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11157 SENATE (JUDICIARY

SB

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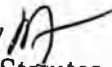
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MEMORANDUM

February 26, 2003

SUBJECT: CSSB 49(STA)
TO: Senator Ralph Seekins, Chair
Senate Judiciary Committee
FROM: Pam Finley 
Revisor of Statutes

The following is a sectional analysis of CSSB 49(STA), the 2003 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

...shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 3, 5, 9, 10, 11, 12, 28, 31, 32, 38-45, 60, 63, and 68-74 repeal or amend provisions that have become obsolete through other legislative action or the passage of time.

Sections that correct errors or oversights: Sections 1, 2, 4, 6-8, 13, 14, 17-21, 23-25, 27, 29, 30, 34-37, 46-58, 61, 62, 64, 65, and 74 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 15, 16, 22, 26, 33, 59, 66, 67, and 74 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Section 1. This section corrects a grammatical error in AS 02.15.230(a).

Section 2. Chapter 60, SLA 2002 changed "driving while intoxicated" to "driving while under the influence of an alcoholic beverage, inhalant, or controlled substance" in AS 28.35.030 and other statutes. This bill section makes the same change in AS 04.11.494(e) and also makes several grammatical corrections.

Section 3. This section changes the statutory citation for the federal Fair Credit Reporting Act in AS 06.01.028(a)(4). In 2001, 15 U.S.C. 1681v was added to the Fair Credit Reporting Act. (15 U.S.C. 1681v requires a consumer reporting agency to give information about a consumer to government agencies if the agency certifies that the information is necessary to an investigation of international terrorism. 15 U.S.C. 1681v also prohibits the agency from disclosing that the government sought or obtained access to the information.)

Section 4. This section amends AS 06.26.190(a) to substitute "international trust company" for "international national trust company." The latter does not exist as a defined term in AS 06.26. This corrects an error in ch. 77, SLA 2002 and was requested by the Department of Law.

Section 5. This section amends the citation for the federal Fair Credit Reporting Act in AS 06.26.610(a)(5). See explanation for bill section 3.

Sections 6 - 8. These sections amend AS 08.13.080(b) and (c) and AS 08.13.100(a) to reflect the fact that licenses to practice are actually issued by the Department of Community and Economic Development after the relevant board, in this case the Board of Barbers and Hairdressers, authorizes the issuance of the license. See AS 08.01.050(a)(9) and AS 08.13.030(b)(1). These bill sections correct a drafting error in ch. 57, SLA 1999.

Sections 9 and 10. These bill sections amend AS 08.36.110(1)(F) and 08.36.234(1)(J) to reflect the correct current name of the American Association of Dental Examiners Clearinghouse for Board Actions.

Sections 11 and 12. These sections amend AS 09.30.310 and AS 09.50.390 to require reference to a serial number as an alternative to a reference to book and page. See explanation for bill sections 38-44.

Section 13. Under § 2, ch. 43, SLA 2000, AS 44.33.895 (Alaska regional economic assistance program) is to be repealed July 1, 2003. Unfortunately, ch. 43, SLA 2000 did not remove references to AS 44.33.895 in some other statutes. This bill section amends AS 09.65.170(c)(2) to substitute the current definition of "regional development organization" in AS 44.33.895 for a cross-reference to AS 44.33.895. (AS 09.65.170 concerns limitations on liability for officers and directors.) I have substituted the definition, rather than removed the reference to regional development organizations, because it appears that the organizations may continue to exist even after AS 44.33.895 is repealed. This bill section is made effective on the effective date of the repeal of AS 44.33.895.

Section 14. This section amends AS 10.06.580(a)(2) to correspond to AS 10.06.580(a)(1). AS 10.06.580(a)(2) as enacted by ch. 166, SLA 1988 correctly referred to a twenty-day period, but for some reason the published statutes in 1988 changed the reference to a 10-day period. Although this change could be made editorially since it just returns the published language to the enacted language, given the length of time that the error has appeared in the published statutes and the ramifications of the error, I would rather have this change made in the revisor's bill

Section 15. This section amends AS 10.06.811(a), which sets the year in which a corporation's biennial report must be filed. Current law addresses the filing date for a foreign corporation receiving a certificate of authority during an even-numbered year, but not for a foreign corporation receiving a certificate of authority during an odd-numbered year. (The applicable definition of "corporation" does not include foreign corporations. AS 10.06.990.) The amendment in bill section 15 requires foreign corporations that receive certificates of authority during an odd-numbered year to file their biennial reports each odd-numbered year.

Section 16. This section amends AS 10.06.833 to substitute "foreign corporation that has been issued a certificate of authority under AS 10.06.705" for "registered foreign corporation". Technically, foreign corporations do not "register"; instead they are issued certificates of authority.

Section 17. This bill section amends AS 10.20.460(1) to substitute "action or suit or an administrative or arbitration proceeding" for "action or suit of an administrative or arbitration proceeding." Since the current language does not make sense, "of" was probably a typographical error.

Section 18. Section 15, ch. 93, SLA 1959 enacted a provision which was split into two sections--- AS 10.25.210 and 10.25.220--- when Alaska's session laws were codified in 1963. As enacted, the section required an affidavit that the provisions of "this section" were complied with. Because the provisions of sec. 15, ch. 93, SLA 1959 are now found in both AS 10.25.210 and 10.25.220, the affidavit requirement should refer to both of those sections. To that end, section 18 amends AS 10.25.220 to add a reference to AS 10.25.210.

Section 19. Cemetery associations have trustees. AS 10.30.010. Nonprofit cemetery corporations, like other corporations, have a board of directors. AS 10.30.055. However, AS 10.30.060 refers to the "trustees" of a cemetery corporation and neglects to refer to the trustees of an association. This bill section corrects that error.

Section 20. This section substitutes "recording district" for "recording precinct" in AS 10.40.110. Alaska has recording districts, but no recording precincts. AS 40.17.010.

Section 21. Professional corporations have "shareholders" not "members". See AS 10.45.010 and 10.45.050. However, AS 10.45.133 refers to "members". This bill section changes that reference to "shareholders".

Section 22. This bill section rearranges the definition of "sexual penetration" in the criminal code to conform to the style of the Alaska Statutes.

Section 23. Chapter 113, SLA 2000 repealed AS 45.09 and enacted AS 45.29, but failed to address the reference to AS 45.09 in AS 13.16.580. This bill section corrects that drafting error.

Section 24. Chapter 94, SLA 2001 enacted AS 14.03.075(g)(1), which referred to the definition of "children with disabilities" in AS 14.30.350. However, sec. 29, ch. 67, SLA 2001 changed the definition in AS 14.30.350 from "children with disabilities" to "child with a disability." This bill section amends AS 14.03.075(g)(1) to conform to the change made in sec. 29, ch. 67, SLA 2001. Because AS 14.03.075 does not take effect until February 1, 2004---secs. 7 and 11, ch. 94, SLA 2001--- the amendment to AS 14.03.075(g)(1) made by this bill section is also tied to that effective date.

Section 25. This bill section substitutes "regional educational attendance area" for "rural educational attendance area" in AS 14.11.008(a). The proper term is "regional educational attendance area." AS 14.08.031. This corrects an error in ch. 3, SSSLA 2002.

Section 26. Section 39, ch. 83, SLA 1998 repealed AS 14.17.160, while sec. 6, ch. 77, SLA 1998 added what is now AS 14.11.100(n), which contained a reference to AS 14.17.160. This bill section addresses that situation by inserting "former" before "AS 14.17.160" in AS 14.11.100(n).

Section 27. In 1994, the legislature amended AS 16.10.320(d) in two separate acts. Chapter 62, SLA 1994 expanded the purposes for which commercial fishing loans could be made under AS 16.10.310(a)(1). Specifically, the Department of Community and Economic Development was authorized to make loans under AS 16.10.310(a)(1)(A) to improve quality of Alaska seafood products and to pay outstanding federal income tax indebtedness. Chapter 62 also amended AS 16.10.310(d) to place a \$300,000 cap on the total balances outstanding on all loans, including debt refinancing, that could be made to a borrower under AS 16.10.310(a). At the time that ch. 62 took effect (May 26, 1994), commercial fishing loans could be made only under AS 16.10.310(a)(1)(A) and (B), so the \$300,000 cap applied only to AS 16.10.310(a)(1)(A) and (B).

Section 2, ch. 73, SLA 1994 amended AS 16.10.310(a)(1) by adding a new subparagraph (C) to authorize the Department of Community and Economic Development to make loans for the purchase of quota shares. Section 3, ch. 73, SLA 1994 amended AS 16.10.320(d) by adding a new sentence: "The total balances outstanding on loans

made to a borrower under AS 16.10.310(a)(1)(C) may not exceed \$300,000." Chapter 73, SLA 1994 took effect June 7, 1994.

When the 1994 amendments to AS 16.10.320(d) were codified, both amendments were incorporated verbatim without taking into account the fact that the amendment made by ch. 62 only placed a limit on the amount of outstanding indebtedness that a borrower could have on loans made under AS 16.10.310(a)(1)(A) and (B) because AS 16.10.310(a)(1)(C) did not exist at the time that ch. 62 took effect. By codifying the two amendments into AS 16.10.320(d) verbatim, the apparent interpretation is that the total amount of outstanding indebtedness that a borrower could hold is \$300,000, regardless of whether the indebtedness was incurred under AS 16.10.310(a)(1)(A), (B), or (C). However, if the amendments made to AS 16.10.320(d) by ch. 62 and ch. 73 are considered independently, then the limit on indebtedness for loans under AS 16.10.310(a)(1)(A) and (B) (including debt refinancing) would be \$300,000 and a separate limit for indebtedness for loans under AS 16.10.310(a)(1)(C) would be \$300,000.

The Department of Community and Economic Development has, since 1994, construed and applied AS 16.10.320(d) such that there is a \$300,000 cap on indebtedness incurred under AS 16.10.310(a)(1)(A) and (B) and another \$300,000 cap on indebtedness incurred under AS 16.10.310(a)(1)(C). This issue has arisen at this time as the result of an audit of the commercial fishing loan program being conducted by the Division of Legislative Audit. The auditor's position appears to be that this interpretation is not consistent with the law as set out in the Alaska Statutes. There is no litigation known to the Department of Community and Economic Development or the Department of Law that involves the construction of AS 16.10.320(d). The Department of Community and Economic Development is anxious to resolve the matter as to the appropriate construction of AS 16.10.320(d) in a timely manner so as not to be at odds with the Legislative Auditor over the proper interpretation of this subsection. While the Legislative Auditor is quite right in applying the statute as it is set out in the Alaska Statutes, I agree with the Department of Community and Economic Development that the legislature probably intended chs. 62 and 73, SLA 1994 to operate independently. The fact that sec. 4, ch. 73, SLA 1994 amended the last sentence of AS 16.10.320(i) to substitute "if the total of the balance outstanding on loans received by the borrower under AS 16.10.310(a)(1)(A) and (B) does not exceed \$300,000" for "if the total of the balance outstanding on loans received by the borrower under AS 16.10.310(a) does not exceed \$300,000" supports the proposition that the legislature intended the \$300,000 limit to exclude loans under AS 16.10.310(a)(1)(C).

This bill section amends AS 16.10.320(d) to make it clear that the two \$300,000 caps operate separately. If the legislature disagrees with my interpretation, this section should be removed from the revisor's bill.

Section 28. The descriptions of the Egegik Critical Habitat Area are described in statute as "protracted", i.e., drawn without benefit of a survey monumenting the lines on the ground. However, according to the Department of Fish and Game, a U.S. Rectangular Land Survey of the area was approved July 15, 1993, and therefore the word "protracted" is no longer accurate. This bill section deletes "protracted" from the description in AS 16.20.565.

Section 29. Section 3, ch. 55, SLA 1999 amended AS 18.07.031(a)(3) so that a certificate of need was no longer required when a category of health services provided by a health care facility was to be eliminated. Accordingly, the reference to a deletion of a category of health services in the definition in AS 18.07.111(3) of "commencement of activities" should have been removed in ch. 55, SLA 1999 but was not. This bill section makes that change.

Section 30. This bill section substitutes "housing assistance loan fund" for "housing assistance revolving fund" in AS 18.56.590. There is no "housing assistance revolving fund" although the housing assistance loan fund is a revolving fund. AS 18.56.420.

Sections 31 and 32. These bill sections delete references to Rule 45 of the Alaska Rules of Appellate Procedure. Rule 45 was repealed decades ago. Currently Rules 601 - 612 of the Alaska Rules of Appellate Procedure govern appeals to the superior court.

