

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8913 SENATE JUDICIARY

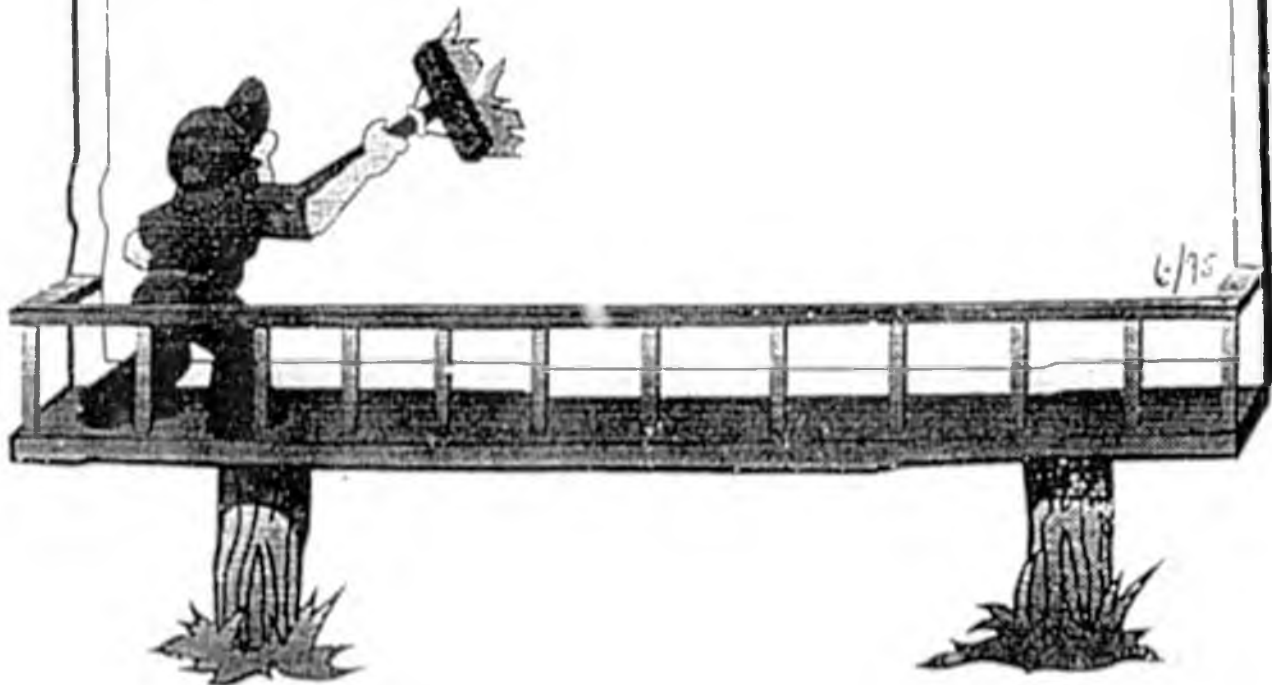
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Save Lives With...

A GRADUATED DRIVER LICENSING SYSTEM

FOR YOUNG NOVICE DRIVERS



Traffic crashes are the number one cause of youth deaths. One answer to minimizing the tragic outcomes caused by youthful drivers is a graduated driver licensing system.

What is Graduated Licensing?

Graduated Licensing is a system designed to ease beginning drivers into the traffic environment under controlled exposure to progressively more difficult driving experiences. This system helps improve their driving skills and helps them acquire on-the-road experience under less risk conditions by progressing, or graduating, through driver licensing stages before unrestricted licensure. The system consists of three licensing stages, named by the type of license possessed at each stage: learner's permit, intermediate or provisional license, and full or unrestricted license.

There are several states that have a three tiered licensing system with some components of a graduated licensing system. But, within the majority of states, the learner's permit period, if required, has minimal requirements and restrictions and a full unrestricted license can be acquired at a young age with minimal behind-the-wheel experience.

Why do we need Graduated Licensing?

Young people, ages 15-20, continue to be overrepresented in motor vehicle crashes. The problems contributing to young drivers' high crash rates include:

- **Inexperience:** Novice drivers lack the adequate skills needed to safely operate a motor vehicle.
- **High risk-taking behavior:** Characteristics of young drivers include being immature and impulsive which results in poor driving judgement and participation in high risk behaviors such as speeding and traveling too fast for conditions.
- **High risk exposure:** Novice drivers drive during nighttime high-risk hours, often with young passengers in the vehicle. Having passengers in the vehicle can cause distractions and peer pressure to participate in risk-taking behaviors.

Considerable driving experience is required, after initial licensing, before a young, novice achieves dependable skills, judgement, and performance that result in safe driving.

A graduated driver licensing system addresses the causes of youth crashes by:

- Increasing the amount of supervised behind-the-wheel driving practice.
- Increasing exposure to more difficult driving experiences through each stage of licensure by gradually removing restrictions, so that new and more complex traffic conditions are encountered.
- Requiring crash and conviction free driving performance for a minimum period of time before advancing to the next level of licensing.

REDUCING DRIVING RISKS THROUGH GRADUATED LICENSING

Developing safe behaviors early in the driving experience also can impact the high risk years of the early 20's and beyond. As young drivers progress through the licensing stages, they are given the opportunity to gain driving practice and maturity before receiving a full license. This chapter describes the three stages of licensure and provides an explanation of the components that are recommended for each stage.

The three stages of a graduated licensing system are:

- Stage 1: Learner's permit.
- Stage 2: Intermediate or provisional license.
- Stage 3: Full or unrestricted license.

Each stage includes specific recommended components and restrictions to introduce driving privileges gradually to beginning drivers. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next stage.

The following graduated licensing program provides guidance to States in their implementation of graduated licensing to address youth traffic safety problems.

Stage 1: Learner's Permit

The learner's permit allows the novice driver the opportunity to practice basic skills and safe driving practices under controlled and totally supervised conditions prior to obtaining an intermediate license. Example eligibility recommendations and components follow:

Eligibility recommendations for a learner's permit

Prior to receiving a learner's permit, the novice driver should:

- Meet the minimum age required by the state (e.g., be at least 15 1/2 years of age).
- Pass vision and knowledge tests, including rules of the road and signs and signals.

Recommended components for a learner's permit

The following components should be considered as part of the learner's permit stage:

- All driving must be supervised by licensed parent, guardian, or adult at least age 25 or older.
- All vehicle occupants must wear safety belts.
- Motorcycle learner must wear helmet and carry no passengers.

- Motorcycle learner must wear helmet and carry no passengers.
- All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).
- License revocation for any alcohol-related offense.
- Youth-oriented and more rapid driver improvement actions are taken in the event of violations or at-fault crashes.
- Intermediate license is distinctive from learner's permit and regular license.
- Must remain crash-and conviction-free for 12 consecutive months to move to the next stage.
- Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).
- Recommend novice driver receive advanced driver education.
- The driver could be subject to limitations on speed or road types that they are allowed on (e.g. 45 m.p.h. speed limit and no freeway driving), or the number of passengers allowed in vehicle.

Stage 3: Full License

The full or unrestricted license allows the applicant unlimited driving privileges.

Eligibility recommendations for full license

For the novice driver to be eligible for a full license, the following components should be considered:

- Successfully complete the intermediate license stage.
- Meet any minimum age required by the state.
- Successfully complete advanced driver education.
- Pass a second level knowledge and on-road driving skills test.

Recommended components for full license

The following components should be considered as part of the full license:

- All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).
- A provisional license for suspended or revoked drivers (all ages) requiring violation and crash free driving for a specified period, prior to reobtaining full licensure.

Stage 2: Provisional license

Eligibility requirements

- Must have been at least 16 years old.
- The learner's permit had to have been in effect for at least 14 days.
- Must have successfully completed driver education, if under 18 years old.
- Had to pass an on-road performance test.

Program components

- Restricted driving hours between 1:00 a.m. and 6:00 a.m., unless accompanied by a licensed driver at least 21.
- Six months of conviction free driving prior to obtaining a "regular" license.
- Parent-supervised driving practice.
- Youthful driver improvement program (e.g., for first offense, person was sent a safety pamphlet and had to report for a test on its content).
- License was distinctive from regular license.

Stage 3: Regular adult license

Had to be at least 18 years old or until six months of conviction-free driving had been accumulated.

The major findings of the project: Youth License Control Demonstration Project (1993), showed a five percent reduction in crashes and 10 percent reduction in convictions for all 16 and 17 year old drivers. Because it was estimated that only about half of those in that age group were actually operating with provisional licenses at any particular time, the true effectiveness of this program, in terms of reducing crashes and convictions, may have been as high as 10 percent and 20 percent respectively, for drivers subject to the components of the provisional program.

The State of Maryland has, since the completion of this project, extended the period of conviction free driving from six months to one year, and the night-time restriction from 1:00 to 6:00 a.m. to midnight to 6:00 a.m.

Program components

- Youthful driver improvement program; subject to postlicensing control actions at lower negligent operator points (e.g., warning letters, driving restrictions, and license suspension).
- Distinctive license.

Stage 3: Full Adult License

Minimum age was 18 years old.

In a December 1988 report titled The Traffic Safety Impact of Provisional Licensing, the California Department of Motor Vehicles reported that while they found no significant effects in reduction of total, fatal, or single vehicle crashes, there was evidence that graduated licensing prevented what otherwise would have been a 13 percent rise in the fatal and injury crash rate among 15-17 year old drivers.

Oregon

Oregon's Provisional Licensing Program was implemented on October 3, 1989. The following components were evaluated:

Stage 1: Instruction Permit

Eligibility requirements

- Minimum age for a permit was 15.
- Pass vision test and knowledge test on rules of the road.

Program components

- Permit was valid for 18 months.
- Licensed adult at least age 21 in required in vehicle.
- Administrative suspension for any measurable amount of alcohol (zero tolerance .00 for under 21).
- If under 18 and convicted of any alcohol or drug offense license was suspended for one year or until 17, whichever was longer.
- Distinct permit.

New Zealand

In 1987, a graduated driver licensing system was introduced for New Zealand's young novice drivers ages 15-25. The following components of this system were implemented and evaluated:

Stage 1: Learner's Permit

Eligibility requirements

- Minimum age for a permit was 15 years old.
- Required to pass written and oral tests, as well as vision and hearing tests.

Program components

- Holder of the permit had to be accompanied by a fully licensed driver (licensed driver, for at least 2 years, at least 20 years old).
- Permit was required for six months before attempting driving test. Six months was reduced to three if learner took a driving course.
- Zero alcohol while driving.

Stage 2: Restricted License

Eligibility requirements

- Minimum age for restricted license was 15 years six months, 15 years three months with driver training course.
- Had to pass practical driver licensing test.

Program components

- Restricted driving from 9:00 p.m. to 5:00 a.m. unless accompanied by an adult.
- No passengers in car unless supervised by an adult (licensed driver, for at least 2 years, at least 20 years old).
- Zero blood alcohol concentration (.00).
- Conviction free for six months (three months if certified by a driving instructor).

