

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10704 SENATE TRANSPORTATION

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CS FOR SENATE BILL NO. 206()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DONLEY

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to registration plates and parking permits for persons with disabilities
2 and to illegal use of parking spaces for persons with disabilities."

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

4 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of this Act that local law enforcement agencies should use
7 volunteer citizens or volunteer citizen patrol groups to enforce the provisions of this Act
8 whenever possible.

9 * Sec. 2. AS 28.10.181(d) is amended to read:

10 (d) Vehicles owned by [DISABLED] veterans with disabilities, including
11 persons disabled in the line of duty while serving in the Alaska Territorial Guard, or
12 other persons with disabilities. Upon the request of a person with a disability that
13 limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department
14 shall (1) register one passenger vehicle in the name of the person without charge; and

1 (2) issue a specially designed registration plate that displays (A) recognition of the
 2 disabled veteran if the applicant's disability originated from the applicant's service
 3 with the Alaska Territorial Guard or the armed forces of the United States; and (B) the
 4 international [STANDARD] symbol of accessibility [DISABILITY] (the wheelchair
 5 logo). A disabled veteran who is not otherwise qualified under this subsection, but
 6 who presents to the department written proof that the person has [IS] at least a 70
 7 percent disability [DISABLED OR MEDICALLY HANDICAPPED] as a
 8 consequence of service in the Alaska Territorial Guard or the armed forces of the
 9 United States, may register one passenger vehicle without charge, and the department
 10 shall issue a specially designed registration plate that displays recognition of the
 11 disabled veteran that does not display the international [STANDARD HANDICAP]
 12 symbol of accessibility and does not carry with it special parking privileges. For
 13 purposes of this subsection, proof of disability may be provided by a person licensed
 14 as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

15 * **Sec. 3.** AS 28.10.421(d)(3) is amended to read:

16 (3) a vehicle owned by a [DISABLED VETERAN OR OTHER
 17 HANDICAPPED] person with a disability [,] and registered under AS 28.10.181, or
 18 by a resident 65 years of age or older who files a written application for an exemption
 19 on a form prescribed by the department none;

20 * **Sec. 4.** AS 28.10.441 is amended to read:

21 **Sec. 28.10.441. Schedule of other fees and charges.** The following fees and
 22 charges are imposed by the department for the stated services which it provides:

- 23 (1) title fee, including transfer of title \$ 5;
- 24 (2) lien filing fee \$ 5;
- 25 (3) replacement of any registration plate set, including special request
 26 plates \$ 5;
- 27 (4) duplicate of original certificate of title \$ 5;
- 28 (5) duplicate of certificate of registration \$ 2;
- 29 (6) temporary preregistration permit issued under AS 28.10.031 .. none;
- 30 (7) special transport permit issued under AS 28.10.151 \$ 5;
- 31 (8) special permit for vehicle used for transport of a [DISABLED OR

1 HANDICAPPED] person with a disability issued under AS 28.10.495 none.

2 * Sec. 5. AS 28.10.495 is amended to read:

3 Sec. 28.10.495. Parking permit for vehicle transporting a [DISABLED]
4 person with a disability. (a) Upon application by a [DISABLED OR MEDICALLY
5 HANDICAPPED] person with a disability, or by an organization that transports
6 [DISABLED OR MEDICALLY HANDICAPPED] persons with disabilities, the
7 department or a person authorized by the department shall issue to the applicant,
8 without charge, a special permit bearing the control number of the applicant. The
9 permit issued under this section, when displayed in the front windshield of a parked or
10 standing vehicle, shall provide for special consideration by the public with respect to
11 the parking or standing in designated spaces of a vehicle that is being used for the
12 transportation of a [DISABLED OR MEDICALLY HANDICAPPED] person with a
13 disability.

14 (b) A person is not entitled to use the special permit provided for in (a) of this
15 section except when providing transportation for a [DISABLED OR
16 HANDICAPPED] person with a disability. Upon the death of a [DISABLED OR
17 HANDICAPPED] person with a disability to whom a special permit has been issued,
18 the special permit shall be returned to the department. If an organization to which a
19 special permit has been issued ceases transporting [DISABLED OR HANDICAPPED]
20 persons with disabilities, or ceases operating, it shall return the special permit to the
21 department.

22 (c) Proof of disability [DISABLEMENT OR MEDICAL HANDICAP], for
23 the purpose of this section, shall be the same as that required for the purposes of
24 AS 28.10.181(d).

25 * Sec. 6. AS 28.15.231(b) is amended to read:

26 (b) Except as otherwise provided in AS 28.35.235(b), points [POINTS] may
27 not be assessed for violating a provision of a state law or regulation or a municipal
28 ordinance regulating standing, parking, equipment, size, or weight; nor may points be
29 assessed for violations by pedestrians, passengers, or bicycle riders, or for violations
30 of provisions relating to the preservation of the condition of traffic-control devices on
31 the highways. Points shall be assessed for violations of oversize or overweight

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1 permits relating only to restrictions upon speed or hours of operation.

2 * Sec. 7. AS 28.35.235 is amended to read:

3 Sec. 28.35.235. Unauthorized use of parking reserved for persons with
4 disabilities: penalties [HANDICAPPED PARKING; MINIMUM FINE]. (a) A
5 person may not park a motor vehicle in a parking place reserved for a person with a
6 disability [DISABLED OR MEDICALLY HANDICAPPED PERSONS] unless

7 (1) the person operating the vehicle has a special permit issued by the
8 department under AS 28.10.495;

9 (2) the person operating the vehicle has parked the vehicle for the
10 purpose of transporting a person who has a special permit issued by the
11 department under AS 28.10.495 and the person who has the special permit
12 actually exits or enters the vehicle;

13 (3) the motor vehicle displays a special license plate issued to a person
14 with a disability [DISABLED OR HANDICAPPED PERSONS] under
15 AS 28.10.181(d) and is operated by or used for the purpose of transporting a
16 person with a disability; or

17 (4) [(3)] the motor vehicle displays a special license plate or permit
18 issued to [DISABLED OR HANDICAPPED] persons with disabilities by another
19 state, province, territory, or country and is being operated by or used for the
20 purpose of transporting a person with a disability.

21 (b) A person who violates this section is guilty of an infraction. Upon
22 conviction, the court shall impose a fine of not less than \$125, and, if the person has
23 been previously convicted under this section, the department shall assess two
24 points against the person's driver's license. However, a person who violates this
25 section and who was, at the time of the violation, operating a vehicle displaying a
26 special license plate issued under AS 28.10.181(d) or a special permit issued
27 under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250 and perform
28 eight hours of community service, and the department shall assess two points
29 against the person's driver's license or, if the person has been previously
30 convicted under this section, four points against the person's drivers license
31 [\$100].

1 * Sec. 8. AS 28.35.235 is amended by adding a new subsection to read:

2 (c) A municipality may enact ordinances necessary to enforce this section.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Changes Made for CSSB 206, Version O

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

- Section 1. - New section adding intent language encouraging local law enforcement agencies to use private citizens and/or groups to enforce the disabled parking laws.
- Section 2. (previously Section 1.) - Deleted requirement for photo identification.
- Section 3. (previously Section 2.) - Remains unchanged.
- Section 4. (previously Section 3.) - Remains unchanged.
- Section 5. (previously Section 4.) - Remains unchanged.
- Section 6. (previously Section 5.) - Remains unchanged.
- Section 7. (previously Section 6.) - Deletes the requirement for photo identification and adds language requiring the person with the special permit to actually exit or enter the vehicle.

Changes the penalty for illegally parking in an accessible parking area from \$125 and two points assessed against the person's driver's license to \$125 fine for the first offense and \$125 fine plus two points assessed against the person's driver's license for subsequent violations.

Changes the penalty for misuse of an accessible parking permit or plate from \$250, four points assessed against the person's driver's license and eight hours of community service to \$250, two points assessed against the person's driver's license and eight hours of community service for the first offense and \$250, eight hours of community service and four points for subsequent violations.

- Section 8. (previously Section 7.) - Remains unchanged.
- Section 8. from SB 206 deleted.

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Work Draft CSSB 206 - O Version Sponsor Statement

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

Senate Bill 206 helps insure the availability of priority parking for truly disabled Alaskans and is intended to prevent many of the instances of abuse that currently exist in our state's disabled parking system. Senate Bill 206 improves the issuing process for disabled parking permits and cracks down on individuals convicted of illegally parking in disabled parking areas or convicted of misusing disabled parking permits.

To provide better access to disabled parking spaces for the truly disabled, the State of Washington toughened its laws to combat widespread abuse of disabled parking placards. Other states, fed up with abuse and fraud in their systems, have also tightened up their disabled parking laws. In 1998 a group of citizens and representatives from several state agencies recommended the need to reform and strengthen Alaska's disabled parking laws. Senate Bill 206 is consistent with those recommendations.

It is often difficult to identify whether or not individuals who have parked an automobile in a disabled parking space are disabled or not. Senate Bill 206 originally required a person with a permanent disability to obtain a photographic identification card from the Division of Motor Vehicles (DMV) to utilize handicap parking spaces. The O version of SB 206 deletes this requirement. While working with the DMV it was determined that their computer system indicates whether an individual has been issued a disabled parking placard and/or license plates. The division was able to make this information available to troopers and police officers when they perform a records check on either a license plate or a person's identification. This eliminates the expense and inconvenience of separate identification while allowing law enforcement officials to determine if a placard or license plate is being used fraudulently.

Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. SB 206 clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that in order to park in disabled parking areas, the person issued a disabled permit must be occupying or operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person. In addition, the O version of SB 206 states that the person issued a disabled parking permit must be the one entering or leaving the vehicle.

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June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

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SB 206 increases the penalties for illegally parking in a disabled parking space and for misusing a disabled permit to park in a disabled parking space. Under existing law, violators are fined \$100 if they are convicted of either of these offenses. Under SB 206 individuals convicted of illegally parking in a disabled parking space would be fined \$125 for the first offense and would receive the \$125 fine as well as being assessed two points from their driver's license for subsequent violations.

Individuals convicted of misusing a disabled permit would be fined \$250, assessed two points from their driver's license and be required to perform eight hours of community service for the first offense. Subsequent violations would carry a four point penalty on their driver's license along with the \$250 fine and eight hours of community service.

SB 206 adds protections for those who truly need to utilize disabled parking spaces and sends a clear message that misuse of disabled permits and the unauthorized use of disabled parking spaces is unacceptable and will no longer be tolerated in Alaska. Accessible parking areas are necessary to provide easier access to services for our disabled population and abusers of the system are hindering that access for those who truly need it.

DD/kk



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE FOR SENATE BILL 206, Work Draft Version O

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

Section 1. Intent language encouraging local law enforcement to use volunteer citizens and/or groups to insist in enforcement.

Section 2. Amends AS 28.10.181(d) by changing the term "standard handicap symbol" to "international symbol of accessibility."

Section 3. Amends AS 28.10.421(d)(3) to reflect a change of wording from "disabled or handicapped person" to "a person with a disability."

Section 4. Amends AS 28.10.441 to reflect a change of wording from "disabled or handicapped person" to "a person with a disability."

Section 5. Amends AS 28.10.495 to reflect a change from "disabled or handicapped person" to "a person with a disability." It also allows the Department of Motor Vehicles to authorize other entities to issue special disabled parking permits.

Section 6. Amends AS 28.15.231(b) to provide for assessing points when someone is convicted of violating accessible parking laws under AS 28.35.235(b).

Section 7. Amends AS 28.35.235 to specify what constitutes a violation for unauthorized use of disabled parking spaces. It also changes the fine to \$125 for misuse of a disabled parking space adds a two-point assessment against a person's driver's license if they have been previously convicted of a violation. This section adds a penalty of 2 points assessed against a person's driver's license, a \$250 fine and eight hours of community service for those convicted of misusing a disabled parking permit or license plate, as well as 4 points assessed against a person's driver's license if they have been previously convicted of a violation.