Section 33. This bill section substitutes "fire services personnel" for "men" in AS 18.70.160 in order to conform to the policy of avoiding words referring to only one sex. See AS 01.05.031(c). The term "fire services personnel" is used in AS 18.70.320.

Section 34. This bill section substitutes "Emergency Management Assistance Compact" for "Interstate Civil Defense and Disaster Compact" in AS 26.23.070(c). In ch. 55, SLA 2002, the Emergency Management Assistance Compact was adopted and the Interstate Civil Defense and Disaster Compact was repealed.

Section 35. Literally, the first sentence of AS 28.05.095(b) requires the driver of a motor vehicle to provide a child. It is more likely that the legislature intended to require the driver to provide a safety device (either a child safety device or a safety belt, as appropriate), as well as to secure each child in the device. This bill section makes that intent clear.

Section 36. This bill section corrects an error in ch. 56, SLA 2002. AS 28.15.231(b) prohibits the assessment of points for parking violations "[e]xcept as otherwise provided in AS 28.35.235(b)." However, in the final version of ch. 56, SLA 2002, AS 28.35.235(b) did not require the assessment of points. Accordingly, this bill section deletes the "except" clause in AS 28.15.231(b).

Section 37. AS 28.20.400(a) states how a person may qualify as a self-insurer for vehicles. It provides rules for a person who has more than 25 vehicles and for a person who has less than 25 vehicles, but makes no provisions for the person who has exactly 25 vehicles. The law originally allowed self-insurance only for persons having more than 25 vehicles. Section 27, ch. 108, SLA 1989 added the current second sentence. Since it appears that the intent of ch. 108, SLA 1989 was not to change the rule for persons having more than 25 vehicles, but rather to add provisions for others, the second sentence is amended to include a person who has exactly 25 vehicles.

Sections 38 - 44. AS 40.17.030(a)(6) --- which was rewritten in 1996 --- requires certain documents to refer to either the "book and page" or the "serial number" of a previously recorded document. These bill sections add a reference to the "serial number" of a document in statutes that currently refer only to the "book and page" on which a document was recorded. These statutes were last amended before 1996 and so do not currently reflect the policy in AS 40.17.030(a)(6) of allowing a serial number as an alternative to a book and page reference. The Department of Law requested these amendments because the recorder's office is now using serial numbers instead of book and page references when it records documents.

Section 45. This bill section removes an obsolete date from AS 34.45.290(d).

Sections 46 - 52. Chapter 92, SLA 1982 was, as its title indicates, an act "transferring the administration of school or education-related facility construction from the Department of Transportation and Public Facilities to the Department of Education." Unfortunately, ch. 92 failed to delete references to schools and regional educational attendance areas in several sections of AS 35.10 and AS 35.15, which relate to the Department of Transportation and Public Facilities. These bill sections delete those references. (Note that the definition of "public work" in AS 35.95.100 includes only buildings constructed or maintained by the Department of Transportation and Public Facilities, thereby excluding schools.)

Section 53. This bill section amends AS 36.30.850(b)(30) to include the current definition of "regional development organization" in AS 44.33.895. It will become effective upon the repeal of AS 44.33.895. See the explanation for bill section 13 above.

Sections 54 - 58. These bill sections make technical corrections to sections enacted by initiative in 2002. In AS 41.41.070(d), "authority" is substituted for "corporation" because the entity created is an "authority". The other amendments are self-explanatory.

Section 59. This bill section substitutes "joint venture" for "joint adventure" in AS 43.70.110(4). "Joint venture" is the more contemporary term.

Section 60. This bill section deletes a reference in AS 44.23.020(b)(9) to the division of consumer protection in the Department of Law. The division of consumer protection was not created in statute and has not existed in fact for many years.

Section 61. Chapter 58, SLA 1999 moved the adult basic education program from the Department of Education to the Department of Labor and Workforce Development. Because the Department of Education had authority to adopt regulations for this program under AS 14.07.020(12) and 14.07.060, the Department of Labor and Workforce Development should have received authority to adopt regulations for the program when it received authority over the program. It did not, and this bill section corrects that omission in ch. 58, SLA 1999. (The Department of Education and Early Development has requested that this bill not amend AS 14.07.020(12) because of that statute's usefulness in the administration of certain federal programs for the disabled.)

Section 62. This bill section amends AS 45.01.206(b) to substitute "AS 45.29.203" for "AS 45.09.203." AS 45.29 was enacted, and AS 45.09 repealed, in ch. 113, SLA 2000. AS 45.29.203 is the equivalent of AS 45.09.203.

Section 63. This bill section deletes "consumer protection section" from AS 45.45.210 since that section no longer exists. Since this amendment involves forms, the effective date is delayed until January 1, 2004.

Sections 64 and 65. These bill sections amend AS 45.50.475(d) and (e) to substitute "this section" for "AS 45.50.475" to conform to the style of the Alaska Statutes.

Section 66. This bill section gives a short title ---the Alaska Unfair Trade Practices and Consumer Protection Act--- to AS 45.50.471 - 45.50.561. This body of law is referred to often enough that a short title would be useful. (In Matanuska Maid v. State, 620 P.2d 182 (Alaska 1980), the Alaska Supreme Court used this particular short title for this article, and it has long been the article heading.)

Section 67. This bill section gives a short title ---the Alaska Restraint of Trade Act--- to AS 45.50.562 - 45.50.598. This body of law is also referred to often enough that a short title would be useful. (Again, in Matanuska Maid v. State, 620 P.2d 182 (Alaska 1980), the Alaska Supreme Court used this particular short title for this article, and it has long been the article heading.)

Section 68. This bill section amends AS 47.05.012(9) to set out the current name of the compendium relating to animal rabies.

Sections 69 - 71. The Citizens' Foster Care Review Board, and the local review panels, were not extended under AS 44.66.010 and therefore expired in 2000. Accordingly the statutes establishing and governing the Board are repealed in bill section 74. Bill section 69 deletes a reference to the Board and the local review panels in AS 47.10.093(b)(1).

Bill sections 70 and 71 amend AS 47.12.315(d) and AS 47.14.100(i) to delete a reference to AS 47.14.299, but add the definition of "out-of-home care provider" that currently exists in AS 47.14.299.

Sections 72 and 73. These bill sections substitute "federal Temporary Assistance for Needy Families program" for "federal program designated as the successor to the aid to families with dependent children program." in AS 47.27.005(4) and 47.27.020(b). At the time these statutory provisions were drafted, it was known that the federal government was going to replace AFDC, but the title of the new program was not known. These bill sections add the correct title of the TANF program. The same change was not made to AS 47.07.020(b), 47.07.035(26), and AS 47.27.015(b) because the Department of Law intends to make more substantive amendments to those sections.

Section 74. This bill section repeals several statutes. The text of these statutes is attached.

AS 11.46.480(b)(5) defines "tamper", but an identical definition of "tamper" appears in AS 11.46.495(5). Accordingly, AS 11.46.480(b)(5) is repealed.

AS 44.66.010(a)(17)

AS 47.10.080(m) and (n)

AS 47.10.142(g)

AS 47.12.120(h)

AS 47.14.200 - 47.14.299 are all repealed because of the expiration of the Citizens' Foster Care Review Board.

Section 75. This bill section ties the effective date of bill sections 13 and 53 to the repeal of AS 44.33.895.

Section 76. This bill section ties the effective date of bill section 24 to the effective date of sec. 3, ch. 58, SLA 1997, as amended by sec. 7, ch. 94, SLA 2001.

Section 77. This bill section gives bill section 63 a January 1, 2004, effective date because bill section 63 involves the change of a form.

Section 78. This bill section gives the bill sections not covered by bill sections 75-77 an immediate effective date.

TEXT OF STATUTES REPEALED

AS 11.46.480(b)(5):

(5) "tamper" means to interfere with something improperly, meddle with it, or make unwarranted alterations to its existing condition.

AS 44.66.010(a)(17):

(17) Citizens' Foster Care Review Board under AS 47.14.200 - June 30, 2000;

AS 47.10.080(m) and (n)

(m) Within 60 days after the date a child is removed from the child's home by the department, the department shall notify the Citizens Foster Care Review Board established in AS 47.14.200.

(n) Within 60 days after a court orders a child committed to the department under (c) of this section and at a review under (f) or (l) of this section, the department shall inform the parties about the local review panel established under AS 47.14.220.

AS 47.14.200(g).

(g) Within 60 days after a court orders a child committed to the department under this section, the department shall inform the parties about the local review panel established under AS 47.14.220.

AS 47.12.120(h).

(h) Within 60 days after the date a minor is removed from the minor's home by the department, the department shall notify the Citizens' Foster Care Review Board established in AS 47.14.200.

AS 47.14.200 - 47.14.299.

Sec. 47.14.200. Citizens' Foster Care Review Board.

(a) There is created in the Department of Administration the Citizens' Foster Care Review Board. The board consists of nine public members appointed by the governor from among persons who have training, experience, special knowledge, or a demonstrated interest in the welfare of children. An out-of-home care provider or a person employed by the court system, the Department of Health and Social Services, the office of public advocacy, the Public Defender Agency, or the Department of Law may not serve as a public member of the board. The governor shall appoint at least one public member from each judicial district and shall appoint persons who are reasonably representative of the various social, economic, racial, ethnic, and cultural groups of the judicial district from which the members are appointed. The governor may not appoint a person who has committed a felony or violated AS 11.51.130 or a law with substantially similar elements. The board also includes, as nonvoting members, the following state officials or their designees:

- (1) the commissioner of health and social services;
- (2) the director of the office of public advocacy.

(b) Public members of the board serve at the pleasure of the governor for staggered terms of three years or until their successors are

appointed. These members may not serve more than two consecutive full terms, except that they may be reappointed to one or two additional consecutive full terms if they have been off the board for at least three years immediately preceding the reappointment.

(c) The voting members of the board shall elect from among the voting members a chair who shall serve for one year. Five voting members of the board constitute a quorum for the transaction of business. The board may not take official action without the affirmative vote of at least five of its voting members.

(d) Members of the board are entitled to reimbursement for actual expenses necessary to perform their duties as board members. The reimbursement may not exceed the amount of per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(e) The board shall meet at least once annually. Meetings shall take place telephonically whenever practical, and the board may meet by video conference.

(f) The board may employ a program coordinator who shall serve at the pleasure of the board. The program coordinator shall employ staff as necessary to carry out the program coordinator's duties under board directives and to provide technical assistance to local review panels. The board may delegate duties to the program coordinator as necessary to assist the board in administering AS 47.14.200 - 47.14.299.

Sec. 47.14.210. Powers and duties of the board.

(a) The board shall

(1) hold regular and special meetings the board considers necessary;

(2) adopt regulations necessary to carry out its duties and to govern the performance of the duties of the local review panels established under AS 47.14.220; the regulations must include provisions that

(A) ensure that reviews conducted by local review panels meet the permanency planning review requirements for state compliance with 42 U.S.C. 671 - 675;

(B) set priorities to be followed by local review panels so that the cases that have the highest priority for review include cases that involve children who are likely to be in out-of-home placement for longer than 90 days, who have been in more than one out-of-home placement, whose siblings have been in more than one out-of-home placement, or whose parents' parental rights are likely to be terminated;

(C) establish procedures for expedited review of cases described in (B) of this paragraph; and

(D) establish the minimum number of local review panel members that must review a case and provide for the appointment of substitute local

review panel members to participate in the review of a case when a member cannot be available due to an emergency;

(3) ensure that the public members of the board and of the local review panels receive the level of training necessary to effectively carry out their duties, document in the board's records that the public members of local review panels have completed the training, and ensure that a public member of a local review panel does not review a case until training has been received;

(4) coordinate and review the activities of the local review panels;

(5) apply for private and federal grants and solicit contributions, gifts, and bequests to administer and implement AS 47.14.200 - 47.14.299;

(6) award grants or contracts from available money to local governmental or public or private nonprofit agencies to provide assistance to the state board and local review panels, to support their activities, and to carry out projects or studies related to improving the system for permanency needs of children in state foster care;

(7) review and make recommendations to the department about the department's regulations that govern out-of-home placement of children;

(8) use board staff to evaluate applicants for public members of local review panels and to provide training to local review panel members;

(9) prepare a report annually, by the 10th day of each regular session of the legislature, concerning the activities of the state board and the local review panels during the previous fiscal year; the report must include the number of cases reviewed by each local review panel, a description of the characteristics of the children whose cases were reviewed by the local review panels, the number of children reunited with their families, the number of children placed in other permanent homes, systemic barriers to achieving permanency for children, and recommendations and justifications for improvement in services and programs provided to children, including recommendations relating to state agencies and to the panel review system; the report may contain other information on the experience of the local review panels; the board shall notify the governor and the legislature that the report is available.