Optional third stage required a "clean conviction record" for five consecutive years prior to the final stage of licensure.

GRADUATED LICENSING IN THE STATES

Although no state has a comprehensive graduated driver licensing system, some states do have several components of a system. States that have three stages of licensing, meaning they require a learner's permit, have some kind of intermediate license (e.g., provisional or junior license), and a full unrestricted license include: California, Colorado, Maryland, Massachusetts, New York, Pennsylvania, West Virginia, and Wisconsin.

Components of Learner's Permit

In Pennsylvania and Massachusetts, the minimum age required to be eligible for a permit is 16 years. In the other states, the age ranges from 15 years in California and West Virginia to 15 years and 9 months in Maryland. The length of time a permit must be held varies from 90 days in Colorado to no minimum time in New York (no minimum time required but, permit is required prior to taking a road test for a junior license). All of these states require a vision and knowledge test. Supervision of learner's driving varies from parent or guardian in Wisconsin to a licensed driver 18-25 years old or older in the other states. In California, to be eligible for a permit, the learner must be enrolled in driver education and training. In Colorado a learner can receive a permit three months earlier (15 years 3 months) if they are enrolled in driver education. All these states have safety belt laws and California, Maryland, Massachusetts, and West Virginia have zero tolerance laws for under age 21. Wisconsin has a zero tolerance law for under age 19. In Pennsylvania, a license is suspended for any alcohol-related violation.

Components of Intermediate License

The minimum age required for an intermediate license in all of the above states, except Massachusetts, is 16. In Massachusetts the minimum age is 16 1/2. Colorado has a minor's license (age 16-18) and a provisional license (age 18-21). All of these states require a road test. In California, the driver must also pass a provisional licensing law test and vision test. In Wisconsin, the driver must pass a knowledge and vision test. In California, Maryland, Massachusetts, and Wisconsin the new driver must have completed driver education to be eligible for an intermediate license. In West Virginia, if a new driver completes driver education between the ages of 16-18 they are issued an unrestricted license. California is the only state that requires certification of driving practice by a supervising adult to be eligible for an intermediate license. Maryland, Massachusetts, New York, and Pennsylvania have nighttime driving restrictions. All states except Maryland and Pennsylvania, have youthful driver improvement programs which primarily comprise of licensing actions at lower point levels. All of these States have a distinct license.

Components of Full or Unrestricted License

The minimum age for a full unrestricted license is 16 in West Virginia, if driver has completed driver education. In Pennsylvania and New York the age is 17 with having completed driver education. In Pennsylvania the driver must also have one year of conviction free driving. In California, Maryland, Massachusetts, and Wisconsin the age is 18. In Maryland the driver must have one year of conviction free driving and must have completed driver education or three hours of a drug and alcohol awareness program. Colorado's minimum age for a full license is 21.

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Representative Joe Green

District 12

Sponsor Statement

HB 57 - "Licensing Requirements for Drivers"

Currently 16-20 year old drivers comprise 6.2 percent of Alaskan drivers, but account for 28 percent of all fatal crashes. Due to this high incidence of accidents, injury, and death among teenage drivers many states are changing the rules which grant teenagers the "license" to drive.

One strategy to reduce young driver accidents is the provisional licensing system. HB 57 establishes a graduated system whereby a 14 year old may apply for a learners permit. At age 16, providing the driver has held a permit for at least 6 months, he/she can be graduated to a provisional license. This provisional license has restricted nighttime driving hours between 1AM and 5AM, with an exception made for driving to and from work. At age 17, if driving performance has been satisfactory during the one year provisional period, an unrestricted license can be awarded.

Currently, 12 states have laws which limit teenagers from operating motor vehicles during late evening or early morning hours. Studies in these states have shown that nighttime restrictions have significantly reduced accidents.

HB 57 is designed to allow the Department of Public Safety to take advantage of new federal funding to implement such legislation. The epidemic of disproportional teenage accidents nationwide led to the "High Risk Drivers Act of 1993" which established monetary incentives for states that implement programs for young drivers. I believe that enacting a graduated drivers license will help stop the teenage carnage on our highways, just as it has in every state that has enacted similar legislation.

SPONSOR STATEMENT

TONY KNOWLES, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

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February 2, 1995

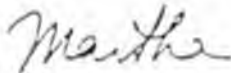
Juanita Hensley
Chief, Driver Services
Department of Public Safety
Division of Motor Vehicles

Dear Nita,

Attached is information from the Alaska Trauma Registry on motor vehicle drivers involved in crashes and admitted to an Alaskan hospital for 1991 through 1994. Missing from this data are passengers requiring hospitalization after a vehicle crash involving a youthful driver.

Please let me know if you have any questions or if there is additional information that you need.

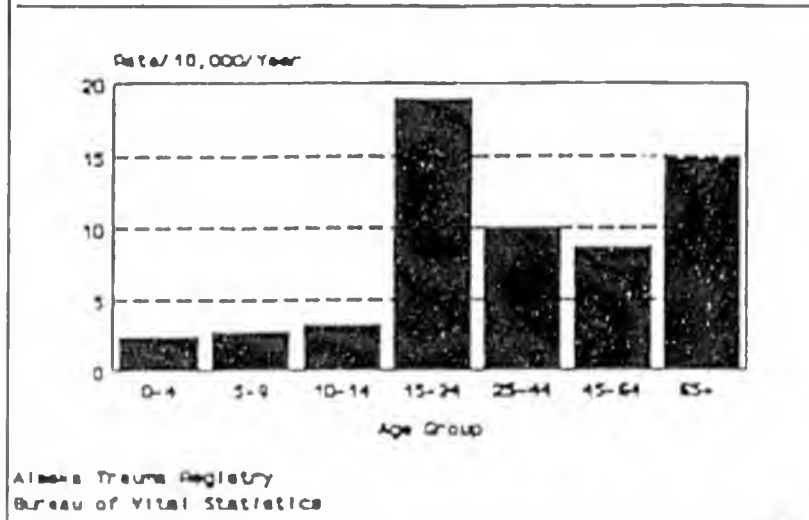
Sincerely,



Martha Moore
Trauma Registry Coordinator

For the years 1991 and 1992, the 15-24 age group had the largest rates of fatal and non-fatal hospitalized motor vehicle crash injuries in Alaska.

Fatal and Non-Fatal (Hospitalized) Injuries, 1991-1992
Alaska Statewide
Motor Vehicle Traffic [N=1057]



From 1991 through 1994, the Alaska Trauma Registry has information on traumatic injuries resulting in hospitalization, transfer to another hospital, or emergency department death, including 'Dead on Arrival'. Data for 1994 is not yet complete.

Out of 979 drivers hospitalized due to motor vehicle crashes, 128 (13%) were age 20 and under. Of the hospitalized youth, alcohol was suspected to be a factor in 31 (24%) of the incidents. Of the 277 hospitalized drivers for whom alcohol was suspected to be a factor, 11% were age 20 and under.

Injury time was indicated for 106 of the youth drivers. In 24 (21%) of the cases, the injury occurred between 1:00 AM and 5:00 AM. In another 29 cases (36%), the injury occurred between 9:00 PM and 1:00 AM.

Of the 128 youth drivers 8 (6.3%) were critically injured, 11 (8.6) were severely injured, 41 (32%) seriously injured, 53 (41.1%) moderately injured, and 11 (8.6) sustained minor injuries. Four were not scored for injury severity.

Of the 128 youth drivers hospitalized, 8 died and 12 were discharged with a permanent disability. Five were discharged to an inpatient rehabilitation facility and 1 to a residential facility.

Based on available hospital charge information, the average cost per patient per admission in the 14 through 20 age group was about \$20,000. Not included is physician fees, rehabilitation costs, and subsequent disability payments.

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Alaska and North Carolina are the only states to receive grants to develop a pilot project and evaluate the provisions of a graduated license program. If legislation (HB 57) passes the legislature, Alaska will evaluate the project and report back to the National Highway Traffic Safety Administration by June 1998.

GRADUATED LICENSE. WHAT IS IT?

Graduated license basically is a restricted license program that allows youth drivers to learn over a period of time with restrictions. The idea is to help beginners learn to drive step by step by controlling their progression toward full driving privileges. Restrictions are lifted gradually and systematically until the driver graduates to an unrestricted license. This helps in two ways. It ensures that new drivers accumulate the behind-the-wheel experience in low-risk settings. It also means drivers are older and maybe more mature by the time they get their regular licenses. Alaska does not have driver education programs in our schools, so our youth driver's commonly learn by trial and error.

Youth drivers in Alaska are definitely over-represented in all of the statistics. Drivers between 16 through 20 represent only 6.2% of the licensed drivers in Alaska, however, they represent 12.9% of the total traffic crashes in the state. 28.8% of the total fatal crashes involved youth between 16 and 20 for 1993.

In the states that have implemented graduated licensing systems show the following benefits:

California and Maryland report a 5 percent reduction in crashes for drivers ages 15-17. Maryland also reports a 10 percent reduction in traffic convictions for driver's age 16-17.

Oregon reports a 16 percent reduction in crashes for male driver's age 16-17.

HB57 was introduced again this year by Representative Joe Green from Anchorage. This bill, if enacted, would establish a graduated driver license program for Alaska.

Intermediate (Provisional) Stage

- Pass behind-the-wheel skills test.
- Violation free record for six months before progressing to next stage.
- All occupants must wear safety belts.
- Zero tolerance for under age 21.
- Permit revocation for any alcohol - related offense.
- Driving restricted; no driving 1:00 am - 5:00 am (exceptions).
- Youth - oriented and more rapid driver improvement actions.
- Parent participation.
- Applicant age 16, but not yet 18 must have been licensed under and instruction permit under state law or under the law of another state with substantially similar requirements for at least six months.

Legislation: Currently, Alaska has statutes in place to cover driver improvement actions for all drivers with suspension at 12 points and a interview at six points. Proposed provisional license bill states that drivers with a learner's permit or provisional license will be subjected to suspension at six points and an interview at three points. The bill is being amended to also include:

- Parent participation in the process.
- Violation free driving record for one year during the provisional license phase

Evaluation: During the intermediate stage the following will be evaluated:

- Clean driving record for six months prior to issuance of provisional license
- Zero tolerance
- Revocation for any alcohol - related offense
- Restricted hours of operation
- Youth - oriented and more rapid driver improvement actions
- Parental participation in the process.

