

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6751 SENATE TRANSPORTATION

115

NORTHERN REGION

NON-COMMERCIAL SMALL

ALLAKALET
AMBLER
BIRCH CREEK
BREVIG MISSION
BUCKLAND
CENTRAL
CHALKYITSIK
CHISANA
CHITINA
CHITINA SPB
CIRCLE CITY
DEERING
GOLOVIN
HUGHES
HUSLIA
KALTAG
KIANA
KIVALINA
KOYUK
KOYUKUK
MANLEY HOT SPRINGS

MAY CREEK
McCARTHY 2
MINTO
NOATAK
NULATO
POINT HOPE
PORCUPINE CREEK
RAMPART
RUBY
SELAWIK
SHAKTOOLIK
SHISHMAREF
SHUNGNAK
STEBBINS
STEVENS VILLAGE
ST. MICHAEL
TELLER
WALES
WHITE MOUNTAIN
WISEMAN

NON-COMMERCIAL LARGE

BEAVER
BETTLES
CHANDALAR LAKE
EAGLE
ELIM
GALENA
GAMBELL
NOORVIK
TANANA

NON-PRIMARY

FT. YUKON
SAVOONGA
UNALAKLEET

PRIMARY

BARROW
DEADHORSE
DEADHORSE HELIPORT
FAIRBANKS INT'L
KOTZEBUE
NOME
VALDEZ

SOUTHEAST REGION AIRPORTS
BY CATEGORY

AREA POPULATION

- * HARRIS HARBOR SPB
- * HOLLIS SPB
- * HOOD BAY SPB
- HYDER SPB
- KAKE SPB
- KASAAN SPB
- KLAWOCK SPB
- * LORING SPB
- * MEYERS CHUCK SPB
- MURPHYS PULLOUT SPB
- PENINSULA POINT SPB
- * POINT BAKER SPB
- PORT ALEXANDER SPB
- * PORT PROTECTION SPB
- SITKA SPB
- * WARM SPRINGS BAY
- WRANGELL SPB

NON-COMMERCIAL SMALL

ANGOON SPB
CRAIG SPB
ELFIN COVE SPB
EXCURSION INLET SPB
FUNTER BAY SPB
HAWK INLET SPB
HYDABURG SPB
KAKE
KLAWOCK
PELICAN SPB
PETERSBURG SPB
TENAKEE SPRINGS SPB

NON-COMMERCIAL LARGE

HOONAH
HOONAH SPB

PRIMARY

GUSTAVUS
HAINES
HAINES SPB
KETCHIKAN
KETCHIKAN SPB
METLAKATLA SPB
PETERSBURG
SITKA
SKAGWAY
SKAGWAY SPB
WRANGELL
YAKUTAT
YAKUTAT SPB

* Not in the NPIAS

S R

13

Introduced: 5/3/89
Referred: Transportation

6-1401A

IN THE SENATE

BY FAHRENKAMP

SENATE RESOLUTION NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Relating to support for public transportation in Alaska, for the Rural Transportation Equity Act of 1989, and opposition to reduction of the Urban Mass Transit Administration's 1990 budget proposal.

BE IT RESOLVED BY THE SENATE:

WHEREAS in addition to the transit system found in Alaska's largest city, Anchorage, most of the medium size cities and many rural communities have bus and van lines supported only by state and local resources; and

WHEREAS there is a substantial imbalance in the funding authorized by the Congress for transportation services in urban and rural areas; and

WHEREAS under present law, communities with populations under 50,000 receive less than three percent of the transit funding through the U.S. Department of Transportation; and

WHEREAS the Congress should be concerned about public transportation generally and not only urban transportation; and

WHEREAS in 1989 the Congress offered only \$66,200,000 in mass transit funds to rural America while making more than \$168,000,000 available to Washington, D.C.; and

WHEREAS legislation has been introduced in the Congress that would double the share of Urban Mass Transit Administration (UMTA) Section 18 grants for the construction and operation of public transit systems in communities of fewer than 50,000 people; and

WHEREAS the legislation would also establish a state-administered

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block grant program for rural areas and small cities and seek federal subsidies for "essential bus service" on otherwise unprofitable bus routes; and

WHEREAS a doubling of the funds available would still not represent equity to the rural areas because that doubling would involve only six percent of amounts available under UMTA's formula grant budget; and

WHEREAS the Administration has proposed a 50 percent reduction in UMTA's 1990 budget proposal;

BE IT RESOLVED that the Senate supports the Rural Transportation Equity Act of 1989 and the concept that equity requires the rural areas of the Nation to receive a proportionate amount of the funds made available by the Congress for public transportation; and be it

FURTHER RESOLVED that the Senate opposes the Administration's proposal to decrease the amounts available for public transportation.

COPIES of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SR 13
PUBLISH DATE: _____

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: Relating to the 1989 Rural Transportation Equity Act
Sponsor: _____
Requestor: _____

Agency Affected: None
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

No fiscal impact to the state.

Prepared by: Terry Otness, Committee Assistant Phone: 465-4921
Division: Senate Transportation Committee Date: 5/6/89
Chairman
Approved by Commissioner: Senator Lloyd Jones Date: 5/6/89
Agency: Senate Transportation Committee

Distribution (by preparer):

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

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE May 5, 1989
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE May 6, 1989

5/3/89

Mr. President:

Trsp Committee considered SR 13

support for public transportation in Alaska, for the Rural Transportation Equity Act of 1989, and opposition to reduction of the Urban Mass Transit Administration's 1990 budget proposal

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

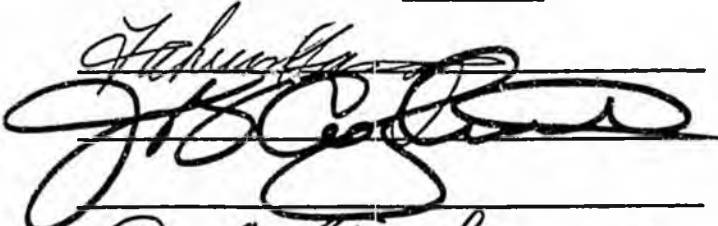
further referral to _____

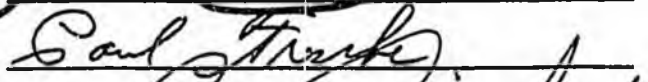
FISCAL NOTE(S) attached zero
 appropriation no FN attached

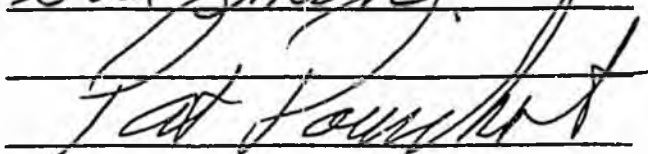
fiscal impact
 Gov. FN introduced w/ bill

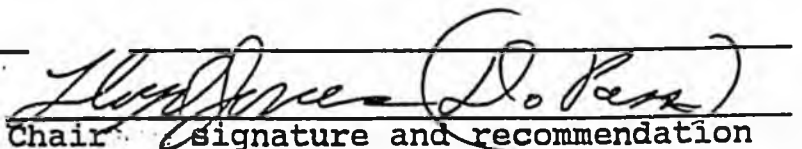
MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS








Chair signature and recommendation

Committee backup attached

Alaska State Legislature
Representative Niilo Koponen

House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

Pouch V
Juneau, Alaska 99811
(907) 465-4992

SPONSOR STATEMENT

SR-13 "Relating to support for public transportation in Alaska for the Rural Transportation Equity Act of 1989, and opposition to reduction of the Urban Mass Transit Administration's 1990 budget proposal."

During the past winter the extreme cold weather demonstrated the need for public transportation in many communities in Alaska. Public transportation means continued access to employment and education. Alaska's smaller cities and towns demonstrate the need for public transportation systems is not restricted to large cities. Alaska's future should include a strengthening of public transportation systems and a look to exploring methods whereby public transportation can be used to supplement school transportation systems to save costs through coordination.

For too long, federal attention has been focused on the needs of larger cities for public transportation to the detriment of sparsely settled states like Alaska. Hopefully, the passage of the Rural Transportation Equity Act of 1989 will see that those inequities are redressed.

Alaska received \$169,273 last year in Urban Mass Transit Administration (UMTA) monies for communities of 50,000 or fewer, which was distributed in the following way:

<u>City</u>	<u>Loss Reported</u>	<u>UMTA reimbursement</u>
Juneau	\$1,277,923	\$46,444
Ketchikan	\$ 105,444	\$35,209
Newhalen	\$ 600	\$ 300
Bethel	\$ 20,596	\$10,298
FNSB	\$1,046,420	\$34,705
Wilson & Friend	\$ 33,853	\$16,926

Barrow is also expected to apply this year.

Rural Transit Getting Help?

By Kim Beury

Congresswoman Virginia Smith of Nebraska wants additional federal funding to help rural America, home to more than a third of the nation's population, get moving again after years of dwindling transportation services.

Smith has introduced legislation, known as the Rural Transportation Equity Act of 1989, to correct the imbalance of federal transportation funding between rural and urban areas. Presently, communities with populations under 50,000 receive less than 3 percent of the U.S. Department of Transportation's mass transit funds.

The move would double the share of Urban Mass Transit Administration (UMTA) Section 18 grants for building and operating public transit in communities of fewer than 50,000 people. Also, the legislation would establish a state-administered block grant program for rural areas and small cities, push for federal subsidies to entice commercial bus lines to run unprofitable routes (a program she calls "essential bus service"), and put more transportation representatives from rural areas in federal and state administrative positions.

"Equity is really the key word in the legislation," says David Raphael, executive director of Rural America, a Washington-based organization concerned with rural issues. Though doubling funding will not result in equity (the increase would involve a total of only 6 percent of UMTA's formula grant budget of \$132 million), Raphael says it would have important symbolic significance.

"It serves as a benchmark for recognition of rural public transportation needs," he says. Smith, vice chairman of the House Appropriations Subcommittee on Rural Development, Transportation and Related Agencies, also is pushing to change UMTA's name to the Public Mass Transportation Administration.

"Congress must be concerned about public transportation, not just urban transportation," says Smith, pointing out that in 1989, the federal government offers only \$66.2 million in mass transit funds to rural America as it spends \$168 million on the Washington, D.C., subway system alone.