(b) The board may by regulation require the department to provide to the board or to a local review panel aggregate data about the permanency planning system and information about particular cases that is not required under AS 47.14.240. The department shall provide the data and information requested under these regulations.

Sec. 47.14.220. Appointment of local review panels.

(a) Except as provided in regulations adopted under AS 47.14.210(a)(2)(D) relating to substitutes, the board shall appoint for each judicial district at least five persons available to serve as public

members on local review panels who are residents of the judicial district. Public members shall serve staggered terms of three years or until their successors are appointed. Public members may not serve more than two consecutive full terms, except that, after being off all panels for at least three years, a member may be reappointed to one or two consecutive full terms.

(b) The board shall appoint as public members persons who have training, experience, special knowledge, or a demonstrated interest in the welfare of children. An out-of-home care provider or a person employed by the court system, the department, the office of public advocacy, the Public Defender Agency, or the Department of Law may not serve as a public member of a local review panel. The board may not appoint a person who has committed a felony or violated AS 11.51.130 or a law with substantially similar elements.

(c) The public members of a local review panel must be reasonably representative of the various social, economic, racial, ethnic, and cultural groups of the district from which the members are appointed.

(d) If the board determines that additional public members are necessary in a judicial district because of excessively large or complex caseloads for review or because of the demographics of cases, the board may appoint additional public members. Appointments of public members under this subsection are governed by (a) - (c) of this section. Public members serve on the panel at the pleasure of the board.

(e) When a person is appointed to serve as a public member on a local review panel, the person shall swear or affirm in writing to keep confidential all information that comes before the local review panel except for nonidentifying case information included in a report to the state board, information for reports required under AS 47.17, or as required by court order for good cause shown. A public member of a local review panel may also share confidential information, on a need-to-know basis, with other members of the local review panel, the board, and the staff who serve the board or local review panel.

Sec. 47.14.230. Meetings; expenses.

(a) A local review panel shall conduct its meetings in the judicial district in which its public members reside.

(b) [Repealed, Sec. 26 ch. 94 SLA 1997].

(c) [Repealed, Sec. 26 ch. 94 SLA 1997].

(d) A public member of a local review panel is not eligible for travel expenses, per diem, or other expenses for service on the local review panel unless the state board requires the public member to travel to attend a meeting. If the state board requires a public member of a local review panel to travel to attend a meeting, the public member is entitled to reimbursement for actual expenses incurred by the member in attending

the meeting, except that the reimbursement may not exceed the amount of per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

Sec. 47.14.240. Duties of local review panel.

(a) A local review panel shall review the case plan of each child in the custody of the department who is in a placement other than the child's own home under AS 47.10.080(c)(1) or (3), 47.10.142, or AS 47.14.100(c) if the case is under the jurisdiction of a court in the judicial district served by the local review panel. A local review panel may request a local review panel in another judicial district to conduct a review and make a report if that local review panel is more convenient for the child and other persons involved.

(b) The local review panel shall review a case as required under 42 U.S.C. 671 - 675 (P.L. 96-272) within 90 days after the day the child is initially removed from the child's home for a case that is determined under the board's regulations to be of highest priority and within 180 days after the child is initially removed for other cases and every six months after the date of the first court hearing on the child's case. A court review may be substituted for a review required under this subsection if the court review meets the requirements of this subsection.

(c) At least 30 days before the local review panel begins a review, or as soon as practicable, the local review panel or the state board shall provide written notice to the following persons that a review will be conducted and that each person notified may participate in the review:

- (1) the appropriate employees of the department;
- (2) the child or the child's legal representative;
- (3) the child's parents;
- (4) the child's guardian;
- (5) the child's guardian ad litem;
- (6) the child's out-of-home care provider; and
- (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act),
 - (A) the child's Indian custodian; and
 - (B) the designated representative of the child's Indian tribe if the tribe has intervened in the court case.

(c) In reviewing a case, the local review panel shall consider the case plan and any progress report of the department or the child's guardian ad litem, court records, and other relevant information about the child and the child's family. The local review panel shall provide to the following persons an opportunity to be interviewed by the local review panel in person or by telephone or to provide written material to the local review panel:

- (1) the child whose case is being reviewed if the child is 10 years of age or older;
- (2) the parents, custodians, or other relatives of the child;
- (3) the child's out-of-home care provider;
- (4) the child's guardian;
- (5) the child's guardian ad litem;
- (6) the case worker or social worker assigned to the case;
- (7) the child's health care providers;
- (8) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act),
 - (A) the child's Indian custodian; and
 - (B) the designated representative of the child's Indian tribe if the tribe has intervened in the court case; and
- (9) other persons with a close personal knowledge of the case.

(e) At the discretion of the child's guardian ad litem, if the child whose case is being reviewed is under 10 years of age, the child may be present at interviews conducted under (d) of this section and during review by the local review panel or may be interviewed. At the child's request, a child who is 10 years of age or older shall be allowed to be present at interviews or a review of the local review panel that concerns the child's case unless the panel determines that for good cause the child's presence would be contrary to the best interests of the child or there is other good cause for denying the child's request.

(f) During a review under (a) of this section, a local review panel shall

- (1) determine whether the child has a case plan designed to achieve placement in the least restrictive, most family-like setting available in close proximity to the home of the child's parents that is consistent with the best interests and special needs and circumstances of the child;

- (2) evaluate the continuing necessity and appropriateness of the child's placement, the extent of the compliance with the child's case plan, and the extent of progress that has been made toward mitigating the causes that necessitated placement away from the child's parents;

- (3) ascertain the date by which it is likely the child may be returned to the home or placed for adoption or legal guardianship;

- (4) determine whether there has been compliance with applicable provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable state and federal laws; and

- (5) determine whether there has been compliance with court review requirements of AS 47.10.080(f) and (l) and 47.10.142(h).

(g) The local review panel shall within 15 working days after reviewing the case submit a written report to the persons listed in (c) of this section.

(h) The report required under (g) of this section must make advisory recommendations based on the best interests of the child in accordance with AS 47.10.082 and must include notification of the right to request court review under AS 47.10.080(f). If the court has scheduled the case for review, the local review panel shall submit its report at least 20 days before the hearing, and the department shall present to the court the recommendations that are made in the report.

(i) The local review panel shall report to the state board information needed by the state board to prepare the report required under AS 47.14.210.

Sec. 47.14.250. Cooperation with state board and local review panels.

(a) The department, Department of Law, other departments of the executive branch, public defender, office of public advocacy, and court system shall cooperate with the state board and the local review panels to facilitate timely review of plans for children whose cases are reviewed under AS 47.14.200 - 47.14.299. The duty of executive branch agencies to cooperate under this section extends to the provision of addresses and other information necessary for a local panel to locate a person entitled to participate in a review under AS 47.14.240(c) or (d) if the addresses and other information may be disclosed by the agency to the department for conducting its child protection and child placement duties under this title notwithstanding that providing the addresses or other information to entities other than the department may be prohibited under other laws relating to those agencies.

(b) The department shall cooperate and consult with the state board in the development of departmental information systems relating to children in out-of-home placements whose cases are subject to review by local review panels. The department shall develop information systems that ensure that aggregate data and individual case information needed by the state board and the local review panels for the performance of their duties are readily available from all of the department's information systems.

Sec. 47.14.260. Records: communications.

(a) Notwithstanding AS 47.10.090 and 47.10.093, at the request of a local review panel, the department, a municipality, the child's guardian ad litem, and the court shall furnish to the local review panel relevant records concerning a child and the child's family who are the subjects of a local panel review. At the conclusion of a review, all copies of records provided to a local review panel under this section shall be returned to the staff that serves the local review panel or to the agency from which the original copy was obtained unless the local review panel members need the copies to prepare the reports required under AS 47.14.240(g) - (i).

Copies retained for preparation of the reports shall be returned to the staff that serves the local review panel or to the originating agency upon completion of the reports. Notwithstanding AS 44.62.310, records and reports of the local review panel, testimony before the local review panel, and deliberations of the local review panel are confidential under AS 47.10.090.

(b) A public member of a local review panel may not reveal to another person, other than another member of the local review panel or the staff serving the local review panel, a communication made to the member while performing the member's duties under AS 47.14.200 - 47.14.299 except as required under AS 47.17 or as required by court order for good cause shown. A public member of a local review panel may share with the state board communications made during the public member's performance of official duties if the public member omits identifying information.

(c) A local review panel proceeding is not governed by AS 44.62.310.

Sec. 47.14.270. Court review of report.

(a) The local review panel shall submit its final report to the court to aid the court in its review of temporary custody orders issued under AS 47.10.142 and in its dispositional hearings and reviews under AS 47.10.080 and 47.10.083.

(b) The court may refer to the board for assignment to a local review panel a case called for a special review under AS 47.10.080(f), as appropriate.

Sec. 47.14.280. Immunity of board and panel members and staff.

A state board member, a local review panel member, and a person serving as staff to the state board or a local review panel shall be immune from civil liability for a negligent act or omission of the board or panel member or a person serving as staff to the board or a local review panel that occurs in the performance of the member's or person's duties under AS 47.14.200 - 47.14.299 unless the civil liability results from the board or panel member's or other person's gross negligence or violation of

- (1) AS 47.14.260(b); or
- (2) the oath or affirmation required under AS 47.14.220(e).

Sec. 47.14.299. Definitions.

In AS 47.14.200 - 47.14.299,

- (1) "board" means the state board;
- (2) "department" means the Department of Health and Social Services;

(3) "local review panel" means a local review panel appointed under AS 47.14.220;

(4) "out-of-home care provider" means an agency or person, other than the child's legal parents, with whom a child who is in the custody of the state under AS 47.10.080(c)(1) or (3), 47.10.142, or AS 47.14.100(c) is currently placed; in this paragraph, "agency or person" includes a foster parent, a relative other than a parent, a person who has petitioned for adoption of the child, and a residential child care facility;

(5) "panel" means a local review panel;

(6) "state board " means the Citizens' Foster Care Review Board established in AS 47.14.200.

PF:med
03-200.med

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 49(STA)
(S) Publish Date: 2/24/03

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title _____ BRU _____
_____ Component _____
Sponsor _____
Requester Senate State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
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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 (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: SENATE STATE AFFAIRS COMMITTEE Phone 465-3873
Division _____ Date/Time 2/21/03 4:33 PM
Approved by: /s/Senator Taylor, Chair Date 2/21/2003
Agency _____

SB

53



SENATOR SCOTT OGAN Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek
Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

State Capitol, Room 103, Juneau Alaska 99801*(907) 465-3878*1 (800) 862-3878 * Fax (907) 465-3265

Senator_Scott_Ogan@legis.state.ak.us

Http://www.akrepublicans.org/ogan

January 31, 2003

Revision Date: February 18, 2003

SPONSOR STATEMENT

SB53: REVOKE DRIVER'S LICENSE FOR FATAL ACCIDENT

The bill allows a court to revoke the driving privileges of a driver who violates the traffic laws, and the violation contributes to an automobile accident that results in a death. Drivers who violate traffic laws may not have committed a crime, but if their poor driving causes the death of another person, their driving privileges should be revoked. Several traffic deaths occur in Alaska every year when a driver causes the death of another by poor driving and the only consequence is a small fine. This is very difficult for the families of the victims. Under these circumstances, Senate Bill 53 provides revocation of driving privileges for a period of up to three years. This period would be concurrent with any other revocation that might apply, and the court may grant a limited license if the court finds the limited license will not endanger the public.

LEGAL SERVICES

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

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


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 5, 2003

SUBJECT: Traffic accident involving a fatality (SB 53)

TO: Senator Scott Ogan
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Requires the Alaska Supreme Court and municipalities to establish rules that require a court appearance when a person is cited for a traffic offense that involves a motor vehicle accident that results in a fatality.

Section 2. Provides for driver's license revocation of up to three years when a person is convicted of violating traffic laws, the violation caused an accident and a fatality, and the violation was a significant contributing cause of the accident. Allows the court to grant limited license privileges, and allows a family representative of the person who died in the accident to testify.

Section 3. Provides for indirect amendment of Rules 43 and 43.1 of the Alaska Rules of Administration and provides that section 1 only takes effect if section 1 receives a two-thirds majority vote of each house of the legislature.

