - Provides that a person convicted of refusal to take a chemical breath test five or more times is guilty of a class C felony. Adds a new definition of "previously convicted" for purposes of AS 28.35.032.

Section 29 - Changes the definition of "driver's license" to include the privilege to drive or to obtain a license.

Representative Fran Ulmer  
Page 4  
January 14, 1989

Section 30 - Repealer.

Section 31 - Applicability section.

Section 32 - Effective date.

MFF:lmb  
L6/145

1/17/89

House Bill # 53

Tape # 1

side A 000

8:35 am

<u>Meter #</u>	<u>Info</u>
020	Rep. From Ulman Sponsor/leaflets
135	Rep. Cato/questions
140	Rep. Lemay agrees
145	Rep. Ulmer - testifies
177	Rep. Hudson
212	Rep. Ulmer testifies
272	Rep. Foster
289	Rep. Grossendob
375	Rep. Cato asked for Amendments
377	Rep. Grossendob - declines action
390	Rep. Hudson - question
418	Rep. Ulmer testifies
515	Rep. Grossendob - questions
521	Rep. Foster - questions

Tape #1

side B

032	Rep. Cato holds bill for next meeting
083	Laurie OTTO - Dept of Law Testifies
155	Rep. Hudson - disagrees
163	Rep. Grossendob - comments
240	Laurie OTTO - testifies
254	Rep. Foster - stated Statistics concerning Rural Areas
269	Rep. Grossendob - comments
322	Laurie Otto - disagrees
362	Rep. Cato Adjourns meeting 9:50 am

HOUSE RECORDS OFFICE  
GOLDSTEIN BUILDING  
ROOM 203

PLEASE FILL OUT AND SEND THIS FORM WITH YOUR DISKETTE TO THE HOUSE  
RECORDS OFFICE WHEN YOU SEND YOUR COMMITTEE MINUTES.

HOUSE Transportation  
COMMITTEE NAME

JANUARY 19, 1989 8:30 a.m.  
DATE OF MEETING

HB. 11 - HB 53  
COMMITTEE CALENDAR

JAN 1989  
DOCUMENT NAME

Mervyn Smith (PHONE: 4858)  
CONTACT PERSON IN CASE OF QUESTIONS REGARDING THESE MINUTES

please  
put the  
time of  
mtg.

1/17/89

House Bill # 53

Tape # 1  
Side A 000

8:35 Am	Meter #	Info
	020	Rep. Fran Ulmer Sponsor/feat
	135	Rep. Cato/questions
	140	Rep. Lamar agrees
	145	Rep. Ulmer - test. fees
	177	Rep. Hudson
	212	Rep. Ulmer test. fees
	272	Rep. Foster
	289	Rep. Grossardot
	375	Rep. Cato asked for Amendment
	377	Rep. Grossardot - disagree
	390	Rep. Hudson - questions
	418	Rep. Ulmer test. fees
	515	Rep. Grossardot - questions
	521	Rep. Foster - questions

Tape #1  
side B

032	Rep. Cato holds bill for next meeting
083	Laurie OTTO - Dept of Law Test. fees
155	Rep. Hudson - disagree
163	Rep. Grossardot - comments
240	Laurie OTTO - test. fees
254	Rep. Foster - stated Statistics concerning Rural Areas
265	Rep. Grossardot - comments
322	Laurie OTTO - disagree
362	Rep. Cato Adjourns meeting 9:50 am

Hudson  
Cassard

Cato

Lawson  
Foster

After housebill take minutes because official  
meeting is over.

meeting  
starts

8:35

All present

25 till 9

First meeting of yr.

Rep Cato gave opening

~~any witness~~

~~Rep Ulmer called up 001~~

~~addressed committee explained HB 53~~

~~Rep Ulmer highlighted her concerns why not have  
this bill was conceived. Explained present  
problems in today's law, reasons why (052)  
pointed that other States 3rd class felony,  
exercised that 6th DWI for Alk is not,  
that is what she's introducing. Comparison of  
present law, compared to Bill to be introduced.~~

~~Rep (089) pointed out the introduction  
of new fines. DWLR-DWLS - explained.~~

~~explained the laws presently concern. ~~that~~  
explained reasons ~~why~~ thought current law  
was to harsh. 145 Rep Cato. What is rational~~

~~for 6th DWI (155) Ulmer - not ~~it~~~~

~~all the basis Financial consideration with~~

~~O-Note, 179 Cato - 6th (182) Ulmer 6th~~

~~DWI to many DWI's, more supportive of  
lesser DWI's. Ulmer - supportive of keeping  
people off the streets, protect the community  
from drivers. ~~with 214~~ Ulmer Agreed.~~

~~Ulmer, ~~she~~ pointed <sup>Lawson</sup> the State  
(224) Hudson - "your thoughts on if these  
people are criminals, ~~she~~ gave personal thoughts~~

on Alcohol, favorable of long term  
Alcohol treatment. Longer jail sentences  
as proposed on bill, Not sure, if this  
will be effective, no lost to incarcerate  
them. "Watching TV." Ulmer<sup>261</sup> - possible forfeiture  
of Automobile might be more of answer.

but they can always get a car.  
Bill only (2801) off street longer 2) letting people  
know this is serious offense. pointed out  
other instances that are felony, brass knuckles  
DUI should be felony. <sup>307</sup> Hudson - why 6  
more supportive of 3 DUI's. Only  
jailing people. more supportive of 3 DUI's  
instead of 6. WAATS to see people  
helped. <sup>319</sup> Foster - disease like in Nore,