However, communities of all sizes have more needs for federal transportation aid than a restrained budget can tend to. A Congress overwhelmed by urban members and already facing budget cuts may cancel out the legislation. The Bush administration has proposed a 50 percent decrease in UMTA's 1990 budget proposal. **OPPOSE IN RESOLUTION**

After World War II, when car ownership increased, demand for rural passenger transportation service declined. But through federal regulation, the government required trains, buses, and airplanes to continue to stop for potential off-line passengers, even if rarely any waited. As a result, many rural lines operated at a loss. But during deregulation in 1982, the federal

government allowed commercial passenger carriers to discontinue unprofitable routes.

"For a long time it was just a given, before and after air traffic became so popular, that the intercity bus was the transportation of last resort, and that even if airlines forsake the community, even if the railroad goes somewhere else, we'll always have that passenger bus coming through," says Steven Sprague of the United Bus Owners of America.

However, between deregulation in 1982 and January 1986, more than 4,100 rural points across the nation lost bus service, according to a 1986 Interstate Commerce Commission report. "Too many citizens in our smaller communities have no cars, no buses, no taxicabs and no choice but to stay at home," says Smith, who believes her idea for an essential bus service could "get buses moving again between our towns."

Sprague says an essential bus service package would combine the efforts and the interests of free enterprise. "Obviously, a private bus company shouldn't be asked to go anywhere and lose money," he says. "By the same token, communities need bus transportation."

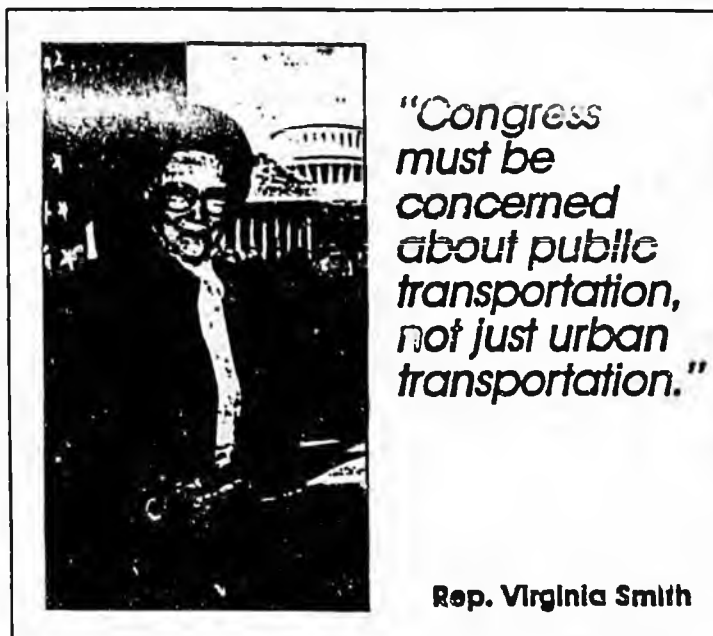
Smith suggests that federal assistance from the mass transit fund could be used to offer special tax credits that help failing bus systems keep rural routes and stay in business, issuing vouchers for rural passengers needing financial assistance, and using school buses as public buses.

Raphael notes that the legislation is the first such bill to focus solely on rural transportation. "Traditionally, rural transportation

topics have been addressed by being attached to a bill drafted around urban mass transit interests. Congress would let rural members add a section to the legislation, usually small and insignificant. But this bill is a signal that the way of doing business has to change."

Smith's bill begins its legislative journey in the House Public Works and Transportation Committee. Problems for a rural transit bill in a Congress where rural members are a minority can be expected, but Smith says she is confident that "rural members will join in a campaign to bring transportation in our countryside up to speed."

"As a matter of equity, our case is clear. And an investment in rural transportation makes infinite sense. It's a commitment to economic development in rural America, and it's a commitment to quality of life for millions of rural Americans." □



"Congress must be concerned about public transportation, not just urban transportation."

Rep. Virginia Smith

Kim Beury is the Washington correspondent for American City & County.

HB

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Offered: 2/10/99
Referred: Rules

Original sponsors: Gruenberg, Koponen,
Ulmer, et al.

*3000 - Public Society
- Court } 1/25
HSS
correction*

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 2 (Judiciary)

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 ignition interlock devices."

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

8 * Section 1. AS 09.50.250 is amended to read:

9 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person
10 or corporation having a contract, quasi-contract, or tort claim
11 against the state may bring an action against the state in the superi-
12 or court. A person who may present the claim under AS 44.77 may not
13 bring an action under this section except as set out in AS 44.77.-
14 040(c). A person who may bring an action under AS 36.30.560 - 36.-
15 30.695 may not bring an action under this section except as set out in
16 AS 36.30.685. However, an [NO] action may not be brought under this
17 section if the claim

18 (1) is an action for tort, and is based upon an act or
19 omission of an employee of the state, exercising due care, in the
20 execution of a statute or regulation, whether or not the statute or
21 regulation is valid; or is an action for tort, and based upon the
22 exercise or performance or the failure to exercise or perform a dis-
23 cretionary function or duty on the part of a state agency or an em-
24 ployee of the state, whether or not the discretion involved is abused;

25 (2) is for damages caused by the imposition or establish-
26 ment of a quarantine by the state;

27 (3) arises out of assault, battery, false imprisonment,
28 false arrest, malicious prosecution, abuse of process, libel, slander,
29 misrepresentation, deceit, or interference with contract rights; or

1 (4) arises out of the use of an ignition interlock device
2 certified under AS 33.05.020(c).

3 * Sec. 2. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.140. AVOIDANCE OF IGNITION INTERLOCK DEVICE. (a) A
5 person may not knowingly

6 (1) circumvent or tamper with an ignition interlock device
7 in a manner intended to allow a person on probation under AS 12.55.102
8 to avoid using the device; or

9 (2) rent, loan, or lease a motor vehicle to a person on
10 probation under AS 12.55.102, unless the vehicle is equipped with an
11 ignition interlock device described in AS 12.55.102.

12 (b) Notwithstanding AS 11.81.250, a person convicted of violat-
13 ing this section is guilty of a misdemeanor. The maximum term of
14 imprisonment that may be imposed is 30 days and the maximum fine that
15 may be imposed is \$500.

16 * Sec. 3. AS 12.55 is amended by adding a new section to read:

17 Sec. 12.55.102. ALCOHOL RELATED OFFENSES. (a) The court may
18 order as a condition of probation that a defendant convicted of an
19 offense involving the use, consumption, or possession of an alcoholic
20 beverage may not operate a motor vehicle during the period of pro-
21 bation unless the vehicle is equipped with a properly functioning,
22 monitored, and maintained ignition interlock device. A condition of
23 probation imposed under this subsection takes effect after any period
24 of license revocation imposed under AS 28.15.165(d) or 28.15.181(c).

25 (b) The court, in imposing probation under (a) of this section,
26 may allow the defendant limited privileges to drive a motor vehicle
27 without an ignition interlock device if the court determines that the
28 defendant is required as a condition of employment to drive a motor
29 vehicle owned or leased by the defendant's employer and that the

1 defendant's driving will not create substantial danger. If the court
2 imposes probation described by this subsection, the court shall re-
3 quire the defendant to notify the defendant's employer of the proba-
4 tion, and shall require that the defendant, while driving the em-
5 ployer's vehicle, carry a letter from the employer authorizing the
6 defendant to drive that vehicle.

7 (c) A court imposing a condition of probation under this section
8 shall require the surrender of the driver's license and shall issue to
9 the defendant a certificate valid for the duration of the probation or
10 a copy of the defendant's judgment of conviction. The defendant shall
11 pay all costs associated with fulfilling the condition of probation,
12 including installation, repair, and monitoring of an ignition inter-
13 lock device.

14 (d) The court may include the cost of the ignition interlock
15 device as a part of the fine required to be imposed against the defen-
16 dant under AS 28.35.030(c) or 28.35.032(g).

17 (e) In this section, "ignition interlock device" means equipment
18 designed to prevent a motor vehicle from being operated by a person
19 who has consumed an alcoholic beverage, and that has been certified by
20 the commissioner of corrections under AS 33.05.020(c).

21 * Sec. 4. AS 28.35.030(c) is amended to read:

22 (c) Upon conviction under this section the court shall impose a
23 minimum sentence of imprisonment of not less than 72 consecutive hours
24 and a fine of not less than \$250 if the person has not been previously
25 convicted in this or another jurisdiction of driving while intoxicated
26 under this or another law or ordinance with substantially similar
27 elements or refusal to submit to a chemical test under AS 28.35.032 or
28 another law or ordinance with substantially similar elements. Upon
29 conviction under this section the court shall impose a minimum

1 sentence of imprisonment of not less than 20 consecutive days and a
2 fine of not less than \$500 if, within the preceding 10 years, the
3 person has been previously convicted once in this or another jurisdic-
4 tion of driving while intoxicated under this or another law or ordi-
5 nance with substantially similar elements or refusal to submit to a
6 chemical test under AS 28.35.032 or another law or ordinance with
7 substantially similar elements. Upon conviction under this section
8 the court shall impose a minimum sentence of imprisonment of not less
9 than 30 consecutive days and a fine of not less than \$1,000 if, within
10 the preceding 10 years, the person has been previously convicted in
11 this or another jurisdiction of more than one of the following offen-
12 ses or has more than once been previously convicted of one of the
13 following offenses: (1) driving while intoxicated under this or anothe-
14 er law or ordinance with substantially similar elements; (2) refusal
15 to submit to a chemical test under AS 28.35.032 or another law or
16 ordinance with substantially similar elements. The execution of
17 sentence may not be suspended nor may probation be granted except on
18 condition that the minimum imprisonment provided in this section is
19 served. Probation may be conditioned as provided in AS 12.55.102.
20 Imposition of sentence may not be suspended. In addition, if the
21 offense involved driving a motor vehicle for which a driver's license
22 is required, the person's driver's license shall be revoked in accor-
23 dance with AS 28.15.181 and the vehicle used in commission of the
24 offense may be forfeited under AS 28.35.036. In addition, the court
25 shall order, and a person convicted under this section shall under-
26 take, for a term specified by the court, that program of alcohol
27 education or rehabilitation that the court, after consideration of any
28 information compiled under (d) of this section, finds appropriate.

29 * Sec. 5. AS 28.35.030 is amended by adding a new subsection to read:

1 (h) Notwithstanding (c) of this section, if the court imposes
2 probation under AS 12.55.102 the court may reduce the fine required to
3 be imposed under (c) of this section by the cost of the ignition
4 interlock device.