Full licensure

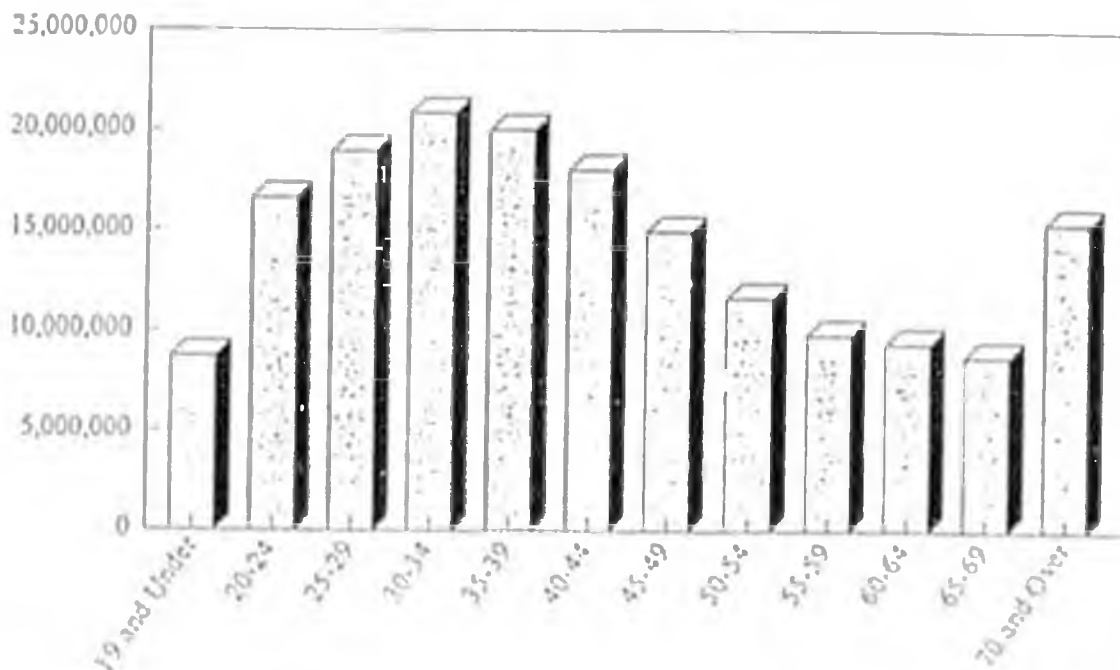
- Complete intermediate phase with clean driving record for one year.
- Zero tolerance for under age 21.
- Provisional license requirement for all suspended or revoked drivers requiring violation - free driving for one year.

Evaluation: All three elements of the phase will be evaluated

Teenage Driving Statistics

- Auto accidents are the number one killer of teenagers
- Teenagers make up 5 percent of the licensed population
- Teenagers are involved in 14 percent of all fatal accidents
- The risk of fatal crashes for teenagers is highest between 9 p.m. and 6 a.m.
- In 1993, 44% of the 16-year-old drivers involved in fatal accidents were single vehicle crashes
- Research indicates night driving curfews have resulted in crash reductions of 69%
- 20% of all passengers who die in crashes do so when a teenager is driving
- 67% of teen passenger deaths occur in crashes in which another teen is driving

Number of Licensed Drivers by Age



Source: National Association of Independent Insurers

NATIONWIDE

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Home Office - Columbus, Ohio • Western Direct Operations - Portland, Oregon

Graduated Teen Licensing Means Fewer Teen Fatalities

It's pretty easy to get a driver's license in most states. As long as you're 16 (15 in some states), you can take to the road with essentially full privileges. In most states, all that's required is passing a driving test and a simple written exam. The only other requirement in many states for full licensing is completion of an approved driver training course. Unfortunately, even the best driver's education courses don't create safe drivers overnight.

Inexperienced drivers have more accidents.

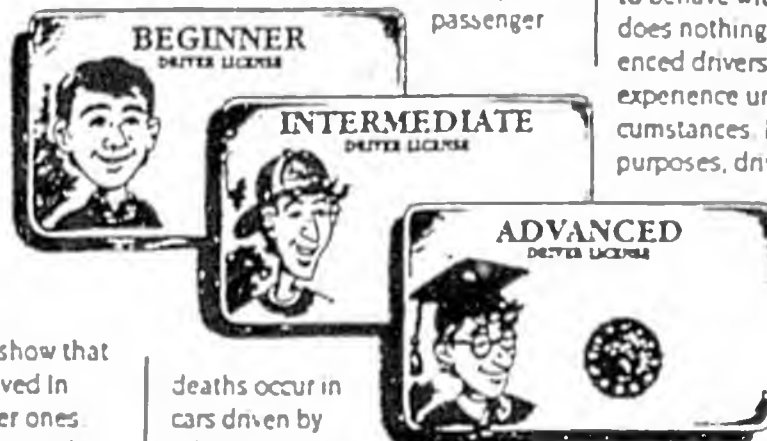
Time and again, studies show that younger drivers are involved in more accidents than older ones. And, the problem can't be attributed entirely to more aggressive behavior or attitude. It's related more fundamentally to experience. That's an important distinction, because it means that even if the young driver in your household behaves conscientiously and carefully on the road, he or she is still more likely to have an accident than drivers in any other age group, including the elderly. There's simply no substitute for on-the-road experience.

Graduated licensing: how it works, how it helps.

Under graduated licensing, beginners learn to drive step by step in a controlled progression before being awarded full driving privileges. While graduated systems may vary somewhat, an essential

feature of all is a ban on late-night driving, when the threat of accidents is greatest because of poor visibility. Other requirements usually include the supervision of a parent during the beginner stage, and limits on the number of passengers a beginner may transport (research shows the majority of

teen age passenger



deaths occur in cars driven by other teenagers).

In any case, restrictions are gradually lifted as drivers gain experience and pass advanced driving tests. Penalties for violations are also more severe than for unrestricted drivers, and may trigger specific driver improvement requirements.

Older licensing ages, probationary periods not as effective.

Raising licensing ages provides some improvement in teenage crash rates, but it still doesn't take the place of on-the-road experience. Statistics show that drivers in their twenties still have more accidents than slightly older drivers.

Many states have tried to deal with the problem by instituting what is called a "probationary"

licensing program. This means that legal actions like suspension can be imposed more quickly and easily in the event of a traffic violation or accident.

Unlike graduated licensing, probationary licensing uses only the threat of punishment to encourage younger or inexperienced drivers to behave with greater caution. It does nothing to help inexperienced drivers gain on-the-road experience under controlled circumstances. For all practical purposes, drivers with probationary licenses have

unrestricted driving privileges.

New Zealand's experience.

In New Zealand, graduated licensing

has been in effect since 1987 and has reduced accidents among young drivers dramatically. The effect is particularly noticeable among 15-19 year olds. And it's important to note that the New Zealand plan applies to all drivers under the age of 25, not just to teenagers.

In Ontario, Canada, graduated licensing was recently implemented, requiring all new drivers, regardless of age, to drive for a minimum of 24 months before an unrestricted license can be granted.

Based on the New Zealand experience and with further research and experimentation, graduated licensing may be tried in the United States in the near future.

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Young drivers

Let's start them off slowly

State Rep. Joe Green, R-Anchorage, wants to make it harder for teenagers to win full driving privileges. More power to him. The graduated licensing process he has in mind should help make Alaska roads safer for both youths and adults.

Rep. Green's bill is grounded in a reality that makes every parent of a teen worry. Young drivers simply have more accidents.

In Alaska, drivers age 20 and under are only 6.2 percent of the driving population, but they account for twice that number of accidents — 12.8 percent. (That's according to 1993 data from the Alaska Highway Safety Planning Agency.)

No doubt Rep. Green's idea will prove unpopular with Alaska youths. They'll naturally resent being barred from late night driving or having to maintain a clean record before getting full driving privileges.

At 16, a driver's license is a ticket to freedom, a chance to exercise new-found independence, to feel the power of sitting behind the wheel.

Unfortunately, that driver's license is often a ticket to something else — the hospital, or worse. And when young drivers make misjudgments, they aren't the only ones who suffer the consequences. Often their fellow passengers or other drivers wind up hurt or dead.

Contrary to what some youths may think, driving is not a right, it's a privilege — a privilege that carries a heavy responsibility. Creating a graduated

TONY KNOWLES, GOVERNOR

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DEPARTMENT OF PUBLIC SAFETY

HIGHWAY SAFETY PLANNING AGENCY

March 30, 1995

The Honorable Mark Hanley
Alaska State Legislature
State Capitol, Room 507
Juneau, AK 99801-1182

Dear Representative Hanley:

The Alaska Highway Safety Planning Agency (AHSPA) is responsible for the Governor's highway safety program. The goals of this program are to reduce fatalities and injury vehicle accidents on Alaska's roadways. In 1994 drivers between the ages of 16 through 20 represented only 6.2% of all licensed drivers in Alaska, they represent however, 12.9% of the drivers involved in traffic crashes within the state. This same age group was also involved as drivers in 28.8% of total fatal crashes in Alaska. Nationwide more than 40% of all deaths of persons ages 15 to 20 result from motor vehicle crashes. This is a loss of over 6,500 young lives. Many of these deaths may have been avoided if a Graduated Licensing System nationwide had been in place.

Recent studies conducted by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) indicate that graduated licensing systems can reduce crashes, injuries and deaths through a graduated drivers licensing program. Under this system, novice drivers are required to demonstrate responsible driving behavior in each stage of the licensing before advancing to the next level.

The Highway Safety Planning Agency encourages you to give strong consideration to passage of HB 57. We believe it will have a positive effect on ensuring the safety of our States most valuable resource, it's young people. We thank you for your consideration, and look forward to working with you on this issue.

Sincerely,


Lorn M. Campbell
Administrator



Representative Joe Green
Alaska State Legislature
Juneau, AK 99801-1182

FEB 26 1996

February 21, 1996

Dear Representative Green:

On behalf of the Juneau Mayor's Task Force on Youth, we would like to express our support for HB 57 - Licensing Requirements for Drivers. We support a provisional licensing system as a way to reduce young driver accidents and prevent injury and death among teenage drivers in Alaska.

The Mayor's Task Force on Youth is concerned with the health and safety of young people in Juneau. We support programs, activities and public policy which support youth in making a healthy transition to adulthood.

The Mayor's Task Force on Youth agrees with the legislation proposing a graduated licensing system allowing a 14 year old to apply for a learners permit, while increasing the age of the person accompanying the permittee to 25 years of age. This will provide an opportunity for young drivers to learn from more experienced and hopefully more responsible drivers. We support allowing youth to get a provisional license at age 16 with restrictions on nighttime driving hours between 1 am and 5 am. We appreciate the exemption made for driving to and from work. At age 17 youth can progress to an unrestricted license if their driving performance has been satisfactory.

We do not feel this legislation will unduly limit the rights and freedom of young drivers, but rather provides a chance for them to gradually learn to be responsible drivers. This legislation will not significantly affect those youth who are already responsible drivers, instead it will support their efforts to drive carefully and responsibly.

We hope HB 57 will be supported by this committee and the legislature and be enacted by the Department of Public Safety as a way to reduce injuries and death to young drivers.

Thank you for introducing and supporting this legislation. If you need any additional support please do not hesitate to call Jeannie Monk at 463-5844 or Ron Gleason at 463-1900.