Section 4. Provides that the Act applies to accidents that occur on or after the effective date of the Act.

Section 5. Effective date.

MFF:med
03-106.med

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 53
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to disposition of a traffic offense BRU Criminal Division
involving the death . . . revocation of driving privileges. . ." Component All
Sponsor Senator Ogan
Requester Senate Transportation Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
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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 (FY2003) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill would allow the revocation of driving privileges for up to three years of a person who drives a vehicle, including a commercial vehicle, that is involved in a fatal traffic accident if the person is convicted of a violation of traffic laws in connection with the accident, and the violation of the traffic laws was a significant contribution to the accident that resulted in the death of another person.

Because conviction of the traffic offense may result in loss of a valuable license, the person has a right to a jury trial. However, a jury trial on traffic matters is a relatively short time commitment. The Department of Law estimates less than a dozen of these trials will occur statewide per year, and does not anticipate a measurable fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 2/11/03 9:12 AM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/11/2003
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 53
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title License revocation for traffic offense BRU Legal and Advocacy Services
involving fatality Component Public Defender Agency
Sponsor Senator Ogan
Requester (S) TRA Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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	***	***	***	***	***	***

Estimate of any current year (FY2003) cost: ***
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
The Public Defender Agency's operations may be affected by this bill. Drivers generally do not have a right to a court-appointed attorney in traffic violation proceedings. However, the Alaska Supreme Court has held that a person has a right to a jury trial (and court-appointed counsel) for offenses which may result in loss of valuable license such as a driver's license. Baker v. City of Fairbanks, 471 P.2d 386 (Alaska, 1970). The Public Defender Agency does not anticipate many of these cases and does not have a reliable way of estimating the costs. Therefore, the fiscal impact is indeterminate.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 2/18/03 6:20 AM
Approved by: Mike Miller, Commissioner Date 2/18/2003
Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 53
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title License revocation for traffic offense BRU Motor Vehicles
involving fatality Component _____
Sponsor Senator Ogan
Requester (S) TRA Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()	1.0	1.0	1.0	1.0	1.0	1.0
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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 (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
There will be approximately 10 revocations per year and the reinstatement fee for each driver is \$100. The 10 revocations is only a very small fraction of the total revocation workload and will not require extra expenditure.

Prepared by: Kevin Jardell, Assistant Commissioner Phone (907)-465-5568
Division Dept. of Admin. Date/Time 2/17/03 1:36 PM
Approved by: Mike Miller, Commissioner Date 2/17/2003
Agency Department of Administration

February 5, 2003

Senator Scott Ogan
State Capitol
Juneau AK 99801

In Support of Senate Bill 53

Our family has experienced the unfortunate and untimely loss of our son through a motor vehicle accident in March of 1994. At the time of his accident, there were and still are no laws in affect in our state to deal with this situation.

The young man involved in the accident received no punishment of any kind, again, because of the way our laws are set up in the state of Alaska. He did not receive anything but a basic slap on the hand and was involved in another vehicle accident in the months following this accident.

As one can imagine, this was very disturbing to our family. We attended his hearing at traffic court in Palmer and even the judge apologized to us for being unable to do anything due to the way the laws read in our state. He received 300 hours of community service for the deaths of two young men and then was later involved in another vehicular accident involving the deaths of two more young men.

Had this law been in place at that time, at least this young man would not have been behind the wheel of a car and been involved in further accidents. There were witnesses to the accident but all of this was to no avail. They were not even allowed to testify at the hearing.

In summary, we not only had to deal with the unexpected loss of our nineteen-year-old son, but also the emotional trauma of knowing an injustice had taken place and no recompense was to follow.

There needs to be some kind of accountability put on the driver in this type of accident. I believe SB 53 would be a step in the right direction and put the responsibility on the driver.

Sincerely,

Nancy Campbell
P.O. Box 3075
Palmer AK 99645

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Taylor, Albert (Lewis)
From: Taylor, Albert (Lewis)
Sent: Monday, February 10, 2003 9:52 AM
To: 'Senator Scott Ogan'
Subject: FW: Senate Bill #53

-----Original Message-----

From: Taylor, Albert (Lewis)
Sent: Monday, February 10, 2003 9:46 AM
To: 'Senator Scott Ogan'
Subject: Senate Bill #53

Senator Ogan

I was lead to believe that driving is a privilege. If a motor vehicle operator / driver chooses to drive irresponsibly, (breaking traffic laws and killing others), then their driving privileges should be taken from them. There are too many deaths on our roads and highways brought on by negligence due to the actions of careless and irresponsible drivers.

Senate Bill #53 would be a step towards holding these irresponsible and careless drivers accountable for there actions. Also, it will be an encouragement for others to drive more responsibly.

I would like to encourage you and your fellow legislatures to pass this bill.

Thank You

Albert Lewis Taylor
Albert Lewis Taylor
POB111033
Anchorage Alaska

(907-3447486)

tiak@Alaska.net



ACTUAL CASES SUPPORTING SB53

Here are four actual cases of the type that SB53 is intended to address.

Case 1 – A man driving along Glenn Highway into Anchorage one summer afternoon fell asleep at the wheel and violated a traffic regulation by driving onto the bike path. His car struck and killed a woman riding her bicycle on the bike path.

Case 2 – A woman drove from Anchorage to Cooper Landing, where she violated a traffic law by crossing the double yellow line and crashing into another car head on, killing the driver of the other car.

Case 3 – A teenage girl drove down Dimond Boulevard in Anchorage late at night. She violated a traffic law by driving over the median and collided with another vehicle head-on, killing the driver of the other car.

Case 4 – On a winter night, the driver of a pick-up truck on C Street in Anchorage was going under the posted speed limit, but still too fast for icy conditions. This is a violation of the state's "basic speed" law, which prohibits driving faster than is safe under existing road and weather conditions. The driver lost control and crossed into the opposite lane, hitting another car, and killing Albert Taylor's son.

In all these cases, alcohol and drug tests were negative, and there were no reported erratic driving prior to the collisions. There was no evidence of mechanical causes for the collisions.

No criminal prosecutions were possible because the state could not prove that the driver acted recklessly or with criminal negligence.

Rule 43. Bail Forfeiture Schedules.

(a) **Procedure for Adopting Bail Forfeiture Schedule.** The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute. The agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

(b) Procedures for Amending Bail Forfeiture Schedules.

(1) By July 1 of each year, each agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director of the Alaska Court System its written recommendation concerning whether the schedule must be amended to reflect any legislative and regulatory changes, or whether policy considerations warrant revisions. Any proposed amendments shall be accompanied by commentary. The supreme court shall consider the agency's recommendations and determine by October 1 whether to adopt them. If it will be impractical for the court to respond by that date, the administrative director will inform the agency of the date by which the response can be expected. The administrative director shall notify the agency when an order amending the schedule is issued.

(2) In addition to the provisions of paragraph (b)(1), an agency may request a bail forfeiture schedule amendment whenever the need arises.

(3) Any person or agency may request a bail forfeiture schedule amendment at any time by proposing an amendment in writing to the chief justice or to the administrative director.

(Adopted by SCO 651 effective July 1, 1985; amended by SCO 1180 effective July 15, 1995)

Rule 43.1. Traffic Bail Forfeiture Schedule.

Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Effective April 30, 1999, the bail amounts listed below are doubled for violations of AS 28 and regulations adopted under AS 28 committed within a highway work zone, as that term is defined in AS 28.40.100 and 13 AAC 40.010(b).

Pursuant to AS 28.15.131 and 13 AAC 04.008, a citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is presented to an inspection official within the time allowed. If the required repair is not made, the offense may be disposed of without court appearance upon payment and forfeiture of the bail amount listed.

Effective August 27, 1998, as a condition of the disposition of an offense without appearance, the defendant shall pay the surcharge prescribed in AS 12.55.039 in addition to the bail forfeiture amount listed below. A court may allow a defendant who is unable to pay the surcharge to perform community work under AS 12.55.055(c) in lieu of the surcharge. The surcharge must be deposited into the general fund in a separate account designated for such surcharges.

Sec. 28.05.151

CITATIONS FOR SCHEDULED VEHICLE AND TRAFFIC OFFENSES.

(a) The supreme court shall determine by rule or order those motor vehicle and traffic offenses, except for offenses subject to a scheduled municipal fine, that are amenable to disposition without court appearance and shall establish a scheduled amount of bail, not to exceed fines prescribed by law, for each offense. A municipality shall determine by ordinance the municipal motor vehicle and traffic offenses that may be disposed of without court appearance and shall establish a fine schedule for each offense.

(b) The supreme court shall establish a scheduled amount of bail allowing disposition of a citation for a violation of AS 28.05.095 without court appearance.

(c) *Effective January 1, 1996* The supreme court shall require as a condition of the disposition of an offense without appearance that a person charged with any offense for which a bail forfeiture amount has been adopted shall pay a surcharge of \$10 in addition to the bail forfeiture amount established by the supreme court. The surcharge required to be paid under this subsection shall be deposited into the general fund and accounted for under AS 37.05.142.

Sec. 28.15.261

DEFINITIONS FOR AS 28.15.221 - 28.15.261.

In AS 28.15.221 - 28.15.261

(1) "licensee" includes, but is not limited to, an applicant for a new driver's license if the applicant's license was revoked under AS 28.15.221 - 28.15.261;

(2) "traffic laws" means statutes, regulations, and municipal ordinances governing the driving or movement of vehicles.

Sec. 28.15.181

COURT SUSPENSIONS, REVOCATIONS, AND LIMITATIONS.

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

- (1) manslaughter or negligent homicide resulting from driving a motor vehicle;
- (2) a felony in the commission of which a motor vehicle is used;
- (3) failure to stop and give aid as required by law when a motor vehicle accident results in the death or personal injury of another;
- (4) perjury or making a false affidavit or statement under oath to the department under a law relating to motor vehicles;
- (5) operating a motor vehicle or aircraft while intoxicated;
- (6) reckless driving;
- (7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer;
- (8) refusal to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle, commercial motor vehicle, or aircraft while intoxicated, or authorized under AS 28.35.031(g);
- (9) driving while license, privilege to drive, or privilege to obtain a license, canceled, suspended, or revoked, or in violation of a limitation.

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

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

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle, commercial motor vehicle, or aircraft shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165. The court may not, except as provided in AS 28.15.201, grant limited license privileges during the minimum period of revocation. The minimum periods of revocation are:

- (1) not less than 90 days if the person has not been previously convicted;
- (2) not less than one year if the person has been previously convicted once;
- (3) not less than 3 years if the person has been previously convicted twice;
- (4) not less than 5 years if the person has been previously convicted more than

twice.

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

(e) *Repealed, Sec. 34 ch 119 SLA 1990.*

(f) The court may terminate a revocation for an offense described in (a)(5) or (8) of this section if

(1) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in (c) of this section; and

(2) the person complies with the provisions of AS 28.15.211(d) and (e).

(g) In this section, "previously convicted" has the meaning given in AS 28.35.030.

Sec. 28.15.165

ADMINISTRATIVE REVOCATIONS AND DISQUALIFICATIONS RESULTING FROM CHEMICAL SOBRIETY TESTS AND REFUSALS TO SUBMIT TO TESTS.

(a) A law enforcement officer shall read a notice, and deliver a copy of it, to a person operating a motor vehicle, commercial motor vehicle, or aircraft, if a chemical test administered under AS 28.33.031(a) or AS 28.35.031(a) or (g) produces a result described in AS 28.35.030(a)(2); a chemical test administered under AS 28.33.031(a) produces a result described in AS 28.33.030(a)(2); or the person refuses to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) or (g). The notice must advise that

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

(2) the person has the right to administrative review of the action taken against the person's license or determination not to issue an original license;

(3) if the person has a driver's license or a nonresident privilege to drive, the notice itself is a temporary driver's license that expires seven days after it is delivered to the person, except that if the person was operating a commercial motor vehicle the person will be ordered out of service for 24 hours under AS 28.33.130;

(4) revocation of the person's driver's license, privilege to drive, or privilege to obtain a license, a determination not to issue an original license, or a disqualification of the person, takes effect seven days after delivery of the notice to the person unless the person, within seven days, requests an administrative review.

(b) After reading the notice under (a) of this section, the law enforcement officer shall seize the person's driver's license if it is in the person's possession and shall deliver it to the department with a sworn report describing the circumstances under which it was seized. If the person was operating a commercial motor vehicle, the officer shall order the person out of service under AS 28.33.130.