5 * Sec. 6. AS 28.35.032(g) is amended to read:

6 (g) Upon conviction of a person under this section, the court
7 shall impose a minimum sentence of imprisonment of not less than 72
8 consecutive hours and a fine of not less than \$250 if the person has
9 not been previously convicted in this or another jurisdiction of
10 driving while intoxicated under AS 28.35.030 or another law or ordi-
11 nance with substantially similar elements or refusal to submit to a
12 chemical test under this section or another law or ordinance with
13 substantially similar elements. Upon conviction under this section the
14 court shall impose a minimum sentence of imprisonment of not less than
15 20 consecutive days and a fine of not less than \$500 if, within the
16 preceding 10 years, the person has been previously convicted once in
17 this or another jurisdiction of driving while intoxicated under
18 AS 28.35.030 or another law or ordinance with substantially similar
19 elements or refusal to submit to a chemical test under this section or
20 another law or ordinance with substantially similar elements. Upon
21 conviction under this section the court shall impose a minimum sen-
22 tence of imprisonment of not less than 30 consecutive days and a fine
23 of not less than \$1,000, if, within the previous 10 years, the person
24 has been previously convicted in this or another jurisdiction of more
25 than one of the following offenses or has more than once been previ-
26 ously convicted of one of the following offenses: (1) driving while
27 intoxicated under AS 28.35.030 or another law or ordinance with sub-
28 stantially similar elements; (2) refusal to submit to a chemical test
29 under this section or another law or ordinance with substantially

1 similar elements. The execution of sentence may not be suspended nor
2 may probation be granted except on condition that the minimum impris-
3 onment provided in this section is served. Probation may be condi-
4 tioned as provided in AS 12.55.102. Imposition of sentence may not be
5 suspended. If the offense involved driving a motor vehicle for which
6 a driver's license is required, the person's driver's license shall be
7 revoked under AS 28.15.181. In addition, the court shall order, and a
8 person convicted under this section shall undertake, for a term speci-
9 fied by the court, that program of alcohol education or rehabilitation
10 that the court, after consideration of any information compiled under
11 (h) of this section, finds appropriate. The sentence imposed by the
12 court under this subsection shall run consecutively with any other
13 sentence of imprisonment imposed on the committed person.

14 * Sec. 7. AS 28.35.032 is amended by adding a new subsection to read:

15 (k) Notwithstanding (g) of this section, if the court imposes
16 probation under AS 12.55.102 the court may reduce the fine required to
17 be imposed under (g) of this section by the cost of the ignition
18 interlock device.

19 * Sec. 8. AS 33.05.020 is amended by adding new subsections to read:

20 (c) The commissioner shall by regulation

21 (1) establish standards for calibration, certification,
22 maintenance, and monitoring of ignition interlock devices required as
23 a condition of probation under AS 12.55.102; and

24 (2) establish a fee to be paid by the manufacturer for the
25 cost of certifying an ignition interlock device.

26 (d) The commissioner shall notify the manufacturer of the igni-
27 tion interlock device when the device is certified. The commissioner
28 may not certify an ignition interlock device unless the device promi-
29 nently displays a label warning that a person circumventing or

1 tampering with the device in violation of AS 11.76.140 may be im-
2 prisoned up to 30 days and fined up to \$500.
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STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 2 (HESS)
PUBLISH DATE: HOUSE 1/25/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: "An Act relating to ignition
interlock devices." BRU: Highway Safety Planning Agency,
Alaska State Troopers
Sponsor: Representative Gruenberg Component: _____
Requestor: House HESS

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

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

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the Department of Public Safety.

Prepared by: T. Michael Lewis, Program Director
Division: Highway Safety Planning Agency

Phone: 465-4374
Date: 1/15/89

Approved by Commissioner: [Signature] Arthur English
Agency: Department of Public Safety

Date: 1-20-89

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

No. 2

Bill Version: CSHB 2 (HESS)
Publish Date: HOUSE 1/25/89

REQUEST:

Revision Date:
Title: An act relating to ignition
interlock devices

Agency Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Gruenberg, Koponen, Ulmer, .. Components:
Requestor: House Health & Social
Services

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

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

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

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

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 01/23/89

Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 01/23/89

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Corrections
 Title: "An Act relating to ignition interlock devices." BRU: _____
 Sponsor: Rep. Gruenberg, Koponen, Ulmer, Components: _____
 Requestor: et al

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This legislation will have no fiscal impact upon the Department of Corrections.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 1-23-89

Approved by Commissioner: [Signature] Date: 1-23-89
 Agency: Department of Corrections

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to ignition
 interlock devices.:
 Sponsor: Gruenberg, et al.
 Requestor: _____

Agency Affected: Health & Social Services
 BRU: Alcohol & Drug Abuse Services
 Components: Alcohol Safety Action
 Program (ASAP)

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: M. Felix, Coordinator Phone: 586-6201
 Division: Office of Alcoholism & Drug Abuse Date: 1/23/89
 Approved by Commissioner: R. Meyer M. Munn 1/23/89 Date: 465-3030
 Agency: Health & Social Services

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

SENATE COMMITTEE REPORT

FURTHER JUD

2/21/89

DATE TURNED INTO OFFICE May 3, 1989

Mr. President:

TRSP

Committee considered CSHB 2 (JUD)

ignition interlock devices

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

Pat Santolucito

OTHER RECOMMENDATIONS

Do Not Pass
Do Not Pass

Ray Jones (No Rec)
 Chairman signature and recommendation

Committee Backup attached

State of Alaska

~~House Majority Leader~~

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
HOUSE JUDICIARY
~~HOUSE REVENUE~~
Labor & Commerce



Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3718
465-4968/4986

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

February 15, 1989

MEMORANDUM

To: Senator Lloyd Jones, Chair
Senate Transportation Committee

From: Rep. Max Gruenberg *MG*

Re: CSHB 2(JUD), "An Act relating to ignition interlock
devices."

I would very much appreciate it if you would schedule HB 2 for a hearing as soon as it is possible.

The ignition interlock bill will reduce drunk driving in this state. It allows a judge, as a condition of probation in alcohol-related offenses, to require the defendant to install a mini-breathalyzer on the defendant's car. You can't start the car unless you're sober. The bill also makes it a crime for someone else to tamper with the device or knowingly allow a defendant to drive a car without a device on it in violation of probation.

The bill won't cost the state anything, because the defendant pays all costs of the device.

The Department of Corrections will provide standards for the manufacture, calibration, inspection and repair of the devices. The bill passed the House last year and all Senate committees. It was awaiting calendaring by the Rules Committee when the session adjourned.

The first state to pass such an act was California in 1986. Since then a total of about 10 states have passed this law.

The recidivism rate in cases in which these devices are installed has gone down by two-thirds--from 15% to 4%.

Thank you.

Alaska State Legislature



House of Representatives
House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

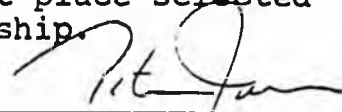
HOUSE JUDICIARY COMMITTEE

Letter of Intent
for

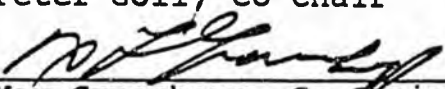
HB 2 "An Act Relating to Ignition Interlock Devices"

The Legislature recognizes that ignition interlock systems may not function in cold temperatures, that a person may not reside in an area where installation, maintenance and monitoring of these devices is possible, and that routine cold temperature vehicle maintenance may be perceived by these systems as tampering.

It is the intent of the Legislature that before requiring a person to obtain an ignition interlock device, the court consider these circumstances and not place selected individuals under unreasonable hardship.



Peter Goll, Co-Chair



Max Gruenberg, Co-Chair
House Judiciary Committee

FEB 20 1989

1409 Boyd Street, Apartment C
Borger, Texas 79007
February 17, 1980

PERMANENT ADDRESS: P. O. Box 34
Palmer, Alaska 99645

Senator Jay Kerttula
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

Thank you for a Student Loan Application; I do not need it at this time, but have passed it to somebody who may use it. Thank you, too, for your long and vigorous support of Alaska's Student Loan program. Twice, I have been a beneficiary: In 1981, I attended Bates Vo-Tech in Tacoma to study sheet metal and welding which allowed me to become a Sheet Metal Apprentice with Sheet Metal Workers Local #23, Anchorage. In 1988, I attended Tulsa Welding School to top off my welding education which had started at Palmer High School. Now, I have pulled a switch: I am an Alaskan welder, working in Texas!

There is something you can do for me which would earn my eternal gratitude and indebtedness: Something, anything to cause Alaska to allow me to operate a motor vehicle.

I understand House Bill 2 is moving to the Senate where I assumed last year your sponsorship would insure passage. This bill must pass swiftly and resoundingly. Of course, it needs to be retroactive and include advice that the Department of Public Safety will (not just "may") abide thereby.

"Ignition interlock devises" are a positive means of achieving the purpose of license revocations - sober drivers. I know many vehicles in Alaska are being operated by drivers without valid license and, consequently without insurance, because the drivers are under various time constraints. The law is not working.

Sobriety, like life itself, is one day at a time. Suspensions of a month, a year, ten years are no guaranty of the next day's actions of anyone.

~~Does Alaska really want to take ten years of my life without any chance to demonstrate that I have turned my life around?~~

I have been divested of driving privileges until September 1995. My first DWI was before I was 18 and it was a proper charge; however, had I been guilty of rape and pillage, the record would have been expunged upon my majority. Not so with a childhood DWI.

Upon the second DWI arrest, I was ignorant and uninformed, and thus refused a Breathalyzer test so was, by law, drunk. On the third charge, I was unable to activate the machine because I had respiratory problems from inhaling chemical fumes during asbestos-removal renovation at an Anchorage school. Instead of putting the machine on over-ride, Officer Grim merely charged me with refusal, so I was again, by law, drunk. Of course, the officer was not of a mind to show me any consideration because I had wrestled him into a ditch after he had forceably removed me from my car by my hair and kicked me in the privates in the process. Palmer police do have their problems.

In any event, through the good offices of Judge O'Connell and the State of Alaska. I attended Clithero Treatment Center, Anchorage, where I learned I was one of those who are unable to handle mind-altering substances and, to survive, would need to abstain.