Rational. Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. SB 206 clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that in order to park in disabled parking areas, the person issued a disabled permit must be occupying or

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operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person and the disabled person must actually exit or enter the vehicle.

Section 8. Adds a new subsection to AS 28.35.235 that will allow municipalities to enact ordinances that are needed to enforce disabled parking violations.

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

MEMORANDUM

DATE: February 15, 2002

TO: Senator John Cowdery, Chair
Senate Transportation Committee

FROM: Senator Dave Donley

RE: Work Draft CSSB 206, Version O "An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities"

Thank you for scheduling a Senate Transportation Committee hearing on Senate Bill 206. Attached for your consideration is a work draft of CSSB206, version "O." The changes from the prior version to Version O are listed on the attached page.

Attached with the proposed work draft are a sponsor statement reflecting the changes in this new work draft and a sectional analysis of the work draft.

Thank you for considering this legislation. If you have any questions, please do not hesitate to call my office.

DD:dld

cc: Senate Transportation Members

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TWENTY-SECOND LEGISLATURE - SECOND SESSION

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**Offered:
Referred:**

Sponsor(s): SENATOR DONLEY

A BILL

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4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **INTENT.** It is the intent of this Act that local law enforcement agencies should use
7 volunteer citizens or volunteer citizen patrol groups to enforce the provisions of this Act
8 whenever possible.

9 *** Sec. 2.** AS 28.10.181(d) is amended to read:

10 (d) Vehicles owned by [DISABLED] veterans with disabilities, including
11 persons disabled in the line of duty while serving in the Alaska Territorial Guard, or
12 other persons with disabilities. Upon the request of a person with a disability that
13 limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department
14 shall (1) register one passenger vehicle in the name of the person without charge; and

1 (2) issue a specially designed registration plate that displays (A) recognition of the
 2 disabled veteran if the applicant's disability originated from the applicant's service
 3 with the Alaska Territorial Guard or the armed forces of the United States; and (B) the
 4 international [STANDARD] symbol of accessibility [DISABILITY] (the wheelchair
 5 logo). A disabled veteran who is not otherwise qualified under this subsection, but
 6 who presents to the department written proof that the person has [IS] at least a 70
 7 percent disability [DISABLED OR MEDICALLY HANDICAPPED] as a
 8 consequence of service in the Alaska Territorial Guard or the armed forces of the
 9 United States, may register one passenger vehicle without charge, and the department
 10 shall issue a specially designed registration plate that displays recognition of the
 11 disabled veteran that does not display the international [STANDARD HANDICAP]
 12 symbol of accessibility and does not carry with it special parking privileges. For
 13 purposes of this subsection, proof of disability may be provided by a person licensed
 14 as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

15 * **Sec. 3.** AS 28.10.421(d)(3) is amended to read:

16 (3) a vehicle owned by a [DISABLED VETERAN OR OTHER
 17 HANDICAPPED] person with a disability [,] and registered under AS 28.10.181, or
 18 by a resident 65 years of age or older who files a written application for an exemption
 19 on a form prescribed by the department none;

20 * **Sec. 4.** AS 28.10.441 is amended to read:

21 **Sec. 28.10.441. Schedule of other fees and charges.** The following fees and
 22 charges are imposed by the department for the stated services which it provides:

- 23 (1) title fee, including transfer of title \$ 5;
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- 27 (4) duplicate of original certificate of title \$ 5;
- 28 (5) duplicate of certificate of registration \$ 2;
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- 31 (8) special permit for vehicle used for transport of a [DISABLED OR

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HANDICAPPED] person with a disability issued under AS 28.10.495 none.

* Sec. 5. AS 28.10.495 is amended to read:

Sec. 28.10.495. Parking permit for vehicle transporting a [DISABLED] person with a disability. (a) Upon application by a [DISABLED OR MEDICALLY HANDICAPPED] person with a disability, or by an organization that transports [DISABLED OR MEDICALLY HANDICAPPED] persons with disabilities, the department or a person authorized by the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a [DISABLED OR MEDICALLY HANDICAPPED] person with a disability.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a [DISABLED OR HANDICAPPED] person with a disability. Upon the death of a [DISABLED OR HANDICAPPED] person with a disability to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting [DISABLED OR HANDICAPPED] persons with disabilities, or ceases operating, it shall return the special permit to the department.

(c) Proof of disability [DISABLEMENT OR MEDICAL HANDICAP], for the purpose of this section, shall be the same as that required for the purposes of AS 28.10.181(d).

* Sec. 6. AS 28.15.231(b) is amended to read:

(b) Except as otherwise provided in AS 28.35.235(b), points [POINTS] may not be assessed for violating a provision of a state law or regulation or a municipal ordinance regulating standing, parking, equipment, size, or weight; nor may points be assessed for violations by pedestrians, passengers, or bicycle riders, or for violations of provisions relating to the preservation of the condition of traffic-control devices on the highways. Points shall be assessed for violations of oversize or overweight

1 permits relating only to restrictions upon speed or hours of operation.

2 * Sec. 7. AS 28.35.235 is amended to read:

3 **Sec. 28.35.235. Unauthorized use of parking reserved for persons with**
4 **disabilities; penalties [HANDICAPPED PARKING; MINIMUM FINE].** (a) A
5 person may not park a motor vehicle in a parking place reserved for **a person with a**
6 **disability [DISABLED OR MEDICALLY HANDICAPPED PERSONS]** unless

7 (1) the person **operating the vehicle** has a special permit issued by the
8 department under AS 28.10.495;

9 (2) **the person operating the vehicle has parked the vehicle for the**
10 **purpose of transporting a person who has a special permit issued by the**
11 **department under AS 28.10.495 and the person who has the special permit**
12 **actually exits or enters the vehicle;**

13 (3) the motor vehicle displays a special license plate issued to **a person**
14 **with a disability [DISABLED OR HANDICAPPED PERSONS]** under
15 AS 28.10.181(d) **and is operated by or used for the purpose of transporting a**
16 **person with a disability;** or

17 (4) [(3)] the motor vehicle displays a special license plate or permit
18 issued to [DISABLED OR HANDICAPPED] persons **with disabilities** by another
19 state, province, territory, or country **and is being operated by or used for the**
20 **purpose of transporting a person with a disability.**

21 (b) A person who violates this section is guilty of an infraction. Upon
22 conviction, the court shall impose a fine of not less than **\$125, and, if the person has**
23 **been previously convicted under this section, the department shall assess two**
24 **points against the person's driver's license. However, a person who violates this**
25 **section and who was, at the time of the violation, operating a vehicle displaying a**
26 **special license plate issued under AS 28.10.181(d) or a special permit issued**
27 **under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250 and perform**
28 **eight hours of community service, and the department shall assess two points**
29 **against the person's driver's license or, if the person has been previously**
30 **convicted under this section, four points against the person's drivers license**
31 **[\$100].**

1 * Sec. 8. AS 28.35.235 is amended by adding a new subsection to read:

2 (c) A municipality may enact ordinances necessary to enforce this section.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Changes Made for CSSB 206, Version O

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

- Section 1. - New section adding intent language encouraging local law enforcement agencies to use private citizens and/or groups to enforce the disabled parking laws.
- Section 2. (previously Section 1.) - Deleted requirement for photo identification.
- Section 3. (previously Section 2.) - Remains unchanged.
- Section 4. (previously Section 3.) - Remains unchanged.
- Section 5. (previously Section 4.) - Remains unchanged.
- Section 6. (previously Section 5.) - Remains unchanged.
- Section 7. (previously Section 6.) - Deletes the requirement for photo identification and adds language requiring the person with the special permit to actually exit or enter the vehicle.

Changes the penalty for illegally parking in an accessible parking area from \$125 and two points assessed against the person's driver's license to \$125 fine for the first offense and \$125 fine plus two points assessed against the person's driver's license for subsequent violations.

Changes the penalty for misuse of an accessible parking permit or plate from \$250, four points assessed against the person's driver's license and eight hours of community service to \$250, two points assessed against the person's driver's license and eight hours of community service for the first offense and \$250, eight hours of community service and four points for subsequent violations.

- Section 8. (previously Section 7.) - Remains unchanged.
- Section 8. from SB 206 deleted.

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"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

Section 1. Intent language encouraging local law enforcement to use volunteer citizens and/or groups to insist in enforcement.

Section 2. Amends AS 28.10.181(d) by changing the term "standard handicap symbol" to "international symbol of accessibility."

Section 3. Amends AS 28.10.421(d)(3) to reflect a change of wording from "disabled or handicapped person" to "a person with a disability."

Section 4. Amends AS 28.10.441 to reflect a change of wording from "disabled or handicapped person" to "a person with a disability."

Section 5. Amends AS 28.10.495 to reflect a change from "disabled or handicapped person" to "a person with a disability." It also allows the Department of Motor Vehicles to authorize other entities to issue special disabled parking permits.

Section 6. Amends AS 28.15.231(b) to provide for assessing points when someone is convicted of violating accessible parking laws under AS 28.35.235(b).

Section 7. Amends AS 28.35.235 to specify what constitutes a violation for unauthorized use of disabled parking spaces. It also changes the fine to \$125 for misuse of a disabled parking space adds a two-point assessment against a person's driver's license if they have been previously convicted of a violation. This section adds a penalty of 2 points assessed against a person's driver's license, a \$250 fine and eight hours of community service for those convicted of misusing a disabled parking permit or license plate, as well as 4 points assessed against a person's driver's license if they have been previously convicted of a violation.

Rational. Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. SB 206 clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that in order to park in disabled parking areas, the person issued a disabled permit must be occupying or

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operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person and the disabled person must actually exit or enter the vehicle.

Section 8. Adds a new subsection to AS 28.35.235 that will allow municipalities to enact ordinances that are needed to enforce disabled parking violations.

DD/kk

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 206
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Disabled Parking and Registration BRU AST Detachments
Plates Component AST Detachments
 Sponsor Senator Donley
 Requester Senate Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division: Division of Alaska State Troopers Date/Time 2/8/02 2:39 PM
 Approved by: Commissioner Glenn Godfrey Date 2/8/2002
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 206
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Disabled Parking and Registration BRU AST Detachments
Plates Component AST Detachments
 Sponsor Senator Donley
 Requester Senate Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	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						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division: Division of Alaska State Troopers Date/Time 2/8/02 2:39 PM
 Approved by: Commissioner Glenn Godfrey Date 2/8/2002
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 206
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title "An Act relating to registration plates and parking permits for persons with disabilities..." BRU Motor Vehicles
Sponsor Senator Donley Component _____
Requester S(TRANS) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	38.7	7.7	2.0	2.0	2.0	2.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	38.7	7.7	2.0	2.0	2.0	2.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	38.7	7.7	2.0	2.0	2.0	2.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	38.7	7.7	2.0	2.0	2.0	2.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires DMV to issue a photographic identification card to persons with a disability. This card will be separate and in addition to any ID card or driver license currently issued by DMV so that persons will not have to reveal the the fact that they have a disability when presenting identification for normal commercial transactions. The card will be issued using the same process as is used to issue the driver license. The contractual cost to the DMV is \$2.00 per card. There are 5700 persons with license plates and 16,500 persons with permits who would need the new card. The bill allows a transition period for persons with plates so that cost will be spread over the first 2 years at a cost of \$5700 per year. There is no transition for persons with permits so all will be issued in the first year at a cost of \$33,000. After the initial issue to all who are currently in the program there will be 1000 new persons with disabilities each year at a cost of \$2000 each year.

Prepared by: Charles R. Hosack Phone 269-5559
Division Motor Vehicles Date/Time 2/7/02 1:40 PM
Approved by: Jim Duncan, Commissioner Date 2/7/2002
Agency Department of Administration



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

JAN 29 2002

MEMORANDUM

To: Senator John Cowdery, Chair
Senate Transportation Committee

From: Senator Dave Donley 

Date: January 25, 2002

Re: Senate Bill 206

I request that Senate Bill 206 "An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities", be scheduled for a hearing in the Judiciary Committee at your earliest convenience.