Not sure this is a Ansier 333 Grossard - thoughts  
are more that usually most people are

not abusive of DUI, but 6th offense  
is far to many DUI's. ~~360~~ 360  
Ulmer 362 Grossard - Not supportive

of 6th DUI, most supportive to 3 DUI's  
but not in favor of letting people  
have so many chances with DUI reports  
none strict. 380 Driving without license is more  
serious than without Ins. is his thoughts

Car 402 Ask for Amendment on Exchange  
Chaser Grossard - 408 Cate ~~do~~ Not Support  
411 Helser DUI Crackdown, Backup. 6 DUI

Concern about treatment for DUI. pointed out  
Judges want tougher laws. ~~434~~ View  
Ulmer 434 Feed info concerning Rep Helser's

Views 460 Grossard 4-5-6 DUI How many people  
fit into that category. Ulmer 467 Not sure  
of the #, strictly an estimate for

pointed the estimated # for each offense  
1-6 amount of people. 480 Generally

Lower 482 question on How many would  
be incarcerated. Upper 487 quote on  
estimate. united to ten to Dept Law

493 Generally

494 ~~Upper~~ Upper If people realize they  
are to go to jail If straight out  
this Bill is directed to the hard  
drinker, not Social

500 - Cato - likes the 4th Dist  
not the sixth, not concerned with  
the more people in the 4th Dist  
more people involved.

511 Upper - Bill is compromise with Adm.

515 Greene - Supporter of <sup>HB</sup> 353 4th-5th  
DUI, with no incentive to get license  
back.

521 Foster - Point States that can  
fake car.

Upper 315 - Very rarely Judge take care  
beyond family. father's fault not the  
family, no value, or Banker sound  
doesn't happen to much.

556 Cato - Amendment. 6th to 4th DIST  
~~Final~~ ~~sent~~

563 Gausseuf - existing law.

571 Ashed for?

Car 1st 2nd As is 3rd Car back  
with fuel of  
Vehicle.

Side I tape

607

~~607~~

Hedron - Question on Past bill Interlock

634 Cato

646 Gausseuf -

Unc 649 Referral to CB-15-201 pg 9.

672 Cato - Bill in Com. Hec And hold work/ser.  
Or Amendment

681 Gausseuf - Make serious Amendment, but I need  
to look at more.

688 - Hold Bill full Thru, They had come  
with Amendments.

Festa - Yes good idea, What About  
A. H. Craft.

When all the same.

707 Hudson <sup>(3)</sup> All Bill put side by side  
to compare for alteration of Ulmer's  
bill.

~~719 Cato will lead~~

721 Ulmer Dept. of Law Comm

725 Laurie Dept. of Law.

talked about the different programs for Alcoholics.

Issue at point to make Felony  
Adm. Supports. Gov. would have introduced.  
Felony, 12 person jury, Fiscal impact, less  
Standards for Felony never more Fiscal,  
Reasons why the 6th offense is not  
superior than felony is to 4th  
in other portion of Fiscal Impact.

804 Hudson - Is Adm just interested in cost or  
injuries.

~~811 Laurie~~

816 Hud - How many people killed by 2-3  
DUI. That's important.

821 - Not sure unless go through Court file

822 Carswell

844 - Cato Agrees

Referred to the Categories and the  
Expos.

851 Lamin - difference of opinion.  
people will disagree, giving them an option  
to get license back

894 Hell - Compare to life in Villages, where  
drinking is problem. What do you want  
to happen

903 Laurie - Background on her law courses  
at proximity Durr's. Client was North  
no difference

919 Foster - Snowmachine, in Villages. Can they  
Attend with Durr.

Lane - sees no other from Rural - Urban

933 Cassat Sitka on (U) stretch of Road. more  
exposure, easier to be apprehended.

946 Hell - Bethel - observation. How much petty  
or, petty in Jail?

Lane - Yes, depending upon circumstances.  
possibility of Rural petty caught is  
greater than Urban

966 Foster - Issue of Judge taking Vehicle?

975 Lamin - Have many instances where that is Contested  
and fought in Court

La - FOA Fine would increase cost.

6th Dist something ought to give.  
Then prosecute

008 Cato - Fault meeting discussion.  
Anecdotes bring all back

9:50

---



1/13/89

B-35

Foster About

Rep Cabal meeting to order  
addressed the issues

Rep Martin gave brief discussion of bill.

Rep M. explained the fact of Rep. generating  
bill, not freely. 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.

094 Rep Helson - co-sponsored - disagrees with Fiscal Note  
of 3.5 mil <sup>Pres. Le. Why not</sup> - one yr. contract. Supporter of  
idea Veterans display pride, too much  
cost in Fiscal Note.

Did  
not  
see

125 Rep G - Simple clear. identifying plates for Cop. (firearm)  
Supports 1) clear- up 2) Fiscal Note

147 Rep M. - Agrees wholly. Comply with military population  
Corrections, Prison job not cost to State.

170 Rep Lem - Agreed - but wants 0 Fiscal Note, identify  
cost

186 Rep Helson - Duncan <sup>has</sup> legislation - look at this bill, <sup>5</sup> 30 plate  
maybe balance to Veterans Affairs.

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

207 Rep Cato

R

229 Rep G.

Archeology

235

Trinidad Harrington - <sup>Retired</sup> Master Chief U.S. Navy  
White Handly Support for 70 units 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 <sup>express view</sup>

Opposed to leg. Veterans have benefits  
Liscans state. Are not benef. - Shows who  
and what they are. Supports Handicap  
but Any and everybody Lottery.