Here I am, a healthy, clean and sober Alaskan of 25 years, a journeyman Sheet Metal Worker, a certified Welder, a certified Open-Water Diver, and I am hard pressed to find employment. Washington, Oklahoma and Texas have told me they are unable to over-ride the sentence Alaska placed on my license to drive.

Since graduation from Tulsa Welding last fall, I have been working for Fluor Daniel at Pampa, living at Borger, Texas. Just last week, I had to decline two 5-hour double-time shifts and gained my employers' displeasure, because I depend on co-workers for travel and would have had no way home. A year ago I lost a job welding and diving in Seward because I could not drive (and, I suspect, because I did not go to the right bars).

This job is about finished, and I do not know what to do. There are few jobs in the whole world that do not require driving, either to get to and from, or on the job.

Please consider what Alaska is doing to me and a number of other of its citizens who are prevented from being whole persons.

Sincerely yours,

Paul J. Weisenberger
Paul J. Weisenberger

P.S. I have dictated this letter by phone to my Mother so it could be typed and mailed to you as quickly as possible.

PJW

cc: Sen. Mike Szymanski

State of Alaska

House Majority Leader

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
HOUSE JUDICIARY
HOUSE RULES



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914 CLAY COURT
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(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

February 13, 1989

MEMORANDUM

To: All Members, House of
Representatives

From: Rep. Max F. Gruenberg, Jr. *MG*

Re: Sectional Analysis for CSHB 2 (Jud), "An Act relating to
ignition interlock devices."

Section 1

AS 09.50.250 (4). Provides the state with immunity in civil actions arising from the use of an ignition interlock system which has been certified by the Department of Corrections.

Section 2

AS 11.76.130. Makes it a misdemeanor to tamper with an ignition interlock system or rent or loan a motor vehicle with the knowledge that to do so would help someone violate their probation. The maximum penalty for this offense is set at a \$500 fine and 30 days in jail.

Section 3

AS 12.55.102 (a). Allows the court to require, as a condition of probation, that a person convicted of any alcohol-related offense, only drive a vehicle equipped with a certified ignition interlock system.

AS 12.55.102 (b). Allows the court to permit a limited exemption for a person to drive their employer's vehicle on the job.

AS 12.55.102 (c). Requires the surrender of the driver's license and the issuing of a special driver's certificate or a copy of the defendant's judgment of a conviction while the

- Sectional Analysis

ignition interlock driving restriction applies. The defendant must bear all costs of installing and maintaining the device.

AS 12.55.120 (c). Defines ignition interlock device as a device certified by the Commissioner of Corrections that will prevent a motor vehicle from starting if the driver has consumed alcohol.

AS 12.55.120 (d). Allows a court to deduct the cost of an ignition interlock device as part of the fine imposed against the defendant.

Section 4

AS 28.35.030. Amends the DWI statute to allow the imposition of an ignition interlock restriction as a condition of probation.

Section 5

AS 28.35.030 (h). Amends the statute that sets minimum fines for DWI conviction in order to allow the court to deduct the cost of an ignition interlock device from the fine imposed.

Section 6

AS 28.35.032 (g). Amends the statute that sets minimum fines for refusal to submit to a chemical test to allow the imposition of an ignition interlock restriction as a condition of probation.

Section 7

AS 28.35.032 (k). Amends the statute that sets the minimum fines for refusal to submit to a chemical test in order to allow the court to deduct the cost of an ignition interlock device from the fine imposed.

Section 8

As 33.05.020 (c). Requires the Commissioner of Corrections to adopt regulations for the certification, maintenance, and monitoring of ignition interlock devices, and to set fees so that the manufacturer of the interlock device will bear the cost of the certification.

AS 33.05.020 (d). Requires that a warning label that states the penalties for circumventing or tampering with an ignition interlock device be affixed to the device as a condition of certification.

Anchorage Daily News - 2/14/89

An idea whose time has come

None of the astonishing advances in technology deserve welcome more than those aimed at solving some of our most serious social problems. And an intriguing new device that may help keep drunks from behind the wheel of automobiles appears such a development.

The device, which connects a Breathalyzer unit with a vehicle's ignition system, permits on-the-spot testing for inebriation. If too much alcohol registers, the vehicle won't start.

The instrument appears an excellent weapon in the struggle to keep drunken drivers off the road. Such devices aren't the final, nor total, answer. But they could provide a significant tool.

To its credit, the state House appreciates the potential value of the devices. By an overwhelming 35-4 vote, the body has approved legislation that allows judges to order the breath tests for people convicted of alcohol-related offenses. The measure gives judges the option of ordering the units, called "ignition interlock devices," as part of the terms of probation for anyone convicted of illegal use, possession or consumption of alcohol. The House passed similar legislation last year, but it died in the Senate.

A letter of legislative intent accompanying the legislation suggests that the devices not be imposed on residents of rural areas where servicing and repair facilities may not be available. The exception is appropriate. Without it, a driver who would otherwise pass the breath test could be penalized merely for having an inoperable interlock device.

Some drunken driving offenders, of course, shouldn't be behind the wheel of a car under any circumstances, breath test or no breath test. The penalty in such cases should not provide for any conditions under which the offender can drive.

But the devices appear worth trying in those cases where they're warranted. The Senate should act on the measure as expeditiously as possible.



-Anc Daily News Ed -

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Amended: 4/24/89

6-0216D am

Offered: 4/13/89

Referred: Rules

Original sponsors: Hanley, Zawacki,
and Leman

IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 3 (Finance) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

(c) One [AT LEAST ONE] percent or, in the case of a rural school facility, [AT LEAST] one-half of one percent of the construction cost of a building or facility, up to a total of \$50,000 on any one project, shall [APPROVED FOR CONSTRUCTION BY THE LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility that [WHICH] is subject to substantial public use. If the building is a school or post-secondary educational facility, the selection committee established under AS 35.27.021 may use part of the money reserved under this subsection for an artist-in-residence program. All administrative costs, including those of the department, associated with the art project shall be paid from the money reserved under this subsection.

* Sec. 2. AS 35.27.020(d) is amended to read:

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department. The authorization may not be granted unless the building or facility

is subject to substantial public use or the works of art will have substantial public visibility.

* Sec. 3. AS 35.27.020(g) is amended to read:

(g) Each selection committee established under AS 35.27.021 [THE ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON THE ARTS] shall encourage the use of state cultural resources in these art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists for the commission of these art works who are residents of the state under AS 01.10.055. A work of art shall be identified by a permanent plaque installed on or near the work of art. The plaque must contain the name or title of the work of art, the name of the artist, the year of completion, and the names of the members of the selection committee.

* Sec. 4. AS 35.27 is amended by adding a new section to read:

Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes a work of art for a public school shall be selected by a majority vote of a committee, with the approval of the school board. The committee shall be composed of the superintendent or principal, one representative from the school district staff, and three members of the public who reside in the community where the school is located. The president of the school board or a designee shall provide reasonable public notice that public member seats on the committee are available. The school board shall select the representative from the school district and the members of the public. The committee may consult with the Alaska State Council on the Arts, the architect, and the project manager administering the facility construction project.

(b) Except as provided in (a) of this section, an artist who executes a work of art for buildings and facilities shall be selected by a majority vote of a committee convened by the project manager

administering the facility construction. The committee shall be composed of the architect, the project manager, a designee of the Alaska State Council on the Arts, a designee of the principal user of the public building or facility, and three members of the public who reside in the community where the building is located. To select the public members, the department shall advertise for applicants by appropriate public notice. The four named committee members shall select the three public members from the applicants.

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

* Sec. 5. AS 44.27.060(b) is amended to read:

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent or, in the case of a rural school facility, one-half of one percent of the construction cost of the [A] building or facility, up to a total of \$50,000 on any one project, if the building or facility is exempt from the requirements of AS 35.27. and the exemption is because

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

(2) the building or facility is not designed for substantial public use.

* Sec. 6. AS 44.27.060(c) is repealed and reenacted to read:

(c) The council shall use the money in the art in public places fund for artists-in-residence programs and for the support of other educational programs in school districts for visual and performing arts and music.

* Sec. 7. AS 44.27.060 is amended by adding a new subsection to read:

(e) The council shall, within one year of the effective date of this Act, adopt regulations implementing this section.

* Sec. 8. AS 35.27.020(e) and 35.27.020(f) are repealed.

* Sec. 9. The amendments made by this Act do not apply to the construction of a building or facility if, before the effective date of this Act, a request for proposal or an invitation to bid has been issued in order to meet the art requirements under this chapter for the building or facility.

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

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STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 3 (TRSP)
PUBLISH DATE: HOUSE 2/24/89

REQUEST: FISCAL NOTE

Revision Date:
Title: An act relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction
and the Alaska State Council on
the Arts

Sponsor: Hanley
Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	(195)	(195)	(195)	(195)	(195)	(195)
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

* International Airport Revenue Fund

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Based on the attached analysis a reduction in the amount of funds for artwork of 1/2% could provide additional construction funds in the amounts indicated.

if O'Brien by i.e.

Prepared by: Rod Wilson, Architect
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 02/17/89

Approved by Commissioner: Mark S. Hickey *MSH*
Agency: Department of Transportation and Public Facilities

Date: 02/17/89

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

STATEMENT OF ANALYSIS RE:
An act relating to Art in Public Places

Assumptions made:

- (1) It has been assumed that language changes to section AS 35.27.020(c) (lines 12 and 13) will not change the current legal opinion excluding federal funds from the artwork requirements.
- (2) Based on anticipated construction activities of \$30 million net savings would result as follows:

\$30,000,000	(current eligible projects)
<u>X .005</u>	(reduced % for artwork)
\$ 150,000	(additional project funds)
<u>X 1.30</u>	(factor for artwork administrative costs)
\$ 195,000	(total of additional available monies)

Due to unpredictability of the future CIP program this same amount has been assumed into the budgets for FY 90 through 94.

THIS BILL RESOLUTION

has been prepared by the staff of the Legal Services Division of the Legislative Affairs Agency in response to the request and at the direction of the sponsor. The staff has attempted to place it in proper legal and clerical form subject to any special limitations or instructions of the sponsor. Requests for bills and resolutions are kept confidential by the staff and any announcement of intent to have a document drafted or introduced is the prerogative and responsibility of the sponsoring member. The agency or its staff may not endorse or comment on policy matters involved in a bill or resolution. The substance and merits of a bill or resolution are the responsibility of the sponsor.