Senate Bill 206 helps insure the availability of priority parking for truly disabled Alaskans and is intended to prevent many of the instances of abuse that currently exist in our state's disabled parking system. Senate Bill 206 improves the issuing process for disabled parking permits and cracks down on individuals convicted of illegally parking in disabled parking areas or convicted of misusing disabled parking permits.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact myself or Marilyn Wilson of my staff at 6541.

DD/mjw

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Vice-Chair: Senate Judiciary Committee

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Senate Bill 206 Sponsor Statement

“An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities.”

Senate Bill 206 helps insure the availability of priority parking for truly disabled Alaskans and is intended to prevent many of the instances of abuse that currently exist in our state's disabled parking system. Senate Bill 206 improves the issuing process for disabled parking permits and cracks down on individuals convicted of illegally parking in disabled parking areas or convicted of misusing disabled parking permits.

To provide better access to disabled parking spaces for the truly disabled, the State of Washington toughened its laws to combat widespread abuse of disabled parking placards. Other states, fed up with abuse and fraud in their system, have also tightened up their disabled parking laws. A recent Alaska Division of Motor Vehicles' task force recommended the need to reform and strengthen Alaska's disabled parking laws. Senate Bill 206 is consistent with the recommendations of the DMV task force.

It is often difficult to identify whether or not individuals who have parked an automobile in a disabled parking space are disabled or not. Senate Bill 206 requires a person with a permanent disability to obtain a photographic identification card from the Division of Motor Vehicles to utilize handicap parking spaces. The issuance of photo identification cards would assist enforcement officials in identifying those individuals who are authorized to park in disabled parking spaces and those who are not.

Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. SB 206 clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that in order to park in disabled parking areas, the person issued a disabled permit must be occupying or operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person.

SB 206 increases the penalties for illegally parking in a disabled parking space and for misusing a disabled permit to park in a disabled parking space. Under existing law, violators are fined \$100 if they are convicted of either of these offenses. Under SB 206 individuals convicted of illegally parking in a disabled parking space would be fined \$125 and assessed two points from their driver's license. Individuals convicted of misusing a disabled permit would be fined \$250, assessed four points from their driver's license and be required to perform eight hours of community service.

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Page 2
Sponsor Statement
§ 206

SB 206 adds protections for those who truly need to utilize disabled parking spaces and sends a clear message that misuse of disabled permits and the unauthorized use of disabled parking spaces is unacceptable and will no longer be tolerated in Alaska. Accessible parking areas are necessary to provide easier access to services for our disabled population and abusers of the system are hindering that access for those who truly need it.

DD/mjw



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SECTIONAL ANALYSIS SENATE BILL 206

“An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities.”

Section 1. Amends AS 28.10.181(d) to provide for a disabled person to receive a photographic identification card authorizing them to use parking spaces for a person with a disability. It also changes the term "standard handicap symbol" to "international symbol of accessibility".

Rational Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. SB ?? clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that in order to park in disabled parking areas, the person issued a disabled permit must be occupying or operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person.

Section 2. Amends AS 28.10.421(d)(3) to reflect a change of wording from "disabled or handicap person" to "a person with a disability".

Section 3. Amends AS 28.10.441 to reflect a change of wording from "disabled or handicap person" to "a person with a disability".

Rationale The Alaska ADA

Section 4. Amends AS 28.10.495 to reflect a change from "disabled or handicap person" to "a person with a disability". It also allows the Department of Motor Vehicles to authorize other entities to issue special disabled parking permits.

Section 5. Amends AS 28.15.231(b) to provide for assessing points when someone is convicted of violating accessible parking laws under AS 28.35.235(b).

Section 6. Amends AS 28.35.235 to specify what constitutes a violation for unauthorized use of disabled parking spaces. It also adds a two point assessment against a person's driver's license and changes the fine to \$125 for misuse of a disabled parking space. This section adds a penalty of 4 points assessed against a person's driver's license, a \$250 fine and eight hours of community service for those convicted of misusing a disabled parking permit or license plate.

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

Section 7. Adds a new subsection to AS 28.35.235 that will allow municipalities to enact ordinances that are needed to enforce disabled parking violations.

Section 8. Allows for a transition period in the issuance of photographic identification cards by providing that the cards be issued upon registration or renewal of a vehicle.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Changes Made for CSSB 206

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

- Section 1. - New section adding intent language encouraging local law enforcement agencies to use private citizens and/or groups to enforce the disabled parking laws.
- Section 2. (previously Section 1.) - Deleted requirement for photo identification.
- Section 3. (previously Section 2.) - Remains unchanged.
- Section 4. (previously Section 3.) - Remains unchanged.
- Section 5. (previously Section 4.) - Remains unchanged.
- Section 6. (previously Section 5.) - Remains unchanged.
- Section 7. (previously Section 6.) - Deletes the requirement for photo identification and adds language requiring the person with the special permit to actually exit or enter the vehicle.

Changes the penalty for illegally parking in an accessible parking area from \$125 and two points assessed against the person's driver's license to \$125 fine for the first offense and \$125 fine plus two points assessed against the person's driver's license for subsequent violations.

Changes the penalty for misuse of an accessible parking permit or plate from \$250, four points assessed against the person's driver's license and eight hours of community service to \$250, two points assessed against the person's driver's license and eight hours of community service for the first offense and \$250, eight hours of community service and four points for subsequent violations.

- Section 8. (previously Section 7.) - Remains unchanged.
- Section 8. from SB 206 deleted.

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 206
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to registration plates and parking permits for persons with disabilities..." BRU Motor Vehicles
 Component _____
 Sponsor Senator Donley Component No. 2348
 Requester S(TRANS)

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	38.7	7.7	2.0	2.0	2.0	2.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	38.7	7.7	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	38.7	7.7	2.0	2.0	2.0	2.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	38.7	7.7	2.0	2.0	2.0	2.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill requires DMV to issue a photographic identification card to persons with a disability. This card will be separate and in addition to any ID card or driver license currently issued by DMV so that persons will not have to reveal the the fact that they have a disability when presenting identification for normal commercial transactions. The card will be issued using the same process as is used to issue the driver license. The contractual cost to the DMV is \$2.00 per card. There are 5700 persons with license plates and 16,500 persons with permits who would need the new card. The bill allows a transition period for persons with plates so that cost will be spread over the first 2 years at a cost of \$5700 per year. There is no transition for persons with permits so all will be issued in the first year at a cost of \$33,000. After the initial issue to all who are currently in the program there will be 1000 new persons with disabilities each year at a cost of \$2000 each year.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 2/7/02 1:40 PM
 Approved by: Jim Duncan, Commissioner Date 2/7/2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 206
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Disabled Parking and Registration BRU AST Detachments
Plates Component AST Detachments
 Sponsor Senator Donley
 Requester Senate Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division: Division of Alaska State Troopers Date/Time 2/8/02 2:39 PM
 Approved by: Commissioner Glenn Godfrey Date 2/8/2002
 Agency: Department of Public Safety

SB

2009

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX



During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

Sponsor Statement for SSSB 209 Railroad Leases

An Act relating to authorizing the Alaska Railroad Corporation to lease land within certain terminal reserves for a period of up to 55 years.

SSSB 209 extends the length of time the Alaska Railroad Corporation (ARRC) can lease lands within its Anchorage, Fairbanks, Seward and Healy Terminal Reserves from the current 35 years to 55 years.

This change in statute will help cultivate economic development in communities along the Railbelt by making commercial and residential development on Alaska Railroad lands more viable.

On any existing ARRC lease with a term longer than 35 years, an option to extend leases beyond that time includes a termination clause. This clause allows the ARRC to terminate any lease after 35 years in the event the land is needed for railroad purposes.

While the 35-year lease limit is adequate for most of ARRC's tenants, it is an obstacle in leasing lands to large commercial and residential developers who need to secure long-term financing for their investments. Financial lenders are reluctant to invest in large-scale projects requiring substantial equity participation when there is no guarantee the land will be available beyond 35 years.

The 35-year lease limit and termination clause restrictions have prevented commercial as well as residential development on ARRC lands. For example, Anchorage Neighborhood Housing, Inc. is working on the development of a 20-unit senior housing complex on ARRC property located in the Government Hill area. Housing for this project would be developed using Housing and Urban Development (HUD) 202 senior housing funds. However, HUD requires a 50-year lease period.

SSSB 209 will promote economic development and job opportunities for Alaskans by allowing greater flexibility in developing real estate in many railbelt communities. It will also make ARRC's leasing practices more consistent with other state agencies. Both the University of Alaska and the Department of Natural Resources can lease land for up to 55 years.

The proposed extension of allowable lease term is supported by the following businesses, individuals and organizations: Anchorage Historic Properties, Anchorage Neighborhood Housing Services, Mel Tipton (Ship Creek tenant and commercial developer), Seward Ship's Drydock, Inc., Doel Engineers, Northrim Bank, AIDEA, Yukon Fuel, Kantishna Holdings, Inc., A&A Construction and Development, Inc., the Anchorage Chamber of Commerce, City of Seward, Anchorage Assembly, and Fairbanks Chamber of Commerce.

Released: January 22, 2002
Contact: Whitney Highland, Legislative Aide to Senator Loren Leman, at (907) 465-3712

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX

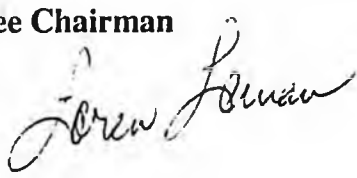


During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

MEMORANDUM

TO: Senator John Cowdery
Senate Transportation Committee Chairman

FROM: Senator Loren Leman, Sponsor 

DATE: January 23, 2002

RE: Scheduling a hearing for SSSB 209
Legislative Approval of Railroad Leases

Please schedule a hearing for SSSB 209: Legislative Approval of Railroad Leases on Thursday, January 31. This is the only opportunity for the primary witness on this bill to testify in person before the committee, as she will be in Juneau for a concurrent House Transportation Committee hearing.

SSSB 209 will extend the length of time the Alaska Railroad Corporation can lease lands within its Anchorage, Fairbanks, Seward and Healy Terminal Reserves from the current 35 years to 55 years. This change in statute will help cultivate economic development in communities along the railbelt by making commercial and residential development on Alaska Railroad lands more viable.

Attached is a copy of the bill and sponsor statement. Whitney Highland in my office will provide the packet information at your request. Please contact her at X3712 with any questions you have regarding this matter.



250 Cushman Street, Suite 2D
Fairbanks, AK 99701-4665
Phone: 907-452-1103
Fax: 907-456-6968
e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

Fax

To: Senator Cowdery From: Anna Atchison
Committee & Event Coordinator

Fax: 465.2069 Pages: 3

Phone: Date: January 31, 2002

Re: SB 209 Hearing CC:

● Comments:

Dear Senator Cowdery:

We understand that as Chair of the Senate Transportation Committee you will be hearing testimony on SB 209 today, and we ask that you please consider the attached resolution of support.