Sincerely,

Jeannie Monk
Co-facilitator,
Mayor's Task Force on Youth

Ron Gleason
Co-facilitator,
Mayor's Task Force on Youth

HB

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Anchorage

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(907)263-8251

March 13, 1995

Senator Robin Taylor
Senate Judiciary Committee
State Capitol
Room 30 Juneau, AK 99801-1182

Re: House Bill 72 - Uniform Fraudulent Transfers Act

Dear Senator Taylor:

I am writing to express my continued concern regarding the above legislation and to make corrections to my letter of March 3, 1995. In the first sentence of the second full paragraph on page 2 of that letter, I indicated that the Uniform Fraudulent Conveyance Act did not cover future creditors. On further historical research, I find that it actually did address some aspect of the future creditors issues.

I was also in error when I indicated that testimony in response to a question from Representative Kott was before the House Judiciary Committee. It was actually before the House Labor & Commerce Committee on February 1, 1995. The testimony was as follows:

CHAIRMAN KOTT asked if there are any circumstances by which a transferee of a good faith transfer for value would be subject to judgment?

MS. PERELMAN answered that the Act sets out badges of fraud which allow that even if there was a good faith transfer for value, it can still be considered a fraudulent transfer under the Act, if certain components of the Act are met. She restated that her answer was "yes" there are transfers that can still be considered a fraudulent transfer, even if done in good faith.

This testimony occurred at approximately 3:00 P.M. between #169 and #196.

We have been attempting to work with House Judiciary Committee staff and members of the Attorney General's office to craft a more workable bill. Unfortunately, these efforts have not been successful to date.

March 13, 1995
Page 2

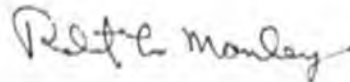
HUGHES THORSNESS
GANTZ POWELL & BRUNDIN
ATTORNEYS AT LAW

As indicated in my prior letter, I and other members of the Estate Planning community would like the opportunity to testify before your committee if the bill is brought up for hearing

Very truly yours,

HUGHES THORSNESS GANTZ
POWELL & BRUNDIN

By



Robert L. Manley

RLM:kah\7564

cc: Members: Senate Judiciary Committee:
Lyda Green
Mike Miller
Albert Adams
Johnny Ellis

HB

75

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSSHB 75 (FIN)

Revision Date:	<u>3/14/96</u>	Dept. Affected:	<u>Corrections</u>
Title:	<u>An act related to vehicle theft...</u>	BRU:	<u>All</u>
Sponsor:	<u>Rep. Sanders</u>	Component:	
Requester:	<u>Senate Judiciary</u>	COMPONENT SERIAL NO.	<u># 0694</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	513.0	520.7	528.5	536.4	544.5	552.6
TRAVEL						
CONTRACTUAL	727.0	727.0	727.0	727.0	727.0	727.0
SUPPLIES	66.7	66.7	66.7	66.7	66.7	66.7
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,306.7	1,314.4	1,322.2	1,330.1	1,338.2	1,346.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	10					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Based on data supplied by DPS and DOL, the Department of Corrections projects the following fiscal impact :

Thirty-two (32) offenders with a prior felony conviction will be convicted of vehicle theft in the first degree. They will be subject to a presumptive sentence of two years in prison. They will serve 16 months allowing for good time reduction. These people are currently serving an average of 30 days. Thus, they will serve an additional 15 months in prison and 8 months on mandatory parole. Of the additional prison time, it is assumed they will average 3 months in prison and 12 months in a CRC.

CONTINUED ON PAGE 2

Prepared by:	<u>Jerry Shiner</u>	Phone:	<u>465-4652</u>
Division:	<u>Office of the Commissioner</u>	Date:	<u>3/14/96</u>
Approved by Commissioner:	<u>Margaret M. Pugh</u> Margaret Pugh	Date:	<u>3/14/96</u>
Agency:	<u>Department of Corrections</u>		

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Fiscal Note
"An Act relating to Vehicle Theft"
Page 2 of 2

(Continued from page 1 of 2)

32 Offenders X 90 days X \$107 per day	= \$ 308,160
32 Offenders X 365 days X \$57 per day	= \$ 665,760
32 Offenders X 240 days X \$4.25 per day	= \$ 2,940
TOTAL NEW	= \$1,006,560

Forty-three (43) new "C" Felons will be convicted and sentenced to an average of 30 days in CRC's and 6 months probation. These first time offenders would have been serving an average of 5 days which would have been served in a CRC under the old statute. An average net of 25 additional days will be served per offender and the sentence will be served in a CRC at an average cost of \$ 57.00 per day.

New (43 Offenders X 180 Days X \$ 4.25 per day)	=	\$ 32,895
New (43 Offenders X 25 Days X \$ 57.00 per day)	=	<u>\$ 61,275</u>
TOTAL NEW	=	\$ 94,170

Eighty-five (85) additional "C" felons will be convicted and receive a suspended imposition of sentence for one year. Their conviction will be set aside if these offenders successfully complete their year's probation. The Department assumes that these will be the least serious first time offenders, to be managed at a lower level of probation supervision, and the cost per case will be about 1/2 the average cost of other probationers in this group of offenders.

New (85 Offenders X 365 days X \$ 4.25 per day) = \$ 131,856 [Probation]

Each felony conviction will require a pre-sentence investigation. While the cases would be spread across the state, the incremental equivalent is 1.4 probation officer positions.

P.O. I! (w/benefits) \$ 52,900 X 1.4 = 74,060 for presentence investigations

A total of four (4) probation officers and an Administrative Clerk will be required to prepare reports and supervise additional cases.

One post will be added to one medium secured facility to take care of the additional inmate load.
5 x 48.3 = \$241.5 \$66.7 is included in supplies for food and miscellaneous expenses.

TOTAL NEW COSTS

\$ 1,306,646

FISCAL NOTE

no. 15

Bill Version: CSSSHB 75(FIN)

(H) Publish Date: 2/23/96

**STATE OF ALASKA
1996 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Public Safety
 Title: Felony Vehicle Theft BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Sanders
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	8.8	8.8	8.8	8.8	8.8	8.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.8	8.8	8.8	8.8	8.8	8.8
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.8	8.8	8.8	8.8	8.8	8.8
1005 GF/Program						
1008 GF/MHTIA						
Other						
TOTAL	8.8	8.8	8.8	8.8	8.8	8.8

Estimate of current year (FY 98) impact: \$ _____

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.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 22, 1996
 Approved by Commissioner: Ronald L. Otte Date: 2/23/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 75Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

This legislation will amend current state law so that all occurrences of taking a motor vehicle would be a felony. Under existing law the taking of a motor vehicle is only a felony if the vehicle is an emergency vehicle or \$500.00 or more in damage is done to the vehicle or other property.

This bill will have fiscal impact on the Department. Felony cases require more effort from the Department than do misdemeanor cases. That increased effort includes the court time involved by the Troopers worked on the case, increased evidence collection and processing, and increased report documentation with short time limits for report completion. It is difficult to place a precise dollar figure on this type of fiscal impact because of the many variables involved. At the very least, the passage of this bill will require the investigating trooper to attend a grand jury session.

In 1995 the Troopers arrested 89 persons for "joyriding." One third of those cases were removed assuming that the case was investigated by a trooper assigned to day shift and no additional costs would be incurred for that trooper to testify before the grand jury. This leaves about 60 cases worked by swing and graveyard shift troopers who would have to attend the grand jury on overtime with a minimum of three hours pay by contract. This adds up to \$8,820 in overtime costs, using an average figure of \$49 per hour. Note: the average cost of \$49 per hour is just that an average cost. More senior troopers being paid at a higher step, geographic differential, and travel cost for troopers to fly to court from outlying areas would all have an effect on the figures.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Jo. 14
Bill Version: CSSSHB 75(FIN)
(H) Publish Date: 2/23/96

Revision Date: _____
Title: "An Act relating to vehicle theft and consequences of vehicle theft..."
Sponsor: Rep. Sanders
Requestor: (H) FIN

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	86.2	86.2	86.2	86.2	86.2	86.2
TRAVEL						
CONTRACTUAL	7.0	7.0	7.0	7.0	7.0	7.0
SUPPLIES						
EQUIPMENT	3.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	96.2	93.2	93.2	93.2	93.2	93.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	96.2	93.2	93.2	93.2	93.2	93.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	96.2	93.2	93.2	93.2	93.2	93.2

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Based on the Department of Law's analysis of this version of the bill it appears there will be a distinct increase in the workload of the Anchorage Public Defender office. See Department of Law fiscal note dated 1/26/96. The PD will absorb this increase by adding 1/2 attorney position and 1 legal intern position to the Anchorage staff.

Prepared by: John B. Salemi, Director
Division: Public Defender Agency

Phone: (907) 264-4312
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2-9-96

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FISCAL NOTE

BILL NO. SSHB 75

STATE OF ALASKA
1996 LEGISLATIVE SESSION

ANALYSIS: (continued)

BUDGET ANALYSIS

1/2 Attorney III (Anchorage)	35.6
1 Attorney I (Legal Intern) (Anchorage)	<u>50.6</u>
	86.2
Personal Services	86.2
Contractual (Office Space)	7.0
Equipment (One Time)	<u>3.0</u>
TOTAL	96.2

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/8/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-29-96

The Judiciary Committee considered CS FOR SPONSOR SUBSTITUTE FOR HB 75(FIN)
 Relating to vehicle theft and joyriding.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Subs. Reen</i>	<input checked="" type="checkbox"/>				
<i>Kate Miller</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Corrections</i>	<i>2/14/96</i>		<i>1,306.7</i>
<i>Public Safety</i>	<i>2/22/96</i>		<i>8.8</i>
<i>Public Defender</i>	<i>2/6/96</i>		<i>96.2</i>
<i>Trial Courts</i>	<i>2/5/96</i>		<i>3.0</i>
<i>Dept. Law-Criminal</i>	<i>1/26/96</i>		<i>14.8</i>
<i>DFYS-Northern</i>	<i>1/26/96</i>		<i>61.0</i>

APPROPRIATION -- no fiscal note

DFYS - Southern + 4/26/96 61.0
 *include fiscal notes accompanying Governor's bill
DFYS - Southern 1/26/96 183.0



Official Business

COMMITTEES
Labor and Commerce
Transportation

Alaska State Legislature

Chairman - Economic Development Committee

REPRESENTATIVE
JERRY SANDERS
District 19

Anchorage
716 W 4th Ave
Anchorage, AK 99501
(907) 258-8199

State Capitol
Juneau, AK 99801-1182
(907) 465-4945

SPONSOR STATEMENT

COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL 75

VEHICLE THEFT

Sponsor Substitute for House Bill 75 labels those who take cars belonging to others as what they are -- thieves -- not joy riders or pranksters. It increases the penalty for the crime of vehicle theft to a C Felony with one minor exception (first offense snow machines) and other off road vehicles.

This bill provides a strong deterrent for those who might otherwise commit vehicle theft. Generally, under current law, those caught "joy riding" can only be convicted of a Class A Misdemeanor. The current law ties the hands of police and provides no deterrent for the car thief unless they cause \$500 damage or it is their second offense.

By increasing the crime of "joy riding" to a felony, SSHB 75 provides a strong deterrent necessary to prevent Alaska's youth from participating in vehicle theft and it gives the justice system the tools with which to make car thieves responsible for their actions.