Delivered to sponsor:

5-3-87

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99911
907 465 3800

MEMORANDUM

May 3, 1989

SUBJECT: SCS CSHB 3(Transportation)
TO: Senator Lloyd Jones
Attn: Terry
FROM: Pamela Finley *PF*
Assistant Revisor

Enclosed is the CS you requested for the referenced bill.
Would you please inform the committee of next referral that
for technical reasons "this chapter" in bill section 9,
should be deleted and "AS 35.27 or AS 44.27.060" should be
inserted.

PF:gc
WKG10/038

Enclosure

SENATE COMMITTEE REPORT

FURTHER Fin

4/25/89

DATE TURNED INTO OFFICE May 3, 1989

Mr. President:

Transportation Committee considered CSHB 3 (FIN) am

art in public places; efd

and recommended

- replace with _____ CS _____) same title
- or adopt SCB CS for HB 3 (Trsp)) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

[Signature]
[Signature]

OTHER RECOMMENDATIONS

It should not pass

[Signature]
 Chair: _____ signature and recommendation

Committee Backup attached

Original sponsors: Hanley, Zawacki,
and Leman

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 3 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 (c) One [AT LEAST ONE] percent or, in the case of a rural school
11 facility, [AT LEAST] one-half of one percent of the construction cost
12 of a building or facility, up to a total of \$50,000 on any one proj-
13 ect, shall [APPROVED FOR CONSTRUCTION BY THE LEGISLATURE AFTER
14 SEPTEMBER 1, 1977, WILL] be reserved for the following purposes: the
15 design, construction, mounting and administration of works of art in a
16 school, office building, court building, vessel of the marine highway
17 system, or other building or facility that [WHICH] is subject to
18 substantial public use. If the building is a school or post-secondary
19 educational facility, the selection committee established under
20 AS 35.27.021 may use part of the money reserved under this subsection
21 for an artist-in-residence program to produce a permanent piece of
22 visual art. All administrative costs, including those of the depart-
23 ment, associated with the art project shall be paid from the money
24 reserved under this subsection.

25 * Sec. 2. AS 35.27.020(d) is amended to read:

26 (d) a building or facility with an estimated construction cost
27 of less than \$250,000 is exempt from the requirements of this chapter
28 unless inclusion of works of art in the design and construction of the
29 building or facility is specifically authorized by the department.

1 The authorization may not be granted unless the building or facility
2 is subject to substantial public use or the works of art will have
3 substantial public visibility.

4 * Sec. 3. AS 35.27.020(g) is amended to read:

5 (g) Each selection committee established under AS 35.27.021 [THE
6 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON
7 THE ARTS] shall encourage the use of state cultural resources in these
8 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists
9 for the commission of these art works who are residents of the state
10 under AS 01.10.055. A work of art shall be identified by a permanent
11 plaque installed on or near the work of art. The plaque must contain
12 the name or title of the work of art, the name of the artist, and the
13 year of completion.

14 * Sec. 4. AS 35.27 is amended by adding a new section to read:

15 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
16 a work of art for a public school shall be selected by a majority vote
17 of a committee, with the approval of the school board. The committee
18 shall be composed of the superintendent or principal, one represen-
19 tative from the school district staff, and three members of the public
20 who reside in the community where the school is located. The presi-
21 dent of the school board or a designee shall provide reasonable public
22 notice that public member seats on the committee are available. The
23 school board shall select the representative from the school district
24 and the members of the public. The committee may consult with the
25 Alaska State Council on the Arts, the architect, and the project
26 manager administering the facility construction project.

27 (b) Except as provided in (a) of this section, an artist who
28 executes a work of art for buildings and facilities shall be selected
29 by a majority vote of a committee convened by the project manager

1 administering the facility construction. The committee shall be
2 composed of the architect, the project manager, a designee of the
3 Alaska State Council on the Arts, a designee of the principal user of
4 the public building or facility, and three members of the public who
5 reside in the community where the building is located. To select the
6 public members, the department shall advertise for applicants by
7 appropriate public notice. The four named committee members shall
8 select the three public members from the applicants.

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

12 * Sec. 5. AS 44.27.060(b) is amended to read:

13 (b) The commissioner of a department responsible for the design
14 and construction of a building or facility shall deposit into the art
15 in public places fund one percent or, in the case of a rural school
16 facility, one-half of one percent of the construction cost of the [A]
17 building or facility, up to a total of \$50,000 on any one project, if
18 the building or facility is exempt from the requirements of AS 35.27.
19 and the exemption is because

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

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

24 * Sec. 6. AS 44.27.060(c) is repealed and reenacted to read:

25 (c) The council shall use the money in the art in public places
26 fund for artists-in-residence programs to produce permanent pieces of
27 visual art or for the purchase of Alaskan artifact antiquities or
28 original Alaskan fine art for display for the public in state build-
29 ings.

1 * Sec. 7. AS 44.27.060 is amended by adding a new subsection to read:

2 (e) The council shall, within one year of the effective date of
3 this Act, adopt regulations implementing this section.

4 * Sec. 8. AS 35.27.020(e) and 35.27.020(f) are repealed.

5 * Sec. 9. The amendments made by this Act do not apply to the construc-
6 tion of a building or facility if, before the effective date of this Act,
7 a request for proposal or an invitation to bid has been issued in order to
8 meet the art requirements under this chapter for the building or facility.

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

moved + passed

A M E N D M E N T

Offered in Senate Transportation

By Alyce Hanley

TO: CSHB 3 (Finance) am

Page 1, Line 21 after "program":

Insert "to produce a permanent piece of visual art."

Page 3, Line 26 thru 28 after "programs":

Delete "and for support of other educational programs in school districts for visual and performing arts and music."

Page 3, Line 26 after "programs":

Insert " to produce a permanent piece of visual art or ~~for~~ the purchase of Alaskan artifact antiquities or original Alaskan fine art for display for the public in state buildings."

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SCS HB 3 TRSP
PUBLISH DATE: 1/9/89

REQUEST: FISCAL NOTE

Revision Date: Amended 5/2/89
Title: An Act relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction
and the Alaska State Council on
the Arts

Sponsor: Hanley

Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

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

POSITIONS:

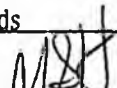
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No significant change in overall project costs are anticipated under the provisions of this bill.

Prepared by: Rod Wilson, Architect 
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 5/3/89

Approved by Commissioner: Mark S. Hickey 
Agency: Department of Transportation and Public Facilities

Date: 5/3/89

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 3
PUBLISH DATE: 1/9/89

REQUEST: FISCAL NOTE

Revision Date: Amended 4/24/89
Title: An Act relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction and the Alaska State Council on the Arts

Sponsor: Hanley

Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No significant change in overall project costs are anticipated under the provisions of this bill.

Prepared by: Rod Wilson, Architect *RW*
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 5/1/89

Approved by Commissioner: Mark S. Hickey *MSH*
Agency: Department of Transportation and Public Facilities

Date: 5/1/89

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



Department of Transportation & Public Facilities

POSITION PAPER

BILL NO: CS to HB 3 (amended)

APPROVED: *M-K A. W.*

TITLE: An Act Relating to Art in Public Places

DATE: May 1, 1989

Due to recent material changes in the language of this bill the anticipated benefit of additional construction funds has been significantly reduced. Given present budgetary restraints the department does not anticipate the construction of many projects exceeding \$5 million -- which would then be subject to the bill's \$50,000 artwork cap. However, in future years and as conditions improve this provision may have an impact.

For this reason the department changes its position on this bill from one of support to one of neutrality



Alaska State Legislature

House of Representatives

3111 "C" STREET, SUITE 410
ANCHORAGE, ALASKA 99503
(907) 561-2033

DURING SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4939

REPRESENTATIVE
ALYCE HANLEY
DISTRICT 9, SEAT B

MEMBER
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
REGULATION REVIEW COMMITTEE

Jones
KVI

April 26, 1989

MEMORANDUM

TO: Senator Lloyd Jones, Chairman
Senate Transportation Committee

FROM: Representative Alyce Hanley *A. Hanley*

SUBJECT: HB 3 - "An Act relating art in public places; and providing for an effective date."

This bill was re-introduced this session in order to accomplish meaningful reform of the current State of Alaska public art program. There has been a lot of public dissatisfaction with this program in the past. It is my desire to give the public more of a say in the type of public art that is placed in public facilities. It is with this in mind that I respectfully request on behalf of myself as well as the cosponsors that HB 3 be scheduled for a Senate Transportation Committee public hearing at your earliest convenient date.

The bill addresses four areas of public concern: (1) caps the amount allocated on each project to \$50,000.00 for the State of Alaska's public art program for both the rural school facilities and other public facilities; (2) reforms the art selection process by outlining composition of the art selection committee members including for the first time three lay members of the public; (3) requires the use of Alaskan resident artists commissioned for State of Alaska public art projects; (4) allows percent for art money to be used for the artist in residence program for school district projects; and (5) adds a requirement for a plaque which contains the name of the art piece, name of the artist, names of art selection committee members and the year of completion for all works of art executed under this program.

Thank you in advance for your consideration and a prompt scheduling of HB 3.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1989

SUBJECT: Sectional analysis of CSHB 3(Fin)am
TO: Representative Alyce Hanley
FROM: Pamela Finley *PF*
Assistant Revisor

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

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

Section 1 limits the amount that must be reserved for works of art from the construction cost of certain buildings and facilities. The limit is \$50,000 for any one project. This bill section also provides that all administrative costs associated with the art project are to be paid from the money reserved. Finally, the section authorizes part of the money to be spent for an artist-in-residence program if the project is a school or post-secondary educational facility.

Section 2 prevents the Department of Transportation and Public Facilities from authorizing the inclusion of works of art in a building or facility with an estimated construction cost of less than \$250,000 unless the building or facility is subject to substantial public use or the work of art will have substantial public visibility.

Section 3 requires the selection committee established under sec. 4 to encourage the use of state cultural resources for the art works required by AS 35.27. The section also requires the selection committee to select state resident artists for the art works, a provision which may be unconstitutional. Finally, the section requires the art work to be identified by a plaque.

Section 4. Sec. 35.27.021(a) establishes the procedures for the selection of the artists for art works required by AS 35.27 for a public school. It establishes a committee to make the selection.

Sec. 35.27.021(b) establishes the procedures for the selection of the artists for art works required by AS 35.27 for projects that are not public schools. It establishes a committee to make the selection.