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

309 Rep C. point 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 Addlt. position Arch. Field  
off 1 yr. only.

Bill Brown

D.V. Motor Vehicle  
Dept. Public Safety  
Anchorage, AK

Heb present by lines

Rep C. 355

? Fiscal Note.  
IS this Inventory,  
Speake naming - Sargent

365 B. B.

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 Com. H. plate

Rep H. H.

ordered shipped to Arch

- B-B -

100m at \$5

376 Rep C. A.

100m 100m. If cost were higher.  
(Valley) Main work load in Arch.  
(outside can sales)

400 Rep L.

- long lines to order DMV.

Rep C. any question B - Rep M.

Rep H.

- back to Spenser to Redraft.  
does support. but address Review  
Nvetrad. by.

- Rep C.

- fake possession Spenser Subst. title, Review  
Cons. Clinton

429

Rep M.

New Fiscal not from Dept.  
Commit 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 Arson, the comparison.

\* 498

Susan Knitter: Dir Adm Serv. Dept of Correction  
~~She~~ Has not see HB 2-26 but knows  
53

503 Cato

or <sup>launched</sup> comparison of Bills

\* 513

Susan - 590m Fiscal Note Felony on 3  
prison 4th 35m increased cost per yr.

Rep G 503

less  
Dept understand for 0 Fiscal at 6  
to 1/2 mil. at (4 Felony). cost to  
process criminals

~~548~~ Rep Leman - questioning Statistic from previous testimonies.

Rep C. - Stats do not make sense.

552 Hael. Current law Statistic, increase # ~~in~~ <sup>in</sup> jail increase cost.

576 Rep U. -

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

594 Rep H. - ~~Leman Creek - Dist.~~ likes Earn back concept, can't incur cost, need Alternatives (~~for~~ crowded jails)

600 Study - Lessen susp. - less fines. DWI pay large to jail.

614 Leman - ? DWI jails too nice when held.

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

624 Rep G. Fiscal Note relates to empty case load. his thought

643 Study - takes treatment to clear problem

---

B 001

Rep Heber - Referred to County Offices, Are sick people. maybe take Vehicle. can't force people to get treated

048  
Rep. H

(few people in the sixth floor offices)

053 Re G. Legislation to help 99% that  
this leg. effects:

081 Urban - 2 pts. Stear Step penalty (new today)  
~~They~~ get the Serious

Alcoholic off streets longer.  
Compromised for 6th. Pointed out the  
Suing, are release the lesser offenders  
early for jail.

133 R C. enacting law that affect 50 for people  
(problem with that)

U. 145 ← Personal expense with family due  
Cato 1st we beg. Filed for 4th rate then  
6th

Cat 121 ~~about~~ B.11 - what does committee want to do

175 Leman Supports bill.

\*184 G. 2 Amendments - Amendments

1) ~~Forward~~ After → due  
has instead of not

pg. 10 line 10 once - twice

2) 3rd due can't EAU back (issues)

Rep. name Amendment #1 230

Rep Cato called for. Cont

~~234~~

234 Lenny had gotten Lenny Amendment.

Rep G. explained Amendment.

No comeback after 3 DUI's  
walked through Statute presented.

~~Rep H.~~

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

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

301 Lenny - ~~Regulated for~~ below <sup>we</sup> allow  
loop hole, in Amendment.

Rep G.  
320

pointed the fact it on conditional  
Bases.

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

\* 350 Mike <sup>for legislation</sup> Draft. gave input on how  
to draft the wording to specify  
the wording to Accomplish Amendment  
360 ~~Rep H.~~ Clearly arguing so there is no loop hole

385 Lenny Agreed as by us loop hole.  
First 2 ones to convict only  
5 years cannot be convicted more than 2

Colo 412

Amel # passes

419 Rep G

Amel 2 move Amel #2

Section E Delete the word 5 insert the word of  
Prs 15 line 7  
Section C

434 Colo

double check with - -

437 - would be consistent

~~441 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 -

Advances

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 #**

PLEASE PRINT 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	Legislative Counsel D.V. Box Y Juneau, AK 99811	H W	if Q's	HB 53
Bill Parker	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	DMV	11 11 N "	H W 4335	if Q's	HB 11
			H W		
			H W		
			H W		

N

Rep Martin

This concept started last summer and some vets went to meeting in Louisiana. They heard about this concept - it is being done in other states they wanted the opportunity to buy vets plates. They did not

In this state have between 60,000 - 70,000 vets. This could be revenue generating service  
Cost would be between \$6-7/plate

Martin does not agree that dept would need to bring new people on board to process these plates.

Martin feels vets should be able to receive recognition for their <sup>military</sup> services if they wished

Rep Hudson

Hudson co-sponsored. He does not agree with dept fiscal note.

Hudson charges the dept. to come back with a zero fiscal note.

Costs should be offset by charges on plates.

Supports

Grossendorf

Plates be clear enough and not interfere with law enforcement

Fiscal note has to more than pay for itself. ~~At~~ Increase cost of plates to cover costs

Martin

Agrees with Grossendorf.