1. Revocation of drivers licenses.
2. Mandatory restitution to the victim.
3. Raises possible (not mandatory) jail time from one year to five years.
4. Changes possible fines from \$5,000 to \$50,000.

SPONSOR STATEMENT

HB

90

FISCAL NOTES

No. 3

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO
BIL
PU
Bill Version: HB 90am
(S) Publish Date: 2-29-96

Revision Date: _____
Title: "An Act changing the date that the legislature convenes in the years following a gubernatorial .."
Sponsor: Representatives B. Davis
Requestor: Senate State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	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 FUND SOURCE						
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

Estimate of current year impact: _____

ANALYSIS (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director Phone: 465-3852
Division: Administrative Services Date: 1/17/96

Approved By: Pamela A. Varni, Executive Director Date: 1/17/96
Agency: Legislative Affairs Agency

Distribution (by preparer): Leg

FISCAL NOTES

& Impacted Agency(ies)

FISCAL NOTE

No. 4

Bill Version: HB 90am

(S) Publish Date: 2-29-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 1/23/96
Title: "An Act changing the date that the legislature convenes in the years following a gubernatorial election."
Sponsor: Rep. B. Davis
Requester: Rep. B. Davis

Dept. Affected: Executive Branch Agencies
BRU: Various
Component: Various

COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	(5.8)	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	(5.8)	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	(5.1)	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1081 Info Svcs Fund	0.0	0.0	(0.7)	0.0	0.0	0.0
TOTAL	0.0	0.0	(5.8)	0.0	0.0	0.0

Estimate of any current year (FY96) cost: 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)

Executive Branch Overtime Cost Savings

(Based on 1/16/95 overtime costs plus 1.5% increase to reflect increases due to Labor Contracts.)

Commissioner's Executive Secretaries	3,567
Governor's Executive Office over-time eligible staff	1,551
Department of Administration, Information Services over-time eligible staff	715
Total	5,833

Prepared by: Laura Baker, Budget Analyst
Division: Budget Review
Approved by Commissioner: Michelle McCornick, Director
Agency: Office of Management and Budget

Phone: 465-4884
Date: 1/23/96

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JUNEAU, ALASKA 99801-1102
907-465-1075
FAX 907-465-4550



CLERK
ANCHORAGE OFFICE
SECRETARY
JUNEAU OFFICE
LEGISLATIVE COUNCIL

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

HB 90: An Act changing the date that the legislature convenes in the years following a gubernatorial election.

It is now ten years since the President and Congress declared the birthday of Dr. Martin Luther King a national holiday. In Alaska, this holiday ironically falls on the opening day of the legislative session in the year following a gubernatorial election. This not only means that Alaska legislators are unable to pay proper homage to this great leader, but that hundreds of legislative staff are also impacted.

I propose that this particular legislative session day be changed to the following Tuesday. This action would bring Alaska in line with the other 48 states that observe this holiday.

I would like to quote the executive proclamation issued by Governor Walter Hickel:

Dr. King is remembered for his tireless dedication to achieving, through peaceful means, freedom and equal rights for all people, and for making the promise of democracy truly an inalienable right for all members of society.

It is our responsibility, as legislators, to set an example for the millions of people who have benefited from the dreams and promises of Dr. Martin Luther King, Jr.

SPONSOR STATEMENT

Position Statement

HB 90

The Knowles Administration supports HB 90. This bill would shift the beginning date of legislative sessions following gubernatorial elections by one day, in order to avoid having the opening day of the session on Martin Luther King, Jr. Day.

Although the legislature often meets on other national holidays in the midst of the legislative session, in this instance all that is required to accommodate the Martin Luther King, Jr. holiday is to move the start of the session by one day every four years. The Administration believes that this change would minimally impact legislative business, and would allow legislators, legislative staff and other state employees to appropriately honor and celebrate the birth of this great civil rights leader. In addition, this bill would result in some cost savings from a reduction in holiday overtime required to be paid to some employees who now must work on the holiday.

Alaska is geographically far removed from the heart of the civil rights movement in which Martin Luther King, Jr. played such an important leadership role. But the rights of equality and freedom for all, which he advocated, are as central to the spirit of Alaska as to any state in the Union.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 23, 1996

SUBJECT: Martin Luther King, Jr. Day (HB 90 am)

TO: Senator Bert Sharp
Attn: Ann Ringstad

FROM: Terri Lauterbach
Legislative Counsel

Terri Lauterbach

You have asked for verification that the third Monday in January is the holiday relating to Martin Luther King, Jr., and for changes in HB 90 am that would ensure that the legislators would "always have that day off."

AS 44.12.010 lists Martin Luther King, Jr.'s Birthday as being the third Monday in January.

As for the second part of your request, it is true that, in some gubernatorial election years, the third Monday in January may fall after the legislature convenes even if it convenes on the third Tuesday. This would happen if January starts on a Tuesday, so that the third Tuesday occurs before the third Monday. I could change the new language to read "the Tuesday that follows the third Monday," but that would not ensure that legislators would always have MLK day "off".

(2002, 2030 or there up thru 2050. see calendar)

If you want to ensure that the legislators always have MLK Day "off," then you would also have to amend the part of AS 24.05.090 that relates to the three years that do not follow gubernatorial election years. In those years, the legislature convenes on the second Monday in January, which is obviously always before MLK day. This would necessitate a change in the bill's title and the passage of an accompanying resolution authorizing the title change in the second house.

I think the purpose of HB 90 was to ensure that the opening day of the session, when legislators are sworn into office, would never fall on MLK Day. HB 90 does accomplish this purpose. In those rare instances when the third Monday in January falls after the third Tuesday, MLK Day will be about a week after the legislature convenes, just as it falls a week after the legislature convenes in the other three years that don't follow a gubernatorial election. The legislature could simply choose not to meet on that day, thereby having it "off."

SECTIONAL ANALYSIS

CALENDARS—YEARS 1800 TO 2030

2002, 2030

INDEX

1800—4	1878—10	1856—10	1884—10	1912—9	1940—9	1968—9	1996—9	2024—9
1801—5	1879—5	1857—5	1885—5	1913—4	1941—4	1969—4	1997—4	2025—4
1802—6	1880—6	1858—6	1886—6	1914—5	1942—5	1970—5	1998—5	2026—5
1803—7	1881—7	1859—7	1887—7	1915—6	1943—6	1971—6	1999—6	2027—6
1804—8	1882—8	1860—8	1888—8	1916—14	1944—14	1972—14	2000—14	2028—14
1805—3	1883—3	1861—3	1889—3	1917—2	1945—2	1973—2	2001—2	2029—2
1806—4	1884—4	1862—4	1890—4	1918—3	1946—3	1974—3	2002—3	2030—3
1807—5	1885—5	1863—5	1891—5	1919—4	1947—4	1975—4	2003—4	2031—4
1808—13	1886—13	1864—13	1892—13	1920—12	1948—12	1976—12	2004—12	2032—12
1809—1	1887—1	1865—1	1893—1	1921—7	1949—7	1977—7	2005—7	2033—7
1810—2	1888—2	1866—2	1894—2	1922—1	1950—1	1978—1	2006—1	2034—1
1811—3	1889—3	1867—3	1895—3	1923—2	1951—2	1979—2	2007—2	2035—2
1812—11	1890—11	1868—11	1896—11	1924—10	1952—10	1980—10	2008—10	2036—10
1813—6	1891—6	1869—6	1897—6	1925—5	1953—5	1981—5	2009—5	2037—5
1814—7	1892—7	1870—7	1898—7	1926—6	1954—6	1982—6	2010—6	2038—6
1815—1	1893—1	1871—1	1899—1	1927—7	1955—7	1983—7	2011—7	2039—7
1816—9	1894—9	1872—9	1900—9	1928—8	1956—8	1984—8	2012—8	2040—8
1817—4	1895—4	1873—4	1901—4	1929—3	1957—3	1985—3	2013—3	2041—3
1818—5	1896—5	1874—5	1902—5	1930—4	1958—4	1986—4	2014—4	2042—4
1819—4	1897—4	1875—4	1903—5	1931—5	1959—5	1987—5	2015—5	2043—5
1820—14	1898—14	1876—14	1904—13	1932—13	1960—13	1988—13	2016—13	2044—13
1821—2	1899—2	1877—2	1905—1	1933—3	1961—1	1989—1	2017—1	2045—1
1822—3	1900—3	1878—3	1906—2	1934—2	1962—2	1990—2	2018—2	2046—2
1823—4	1901—4	1879—4	1907—3	1935—3	1963—3	1991—3	2019—3	2047—3
1824—12	1902—12	1880—12	1908—11	1936—11	1964—11	1992—11	2020—11	2048—11
1825—7	1903—7	1881—7	1909—6	1937—6	1965—6	1993—6	2021—6	2049—6
1826—1	1904—1	1882—1	1910—7	1938—7	1966—7	1994—7	2022—7	2050—7
1827—2	1905—2	1883—2	1911—1	1939—1	1967—1	1995—1	2023—1	2051—1

DIRECTIONS FOR USE

Look for the year you want in the Index at left. The number opposite each year is the number of the calendar to use for that year.

1

JANUARY	MAY	SEPTEMBER
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
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Legislator wants delay for holiday

By IAN MADER
The Associated Press

JUNEAU — Alaska's sole black state legislator said Monday the state constitution should be changed so the legislature is not required to convene on Martin Luther King Day every four years.



Opening day usually falls on the second Monday in January, which does not conflict with the national and state holiday on the third Monday.

But a conflict arises during a new

Please see Page B-3. HOLIDAY

HOLIDAY: Constitutional change needed

Continued from Page B-1

governor's first year, when the Alaska Constitution requires the body to convene the third Monday to give the governor extra time to put together an administration.

The federal government also chose that date in 1986 for a holiday to honor the slain civil rights leader who sought equal rights for blacks. All but one state, New Hampshire, have followed suit with a state holiday.

While most Alaskans had the day off Monday, lawmakers were sworn in by Lt. Gov. Fran Ulmer during a full day of ceremony and meetings.

Rep. Bettye Davis, D-Anchorage, said she will introduce a measure this week to change the opening day to Tuesday during years of a new governor. It must be passed by two-thirds majorities of both chambers and approved by voters in a general election.

"We have to change with the times," Davis said.

Blacks make up about 4 percent of

Alaska's population, and most reside in Anchorage, where several events Monday commemorated King.

"There's all kinds of activities," Davis said. "I'm missing every one of them."

Davis said she would have made an issue of the holiday in 1990, but that she was a freshman lawmaker then and felt she didn't have the necessary clout.

Rep. Gail Phillips, R-Homer and the new House speaker, said Davis' proposal would be an easy way to solve the problem, but would not predict its chances for passing. "I certainly think people would look favorably on that," Phillips said.

After her expected election as speaker, Phillips referred to King in a speech to her colleagues calling for bipartisan efforts in the 19th legislature.

"His message most of all was a message of peace. And I hope that our legislative body — when we adjourn two years from now — that people will remember us that way."