Thank you for your time,

Anna *AA*

- Benefactors
- Alaska Airlines
- Alaska Communications Systems
- Alaska Railroad
- Alaska Pipeline Service Company
- AT&T Alascom
- BP Exploration (Alaska) Inc.
- Capt. Bartlett Inn
- Denali State Bank
- Design Alaska
- Fairbanks Building & Construction Trades Council "The Unions"
- Fairbanks Natural Gas, LLC
- Fairbanks Urgent Care Center
- First National Bank of Anchorage
- Flowline Alaska
- Fort Knox Mine
- Golden Heart Utilities
- Golden Valley Electric Association
- K's Janitorial
- Key Bank of Alaska
- Mt. McKinley Bank
- North Star Computing
- Northrim Bank
- Phillips Alaska, Inc.
- Santina's Flowers & Gifts
- Tanana Valley Clinic
- Third Sector Technologies
- Totem Ocean Trailer Express
- Usibelli Coal Mine
- WebWeavers, LLC
- Wells Fargo
- Wendy's
- Westmark Fairbanks Hotel & Conference Center
- Williams Alaska Petroleum



**GREATER * FAIRBANKS
CHAMBER
OF COMMERCE**

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665
phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

Introduced By: Governmental Affairs
Other Review: Transportation
Date Introduced: November 5, 2001
Date Passed: December 10, 2001
Date Transmitted: December 11, 2001

RESOLUTION 01-1210

**A RESOLUTION BY THE GREATER FAIRBANKS CHAMBER OF
COMMERCE SUPPORTING LEGISLATION AUTHORIZING THE
ALASKA RAILROAD TO LEASE LAND FOR 55 YEARS**

WHEREAS legislation authorizing the Alaska Railroad Corporation (ARRC) to lease land for 55 years will cultivate economic development in Alaska communities along the railbelt by making commercial and residential development on ARRC lands more feasible; and

WHEREAS ARRC's current statutory limit is a 35-year lease. Proposed legislation would amend AS 42.40.285 (4) enabling the Alaska Railroad Corporation (ARRC) to lease lands within its Anchorage, Fairbanks, Seward and Healy Terminal Reserves for up to 55 years rather than 35 years without first gaining legislative approval; and

WHEREAS today, ARRC can extend leases beyond 35 years subject to a termination clause defined by AS 42.40.285 (4). The clause states ARRC can terminate any lease with a term in excess of 35 years in the event the land is needed for railroad purposes after the initial 35 years; and

WHEREAS financial lenders are reluctant to lend on large-scale projects requiring substantial equity when there is no guarantee the land will be available beyond 35 years; and

WHEREAS ARRC's statutory constraints limit the ability for developers of large-scale commercial and residential projects to secure financing because certain banking regulations require ground lease maturity to exceed loan maturity by 10 years; and

WHEREAS when developers provide significant infrastructure or operational improvements, it is beneficial to have a lengthened lease term allowing companies to amortize debt over a longer span of time; and

WHEREAS increasing the lease term to 55 years would increase financing options and, therefore, investor interest; and



**GREATER * FAIRBANKS
CHAMBER
OF COMMERCE**

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665
phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

WHEREAS this change would result in increased business activity on railroad property by making improvements more attractive to investors/users. This also creates long term benefits to the surrounding communities by providing an economic and tax base; and

WHEREAS the proposed legislation would make ARRC's leasing practices more consistent with other state agencies. The University of Alaska and the Department of Natural Resources can both lease land for up to 55 years:

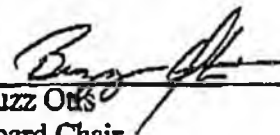
NOW THEREFORE BE IT RESOLVED that the Greater Fairbanks Chamber of Commerce views legislation authorizing ARRC to lease land for 55 years as an important step toward promoting economic development in railbelt communities where certain high value Railroad lands are currently underdeveloped.

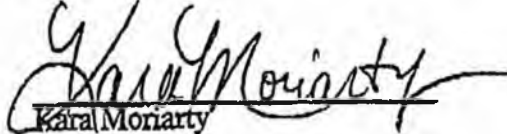
BE IT FURTHER RESOLVED that the Greater Fairbanks Chamber of Commerce supports and seeks to assist ARRC in obtaining legislative approval to lease land for up to 55 years in its Seward, Anchorage, Healy and Fairbanks Reserve Lands.

BE IT FURTHER RESOLVED that this resolution be distributed to:

Governor Tony Knowles
Interior Delegation
Senator Loren Leman
Alaska Railroad Corporation

PASSED in Fairbanks, Alaska this 10th day of December, 2001 by the Greater Fairbanks Chamber of Commerce Board of Directors.


Buzz Ous
Board Chair


Kara Moriarty
President/CEO

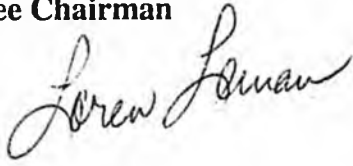
During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX

During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

MEMORANDUM

TO: Senator John Cowdery
Senate Transportation Committee Chairman

FROM: Senator Loren Leman, Sponsor 

DATE: January 23, 2002

RE: Scheduling a hearing for SSSB 209
Legislative Approval of Railroad Leases

Please schedule a hearing for SSSB 209: Legislative Approval of Railroad Leases on Thursday, January 31. This is the only opportunity for the primary witness on this bill to testify in person before the committee, as she will be in Juneau for a concurrent House Transportation Committee hearing.

SSSB 209 will extend the length of time the Alaska Railroad Corporation can lease lands within its Anchorage, Fairbanks, Seward and Healy Terminal Reserves from the current 35 years to 55 years. This change in statute will help cultivate economic development in communities along the railbelt by making commercial and residential development on Alaska Railroad lands more viable.

Attached is a copy of the bill and sponsor statement. Whitney Highland in my office will provide the packet information at your request. Please contact her at X3712 with any questions you have regarding this matter.

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX

During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

Sponsor Statement for SSSB 209 Railroad Leases

An Act relating to authorizing the Alaska Railroad Corporation to lease land within certain terminal reserves for a period of up to 55 years.

SSSB 209 extends the length of time the Alaska Railroad Corporation (ARRC) can lease lands within its Anchorage, Fairbanks, Seward and Healy Terminal Reserves from the current 35 years to 55 years.

This change in statute will help cultivate economic development in communities along the Railbelt by making commercial and residential development on Alaska Railroad lands more viable.

On any existing ARRC lease with a term longer than 35 years, an option to extend leases beyond that time includes a termination clause. This clause allows the ARRC to terminate any lease after 35 years in the event the land is needed for railroad purposes.

While the 35-year lease limit is adequate for most of ARRC's tenants, it is an obstacle in leasing lands to large commercial and residential developers who need to secure long-term financing for their investments. Financial lenders are reluctant to invest in large-scale projects requiring substantial equity participation when there is no guarantee the land will be available beyond 35 years.

The 35-year lease limit and termination clause restrictions have prevented commercial as well as residential development on ARRC lands. For example, Anchorage Neighborhood Housing, Inc. is working on the development of a 20-unit senior housing complex on ARRC property located in the Government Hill area. Housing for this project would be developed using Housing and Urban Development (HUD) 202 senior housing funds. However, HUD requires a 50-year lease period.

SSSB 209 will promote economic development and job opportunities for Alaskans by allowing greater flexibility in developing real estate in many railbelt communities. It will also make ARRC's leasing practices more consistent with other state agencies. Both the University of Alaska and the Department of Natural Resources can lease land for up to 55 years.

The proposed extension of allowable lease term is supported by the following businesses, individuals and organizations: Anchorage Historic Properties, Anchorage Neighborhood Housing Services, Mel Tipton (Ship Creek tenant and commercial developer), Seward Ship's Drydock, Inc., Dowl Engineers, Northrim Bank, AIDEA, Yukon Fuel, Kantishna Holdings, Inc., A&A Construction and Development, Inc., the Anchorage Chamber of Commerce, City of Seward, Anchorage Assembly, and Fairbanks Chamber of Commerce.

Released: January 22, 2002
Contact: Whitney Highland, Legislative Aide to Senator Loren Leman, at (907) 465-3712

Subject: Fiscal Note

Date: Fri, 25 Jan 2002 12:14:45 -0900

From: Donald Smith <Donald_Smith@legis.state.ak.us>

Organization: Alaska State Legislature

To: Shari_Kochman@gov.state.ak.us

Sheri,

The Senate Transportation Committee will be hearing SS SB 209 - An Act relating to authorizing the Alaska Railroad Corporation to lease lands within certain terminal reservations for a period of up to 55 years. I would like to request a fiscal note.

Thank you.

Don Smith

Legislative Aide - Senate Transportation Committee

SB

215

ALASKA STATE LEGISLATURE
SENATE DISTRICT I

Interim:
716 West 4th Ave. Anchorage,
AK 99501
Phone: 907-269-0222
Fax: 907-269-0223
Toll Free: 1-888-269-3879



Session:
State Capitol Building
Juneau, AK 99801
Phone: 907-465-3879
Fax: 907-465-2069
Toll Free: 1-888-269-3879

John J. Cowdery
Senate Transportation Committee, Chair
World Trade State & Federal Relations, Chair
Legislative Council, Rules, Judiciary

Senate Bill 215

"An Act relating to licensing common carriers to dispense alcoholic beverages; and providing for an effective date."

Sponsor:

Senator John Cowdery

Sponsor Statement

The purpose of SB215 is to reduce the administrative and clerical burden to common carriers when licensing vehicles, boats, aircraft, or railroad buffet cars, via a modification of the current licensing requirements for beverage dispensary licenses.

SB215 would simplify the current licensing process for the Alcoholic Beverage Control Board, and at the same time, reduce fees to licensees to more accurately reflect the actual costs to the Board of issuing licenses.

SB215 removes a competitive disadvantage experienced by intrastate operators and also brings Alaska's licensing costs more in line with similar fees levied by other states.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 215 (Trans)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Common Carrier Liquor License BRU Alcoholic Beverage Control Board
 Component Alcoholic Beverage Control Board
 Sponsor Senator Cowdery
 Requester Senate Finance Committee Component No. 100

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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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CHANGE IN REVENUES ()	(6.9)	(37.1)	0.0	(37.1)	0.0	(37.1)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Liquor licenses are issued for two years, renewable at either an even or odd year. As part of the change in fees for common carriers that this legislation proposes (reducing fees for multiple-license holders), a change in the biennial period for all common carriers is also being proposed, making all common carrier licenses renewable in odd years. At present, Alaska Airlines would be the largest entity to benefit from this legislation. The company currently has 104 common carrier licenses -- 92 renewable in odd years, and 12 renewable in even years. Therefore, the savings to Alaska Airlines (and cost to the State of Alaska) is based on 94 aircraft being licensed at the reduced rate (94 X \$600 discount) under this legislation.

Prepared by: Dawn Holland-Williams Phone 269-0359
 Division: Alcoholic Beverage Control Board Date/Time 3/4/02 4:50 PM
 Approved by: Larry Persily, Deputy Commissioner Date 03/04/2002
 Agency: Department of Revenue

Alaska Airlines

Senate Transportation Committee Hearing SB 215

Common Carrier Liquor Licenses

Testimony by William L. MacKay, Vice President-Public & Government Affairs

Alaska Airlines has requested that the current licensing requirements for common carrier beverage dispensary licenses be modified for two reasons. First, to simplify the requirements so that adding additional aircraft will not require an entirely new application process, involving filling out the application, supplying supporting exhibits, and posting and publishing the application for a license. Alaska and the Board agree that modifying the statute to simplify obtaining additional common carrier licenses will reduce the clerical and administrative work for both Alaska Airlines and the Board and is therefore in the public interest.

Secondly, Alaska Airlines would like the fees reduced. Alaska Airlines currently has 102 aircraft and plans to add additional aircraft each year. The growth of the fleet substantially exceeds the growth of its intrastate flying. Alaska Airlines recently began service from Seattle to Washington D.C. and will soon commence service from Seattle to Denver and Boston. The Company does not have an effective means of limiting the aircraft that serve Alaska to a select few and instead operates all of its aircraft in Alaska, often to enable it to provide single plane service from cities in Alaska to cities south or east of Seattle. Since every aircraft must be separately licensed, and every license costs Alaska Airlines \$450 a year (a \$700 biannual fee plus a \$200 license fee), the license fees have become quite high and will continue to escalate at a faster rate than the Company's intrastate flying will escalate. Alaska Airlines only operates a small portion of its fleet on intrastate routes on any given day. In addition, it should be noted that none of the other major airlines serving Alaska, with the possible exception of Delta, obtain Alaska liquor licenses since they do not operate intrastate. Alaska Airlines believes that it pays substantially more for common carrier licenses than any other licensee in Alaska. It seems fair to reduce the fees to more accurately reflect the costs to the Board of issuing licenses and the intrastate presence that Alaska Airlines actually has. If the proposed bill becomes law, Alaska Airlines will still pay more in fees to Alaska than it pays in any other state.