(c) Unless the person has obtained a temporary permit or stay of a departmental action under AS 28.15.166, if the chemical test administered under AS 28.33.031(a) or AS 28.35.031(a) or (g) produced a result described in AS 28.35.030(a)(2) or the person refused to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) or (g), the department shall revoke the person's license, privilege to drive, or privilege to obtain a license, shall refuse to issue an original license, and, if the chemical test administered under AS 28.33.031(a) produced a result described in AS 28.33.030(a)(2) or the person refused to submit to a chemical test authorized under AS 28.33.031(a), shall disqualify the person. The department's action takes effect seven days after delivery to the person of the notice required under (a) of this section, and after receipt of a sworn report of a law enforcement officer

(1) that a chemical test administered under AS 28.33.031(a) or AS 28.35.031(a) or (g) produced a result described in AS 28.35.030(a)(2), that a chemical test administered under AS 28.33.031(a) produced a result described in AS 28.33.030(a)(2), or that a person refused to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) or (g);

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

(3) describing the

(A) circumstances surrounding the arrest and the grounds for the officer's belief that the person operated a motor vehicle, commercial motor vehicle, or aircraft while intoxicated in violation of AS 28.33.030 or AS 28.35.030; or

(B) grounds for the officer's belief that the person operated a motor vehicle or commercial motor vehicle that was involved in an accident causing death or serious physical injury to another person.

(d) The period of revocation of a driver's license, privilege to drive, privilege to obtain a license, refusal to issue an original license, or disqualification shall be for the appropriate minimum period for court revocations under AS 28.15.181(c) or court disqualifications under AS 28.33.140. A department hearing officer may grant limited license privileges in accordance with the standards set out in AS 28.15.201 to a person whose driver's license or nonresident privilege to drive was revoked under this section. The department may terminate a revocation imposed under this section and issue a driver's license to the person, if the license, privilege to drive, or privilege to obtain a license was revoked for an offense described in AS 28.15.181(a)(5) or (8) and the person meets the conditions set out for termination of a revocation by the court under AS 28.15.181(f).



SENATOR SCOTT OGAN

FEB 25 2003
Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek * Fairview Loop
Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

State Capitol, Room 103, Juneau Alaska 99801*(907) 465-3878*1 (800) 862-3878 * Fax (907) 465-3265

Senator_Scott_Ogan@legis.state.ak.us

[Http://www.akrepublicans.org/ogan](http://www.akrepublicans.org/ogan)

February 24, 2003

The Honorable Ralph Seekins, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 125
Juneau AK 99801

RE: SB 53 (Revoke Driver's License for Fatal Accident)

Dear Senator Seekins:

Ralph
Senate Bill 53 was introduced January 31, 2003, heard and passed out of Transportation Committee, and now is referred to your committee. I am writing to request that the bill be scheduled for a hearing at your earliest convenience.

Included with this letter of request are the most current version of the bill, my sponsor statement, a sectional analysis, fiscal notes and supporting documents.

If you have any questions about the bill or require further information, please feel free to call me at any time. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Scott Ogan".

Senator Scott Ogan

CC: Senator Fred Dyson, Co-Sponsor

Enclosures



SENATOR SCOTT OGAN **Alaska State Legislature**

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek

Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

State Capitol, Room 103, Juneau Alaska 99801*(907) 465-3878*1 (800) 862-3878 * Fax (907) 465-3265

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January 31, 2003

Revision Date: February 18, 2003

SPONSOR STATEMENT

SB53: REVOKE DRIVER'S LICENSE FOR FATAL ACCIDENT

The bill allows a court to revoke the driving privileges of a driver who violates the traffic laws, and the violation contributes to an automobile accident that results in a death. Drivers who violate traffic laws may not have committed a crime, but if their poor driving causes the death of another person, their driving privileges should be revoked. Several traffic deaths occur in Alaska every year when a driver causes the death of another by poor driving and the only consequence is a small fine. This is very difficult for the families of the victims. Under these circumstances, Senate Bill 53 provides revocation of driving privileges for a period of up to three years. This period would be concurrent with any other revocation that might apply, and the court may grant a limited license if the court finds the limited license will not endanger the public.

SB

55



SENATOR FRED DYSON

MEMORANDUM

March 25, 2003

To: Senator Ralph Seekins, Chair
Senate Judiciary Committee

From: Senator Fred Dyson *FJD*

RE: Request for Hearing SB 55

I respectfully request a hearing in the Senate Judiciary Committee for SB 55 (Tampering with Public Records). In addition to the attached materials, I would be glad to answer any questions that may arise, as would my staff, Jason Hooley (ext. 3762). Thank you for your consideration.

SB 55

Sponsor Statement

"An Act relating to tampering with public records"

Public records must not be altered to cover up mistakes, incompetence, dereliction of duty, or crimes. SB 55 is intended to raise awareness and penalties related to deliberate alteration of records of vulnerable persons. Accurate and complete records are essential to making critical decisions that can have profound and lasting effect on person's lives and the lives of their families when they cannot make those decisions for themselves.

Senate Bill 55 elevates this crime of tampering with public records to a class C felony. This means that if a person is convicted under this law he or she could be given up to a \$50,000 fine and 5 years in prison.

Existing law provides this penalty when the tampering is done with the intent to obtain a benefit or to injure or deprive a person of benefits; SB 55 specifically broadens existing law to include tampering committed knowingly with the intent to conceal facts that are material to the provision of services or to an investigation. This bill includes the following records: children in need of aid, juvenile delinquency, child abuse, and vulnerable adults. This significant disincentive to tamper with records emphasizes our responsibility as custodians and guardians.

SB 55 is not targeted at any specific state agency or persons, it is meant to act as a deterrent to potentially prevent tragedy. It was discovered in Florida last year that a child welfare caseworker had been falsely claiming to be maintaining contact with Rilya Wilson, age 5, for over a year, when in reality, Rilya had disappeared. In that case the social worker, possibly overworked, chose to submit records that indicated all was well, rather than admit that he or she had no idea about the child's welfare. Rilya is still missing. While there is no guarantee that stiffer penalties for falsifying records would have prevented this tragedy, it is true that Florida quickly passed a bill similar to SB 55. After the fact and too late to help Rilya...

SB 55 changes (underlined) in context of existing law:

AS 11.56.815. Tampering with public records in the first degree.

- (a) A person commits the crime of tampering with public records in the first degree if the person violates
- (1) AS 11.56.820 (a)(3) with intent to obtain a benefit for that person or any person or to injure or deprive another person of a benefit; or
 - (2) AS 11.56.820(a)(1) or (2) with the intent to conceal a fact material to an investigation or the provision of services under AS 47.10, 47.12, 47.17, or 47.24.
- (b) Tampering with public records in the first degree is a class C felony.

Sec. 11.56.820. Tampering with public records in the second degree.

- (a) A person commits the crime of tampering with public records in the second degree if the person
- (1) knowingly makes a false entry in or falsely alters a public record;
 - (2) knowingly destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so; or
 - (3) certifies a public record setting out a claim against a government agency, or the property of a government agency, with reckless disregard of whether the claim is lawful, or that payment of the claim is not authorized in the budget of the government agency.
- (b) In this section
- (1) "certifies" means attesting to the existence, truth, or accuracy of facts, or that one holds an opinion, stated in a public record; the term includes the responsibilities for state officials set out in AS 37.10.030;
 - (2) "falsely alters" has the meaning ascribed to it in AS 11.46.580 ; and
 - (3) "makes a false entry" means to change or create a public record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that the record so changed or created states or implies a fact that the maker knows is not true, or states or implies an opinion that the maker does not hold.
- (c) Tampering with public records in the second degree is a class A misdemeanor.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 55 (HES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to tampering with public BRU Criminal Division
records." Component All
Sponsor Senator Dyson
Requester Senate Judiciary Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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 (FY2003) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill increases the penalty to a C felony tampering with a public record (currently, in most cases, a class A misdemeanor) if the records deal with a child under state custody or protection or a vulnerable adult.

Anytime a misdemeanor crime is changed to a felony, the costs of prosecution increase. However, the Department of Law does not expect many of these new felony prosecutions to arise, and does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 4/21/03 4:17 PM
Approved by: Kathryn Daughhetea for Gregg D. Renkes, Attorney General Date 4/21/2003
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 55
 (S) Publish Date: 3/26/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to tampering with public BRU Criminal Division
records." Component All
 Sponsor Senator Dyson
 Requester Senate HESS Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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 (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill increases the penalty to a C felony for knowingly making a false entry in or falsely altering a public record; or knowingly destroying, mutilating, suppressing, concealing, removing, or otherwise impairing the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so, if the public record relates to a person in the care or custody of the state. This crime of tampering with public records is currently a class A misdemeanor.

Anytime a misdemeanor crime is changed to a felony, the costs of prosecution increase. However, the Department of Law does not expect many of these new felony prosecutions to arise, and does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 3/4/03 2:33 PM
 Approved by: Kathryn Daughhettee for Gregg D. Renkes, Attorney General Date 3/4/2003
 Agency: Department of Law

Sent: Saturday, August 10, 2002 2:24 PM
Subject: CPS = the *New Age Mob*

NATIONAL ADVISORY ON ORGANIZED CRIME OPERATING IN THE CHILD PROTECTION SYSTEM

The recent horror story of a fifteen-month delay in Florida officials discovering that foster child Rilya Wilson had apparently been kidnapped by persons knowledgeable of the inner workings of the child protection system was due to the systematic falsification of child protection system records. This falsification of child protection system records is part of a national pattern of organized crime. It is not an isolated incident.

The Rilya Wilson case is the tip of a criminal iceberg. Beginning about 1973, criminal elements in the mental health and social work professions began cooperating to construct an organized criminal enterprise that exploits children behind the legislated secrecy of the child protection, juvenile justice, and mental health systems. The contemporary end result is a nationwide organized criminal operation that uses everything from sophisticated science-fraud-based "evaluation" instruments structured to produce false positives to third party state service contracts written to sustain a system of structural corruption in which state employees and contract service providers must falsify records and testimony or they will not continue to be employed or paid.

To maintain their existence, organized criminal operations must construct management bureaucracies with policies and procedures necessary to sustain daily operations, just like any other bureaucracy. The only adaptation required to run criminal operations in the government and quasi-government agencies which constitute the child protection system is that they must be integrated into the policies and procedures of the umbrella agency and not be detected as components of a criminal bureaucracy.

The existence of organized crime in the child protection system of any given state is not that difficult to detect. Prominent among the indicators are: (1) the annual number of founded child abuse allegations can be predicted from the number of conditional federal grant and reimbursement salary fund dollars needed to balance the state child protection agency payroll (the number of children taken into state custody each year will be the number sufficient to generate the federal fund claims necessary to balance the agency payroll); and (2) third party contracts to file state child protection agency federal fund claims will contain provisions that only compensate the contractor for increases in federal funds paid to the state over and above the amount paid in the previous contract for such claim filing services. The latter creates a system that will only result in compensation to the contractor if the number of children taken into state custody constantly increases and/or the total claims generated from each child in state custody increases each contract cycle. The net result is a system in which everyone stays employed only if the number of founded child abuse cases and children taken into state custody always increases and never decreases. An important byproduct of this criminal process of exploiting children independent of the true child abuse rate is the blind political support for the criminal operations generated by the constant flow of conditional federal funds into the respective State's economy. In the Rilya Wilson case, even the Foster Mother continued to receive and accept payments for the care of Rilya over a year after the child disappeared. Caseworkers reportedly told her to take the money.

There are similar lessons to be drawn from the embarrassment of the Bush Administration over numerous ignored warnings that Osama bin Laden planned to hijack planes and fly them into buildings and the embarrassment of Florida Officials having to explain fifteen months of falsified child protection records, sworn court testimony that Rilya Wilson was in Florida State custody and doing fine, and falsified federal fund claims for services delivered to a child that may have been dead the entire time. After the collapse of the World Trade Center, both the American Public and terrorists worldwide now

know the United States is vulnerable to attack, due in large part to corruption, incompetence and mismanagement in intelligence and law enforcement agencies. After the Rilya Wilson case in Florida, the Public and every child molester, pornographer and other criminal who need children for their misdeeds know that the corruption, incompetence and mismanagement in the child protection system can be exploited as cover to acquire children for their own illicit purposes. What happened to Rilya Wilson in Florida can happen in any state where the current organized criminal exploitation of children is allowed to continue. Sooner or later other criminals, including child molesters and child pornographers, are going to become sufficiently aware of the mechanisms the current organized criminals are using to manage their criminal bureaucracy that they will also be able to exploit the system, as were the people who reportedly kidnaped Rilya Wilson and returned a week later to collect her clothes. Among the obvious possibilities is obtaining information about the criminal activity (falsifying federal claims, official reports, insurance claims, etc.) of individual state employees or licensed professionals, like psychiatrists and psychologist, and blackmailing them to allow access to children for criminal exploitation or perversion.