Chapter 12. Holidays.

Section

- 10 Legal holidays
- 20 Holiday falling on Sunday
- 25 Holiday falling on Saturday
- 30 Wickersham Day
- 40 Anthony J. Dimond Day

Section

- 50 Ernest Gruening Day
- 55 Bob Bartlett Day
- 60 William A. Egan Day
- 65 Elizabeth Peratrovich Day
- 70 Alaska Flag Day

Cross references. — For Arbor Day,
see AS 41.15.900

Sec. 44.12.010. Legal holidays. (a) The following days are legal holidays:

- (1) the first of January, known as New Year's Day;
- (2) the third Monday of January, known as Martin Luther King, Jr.'s Birthday as provided in (b) of this section;
- (3) the third Monday in February, known as Presidents' Day;

- (4) the last Monday of March, known as Seward's Day;
 - (5) the last Monday in May, known as Memorial Day;
 - (6) the fourth of July, known as Independence Day;
 - (7) the first Monday in September, known as Labor Day;
 - (8) the 18th of October, known as Alaska Day;
 - (9) the 11th of November, known as Veterans' Day;
 - (10) the fourth Thursday in November, known as Thanksgiving Day;
 - (11) the 25th of December, known as Christmas Day;
 - (12) every Sunday;
 - (13) every day designated by public proclamation by the President of the United States or the governor of the state as a legal holiday.
- (b) For employment purposes, Martin Luther King, Jr.'s Birthday is a legal holiday for state employees who
- (1) are not covered by a collective bargaining agreement; or
 - (2) are covered by a collective bargaining agreement whose terms
 - (A) include by name Martin Luther King, Jr.'s Birthday; or
 - (B) have been amended to substitute a holiday on the third Monday of January for Martin Luther King, Jr.'s Birthday in place of another paid holiday. (§ 1-1-6 ACLA 1949, am § 1 ch 183 SLA 1959; am § 1 ch 37 SLA 1969; am § 1 ch 5 SLA 1973; am § 1 ch 38 SLA 1973; am §§ 1, 2 ch 109 SLA 1989)

Effect of amendments. — The 1989 amendment, effective September 11, 1989, rewrote paragraph (a)(2) which read "the 12th of February, known as Lincoln's Birthday", substituted "Presidents' Day" for "Washington's Birthday" in paragraph (a)(3); made a stylistic change in paragraph (a)(8); and added subsection (b).

NOTES TO DECISIONS

Applied in *In re Dalton*, 8 Alaska 338 (1932)

Cited in *Jefferson v. Moore*, 354 P 2d 373 (Alaska Ct. App. 1960)

Collateral references. — 73 Am Jur 2d, Sundays and Holidays, § 1 et seq; 40 C.J.S., Holidays, § 1 et seq.

Validity of statute or ordinance prohibiting or regulating sports and games on Sunday 24 ALR2d 813.

Validity, under establishment of religion clause of federal or state constitution, of provision making day of religious observance a legal holiday 90 ALR3d 752.

Validity and construction of Sunday closing or blue laws. 10 ALR4th 246.

Validity, under federal and state establishment of religion provisions, of prohibition of sale of intoxicating liquors on specific religious holidays 27 ALR4th 1155.

Scheduling election on religious holiday as violation of federal constitutional rights 44 ALR Fed 446.

Sec. 44.12.020. Holiday falling on Sunday. If a holiday listed in AS 44 12 010, except AS 44 12 010(a)(12), falls on a Sunday, Sunday and the following Monday are both legal holidays (§ 1-1-6 ACLA 1949, am § 1 ch 183 SLA 1959, am § 2 ch 37 SLA 1969)

Collateral references. — 72
Am Jur 2d, States, Territories and Depen-
dencies, § 55
81A C.J.S., States, § 45.
Defamation: nature and extent of privi-

lege accorded public statements, relating
to subject of legislative business or con-
cern, made by member of state or local
legislature or council outside of formal
proceedings. 41 ALR4th 1116

Section 7. Salary and Expenses. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Collateral references. — 72
Am Jur 2d, States, Territories and Depen-
dencies, § 56.

81A C.J.S., States, §§ 46, 47

Section 8. Regular Sessions. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.

Cross references. — For statutory pro-
visions changing the date the legislature
convenes, see AS 24.05.090.
Effect of amendments. — The amend-

ment effective December 30, 1984 (13th
Legislature's SCS CSHJR 2 (1983)) added
the second, third, and fourth sentences.

NOTES TO DECISIONS

121-day legislative session authorized. — This section authorizes a legisla-
tive session totaling 121 days. Alaska
Christian Bible Inst. v State, 772 P.2d
1079 (Alaska 1989).

The 120-day requirement in this section
results in a 121-day durational limit on
regular sessions of the legislature. The
day the legislature convenes is not

counted. The next day, day two of the ses-
sion, is one day from the convening date.
It is day one for purposes of the constitu-
tional limitation. By arithmetic exten-
sion, 120 days from the date the legisla-
ture convenes is the 121st day of the ses-
sion. Alaska Christian Bible Inst. v State,
772 P.2d 1079 (Alaska 1989).

Collateral references. — 72
Am Jur 2d, States, Territories and Depen-
dencies, §§ 41, 57, 59.

81A C.J.S., States, §§ 45, 49

Article 3. Meeting and Organization.

Section	Section
90 Regular sessions	150 Adjournment
100 Special sessions	160 Organization of a first regular session, new members
110 Joint sessions	170 Organization of second and special sessions, new members
120 Rules	180 Committees
130 Journal	
135 Record of proceedings	
140 Quorum	

Sec. 24.05.090. Regular sessions. The legislature shall convene at the capital each year on the second Monday in January at 10:00 a. m.; however, following a gubernatorial election year the legislature shall convene on the third Monday in January at 10.00 a. m. Except as provided in this section, each legislature shall have a duration of two years and shall consist of a "First Regular Session" which shall meet in the odd-numbered years and a "Second Regular Session" which shall meet in the even-numbered years and any special session or sessions which the governor or legislature may find necessary to call. (§ 9 ch 157 SLA 1959, am § 2 ch 91 SLA 1969, am § 1 ch 8 SLA 1973; am § 2 ch 143 SLA 1975; am § 80 ch 6 SLA 1984)

HB 90 am - Martin Luther King Jr. Holiday

After much ado about nothing, I have delivered this bill as is to the Senate Secretary without any amendments by the Senate State Affairs Committee.

Two problems: Per Sen. Leman's concern re: if January starts on a Tuesday, so the third Tuesday occurs before the third Monday - this would only happen in the years 2002 and 2030 (out to the year 2050). Sen. Leman has reviewed Teri Lauterbach's memo and concluded that the purpose of the legislation is to give MLK day recognition, so the legislature could choose not to meet on that particular day, rather than amend this bill and include a resolution with title change.

Second problem: OMB provided a fiscal note and showed a SAVINGS of \$5.8K for FY99; therefore, you will hear a further referral to Senate Finance...i.e. the Executive branch employees would not have to work on a holiday if the legislature did not work that day...every little bit helps!!

Ann

2/29/99

P.S.

Welcome back!

HB

104

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 8
Bill Number: SCS551B164(RES)
(S) Publish Date: 4-2-96

Revision Date: _____
Title: An Act relating to disclosure of information about certain miners.
Sponsor: Rep. Kott
Requestor: (S)HES

Dept. Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
-----------------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
-------------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
No measurable impact on the Public Defender Agency is anticipated.

Prepared by: John Salem, Director
Division: Public Defender Agency

Phone: (907)264-4400
Date: _____

Approved by Commissioner: Mark Royer
Agency: Department of Administration

Date: 5/29/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSHB104(HES)

Revision Date: _____
Title: Disclosure of Juvenile Records

Sponsor: Representative Kott
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family & Youth Services
Component: Sub Adoption & Guardianship
COMPONENT SERIAL NO. 1962
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)
1003 GF Match						
1004 GF	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6
1005 GF/Program Receipts						
1006 GF/MTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

Revising \$7,10,090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1364.6 in Title IVE federal funds for Subsidized Adoption & Guardianship. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: *L. Diane Worley*
L. Diane Worley, Director
Division: Family & Youth Services

Approved by Commissioner: *Karen Perrine*
Karen Perrine, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 01/19/96
Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSSHB104(HES)

Revision Date: _____
Title: Disclosure of Juvenile Records

Sponsor: Representative Knott
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family & Youth Services
Component: Residential Child Care
COMPONENT SERIAL NO. 253
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	(568 J)	(568 O)	(568 O)	(568 O)	(568 O)	(568 O)
1002 Federal Receipts						
1003 GF Match						
1004 GF	568 O	568 O	568 O	568 O	568 O	568 O
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$568.0 in Title IVE federal funds for Residential Child Care. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: *Diane Worley*
Division: Family & Youth Services

Approved by Commissioner: *Karen Prange*
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 01/19/96
Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSSHB104(HFS)

Revision Date: _____
Title: Disclosure of Juvenile Records
Sponsor: Representative Kott
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family & Youth Services
Component: Foster Care
COMPONENT SERIAL NO: 252
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)
1003 GF Match						
1004 GF	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1330.0 in Title IVE federal funds for Foster Care. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by L. Diane Wooley, Director
Division Family & Youth Services
Approved by Commissioner Karen Peddie, Commissioner
Agency Department of Health & Social Services

Phone 465-3191
Date 03/19/96
Date 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSSHB104(HES)

Revision Date: _____
Title: Disclosure of Juvenile Records

Sponsor: Representative Kott
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)
1003 GF Match						
1004 GF	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8
1005 GF/Program Receipts						
1006 GF/MTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1,153.8 in Title IVE federal funds for Southcentral Region. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by:
Division:

Approved by Commissioner:
Agency:

L. Diane Worley, Director
Family & Youth Services

Karen Perdue, Commissioner
Department of Health & Social Services

Phone: 465-3191
Date: 03/15/96

Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SC5C555HB104(HES)

Revision Date: _____
 Title: Disclosure of Juvenile Records
 Sponsor: Representative Kott
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southeastern Region
 COMPONENT SERIAL NO. 258
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(288.0)	(288.0)	(288.0)	(288.0)	(288.0)	(288.0)
1003 GF Match						
1004 GF	288.0	288.0	288.0	288.0	288.0	288.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost 90.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(18)). The state would lose \$286.0 in Title IVE federal funds for Southeast Region. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by L. Diane Wooley, Director
 Division Family & Youth Services
 Approved by Commissioner Karen Pardo, Commissioner
 Agency Department of Health & Social Services

Phone 465-3191
 Date 03/15/96
 Date 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSHB104(HES)

Revision Date: _____
 Title: Disclosure of Juvenile Records
 Sponsor: Representative Kott
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)
1003 GF Match						
1004 GF	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 90.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1393.2 in Title IVE federal funds for the Central Office. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 03/15/96
 Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CSSSHB104 (HES)

Revision Date: February 29, 1996
 Title: "An Act relating to disclosure of information
about certain minors..."
 Sponsor: Representative KOTT
 Requestor: S Judiciary