Current System-wide State License Fees:

License Fees
Fleet of 102

	<u>Master</u>	<u>Per AC</u>	<u>Total</u>
Alaska		450.00	45,900.00 *
Phoenix, Arizona	275.00	n/a	
Tucson, Arizona	275.00	n/a	550.00
California	400.00	12.00	1,612.00
Illinois	n/a	60.00	1,260.00 700 & 900's only
Oregon	202.60	n/a	202.60
Virginia	1,870.00	n/a	1,870.00
Washington	750.00	5.00	1,255.00

* Annual Cost; however required to file Biannually @ \$900.00 per aircraft

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR COWDERY

TO: SB 215

- 1 Page 2, line 1, following "licenses.":
- 2 Insert "Upon request of the common carrier and payment of the proportionate prorated
- 3 applicable fee, the board shall change the license period of a license for a vehicle, boat,
- 4 aircraft, or railroad buffet car in monthly increments to allow biennial registration to occur in
- 5 the month of the licensee's choice."

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 215
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Common Carrier Liquor License BRU Alcoholic Beverage Control Board
 Component Alcoholic Beverage Control Board
 Sponsor Senator Cowdery
 Requester Senate Transportation Committee Component No. 100

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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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CHANGE IN REVENUES ()	(22.7)	(39.5)	(27.2)	0.0	(27.2)	
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Liquor licenses are issued for two years, renewable at either an even or odd year. As part of the change in fees for common carriers that this legislation proposes (reducing fees for multiple-license holders), a change in the biennial period for all common carriers is also being proposed, making all common carrier licenses renewable in odd years. At present, Alaska Airlines would be the largest entity to benefit from this legislation. The company currently has 104 common carrier licenses -- 92 renewable in odd years and 12 renewable in even years. Therefore, the savings to Alaska Airlines (and cost to the State of Alaska in reduced license revenues) is based on 94 aircraft being licensed at the reduced rate (94 X \$600 discount).

Prepared by: Dawn Holland-Williams Phone 269-0359
 Division Alcoholic Beverage Control Board Date/Time 1/17/02 1:28 PM
 Approved by: Larry Persily, Deputy Commissioner Date 01/17/2002
 Agency Department of Revenue

SB

218

ALASKA STATE LEGISLATURE
SENATE DISTRICT I

Interim:
716 West 4th Ave.
Anchorage, AK 99501
Phone: 907-269-0222
Fax: 907-269-0223
Toll Free: 1-888-269-3879



Session:
State Capitol Bldg., Suite
101
Juneau, AK 99801
Phone: 907-465-3879
Fax: 907-465-2069
Toll Free: 1-888-269-3879

John J. Cowdery
Senate Transportation Committee, Chair
World Trade and State & Federal Relations
LEGISLATIVE COUNCIL, RULES, JUDICIARY

SPONSOR STATEMENT

SB 218

Senate Bill 218 changes the bond authorization limit to \$447,900,000 and authorizes the sale of \$142.9 million in international airport system revenue bonds to support capital improvement programs of the AIAS for fiscal years 2002 and 2003.

The AIAS and the state's major air carriers propose to continue developing our international airport system through implementation of a new international airports system operating agreement. Under the agreement, that development would be accomplished by using revenue bonds.

The airlines have requested, and the airport system has agreed, to shift to revenue bond financing rather than the historic method of funding capital improvements through annual capital charges paid by the airlines. While repayment of the bonded debt and annual debt service would still be covered by charges paid by the airlines, revenue bonds would allow payment to be spread over periods of time such as the useful life of airport projects.

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: CS SB 218 (TRANS)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title: International Airports: BRU: Revenue Operations
Bonds / Construction Fund Component: Treasury Division
 Sponsor: Senator Cowdery
 Requester: Senate Finance Component Number: 121

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	25.0					
Contractual		15.0	15.0	15.0	15.0	15.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous			4,705.9	12,260.8	12,253.5	12,250.0
TOTAL OPERATING	25.0	15.0	4,720.9	12,275.8	12,268.5	12,265.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	25.0	15.0	15.0	15.0	15.0	15.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
AIAS Revenue Fund			4,705.9	12,260.8	12,253.5	12,250.0
TOTAL	25.0	15.0	4,720.9	12,275.8	12,268.5	12,265.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation authorizes the State Bond Committee to issue an additional \$142,900,000 in revenue bonds to support the Alaska International Airport System's capital improvement program.

BASE ASSUMPTIONS: Project size of approximately \$113.2 million, 25-year term of bonds. True interest cost of 6.76% (approximately 1.5% above current rates). Two years of capitalized interest (making the interest payments on the bonds with bond proceeds). Debt service reserve funded with bond proceeds.

SOURCES OF CAPITAL: Par amount of bonds \$142.9 million, with interest earnings on the construction fund estimated at \$4 million.

USES OF CAPITAL: Project \$113.2 million. Capitalized interest \$18.8 million. Debt service reserve fund \$12.3 million. Costs associated with issuing the bonds \$2.5 million. Total uses of capital are ~~\$142.9~~ 147.7 million.

Prepared by: Deven Mitchell, State Debt Manager Phone 465-3750
 Division: Treasury Division Date/Time May 2, 2001, 2 p.m.
 Approved by: Larry Persily, Deputy Commissioner Date 05/02/2001
 Agency: Department of Revenue

For distribution information, call the Governor's Legislative Office

**AIAS
FY 2002 Capital Improvement Budget**

*700 - Airport Improvement
Capital Budget
Cash Flow*

ANC		Total					FY 02					FY 03				
Airport	Description	FY 02/03	AIP	Bonds	PFC	IARF	FY 02	AIP	Bonds	PFC	IARF	FY 03	AIP	Bonds	PFC	IARF
ANC	Advanced Project/Parking Design Study	6,316,000		6,316,000			3,158,000		3,158,000			3,158,000		3,158,000		
ANC	Airfield Electrical/Lighting Rehab/Upgrades	2,237,000	1,950,000	287,000			987,000	750,000	237,000			1,250,000	1,200,000	50,000		
ANC	Airfield Pavement Maintenance	15,524,000	10,700,000	4,824,000			7,199,000	4,700,000	2,799,000			8,025,000	6,000,000	2,025,000		
ANC	Airfield Safety and Blast Protection	4,868,000	4,600,000	268,000			2,368,000	2,350,000	18,000			2,500,000	2,250,000	250,000		
ANC	Annual Improvements	2,632,000				2,632,000	1,316,000				1,316,000					1,316,000
ANC	Communication System and Relocation	5,515,000		5,515,000			5,515,000		5,515,000							
ANC	Deicing System	2,631,000	2,300,000	331,000			2,631,000	2,300,000	331,000							
ANC	Energy and Terminal Systems Upgrades	1,905,000		1,905,000			635,000		635,000			1,270,000		1,270,000		
ANC	Environmental Compliance and Cleanup	12,782,000		6,962,000		5,800,000	3,289,000		389,000		2,900,000	9,473,000		6,573,000		2,900,000
ANC	Equipment	4,999,000		4,999,000			2,368,000		2,368,000			2,631,000		2,631,000		
ANC	Field Maintenance Facility	32,000,000	2,600,000	29,400,000			10,000,000	2,600,000	7,400,000			22,000,000		22,000,000		
LHD	GA Parking and Taxiway Relocation	3,186,000	2,700,000	486,000			3,186,000	2,700,000	486,000							
ANC	Information Technology Improvements	1,053,000		1,053,000			658,000		658,000			395,000		395,000		
LHD	Lake Dredging and Bank Stabilization	1,270,000	1,150,000	120,000								1,270,000	1,150,000	120,000		
ANC	Land Acquisition and Mitigation	3,289,000	2,000,000	1,289,000								3,289,000	2,000,000	1,289,000		
ANC	Master Plan	2,486,000	2,000,000	486,000			1,248,000	1,000,000	248,000			1,248,000	1,000,000	248,000		
ANC	Noise Abatement Program Implementation	5,282,000	4,750,000	512,000			2,631,000	2,400,000	231,000			2,631,000	2,350,000	281,000		
ANC	NT Waterline Replacement	4,902,000		4,902,000			4,902,000		4,902,000							
ANC	Old International Airport Road Upgrade	998,000		998,000								998,000		998,000		
ANC	Roads, Utilities & Grounds Constr and Upgrades	4,539,000		4,539,000			1,579,000		1,579,000			2,960,000		2,960,000		
ANC	Security/Safety/Access Control Improvements	1,249,000	750,000	499,000			789,000	750,000	39,000			460,000		460,000		
ANC	Security/Safety/Emergency and Access Control/Comm	14,500,000	4,500,000	10,000,000			14,500,000	4,500,000	10,000,000							
ANC	Site Development Preparation	7,354,000		7,354,000			7,354,000		7,354,000							
ANC	Taxiway/Runway Improvements	6,075,000	5,500,000	575,000			1,939,000	1,800,000	139,000			4,136,000	3,700,000	436,000		
ANC	Terminal Rehabilitation	14,538,000		14,538,000			4,934,000		4,934,000			9,604,000		9,604,000		
ANC	Terminal Relocations	5,000,000				5,000,000	5,000,000				5,000,000					
ANC Total		\$ 167,100,000	\$ 45,500,000	\$ 108,188,000	\$ -	\$ 13,432,000	\$ 88,486,000	\$ 25,850,000	\$ 53,420,000	\$ -	\$ 9,218,000	\$ 78,814,000	\$ 19,650,000	\$ 54,748,000	\$ -	\$ 4,218,000
FAI		Total					FY 02					FY 03				
	Description	FY 02/03	AIP	Bonds	PFC	IARF	FY 02	AIP	Bonds	PFC	IARF	FY 03	AIP	Bonds	PFC	IARF
FAI	Terminal Imp. Ph 2 Const.	3,990,000		438,900	3,551,100		3,990,000		438,900	3,551,100						
FAI	Terminal Roof Repl. Const.	2,450,000	2,284,600	165,400			2,450,000	2,284,600	165,400							
FAI	Equipment	1,807,000		1,367,000	440,000		975,000		535,000	440,000		832,000		832,000		
FAI	Drainage Improvements Ph. 3	1,650,000	1,538,700	111,300			135,000		135,000.00			1,515,000	1,538,700	(23,700)		
FAI	East Side Utilities Ph.2	1,450,000		1,450,000								1,450,000		1,450,000		
FAI	Annual Improvements	700,000				700,000	350,000				350,000					350,000
FAI	Environmental	500,000		500,000								500,000		500,000		
FAI	ARFF Facility Repairs	400,000		400,000			400,000		400,000							
FAI	Preliminary Planning	400,000		400,000								400,000		400,000		
FAI	Terminal HVAC	2,700,000	2,517,800	182,200								2,700,000	2,517,800	182,200		
FAI Total		\$ 16,047,000	\$ 6,341,100	\$ 5,014,800	\$ 3,991,100	\$ 700,000	\$ 8,300,000	\$ 2,284,600	\$ 1,674,300	\$ 3,991,100	\$ 350,000	\$ 7,747,000	\$ 4,056,500	\$ 3,340,500	\$ -	\$ 350,000
AIAS Total		\$ 183,147,000	\$ 51,841,100	\$ 113,182,800	\$ 3,991,100	\$ 14,132,000	\$ 96,786,000	\$ 28,134,600	\$ 55,094,300	\$ 3,991,100	\$ 9,568,000	\$ 86,361,000	\$ 23,706,500	\$ 58,088,500	\$ -	\$ 4,568,000

*11/15/01
2:50 PM
2001*

WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS0969A
Cook
4/25/01

Cowdery
4-26-01

SENATE BILL NO.