Sec. 35.27.021(c) requires meetings of the selection committee to comply with the public meeting and notice requirements of AS 44.62.310.

Section 5 amends the art in public places fund (AS 44.27.-060), which is administered by the state arts council and contains a percentage of the construction cost of certain public buildings that are exempt from the requirements of AS 35.27. The amendment adds the same \$50,000 limit that was added in bill section 1, and clarifies that in this section, as in AS 35.27.020, the percentage to be withheld in the case of rural schools is one-half of one percent.

Section 6 provides that the arts council shall use the art in public places fund for artists-in-residence programs and other educational programs in schools related to the arts. Currently the fund is used for works of art in buildings or facilities that have substantial public use.

Section 7 requires the arts council to adopt regulations implementing the art in public places fund statute within one year of the effective date of the act.

Section 8 repeals AS 35.27.020(e) and (f), which govern selection of art works and have been replaced by the amendments in bill section 4.

Section 9 indicates that the Act does not apply to projects for which a request for proposal or invitation to bid has been issued before the effective date of the Act in order to meet the art requirements.

Section 10 gives the Act an immediate effective date.

Representative Alyce Hanley
Page 3
April 29, 1989

Suggestions:

1. Because article IX, section 8, of the state constitution requires the proceeds of general obligation bonds to be used for capital projects, and AS 35.27.020(c) and AS 44.27.060(c), as amended in this bill, would allow a portion of the construction cost of certain buildings to be used for things which are not capital projects--art-in-residence programs in AS 35.27.030(c) and educational programs in AS 44.27.060(c)--subsections should be added to both sections that would prohibit the proceeds of general obligation bonds from being used for anything but capital projects.

2. For technical reasons, in bill section 9, the applicability section, "this chapter" should be deleted and "AS 35.27 or AS 44.27.060" should be inserted.

PF:gc
WKG10/016

INFORMATION ON HB 3 PUBLIC ART BILL

House Bill 3 is aimed at responding to the public's dissatisfaction with the public art program. Strong bipartisan support for the bill has been demonstrated by passage of a very similar bill during the 14th Legislature.

Alaskans across the state have expressed concern over time about various aspects of the public arts program. There is a legislative awareness of the wide ranging discontent with the program and the method of art selection. This bill seeks to address those feelings of public discontent by opening up the selection process to the public; after all they are the ultimate consumers of the percent for art program.

Local hire has received much attention this session and last. HB 3 requires that Alaska's resident artists be put to work on these Alaskan projects. In 1985 of the \$750,000 spent by this program as of October, more than 67% went to outside artists. Not only that but two artists, one from Florida and another from Missouri each were paid more than twice what all the Alaskan artists put together were paid for the year.

Oil revenues are down and the state is looking for ways to save money throughout its budget. Capping the project amount at \$50,000 will continue to allow the State to recognize its merit but will also recognize the difficult financial situation the state is facing. If enacted the bills would cap the amount spent in the percent for art program at \$50,000 on art projects in new state funded construction.

As a result of the introduction of this bill, some will probably accuse its supporters of being anti-art. That is not true; there is support for the concept of having art displayed in our public buildings. However, countless Alaskans feel that their public art dollars are not being spent wisely. Alaskans who are out of work, or have suffered from the cuts we are having to make in state spending, feel we cannot afford the luxury of continuing to have large, expensive art projects constructed with state money and are demanding the program be abolished entirely. This bill seeks the middle ground in this debate. The bills would do four basic things:

1. Caps the amount spent on a percent for art project at \$50,000 per project.

2. Allows the percent for art program to use money for an artist-in-residence program.

3. Requires the use of Alaska resident artists for Percent for Art projects.

4. Requires a plaque to be placed near these projects which gives the artist's name, title of the piece, date of completion, and names of the selection committee.

5. Requires art projects that are selected to be picked by a committee which includes three members representing the public from the local area. Currently there is no mandate that members of the public must be involved. Also a non-binding public hearing early in the process would seek ideas for the type of projects the public would like to see at a particular facility.

(33) "spud date" means the day that actual drilling operations commence;

(34) "standard conditions" means a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.65 pounds per square inch;

(35) "stratigraphic test" means a hole drilled for the sole purpose of gaining structural or stratigraphic information, or both;

(36) "suspended well" means a well that has been plugged as required by 20 AAC 25.105 and held in abeyance pending a determination to either complete the well as a service or producible well or to abandon the well;

(37) "suspension operations" means work performed as required by 20 AAC 25.105 in a well bore to effect well suspension;

(38) "unit" means an aggregation, by voluntary agreement, or order of the commission, of properties overlying a pool to form a single property unit for the purpose of pool development and operation in a manner to prevent waste, insure greater ultimate recovery of oil and gas and protect correlative rights;

(39) "well abandonment date" means the day that abandonment operations cease;

(40) "well completion date" means the day that completion operations cease;

(41) "well suspension date" means the day that suspension operations cease. (Eff. 4/13/80, Register 74; am 4/2/86, Register 97)

Authority: AS 31.05.030

CHAPTER 30. ALASKA STATE COUNCIL ON THE ARTS

Article

1. Operating Support Grants (20 AAC 30.010 — 20 AAC 30.050)
2. Project Support Grants (20 AAC 30.080 — 20 AAC 30.130)
3. Emergency Grants (20 AAC 30.160 — 20 AAC 30.210)
4. Individual Artists' Fellowship Program (20 AAC 30.240 — 20 AAC 30.280)
5. Travel Grants (20 AAC 30.310 — 20 AAC 30.350)
6. Master Artist and Apprentice Program (20 AAC 30.380 — 20 AAC 30.410)
7. Workshop Program (20 AAC 30.440 — 20 AAC 30.480)
8. Education Programs (20 AAC 30.510 — 20 AAC 30.550)
9. Capital Grants to Arts Organizations (20 AAC 30.580 — 20 AAC 30.620)
10. Percent for Art Program (no regulations filed)
11. Contemporary Art Bank Program (no regulations filed)
12. Block Grant Program (no regulations filed)
13. Miscellaneous and General Provisions (20 AAC 30.880 — 20 AAC 30.985)

Editor's notes. — The various forms mentioned in this chapter may be obtained by writing to the Alaska State Council on the Arts, 619 Warehouse Avenue, Suite 220, Anchorage, Alaska 99501.

Distributed by Rep. Stanley

Provided by
Rep Hanley

§ 35.25.020

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§ 35.27.010

PUBLIC BUILDINGS AND WORKS

§ 35.27.020

Effect of amendment. — The 1977 "Department of Public Works" in amendment substituted "Department of Transportation and Public Facilities" for paragraphs (2) and (6).

Chapter 27. Art Works in Public Buildings and Facilities.

Section

- 10. Purpose
- 20. Art requirements for public buildings and facilities
- 30. Definitions

Sec. 35.27.010. Purpose. The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

Legislative history report. — For [Finance], see 1975 Senate Journal, p. report on ch. 54, SLA 1975 (CSHB 133 939).

Sec. 35.27.020. Art requirements for public buildings and facilities.

(a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 — 4 ch 176 SLA 1980)

Cross reference. — For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see AS 44.27.060.

Effect of amendments. — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in subsection (c) and added subsections (f) and (g). The 1980 amendment rewrote

subsections (a) and (d), substituted "buildings" for "public works" in subsection (b), and in subsection (c), substituted "September 1, 1977" for "the enactment date of this chapter," "a school, office building, court building, vessel of the marine highway system, or other" for "the public," deleted "public" preceding "facility" near the end of the subsection, and added "which is subject to substantial public use" at the end of the subsection.

Sec. 35.27.030. Definitions. In this chapter

(1) "department" means the Department of Transportation and Public Facilities;

(2) "building" or "facility" means a permanent improvement constructed by the department; the term

(A) includes, but is not limited to,

(i) schools, office buildings, and court buildings;

(ii) other buildings which the commissioner determines are designed for substantial public use;

(iii) boats and vessels of the marine highway system;

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

(3) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility.

(4) "commissioner" means the commissioner of transportation and public facilities. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am Executive Order No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980)

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§ 35.27.030

§ 35.30.010

PUBLIC BUILDINGS AND WORKS

§ 35.30.010

Effect of amendments. — The first 1977 amendment inserted "schools, office buildings, court buildings and other facilities which are designed for substantial public use" in paragraph (2) and added paragraph (3).

The second 1977 amendment

substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraph (1).

The 1980 amendment rewrote paragraph (2), and added paragraph (4).

Chapter 30. Consistency with Local Government Plans and Ordinances.

Section

10. Review and approval by local planning authorities
20. Compliance with municipal ordinances

Section

30. Waiver
40. Definitions

Cross reference. — As to construction procedures, see AS 35.15.010 et seq.

Sec. 35.30.010. Review and approval by local planning authorities. (a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the Department of Transportation and Public Facilities and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the Department of Transportation and Public Facilities has entered into agreement with the municipality for the planning of transportation corridors under AS 19.10.280 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the

Collateral references. — 63 Am. Jur. 2d. Public Officers and Employees, § 371; 68 Am. Jur. 2d, Schools, §§ 37 to 55; 72 Am. Jur. 2d, States, Territories and Dependencies, § 62. 78 C.J.S. Schools and School Districts, §§ 83 to 91.

Sec. 44.27.020. Duties of department. The Department of Education shall

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education;

(2) administer the historical library;

(3) plan, finance and operate related school and educational activities and facilities. (§ 11 ch 64 SLA 1959; am § 77 ch 69 SLA 1970; am § 5 ch 86 SLA 1979)

Article 2. Alaska State Council on the Arts.

Section

- 40. Creation
- 41. Composition
- 42. Appointment
- 43. Terms of office
- 44. Compensation
- 45. Chairman and vice-chairman

Section

- 50. Duties of council
- 52. Powers of council
- 54. Powers of chairman
- 56. Reports
- 58. National endowment funds
- 60. Art in public places fund

Sec. 44.27.040. Creation. There is created in the Department of Education an Alaska State Council on the Arts. (E.O. No. 44, § 4 (1980))

Sec. 44.27.041. Composition. The Alaska State Council on the Arts consists of 11 members, broadly representative of all fields of the performing, visual, and fine arts, who are widely known for their competence and experience or interest in connection with the performing, visual, and fine arts. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.050. Renumbered in 1980.