Dept Affected: Public Safety
 BRU: Alaska State Troopers
 Component: Detachments
 COMPONENT SERIAL NO. 799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact \$ -0-

POSITIONS:

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 fiscal impact is anticipated

Prepared By Francis C. Allan Phone (907) 269-5691
 Division Alaska State Troopers Date 02/29/96
 Approved by Commissioner *D. L. Smith* Date 3/1/96
 Agency Ronald L. Otte, Dept of Public Safety

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FISCAL NOTE

No. 7

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL # Bill Version: SCS(555) HB(104)(11ES)

(S) Publish Date: 3-25-96

Revision Date February 29, 1996
 Title *An Act relating to disclosure of information about certain minors *
 Sponsor Representative KOTT
 Requestor S Judiciary

Dept. Affected: Public Safety
 BRU Alaska State Troopers
 Component Detachments
 COMPONENT SERIAL NO. 799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact \$ -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 fiscal impact is anticipated

Prepared By Francis C. Allan Phone (907) 269-5591
 Division Alaska State Troopers Date 02/29/96
 Approved by Commissioner *Ronald L. Otte* Date 3/1/96
 Agency Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: SCSCS SSB104(HES)
(S) Publish Date: 2-26-96

Revision Date: _____
Title: Disclosure of Juvenile Records
Sponsor: Representative Kott
Requestor: Senate (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact if this bill were to become law.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/22/96
 Approved by Commissioner: Karen Perdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 5

Bill Version: SCSSHB 104(CHE)

(S) Publish Date: 2-26-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 05/01/95

Title: Disclosure of Juvenile Records

Sponsor: Representative Kott

Requester: Representative Kott

Department Affected: Educ

BRU: Executive Administr.

Component: Commissioner's Office

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

CSSSH 104 (Jud)am clarifies when state and municipal law enforcement agencies are required to disclose information to schools and the public regarding minors who commit certain offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homme, Special Assistant

Division: Commissioner's office

Approved by Commissioner: _____

Agency: Education

Phone: 465-2803

Date: February 20, 1996

Richard S. Cross, Deputy Commissioner

Date: February 20, 1996

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SENATE COMMITTEE REPORT

DATE: 2/26/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 4-10-96

The Judiciary Committee considered CS SSHB 104(JUD) am

"An Act relating to disclosures of information about certain minors."

and recommends:

- be replaced with SB CS for CSSS HB107 Jud
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical change
- new: SCR*

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kathy Keen</i>	<input checked="" type="checkbox"/>	<i>Ellis</i>	<input checked="" type="checkbox"/>		
<i>Linda Miller</i>	<input checked="" type="checkbox"/>	<i>Allen</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Christ Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>Court</i>	<i>4/10</i>	<input checked="" type="checkbox"/>	
<i>more Fiscal note info forthcoming</i>			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

<i>all ready</i>		?	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

9-LS0276J
Chenoweth
4/10/96

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 104()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Bunde, Green, Ogan, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about certain minors."

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

3 * Section 1. AS 47.10.093(c) is amended to read:

4 (c) A state or municipal law enforcement agency

5 (1) shall disclose information regarding a case that is needed by the
6 person or agency charged with making a preliminary investigation for the information
7 of the court under AS 47.10.020;

8 (2) may disclose to the public upon request but may not report to the
9 Department of Public Safety under AS 12.62.120

10 (A) the following information about a minor when the minor
11 has been arrested for commission of an offense, the minor committed the
12 offense on or after the effective date of this Act, and the offense is one that
13 would have been a felony if committed by an adult:

14 (i) the minor's name;

15 (ii) the name of the minor's parent or parents;

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(iii) the date and place of the offense; and

(iv) a description of the nature of the offense; and

(B) information regarding a criminal offense, other than an offense for which a disclosure may be made under (A) of this paragraph, in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

(4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

(5) may disclose to a victim information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

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MILITARY & VETERANS AFFAIRS, CHAIRMAN
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STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

SPONSOR STATEMENT PROPOSED SENATE JUDICIARY CS FOR SENATE CS for CS SS HB 104 (HES)

Although the overall crime rate may be experiencing a slight dip in the United States, juvenile crime is growing at a precipitous rate. Even more disturbing, juveniles are committing increasingly violent crimes and are doing so at younger ages. The serious nature of juvenile crime is pervasive in Alaska. This bill is a step toward informing the public about the severity of this problem and the identity of juvenile perpetrators.

If enacted, this bill would permit an arresting entity to release certain information to the public, provided that four criteria are satisfied. First, there must be a request for information made by a member of the public. Second, the juvenile must have been arrested for the commission of an offense. Third, the offense must have been committed after the effective date of the bill. Fourth, the offense must be one that would have been a felony if committed by an adult.

If these four criteria are satisfied, the arresting agency may release the minor's name, the date and place of the offense, the parent's name (a Senate HESS amendment) and a description of the nature of the offense. Another Senate HESS Committee amendment required that, once the minor had gone through the D.F.Y.S. system, the Court must in addition release certain outcome information on the case.

Subsequently, the entire section of the Senate HESS version dealing with the Courts had to be dropped, because it was determined that D.F.Y.S. funding would still be threatened. The new proposed version would allow D.P.S. to release four things: 1) the minor's name, 2) the name of the minor's parent or parents, 3) the date and place of the offense, and 4) a description of the nature of the offense. In its current form, it is the same as CS SS HB 104(JUD) am that passed out of the House, with the exception of the addition of 2) above.

An awareness by juveniles that their identity can be revealed to their friends, teachers, and neighbors when they commit a serious offense will act as a deterrent. This is one step to help reverse the growing trend of juvenile criminality. It will help juveniles decide what type of life they want to live, and it will encourage them to make the proper choice. Furthermore, public safety will be enhanced when citizens are able to obtain such information to help protect their families.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft "H" SCS CSSH104(JUD)

Revision Date: <u>April 8, 1996</u>	Dept. Affected: <u>Public Safety</u>	
Title: <u>Disclosure of Juvenile Records</u>	BRU: <u>Alaska State Troopers</u>	
	Component: <u>Detachments</u>	
Sponsor: <u>Representative KOTT</u>		
Requestor: <u>S Judiciary</u>	COMPONENT SERIAL NO. <u>0799</u>	

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1005 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-


Estimate of current year (FY 96) impact \$ -0-

POSITIONS:

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

ANALYSIS (Attach a separate page if necessary)

This bill will not have a material impact on the Division of Alaska State Troopers

Prepared By	<u>Lt Dan Lowdon</u>	Phone	<u>465 - 5505</u>
Division	<u>Alaska State Troopers</u>	Date	<u>04/08/96</u>
Approved by Commissioner		Date	<u>4-7-96</u>
Agency	<u>Ronald L. Otte, Dept of Public Safety</u>		

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCS CSSSHB 104 (H)

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Disclosure of juvenile records BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Kott
 Requestor: Senate HESS COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	18.1	18.1	18.1	18.1	18.1	18.1
TRAVEL						
CONTRACTUAL						
SUPPLIES	0.4	0.4	0.4	0.4	0.4	0.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	18.5	18.5	18.5	18.5	18.5	18.5

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.5	18.5	18.5	18.5	18.5	18.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	18.5	18.5	18.5	18.5	18.5	18.5

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228
 Agency: Alaska Court System Date: 04/10/96

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]* Date: 04/10/96
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
SCS CSSHB 104 (HES)

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Overtime for clerical staff - statewide			\$18,100

Supplies

Case file folders, paper, etc.			400
--------------------------------	--	--	-----

Total Estimated Cost			\$18,500
-----------------------------	--	--	-----------------

ALASKA CIVIL LIBERTIES UNION

An Affiliate of the American Civil Liberties Union
P. O. Box 201844 Anchorage, AK 99520-1844
Phone: 1-907-258-0044 Fax: 1-907-258-0288

April 10, 1996

The Honorable Senator Robin Taylor, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capital Building
Juneau, AK 99801-1182

Re: House Bill 104

Dear Senator Taylor:

I am writing on behalf of the Board of Directors and the members of the Alaska Civil Liberties Union ("AkCLU"), concerning SCS CSSHB 104 which is scheduled for a hearing before the Senate Judiciary Committee today. For the reasons discussed below, the AkCLU recommends that the Senate Judiciary Committee strike section 3, and then hold SCS CSSHB 104 in committee.

Under current law only the court, not law enforcement agencies, may order release of a minor's records for *good cause* to persons having a legitimate interest in them. AS 47.10.090(c)(emphasis added). The policy of protecting a minor's court records from disclosure is also reflected in AS 47.10.265, which provides that youth court proceedings relating to a minor are sealed and may not be used for any purpose. Section 3 of SCS CSSHB 104 (HES) is a drastic departure from established Alaska law which safeguards the privacy of juvenile records from disclosure without a court's permission. In contrast, SCS CSSHB 104 (HES) provides for law enforcement agencies, rather than courts, to release upon request, rather than for good cause, information about minors who are convicted of a crime that would be considered a felony if committed by an adult.

The AkCLU is particularly concerned that enactment of HB 104 will result in the conviction of innocent children. The risk of conviction of innocent minors arises when minors are faced with a plea bargain to reduce a felony charge. Under the conditions created by HB 104, which authorizes *release of records by state or municipal law enforcement agencies*, minors are likely to accept a prosecutor's plea bargain, even if they are innocent of the crime charged, rather than risk the dissemination of information to the press, the school, and the public that could ruin the rest of their lives. The AkCLU recommends that the Senate Judiciary Committee strike Section 3 of SCS CSSHB 104, rather than run the risk of law enforcement agencies pressuring juveniles for information in exchange for not releasing records.

House Bill 104 also permits release of juvenile records to the media. Television, radio and newspaper coverage of a minor's juvenile conviction are likely to prevent the youthful offender from ever making a "fresh start" and successfully reentering society.

The revolving door of recidivism will be opened if the legislature permits indiscriminate disclosure of juvenile felony records to the public, the media and school officials.

Disclosure of juvenile convictions severely compromises a child's right to rehabilitation by limiting, and perhaps eradicating, the minor's educational and employment opportunities after leaving the juvenile justice system. House bill 104 also authorizes release of information concerning juvenile convictions to school officials. The stigma attached to a felony conviction is likely to negatively impact a minor's relationships with her peers and teachers. Therefore, disclosure of a student's juvenile felony conviction may decrease the chance that a previously convicted juvenile will graduate from high school and become a productive member of society. Furthermore, disclosure of crimes committed during youth may act as a permanent bar to a decent job, college scholarships, college admission and eventual professional licensure. For these reasons, the release of records of juveniles, who have served their sentences, frustrates the goals of rehabilitation and successful reintegration of the young adult into the community.