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY SENATOR COWDERY

**Introduced:
Referred:**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to international airports revenue bonds and to the spending plan for
2 the International Airports Construction Fund; and providing for an effective date."

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

4 * **Section 1.** AS 37.15.410 is amended to read:

5 **Sec. 37.15.410. Bond authorization.** For the purpose of providing part or all
6 of the money to be used, with or without any grants or other money that may become
7 available, the issuance and sale of revenue bonds of the state in a total principal sum
8 not to exceed \$452,900,000 [\$305,000,000] is authorized to acquire, equip, construct,
9 and install the additions, improvements, extensions, and facilities authorized in
10 AS 37.15.510. The principal of and interest on these bonds shall be paid out of and
11 secured by the gross revenue derived by the state from the ownership, lease, use, and
12 operation of the airports, and of all the facilities of them, and out of any other money
13 that may be appropriated for the purpose.

14 * **Sec. 2.** AS 37.15.420(c) is amended to read:

WORK DRAFT

WORK DRAFT

22-LS0969A

- 1 (c) By January 1 of each year, the commissioner of transportation and public
2 facilities shall submit to the legislature an annual spending plan that contains
3 information regarding the planned expenditure of money from the construction fund
4 during the next fiscal year and information on certain expenditures made during
5 the previous fiscal year. The spending plan must include
- 6 (1) the total amount of money to be spent from the construction fund;
7 (2) a description of the work to be performed on airport facilities that
8 will be financed with money from the construction fund;
- 9 (3) the amount from the construction fund that will be spent under
10 contracts with the private sector and a description of the goods or services to be
11 provided to the state under each of the contracts;
- 12 (4) the amounts that the state will spend from the construction fund for
13 purposes other than contract payments and a description of each of those purposes,
14 including financing costs, administrative and other overhead costs, and contingencies;
- 15 (5) the amounts spent during the previous fiscal year for cost
16 overruns on projects financed in whole or part with money from the construction
17 fund and the sources of money used for those cost overruns;
- 18 (6) identification of time delays that occurred during the previous
19 fiscal year on projects financed in whole or part with money from the
20 construction fund and amounts spent as a result of the delays.
- 21 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

JOHNS
DESK
COPY

22-LS0969A
Cook
4/25/01

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR COWDERY

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to international airports revenue bonds and to the spending plan for
2 the International Airports Construction Fund; and providing for an effective date."

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

4 * Section 1. AS 37.15.410 is amended to read:

5 Sec. 37.15.410. Bond authorization. For the purpose of providing part or all
6 of the money to be used, with or without any grants or other money that may become
7 available, the issuance and sale of revenue bonds of the state in a total principal sum
8 not to exceed \$452,900,000 [\$305,000,000] is authorized to acquire, equip, construct,
9 and install the additions, improvements, extensions, and facilities authorized in
10 AS 37.15.510. The principal of and interest on these bonds shall be paid out of and
11 secured by the gross revenue derived by the state from the ownership, lease, use, and
12 operation of the airports, and of all the facilities of them, and out of any other money
13 that may be appropriated for the purpose.

14 * Sec. 2. AS 37.15.420(c) is amended to read:

ordered a final
version —
8:38 4/30
\$5 million
less

1 (c) By January 1 of each year, the commissioner of transportation and public
2 facilities shall submit to the legislature an annual spending plan that contains
3 information regarding the planned expenditure of money from the construction fund
4 during the next fiscal year and information on certain expenditures made during
5 the previous fiscal year. The spending plan must include

6 (1) the total amount of money to be spent from the construction fund;

7 (2) a description of the work to be performed on airport facilities that
8 will be financed with money from the construction fund;

9 (3) the amount from the construction fund that will be spent under
10 contracts with the private sector and a description of the goods or services to be
11 provided to the state under each of the contracts;

12 (4) the amounts that the state will spend from the construction fund for
13 purposes other than contract payments and a description of each of those purposes,
14 including financing costs, administrative and other overhead costs, and contingencies;

15 (5) the amounts spent during the previous fiscal year for cost
16 overruns on projects financed in whole or part with money from the construction
17 fund and the sources of money used for those cost overruns;

18 (6) identification of time delays that occurred during the previous
19 fiscal year on projects financed in whole or part with money from the
20 construction fund and amounts spent as a result of the delays.

21 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE
SENATE DISTRICT I

Interim:
716 West 4th Ave.
Anchorage, AK 99501
Phone: 907-269-0222
Fax: 907-269-0223
Toll Free: 1-888-269-3879



Session:
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101
Juneau, AK 99801
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Fax: 907-465-2069
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John J. Cowdery
Senate Transportation Committee, Chair
World Trade and State & Federal Relations
LEGISLATIVE COUNCIL, RULES, JUDICIARY

April 24, 2001

Committee Meeting Agenda

May 1, 2001

SB *218*

A Bill – Short Title “International Airport Bonds”.

Meeting in the Butrovich Room
1:30 pm

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR COWDERY

TO: SB 218

1 Page 1, line 1, following "relating to":

2 Insert "certain fees used to construct new special purposes facilities; relating to"

3

4 Page 1, following line 3:

5 Insert a new bill section to read:

6 **** Section 1.** AS 02.15.090(a) is amended to read:

7 (a) In operating an airport or air navigation facility owned or controlled by the
8 state, the department may enter into contracts, leases, and other arrangements covering
9 periods not exceeding 55 years with a person, municipality, or the United States,
10 granting the privilege of using or improving an airport or air navigation facility or a
11 portion of it or space in it for commercial, governmental, or other public purposes,
12 including private plane tie down, or conferring the privilege of supplying goods,
13 commodities, services, or facilities at an airport or air navigation facility. The
14 department may levy, impose, collect, or require another person to collect and
15 remit uniform customer user fees for the purpose of paying for the capital costs,
16 debt service amounts, and operation, repair, and maintenance expense in
17 connection with car rental facilities and other special purpose facilities. These
18 customer user fees are not a revenue, fee, charge, or rental derived by the state
19 from the ownership, lease, use, and operation of the airports and facilities,
20 improvements of airports and facilities, and facilities and improvements used in
21 connection with airports and facilities for the purpose of AS 37.15.410 -
22 37.15.550, provided that the customer user fees are used to construct new special
23 purpose facilities or are pledged to fund special revenue bonds required to
24 construct new special purpose facilities, the special purpose facilities do not

1 require funds from the International Airports Construction Fund (AS 37.15.420),
2 and the customer user fees imposed do not displace or replace any revenue, fee,
3 charge, or rental fee already pledged to the International Airports Revenue Fund
4 (AS 37.15.430). The department may establish the terms and conditions and fix the
5 charges, rentals, and fees for the privileges or services that are reasonable and uniform
6 for the same class of privilege or service. Charges, rentals, or fees authorized by this
7 subsection may be fixed for the international airports by order of the commissioner or
8 by negotiated or competitively offered contract. Notwithstanding AS 37.10.050(a),
9 the fixing of charges, rentals, or fees as permitted under this subsection is not subject
10 to the adoption of regulation provisions of AS 44.62 (Administrative Procedure Act).
11 The terms, conditions, charges, rentals, and fees shall be established with due regard to
12 the property and improvements used and the expense of operation to the state.
13 However, use of state land and buildings by the Alaska Wing, Civil Air Patrol and its
14 squadrons shall be permitted without rental charges. If the department permits space
15 in state-owned or state-controlled airports to be used as lounges for members of the
16 United States armed forces, the Alaska National Guard, the Alaska Naval Militia, or
17 the Alaska State Defense Force, and if the lounges are operated by persons exempt
18 from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may not be
19 charged for the use of the space. The department shall provide for public notice and
20 an opportunity to comment before a charge, rental, or fee is fixed by order of the
21 commissioner as permitted under this subsection. The public may not be deprived of
22 its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of
23 them."

24

25 Page 1, line 4:

26 Delete "*** Section 1.**"27 Insert "*** Sec. 2.**"

28

29 Renumber the following bill sections accordingly.

WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS09691A

Cook

4/25/01

Cowdry

4.26.01

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR COWDERY

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

insert language that follows

1 "An Act relating to international airports revenue bonds and to the spending plan for
2 the International Airports Construction Fund; and providing for an effective date."

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

4 * Section 1. AS 37.15.410 is amended to read:

5 Sec. 37.15.410. Bond authorization. For the purpose of providing part or all
6 of the money to be used, with or without any grants or other money that may become
7 available, the issuance and sale of revenue bonds of the state in a total principal sum
8 not to exceed \$452,900,000 [~~\$305,000,000~~] is authorized to acquire, equip, construct,
9 and install the additions, improvements, extensions, and facilities authorized in
10 AS 37.15.510. The principal of and interest on these bonds shall be paid out of and
11 secured by the gross revenue derived by the state from the ownership, lease, use, and
12 operation of the airports, and of all the facilities of them, and out of any other money
13 that may be appropriated for the purpose.

14 * Sec. 2. AS 37.15.420(c) is amended to read:

charge, rental, or fee is fixed by order of the commissioner as permitted under this subsection. The public may not be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of them.

ALASKA STATE LEGISLATURE
SENATE DISTRICT I

Interim:
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Anchorage, AK 99501
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John J. Cowdery
Senate Transportation Committee, Chair
World Trade and State & Federal Relations
LEGISLATIVE COUNCIL, RULES, JUDICIARY

April 24, 2001

Committee Meeting Agenda

May 1, 2001

SB ___ A Bill -- Short Title "International Airport Bonds".

Meeting in the Butrovich Room
1:30 pm

Post-it® Fax Note	7671	Date	5/1/01	# of pages	3
To	Don Smith	From	Bob Evans		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

Revision 3
May 1, 2001

Insert into title:

"allocating customer user fees to finance the construction and operation of car rental facilities at International Airports"

AS 02.15.090(a) is amended to provide:

(a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial, governmental, or other public purposes, including private plane tie down; or conferring the privilege of supplying goods, commodities, services, or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services that are reasonable and uniform for the same class of privilege or service. The department may levy, impose, collect, or require third parties to collect and remit uniform customer user fees for the purpose of paying for the capital costs, debt service amounts, and operation, repair and maintenance expense, all in connection with car rental facilities to be built at airports as defined by AS 37.15.550(1). Such customer user fees shall not be considered a revenue, fee, charge or rental derived by the state from the ownership, lease, use, and operation of the airports and all of the facilities and improvements of them and facilities and improvements used in connection with them for the purpose of AS 37.15.410 through .550, provided that such customer user fees are used to construct new car rental facilities, or to pay for their operation, repair and maintenance; such customer user fees are pledged to fund special revenue bonds required to construct such special purpose facilities; the special purpose facility does not require funds from the International Airports Construction Fund; and the imposition of the customer user fee does not displace or replace any revenue, fee, charge and/or rental fee already pledged to the International Airports Revenue Fund. Charges, rentals, or fees authorized by this subsection may be fixed for the international airports by order of the commissioner or by negotiated or competitively offered contract. Notwithstanding AS 37.10.050(a), the fixing of charges, rentals, or fees as permitted under this subsection is not subject to the adoption of regulation provisions of AS 44.62 (Administrative Procedure Act). The terms, conditions, charges, rentals, and fees shall be established with due regard to the property and improvements used and the expense of operation to the state. However, use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons shall be permitted without rental charges. If the department permits space in state-owned or state-controlled airports to be used as lounges for members of the United States armed forces, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Militia and if the lounges are operated by persons exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may not be charged for the use of the space. The department shall provide for public notice and an opportunity to comment before a

rewrite

call into
(problems)

ALASKA STATE LEGISLATURE
SENATE DISTRICT I

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716 West 4th Ave.
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John J. Cowdery
Senate Transportation Committee, Chair
World Trade and State & Federal Relations
LEGISLATIVE COUNCIL, RULES, JUDICIARY

SPONSOR STATEMENT

SB 218

Senate Bill 218 authorizes the sale of \$142.9 million in international airport system revenue bonds to support capital improvement programs of the AIAS for fiscal years 2002 and 2003.