Of major importance to prosecutors is that the systematic falsification of records by child protection system crime participants in psychiatry, psychology, social work and child abuse investigation units results in the systematic falsification of evidence used in child related criminal and civil judicial proceedings. While it may be tempting not to look too closely at experts and evidence which make convictions easier, relying on criminals who help conceal their nefarious enterprises by providing convenient services to the people who should be prosecuting them is a house of cards that will collapse locally or nationally at some point. We have the contemporary examples of the falsification of evidence in the Los Angeles Police Department and the newly documented error rate in death row convictions.

Unless something is done to shut down the organized criminal activity in every state in which it exists, Rilya Wilson is not going to be the last horror story to capture national attention. Careers will be ruined, as they have been in Florida, and people will end up going to prison for crimes far beyond what they thought they were getting themselves into by falsifying a few reports to get federal funds into the state or for insurance claims. Prosecutors, Legislators, and other state officials who thought they were benefitting their state by looking the other way because federal funds were coming into the state's economy, may end up having to face situations far uglier than they ever thought. Former Arkansas State Senator Nick Wilson is now in federal prison for his sponsorship and participation in one such legislated criminal enterprise to exploit children. Other Arkansas attorneys involved lost their licenses to practice law. An Austin, Texas DHS Supervisor committed suicide after allegedly being caught running a foster child prostitution ring from his office computer. In a recent Arkansas Legislative Session, a bill drafted by Arkansas Department of Human Services employees was discovered to contain provisions that would have required employees to lie about records and facts, even if subpoenaed. The bill was withdrawn once the Legislator duped into being the primary sponsor was made aware of its contents. In a June 6, 2002 opinion, the Arkansas Supreme Court ruled that an infant Arkansas citizen had been illegally transferred to Florida State custody in what was essentially an interstate criminal conspiracy to seize and transport children in complete disregard of State and Federal law. (See Arkansas Department of Human Services v Cox, Supreme Court of Arkansas No. 01-1021, 349ark___, issue 3, sc 9, 6 June 2002 <http://courts.state.ar.us/opinions/2002a/20020606/01-1021.wpd>)

The important point being that these child protection system criminals will be pushing the envelop on what they can get away with, as in these examples, and sometimes that envelop will rupture, as in the Rilya Wilson case, exposing not only the criminals but government officials and private citizens who were indirectly benefiting from the criminal activity. The important question being how sophisticated, brutal and embarrassing will organized crime in the child protection system be allowed to become before it is addressed.

In the hope that my documentation of how the organized crime bureaucracy functions in the child protection system will help prevent any repeats of the Rilya Wilson horror story, I draw the material to your attention. Below is the master link page address for six articles I have written on how crime in the child protection is created, organized and managed. The six articles will provide an overview of the context in which a child's kidnapping can be concealed for over a year. Although written for the popular media, each article contains detailed instructions on how to detect various mechanisms used by organized criminals operating in the child protection system to sustain their operations. Part II contains a formula for determining if the annual number of founded child abuse allegations can accurately be predicted from the number of conditional federal salary fund dollars needed to balance the child protection agency payroll.

See links to Parts I-VI of "Crime Management in Government" at:
<http://www.eighthcity.com/Articles/Rogerbrown/rogerbrown.htm>

I sincerely hope you will use this information to determine if the child protection system in your state has an organized crime problem. I do not want to see any more stories like that of Rilya Wilson, when I know they can be prevented by ending the influence of organized crime in the child protection system.

If I may be of further assistance, please contact me at:

James Roger Brown
Director
THE SOCIOLOGY CENTER
220 North Willow, Suite 222
North Little Rock, AR 72114
(501) 374-1788
thesociologist@aol.com

SB

58

SENATOR
JOHN J. COWDERY
Anchorage

Committees
Chair: Rules
Chair: Transportation
Chair: World Trade &
State/Federal Relations
Legislative Council



January - May:
State Capitol, Suite 101
Juneau, Alaska 99801-1182
Tel: 907-465-3879
Toll Free: 888-269-3879
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May - December:
716 W. 4th Avenue
Anchorage, Alaska 99501
Tel: 907-269-0222
Fax: 907-269-0223

Senator_John_Cowdery@legis.state.ak.us

SPONSOR STATEMENT SB58

"An act relating to permanent fund dividend program notice requirements and to the ineligibility ... of certain persons sentenced for crimes involving mandatory motor vehicle liability insurance."

Each year hundreds of Alaskans fall victim to uninsured drivers.

State law is clear: drivers must maintain a minimum amount of liability insurance in order to operate a motor vehicle. The purpose of SB58 is to add a conviction for driving without proper insurance to the list of conditions that make a person ineligible for a permanent fund dividend.

A first offense brings a one-year suspension of the PFD.

A second offense brings a five-year suspension of the PFD.

This means the dividend cannot be used to offset fines or debts. Instead, the offender is simply ineligible for the dividend, which leaves the dividend amount in the overall pot to be equally distributed among eligible Alaskans.

Because a permanent fund dividend is not a right, but a privilege, these penalties fall above and beyond all other penalties currently provided for by law.

23-LS0378AD
Cook
2/25/03

CS FOR SENATE BILL NO. 58()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR COWDERY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividend program notice requirements and to the
2 ineligibility for permanent fund dividends of certain persons sentenced for crimes
3 involving mandatory motor vehicle liability insurance."

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

5 * Section 1. AS 43.23.005(g) is amended to read:

6 (g) For purposes of applying (d)(1) and (i) of this section, the date the court
7 imposes a sentence or suspends the imposition of sentence shall be treated as the date
8 of conviction. For purposes of applying (d)(2)(B) and (i)(2) of this section, multiple
9 convictions arising out of a single criminal episode shall be treated as a single
10 conviction.

11 * Sec. 2. AS 43.23.005 is amended by adding a new subsection to read:

12 (i) Notwithstanding the provisions of (a) - (c) of this section, an individual is
13 not eligible for a permanent fund dividend for a dividend year when

14 (1) during the qualifying year, the individual was sentenced as a result

1 of conviction in this state of a misdemeanor under AS 28.22.011, 28.22.021, or
2 28.22.051 involving mandatory motor vehicle liability insurance; or

3 (2) during the qualifying year or the four years immediately before the
4 qualifying year, the individual was sentenced as a result of the conviction in this state
5 of a misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051 involving mandatory
6 motor vehicle liability insurance if the individual has been convicted of a prior
7 misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051.

8 * Sec. 3. AS 43.23.028(a) is amended to read:

9 (a) By October 1 of each year, the commissioner shall give public notice of
10 the value of each permanent fund dividend for that year and notice of the information
11 required to be disclosed under (3) of this subsection. In addition, the stub attached to
12 each individual dividend check and direct deposit advice must

13 (1) disclose the amount of each dividend attributable to income earned
14 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
15 Constitution of the State of Alaska;

16 (2) disclose the amount of each dividend attributable to income earned
17 by the permanent fund from appropriations to that fund and from amounts added to
18 that fund to offset the effects of inflation;

19 (3) disclose the amount by which each dividend has been reduced due
20 to each appropriation from the dividend fund, including amounts to pay the costs of
21 administering the dividend program and the hold harmless provisions of
22 AS 43.23.075;

23 (4) include a statement that an individual is not eligible for a dividend
24 when

25 (A) during the qualifying year, the individual was convicted in

26 this state of a

27 (i) felony; or

28 (ii) misdemeanor under AS 28.22.011, 28.22.021, or

29 28.22.051 involving mandatory motor vehicle liability insurance;

30 (B) during all or part of the qualifying year, the individual was
31 incarcerated as a result of the conviction in this state of a

1 (i) felony; or

2 (ii) misdemeanor if the individual has been convicted of
3 a prior felony or two or more prior misdemeanors; or

4 (C) during the qualifying year or the four years
5 immediately before the qualifying year, the individual was sentenced as a
6 result of conviction in this state of a misdemeanor under AS 28.22.011,
7 28.22.021, or 28.22.051 involving mandatory motor vehicle liability
8 insurance if the individual has been convicted of a prior misdemeanor
9 under AS 28.22.011, 28.22.021, or 28.22.051;

10 (5) include a statement that the legislative purpose for making
11 individuals listed under (4) of this subsection ineligible is to

12 (A) obtain reimbursement for some of the costs imposed on the
13 state criminal justice system related to incarceration or probation of those
14 individuals;

15 (B) provide funds for services for and payments to crime
16 victims and for grants for the operation of domestic violence and sexual assault
17 programs;

18 (6) disclose the total amount that would have been paid during the
19 previous fiscal year to individuals who were ineligible to receive dividends under
20 AS 43.23.005(d) if they had been eligible;

21 (7) disclose the total amount appropriated for the current fiscal year
22 under (b) of this section for each of the funds and agencies listed in (b) of this section.

23 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 APPLICABILITY. The amendments made by secs. 1 and 2 of this Act apply only to
26 individuals convicted of misdemeanors under AS 28.22.011, 28.22.021, or 28.22.051
27 involving mandatory motor vehicle liability insurance committed after December 31, 2003.
28 Convictions for misdemeanors committed before January 1, 2004, may not be considered in
29 determining prior convictions for purposes of applying AS 43.23.005(i)(2), added by sec. 2 of
30 this Act.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 58
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DPS
Title PFD Ineligibility/Motor Vehicle BRU Statewide Support
Insurance Component APSIN
Sponsor Senator Cowdery
Requester Senate Judiciary Component No. 528

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
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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 (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact to the department.

Prepared by: Diane Schenker, Criminal Justice Info Services Manager Phone (907) 269-5092
Division Administrative Services Date/Time 2/26/03 9:18 AM
Approved by: Commissioner William Tandeske Date 2/26/2003
Agency Department of Public Safety

23-LS0378VH
Cook
4/2/03

CS FOR SENATE BILL NO. 58()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR COWDERY

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to permanent fund dividend program notice requirements and to the**
2 **ineligibility for permanent fund dividends of certain persons sentenced for crimes**
3 **involving mandatory motor vehicle liability insurance."**

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

5 *** Section 1.** AS 43.23.005(g) is amended to read:

6 (g) For purposes of applying (d)(1) and (i) of this section, the date the court
7 imposes a sentence or suspends the imposition of sentence shall be treated as the date
8 of conviction. For purposes of applying (d)(2)(B) and (i)(2) of this section, multiple
9 convictions arising out of a single criminal episode shall be treated as a single
10 conviction.

11 *** Sec. 2.** AS 43.23.005 is amended by adding a new subsection to read:

12 (i) Notwithstanding the provisions of (a) - (c) of this section, an individual is
13 not eligible for a permanent fund dividend for a dividend year when

14 (1) during the qualifying year, the individual was sentenced as a result

1 of conviction in this state of a misdemeanor under AS 28.22.011, 28.22.021, or
2 28.22.051 involving mandatory motor vehicle liability insurance; or

3 (2) during the qualifying year or the four years immediately before the
4 qualifying year, the individual was sentenced as a result of the conviction in this state
5 of a misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051 involving mandatory
6 motor vehicle liability insurance if the individual has been convicted of a prior
7 misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051.