Veterans Assoc have been notified  
Military have been notified

Could be another project for corrections. He feels could be a positive project that is not costly to state

Lozano

Would like to see 0- rate.  
Need to identify ~~cost~~ want  
costs would actually be

Rep Duran has bill that  
would allow you to buy  
veteran lic plates to support  
your university. Cost would be  
\$30/plate

\$15 to make plate

\$15 to university  
Would like to see cost of plate and  
and additional amount to go to Vet. Affairs

Martin

He feels \$30 <sup>or</sup> would be  
too expensive for vets.  
As there are more vets the  
cost to make would be less expensive

Ben

Wants we could

Teramuch  
Harrington

- Retired U.S. Army.  
Vet WW II + Korea War  
25 year Alaska resident  
Fleet reserve President  
Supports this bill  
70,000 vets in state  
Bill would show that Alaska  
~~would~~ supports their vets.

Feels vets would ply their own way.

The state of Mississippi + Louisiana  
already have in law.

honor

what do other states charge for plates

Harrington

Louisiana plates are \$12<sup>00</sup>  
Not sure what other state charges

Cato

Veterans  
Opposes legislation.  
Cannot see where license plate  
is a benefit to vets  
Objects to opening flood gates  
to anybody who wants to be recognized

Feels only handicapped plate is  
the worthwhile plate

Martin

Currently 12 vanity plates in statute  
Flood gates already are open.  
Feels it would be a positive  
step showing that state is doing  
something for them

Cato

Feels that cost is an issue.  
Program receipts do not go to that  
program, they go to general funds.  
Therefore, we cannot guarantee  
~~that~~ the receipts would go to the  
program

Cato asked

Brown

Major part of Fiscal note is  
cost to manufacture.  
\$5 <sup>00</sup> / plate <sup>(est)</sup> cost for vendor to make  
Costs vary depending on number made.

Also - , additional position at  
the Anchorage field office for 1 year.  
The sets would have to come out  
in + show proof they are set -  
fill out paperwork etc  
Time consuming, therefore to stop

long lines in Anchorage DMV has  
requested additional position in Anchorage  
for 1<sup>st</sup> year

Goodman

what about men who wanted  
vet plate with name like "Duffy"  
or "Sarg" on it

Bill



Hudson

Are all plates now produced outside

Bill

tes in Oregon I think

Dept

10,000 plates manufactured first year at \$5/plate  
therefore cost \$50,000

Cato

If we charged \$10/plate what  
would the revenue be

Leona

\$100,000

Cato

That would cover costs.

Hudson

Send back to sponsor to work on redraft addressing the revenue concern. Make it a revenue neutral bill

Cato

~~Cato~~ Asked if any objection to sending back to Martin for redrafting to be revenue neutral

Martin

— Feels we could put in statute the costs.

He feels he cannot redraft bill as it is in the possession of committee

Rep. Gundlach

— Committee currently has bill. Staff should work with sponsor to draft c/s with zero fiscal note

~~Rep.~~ Finished

Rep Ulmer

Seaman Knight

Director of Administrative Services

Has not studied HB 2 or  
HB 26  
Will study bills  
Willing to answer questions

Cate

~~This~~ HB 2 + 26 were looked  
at to provide committee with  
comparison

Knights

Dept. did fiscal notes of HB 53  
last year.

It became ~~the~~ <sup>office</sup> moved down to 4<sup>th</sup> + \$35,000  
↑ to \$635,000 increased cost/year

Ben  
Does not agree with note  
why would it cost \$800,000 for 12 fellows  
and only 35,000 more for 30.

600,000 12 fellows  
635,000 30 dr

Susan  
The difference is the number  
of people we are talking  
about + the length of time they  
would be staying.

Levon  
~~the~~ last Tuesday, didn't we  
hear that there would be  
6 offenders in one year at  
the 6<sup>th</sup> level. Then why  
is it a zero fiscal rate

Susan  
Cato suggested Ms Knighton  
study it a little closer.

Bill  
Would like to see a comparison  
chart that shows how many  
persons the department estimates  
would fit into each category.  
for example - how many people  
would commit their 3<sup>rd</sup> DWI etc

Susan  
Too much work, too overwhelming  
to keep all this data.

Every year go thru every  
Dwiny offense, DWI +  
calculate how many 1<sup>st</sup>, 2<sup>nd</sup>  
+ 3<sup>rd</sup> time offenders there were

Bull

He just visited Lemon Creek +  
feels they have a good handle  
on what's happening.

Lemon

Where are DWI offenders being held

Susan

- Generally of 1st or 2nd time  
offenders ~~the~~ with no history  
of violence they go to halfway house.  
It is a lot less expensive

Ben

- Feels if we stiffer penalties  
the number of offenders in the  
3rd + 4th time offenders will  
drop because of a real  
conscious effort not to commit  
a felony

Susan

Many of the 4th + 5th + 6th time  
offenders are hard core alcoholics.  
Susan does not feel it would  
make much difference.

Ben

Then what is the answer  
what are our options

Susan

I feel the interlock device system  
offers a lot of alternatives

Susan

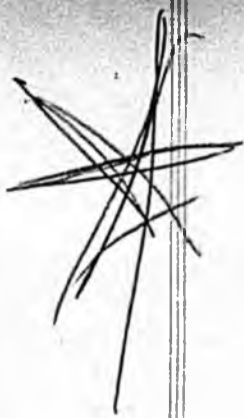
An institution is not the real world.  
They do not have the frustrations  
or temptation (liquor etc) that are  
in the real world.

There is very little we can do for  
the 10% that are 6<sup>th</sup> time offenders.  
We need to work at getting the  
1<sup>st</sup> + 2<sup>nd</sup> time offenders to think  
carefully about getting another P.W.I

Ulmer

Trying to have a steeper  
penalty approach.  
We are targeting to the social  
drinker - to get him thinking  
about his behaviour.  
Get the alcoholic - the 10% -  
get them off the street.