The AIAS and the state's major air carriers propose to continue developing our international airport system through implementation of a new international airports system operating agreement. Under the agreement, that development would be accomplished by using revenue bonds.

The airlines have requested, and the airport system has agreed, to shift to revenue bond financing rather than the historic method of funding capital improvements through annual capital charges paid by the airlines. While repayment of the bonded debt and annual debt service would still be covered by charges paid by the airlines, revenue bonds would allow payment to be spread over periods of time such as the useful life of airport projects.

**Sponsor Substitute for House Bill No. 120 am
Summary**

This bill reduces the risk of putting the wrong person in a sensitive position because of an incomplete criminal history report. It makes criminal history reports more complete and accurate in three ways:

(1) It adopts the National Crime Prevention and Privacy Compact.

- The Compact allows Alaska to get out-of-state criminal records directly from other states instead of having to rely on duplicate records maintained by the FBI.
- Whether by policy or oversight, states typically do not submit copies of all their records to the FBI, so Compact states will get more information from one another than from the FBI.

(2) It allows more relevant information in criminal reports authorized by Alaska law.

- It allows reports to include identifying information such as mugshots.
- It lifts a ban restricting reports to convictions within ten years of unconditional discharge. This restriction hides potentially relevant information regardless of seriousness or recidivism.

(3) It provides special protection for children and vulnerable adults.

- Findings of "not guilty by reason of insanity" are currently barred from reports used to screen child and senior caretakers; the bill lifts that restriction and also allows decision makers to research questionable or missing dispositions if appropriate.
- Reports will include all criminal offenses instead of being restricted to a statutorily defined list which omits such relevant misdemeanors as: *Endangering the Welfare of a Minor, Failure to Report a Crime Against a Child, Harassment, and Recruiting a Gang Member.*

Over 20,000 criminal history reports are relied upon each year by those authorized under Alaska law to screen applicants for sensitive positions and licenses, including:

- Foster Parent Licenses (AS 47)
- Teacher Certification (AS 14.20)
- School Bus Driver Licenses (AS 28.17)
- Child Care Facility Licenses
- Security Guards (AS 18.65)
- Domestic Violence & Sexual Assault Pgms
- Assisted Living Homes (AS 47.33)
- Nursing Homes (AS 18.20)
- Insurance Agencies (AS 21.27)
- Collection Agencies (AS 8.24)
- Alaska Bar Association (AS 8.08)
- Batterers Intervention Programs

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7898

TEXT: (907) 465-3652
FAX: (907) 586-8365
PHONE: (907) 465-3900

February 9, 2001

Honorable John Cowdery
Chair, Transportation Committee
State Capitol, Room 101
Juneau, AK 99801

Re: SB36 request for information

Dear Senator Cowdery: *John*

Thank you for hearing SB 36, a bill to authorize revenue bonds for financing capital improvements at the Alaska International Airport System. The legislation is important for the airport system and is essential for continued economic development at Anchorage and Fairbanks. I know you have been a strong supporter of private sector construction. There may be no single bigger construction opportunity for the private sector over the next two years than is represented in this legislation. Swift passage of this bill will ensure construction continues on schedule.

At the hearing on January 23, 2001, a question was asked about the relationship between projects identified in the bill and the Terminal Redevelopment project. The Terminal Redevelopment Project budget of \$230,000,000 is a combination of Airport Revenue Bonds, FAA Funds, and FHWA funding. The current CIP Revenue Bond proposal includes funding for certain airport improvements not part of the original Terminal Redevelopment scope. To facilitate orderly and timely flow of construction, some of these additional CIP elements must be integrated and accomplished as part of the various terminal construction contracts. The total amount of these "overlap" CIP projects is approximately \$ 8,700,000.

Below is a description of these "overlap" CIP project elements:

HAZMAT Abatement	\$5,000,000
-------------------------	--------------------

Due to the uncertainty associated with the degree and extent of Hazmat within the existing terminal structures, the project budget for the Terminal Redevelopment Project excluded all but minor amounts for known remediation needs. The preferred approach to dealing with Hazmat, as agreed with the airlines, was to address funding needs as they became known and better defined. In conjunction with Concourse C Demolition and the renovations to portions of the existing Ticket Lobby, extensive abatement of unanticipated asbestos containing materials (ACM) was required. Additional hazardous material abatement will also be required to complete the remaining South Terminal renovations. The current estimate for South Terminal related abatement is \$5 million.

Access Control System**\$2,000,000**

Security Access Control for both the Domestic and International Terminals was to be accomplished under a previously authorized CIP project and was therefore excluded from the original scope and budget for the Terminal Redevelopment Project. The recently completed installation of the new Access control system for the International Terminal and portions of the Domestic Terminal consumed the authorized funding. The estimated cost for remaining Access Control Systems that will support the new Concourse C and the balance of the existing terminal is \$2 million. The Access Control Systems will be added the Phase II – Concourse C – Building Completion contract and to the Ticket Lobby and Concourse B Renovation contracts.

Medium Voltage Project**\$1,000,000**

A separate CIP project for a Medium Voltage Distribution System was originally authorized in FY96. The cost of Phase I and II of this project collectively exceed the authorized CIP funding level. This Medium Voltage underground electrical loop was not part of the original Terminal Redevelopment Project scope of work. However, to proceed with construction of Concourse C and avoid delay, it was necessary to complete portions of the Phase II work under the Terminal Project. This CIP funding increment will pay for these additional costs.

Furnishings and Equipment**\$ 700,000**

This CIP funding will provide new/upgraded Airport furnishings, equipment and interior landscaping components (planters, etc.) throughout the new and remodeled concourses. These furnishings and equipment are the “non built-in” components which are in addition to the permanent features being constructed as part of the new Concourse C and remodel of the existing terminal space.

Airline/Concession Relocation (\$5,000,000) is an additional project that was originally included in the list of projects for bond funding. This CIP funding will pay for airline and concessions/retail relocation costs as negotiated based on the terms of current lease agreements. Some of this relocation work will be accomplished in conjunction with the construction of the new Concourse C, other portions may be accomplished directly by the tenants. These costs are beyond the level of the tenant relocations included in the original scope of the Terminal Redevelopment Project. The airlines have recently requested this project be funded from the International Airport Revenue Fund rather than with revenue bonds. Therefore, the department will be requesting an amendment to reduce bond authorization in SB 36 by \$5,000,000.

Sincerely,



Joseph L. Perkins, P.E.
Commissioner

SB

222




SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator John Cowdery
Chair, Senate Transportation Committee

FROM: Senator Dave Donley 

DATE: February 8, 2002

RE: Committee Substitute for Senate Bill 222 "An Act relating to certain motor vehicles that are required to yield to following traffic."

Attached is a work draft of Committee Substitute for SB 222 "An Act relating to certain motor vehicles that are required to yield to following traffic" for your consideration. This CS work draft contains only the violation portion of the previous SB 222.

If you have any additional questions or comments, please contact Sara Wright of my staff at x3892. Thank you.

Attachments: Work Draft CS for Senate Bill 222
Sponsor Statement for CSSB 222
Pertinent Statutes and Administrative Code

DD/sew

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

January-May: STATE CAPITOL • JUNEAU, AK • 99801 • (907) 465-3892 • FAX: (907) 465-6595

June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

CS FOR SENATE BILL NO. 222()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DONLEY

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to certain motor vehicles that are required to yield to following
2 traffic."

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

4 * Section 1. AS 28.35.140 is amended by adding a new subsection to read:

5 (b) A person operating a motor vehicle on a two-lane roadway shall pull the
6 motor vehicle off the roadway at the first opportunity to pull over safely whenever
7 there is at least 100 feet of visible and unobstructed roadway in front of that motor
8 vehicle and there are five or more motor vehicles immediately following that motor
9 vehicle. A person operating a motor vehicle who violates this subsection is guilty of
10 an infraction as described in AS 28.40.050(d) and shall be punished by a fine of at
11 least \$200.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

WORK DRAFT COMMITTEE SUBSTITUTE SENATE BILL 222

C VERSION

"AN ACT RELATING TO CERTAIN MOTOR VEHICLES THAT ARE
REQUIRED TO YIELD TO FOLLOWING TRAFFIC."

Senate Bill 222 will, with the cooperation of the Department of Transportation and Public Facilities, increase the number of posted signs along some of Alaska's highways informing motorists of the existing law prohibiting a vehicle from delaying traffic. This bill would also increase the fine for those in violation of this law from \$30 to \$200.

Current Alaska law prohibits slow traffic from delaying five or more vehicles; however, many drivers are not aware of this. It is the intent of this bill to make motorists more conscious of this law and to lessen some of the congestion on our highways, especially during the summer months.

The Department of Transportation and Public Facilities has committed to placing 20 signs on Alaskan highways with the highest traffic volume. The signs will indicate that it is unlawful to delay five or more vehicles and that a violation is punishable by a minimum fine of \$200.

This legislation is a step in the right direction to lessen the traffic congestion problems caused by slow vehicles. It is unfair and dangerous to motorists that a few drivers should "own" the road and dictate their own speed limit.

DD/sew

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www.akrepublicans.org/Donley.htm • www.lis.state.ak.us/senate/donley.htm

Sec. 28.35.140. Unlawful obstruct or blocking of traffic.

A person may not purposely obstruct or block traffic on any roadway by any means. However, a service vehicle such as a bus, garbage truck, tow truck, or ambulance may make brief stops on a roadway, which stops on the roadway are necessary in the performance of its services.

History -

(Sec. 50-5-7 ACLA 1949; am Sec. 1 ch 174 SLA 1970)

Decisions -

This law pertains to roads of sufficient width and condition to permit vehicles to pass, without injury to their tires or other parts, and without danger of collision. *Vogler v. Greimann*, 12 Alaska 19, 78 F. Supp. 575 (D. Alaska 1948).

On a two-lane highway, even a one foot obstruction could easily cause a following car to swerve into the opposite lane to clear a parked vehicle. This would interfere with the normal flow of traffic and amount to a violation under this section. *Beaumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

This section is not an exclusive list of service vehicles. *Beaumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

A driver, while not operating a professional service vehicle, may be engaged in the same activity as a service vehicle would have been. *Beaumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

Such as pulling over to aid occupants of overturned car. - This section describes service vehicles as buses, garbage trucks, tow trucks or ambulances, but a reasonable construction of the statute would hold that one who pulled his car over to the side of the road in an emergency situation in order to aid the occupants of an overturned car, was acting in a service capacity. *Beaumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

A person who pulled over to the side of the road in an emergency situation in order to aid the occupants of an overturned car, apparently parking as far over on the right as he could given the snow conditions and the presence of a ditch on the side of the road, and who also turned his emergency flasher lights on, was entitled to make a brief stop on the roadway as necessary in the performance of samaritan efforts. *Beaumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 277.

61A C.J.S., Motor Vehicles, Sec. 684.

Sec. 28.40.050. Penalties for violations of law, regulations, and municipal ordinances.

(a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 - 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

(e) [Repealed, Sec. 5 ch 85 SLA 1987].

History -

(Sec. 50-1-8 ACLA 1949; am Sec. 12 ch 241 SLA 1976; am Sec. 22, 23 ch 144 SLA 1977; am Sec. 5 ch 85 SLA 1987)

Revisors Notes -

Formerly AS 28.35.230. Renumbered in 1984.

Decisions -

This section governs the penalties for violations of this title, and creates three categories of traffic offenses: felonies, misdemeanors and infractions. *State v. Clayton*, 584 P.2d 1111 (Alaska 1978).