Sec. 44.27.042. Appointment. The members are to be appointed by the governor from among citizens of Alaska. In making the appointments, consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing, visual, and fine arts generally. In making the appointments consideration must also be given to having statewide geographical representation on the council. The members of the council

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§ 44.27.043

STATE GOVERNMENT

§ 44.27.050

serve at the pleasure of the governor and their appointments are not subject to legislative confirmation. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.060. Renumbered in 1980.

Sec. 44.27.043. Terms of office. The term of office of each member is three years; however, of the members first appointed, three are to be appointed for terms of one year, four for terms of two years, and four for terms of three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.070. Renumbered in 1980.

Sec. 44.27.044. Compensation. The members of the council are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as provided by law for board members. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.080. Renumbered in 1980.

Sec. 44.27.045. Chairman and vice-chairman. The governor shall designate a chairman and a vice-chairman from the members of the council to serve as such at the pleasure of the governor. The chairman shall be the chief executive officer of the council. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.090. Renumbered in 1980.

Sec. 44.27.050. Duties of council. The duties of the council are
(1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;

(2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of the state and to expend the state's cultural resources;

(4) to encourage and assist freedom of artistic expression essential for the well being of the arts;

(5) to recommend to the governor a list of persons for consideration for appointment to the Advisory Council on Cultural Facilities, in accordance with AS 44.33.400;

(6) to manage the art in public places fund. (E.O. No. 44, § 4 (1980); am § 7 ch 176 SLA 1980)

Revisor's notes. — Enacted as AS 44.27.100. Renumbered in 1980. Effect of amendments. — The 1980 amendment added paragraph (6).

Sec. 44.27.052. Powers of council. The council is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs; to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs; (to make and sign agreements and to do and perform any acts necessary to carry out the purposes of AS 44.27.040 — 44.27.058. The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data which will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.110. Renumbered in 1980.

Sec. 44.27.054. Powers of chairman. Subject to available appropriations the chairman may, with the concurrence of a majority of the council, employ necessary personnel and may contract for the services of experts and other persons who may be needed. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.120. Renumbered in 1980.

Sec. 44.27.056. Reports. The council shall report to the governor and the legislature not later than November 1, 1966, and from time to time thereafter. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.130. Renumbered in 1980.

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STATE GOVERNMENT

§ 44.27.061

Sec. 44.27.058. National endowment funds. The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.140. Renumbered in 1980.

Sec. 44.27.060. Art in public places fund. (a) The art in public places fund is established. The council shall manage the fund.

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

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

(2) the building or facility is not designed for substantial public use.

(c) The council may use the money in the art in public places fund

(1) to commission or purchase a work of art which is to be made a permanent part of, or placed on loan in, a building or facility owned or leased by the state which has substantial public use; and

(2) to meet expenses for a commissioned work of art for a building or facility which has substantial public use if the cost of the work of art exceeds the amount reserved under AS 35.27.020(c).

(d) In (c) of this section, "building" or "facility" means

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

Revisor's notes. — Enacted as AS 44.19.942. Renumbered in 1980.

Effect of amendments. — The 1982

amendment substituted "if the building or facility" for "which" in the introductory language of subsection (b).

Article 3. Alaska Historical Commission.

Section

- 61. Creation
- 62. Composition
- 63. Appointment
- 64. Terms of office
- 65. Compensation

Section

- 70. Duties of the commission
- 72. Reports
- 74. Executive director
- 76. Gifts and income

Sec. 44.27.061. Creation. There is created in the Department of Education the Alaska Historical Commission. (E.O. No. 43, § 3 (1980))

Revisor's notes. — Enacted as AS 44.27.040. Renumbered in 1980.

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PUBLIC FINANCE

§ 37.05.315

Sec. 37.05.300. Interpretation of chapter. This chapter shall be construed as supplemental to all other state laws not in conflict with it. If a section or part of a section of this chapter is in conflict with federal requirements for a program for which federal grant-in-aid funds are available, the section or part to the extent of the conflict is inoperative. (§ 1 art VIII ch 82 SLA 1955; am § 18 ch 186 SLA 1957)

Editor's notes. — For applicability of the chapter to the University of Alaska, see notes following chapter heading.

Sec. 37.05.305. Applicability to University of Alaska. The commissioner of administration may delegate the performance of the functions under this chapter as they relate to the university to the Board of Regents of the University of Alaska and set out the criteria and guidelines which shall be followed. The commissioner shall direct necessary stipulations and exercise monitoring responsibility for conformance through the Board of Regents of the University of Alaska. (§ 5 ch 46 SLA 1977)

Legislative history reports. — For (HCSSR 261), see 1977 House Journal, p. letter of intent on ch. 46, SLA 1977 1019.

Sec. 37.05.310. Fiscal year. The fiscal year of the state begins on July 1 of each year and ends at midnight on the following June 30. The accounts of the Department of Administration, the Department of Revenue, and all other state officers whose accounts are in any way connected with the treasury shall be kept, and all duties performed with reference to the beginning and ending of the fiscal year. (§ 12-4-1 ACLA 1949; am § 2 art VI ch 82 SLA 1955)

Revisor's notes. — Section 12-4-1 and § 2, ch. 24, SLA 1953 re-enacted ACLA 1949 was repealed and re-enacted § 12-4-1 ACLA 1949 as it appeared in by § 30, ch. 133, SLA 1951. Section 1, ch. ACLA 1949. 24, SLA 1953 repealed ch. 133, SLA 1951

Sec. 37.05.315. Grants to municipalities. (a) When an amount is appropriated or allocated as a grant to a municipality, the Department of Administration shall promptly notify the municipality of the availability of the grant. When the Department of Administration receives an agreement executed by the municipality which provides that the municipality (1) will spend the grant for the purposes specified in the appropriation or allocation; (2) will allow, on request, an audit by the state of the uses made of the grant; and (3) assures that, to the extent consistent with the purpose of the appropriation or allocation, the facilities and services provided with the grant will be available for the use of the general public, the Department of Administration shall pay the grant directly to the municipality. The agreement executed by a

municipality under this section shall be on a form furnished by the Department of Administration and shall be executed within 60 days after the effective date of the appropriation or allocation.

(b) An appropriation or allocation for a grant to a municipality for construction of a public facility lapses if substantial, ongoing work on the project has not begun within five years after the effective date of the appropriation or allocation.

(c) In accepting a grant of money for construction of a public facility, a municipality covenants with the state that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the state to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant of money for repair or improvement of an existing facility operated or maintained by the state at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the state.

(d) Not less than 20 percent of a grant shall be paid to a municipality within 10 days of the effective date of the agreement under (a) of this section. The remainder of the grant shall be paid either in monthly installments equal to the amount of grant money the municipality expended in the previous month or in a lump sum as determined by the Department of Administration. (§ 1 ch 156 SLA 1980; am § 1 ch 4 SLA 1982)

Effect of amendments. — The 1982 amendment in subsection (a), substituted "amount is appropriated or allocated" for "appropriation is made" in the first sentence, inserted "or allocation" in items (1) and (3) in the second sentence, and added "and shall be executed within 60 days after the effective date of the appropriation or allocation" to the end of the third sentence; redesignated the former fourth and fifth sentences of subsection (a) as subsection (d); inserted "or allocation" in two places in subsection (b); substituted "a" for "each" preceding "municipality covenants" and

"the practical life of the facility and that the municipality" for "its practical life and that it" in subsection (c); added the second sentence of subsection (c); deleted the provisions of former subsections (d), (f), and (g), which may now be found in AS 37.05.316, 37.05.317, and 37.05.318, respectively; and in present subsection (d), added "under (a) of this section" to the end of the first sentence. The substance of the provisions of former subsection (e) may now be found at the end of the third sentence of subsection (a).

Sec. 37.05.316. Grants to named recipients. When an amount is appropriated or allocated to a department as a grant for a named recipient which is not a municipality, the department to which the appropriation or allocation is made shall promptly notify the named recipient of the availability of the grant and request the named recipient to submit a proposal to provide the goods or services specified in the appropriation act, or both, for which the appropriation or allocation is made. At the same time, the department may issue a request for proposals from other qualified persons to provide the same goods or services, or both, in the same area. The department shall contract with

§ 37.05.316

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§ 37.05.317

PUBLIC FINANCE

§ 37.05.325

the named recipient unless the Office of the Governor, with due regard for any local expertise or experience among those making proposals, determines that an award of the contract to a different party would better serve the public interest. If the contract is awarded to another party than that named by the legislature, the basis of that action shall be stated in writing at the time the grant is issued and a copy of the written statement shall be sent to the Legislative Budget and Audit Committee. A contract shall be executed within 60 days after the effective date of the appropriation or allocation. The purchase of the goods or services, or both, shall be in accordance with AS 37.05.230(1)(C). (§ 2 ch 4 SLA 1982)

Sec. 37.05.317. Grants to unincorporated communities. When an amount is appropriated or allocated as a grant under this section to an unincorporated community, it shall be disbursed as follows:

(1) Within 45 days after the effective date of the appropriation or allocation, the Department of Community and Regional Affairs shall notify the governing body of the unincorporated community, if any, that a grant is available.

(2) The Department of Community and Regional Affairs shall determine if there is a qualified incorporated entity in the community area that will agree to receive the grant and administer it, subject to terms generally applicable to private grantees. If there is more than one such entity, the Department of Community and Regional Affairs shall select the most qualified and the grant shall be awarded to that incorporated entity for the purposes specified in the appropriation act. However, the Department of Community and Regional Affairs shall give preference to a nonprofit corporation organized by a community for receipt of the grant.