This bill is a compromise  
with the administration.



We are increasing the jail time + fines on the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> + 6<sup>th</sup> offenders.

The savings are in reducing down the time the DWIS spend in jail.

By reducing this jail time for DWIS offenders the balance allows for a zero fiscal rate.

Cato — Have looked making this law that only really impacts 6 people

Ulmer — The bill also steps the fines + jail time for the 4<sup>th</sup> - 5<sup>th</sup> + 6<sup>th</sup> fine offenders.

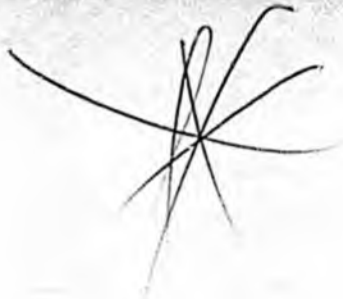
Cato Would like to see the felony brought up to 4<sup>th</sup> offense.

Cato asked for committee suggestions

Leonar Supports bill.  
Would like to see felony on 4<sup>th</sup> offense but feels bill is a step in right direction

Grosskopf — Proposed amendments.  
Page "not"  
Page 10 - line 10 - insert work twice  
After third DWI they cannot earn back conditional license

Bar  
Cato Moved amendment  
any objections



Heenan

— Objection.

Rep Heenan does not feel it is clear on the earn back provision

Gussard

— First + Second DWI stay the same but the third DWI is the last time you could earn back.

There would be ~~not~~ 10 earn back on the 4<sup>th</sup>, 5<sup>th</sup> or 6<sup>th</sup> offences

Heenan

Needs clarification

Bar

at the 4<sup>th</sup> DWI there would be 10 earnback.

~~Then~~ 3 times and your out

Hudson

Supports amendment.

Feel it fits in well with HB 2 + HB 26.

Feels three shots to modify behaviour but after that society cannot afford to keep taking chances.

Heenan

Feels ~~the~~ amendment is not clear

Cato

Defined clearly the amendment

Heenan

Understands intention of amendment  
But feels it is legally incorrect

Ulmer

Change word once to twice  
+ delete the words more than

Cato

Asked Mike Ford to clarify

Ford

You could do it either way  
~~if you wish~~

If intent is limited courts ability  
to grant limited license after a  
certain number of DWI's  
then Rep. Grassano's amendment  
would do it

If you said "previously convicted  
twice" you could get limited  
driving privileges any time after  
2nd.

Heeman

Stated he only wants to see  
the comeback for the first two  
offences. Then has concern of  
over wording to limit it to  
the third time

Hudson

Could we just state that  
we do not want the earn  
back provision to apply  
after 3 DWI offences

Mike  
Ford

That's what language does

Cato

- Moved amendment #1

No objections.

Bar

Moved amendment #2

Objections

None

Bar

On page 15 delete word 5  
+ insert word 4  
This moves felony from 6<sup>th</sup> DWI  
to 5<sup>th</sup> DWI

Cato

Asked Mike Ford if amendment  
is consistent with legislature

Ford

Yes, it is consistent

Hudson

what is Class C Felony

Ford

→ 5 years maximum penalty  
\$50,000 fine

Bar

Possible problem.  
Judge could give the penalty  
for a class C felony that  
is lighter than the penalty  
for the 4<sup>th</sup> offense.

Cato

Any objections to amendment #2

None -

Amendment #2 moved

Direct staff to draft a  
c/s + bring back before  
committee .

**HB**

**81**

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - 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

HB 81

House Transportation

1/26/89

House Trans

1/27/89

JAN. 26<sup>th</sup>

File Item # 1

OF HOUSE BILL 81

purpose of the Act is to establish an authority for the management, planning and construction of facilities for the Alaska Marine Highway System with a legal existence independent of and separate from the state government.

The Authority consists of a seven member board appointed by the Governor. The Authority is a public corporation of the State and is an instrumentality of the state D.O.T. BUT has a legal existence independent of and separate from the state.

places

of real

Directors serve at the pleasure of the Governor for four years. The directors receive no compensation but are entitled to travel and per diem expenses authorized by law for boards and commissions.

jobs.

The Authority shall employ an executive director who is responsible for selecting and employing additional staff as necessary.

services

The Authority may adopt and enforce by-laws and regulations to govern the conduct of its business and for the use of its lands and facilities.

venues,

It is assumed the Authority would utilize the State Accounting System where possible.

The following assumptions are made:

any, HB  
2

1. The Alaska Marine Highway Authority's time and attendance, personnel and accounting systems would interface the existing State systems and be compatible.

the  
state

2. There would be an annual appropriation for full operating costs of the authority each year that would be made up of expected revenue, i.e. program receipts and a general fund subsidy to cover the remainder.

he

3. The authority would continue to use:

or  
some,

State owned office buildings

The State Mail System

The state equipment fleet

ited

The statewide purchasing contracts

Share communications lines

the

Insurance, bonding, etc. as now supplied

Legal service from the Attorney General's office

The Directors of the Authority would meet an average of three days per month or thirty six days per year.