Violations of AS 28.35.050(a) are punishable under this section. *Drahosh v. State*, 442 P.2d 44 (Alaska 1968).

Prerequisite to suspension of license or privilege to drive. - A driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. *Roberts v. State*, 700 P.2d 815 (Alaska Ct. App. 1985).

Generic penalty provision. - Subsection (b) is not a penalty provision dealing specifically with the offense of driving while license suspended; rather it is a generic penalty provision, broadly applicable to violations of all Title 28 provisions for which the specific penalties are given. *Roberts v. State*, 700 P.2d 815 (Alaska Ct. App. 1985).

Meaning of "law" in subsection (c). - The term "law," as used in subsection (c) of this section, refers to statutory enactments of the Alaska legislature and cannot be read to include the provisions of municipal ordinances. *Anderson v. Municipality of Anchorage*, 645 P.2d 205 (Alaska Ct. App. 1982).

Nature of "correspondence" between ordinance and statute required by subsection (c). - The requirement of correspondence stated in subsection (c) of this section calls for a level of similarity between a municipal ordinance and a provision of AS 28 that would make the ordinance a functional equivalent of its statutory counterpart. *Anderson v. Municipality of Anchorage*, 645 P.2d 205 (Alaska Ct. App. 1982).

The legislature's purpose in enacting subsection (d) was to eliminate the criminal stigma from minor traffic offenses while keeping the enforcement of such offenses within the criminal system's procedures. *State v. Clayton*, 584 P.2d 1111 (Alaska 1978). A prosecution for a traffic infraction is a quasi-criminal proceeding to which certain criminal procedures including the issuance of warrants are applicable. *State v. Clayton*, 584 P.2d 1111 (Alaska 1978).

Although the language in subsection (d) with regard to an infraction not being considered a criminal offense nor a fine therefor a criminal punishment indicates that the legislature did not intend to make minor traffic offenses criminal offenses, it does not follow that the legislature by labeling infractions "noncriminal" meant that they are civil in nature and thus that criminal procedures are not available for the enforcement of infractions. *State v. Clayton*, 584 P.2d 1111 (Alaska 1978).

Notwithstanding the legislative labeling of a traffic infraction a noncriminal offense by this section, it retains many criminal terms, such as "convicted," "violation," "guilty," "punishable by a fine." *State v. Clayton*, 584 P.2d 1111 (Alaska 1978).

An infraction is not an offense for double jeopardy purposes. *Carlson v. State*, 676 P.2d 603 (Alaska Ct. App. 1984).

Jury trial. - AS 28.10.105(a) (now repealed) and the other registration statutes in pari materia do not specify a violation of the registration statutes as an infraction, and thus under this section, such a violation is a misdemeanor punishable by up to 90 days' imprisonment, and entitling a defendant to a jury trial, denial of which right constitutes prejudicial error, requiring a new trial. *Epperly v. State*, 648 P.2d 609 (Alaska Ct. App. 1982).

Traditional use of criminal process not affected. - In the absence of express contrary declaration, the legislature did not intend by the enactment of subsection (d) to affect the traditional use of the criminal process for enforcement of traffic infractions. *State v. Clayton*, 584 P.2d 1111 (Alaska 1978).

This section makes no changes in the traditional mode of proceeding in criminal matters with the exception of its declaration that a person cited with an infraction does not have a right to trial by jury or to court-appointed counsel. The action is brought in the name of the state; it is commenced by the filing of a complaint by a law enforcement official; it is prosecuted by the district attorney. The exceptions appear to merely codify existing constitutional law. *State v. Clayton*, 584 P.2d 1111 (Alaska 1978).

Applied in *Manderson v. State*, 655 P.2d 1320 (Alaska Ct. App. 1983).

Stated in *Francis v. Municipality of Anchorage*, 641 P.2d 226 (Alaska Ct. App. 1982).

Quoted in *State v. Dutch Harbor Seafoods, Ltd.*, 965 P.2d 738 (Alaska 1998).

Cited in *Lowry v. State*, 655 P.2d 780 (Alaska Ct. App. 1982).

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 204.

61A C.J.S., Motor Vehicles, Sec. 588 to 595.

applicable within the district or at intersections when they erect signs giving notice of the variance. (In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70; am 8/22/92, Register 123; am 2/27/97, Register 141)

Authority: AS 28.05.011

13 AAC 02.285. WHEN LOCAL AUTHORITY MAY ALTER MAXIMUM LIMIT. Repealed 6/28/79.

13 AAC 02.290. SPEED LIMIT CONFLICTS. Repealed 6/28/79.

13 AAC 02.295. MINIMUM SPEED REGULATION. (a) No person may drive a motor vehicle so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with statutes, regulations, or ordinances.

(b) When the Department of Transportation and Public Facilities, or a municipality, in their respective jurisdictions, determines under sec. 280 of this chapter that slow speeds on a highway or part of a highway unreasonably impede the normal movement of traffic, the respective authority may determine a minimum speed limit not in excess of 55 miles per hour for that highway or part of a highway below which no person may drive a vehicle, except when necessary as prescribed in (a) of this section. The limit is effective when posted on fixed or variable signs. (In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70)

Authority: AS 28.05.011

13 AAC 02.300. SPEED LIMIT ON LIMITED OR CONTROLLED-ACCESS FACILITY. Repealed 6/28/79.

13 AAC 02.305. "STOP" SIGN AT INTERSECTION WITH INCREASED SPEED HIGHWAY. Repealed 6/28/79.

13 AAC 02.310. MAXIMUM SPEED LIMIT WHEN PASSING SCHOOL OR PLAYGROUND CROSSWALK. Repealed 6/28/79.

13 AAC 02.315. MAXIMUM SPEED, WEIGHT OR SIZE — BRIDGE, ELEVATED STRUCTURE, TUNNEL AND UNDERPASS. Repealed 6/28/79.

13 AAC 02.320. SPECIAL SPEED LIMITATION ON MOTOR SCOOTER. Repealed 6/28/79.

Statute or Regulation	Description of Offense	Ball	Statute or Regulation	Description of Offense	Ball
13 AAC 02.090 (a-c)	Following too closely	50	13 AAC 02.215 (a-f)	Signals required turn/stop/slowing-discontinue after	30
13 AAC 02.095(a)	Driving over, across or within barrier/median	50	13 AAC 02.240 (a-b)	Obedience to train signals and barriers	50
13 AAC 02.095(a)	Failure to stay on right side of divided highway	50	13 AAC 02.250(a)	Certain vehicles to stop at all railroad crossings	50
13 AAC 02.095(c)	Improper entry/exit—controlled-access highway	30	13 AAC 02.255(a&b)	Heavy equipment to give notice of RR crossing	20
13 AAC 02.107	Drive nearest right edge on narrow/winding roadway	30	13 AAC 02.255(a&c)	Heavy equipment to stop at RR crossing	50
13 AAC 02.120(a)	FTY to vehicle on right at unsigned intersection	50	13 AAC 02.257	Give warning w/horn when vision restricted/alley/driveway/bldgs	30
13 AAC 02.120(b)	FTY to vehicle entering intersection after stop	50	13 AAC 02.257	Stop: Emerging from alley/driveway/building	50
13 AAC 02.125	FTY when turning left	50	13 AAC 02.257	Position of stop when emerging from alley/driveway/bldg	30
13 AAC 02.130(b)	Improper position of vehicle stopping at stop sign	30	13 AAC 02.265	Stop when traffic may be obstructed	30
13 AAC 02.130 (bc)	FTY after stopping or at yield sign	50	13 AAC 02.275(a)	Basic speed: Reasonable & prudent for road conditions	30
13 AAC 02.130(b)	Failure to stop for stop sign	50	13 AAC 02.275(b)	Speeding: 3--19 mph over posted limit	4/mi
13 AAC 02.135(b)	FTY when entering roadway from non-roadway	50	13 AAC 02.280 (a-J)	Altered speed limits: 3--19 mph over posed limit	4/mi
13 AAC 02.140(c)	Driver of emergency vehicle not to disregard safety	30	13 AAC 02.295	Minimum speed regulation	30
13 AAC 02.150 (a-b)	Pedestrians subject to traffic regulations	20	13 AAC 02.325(a)	Speed limitation on motor-driven cycles at night	30
13 AAC 02.155(a)	FTY to pedestrian in crosswalk	50	13 AAC 02.325 (b)&(c)	Special speed limit when: (b) Towing mobile home or (c) Passing school bus with flashing yellow lights 3--19 mph over	4/mi
13 AAC 02.155(b)	Pedestrian to exercise due caution	20	13 AAC 02.325(e)	Driving with lighted headings at unreasonable speed	30
13 AAC 02.155(c)	Vehicle not to pass vehicle stopped for pedestrian	50	13 AAC 02.325(f)	Overweight, oversize or excess speed when crossing over bridge or through tunnel 3--19 mph over Overwidth Overlength Overweight	4/mi 25ft 10ft 0.5lb
13 AAC 02.155(e)	Not to drive within or through pedestrian safety zone	30	13 AAC 02.34(a-d except (d)(1)(L))	Stopping/standing/parking on highway/other location	10
13 AAC 02.160 (a-f)	Pedestrian crossing at other than crosswalks	20	13 AAC 02.340(d) (1)(L)	Handicapped parking	100
13 AAC 02.175 (a-c)	Pedestrian to use sidewalk/left edge of roadway and not interfere, sleep, loiter or obstruct	20	13 AAC 02.365 (a-g)	Additional parking regulations	10
13 AAC 02.180	Pedestrian not to distract drivers when soliciting rides and pedestrian not to solicit employment, business or contributions from vehicle occupants	20	13 AAC 02.367(d)	Not to stop/stand/park in loading zone	10
13 AAC 02.190(a)	FTY to pedestrian w/white cane/guide dog	50	13 AAC 02.372(b)	Position of bus stopping to load/unload passengers	10
13 AAC 02.190(b)	Not to use white cane/guide dog unless blind	20	13 AAC 02.372(c)	Taxi cab restrictions on standing/parking	10
13 AAC 02.195(a)	Pedestrian FTY to authorized emergency vehicle	20			
13 AAC 02.200 (a-c)	Improper position/method turning at intersection	30			
13 AAC 02.205 (a-b)	U-turn only when safe/not on hill, crest or curve	30			
13 AAC 02.210	Improper start from parked/stopped standing	30			

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB222
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act relating to certain motor BRU Highways and Aviation
vehicles that are required to yield to following traffic Component Central Region Highways and Aviation
 Sponsor Donley
 Requester Senate Transportation Component No. 564

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	30.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	30.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	30.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	30.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The department expects to install approximately 20 signs at appropriate highway locations to notify the public of the law. Production and installation costs approximately \$1500/sign. 20 signs X \$1500 = \$30.0

Prepared by: Dennis R. Poshard, Assistant to Commissioner Phone 465-3904
 Division Commissioner's Office Date/Time 2/11/02 9:51 AM
 Approved by: Joseph L. Perkins, Commissioner Date 2/11/2002
 Agency Alaska Department of Transportation and Public Facilities

22-LS0611\C
Ford
2/7/02

CS FOR SENATE BILL NO. 222()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DONLEY

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain motor vehicles that are required to yield to following**
2 **traffic."**

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

4 *** Section 1.** AS 28.35.140 is amended by adding a new subsection to read:

5 (b) A person operating a motor vehicle on a two-lane roadway shall pull the
6 motor vehicle off the roadway at the first opportunity to pull over safely whenever
7 there is at least 100 feet of visible and unobstructed roadway in front of that motor
8 vehicle and there are five or more motor vehicles immediately following that motor
9 vehicle. A person operating a motor vehicle who violates this subsection is guilty of
10 an infraction as described in AS 28.40.050(d) and shall be punished by a fine of at
11 least \$200.