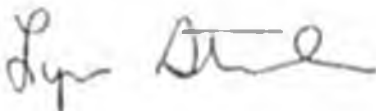
As you know, Representatives Kelly and Therrault have drafted a comprehensive revision of the juvenile code, CSSSHB 387. In contrast to CSSSHB 387, HB 104 does not specifically discuss juvenile records which result from proceedings in youth court, the young adult advisory panel, or the community intervention courts. The AkCLU suggests that work on SCS CSSSHB 104 should be suspended until the work of the Governor's Commission on Youth and Justice is finished and all Alaska statutes dealing with juveniles can be harmonized.

In the event that the Senate HES Committee recommends passage of HB 104 out of committee, this bill should be amended to permit judges the discretion to permanently seal a juvenile's records. Additionally, HB 104 should be amended to ensure that a minor is given an opportunity to contest any disclosure, with the assistance of counsel, before a law enforcement agency is permitted to disclose the minor's records.

After careful analysis, the AkCLU firmly opposes SCS CSSSHB 104 on constitutional and public policy grounds. Unfortunately, SCS CSSSHB 104 signals a serious departure from the long standing Alaska tradition of zealously protecting the rights of minors. The Alaska Constitution has been interpreted to grant children fundamental rights, including the enumerated right to privacy and the right to rehabilitation under Art. I, § 12. A child's right to privacy and rehabilitation are impermissibly violated by this bill.

The AkCLU respectfully requests that you consider our concerns and recommend that HB 104 not pass out of the Senate Judiciary Committee.

Sincerely,



Lynn Stimler
Executive Director

Alaska State Legislature House of Representatives

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JUNEAU, AK 99801-1162
PHONE (907) 465-3777
FAX (907) 465-2819

SENATE CS FOR CS FOR SS HB 104 (HES) REVISED SPONSOR STATEMENT

The Senate HESS CS for this bill, despite its seeming increased complexity, is simply the extension of the basic principle of this bill. The original bill is an attempt to identify in the news media those juveniles that have committed an offense that is serious enough that it would be a felony if committed by an adult. It is hoped that threat of such public identification would act as a deterrent to juvenile crime. Additionally, it would also serve public safety, by giving the public information to assist in better protecting themselves and their children.

The obvious agency to request a release of basic information on juvenile offenders would be the DFYS in the DHSS. However, we have been informed by Washington DC that a release of any of this information could put all of DFYS's federal funding in jeopardy of being lost. Consequently, we have tried in this Senate CS to provide an alternate means of releasing information on certain juvenile offenders, without violating DFYS standards.

The bill allows a law enforcement agency, state or municipal, to release 1) the name of a minor who has committed an offense that would be a felony if he were an adult, 2) the date and place of the offense, and 3) a description of the nature of the offense. Additionally, the proposed CS would allow the release of the name of the minor's parent or parents.

We then struggled with what to do let the public know, in all fairness to the minor, if the minor was adjudicated "not delinquent" (found "not guilty"). Or, for the sake of public safety, to let the public know if they were adjudicated "delinquent" (found "guilty"). Again, we ran afoul of DFYS limitations. Consequently, we decided a good compromise could be made by requiring the Court, since it handles adjudication and disposition hearings referred to it by DFYS, to release certain information.

The proposed CS would require the Court to release information on whether the minor was adjudicated delinquent, delinquent but not amenable to rehabilitation before the age of 20, or non-delinquent. Furthermore, if they were adjudicated delinquent, the Court should release information on the disposition ("sentence") of the minor. These changes would fit in with the original dual intent of this bill, which is to deter juvenile offenders and to keep the public informed about possible safety issues in their communities.

SPONSOR STATEMENT

Representative Pete Kott



A handwritten signature in black ink, likely belonging to Representative Pete Kott.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 23, 1996

SUBJECT: SCS CSSSHB 104(HES), relating to information about certain minors (Work Order No. 9-LS0276\Z)

TO: Senator Lyda Green, Chair
Senate Health, Education and Social Services Committee

FROM: Jack Chenoweth
Legislative Counsel

SCS CSSSHB 104(HES), prepared in final, is enclosed.

This version is not precisely the version that the committee reviewed and approved.

In working on the draft SCS, my drafting instructions from Representative Kott's office were to begin with the House-passed bill, CSSSHB 104 (JUD) am, to add the reference to "the name of the minor's parent or parents" to AS 47.10.093(c)(2), and to prepare the material that was eventually incorporated into bill sections 1 and 2. In working from the House-passed bill, we simply drew up the wrong version from the data base. We started from the version that did not contain the amendments added on the floor during the debate by the full House. Roger Poppe's review of the draft identified part of the omission, and he typed that on the version that members of the committee had before them for review. But his insertion of corrective language was also incomplete, for the lead-in language of (c)(2)(A) of the House-passed bill read:

(A) the following information about a minor when the minor has been arrested for commission of an offense, the minor committed the offense on or after the effective date of this Act, and the offense is one that would have been a felony if committed by an adult;

and the version that your committee had before you for review omitted

the minor committed the offense on or after the effective date of this Act, and the offense is one

This "Z" version, provided to you in final, sets out, in bill section 3, the entire verbiage of the House-passed bill, all floor amendments incorporated, together with the insertion

SUPPORTING DOCUMENTS

Senator Lyda Green
February 23, 1996
Page 2

requested by Representative Kott, that being the addition of the reference to "the name of the minor's parent or parents" in AS 47.10.093(c)(2). We believe that this best reflects the intent of the committee as to the content of the bill, taking into consideration our omissions.

I apologize for the inconvenience. If you or committee members want a further explanation or other changes to this measure before reporting it to the full Senate, please contact me.

JBC:glc
96-116.glc

Enclosure

cc: Representative Pete Kott
ATTN: Roger Poppe

HB

110

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 1
 BILL NO. Bill Version: CSSS HB 110(STA)
 (H) Publish Date: 3/18/96

Revision Date: 03/06/96 Dept. Affected: Public Safety
 Title: An Act relating to confidentiality of information BRU: Motor Vehicles
motor vehicle records... Component: Field Services
 Sponsor: Representative Barnes
 Requestor: H. STA. COMPONENT SERIAL NO. 0502

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL	1.4					
CONTRACTUAL	2.5					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3.9	0.	0.	0.	0.	0.
CAPITAL EXPENDITURES	0.	0.	0.	0.	0.	0.
CHANGE IN REVENUES ()	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Reimburse						
1003 GE Match						
1004 GE	3.9					
1005 GE/Program Reimburse						
1006 GE/MHTIA						
Other						
TOTAL	3.9	0.	0.	0.	0.	0.

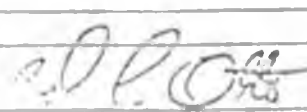
Estimate of current year (FY 95) impact: \$ _____

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)

SEE ATTACHED

Prepared By Juanita M. Hensley Phone 465-2050
 Division Motor Vehicles Date 03/06/96
 Approved by Commissioner  Date _____
 Agency Ronald L. Cise, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA

BILL NO: SHB 110

1995 LEGISLATIVE SESSION

Revision Date: 03/06/96

Dept. Affected: Public Safety

ANALYSIS CONTINUED

In 1994 the State received approximately \$150.0 for the sale of vehicle records. This was for individual records at \$5.00 each and for the sale of master file updates to two major vendors at a cost of \$50.00 per 1,000 records. The main use of these records was to determine the address of the individual or, in case of major vendors, to generate mailing lists. It is estimated that \$50.0 of this revenue annually will be lost if the addresses are confidential. It is anticipated that one vendor will not be able to get the records because they make their data base available to everyone and this will be a loss of \$25.0. It is estimated that an additional \$25.0 will be lost from the walk-in customers who will have no legitimate purpose for obtaining the record.

This bill will require the Department to promulgate regulations regarding the release of motor vehicle records. Public hearings will be held in Anchorage, Fairbanks, Soldotna/Kenai and Juneau. Travel = \$980.00 Airfare from Juneau to Anchorage, Anchorage to Fairbanks, Fairbanks to Soldotna/Kenai and return to Juneau. Per-diem = \$336.00, Car Rental in Anchorage, Fairbanks and Soldotna = \$75.00. Total of travel expenses = \$1.4.

Contractual. Publishing cost to publish notice of regulations and public hearings 2 times in 6 different newspapers = \$2.1, Cost of contracting with the Legislative Information Office to hold public hearings are \$25.00 an hour, 4 hours in each location = \$0.4. Total cost of contractual is \$2.5.



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(907) 258-8163

State Capitol
Juneau, AK 99801-1182
(907) 465-3428

SPONSOR STATEMENT CS SS HB 110(STA) AM

This legislation was introduced at the request of two of my constituents who had experienced stalking by persons who had obtained their addresses from DMV through license plate information. Additionally, in 1994, confidentiality of license plate information was included in the President's Crime Package.

The intent of the federal legislation (18 U.S.C. 2721) was to protect the personal privacy of persons licensed by states to drive a motor vehicle or persons who register a motor vehicle by prohibiting disclosure of information on drivers maintained by the state. This information is only to be disclosed under permissible uses.

The businesses that currently purchase the list for dissemination to their customers who are banks, credit unions, insurance companies, etc., will still be able to do so. However, they will be required to abide by the restrictions imposed by the Federal Act.

If Alaska is not in compliance with the federal law by September 13, 1997, DMV employees could be liable for civil fines of \$2,500.00 per day or be in violation of state statute and the state could be subject to fines of \$5,000.00 per day until compliance is reached.

This bill is supported by the Council on Domestic Violence and Sexual Assault and the Dept. of Public Safety.

I appreciate your consideration of this bill and request your support.

SPONSOR STATEMENT

SEC. 30002. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

(a) In General.--Title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

CHAPTER 123--PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

Sec. 2721. Prohibition on release and use of certain personal information from State motor vehicle records

(a) In General.--Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

(b) Permissible Uses.--Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act, and may be disclosed as follows:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers

(3) For use in the normal course of business by a legitimate business or its agents, employees, or

contractors, but only--

“(A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

“(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

“(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

“(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

“(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

“(7) For use in providing notice to the owners of towed or impounded vehicles.

“(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

“(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).

“(10) For use in connection with the operation of private toll transportation facilities.

“(11) For any other use in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information

collected by the department may be disclosed to any business or person, and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.

(12) For bulk distribution for surveys, marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure that--

(A) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

(13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

(c) Resale or Redislosure --An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b) (11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b) (11)) that resells or rediscloses personal information covered by this title must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

(d) Waiver Procedures --A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing

such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

Sec. 2722. Additional unlawful acts

(a) Procurement for Unlawful Purpose.--It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.

(b) False Representation.--It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

Sec. 2723 Penalties

(a) Criminal Fine.--A person who knowingly violates this chapter shall be fined under this title.

(b) Violations by State Department of Motor Vehicles.--Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

Sec. 2724 Civil action

(a) Cause of Action.--A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

(b) Remedies.--The court may award--

(1) actual damages, but not less than liquidated damages in the amount of \$2,500;

(2) punitive damages upon proof of willful or reckless disregard of the law;

(3) reasonable attorneys' fees and other litigation costs reasonably incurred; and

(4) such other preliminary and equitable relief as the court determines to be appropriate.

Sec. 2725 Definitions

In this chapter--