1

Administrative support would be provided to the Board of Directors from their existing staff

HB 81 provides the authority with autonomy to:

1. Maintain offices at a place in the state and at places out of state that are served by the AMHS.
2. Acquire, hold, use, rent, construct and dispose of real and personal property for its purposes.
3. Establish rates and tariffs, after public hearings.
4. Modify routes, after public hearings.
5. Adopt and enforce bylaws and regulations for the conduct of its business and for the use of its services and facilities.
6. Acquire, hold, use and dispose of its income, revenues, funds and money.
7. Adopt an official seal

While attempting to provide the authority with autonomy, HB 81 does require oversight from the Legislature and the Department of Transportation through the following provisions:

1. The authority shall submit its annual budget to the legislature through the governor as provided for state agencies by the Executive Budget Act (37.07)  
The authority shall expend money appropriated by the legislature as authorized by the legislature.
2. By January 15th of each year, the authority shall submit a comprehensive annual report to the governor and the legislature describing the operations, income, and expenditures for the preceding fiscal year.
3. The authority shall have its financial records audited annually by a certified public accountant.  
The legislative audit division shall have access to the records of the authority at all times.
4. The authority, with the co-operation of D.O.T. shall prepare a comprehensive long-range plan.

OVERVIEW OF HOUSE BILL 81

The purpose of the Act is to establish an authority for the operation, management, planning and construction of facilities for the Marine Highway System with a legal existence independent of and separate from the state government.

The authority consists of a seven member board appointed by the Governor. The Authority is a public corporation of the state and is an instrumentality of the state D.O.T. BUT has a legal existence independent of and separate from the state.

The directors serve at the pleasure of the Governor for four year terms. The directors receive no compensation but are entitled to travel and per diem expenses authorized by law for state boards and commissions.

The Authority shall employ an executive director who is responsible for selecting and employing additional staff as necessary.

The Authority may adopt and enforce by-laws and regulations for the conduct of its business and for the use of its services and facilities.

It is assumed the Authority would utilize the State Accounting System where possible.

The following assumptions are made:

1. The Alaska Marine Highway Authority's time and attendance, personnel and accounting systems would interface the existing State systems and be compatible.
2. There would be an annual appropriation for full operating costs of the authority each year that would be made up of expected revenue, i.e. program receipts and a general fund subsidy to cover the remainder.
3. The authority would continue to use:
  - a. State owned office buildings
  - b. The State Mail System
  - c. The state equipment fleet
  - d. The statewide purchasing contracts
  - e. Share communications lines
  - f. Insurance, bonding, etc. as now supplied
  - g. Legal service from the Attorney General's office
4. The Directors of the Authority would meet an average of three days per month or thirty six days per year.
5. Administrative support would be provided to the Board of Directors from their existing staff





Rep. Cuto Absent.

Worley M. briefly explained House Bill 81 to the House Transportation Committee. <sup>Committee</sup> Minutes File, title #  
(Leg. Ref. Library, His <sup>Trans.</sup> Additional numbers provided  
For the record 8:35 Rep. Foster

103

113 Rep. Helson stated the Ferry System was important and that he supported HB 81.

<sup>(w)</sup> 186 Rep. ~~Crosscut~~ stated that the Ferry System was the last chance to be dealt with. Tough time with this Leg., alot of resistance. Needs to be a separation of Ferry Sfa and DOT

228 Larson - very large Plan of Ferry System  
170T  
<sup>(w)</sup> 237 Mark Hickey DOT - <sup>Commissioner</sup> Over all subject? 70% of Funds Public Facilities <sup>the decision</sup> taken away. 4-5 month Master ~~Plan~~ <sup>Plan</sup> ~~is~~ difficult in the long R plan because of the Budget.

297 Rep. Crosscut - Stated it would be complex because of internal politics and the future of economic development. To get the Funds allocated to ~~the Budget for the State Highway System~~ <sup>the Budget for the State Highway System</sup> ~~the~~ <sup>the</sup> ~~System~~ <sup>System</sup>  
A lot to complex problems include with Alaska DOT Ferry System

341 Hickey - Authorities have their place and ~~only~~ <sup>only</sup> the Solution.

391 Rep. Hel. The Right emphasis need to be addressed on all long term ~~business of~~ <sup>business of</sup> System.



Official Business

**COMMITTEE:**

HOUSE TRANSPORTATION

DATE: 1/27/89

**SIGN-IN**

**Subject of meeting:**

HB 81

An Act to establish an Authority for the  
Alaska Marine Highway System.

PLEASE PRINT  
NAME & TITLE

REPRESENTING

ADDRESS & ZIP

PHONE

DO YOU WANT  
TO TESTIFY?

SUBJECT:  
BILL #

Margy Johnson	AK MARINE HIGHWAY BOARD	Box 150 Cordova, AK 99571	H 421-3272 W		
LINDA TRULLO	AK MARINE HIGHWAY BOARD	710 MILL BAY ROAD KETCHIKAN AK 99901	H 430-5214 W 430-5720		
Sarah A. Higgins	AMHS Advisory Board	Box 861 Haines, AK 99827	H 766-2265 W 2681		
DAVE PALMER		Box 27 CRAIG AK 99821	H W		
JOE HENRI	Marine Hwy. Adv. Bd.	P.O. Box 16 0357 Anchorage, Alaska 99510	H 333-7565 W 279-1493		
Rocky Gutierrez	" "	Box 122 SITKA, AK 99765	H 747-5112 W "		
Jeany Johnson	AK Marine Highway Board	1104 Millum Ketchikan, Alaska 99901	H 225-2362 W		
			H W		
			H W		
			H W		

AK. Marine Advisory Board - Meeting Friday 27. 1989

---

***HB***

***90***

---

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

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

Mary Van Nimwegen

HB 90

House Transportation

2/7/89

FEBRUARY 7, 1989

\*\*\*\*\*

COMMITTEE CALENDAR

HB 90: "An Act relating to school bus safety and the wages and licensing of school bus drivers; and providing for an effective date."