(3) If there is no incorporated entity qualified to receive the grant, the Department of Community and Regional Affairs shall administer the program as specified in the appropriation act directly or through agents or contractors with whom it may contract in the community area. (§ 2 ch 4 SLA 1982)

Sec. 37.05.318. Further regulations prohibited. Notwithstanding the Administrative Procedure Act (AS 44.62), the Fiscal Procedures Act (AS 37.05), and the Executive Budget Act (AS 37.07), a state agency may not adopt regulations or impose additional requirements or procedures to implement, interpret, make specific, or otherwise carry out the provisions of AS 37.05.315 — 37.05.317 unless required by the federal government for participation in federal programs. (§ 2 ch 4 SLA 1982)

Sec. 37.05.325. Definitions for AS 37.05.315 — 37.05.317. In AS 37.05.315 — 37.05.317, "allocation" and "appropriation" have the meanings given in AS 37.07.120(2) and (3). (§ 2 ch 4 SLA 1982)

HB

53

Alaska State Legislature

HOUSE OF REPRESENTATIVES



FEB 21 1990

REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 20, 1990

TO: Senator Lloyd Jones, Chair
Senate Transportation Committee

FROM: Rep. Fran Ulmer

RE: HB 53, relating to drunk driving penalties

Although the primary emphasis of CSHB 53 is to target the worst drunk drivers by increasing the penalties for repeat offenders, several related issues arose during the committee process which resulted in extensive debate, and amendment, on the House floor. One of those issues concerns the court's ability to require an offender to forfeit the vehicle in which he was cited. The bill was amended on the floor to include aircraft as a vehicle which may be forfeited for a DWI offense, but excludes watercraft as a vehicle subject to forfeiture. This point stimulated considerable debate.

I would like very much to have an opportunity to discuss this and the other transportation related issues of CSHB 53 with you at your convenience.

Alaska State Legislature

HOUSE OF REPRESENTATIVES



FEB 15 1990

REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 15, 1990

TO: Senator Lloyd Jones, Chair
Senate Transportation Committee

FROM: Rep. Fran Ulmer

RE: CSHB 53 (Jud) AM, relating to drunk driving penalties

CSHB 53 (Jud)AM, relating to drunk driving penalties, passed the House this week with a resounding vote of support (39-1). The bill goes a long way toward redressing some of the inequities present in our driving laws. I would appreciate the bill being calendared for a hearing in your committee at the earliest possible date.

Thank you for your consideration of this request.

FU/dl

STATE OF ALASKA
THE LEGISLATURE

FOLIO 1 STATE CAPITOL
BUREAU ALASKA 1111
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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 26, 1990

SUBJECT: Driving while intoxicated - CSHB 53(Jud) am
TO: Representative Fran Ulmer
FROM: Michael F. Ford *M.F.*
Legislative Counsel

The following is a sectional analysis of CSHB 53(Jud) am.

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 - Allows a person under age 18 to receive a license without the signature of a parent or guardian, if the person is emancipated.

Section 3 - 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 4 - 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 5 - 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 6 - Provides that a person whose license is revoked may make a written request for limited license privileges under AS 28.15.165(d).

Section 7 - 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 8 - Specifies the issues reviewed in the administrative revocation hearing.

Section 9 - Requires that the department's license revocation action be rescinded if after hearing an issue is not proven by the department.

Section 10 - Provides that a person filing an appeal of the department's order does not automatically get a stay of the order.

Section 11 - Establishes that both privilege to drive and to obtain a license are revoked for conviction of the listed offenses.

Section 12 - Establishes that both privilege to drive and to obtain a license shall be revoked for committing the described offenses.

Section 13 - 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 14 - 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 15 - Defines the term "previously convicted" as used in AS 28.15.181.

Section 16 - 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 17 - 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 18 - Limits the restoration of the privilege to drive or to obtain a license for specified periods following a suspension or revocation.

Section 19 - 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 20 - 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 21 - Provides that point system penalties apply to the privilege to drive or to obtain a license.

Section 22 - 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 23 - Establishes that D.W.I. is a class A misdemeanor and provides for minimum jail sentences and fines for initial and subsequent convictions.

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

Section 25 - Provides that the court shall order a person convicted of D.W.I. to comply with any required rehabilitation treatment. Establishes criteria for inpatient treatment. Establishes penalties for failure to comply with inpatient treatment.

Section 26 - Amends the notice required to be given when a person under arrest refuses to take a chemical breath test.

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 the court shall order a person convicted of refusal to take a chemical test of breath to comply with any required rehabilitation treatment. Establishes criteria for inpatient treatment. Establishes penalties for failure to comply with inpatient treatment. Adds a new definition of "previously convicted" for purposes of AS 28.35.032.

Representative Fran Ulmer

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Section 29 - Provides that a chemical test may be administered without consent to a person under arrest for operating a motor vehicle, aircraft, or watercraft while intoxicated.

Section 30 - Provides that the state may seek forfeiture of a motor vehicle or watercraft if involved in a D.W.I. or refusal to take a chemical breath test and the person has two or more prior convictions for D.W.I. or refusal to take a breath test.

Section 31 - Establishes procedures for remission of forfeiture for an aircraft.

Section 32 - Provides that municipalities can establish by ordinance for impoundment or forfeiture of an aircraft.

Section 33 - Changes the definition of "driver's license" to include the privilege to drive or to obtain a license.

Section 34 - Repealers.

Section 35 - Notice of change to Alaska Rules of Appellate Procedure 603 and 611(d).

Section 36 - Applicability section.

Section 37 - Effective date.

MFF:pl
WKP3/082

Alaska State Legislature

HOUSE OF REPRESENTATIVES

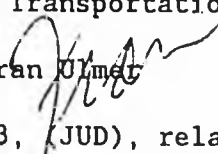


REPRESENTATIVE FRAN ULMER

MEMORANDUM

March 26, 1990

TO: Senator Lloyd Jones, Chair
Senate Transportation Committee

FROM: Rep. Fran Ulmer 

RE: CSHB 53, (JUD), relating to drunk driving penalties

CSHB 53 (Jud) corrects several inequities in Alaska's current driving laws. 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). In addition, it decreases the penalties for driving with a license suspended or revoked. Specifically, the bill:

- (1) Makes the penalty for the 6th DWI conviction 360 days; the 5th conviction is 240 days; 4th conviction is 120 days. This increase in penalties is consistent with the principle of graduated penalties for repeat offenders.
- (2) Allows those convicted of DWI to earn back a limited license through their good conduct after their release from jail. A person convicted of a second DWI could apply to the court for a limited license for the last 60 days of a one-year revocation.
- (3) Under the 3rd DWI conviction, the license is revoked for 5 years rather than 10 years (current law), with the possibility of earning back the last 2 years.

District 4B — Juneau

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CSHB 53 (Jud)
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- (4) Authorizes the court to require a convicted defendant to participate in rehabilitative alcohol treatment programs. This provision is necessary because, as a result of recent decisions from the Court of Appeals, courts can no longer continue the prior practice of requiring convicted offenders to participate in treatment programs.

The increase in DWI penalties is balanced fiscally by the reduction in penalties for driving with a license revoked (DWLR) or suspended (DWLS). The Department of Corrections states that there should be no fiscal impact on the correctional system.

CSHB 53 (Jud) 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 DWLR/DWLS offenders out of jail and get the most dangerous drunk drivers off the road, in jail, and into treatment.

This legislation is supported by Mothers Against Drunk Driving, the Alaska Council on Prevention of Alcohol and Drug Abuse, and the Departments of Law, Public Safety, and Corrections.

COMPARISON OF PENALTIES
CSHB 53 (JUD)

CRIME	CURRENT LAW	CSHB 53 (Jud)
1st DWI	3 days in jail; 90 day loss/license \$250 fine	3 days in jail; 90 day loss/license Earn back last 60 dy \$250 fine
2nd DWI	20 days in jail; 1 yr loss/license \$500 fine	20 days in jail; 1 yr loss/license Earn back last 60 dy \$500 fine
3rd DWI	30 days in jail; 10 yr loss/license \$1000 fine	60 days in jail; 5 yr loss/license Earn back last 2 yrs \$1000 fine
4th DWI	30 days in jail; 10 yr loss/license \$1000 fine	120 days in jail; 10 yr loss/license Earn back last 5 yrs \$2000 fine
5th DWI	30 days in jail; 10 yr loss/license \$1000 fine	240 days in jail; 10 yr loss/license Earn back last 5 yrs \$3000 fine
6th DWI	30 days in jail; 10 yr loss/license \$1000 fine	360 days in jail; 10 yr loss/license Earn back last 5 yrs \$4000 fine
DWLR/DWLS 1/non-DWI	10 days in jail; 1 yr loss/license	10 days/jail w/10 sus 90 day loss/license 80 hrs comm. service
DWLR/DWLS 2/non-DWI	10 days in jail; 1 yr loss/license	10 days in jail 90 day loss/license
DWLR/DWLS Court ordered revoc for 1/DWI	30 days in jail; 1 yr loss/license \$500 fine	20 days/jail w/10 sus 90 day loss/license 80 hrs comm. service \$500 fine
DWLR/DWLS Court ordered revoc for 2 or more DWI	90 days in jail; 1 yr loss/license \$1000 fine	30 days in jail; 90 day loss/license \$1000 fine

Penalties Comparison

FISCAL NOTE

REQUEST:

Revision Date	<u>2/9/90</u>	Agency Affected:	<u>Alaska Court System</u>
Title:	<u>An Act relating to the privilege to drive...</u>	BRU:	<u>Trial Courts</u>
Sponsor:	<u>Ulmer, Koponen, Collins</u>	Components:	<u></u>
Requestor:	<u></u>		

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact. See attached analysis.

Prepared by: Jan Strandberg, General Counsel
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/09/90
 Date: 02/09/90

Distribution (by preparer):
 Legislative Finance
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 Office of Management & Budget
 Impacted Agency(ies)

AK Court System - Fiscal note

Alaska Court System

CSHB 53 (Jud)

Any fiscal impact on the Alaska Court System will be in the number of review hearings that may be held under sections 24 and 27. Because that number cannot be determined with any accuracy at this time, no fiscal impact is indicated. If the court finds that it is holding an appreciable number of review hearings, a supplemental appropriation will be requested.

FISCAL NOTE

REQUEST:

Revision Date: 1-10-90
Title: An act relating to drunk driving penalties
Sponsor: Rep. Ulmer
Requestor: _____

Agency Affected: Department of Corrections
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

see Attached

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
Division: Administrative Services Date: 1-12-90

Approved by Commissioner: _____ Date: 1-12-90
Agency: Department of Corrections

Distribution (by preparer):

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

Dpt. of Corrections - Fiscal note

FISCAL NOTE

REQUEST:

Revision Date: January 19, 1990
 Title: "An Act relating to...
 driving while intoxicated..."
 Sponsor: House Judiciary Committee
 Requestor: Repr. Ulmer

Agency Affected: Department of Law
 BRU: Prosecution
 Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services
 Approved by Commissioner: Richard I. Pegues /FOR/
Douglas B. Bailey, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: January 19, 1990
 Date: January 19, 1990

Distribution (by preparer):

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

Dpt. of Law - Fiscal note