8 * Sec. 3. AS 43.23.028(a) is amended to read:

9 (a) By October 1 of each year, the commissioner shall give public notice of
10 the value of each permanent fund dividend for that year and notice of the information
11 required to be disclosed under (3) of this subsection. In addition, the stub attached to
12 each individual dividend check and direct deposit advice must

13 (1) disclose the amount of each dividend attributable to income earned
14 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
15 Constitution of the State of Alaska;

16 (2) disclose the amount of each dividend attributable to income earned
17 by the permanent fund from appropriations to that fund and from amounts added to
18 that fund to offset the effects of inflation;

19 (3) disclose the amount by which each dividend has been reduced due
20 to each appropriation from the dividend fund, including amounts to pay the costs of
21 administering the dividend program and the hold harmless provisions of
22 AS 43.23.075;

23 (4) include a statement that an individual is not eligible for a dividend
24 when

25 (A) during the qualifying year, the individual was convicted in
26 this state of a

27 (i) felony; or

28 (ii) misdemeanor under AS 28.22.011, 28.22.021, or
29 28.22.051 involving mandatory motor vehicle liability insurance;

30 (B) during all or part of the qualifying year, the individual was
31 incarcerated as a result of the conviction in this state of a

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(i) felony; or

(ii) misdemeanor if the individual has been convicted of a prior felony or two or more prior misdemeanors; or

(C) during the qualifying year or the four years immediately before the qualifying year, the individual was sentenced as a result of conviction in this state of a misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051 involving mandatory motor vehicle liability insurance if the individual has been convicted of a prior misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051;

(5) include a statement that the legislative purpose for making certain individuals listed under (4) of this subsection ineligible is to

(A) obtain reimbursement for some of the costs imposed on the state criminal justice system related to incarceration or probation of those individuals;

(B) provide funds for services for and payments to crime victims and for grants for the operation of domestic violence and sexual assault programs;

(6) disclose the total amount that would have been paid during the previous fiscal year to individuals who were ineligible to receive dividends under AS 43.23.005(d) if they had been eligible;

(7) disclose the total amount appropriated for the current fiscal year under (b) of this section for each of the funds and agencies listed in (b) of this section.

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

APPLICABILITY. The amendments made by secs. 1 and 2 of this Act apply only to individuals convicted of misdemeanors under AS 28.22.011, 28.22.021, or 28.22.051 involving mandatory motor vehicle liability insurance committed after December 31, 2003. Convictions for misdemeanors committed before January 1, 2004, may not be considered in determining prior convictions for purposes of applying AS 43.23.005(i)(2), added by sec. 2 of this Act.

ALASKA STATE LEGISLATURE
SENATE DISTRICT 0

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



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State Capitol Building
Juneau, AK 99801
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Toll Free: 1-888-269-3879

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

February 6, 2003

The Honorable Ralph Seekins, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 125
Juneau, AK 99801

RE: SB 58 (Ineligibility for PFD of certain persons sentenced for crimes involving mandatory motor vehicle liability insurance)

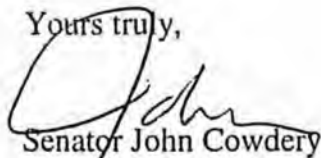
Dear Senator Seekins,

Senate Bill 58 was introduced February 5, 2003 and referred to your committee. I am writing to request that the bill be scheduled for a hearing at your earliest convenience.

Included with this letter of request are the bill and my sponsor statement. Other supporting documents may be forthcoming.

If you have any questions about the bill or require further information please feel free to call me at any time. Thank you for the consideration of this request.

Yours truly,


Senator John Cowdery

Enclosures

SENATOR
JOHN J. COWDERY
Anchorage

Committees
Chair: Rules
Chair: Transportation
Chair: World Trade &
State/Federal Relations
Legislative Council



January - May:
State Capitol, Suite 101
Juneau, Alaska 99801-1182
Tel: 907-465-3879
Toll Free: 888-269-3879
Fax: 907-465-2069

May - December:
716 W. 4th Avenue
Anchorage, Alaska 99501
Tel: 907-269-0222
Fax: 907-269-0223

Senator_John_Cowdery@legis.state.ak.us

SPONSOR STATEMENT SB58

"An act relating to permanent fund dividend program notice requirements and to the ineligibility ... of certain persons sentenced for crimes involving mandatory motor vehicle liability insurance."

Each year hundreds of Alaskans fall victim to uninsured drivers.

State law is clear: drivers must maintain a minimum amount of liability insurance in order to operate a motor vehicle. The purpose of SB58 is to add a conviction for driving without proper insurance to the list of conditions that make a person ineligible for a permanent fund dividend.

A first offense brings a one-year suspension of the PFD.

A second offense brings a five-year suspension of the PFD.

This means the dividend cannot be used to offset fines or debts. Instead, the offender is simply ineligible for the dividend, which leaves the dividend amount in the overall pot to be equally distributed among eligible Alaskans.

Because a permanent fund dividend is not a right, but a privilege, these penalties fall above and beyond all other penalties currently provided for by law.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 58
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title PFD Ineligibility / BRU Child Support Division
Motor Vehicle Insurance Component Child Support Division
Sponsor Senator Cowdery
Requester Senate Judiciary Committee Component No. 111

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
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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 (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would amend statute to add convictions for driving without liability insurance to the list of offenses that cause an individual to lose his or her eligibility to receive the Permanent Fund dividend. The list currently includes individuals convicted or incarcerated for a felony, a third misdemeanor, or a misdemeanor with a prior felony.

From the perspective of the Child Support Enforcement Division, any legislation that diminishes the ability of the Division to garnishee dividends from delinquent parents would deny a source of funds owed to custodial parents. Unfortunately, the dividend often is the only payment collected for some parents all year, and the dividend is the single largest source of collections for the Child Support Division (almost 15% of total annual collections in recent years). The more Alaskans added to the list of ineligible applicants for the dividend, the fewer dividends the Division can collect. By statute, child support takes first priority over all other garnishments against a dividend.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469
Division: Department of Revenue Date/Time 2/16/03 1:48 PM
Approved by: Larry Persily, Deputy Commissioner Date 2/16/2003
Agency: Department of Revenue

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 58
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "... ineligibility for permanent fund dividends BRU Civil Division
... for crimes involving mandatory motor vehicle insurance." Component Collections and Support
Sponsor Senator Cowdery
Requester Senate Judiciary Committee Component No. 2210

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 (GF/Prog Rcpts)	0.0	0.0	(*****)	(*****)	(*****)	(*****)
---	------------	------------	----------------	----------------	----------------	----------------

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The collections unit of the Department of Law is responsible for collecting civil and criminal judgments owed to the State of Alaska, and beginning in January 2002, restitution on behalf of victims of all types of crimes (violent, non-violent, and property crimes) and delinquent acts. Criminal judgments include criminal fines, costs of incarceration, costs of appointed counsel, forfeited bonds, minor offense fines, and costs related to those fines. Civil judgments include cost and attorney fees awarded to the state in civil litigation, and APOC and OSHA penalties.

Approximately two-thirds of the state revenue generated by the unit is deposited in the general fund. The remaining revenue is appropriated as general fund program receipts both to support DUI incarceration and court appointed counsel programs, and to pay for the collections unit. Restitution revenue is paid to victims.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division Attorney General's Office Date/Time 2/18/03 2:50 PM
Approved by: Kathryn Daughettee for Gregg D. Renkes, Attorney General Date 2/18/2003
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. SB 58

ANALYSIS CONTINUATION

The unit's primary collection tool is the permanent fund dividend attachment. Historically, over 85 percent of the unit's collections each year are received through the attachment of defendants' permanent fund dividends. During FY 02, the unit collected \$3,574,907 of which \$2,960,210 was through the dividend attachment. Although the unit may use other collection tools, such as wage withholding or attachment of funds in bank accounts, most of the judgments that the unit collects are simply not large enough to justify the cost of such collection actions. The cost of collection would exceed the amount collected. To succeed, the unit must be able to collect a high volume of relatively small judgments. The only cost-effective way to do this is through the electronic attachment process used for the permanent fund dividend attachment. As a practical matter, if the permanent fund dividend cannot be attached, most of these judgments would be uncollectible when the cost of collection is factored in the equation.

Because of the unit's reliance on the attachment of dividends, a bill that removes persons from eligibility for the permanent fund dividend will adversely affect the unit's collections. SB 58 will affect the collection of fines, restitution, and other judgments owed by persons sentenced for motor vehicle liability insurance offenses, primarily by delaying the collection of such judgments. Collection will be delayed by one year for defendants for whom this is a first offense and for four years for defendants with at least one prior offense under these statutes. The unit has found that the earlier the collection proceedings begin the more likely the judgment will be collected. Over time, defendants leave Alaska, die, are incarcerated for new crimes, or incur debts with a higher priority under the dividend priority scheme. Thus, debts that the unit could have collected during the first year or two after the defendant is released from jail may be uncollectible after the one-year or four-year delay imposed by the bill.

It is extremely difficult to estimate the impact of this bill on the unit's collections. The impact will be masked initially because during the first year or two after the bill takes effect, the unit will be collecting judgments that pre-date the bill's effective date. These earlier judgments will be unaffected by the bill's restrictions because the bill applies only to defendants convicted of crimes committed after December 31, 2003. As collections continue on older judgments, the effect of the bill will be limited. In addition, the current law precludes defendants from receiving a dividend while incarcerated. In these cases, the unit would be unable to collect the judgment until the defendant was released from jail anyway. Thus, the unit will not begin to feel the effect of the bill until these new defendants begin to be released from incarceration. At that point, we should see a drop in collections, as the old judgments are paid off and the new judgments are not collectible because the defendants are ineligible for the dividend.

As illustrated in the above discussion, there are many variables that will affect the actual loss in collections related to this bill over time. There can be no doubt that the provisions of SB 58 will reduce the collections of criminal fines, restitution for crime victims, and other judgments owed to the state. The actual amount of the reduction, however, cannot be determined at this time.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 58
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title PFD Ineligibility / BRU Revenue Operations
Motor Vehicle Insurance Component Permanent Fund Dividend
Sponsor Senator Cowdery
Requester Senate Judiciary Committee Component No. 981

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
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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 (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469
Division: Department of Revenue Date/Time 2/16/03 1:08 PM
Approved by: Larry Persily, Deputy Commissioner Date 2/16/2003
Agency: Department of Revenue

Department of Revenue

This legislation would amend AS 43.23.005(d) and AS 43.23.028(a) to add convictions for driving without motor vehicle liability insurance to the list of offenses that cause an individual to lose his or her eligibility to receive the Alaska Permanent Fund dividend. The list currently includes individuals convicted or incarcerated for a felony, a third misdemeanor, or a misdemeanor with a prior felony. This legislation would declare persons convicted for driving without insurance ineligible for the dividend for the year after their conviction or incarceration. Second-time offenders would lose their eligibility for the dividend for five years after their conviction or incarceration.

The dividend money that otherwise would have gone to Alaskans convicted of driving without insurance instead would be added to the funds already diverted from those convicted of felonies and misdemeanors and which is used to fund programs at the Department of Corrections, Department of Public Safety's Council on Domestic Violence and Sexual Assault, Crime Victim Compensation Fund, and Legislative Office of Victims' Rights.

This legislation would not affect the amount of the annual dividend.

Although it would not increase the cost of operations for the Dividend Division it likely would increase the number of appeals as some applicants would contest their denials and the Division would have to research and verify their conviction and/or incarceration records.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 58
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act related to PFD ineligibility for conviction BRU Legal and Advocacy Services
involving mandatory motor vehicle liability insuranc Component Public Defender Agency
Sponsor Senator Cowdery
Requester (S) JUD Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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	***	***	***	***	***	***

Estimate of any current year (FY2003) cost: ***
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached page for analysis.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 2/19/03 9:25 AM
Approved by: Mike Miller, Commissioner Date 2/19/2003
Agency Department of Administration

Fiscal Note Analysis for SB 58: (continued)

This legislation would make a person convicted of failing to carry mandatory motor vehicle liability insurance or proof thereof, or false information related to said liability insurance ineligible for a PFD for the qualifying year they were convicted. If it were their second or subsequent offense, the person would be ineligible for five years.

The Public Defender Agency's operations may be affected by this bill. For many indigent people, the PFD is one of their primary sources of income, and when they are convicted of a crime and owe fines, restitution, surcharges, fees, and other financial obligations including child support, their PFD is often attached and used towards those amounts due. If people convicted of failing to carry or prove vehicle liability insurance or false information related to said insurance are ineligible for a PFD for a qualifying year, and/or four more years for repeat offenders, the dividend could not be used to offset any restitution, fines, or other debts owed by that individual. If they are not able to pay restitution, fines, surcharges, or fees, whose payment is a condition of their probation or parole, and are in violation of those conditions, petitions to revoke probation or parole would be filed. This could increase the caseload and workload of the Agency, however, it is not possible to determine the extent of that impact. The Agency represents indigent persons in both parole and probation revocations, and both may increase if this bill becomes law, but it is not possible to predict the increased number. Therefore, an indeterminate fiscal note is submitted.

S B

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FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 59
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DPS
 Title PFD Ineligibility for DUI BRU Statewide Support
 Component APSIN
 Sponsor Senator Cowdery
 Requester Senate Judiciary Component No. 528

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
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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 (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

No fiscal impact to the department.