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

Folder 1: House Bill 90

- ITEM #1: HB 90
- #2: Sectional/Overview
- #3: FISCAL NOTE: DEPARTMENT OF EDUCATION
- #4: FISCAL NOTE: DEPARTMENT OF LABOR
- #5: Statutes

# HOUSE COMMITTEE REPORT

(5)

Date Referred: January 20, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 2/7/89

The TRANSPORTATION Committee recommends that:

HOUSE BILL NO. 90

"An Act relating to school bus safety and the wages and licensing of school bus drivers; and providing for an effective date."

be replaced with c/s HB 90 (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:

Bette Cato  
Ben Sussendorf  
Richard Staley

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

Brew D. Newman (no rec)  
Bill Hurd (no Rec)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Bette Cato  
 Chairman's signature

#1

6-0467Aa ✓  
Ford

A M E N D M E N T

OFFERED IN THE HOUSE

BY DONLEY

TO: HB 90

Page 2, line 8:

Delete "or"

Insert ", "

After "district"

Insert ", or a regional educational attendance area"

# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892

February 7, 1989

## MEMORANDUM

To: Members, House Transportation Committee

From: Representative Dave Donley, Chair  
House Labor and Commerce Committee

Re: HB 90 - Alaska School Bus Safety Act

HB 90 is similar to HB 305 from last year, which passed out of the House Transportation as a committee substitute in early March. HB 305 passed both the House and the Senate during the last week of the session and was amended on the Senate floor to include the word "public" so that the scope of the bill applied only to public schools. However, the Senate version was not returned to the House prior to adjournment, so the measure did not pass into law.

Except for the last three items listed below, HB 90 is identical to the changes in law proposed in HB 305 including:

1. Raising the minimum age to qualify for a bus drivers license from 19 to 21.
2. Raising the minimum time an applicant must have had a drivers license from one to three years in order to qualify to apply for a bus drivers license.
3. Establishing a minimum wage for drivers at two times the Alaska minimum wage (\$.50/hour above whatever is the current federal minimum wage - currently \$3.35/hour + \$.50 = \$3.85/hour X 2 = \$7.70/hour).
4. Providing that the new minimum wage only goes into effect at the time of initial contract or contract renewal.
5. Creating a short title "Alaska School Bus Safety Act".
6. Requiring routine safety and mechanical inspections of school buses. (New language - suggested by pupil transportation/DOE).
7. Requiring instruction for passengers in school bus safety. (New language - suggested by pupil transportation/DOE).
8. Limiting the scope of the bill to public school only, as per the 1988 Senate floor amendment.

HB 90 has a small fiscal note from the Department of Education to pay the costs of preparing school bus safety instructional material. The Department of Labor has submitted a zero fiscal note as they anticipate no additional costs in enforcing the minimum wage requirement established in HB 90.

# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

Chairman - Representative Dave Donley

(907) 465-3892



February 3, 1988

To: Representative Bette Cato, Chair  
Members, House Transportation Committee

From: Representative Dave Donley, Chair  
House Labor and Commerce Committee

Re: HB 305 - School Bus Drivers

HB 305, relating to wages and required experience for school bus drivers, was introduced by the House Labor and Commerce Committee and is before the House Transportation today.

I've included a brief sectional analysis of HB 305 to aid in your deliberations today. HB 305 makes three substantial amendments to existing statute: 1) raises the age to obtain a school bus drivers license from 19 to 21, 2) raises the one year requirement for having an Alaska drivers license to two years and, 3) establishes a minimum wage for drivers at no less than two and one half times the federal minimum wage law (\$3.35/hour - \$3.85/hour in Alaska).

The House Labor and Commerce Committee introduced HB 305 in response to concerns about the continuing reduction in wages for school bus drivers and the potential effect on the quality and availability of qualified drivers. Most school bus drivers are employees of contractors who bid for pupil transportation services. Less than twenty percent of school bus drivers in Alaska are paid directly by a school district. Since most pupil transportation costs are fixed (i.e. gas, oil, tires, insurance, heat, lights, license fees, routine maintenance, and the buses themselves), reducing wages paid to drivers may be the only way for a contractor to place the winning bid. The House Labor and Commerce Committee felt that the compensation levels of school bus drivers must not be allowed to deteriorate because wages currently paid are at an absolute minimum to expect qualified and proficient applicants.

Last year, the Committee received the results of a brief telephone survey of wages paid to school bus drivers:

CITY	CONTRACTOR	ENTRY WAGE	TOP WAGE
KENAI	LIDLAW	\$8.10/HR	\$11.45/HR
MATSU/BOROUGH	TUNDRA TOURS	\$8.22/HR	\$10.40/HR
KODIAK	T.M.S.	\$9.50/HR	\$10.00/HR
FAIRBANKS	T.M.S.	\$8.50/HR	\$10.00/HR
ANCHORAGE	T.M.S.	\$7.50/HR	\$ 9.00/HR
ANCHORAGE	LIDLAW	\$8.22/HR	\$ 9.75/HR

Before deciding to introduce HB 305, our Committee heard arguments that there is no correlation between wages paid to school bus drivers and a good safety record. However, the Anchorage School district has suffered three student fatalities in the last four years, in three separate school bus accidents. In each case, the contractor was T.M.S. (Transportation & Marketing Systems).

The operation of a school bus is viewed by many as nothing more difficult than driving the family car. From a mechanical standpoint this may be true. However, from a safety standpoint it is not. A much greater level of proficiency must be required of our school bus drivers than we require from drivers who do not carry passengers, let alone a bus full of children.

In recognition of the greater degree of experience and proficiency required, the legislature recently adopted measures to substantially increase the required experience and training levels for school bus drivers. While this legislation imposed considerable costs on potential drivers, it did nothing to protect their wages and therefore helped to make bus driving a substantially less attractive job. The resulting increase in the turnover rate among drivers means wasted training dollars, potentially unsafe pressure on current employees, and an overall lower level of proficiency.

In order to correct errors in the current version of HB 305, I prepared two amendments for your consideration. The first would correct the effective date so that it reads September 1, 1988 instead of September 1, 1987. The second amendment corrects a drafting oversight so that the minimum wage requirements established under HB 305 apply to all school bus drivers, whether they are paid by a school district or through an independent contractor.

The House Labor and Commerce Committee believes that HB 305 reasonably and fairly addresses an important public safety issue. We support measures to increase the proficiency and experience level for school bus drivers and feel strongly that the best way to accomplish that goal and still maintain a pool of qualified, experienced drivers, is to guarantee that they receive no less than a livable wage.

LECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
LP		EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

LL/RESOLUTION HISTORY

02:31 PM 11/01/88

PAGE 1

LL: HB 305

ME: CSHB 305(FIN) AM S

TITLE: "AN ACT RELATING TO TRANSPORTATION OF PUPILS, AND PROVIDING FOR AN EFFECTIVE DATE."

TIME SPONSOR: LABOR & COMMERCE COMMITTEE

PENDING

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: PASSED (S)

	JRN-DATE	JRN-PG		ACTION
1	05/07/87	1218	(H)	READ THE FIRST TIME - REFERRAL(S)
2	05/07/87	1218	(H)	TRANSPORTATION THEN HESS
3	03/04/88	2448	(H)	TRA RPT CS(TRSP) 4DP 2NR
4	03/04/88	2448	(H)	2 ZERO FISCAL NOTES PUBLISHED 3/4/88
5	03/04/88	2448	(H)	FISCAL NOTE PUBLISHED 3/4/88
6	03/04/88	2448	(H)	RECOMMENDS ADDITIONAL REFERRAL TO FIN
7	03/07/88	2470	(H)	FIN REFERRAL ADDED FOLLOWING HESS
8	03/23/88	2676	(H)	HES RPT CS(TRSP) 5DP 2NR
9	03/23/88	2676	(H)	ZERO FISCAL NOTE PUBLISHED 3/23/88
10	04/26/88	3143	(H)	FIN RPT CS(FIN) NEW TITLE 5DP 5NR
11	05/02/88		(H)	RULES TO CALENDAR 5/2/88
12	05/02/88	3323	(H)	READ THE SECOND TIME
13	05/02/88	3324	(H)	FIN CS ADOPTED UNAN CONSENT
14	05/02/88	3324	(H)	ADVANCED TO THIRD READING UNAN CONSENT
15	05/02/88	3324	(H)	READ THE THIRD TIME CSHB 305(FIN)
16	05/02/88	3324	(H)	PASSED Y33 N6 A1
17	05/02/88	3324	(H)	EFFECTIVE DATE SAME AS PASSAGE
18	05/02/88	3324	(H)	ULMER NOTICE OF RECONSIDERATION

LECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
LP		EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

305

BILL/RESOLUTION FLOOR ACTION

PAGE 3 OF 4

CURRENT STATUS: PASSED (S)

	JRN-DATE	JRN-PG		ACTION
1	05/03/88	3386	(H)	RECON TAKEN UP - IN THIRD READING
2	05/03/88	3386	(H)	PASSED ON RECONSIDERATION Y32 N3 A5
3	05/03/88	3387	(H)	EFFECTIVE DATE SAME AS PASSAGE
4	05/03/88	3407	(H)	TRANSMITTED TO (S)
5	05/03/88	3386	(S)	READ THE FIRST TIME - REFERRAL(S)
6	05/03/88	3386	(S)	FINANCE
7	05/07/88	3587	(S)	FIN RPT 5DP
8	05/09/88	3675	(S)	RULES TO CALENDAR
9	05/09/88	3709	(S)	MOVED TO BOTTOM OF CALENDAR
10	05/09/88	3730	(S)	READ THE SECOND TIME
11	05/09/88	3730	(S)	ADVANCED TO THIRD READING UNAN CONSENT
12	05/09/88	3730	(S)	READ THE THIRD TIME CSHB 305(FIN)
13	05/09/88	3730	(S)	RETURN TO SECOND FOR AM UNAN CONSENT
14	05/09/88	3730	(S)	AM NO 1 MOVED BY HALFORD
15	05/09/88	3730	(S)	AM NO 1 ADOPTED UNAN CONSENT
16	05/09/88	3731	(S)	AUTOMATICALLY IN THIRD READING
17	05/09/88	3731	(S)	PASSED Y11 N8 A1
18	05/09/88	3731	(S)	EFFECTIVE DATE PASSED Y19 N- A1

LECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
LP		EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

305

BILL/RESOLUTION FLOOR ACTION

PAGE 4 OF 4

CURRENT STATUS: PASSED (S)

	JRN-DATE	JRN-PG		ACTION
1	07/11/88	3978	(H)	BILL WAS NOT RETURNED TO HOUSE <i>Del. House 1989</i>