Prepared by: Diane Schenker, Criminal Justice Info Services Manager Phone (907) 269-5092
 Division Administrative Services Date/Time 2/26/03 9:11 AM
 Approved by: William Tandeske, Commissioner Date 2/26/2003
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 59(JUD)
 (j) Publish Date: _____

Revision Date/Time (Note if correction): 3/11/03 8:15am Dept. Affected: Environmental Conservation
 Title An Act Relating to Evaluation and BRU Spill Prevention and Response
Cleanup of Illegal Drug Sites Component Prevention and Emergency Response
 Sponsor Rep. Holm
 Requester House Finance Component No. 2064

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	25.0	7.0	7.0	7.0	7.0	7.0
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	30.0	12.0	12.0	12.0	12.0	12.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	30.0	12.0	12.0	12.0	12.0	12.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	30.0	12.0	12.0	12.0	12.0	12.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

This revised fiscal notes changes the funding source from response funds to general funds. These activities are not considered to be response fund eligible. The evaluation and cleanup process for illegal drug sites proposed in this bill will require the Department to develop health standards, sampling protocols, analytical methods, and decontamination guidelines for lead, mercury, volatile organic compounds, and methamphetamines. The Department may also determine whether additional substances pose a substantial risk and include such substances in the guidelines development. In the first year funds will be used for the initial guidelines development. In the out years funds will be used to review and update the standards and protocols, and provide for the development of additional standards for compounds that may be added to the list of substances covered under this legislation. An addition of one compound per year is assumed.

Prepared by: Larry Dietrick, Director
 Division Division of Spill Prevention and Response
 Approved by: Kurt Fredriksson
 Agency Department of Environmental Conservation

Phone 465-5255
 Date/Time 3/11/03 8:21 AM
 Date 3/11/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. CSHB 59(JUD)

ANALYSIS CONTINUATION

Continuation from Page 1

The Department will maintain a list of laboratories, a list of contaminated properties, and develop the proposed regulations using existing staff resources, and will contract for compound analysis and guidelines development. Once a property owner has certified to the Department that a site has been cleaned up in accordance with the Department's guidelines, the property will be removed from the list. It is assumed that the Department will not be undertaking any independent verification of laboratories or of the property owner's certification.

In preparing this fiscal note, the Department has assumed that the expected number of contaminated sites requiring evaluation and cleanup would be approximately 20 a year based on actual numbers of 13 sites last year and 25 the year before. Additionally, it is assumed that standards and cleanup guidance documents from other states can be used as templates.

Line Item Description	FY 2004	FY 2005	FY 2006	FY 2007	FY2008	FY2009
Personal Services	\$0	\$0	\$0	\$0	\$0	\$0
Travel	\$0	\$0	\$0	\$0	\$0	\$0
Contractual						
• Analytical Methods	\$4,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
• Health Standards	\$4,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
• Sampling protocols	\$7,000	\$1,750	\$1,750	\$1,750	\$1,750	\$1,750
• Decontamination guidelines	\$9,000	\$2,250	\$2,250	\$2,250	\$2,250	\$2,250
• Additional substance analysis	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Subtotal:	\$25,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000
Supplies						
• Copies of regulations and guidance	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$30,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000

SENATOR
JOHN J. COWDERY
Anchorage

Committees
Chair: Rules
Chair: Transportation
Chair: World Trade &
State/Federal Relations
Legislative Council



January - May:
State Capitol, Suite 101
Juneau, Alaska 99801-1182
Tel: 907-465-3879
Toll Free: 888-269-3879
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Tel: 907-269-0222
Fax: 907-269-0223

Senator_John_Cowdery@legis.state.ak.us

SPONSOR STATEMENT SB59

"An act relating to permanent fund dividend program notice requirements and to the ineligibility ... of certain persons sentenced for driving while under the influence ... or for refusing to submit to a chemical test."

Each year hundreds of Alaskans fall victim to drivers who are drunk or under the influence of other substances.

The purpose of SB59 is to add a conviction for driving while under the influence (DUI), or refusing to take a chemical test, to the list of existing conditions that make a person ineligible for a permanent fund dividend.

A first offense brings a one-year suspension of the PFD.

A second offense brings a five-year suspension of the PFD.

This means the dividend cannot be used to offset fines or debts. Instead the offender is simply ineligible for the dividend. Which leaves the dividend amount in the overall pot to be equally distributed among eligible Alaskans.

Because a permanent fund dividend is not a right, but a privilege, these penalties fall above and beyond all other penalties currently provided for by law.

In the year 2001 alone there were 1146 alcohol related accidents (36 fatal crashes, 506 nonfatal injury crashes and 604 crashes that resulted in only property damage). There were 85 total traffic deaths and 50% of those were alcohol related. An estimated 2800 people were involved in these crashes and that's obviously a large rise from say the year 1983 when there we no injuries recorded.

SB59 is constructed to give back to those who want to make Alaska's streets safer and raise the awareness that Drinking and Driving will not be accepted.

23-LS0377\D
Cook
2/27/03

CS FOR SENATE BILL NO. 59()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR COWDERY

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividend program notice requirements and to the
2 ineligibility for permanent fund dividends of certain persons sentenced for driving while
3 under the influence of an alcoholic beverage, inhalant, or controlled substance, or for
4 refusal to submit to a chemical test."

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

6 * Section 1. AS 43.23.005(g) is amended to read:

7 (g) For purposes of applying (d)(1) and (i) of this section, the date the court
8 imposes a sentence or suspends the imposition of sentence shall be treated as the date
9 of conviction. For purposes of applying (d)(2)(B) and (i)(2) of this section, multiple
10 convictions arising out of a single criminal episode shall be treated as a single
11 conviction.

12 * Sec. 2. AS 43.23.005 is amended by adding a new subsection to read:

13 (i) Notwithstanding the provisions of (a) - (c) of this section, an individual is
14 not eligible for a permanent fund dividend for a dividend year when,

1 (1) during the qualifying year, the individual was sentenced as a result
2 of conviction in this state of the offense of

3 (A) driving while under the influence of an alcoholic beverage,
4 inhalant, or controlled substance under AS 28.35.030 or under a municipal
5 ordinance with similar elements; or

6 (B) refusal to submit to a chemical test under AS 28.35.032 or
7 under a municipal ordinance with similar elements; or

8 (2) during the qualifying year or the four years immediately before that
9 qualifying year, the individual was sentenced as a result of conviction in this state of
10 the offense of

11 (A) driving while under the influence of an alcoholic beverage,
12 inhalant, or controlled substance under AS 28.35.030 or under a municipal
13 ordinance with similar elements if the individual has been convicted of a prior
14 offense under AS 28.35.030 or 28.35.032, or under a municipal ordinance with
15 elements similar to AS 28.35.030 or 28.35.032; or

16 (B) refusal to submit to a chemical test under AS 28.35.032 or
17 under a municipal ordinance with similar elements if the individual has been
18 convicted of a prior offense under AS 28.35.030 or 28.35.032, or under a
19 municipal ordinance with elements similar to AS 28.35.030 or 28.35.032.

20 * Sec. 3. AS 43.23.028(a) is amended to read:

21 (a) By October 1 of each year, the commissioner shall give public notice of
22 the value of each permanent fund dividend for that year and notice of the information
23 required to be disclosed under (3) of this subsection. In addition, the stub attached to
24 each individual dividend check and direct deposit advice must

25 (1) disclose the amount of each dividend attributable to income earned
26 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
27 Constitution of the State of Alaska;

28 (2) disclose the amount of each dividend attributable to income earned
29 by the permanent fund from appropriations to that fund and from amounts added to
30 that fund to offset the effects of inflation;

31 (3) disclose the amount by which each dividend has been reduced due

1 to each appropriation from the dividend fund, including amounts to pay the costs of
2 administering the dividend program and the hold harmless provisions of
3 AS 43.23.075;

4 (4) include a statement that an individual is not eligible for a dividend
5 when,

6 (A) during the qualifying year, the individual was convicted in
7 this state of

8 (i) a felony;

9 (ii) the offense of driving while under the influence
10 of an alcoholic beverage, inhalant, or controlled substance under
11 AS 28.35.030 or under a municipal ordinance with similar
12 elements; or

13 (iii) the offense of refusal to submit to a chemical test
14 under AS 28.35.032 or under a municipal ordinance with similar
15 elements;

16 (B) during all or part of the qualifying year, the individual was
17 incarcerated as a result of the conviction in this state of a

18 (i) felony; or

19 (ii) misdemeanor if the individual has been convicted of
20 a prior felony or two or more prior misdemeanors; or

21 (C) during the qualifying year or the four years
22 immediately before that qualifying year, the individual was sentenced as a
23 result of conviction in this state of the offense of

24 (i) driving while under the influence of an alcoholic
25 beverage, inhalant, or controlled substance under AS 28.35.030 or
26 under a municipal ordinance with similar elements if the individual
27 has been convicted of a prior offense under AS 28.35.030 or
28 28.35.032, or under a municipal ordinance with elements similar to
29 AS 28.35.030 or 28.35.032;

30 (ii) refusal to submit to a chemical test under
31 AS 28.35.032 or under a municipal ordinance with similar

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elements if the individual has been convicted of a prior offense under AS 28.35.030 or 28.35.032, or a municipal ordinance with elements similar to AS 28.35.030 or 20.35.032;

(5) include a statement that the legislative purpose for making individuals listed under (4) of this subsection ineligible is to

(A) obtain reimbursement for some of the costs imposed on the state criminal justice system related to incarceration or probation of those individuals;

(B) provide funds for services for and payments to crime victims and for grants for the operation of domestic violence and sexual assault programs;

(6) disclose the total amount that would have been paid during the previous fiscal year to individuals who were ineligible to receive dividends under AS 43.23.005(d) if they had been eligible;

(7) disclose the total amount appropriated for the current fiscal year under (b) of this section for each of the funds and agencies listed in (b) of this section.

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

APPLICABILITY. The amendments made by secs. 1 and 2 of this Act apply only to individuals convicted of offenses under AS 28.35.030 or 28.35.032, or under a municipal ordinance with elements similar to AS 28.35.030 or 28.35.032, committed after December 31, 2003. Convictions for offenses committed before January 1, 2004, may not be considered in determining prior convictions for purposes of applying AS 43.23.005(i)(2), added by sec. 2 of this Act.

23-LS0377\H

Cook

4/2/03

CS FOR SENATE BILL NO. 59()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR COWDERY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividend program notice requirements and to the
2 ineligibility for permanent fund dividends of certain persons sentenced for driving while
3 under the influence of an alcoholic beverage, inhalant, or controlled substance, or for
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5 ordinance with similar elements; or

6 (B) refusal to submit to a chemical test under AS 28.35.032 or
7 under a municipal ordinance with similar elements; or

8 (2) during the qualifying year or the four years immediately before that
9 qualifying year, the individual was sentenced as a result of conviction in this state of
10 the offense of

11 (A) driving while under the influence of an alcoholic beverage,
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13 ordinance with similar elements if the individual has been convicted of a prior
14 offense under AS 28.35.030 or 28.35.032, r under a municipal ordinance with
15 elements similar to AS 28.35.030 or 28.35.032; or

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1 to each appropriation from the dividend fund, including amounts to pay the costs of
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16 (B) during all or part of the qualifying year, the individual was
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ALASKA STATE LEGISLATURE
SENATE DISTRICT 0

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Fax: 907-269-0223
Toll Free: 1-888-269-3879



Session:
State Capitol Building
Juneau, AK 99801
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Toll Free: 1-888-269-3879

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

February 6, 2003

The Honorable Ralph Seekins, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 125
Juneau, AK 99801

RE: SB 59 (Ineligibility for PFD of certain persons sentenced for driving under the influence or for refusing to submit a chemical test)

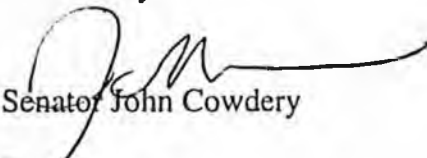
Dear Senator Seekins,

Senate Bill 59 was introduced February 5, 2003 and referred to your committee. I am writing to request that the bill be scheduled for a hearing at your earliest convenience.

Included with this letter of request are the bill and my sponsor statement. Other supporting documents may be forthcoming.

If you have any questions about the bill or require further information please feel free to call me at any time. Thank you for the consideration of this request.

Yours truly,


Senator John Cowdery

Enclosures

SENATOR
JOHN J. COWDERY
Anchorage

Committees
Chair: Rules
Chair: Transportation
Chair: World Trade &
State/Federal Relations
Legislative Council



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Senator_John_Cowdery@legis.state.ak.us

SPONSOR STATEMENT SB59

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